

Ordinance No. 593

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIDNEY, MONTANA, AMENDING TITLE 11, CHAPTERS 17 AND 23, ZONING REGULATIONS, OF THE CITY CODE OF THE CITY OF SIDNEY, MONTANA.

WHEREAS, the City Council of the City of Sidney desires to amend Title 11, Chapters 17 and 23, Zoning Regulations, of the City Code, in order to address recent changes in Montana law,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS by the City Council of the City of Sidney that Chapters 17 and 23 of Title 11 of the City Code of the City of Sidney is hereby amended as follows (amendments in bold, language to be deleted designated by strike):

11.17.022(C)(1) Home Occupations, Purpose and Intent

The purpose and intent of these standards are to provide for limited commercial uses on the site of a residential dwelling unit. Home occupations provide for businesses that are carried out by residents of the dwelling and are incidental and subordinate to the residential use. Home occupations provide a place for businesses to start but do not permit their continued existence once the business has grown beyond the size that can maintain the residential character and scale of the residential property. It also is the purpose of these standards to provide peace, quiet and tranquility in residential neighborhoods and to guarantee all residents freedom from excessive noise, traffic, nuisance, fire hazard and other deleterious effects of commercial uses. **A Marijuana Dispensary, by definition, is not an allowable Home Occupation.**

11.17.022(H)(2) Sexually Oriented Business - Separation from Other Uses

A building containing a Sexually Oriented Business shall be setback a minimum of 1,000 feet from the boundary of a lot or a parcel that contains a church, public or private school, Public Park or a ~~Medical~~ Marijuana Dispensary.

11.17.022(H)(5) Sexually Oriented Business – Measurement

For the purpose of determining compliance with Subsection 11.17.22.H.2, Separation from Other Uses, above, measurement shall be made in a straight line measured from the lot line of the Sexually Oriented Business to the lot line containing a church, school, public park, ~~Medical~~ Marijuana Dispensary or another Sexually Oriented Business.

11.23.40 (35) Definition: Home Occupation

A commercial or light industrial activity conducted by the resident(s) of a dwelling as an accessory use to their dwelling. **Due to the potential deleterious effects on surrounding properties, as discussed in the Purpose and Intent associated with Home Occupations coupled with the inability to mitigate anticipated impacts, the term Home Occupation does not include a Marijuana Dispensary.**

11.23.040(46) Definition Marijuana Dispensary

A Marijuana Dispensary is any building, premises, facility, or part thereof where marijuana is made available to consumers in accordance with Montana Law and all applicable Federal Rules and Regulations. A Marijuana dispensary is NOT an allowable Home Occupation.

11.23.40 (56) Definition: Pharmacy

A retail establishment where prescription drugs and medicine are sold. A pharmacy can be a standalone facility or combined with an establishment that sells other retail items. A **The term** pharmacy does not include a ~~Medical~~ Marijuana Dispensary.

1st reading: March 7th, 2022

2nd reading: _____

Commissioner _____ moved the adoption of the foregoing Ordinance.
The Motion was seconded by Commissioner _____. On roll call vote of the
Commissioners vote "AYE": _____

_____, and the following Commissioners vote "NAY":
_____. Absent and not voting:
_____.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this _____
day of _____, 2022.

Mayor

ATTEST:

City Clerk/Treasurer