

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3254

AN ORDINANCE ESTABLISHING THE PERMITTED LOCATIONS FOR MEDICAL MARIJUANA DISPENSARIES AND GROW OPERATIONS BY AMENDING CHAPTER 2 OF TITLE 11 OF THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Title 11, Zoning, Chapter 2, Land Uses, of the Helena City Code is hereby amended as follows, with all other provisions of Title 11 remaining as currently written:

CHAPTER 2

LAND USES

11-2-1: **GENERAL PROVISIONS:** No change.

11-2-2: **INTENT OF ZONING DISTRICTS:** No change.

11-2-3: **LAND USE TABLE FOR ZONING DISTRICTS:** Permitted, conditionally permitted, and not permitted uses for the zoning districts are shown in Table 1 of this section. The key for this table is as follows:

P = The use is permitted in the district by right, consistent with applicable development standards.

CUP = The use is allowed in the district through the conditional use process.

NP = The use is not permitted in the district.

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Use	OSR	RU	R-1/R-2	R-3	R-4/R-O	B-1	B-2	B-3	CLM	M-I	PLI	Airport	Supplemental Requirements
Nonresidential Uses:													
Agricultural Uses:													
Horticulture	P	P	P	P	P	P	P	P	P	P	P	P	
Medical Marijuana Grow Operation	NP	NP	NP	NP	NP	NP	NP	NP	CUP	CUP	NP	NP	See 11-2-5(H)
Sales:													
Manufactured housing sales	NP	NP	NP	NP	NP	NP	P	NP	P	P	NP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	NP	P	P	P	P	P	NP	NP	See 11-2-5(H)
Sexually oriented business	NP	NP	NP	NP	NP	NP	NP	NP	CUP	NP	NP	NP	

(Ord. 3222, 9-26-2016; amd. Ord. 3254, 5-20-2019)

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11-2-4: LAND USE DEFINITIONS FOR ZONING DISTRICTS:
For the purpose of this title, certain land uses are defined below. These definitions have been separated by type of land use for ease of reference.

NONRESIDENTIAL

Agricultural Uses

HORTICULTURE: The production, keeping, maintenance, or cultivation of a garden or orchard to grow fruits, vegetables, flowers, or ornamental plants, excluding medical marijuana grow operations.

MEDICAL MARIJUANA GROW OPERATION: An agricultural enterprise or facility engaged in growing medical marijuana for commercial purposes.

Sales

MANUFACTURED HOUSING SALES: The on site display and sale of mobile homes, modular homes, and manufactured housing.

MEDICAL MARIJUANA DISPENSARY: A registered premises from which a provider or marijuana-infused products provider is approved by the Montana Department of Health and Human Services to dispense marijuana or marijuana-infused products to a registered cardholder.

SEXUALLY A business that primarily

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ORIENTED BUSINESS: offers goods, services, and entertainment for compensation that appeal to the prurient interest of adults, including escort agencies, nude modeling studios, sexual encounter centers, and related services.

(Ord. 3097, 4-7-2008; amd. Ord. 3104, 11-3-2008; Ord. 3112, 5-18-2009; Ord. 3129, 8-23-2010; Ord. 3148, 12-19-2011; amd. Ord. 3254, 5-20-2019)

11-2-5: SUPPLEMENTAL REQUIREMENTS:

A. through G. No change

H. Medical Marijuana Dispensaries and Medical Marijuana Grow Operations:

1. For purposes of this Section, the term school property has the definition as defined in Section 11-40-2 of this Title.

2. A Medical Marijuana Dispensary cannot be located within five hundred (500') feet straight line distance from the closest exterior edge of a Medical Marijuana Dispensary premises to the closest boundary of school property.

3. A Medical Marijuana Grow Operation cannot be located within one thousand (1000') feet straight line distance from the closest exterior edge of a Medical Marijuana Grow Operation premises to the closest boundary of school property or any property zoned R-U, R1/R-2, R-3, or R-4/R-O. (Ord. 3097, 4-7-2008; amd. Ord. 3254, 5-20-2019)

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FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 22ND DAY OF APRIL, 2019.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 20TH DAY OF MAY, 2019.

/S/ ANDRES HALADAY
MAYOR PRO TEM

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION