

**TOWN OF FROMBERG SPECIAL TOWN COUNCIL MEETING
WEDNESDAY, MAY 18, 2022 AT 7:00 PM
FROMBERG TOWN HALL, 118 WEST RIVER STREET**

WEDNESDAY, MAY 18, 2022

PLEDGE OF ALLEGIANCE

CALL TO ORDER

- APPROVE RESOLUTION # 512: ADOPTING COUNTY REGULATIONS ON MARIJUANA SALES IN CITY LIMITS

ADJOURN

ONLY DISCUSSION RELATED TO THE TOPIC WILL BE ALLOWED!!

Resolution #512

Resolution to Enact Zoning Regulations on the Sale and Production of Marijuana and Marijuana Businesses by Revising Zoning Ordinances

WHEREAS on November 3, 2020, a majority of the State of Montana, and Carbon County, voted in favor of Montana I-190, which, among other things, legalized the possession and use of marijuana for adults over the age of 21; and

WHEREAS the Montana Legislature passed House Bill 701 during the 2021 Legislative Session, which set forth a number of regulations on the cultivation, transport, sale, and possession of marijuana products; and

WHEREAS Carbon County has imposed stringent zoning regulations on marijuana businesses in this County; and

WHEREAS a survey conducted by the Town of Fromberg indicates that a strong majority of the citizens of the Town wish to see similar regulations implemented within the limits of the Town.

NOW THEREFORE, BE IT RESOLVED that the Town of Fromberg hereby issues the following changes to the zoning regulations within the limits of the Town.

Title 10, Chapter 6: Commercial-Industrial Use Regulations; "C" District

10-06-01 Uses.

In any commercial and industrial district building may be erected or altered and land used for all lawful purposes except:

- A. Storage yards for scrap, bulk or raw materials
- B. Railroad yards or roundhouses
- C. Livestock, corrals, or feedlots
- D. Any manufacture or treatment whatsoever except light manufacturing as are carried on within an entirely enclosed building which create no objectional noise, odor, smoke, fumes, vapor, dust or gas.

10-06-02 Definitions.

For the purposes of this section:

- A. "Adult-use dispensary" has the meaning provided in Mont. Code Ann. § 16-12-102.
- B. "Behavioral health facility" means a facility whose function is the treatment, rehabilitation, and prevention of the use of any chemical substance, including alcohol, that creates behavioral or health problems and endangers the health, interpersonal relationships, or economic function of an individual or the public health, welfare, or safety in accordance with the requirements of the Montana Department of Public Health and Human Services.

- C. "Child care facility" has the meaning of an out-of-home place in which day care is provided to thirteen (13) or more children on a regular or irregular basis and which is licensed by the Montana Department of Public Health and Human Services.
- D. "Community or cultural facility" is a facility typically engaged in nonprofit or quasi-public use for a public purpose, such as a community center, cultural center, museums senior center and the like.
- E. "Dispensary" means an adult-use dispensary or a medical marijuana dispensary.
- F. "Marijuana" has the meaning provided in Mont. Code Ann. § 16-12-102.
- G. "Marijuana product" has the meaning provided in Mont. Code Ann. § 16-12-102.
- H. "Religious building" means a building which is used primarily for religious worship and related religious activities, including but not limited to churches, convents, monasteries, shrines, temples, synagogues, and mosques.

~~10-06-02~~ 10-06-03 **Rear and Side Yards.**

Except as otherwise provided in this chapter, there is no requirement for a building in "C" district to have a rear or side yard.

~~10-06-03~~ 10-06-04 **Height.**

Except as otherwise provided in this chapter, no building shall exceed seventy (70) feet in height.

~~10-06-04~~ 10-06-05 **Setback line.**

All buildings shall be built in line with existing structures.

10-06-07 **Dispensaries.**

Dispensaries shall be setback not less than 1,000 feet from the property line of a property containing a school, child care facility, church, synagogue, or other religious building, public parks that contain children's playgrounds or playfields, behavioral health facilities, libraries, community or cultural facilities, and from any other marijuana business.

Signs for dispensaries shall be limited to two (2), the height of which shall not exceed fifteen (15) feet above the mean centerline elevation of the roadway or be more than eighty (80) square feet in sign area, and shall not advertise the sale of specific marijuana or marijuana products, but only display the business name, business logo (that complies with Admin. R. Mont. 42.39.123(5)), operating days and hours, and contact information.

TIM NOTTINGHAM, MAYOR

ATTEST:

LACEY BREDDING, CLERK