

**ORDINANCE NO. 9
SERIES OF 2020**

**AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO,
REVISING ARTICLES 4 AND 5 OF CHAPTER 6 OF THE MUNICIPAL CODE
TO REVISE RETAIL AND MEDICAL MARIJUANA ESTABLISHMENT
LICENSING REQUIREMENTS RELATED TO PROHIBITED LOCATIONS**

WHEREAS, pursuant to Ordinance No. 11 Series of 2013 and Ordinance No. 7 Series of 2014, the Town licenses and regulates retail and medical marijuana establishments; and

WHEREAS, the Board of Trustees seeks to revise Articles 4 and 5 of Chapter 6 of the Town of Carbondale Municipal Code in order to more effectively regulate the licensing of medical and retail marijuana facilities by revising the regulations related to prohibited locations and distancing requirements; and

WHEREAS, the Board of Trustees finds and determines that additional clarity is needed concerning distancing requirements for the locations of retail and medical marijuana establishments; and

WHEREAS, the Board of Trustees finds, determines, and declares that it has the power to adopt this Ordinance pursuant to Article XX of the Colorado Constitution concerning municipal police powers and municipal authority to regulate businesses and the Home Rule Charter of the Town of Carbondale; and

WHEREAS, the Board of Trustees finds and determines that it is in the interest of the public health, safety, and welfare to adopt the amendments set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that the Town of Carbondale Municipal Code shall be amended as follows:

1. Sub-section 6-4-90 of the Town of Carbondale Municipal Code regarding *medical* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

6-4-90. Medical marijuana center licensing requirements.

...

(2) Prohibited locations. No medical marijuana store license shall be issued for the following locations:

- a. Within 500 feet of any school or day care home existing at the time of the application, excepting any day care homes located within the Industrial (I) Zone District, with the distance computed using a route of

direct pedestrian access from the nearest property line of the land used for school or day care home purposes to the nearest portion of the building, or the nearest unit boundary if located in a multi-unit building, in which the medical marijuana center is proposed to be located.

...

2. Sub-section 6-4-100 of the Town of Carbondale Municipal Code regarding *medical* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

6-4-100. Medical marijuana-infused products manufacturing licensing requirements.

...

(1) Prohibited locations. No medical marijuana-infused products manufacturing facility license shall be issued for the following locations:

- a. Within 500 feet of any school or day care home existing at the time of the application, excepting any day care homes located within the Industrial (I) Zone District, with the distance computed using a route of direct pedestrian access from the nearest property line of the land used for school or day care home purposes to the nearest portion of the building, or the nearest unit boundary if located in a multi-unit building, in which the medical marijuana-infused products manufacturer is proposed to be located.

...

3. Sub-section 6-4-110 of the Town of Carbondale Municipal Code regarding *medical* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

6-4-110. Optional premises cultivation facility licensing procedures.

...

(1) Prohibited locations. No optional premises cultivation facility license shall be issued for the following locations:

- a. Within 500 feet of any school or day care home existing at the time of the application, excepting any day care homes located within the Industrial (I) Zone District, with the distance computed using a route of direct pedestrian access from the nearest property line of the land used for school or day care home purposes to the nearest portion of the building, or the

nearest unit boundary if located in a multi-unit building, in which the optional premises cultivation facility is proposed to be located.

...

4. Sub-section 6-5-120 of the Town of Carbondale Municipal Code regarding *retail* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

6-5-120. Retail marijuana store licensing requirements.

...

(2) Prohibited locations. No retail marijuana store license shall be issued for the following locations:

- a. Within 500 feet of any school or day care home existing at the time of the application, excepting any day care homes located within the Industrial (I) Zone District, with the distance computed using a route of direct pedestrian access from the nearest property line of the land used for school or day care home purposes to the nearest portion of the building, or the nearest unit boundary if located in a multi-unit building, in which the retail marijuana store is proposed to be located.

5. Sub-section 6-5-130 of the Town of Carbondale Municipal Code regarding *retail* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

6-5-130. Retail marijuana products manufacturing facility licensing requirements.

...

(1) Prohibited locations. No retail marijuana products manufacturing facility license shall be issued for the following locations:

- a. Within 500 feet of any school or day care home existing at the time of the application, excepting any day care homes located within the Industrial (I) Zone District, with the distance computed using a route of direct pedestrian access from the nearest property line of the land used for school or day care home purposes to the nearest portion of the building, or the nearest unit boundary if located in a multi-unit building, in which the retail marijuana products manufacturing facility is proposed to be located.

...

6. Sub-section 6-5-140 of the Town of Carbondale Municipal Code regarding *retail* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

6-5-140. Retail marijuana cultivation facility licensing requirements.

...

(1) Prohibited locations. No retail marijuana cultivation facility license shall be issued for the following locations:

- a. Within 500 feet of any school or day care home existing at the time of the application, excepting any day care homes located within the Industrial (I) Zone District, with the distance computed using a route of direct pedestrian access from the nearest property line of the land used for school or day care home purposes to the nearest portion of the building, or the nearest unit boundary if located in a multi-unit building, in which the retail marijuana cultivation facility is proposed to be located.

...

7. This Ordinance shall be effective upon posting and publication in accordance with the Carbondale Home Rule Charter.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 11th day of August, 2020.

TOWN OF CARBONDALE


Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk

