

Proposed Zoning Code Regulations

Medical Marijuana Dispensaries

Medical Marijuana Dispensaries Are Permitted, With A Special Permit, In The Following Zones:

C-2, C-4, M-1, M-1S, M-2, M-2S

- 32 of existing registered facilities are in one of these zones*
- 7 existing registered facilities are located in a zone where the use is not permitted*
- In addition, the use is not permitted in the Del Paso Blvd SPD (none of the existing registered dispensaries are in this SPD)

*June 2, 2010 list of dispensaries

Location Requirements

1. Must be 1,000 feet from any other medical marijuana dispensary
2. Must be 300 feet from a residential zone or residential use
3. Must be 600 feet from any:
 - Park
 - School (Public or Private K-12)
 - Child Care Center
 - Child Care-Family Day Care Home (Large or Small)
 - Youth Oriented Facility*
 - Church/Faith Congregation*
 - Substance Abuse Center*
 - Movie Theater/Cinema
 - Tobacco Store

*New definition included in proposed ordinance

Locational Requirements, continued

- An existing registered dispensary, located in a C-2, C-4, M-1, M-1S, M-2 or M-2S zone and not moving from its current location can apply for a Special Permit without meeting the location requirements
- A registered dispensary that plans on moving from its current location and applying for a Special Permit must meet the location requirements at the new site. The location requirements, in this case, cannot be waived.

Scenario 1

- Existing registered facility located in C-2 zone
- Meets location requirements
- Planning Commission Special Permit is required

Scenario 2

- Existing registered facility located in C-2 zone
- Does Not meet location requirements
- Planning Commission Special Permit required

Scenario 3

- Existing registered facility located in C-4, M-1, M-1S, M-2 or M-2S Zone
- Meets location requirements
- Zoning Administrator Special Permit required

Scenario 4

- Existing registered facility located in C-4, M-1, M-1S, M-2 or M-2S Zone
- Does Not meet location requirements
- Planning Commission Special Permit required

Scenario 5

- Existing registered facility in zone where land use is not permitted
- Must find a new site in C-2, C-4, M-1, M-1S, M-2 or M-2S zone and apply for a Special Permit
- New site Must meet location requirements
- If new site in C-2 zone, Planning Commission Special Permit required
- If new site in C-4, M-1, M-1S, M-2 or M-2S zone, Zoning Administrator Special Permit required

Parking

Medical Marijuana Dispensary Has Same Parking Ratio As Retail Store

- All Zones Inside Central City and C-1 & C-2 Zones

Lots less than 5,200 square feet: 0 parking spaces.

Lots 5,200 square feet or greater: 1 space per 400 sq. ft. for first 9,600 sq. ft., 1 space per 250 sq. ft. for area in excess of 9,600 sq. ft.

Parking, continued

- Outside the Central City, excluding the C-1 & C-2 Zones: 1 space per 250 sq. ft.
- Parking credits for change of use would apply as outlined in the Parking Section of the Zoning Code

Special Permit Fees

- Planning fees are charged for every Planning Division application to recover the costs involved in taking a project through the public hearing process
 - With the addition of a new Special Permit category for Medical Marijuana Dispensaries, proposed addition of fees to cover the costs for processing the Special Permit applications:*
1. Planning Commission Special Permit: \$19,415
 2. Zoning Administrator Special Permit: \$13,815
 3. Special Permit Modification: \$ 3,500

*The fee would be included with the other fees charged to process the application (for example, appropriate environmental fee, technology fee, etc.)