

ORDINANCE NO. 13-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, AMENDING THE CITY'S ZONING ORDINANCE TO PROHIBIT BUSINESSES OR OPERATIONS KNOWN AS "MARIJUANA CULTIVATION FACILITIES," "MARIJUANA PRODUCT MANUFACTURING FACILITIES," "MARIJUANA TESTING FACILITIES" AND "RETAIL MARIJUANA STORES" WITHIN THE CITY PURSUANT TO AND AS AUTHORIZED BY ARTICLE XVIII, SECTION 16, OF THE COLORADO CONSTITUTION

WHEREAS, on November 6, 2012, the statewide voters of Colorado approved the adoption of Amendment 64, Personal Use and Regulation of Marijuana ("Amendment 64"); and

WHEREAS, Amendment 64 became effective upon official declaration of the vote by proclamation of the Governor, pursuant to Section 1(4) of Article V, of the Colorado Constitution on December 10, 2012; and

WHEREAS, Amendment 64 adds a new Section 16 to Article XVIII of the Colorado Constitution; and

WHEREAS, Part 5(f) of Amendment 64 authorizes municipalities to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores (Collectively, "Marijuana Establishments"), as those terms are defined in Amendment 64; and

WHEREAS, the City of Castle Pines (the "City") is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

WHEREAS, the City is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety and welfare of the community; and

WHEREAS, the City Council has adopted, by Ordinance No. 08-02, as amended by Ordinance No. 08-04, zoning and subdivision regulations known as the City of Castle Pines Zoning Ordinance ("Zoning Ordinance"); and

WHEREAS, after considering the explicit authority set forth in Part (5)(f) of Amendment 64 and the majority vote of the electorate of Douglas County against passage of Amendment 64, the City Council has determined that the operation of Marijuana Establishments within the City would not be in the interest of the public health, safety or welfare of the City's residential and business community; and

WHEREAS, in accordance with Section 109 of the Zoning Ordinance, the proposal to prohibit the location and operation of Marijuana Establishments within the City through an amendment to the Zoning Ordinance has been referred to the Planning Commission, which has recommended its approval; and

WHEREAS, in accordance with Sections 109 and 111 of the Zoning Ordinance, notice of public hearing on this Ordinance held before the Planning Commission and before the City Council prior to adoption hereof was duly published at least fifteen days prior to each such hearing.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Section 3602 of the Zoning Ordinance, entitled "Definitions" is hereby amended by replacing the definition of "marijuana" with the definition set forth below, and adding the following new terms and definitions:

Marijuana: All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin including marijuana concentrate. "Marijuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.

Marijuana Cultivation Facility: An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Marijuana Establishment: A marijuana cultivation facility, marijuana testing facility, marijuana product manufacturing facility, or a retail marijuana store.

Marijuana Product Manufacturing Facility: An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Marijuana Products: Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments and tinctures.

Marijuana Testing Facility: An entity licensed to analyze and certify the safety and potency of marijuana.

Retail Marijuana Store: An entity licensed to purchase marijuana from marijuana cultivation facilities, and marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

Section 2. Section 206 of the Zoning Ordinance, entitled "Exclusion of Uses" is hereby amended by the addition of the following sentence:

Additionally, use of any land within the City as a Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, Marijuana Testing Facility or Retail Marijuana Store is specifically an excluded and prohibited use in all zoning districts or on any land within the City.

Section 3. The land use/zoning district matrix set forth following Section 213.04 of the Zoning Ordinance is hereby amended such that the row currently titled "Medical Marijuana Businesses" shall read "Medical Marijuana Businesses or Marijuana Establishments" as follows:

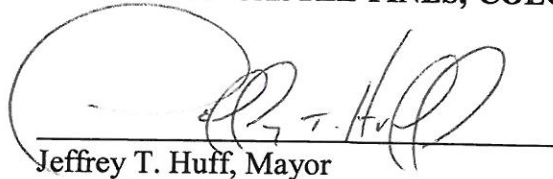
LAND USE ZONING DISTRICT	A-1	LRR	RR	ER	SR	MF	MH	B	C	LI	GI
Medical Marijuana Businesses or Marijuana Establishments											

Section 4. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

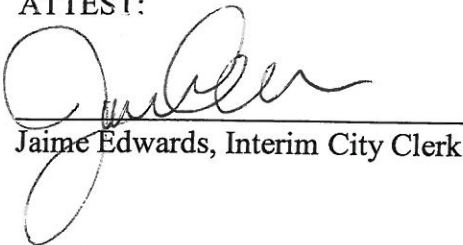
Section 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 14th day of May, 2013.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 11th day of June, 2013.


Jeffrey T. Huff, Mayor

ATTEST:


Jaime Edwards, Interim City Clerk


Approved as to form:


Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a noticed public meeting of the Castle Pines City Council on May 14, 2013; published by reference by title only in the *Douglas County News-Press*, together with the statement that "[t]he complete text of all ordinances is available through the City Offices and on the City's official website"; and finally passed and adopted by the City Council on June 11, 2013 following a duly noticed public hearing and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on June 20, 2013.

ATTEST:


City Clerk or Deputy City Clerk