

2-19-10 Planning Board Draft

11-3-31, Medical Marijuana

- A. Medical marijuana dispensaries shall be allowed with an approved conditional use permit in the WB-2 and WB-4 districts only, subject to the following provisions:
1. No dispensary shall be located within 200', measured in a straight line regardless of intervening structures from property line to property line, of the following:
 - a. Public and private schools, pre-school through twelfth grade
 - b. Public libraries
 - c. Public playgrounds and parks
 - d. State licensed daycares, group homes, pre-release centers, and personal care facilities
 - e. Churches
 - f. Another medical marijuana dispensary
 2. Dispensing, cultivation, and storage activities must take place indoors, and plants, products, accessories, or paraphernalia shall not be visible from public sidewalks or rights-of-way
 3. Parking requirements shall be the same as those for medical and dental offices, with the exception that portions of a building used for manufacturing or other non-office uses shall be calculated separately.
 4. Advertisements, signs, displays, or other promotional material depicting medical marijuana, leaves, buds, cigarettes, or smoking paraphernalia shall not be visible from public sidewalks or rights-of-way
- B. Medical marijuana caregivers operating out of private residences and caring for up to five (5) patients are allowed subject to the requirements for Home Occupations, Section 11-3-13
- C. Medical marijuana growing facilities with or without multiple caregivers and with distribution through an off-site dispensary only, shall be allowed in the WI, WBSD, AG-40, AG-20, SAG-10, WA, SAG-5, and WCR districts.

11-9-2 Definitions

Caregiver, Primary: An individual, 18 years of age or older, who has agreed to undertake responsibility for the well-being of a patient with respect to the cultivation and administration of medical marijuana and has registered with the State of Montana as a qualifying caregiver. A qualifying patient may have only one caregiver at any one time (per MCA 50-46-102).

Dispensary, Medical Marijuana: The use of any property or structure to cultivate and distribute, transmit, give, dispense, deliver, or otherwise provide marijuana in any manner in accordance with state statutes and administrative regulations to multiple patients, typically associated with

more than one care-giver and visible to the public as a commercial or professional office storefront.

Patient, Medical Marijuana: A person who has been diagnosed by a physician as having a debilitating medical condition and that has registered with the State of Montana as a qualifying medical marijuana patient.

In addition, the Planning Board recommends the following conditions be placed on a separately issued dispensary license enforced by the city outside the purview of zoning:

1. No marijuana consumption shall be allowed outside of the dispensary building, including in the parking lot, common areas, or sidewalks surrounding the property, and a notice stating that shall be displayed in a manner legible and visible to the clientele
2. Each dispensary shall have provide a safety and security plan, including the requirement for security cameras monitoring all entrances into the premises
3. The dispensary shall keep records of all transactions and require proper identification of legal patients
4. No patients under the age of eighteen (18) shall be permitted in the dispensary at any time except in the presence of his/her parent or guardian, and a notice of that shall be displayed in a manner legible and visible to the clientele
5. No retail sales of paraphernalia or other equipment used for consumption are permitted at the dispensary except to patients