

ORDINANCE NO. 045, 2010  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING THE CITY'S LAND USE CODE  
BY ADDING MEDICAL MARIJUANA CULTIVATION FACILITIES  
AS PERMITTED USES IN VARIOUS ZONE DISTRICTS

WHEREAS, on March 16, 2010, the City Council adopted Ordinance No. 025, 2010, adding a new Article XVI to Chapter 15 of the City Code, which article establishes certain regulations governing the licensing, location and operation of medical marijuana businesses (the "Regulations"); and

WHEREAS, the Regulations require, among other things, that the cultivation activities of medical marijuana businesses be conducted primarily at cultivation facilities that are separate from the medical marijuana dispensaries and located in the Industrial zone districts of the City; and

WHEREAS, on March 16, 2010, the City Council also adopted Ordinance No. 026, 2010, amending the City's Land Use Code to, among other things, add medical marijuana cultivation facilities as a permitted use in the Industrial zone district; and

WHEREAS, industry representatives have indicated that there is a lack of available building space for rent or purchase for medical marijuana cultivation facilities in the Industrial zone districts of the City; and

WHEREAS, in response to these concerns, the City Council has directed City staff to formulate recommendations as to additional zone districts where medical marijuana cultivation facilities might be located and to also consider the possibility of allowing, in certain areas of the City, medical marijuana dispensaries and cultivation facilities to be located on the same legal parcel and even in the same building; and

WHEREAS, pursuant to this direction, City staff has recommended that cultivation facilities be allowed not only in the Industrial zone district, but also in the Service Commercial (C-S) zone district, Community Commercial - North College District (C-C-N) zone district, River Downtown Redevelopment District (R-D-R) zone district, and the "non-Riverside" portion of the Limited Commercial (C-L) zone district; and

WHEREAS, because medical marijuana dispensaries are, under Ordinance No. 026, 2010, allowed in the C-S, C-C-N, and R-D-R zone districts, the proposed amendments to the Land Use Code would allow for the possibility of combining a dispensary and a cultivation facility on the same site, which would reduce the cost of establishing and operating such a business in the City; and

WHEREAS, on April 15, 2010, the Planning and Zoning Board considered the advisability of allowing cultivation sites in these additional zone districts and recommended approval of the proposed changes to the Land Use Code; and

WHEREAS, the City Council believes that making these zone districts available for medical marijuana cultivation sites is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 4.17(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (g) which reads in its entirety as follows:

(g) **Industrial Uses:**

- 1. Medical marijuana cultivation facility.

Section 2. That Section 4.19(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (g) which reads in its entirety as follows:

(g) **Industrial Uses:**

- 1. Medical marijuana cultivation facility.

Section 3. That Section 4.22(B)(1) of the Land Use Code is hereby amended by the addition of a new subparagraph (g) which reads in its entirety as follows:

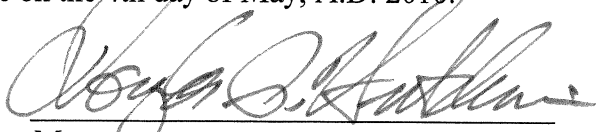
(g) **Industrial Uses:**

- 1. Medical marijuana cultivation facility.

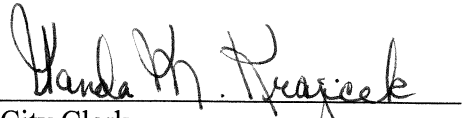
Section 4. That the table contained in Section 4.24(B)(2)(D) of the Land Use Code is hereby amended to read as follows:

<b>D. INDUSTRIAL</b>	<i>Riverside Area</i>	<i>All Other Areas</i>
...		
Medical marijuana cultivation facility	Not Permitted	BDR

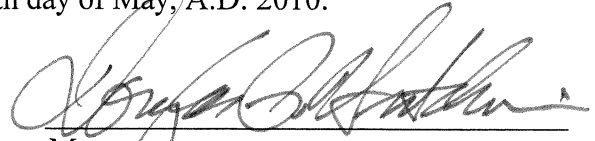
Introduced, considered favorably on first reading, and ordered published this 20th day of April, A.D. 2010, and to be presented for final passage on the 4th day of May, A.D. 2010.

  
Mayor

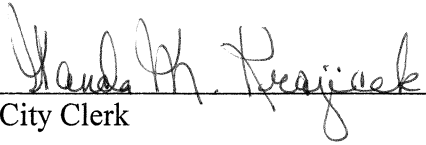
ATTEST:

  
City Clerk

Passed and adopted on final reading on the 4th day of May, A.D. 2010.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk