



Legislation Details (With Text)

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Title: Establishing City Policy For Evaluating Competing Cannabis Retail Location Approval Requests Within 600 Feet Of One Another (Benton, Jones)
Sponsors: Isaac Benton, Trudy E. Jones
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Date	Ver.	Action By	Action	Result
3/7/2022	1	City Council	Withdrawn by Sponsor	Pass
2/23/2022	1	City Council	Accepted Without Recommendation, as Amended	
2/16/2022	1	Land Use, Planning, and Zoning Committee	Amended	Pass
2/16/2022	1	Land Use, Planning, and Zoning Committee	Sent to Council Without Recommendation, as Amended	Pass
2/7/2022	1	President	Referred	
2/7/2022	1	City Council	Introduced and Referred	

CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

COUNCIL BILL NO. R-22-6 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton and Trudy Jones

RESOLUTION

Establishing City Policy For Evaluating Competing Cannabis Business Registration Requests
Within 600 Feet Of One Another (Benton, Jones)

WHEREAS, the Integrated Development Ordinance (IDO) Section 4-3(D)(35)(c) provides that Cannabis Retail establishments, except cannabis micro businesses, be kept separate by a minimum of 600 feet unless a conditional use permit is approved; and

WHEREAS, in order to administer this requirement the City must evaluate each request for a cannabis retail establishment based, in part, on its proximity to any previously existing cannabis retail establishments in the community; and

WHEREAS, this system presents a unique challenge at the inception of cannabis retail business development in the City because the City may be evaluating multiple simultaneous requests within 600 feet of one another, none of which have been finally approved or established for purposes of applying distance separation requirements to subsequent applications; and

WHEREAS, in general, the IDO establishes policies that prioritize potentially competing requests based, in part, on the time of their application; and

WHEREAS, notwithstanding this policy guidance in the IDO, there is presently no clear guidance within the City's business registration process for cannabis retail businesses requesting initial approval within 600 feet of one another; and

WHEREAS, both businesses and community members will be best served by a clear, publicly adopted policy as to how new requests will be evaluated with respect to the 600-foot separation requirement as the industry establishes its physical presence in the City; and

WHEREAS, given that the City Council enacted the 600-foot separation provisions within the IDO, it is appropriate that the Council offer guidance on how that restriction should be administered; and

WHEREAS, final resolution on this question is time sensitive because the retail checklist of the New Mexico Regulation and Licensing Division includes a requirement of certification by cannabis retail establishments that they have a local business license and will conform with zoning restrictions.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. For purposes of administering the IDO's 600-foot separation requirements for cannabis retail establishments:

- a. The City shall evaluate the 600-foot distance separation limitation based on the time of application for business registration with the City.
- b. A cannabis retail establishment that submits its request first in time will be given first priority as compared to subsequently received applications within the 600 foot distance.

