

ORDINANCE NO. 1101 (2019)

AN EMERGENCY ORDINANCE AMENDING ZONING REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARIES TO BE CONSISTENT WITH POTENTIAL FUTURE RETAIL MARIJUANA BUSINESS STANDARDS

RECITALS:

WHEREAS, the City Council for the City of Craig, Colorado, has referred three (3) questions pertaining to retail marijuana establishments within city limits to the registered electors of the city for the upcoming November 5, 2019 combined election;

WHEREAS, the City is adopting by resolution the form of a future ordinance establishing the rules and regulations for such retail marijuana establishments, to be adopted if and when the referred measures are approved by the voters, which rules and regulations contain zoning requirements for retail marijuana stores;

WHEREAS, in 2009 the City has previously passed Ordinance 998 concerning Medical Marijuana dispensaries, which established rules and regulations including zoning requirements for medical marijuana dispensaries;

WHEREAS, the City Council wishes to make the zoning requirements for the two classes of marijuana establishments to be consistent with each other since these two types of businesses, medical marijuana and retail marijuana, may be located within the same property and building, as well as the fact that medical marijuana dispensaries will be eligible for a preference to apply for a retail marijuana establishment license in the future; and

WHEREAS, the City Council deems this ordinance an emergency because there are applications for medical marijuana licenses pending and the need for expediency exists for the evaluation and consideration of such applications in a manner consistent with the proposed future retail marijuana rules and regulations.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO, AS FOLLOWS:

1. The City Council repeals and amends Section 16.03.040 (K)(2)(r)(3)(a) to state as follows:
 - a) Location Requirements. All medical marijuana dispensary licenses shall be issued for a specific location which shall be designated as the licensed premises. Medical marijuana dispensary licenses shall not be permitted in any Residential Zone District. Medical marijuana dispensaries shall only be permitted in the Mixed Use (M-1 and M-2), Commercial Downtown (CD), Community Commercial (C-2), Light Industrial (I-1) and Heavy Industrial (I-2) Zone Districts.

2. The City Council repeals and amends Section 16.03.040 (K)(2)(r)(3) subsections (b) to (i) which will now state as follows:

- b) **Buffering Requirements.** Medical marijuana dispensaries must satisfy the following minimum distance requirements from the described uses below. Prior to issuing a medical marijuana dispensary license, the Local Licensing Authority shall confirm that the proposed licensed premises boundaries meet the buffering requirements.
- i. Distance from Schools. Medical marijuana dispensaries shall be located a minimum of five hundred feet (500') from schools, as measured from the nearest property boundary of such school uses to the boundaries of the proposed licensed premises.
- ii. Distance from Commercial Childcare Facilities. Medical marijuana dispensaries shall be located a minimum of five hundred feet (500') from licensed commercial childcare facilities, as measured from the nearest property boundary of such uses to the boundaries of the proposed licensed premises.
- iii. Distance from Parks. Medical marijuana dispensaries shall be located a minimum of five hundred feet (500') from any public park, as measured from the nearest property boundary of such parks to the boundary of the licenses premises.
- iv. Distance from Residential Properties. Medical marijuana dispensaries shall be located a minimum of one hundred feet (100') from any residential property in Mixed Use (MU-1 and MU-2) zones, as measured from the nearest property boundary of such residential property to the boundary of the licenses premises. There shall be no buffering requirement from any residential property in or adjacent to Community Commercial (C-2), Light Industrial (L-1) and Heavy Industrial (I-2) zones.
- v. Exemption from Buffering Requirements. There shall be no buffering requirements of any kind for medical marijuana dispensaries located within the Commercial Downtown zone.

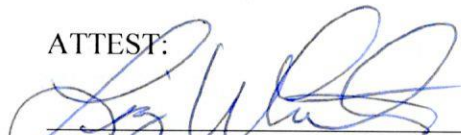
Medical Marijuana Dispensaries				
Zoning Districts	Setbacks (Lot Line to Lot Line)			
	Schools	Commercial Childcare Facilities	Parks	Residential Properties
*Commercial C-2	500'	500'	500'	*
**Commercial Downtown CD				**
*Light Industrial I1	500'	500'	500'	*
*Heavy Industrial I2	500'	500'	500'	*
Mixed Use MU1	500'	500'	500'	100'
Mixed Use MU2	500'	500'	500'	100'
<i>*Indicates no Residential Setback Requirements for Zoning Districts where Single Family Homes are not a Permitted Use</i> <i>** No Medical Marijuana Dispensary Shall be in a Building Containing Residential Units at the Time of Establishment of the Facility</i>				

- vi. Once the medical marijuana dispensary license is issued, the City will not preclude a school, commercial childcare facility or park from locating within a buffer zone. A medical marijuana dispensary may then continue to operate at its present location. If a sensitive use later locates within the applicable buffer zone, however, the licensee continues so at its own risk, and the issued license provides no protection or indemnification against enforcement of federal or other applicable laws prohibiting the operation of a medical marijuana dispensary near a school or commercial childcare facility.
- vii. No medical marijuana dispensary shall be located in a movable or mobile vehicle or structure and no retail marijuana products shall be delivered in the City unless such delivery is specifically permitted by Colorado law.
- viii. No medical marijuana dispensary shall be in a building containing residential units or containing a pediatrician office.

EFFECTIVE DATE: Upon passage by a unanimous vote of the quorum of the City Council present at this special City Council meeting and shall take effect immediately upon passage. The ordinance shall be published and printed as approved.

READ AND APPROVED THIS 8TH DAY OF OCTOBER 2019 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

ATTEST:


Liz White, City Clerk




Jarrod Ogden, Mayor