

ORDINANCE NO. 1507

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 5-6, 5-9, AND 5-9.2 OF  
APPENDIX C, OF THE CODE OF THE CITY OF JAMESTOWN CONCERNING  
SPECIAL USE PERMITS FOR C-2, M-2 AND A-1 DISTRICTS  
TO ALLOW SPECIAL USE ZONING FOR COMPASSION CENTERS  
PURSUANT TO STATE LAW N.D.C.C. § 19-24.1.

Whereas, the 2017 North Dakota Legislature enacted legislation for the implementation of the Compassionate Care Act, N.D.C.C. § 19-24.1 for the regulation of medical marijuana dispensaries and the cultivation and propagation of medical marijuana in North Dakota;

Whereas, in order for Compassion Centers to conduct business within a municipality, the legislature required municipalities to designate the proper zoning districts that these Centers may be located;

Whereas, the use, cultivation, manufacturing, production, distribution, possession, and transportation of marijuana remains classified as a “controlled substance” by both North Dakota law and Federal law;

Whereas, by designating these districts, the City of Jamestown does not have the authority to nor is intended to authorize, promote, condone, or aid the production, distribution, or possession of medical marijuana in violation of any applicable law;

Whereas, to the extent that Compassion Centers are authorized by the State of North Dakota to operate, the City of Jamestown desires to protect the public health, safety, and general welfare of the citizens of the City of Jamestown.

Now, Therefore, be it ordained by the city council of the city of Jamestown, North Dakota, that Appendix C, Zoning Regulations Generally, Sections 5-6, 5-9, and 5-9.2 be amended by amending as follows:

**Sec. 5.6. - Uses permitted and excluded, C-2 and C-2-S Districts.**

A. *Uses permitted.*

[same as parent volume.]

B. *Uses permitted with special use permit.*

1. Bottling works, bottling nonalcoholic beverages.
2. Bottled gas storage for local distribution.
3. Bus, taxi, and truck terminals and storage facilities, railroad lines, spurs and passenger terminals.
4. Creameries, dairies, ice cream plants.

5. Hatcheries.
6. Ice and cold storage plants.
7. Mortuaries.
8. Shops for the following similar occupations: Blacksmith, machinist, mason, tinsmith.
9. Warehouses.
10. Veterinary hospital, with animal kennels and pens completely enclosed.
11. In-house slaughter of animals within a state/federally licensed meat processing plant, with no exterior pens or enclosures, and the location be appropriate and compatible with existing land uses.
12. Medical Marijuana Dispensary as defined by and in conformance with N.D.C.C. §19-24.1 and any amendments thereto.

C. *Uses excluded.*

[same as parent volume.]

**Sec. 5.9. - Uses permitted, M-2 districts.**

A. *Uses permitted.*

[same as parent volume.]

B. *Uses permitted with special use permit.*

1. Buildings in connection with permitted land uses which are the same as permitted in P-O-C Districts.
2. Acid manufacture.
3. Cement, lime, gypsum or plaster of Paris manufacture.
4. Distillation of bones, coal, tar, petroleum, refuse, grain or wood.
5. Dump, dog pound, or garbage, offal, dead animal or fish reduction or dumping.
6. Drilling or excavation for, or removal of oil, gas, or other hydrocarbons, or minerals.
7. Explosives manufactures or storage.
8. Fat rendering.
9. Fertilizer manufacture.
10. Gas, illuminating or heating, manufacture or bottling.
11. Glue manufacture.

12. Stone quarry, gravel pit, rock crushing and cutting, gravel and sand washing and grading,
13. Refining of petroleum, refining or smelting of ores.
14. Stockyard or slaughter of animals, except poultry or rabbit.
15. Tannery.
16. Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard.
17. Salt, gas, or oil wells or drilling, gravel pits, mineral explorations or recovery, dumps, and dog pounds.
18. Campgrounds, automobile camps, and trailer courts for temporary periods only.
19. Structures exceeding height limits.
20. Medical Marijuana Manufacturing Facilities as defined by and in conformance with N.D.C.C. §19-24.1 and any amendments thereto.

**Sec. 5.9.2. - Uses permitted, A-1 Districts.**

A. Uses permitted.

[same as parent volume.]

B. Uses permitted with special use permit.

1. Nurseries and tree farms.
2. Public or private riding academies and stables.
3. Medical Marijuana Manufacturing Facilities as defined by and in conformance with N.D.C.C. §19-24.1 and any amendments thereto.

ATTEST:

Sarah Hellekson, City Administrator

APPROVED:

Katie Andersen, Mayor

Introduced by Council Member Brubakken  
 Seconded by Council Member Buchanan  
 First Reading: April 4, 2018  
 Second Reading: May 7, 2018  
 Final Passage: May 7, 2018  
 Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent.