
MEMORANDUM



TO: Mayor Walker and Councilors
FROM: **Stacy Marquardt, Community Dev Planner**
Todd Frederick, Police Chief
Damien Toven, City Attorney
SUBJECT: **Cannabis Ordinance Revisions**
DATE: March 13, 2024

Background:

We recently had a request for a Tobacco and Cannabis license under our new ordinance. Our ordinance currently requires 1000 feet to a school or commercial daycare and 500 feet from a drug rehabilitation facility. Unless there is specific language on how this measurement is taken it defers to the closest point from property line to property line for distance.

Our business district includes several malls so measuring from a property line poses some issues when the business itself could be in the middle of the mall and not near a property line. When we licensed Prince Tobacco, now understanding how this measurement works since our ordinance does not specify, we issued the permit with it not meeting the setback requirements to a daycare. This was discovered when Mellow Fellow applied, and we applied the distance requirement and found neither would meet that requirement.

When we adopted this ordinance, we were the first in the area to have something in place. Now that other Cities have adopted cannabis ordinances, we were able to compare ours with the surrounding Cities. We found that only one of them even had a distance requirement to a daycare, most did not have this requirement. The state does not have any distance requirements, these are only at the local level.

As staff we understand how important it is to have a boundary for our daycares but feel that we could lessen it to a more reasonable number. All measurements are taken as the crow flies, which we all know is not how you walk to a business. For example, two businesses that are 500 feet from property line to property line as the crow flies would in reality be more like 1000 feet in walking distance from door to door. So, the number can be slightly arbitrary in nature.

Our thought is to make it as accurate as possible and define how it will be measured. We propose to measure from the main door of the establishment to the main door of the establishment. This has a bit more meaning as property lines are a trivial imaginary line and your actual business may not be anywhere near that boundary. We also propose to still keep the daycares in our ordinance but lessen the distance to 300 feet so our two malls could accommodate these businesses but still have a buffer in place.

Our conclusion is that after researching other ordinances and with the layout of our downtown malls we feel these changes are justified.

Recommendation:

Staff recommends that the City Council approve the amendments to the cannabis ordinance to read: *Any person whose primary place of business will be within 1000 feet of a school, 300 feet to a commercial daycare, or 500 feet from a drug rehabilitation facility. This distance requirement is reciprocal in nature and is measured from the main door of each establishment.*