

STAFF SUMMARY
JANUARY 6TH, 2021 PLANNING AND ZONING COMMISSION
REGULAR MEETING

DATE: December 14, 2020

AGENDA ITEM NUMBER: 6

ACTION TO BE CONSIDERED: Consideration of Resolution No. PZ 01-21, Series of 2021:

(PUBLIC HEARING)

A RESOLUTION RECOMMENDING AMENDMENTS TO CHAPTER 16 OF THE DILLON MUNICIPAL CODE TO PERMIT MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS WITHIN THE COMMERCIAL AND MIXED USE ZONE DISTRICTS AND TO ESTABLISH PARKING SPACE REQUIREMENTS THEREFOR

TOPIC: Amendment to Article III of Chapter 16 of the Dillon Municipal Code (“Code”) to permit marijuana hospitality and sales establishments within the Commercial (C) and Mixed Use (MU) zone districts in accordance with Chapter 6 of the Code, and to the table set forth in Article VI of Chapter 16 of the Code to set forth parking space requirements for such establishments.

BACKGROUND/TIME FRAME:

- September 15, 2020: Town Council approved Ordinance No. 17-20, Series of 2020 establishing a framework by which a business holding a valid license to operate a retail marijuana store may obtain a license to operate a marijuana hospitality and sales establishment within the Town of Dillon

EXECUTIVE SUMMARY:

This amendment permits marijuana hospitality and sales establishments within the C and MU zone districts, and establishes parking space requirements for such establishments. It also provides the required parking for a retail marijuana store so that the Code is clear in the intended parking requirements for these businesses. Because patrons of a marijuana hospitality and sales establishment will dwell in the location for a similar amount of time as a patron at a restaurant or bar, the marijuana hospitality and sales establishment is required to provide an equivalent amount of parking of one space for every 120 square feet of the licensed premises area. The retail marijuana store has the same required parking as a typical retail establishment, being 1 space for every 400 square feet.

Along with the Resolution recommending approval of the Code amendments, the draft Ordinance to adopt the amendments is attached for review. Although no substantive changes are anticipated for the attached draft Ordinance, it is possible that the Town Council may request changes to the Ordinance upon their review.

BUDGET IMPACT: None

MOTION FOR APPROVAL: I move we approve Resolution PZ 01-21, Series of 2021.

ACTION REQUESTED:
MOTION, SECOND, ROLL-CALL VOTE

Resolutions require affirmative votes from majority of the members present

DEPARTMENT HEAD RESPONSIBLE:

Scott O'Brien, Public Works Director

RESOLUTION NO. PZ 01 - 21
Series of 2021

A RESOLUTION RECOMMENDING AMENDMENTS TO CHAPTER 16 OF THE DILLON MUNICIPAL CODE TO PERMIT MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS WITHIN THE COMMERCIAL AND MIXED USE ZONE DISTRICTS AND TO ESTABLISH PARKING SPACE REQUIREMENTS THEREFOR

WHEREAS, by the passage of Ordinance No. 17-20, Series of 2020, the Town Council established a framework by which a business holding a valid license to operate a retail marijuana store may obtain a license to operate a marijuana hospitality and sales establishment within the Town of Dillon; and

WHEREAS, Town staff has proposed an amendment to Article III of Chapter 16 of the Dillon Municipal Code (“Code”) to permit marijuana hospitality and sales establishments within the Commercial (C) and Mixed Use (MU) zone districts in accordance with Chapter 6 of the Code, and to the table set forth in Article VI of Chapter 16 of the Code to set forth parking space requirements for such establishments; and

WHEREAS, pursuant to Section 16-1-300 of the Code, the Planning and zoning Commission of the Town of Dillon (“Planning Commission”) has reviewed the proposed amendment, and held a duly-noticed public hearing thereon, at which hearing evidence and testimony were entered into the record; and

WHEREAS, based on the advice of Town staff and the documents made part of the record of the public hearing, the Planning Commission recommends the Town Council adopt an ordinance setting forth the amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. Pursuant to Section 16-1-60 of the Dillon Municipal Code, the Planning Commission hereby recommends that the Town Council adopt an ordinance to affect the proposed amendments to Articles III and VI of Chapter 16 of the Dillon Municipal Code, a copy of which proposed ordinance is attached to this resolution as Exhibit ‘A’.

APPROVED AND ADOPTED THIS 6TH DAY OF JANUARY 2021, BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

**PLANNING AND ZONING COMMISSION
TOWN OF DILLON**

By: _____
Alison Johnston, Chairperson

ATTEST:

Michelle Haynes, Secretary to the Commission

RESOLUTION NO. 01 - 21
Series of 2021

EXHIBIT 'A'

AN ORDINANCE AMENDING CHAPTER 16 OF THE DILLON MUNICIPAL CODE
TO PERMIT MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS WITHIN
THE COMMERCIAL AND MIXED USE ZONE DISTRICTS AND TO ESTABLISH
PARKING SPACE REQUIREMENTS THEREFOR

DRAFT

ORDINANCE NO. _____ - 21
Series of 2021

AN ORDINANCE AMENDING CHAPTER 16 OF THE DILLON MUNICIPAL CODE TO PERMIT MARIJUANA HOSPITALITY AND SALES ESTABLISHMENTS WITHIN THE COMMERCIAL AND MIXED USE ZONE DISTRICTS AND TO ESTABLISH PARKING SPACE REQUIREMENTS THEREFOR

WHEREAS, by the passage of Ordinance No. 17-20, Series of 2020, the Town Council established a framework by which a business holding a valid license to operate a retail marijuana store may obtain a license to operate a marijuana hospitality and sales establishment within the Town of Dillon; and

WHEREAS, the Town Council desires to amend Article III of Chapter 16 of the Dillon Municipal Code (“Code”) to permit marijuana hospitality and sales establishments within the Commercial (C) and Mixed Use (MU) zone districts in accordance with Chapter 6 of the Code, and the table set forth in Article VI of Chapter 16 of the Dillon Municipal Code to set forth parking space requirements for such establishments; and

WHEREAS, the Planning and Zoning Commission studied a draft of this Ordinance in a public hearing at its January 6, 2021 meeting, at which public hearing evidence and testimony were received, and after such public hearing recommended that the Town Council adopt the same by Resolution No. PZ 01-21, Series of 2021; and

WHEREAS, the Town Council held a public hearing on this Ordinance on _____, 2021, at which evidence and testimony were received, and after such public hearing finds that the Ordinance should be adopted.

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. Section 16-2-100 of the Dillon Municipal Code is hereby amended to add the following definitions to be inserted in alphabetical order:

Licensed Premises has the same meaning as set forth in the Colorado Marijuana Code, sections 44-10-101 et seq., C.R.S.

Retail marijuana hospitality and sales establishment has the same meaning as in the Colorado Retail Marijuana Code.

Section 2. Section 16-3-160 of the Dillon Municipal Code is hereby amended by the addition of a new subsection (2)(1), to read as follows:

1. Retail marijuana hospitality and sales establishments in accordance with Chapter 6 of this Code.

Section 3. Section 16-3-170 of the Dillon Municipal Code is hereby amended by the addition of a new subsection (2)(1), to read as follows:

1. Retail marijuana hospitality and sales establishments in accordance with Chapter 6 of this Code.

Section 4. The table set forth in Section 16-6-40(a) is hereby amended to add the following rows under the “Commercial/Miscellaneous” category:

Licensed Premises of Marijuana Hospitality and Sales Establishment	1 space/120 gross sq. ft.
Licensed Premises of Retail Marijuana Store	1 space/400 gross sq. ft.

Section 5. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 6. Repeal. All other ordinances, or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 7. Effective Date. This Ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____, 2021.

PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____, 2021.

TOWN OF DILLON,
a Colorado municipal corporation

By: _____
Carolyn Skowyra, Mayor

ATTEST:

Adrienne Stuckey, Town Clerk