

ZONING

§ 180-59. Medical Marijuana Dispensaries [Added 09-22-09, Ord. 09-16]

- A. Definition. "Medical marijuana dispensary" shall mean and include the use of any property or structure to distribute, transmit, give, dispense, or otherwise provide marijuana in any manner, in accordance with Section 14, of Article XVIII of the Colorado Constitution.
- B. Application. Prior to the establishment of any medical marijuana dispensary, each the following requirements shall be met:
1. A valid business license has been obtained from the Town of Frisco;
 2. Written approval from the Town of Frisco Police Department, as to each of the following:
 - a. A business plan for the dispensary to ensure compliance with law. The business plan must contain the following items:
 - i. A description of the security provisions and systems;
 - ii. Hours of operation;
 - iii. Number of employees;
 - iv. Lighting plan;
 - v. A description of any cultivation within the dispensary, including:
 - a. where plants are grown
 - b. the number of plants that will be grown
 - c. the number of plants within a given stage of growth at any given time
 - d. a description of the ventilation system for the premises
 - e. a description of the lighting system
 - b. Criminal Background Check. No written approval will be issued to an applicant whose criminal history reflects a prior conviction for a felony offense. In the case where an applicant is a business entity, the applicant shall provide the name(s) of each natural person who owns ten percent (10%) or more of all ownership interest in the entity, and no written approval shall be issued if any such person has a criminal history that reflects a prior conviction for a felony offense.

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3. Written approval from the Planning Department that the location requirements set forth in subsection C below have been met.

C. Location Requirements. No medical marijuana dispensary shall be established except in accordance with the following location requirements:

1. No medical marijuana dispensary shall be located within 500 feet of any license child care facility at the time of establishment of the dispensary.
2. No medical marijuana dispensary shall be located within 500 feet of any educational institution or school, either public or private, at the time of establishment of the dispensary.
3. No medical marijuana dispensary shall be located within 500 feet of any halfway house or correctional facility at the time of establishment of the dispensary.
4. No medical marijuana dispensary shall be located within 100 feet of a residential dwelling at the time of establishment of the dispensary.
5. No medical marijuana dispensary shall be located on a lot that is in the Central Core Zoning District, the Mixed Use Zoning District along West Main Street, or the Mixed Use Zoning District along East Main Street.
6. No medical marijuana dispensary shall be in a building containing residential units at the time of establishment of the dispensary.
7. No medical marijuana dispensary shall be located in a movable or mobile structure.
8. No medical marijuana dispensary shall be located with 500 feet of another medical marijuana dispensary.
9. No medical marijuana dispensary shall be located in a building containing a pediatrician at the time of establishment of the dispensary.
10. No medical marijuana dispensary shall be located in a residential zoning district.
11. No medical marijuana dispensary shall be located in a building that contains a hotel, motel, condominium hotel, boarding facility, lodging facility or rooming facility at the time of establishment of the dispensary.

D. Additional Limitations. Medical marijuana dispensaries shall be subject to the following additional requirements.

1. All medical marijuana dispensing and production/cultivation activities shall be conducted indoors.

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2. All product storage shall be indoors. Products, accessories, and associated paraphernalia shall not be visible from a public sidewalk or right of way. All products shall be in a sealed/locked cabinet except when being accessed for distribution.
 3. The business may only be open for the sale of medical marijuana during the hours of 9:00 am to 7:00 pm.
 4. No on-site consumption of marijuana is allowed on the premises.
 5. Cultivation of marijuana is only permitted when the premises are equipped with a ventilation system that filters out the odors of the marijuana so it is not detectable from the exterior of the business or from within any adjoining premises. Approval of such system from the Building Department is required prior to the cultivation process beginning.
 6. The sale or consumption of alcohol on the premises is prohibited.
 7. All dispensaries shall be equipped with a secure safe that is utilized for the purposes of storing marijuana not then being actively cultivated when the business is not open.
 8. All dispensaries shall provide adequate security on the premises. At a minimum the security shall include:
 - a. security surveillance cameras installed to monitor the main entrance along the interior and exterior of the premises to discourage crime and to facilitate the reporting of criminal acts as well as nuisance activities; security video shall be preserved for at least 72 hours by the business;
 - b. robbery and burglary alarm systems that are professionally monitored and maintained in good working condition; and
 - c. exterior lighting that illuminates the exterior walls of the business during evening hours and is compliant with the Town Code.
- E. Signage Requirements.
1. All signage associated with a medical marijuana dispensary will meet the standards established in the Town Code.
 2. No signage associated with a medical marijuana dispensary shall use the word "marijuana," "cannabis," or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word "medical."