

CITY COUNCIL COMMUNICATION



MEETING DATE: October 6 th , 2009	ITEM NUMBER: 9A
TYPE OF ITEM: Consent	0-2009-61
PRESENTED BY: Joni Marsh, Principal Planner, x4398 Eugene Mei, City Attorney, x8619	

SUBJECT/AGENDA TITLE: Medical Marijuana Moratorium Ordinance

EXECUTIVE SUMMARY: On September 22nd, 2009, City Council received information regarding medical marijuana dispensaries and the current actions being taken by the City of Longmont to regulated dispensaries by designating them as a pharmacy use for zoning purposes. The information provided also noted that at least seven Colorado municipalities have adopted moratoriums on dispensaries in order to review options for permitting and/or licensing which Amendment 20 does not speak to. Staff has prepared an ordinance approving a 90 day moratorium on the submission, acceptance, processing and approval of any application for any permit, license or plan approval related to the operation of business engaged in the acquisition, possession, manufacture, sale or distribution of marijuana.

- COUNCIL OPTIONS:**
1. Approve the ordinance as written.
 2. Modify the ordinance.
 3. Deny the ordinance.

RECOMMENDED OPTIONS: The attached ordinance includes a 90 day moratorium on the issuance of sales and use tax licenses and approvals of zoning changes effective October 2nd 2009. Second reading and public hearing will be October 20th, 2009.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION: NA

BACKGROUND AND ISSUE ANALYSIS:
Amendment 20 do not speak to licensing or regulating dispensaries, and the State directs interested parties to contact local authorities regarding regulations that may impact dispensaries. At this time, dispensaries in the City of Longmont are being treated as a pharmacy use. Pharmacies are allowed in the following zoning districts: Medical District Overlay (MDO); Commercial (C), Commercial Regional (CR), Central Business District (CBD) and the Mixed Industrial (MI) district. Dispensaries are not allowed as a home occupation.

Staff has prepared an ordinance for a 90-day moratorium on the submission, acceptance, processing and approval of any application for any permit, license or plan approval related to the operation of business engaged in the acquisition, possession, manufacture, sale or distribution of marijuana. Prior to the expiration of the 90 day moratorium, staff will bring back to the City Council recommended regulations addressing land use and business licensing/permitting issues.



Municipalities who have adopted Moratoriums

1. Englewood
2. Silverthorne
3. Durango
4. Dillon
5. Winter Park
6. Granby
7. Westminster

ATTACHMENTS:

1. Ordinance

1 governing the operation of a business growing, selling, or otherwise engaged in
2 actions or activities involving medical marijuana within the City.

3 E. Based upon information provided to the City Council, it appears
4 that such businesses may present unique regulatory issues that the City's current
5 laws, ordinances, rules and regulations do not adequately address.

6 F. Pursuant to Section 1.2 of the Longmont Municipal Charter the
7 City Council has the authority to take appropriate action to mitigate potentially
8 adverse effects of land development that affect the health, safety and welfare of
9 Longmont citizens;

10 G. City Staff is recommending a 90-day moratorium on the receipt
11 and processing of applications, licenses, and land use permits related to the
12 operation of a business that sells medical marijuana pursuant to the authority
13 granted by Article 18, Section 14 of the Colorado Constitution, in order to have
14 adequate time to develop, for City Council consideration, a comprehensive
15 proposed set of regulations; and

16 K. City Council finds that the public health, welfare, and safety of the
17 citizens of the City of Longmont would be best served by the enactment of a 90-
18 day temporary moratorium for the purpose of providing a reasonable period of
19 time for the development and enactment of appropriate regulations for medical
20 marijuana dispensaries within the City limits.

21 Section 2

22 For a period of time commencing on the effective date of this ordinance, and continuing
23 for a period of 90 days thereafter, no application for a permit, license, zoning or plan approval

1 related to the operation of a business that sells medical marijuana within the City shall be
2 accepted or processed.

3 Section 3

4 Effective Date: This ordinance shall be effective as to any application for any permit,
5 license, zoning or plan approval related to the operation of a business that sells medical
6 marijuana within the City that has not received approval by October 2, 2009.

7 Section 4

8 Nothing in this ordinance shall be deemed or constructed as affecting any legally vested
9 rights pursuant to City Code or state law.

10 Section 5

11
12 To the extent only that they conflict with this ordinance, the Council repeals any
13 conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and
14 invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

15 Introduced this _____ day of _____, 2009.

16 Passed and adopted this _____ day of _____, 2009.

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MAYOR

ATTEST:

CITY CLERK

31 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
32 7:00 P.M. ON THE _____ DAY OF _____, 2009, IN THE
33 LONGMONT COUNCIL CHAMBERS.

1 APPROVED AS TO FORM:

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DEPUTY CITY ATTORNEY

DATE

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PROOF READ

DATE

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APPROVED AS TO FORM AND SUBSTANCE:

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ORIGINATING DEPARTMENT

DATE

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CA File: 8079