

ORDINANCE NO. 042, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING AMENDMENTS TO THE CITY OF FORT COLLINS LAND USE CODE
IN ORDER TO ACCOMMODATE RETAIL MARIJUANA ESTABLISHMENTS
IN THE CITY

WHEREAS, the City Council, by Ordinance No. 041, 2014, amended the City Code to govern the licensing, number, location and operation of retail marijuana establishments in the City; and

WHEREAS, there are currently no references to retail marijuana establishments in the Land Use Code; and

WHEREAS, in light of the most recently approved Ordinance No. , 2014, staff recommends amending the Land Use Code to accommodate such retail marijuana establishments; and

WHEREAS, the City Council has determined that it is in the best interests of the City that the Land Use Code be amended to include retail marijuana establishments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Land Use Code is hereby amended as follows:

Section 1. That Section 1.3.4(A)(5) of the Land Use Code is hereby amended to read as follows:

1.3.4 Addition of Permitted Uses

(A) ***Required Findings.*** In conjunction with an application for approval of an overall development plan, a project development plan, a final plan or any amendment of the foregoing, and upon the petition of the applicant or on the Director's own initiative, the Director (or the Planning and Zoning Board as specifically authorized and limited in subsection (B) below) may add to the uses specified in a particular zone district any other similar use which conforms to all of the following conditions:

...

- (5) Such use is not a retail marijuana store, retail marijuana cultivation facility, retail marijuana product manufacturing facility, retail marijuana testing facility, medical marijuana dispensary or a medical marijuana cultivation facility.

Section 2. That Section 4.16(B)(2)C of the Land Use Code is hereby amended by adding Retail Marijuana Store to the list of permitted uses in the D zone district as follows:

<i>Land Use</i>	<i>Old City Center</i>	<i>Canyon Avenue</i>	<i>Civic Center</i>
C. COMMERCIAL/RETAIL (Cont'd)			
...
Retail marijuana store	Type 1	Type 1	Type 1

Section 3. That Section 4.17(B)(2)(c) of the Land Use Code is hereby amended by adding Retail Marijuana Store to the list of permitted uses in the R-D-R zone district as follows:

(c) **Commercial/Retail Uses:**

14. Retail marijuana store.

Section 4. That Section 4.17(B)(2) of the Land Use Code is hereby amended by the addition of a new subparagraph (e) which reads in its entirety as follows:

(e) Industrial Uses:

1. Retail marijuana cultivation facility.

2. Retail marijuana product manufacturing facility.

3. Retail marijuana testing facility.

Section 5. That Section 4.18(B)(2)(c) of the Land Use Code is hereby amended by adding Retail Marijuana Store to the list of permitted uses in the C-C zone district as follows:

(c) **Commercial/Retail Uses:**

27. Retail marijuana store.

Section 6. That Section 4.19(B)(2)(c) of the Land Use Code is hereby amended by adding Retail Marijuana Store to the list of permitted uses in the C-C-N zone district as follows:

(c) **Commercial/Retail Uses:**

26. Retail marijuana store.

Section 7. That Section 4.19(B)(2)(d) of the Land Use Code is hereby amended by the addition of the following uses to the list of permitted uses in the C-C-N zone district as follows:

(d) **Industrial Uses:**

26. Retail marijuana cultivation facility.

27. Retail marijuana product manufacturing facility.

28. Retail marijuana testing facility.

Section 8. That Section 4.20(B)(2)(c) of the Land Use Code is hereby amended by adding Retail Marijuana Store to the list of permitted uses in the C-C-R zone district to read as follows:

(c) **Commercial/Retail Uses:**

19. Retail marijuana store.

Section 9. That Section 4.21(B)(2)C of the Land Use Code is hereby amended to add Retail Marijuana Store to the list of permitted uses in the C-G zone district as follows:

<i>Land Use</i>	<i>I-25/SH 392 (CAC)</i>	<i>General Commercial District (C-G)</i>
C. COMMERCIAL/RETAIL		
...
Retail marijuana store	Not permitted	Type 1

Section 10. That Section 4.22(B)(2)(c) of the Land Use Code is hereby amended to add Retail Marijuana Store to the list of permitted uses in the C-S zone district as follows:

(c) **Commercial/Retail Uses:**

43. Retail marijuana store.

Section 11. That Section 4.22(B)(2)(d) of the Land Use Code is hereby amended by the addition of the following uses to the list of permitted uses in the C-S zone district as follows:

(d) **Industrial Uses:**

6. Retail marijuana cultivation facility.

7. Retail marijuana product manufacturing facility.

8. Retail marijuana testing facility.

Section 12. That Section 4.24(B)(2)D of the Land Use Code is hereby amended by the addition of the following uses to the list of permitted uses in the C-L zone district as follows:

D. INDUSTRIAL	<i>Riverside Area</i>	<i>All Other Areas</i>
...
Retail marijuana cultivation facility	Not Permitted	Type 1
Retail marijuana product manufacturing facility	Not Permitted	Type 1
Retail marijuana testing facility	Not Permitted	Type 1

Section 13. That Section 4.28(B)(2)(d) of the Land Use Code is hereby amended by the addition of the following uses to the list of permitted uses in the I zone district as follows:

(d) **Industrial Uses:**

11. Retail marijuana cultivation facility.

12. Retail marijuana product manufacturing facility.

13. Retail marijuana testing facility.

Section 14. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Retail marijuana store*” which reads in its entirety as follows:

Retail marijuana store shall mean an entity licensed to purchase marijuana from marijuana cultivation facilities, and to purchase marijuana and marijuana products from marijuana product manufacturing facilities, for the purpose of selling marijuana and marijuana products to consumers.

Section 15. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Retail marijuana cultivation facility*” which reads in its entirety as follows:

Retail marijuana cultivation facility shall mean an entity licensed to cultivate, prepare, and package marijuana, and to sell marijuana to retail marijuana stores, marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Section 16. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Retail marijuana product manufacturing facility*” which reads in its entirety as follows:

Retail marijuana product manufacturing facility shall mean an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Section 17. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “*Retail marijuana testing facility*” which reads in its entirety as follows:

Retail marijuana testing facility shall mean an entity licensed to analyze and certify the safety and potency of marijuana.

Introduced and considered favorably on first reading and ordered published this 4th day of March, A.D. 2014, and to be presented for final passage on the 18th day of March, A.D. 2014.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 18th day of March, A.D. 2014.

Mayor

ATTEST:

City Clerk