

# Setback between Medical Marijuana Centers

CPC CA 18-00073

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# Proposal

## Current Setback

### Language

Medical Marijuana Centers (MMCs) may be within one thousand feet (1,000') of any of the following:

- Public or private elementary, middle, junior high or high school
- Residential childcare facility
- Drug or alcohol treatment facility

The change increased the existing barrier of four hundred feet (400'), and was passed in 2016 under Ordinance 16-54. Language exists in City Code §7.3.205.

## Proposed Setback

### Language

Additional language that a Medical Marijuana Center must also be one thousand feet (1,000') from another Medical Marijuana Center.

The language would apply to medical marijuana center change of location requests, as no new medical marijuana licenses are issued.

Existing medical marijuana centers within one thousand feet (1,000') of other centers will be considered legal-nonconforming.

# Proposal - continued

## Proposed Changes

7.3.2015: Additional Standards for Specific Land Uses:

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5. A medical marijuana center (MMC) shall be located no less than one thousand feet (1,000') from any public or private elementary, middle, junior high or high school, or a residential childcare facility, or a drug or alcohol treatment facility, **or any other MMC**. This minimum distance shall be measured from the nearest portion of the building used for the **MMC** medical-marijuana-center to the nearest property line of the school, residential, childcare facility, or drug or alcohol treatment facility, **or other MMC** using a route of direct pedestrian access.

# Background

The City enacted few zoning restrictions in early stage of medical marijuana industry development

Several license types allowed within the City:

- Medical Marijuana Centers (MMCs) – dispensaries
- Optional Premises Cultivations (OPCs) - grows
- Marijuana Infused Product Manufacturers (MIPs)
- Testing Facilities

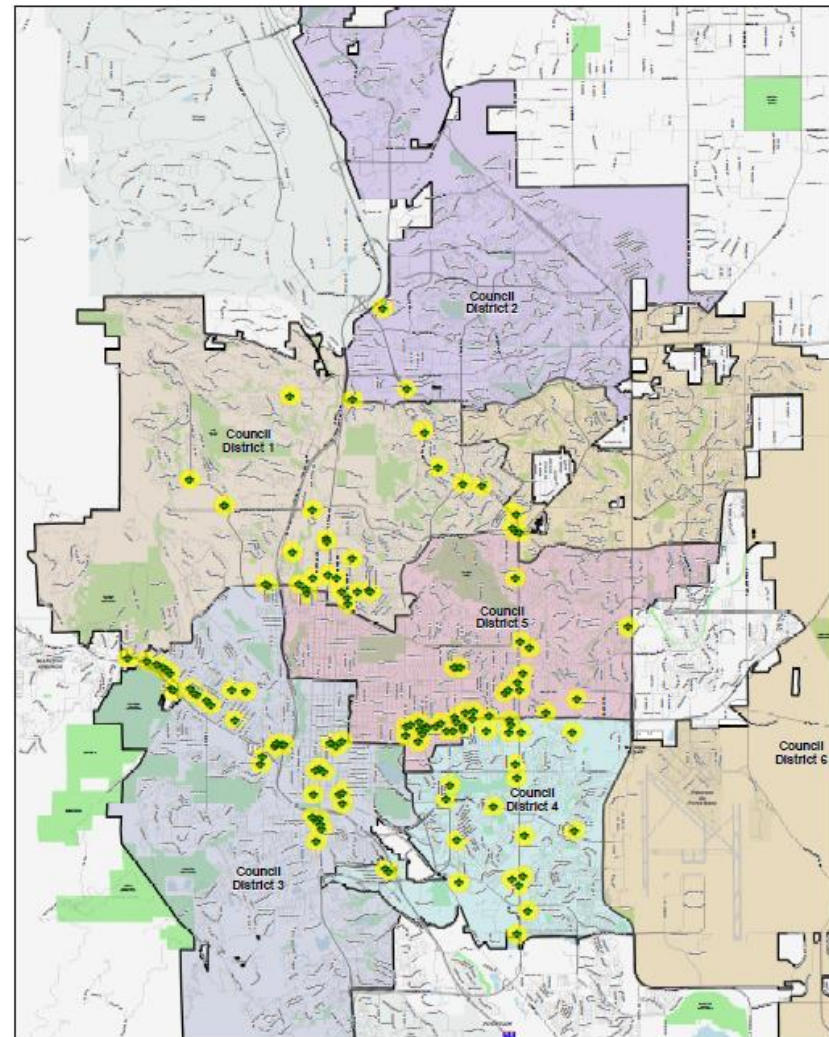
*As of June 22, 2018, we have the following numbers:*

*MMCs – 128*

*OPCs – 165*

*MIPs - 47*

Dispensaries developed along major arteries and more industrial areas; there has been some clustering in specific areas including Platte Avenue, Old Colorado City, Fillmore & Nevada



\*Map developed to demonstrate 1,000' buffer between MMCs

# Background – continued

## Why have a buffer?

For many jurisdictions, the question of MMC concentration – or saturation – included distance requirements from schools and rehabilitation facilities, along with medical marijuana centers.

Larger jurisdictions like Boulder, Denver, and Fort Collins established buffers between medical marijuana centers for the express purpose of:

*“avoid[ing] ‘clusters’ of MMDs [Medical Marijuana Dispensaries] so as to minimize their cumulative impact on any other particular area of the community,” (02/09/2010 Work Session Item, Fort Collins City Council, p. 4)*

## Distances

Distances vary between jurisdictions, but the most consistent distance is one thousand feet (1,000’):

- Denver, Pueblo, Monument, Littleton and Golden among those with one thousand feet (1,000’)
- Wheat Ridge and Lakewood – three-quarter mile (3,960’)
- Boulder – five hundred feet (500’) with three (3) other medical marijuana centers
- Durango – two hundred and fifty feet (250’)
- Manitou Springs – two hundred feet (200’)

# Potential Impacts

## Limited Impacts

The change will not have a substantial effect on the industry as the number of location change applications is limited.

Since the end of the moratorium and implementation of the location cap in May 2017, there have been only four (4) applications for changes of location for medical marijuana centers, two of which were for new locations that did have another existing licensed medical marijuana center within one thousand feet (1,000').

Existing medical marijuana centers will become considered legal-nonconforming uses pursuant to City Code §7.5.1201, *et seq.*

*While there already has been saturation of medical marijuana centers in specific areas, buffers between medical marijuana centers will serve to limit any further saturation and alleviate some existing issues as licenses or locations are surrendered.*

# Stakeholder Engagement & Staff Recommendation

## Stakeholder Engagement

The issue of setbacks between medical marijuana centers was brought to the attention of the Council President's Marijuana Working Group by representatives of the medical marijuana industry, and the proposal received unanimous support.

## Staff Recommendation

Staff recommends adoption of the ordinance.