

RESOLUTION NO. P&D 17-038

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION APPROVING TEXT AMENDMENT NO. 2017-003 AMENDING
THE PUEBLO COUNTY CODE, TITLE 17, LAND USE, DIVISION I. ZONING, BY
AMENDING
CHAPTER 17.120 SUPPLEMENTARY REGULATIONS
SECTION 17.120.200 MEDICAL MARIJUANA CENTER AND RETAIL MARIJUANA
STORE, C. LOCATION,
SECTION 17.120.210 MEDICAL MARIJUANA-INFUSED PRODUCTS
MANUFACTURER AND RETAIL MARIJUANA-INFUSED PRODUCTS
MANUFACTURER, C. LOCATION,
SECTION 17.120.220 MEDICAL MARIJUANA CONTIGUOUS
OPTIONAL PREMISE CULTIVATION OPERATION AND RETAIL MARIJUANA
CONTIGUOUS CULTIVATION FACILITY, C. LOCATION,
SECTION 17.120.230 MEDICAL MARIJUANA NON-CONTIGUOUS
OPTIONAL PREMISES CULTIVATION OPERATION AND RETAIL MARIJUANA
NON-CONTIGUOUS CULTIVATION FACILITY, C. LOCATION
SECTION 17.120.245 MEDICAL MARIJUANA TRANSPORTER AND
RETAIL MARIJUANA TRANSPORTER, C. LOCATION**

WHEREAS, the Board of County Commissioners is authorized, after public notice and a public hearing, to adopt and amend regulations governing the zoning of land within the unincorporated area of Pueblo County, Colorado; and

WHEREAS, Text Amendment No. 2017-003 proposes to amend the Pueblo County Code in Title 17 Land Use, Division I. Zoning “to create a sensitive-use buffer between future marijuana businesses and public libraries.” The specific Sections are as follows:

Section 17.120.200 Medical Marijuana Center and Retail Marijuana Store, C. Location,

Section 17.120.210 Medical Marijuana-Infused Products Manufacturer and Retail Marijuana-Infused Products Manufacturer, C. Location,

Section 17.120.220 Medical Marijuana Contiguous Optional Premise Cultivation Operation and Retail Marijuana Contiguous Cultivation Facility, C. Location,

Section 17.120.230 Medical Marijuana Non-Contiguous Optional Premises Cultivation Operation Retail Marijuana Non-Contiguous Cultivation Facility, C. Location,

Section 17.120.245 Medical Marijuana Transporter and Retail Marijuana Transporter, C. Location.

The buffer replicates the existing 1,000-foot buffer between the aforementioned marijuana establishments and any existing public or private elementary, middle, junior high, or high school as measured from property line of the school to the wall of the marijuana establishment; and

WHEREAS, a public meeting was held by the Pueblo County Planning Commission on June 21, 2017, at the conclusion of which the Planning Commission voted by a 5 (approval) -1 (denial) -1 (recusal) vote to recommend approval of Text Amendment No. 2017-003 to the Board of County Commissioners; and

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WHEREAS, a public hearing, preceded by proper public notice, was held by the Board of County Commissioners at its July 12, 2017 public hearing and, at said hearing, all those present who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board has reviewed and taken administrative notice of the recommendation of the Pueblo County Planning Commission and also the testimony, application, evidence, documents submitted at the public hearing, and the contents of the Planning Director's file.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that Text Amendment No. 2017-003 is hereby approved amending the Pueblo County Code, Title 17, Land Use, Division I. Zoning as attached and incorporated herein by this reference labeled EXHIBIT "A".

BE IT FURTHER RESOLVED, Text Amendment No. 2017-003 is effective on this date of adoption.

PASSED AND ADOPTED this 12TH day of JULY 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:**

By: _____

Terry A. Hart, Chairman

ATTEST:

By: _____

Gilbert Ortiz, County Clerk

EXHIBIT "A"

Chapter 17.120 SUPPLEMENTARY REGULATIONS

Section 17.120.200 Medical Marijuana Center and Retail Marijuana Store

C. Location. No Medical Marijuana Center or Retail Marijuana Store shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school **or public library** as measured from property line of the school **or public library** to the wall of the Medical Marijuana Center or Retail Marijuana Store.

Section 17.120.210 Medical Marijuana-Infused Products Manufacturer and Retail Marijuana-Infused Products Manufacturer

C. Location. No Medical Marijuana-Infused Products Manufacturer and Retail Marijuana-Infused Products Manufacturer shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school **or public library** as measured from property line of the school **or public library** to the wall of the Medical Marijuana-Infused Products Manufacturer and Retail Marijuana-Infused Products Manufacturer.

Section 17.120.220 Medical Marijuana Contiguous Optional Premise Cultivation Operation and Retail Marijuana Contiguous Cultivation Facility

C. Location. No Medical Marijuana Contiguous Optional Premises Cultivation Operation and Retail Marijuana Contiguous Cultivation Facility shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school **or public library** as measured from property line of the school **or public library** to the wall or fence if an outdoor cultivation of the Medical Marijuana Contiguous Optional Premises Cultivation Operation and Retail Marijuana Contiguous Cultivation Facility.

Section 17.120.230 Medical Marijuana Non-Contiguous Optional Premises Cultivation Operation and Retail Marijuana Non-Contiguous Cultivation Facility

C. Location. No Medical Marijuana Non-Contiguous Optional Premises Cultivation Operation or Retail Marijuana Non-Contiguous Cultivation Facility shall be located within 1,000 feet of the any existing public or private elementary, middle, junior high or high school **or public library** as measured from property line of the school **or public library** to the wall or fence if an outdoor cultivation of the Medical Marijuana Non-Contiguous Optional Premises Cultivation Operation or Retail Marijuana Non-Contiguous Cultivation Facility.

Section 17.120.245 Medical Marijuana Transporter and Retail Marijuana Transporter

C. Location. No Medical Marijuana Transporter and Retail Marijuana Transporter shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school **or public library** as measured from property line of the school **or public library** to the wall of the Medical Marijuana Transporter and Retail Marijuana Transporter.