



## Legislation Details (With Text)

**File #:** 15-00613      **Version:** 4      **Name:**

**Type:** Ordinance      **Status:** Mayor's Office

**File created:** 9/21/2015      **In control:** City Council

**On agenda:** 10/13/2015      **Final action:** 10/13/2015

**Title:** Ordinance No. 15-76 creating a six (6) month moratorium on the establishment of any new marijuana consumption club facility within the City limits.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ConsumptionClubMoratoriumORD-2015-09-22, 2. Signed Ordinance\_15-76

Date	Ver.	Action By	Action	Result
10/13/2015	4	City Council	finally passed	Pass
9/22/2015	3	City Council	approved on first reading	Pass
9/22/2015	3	City Council	received	Pass

An Ordinance creating a six (6) month moratorium on the establishment of any new marijuana consumption club facility within the City limits.

**From:**

Peter Wysocki, Planning and Development Director

**Summary:**

The proposed ordinance is being supported by Councilmembers Don Knight and Larry Bagley. If adopted by the City Council, the proposed ordinance will create a moratorium on the establishment of any new marijuana consumption club facilities for six months. The moratorium will allow time for City staff to comprehensively review the City's existing marijuana regulations and draft any necessary code amendments.

**Previous Council Action:**

The Ordinance was approved by City Council on first reading at their 9/22/15 meeting.

**Background:**

- In 2014, based on a hearing of an appeal pertaining to a zoning violation notice and order issued to Studio A64, the City Council determined that marijuana consumption clubs were a similar use to "private membership clubs" as defined in the City's zoning code. The Council directed staff to prepare and propose an ordinance that would establish standards for marijuana consumption clubs.
- Over the past several months, City staff and El Paso County staff - representing CSPD, CSFD, Planning, City Clerk, City Attorney, CSU, RBD, County Attorney, and Sheriff's Office - have formed an internal task force to comprehensively review regulations pertaining to marijuana facilities. The

purpose of this multi-disciplinary task force is to assess various issues associated with marijuana facilities, including code enforcement, licensing, land use compatibility, storage of flammable and explosive gases and liquids, building and fire code standards, impacts to residential electrical services and other utilities, and nuisances such as odor. Based upon the discussions by the task force, it has become clear that the City's marijuana regulations do not sufficiently address the health, safety and welfare considerations of the citizens of the City and should be evaluated holistically.

- A moratorium will allow staff to complete a comprehensive evaluation of the City Code related to marijuana uses and to draft new regulations in a cohesive manner, ensuring compliance with ever-changing state regulations and the health, safety and welfare considerations of the citizens of the City.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

No other City board or commission reviewed or considered this Ordinance. Any future ordinances establishing new or amended regulations will be reviewed by the appropriate board(s) or commission (s), such as the Planning Commission.

**Stakeholder Process:**

Stakeholder input will be sought upon drafting of any new regulations.

**Alternatives:**

1. Approve Ordinance;
2. Delay the first reading to later date;
3. Deny the ordinance; or

**Proposed Motion:**

Approve the Ordinance adopting a six (6)-month moratorium on the establishment of any new marijuana consumption club facility within the City limits.

An ordinance adopting a six (6)-month moratorium on the establishment of any new marijuana consumption club facility within the City limits.