

Cannabis Retail in the IDO as of July 2021, Excerpts

Use Table 4-2-1; Cannabis Retail is permissive in the Mixed Use zone districts, MX-L, MX-M, MX-H. Central Ave in Nob Hill is MX-M.

There is also a fair amount of MX-T in Nob Hill. 4-3(D)(35)(h) In the MX-T zone district, this use is prohibited, unless associated with an establishment licensed by the State as a cannabis microbusiness.

4-3(D)(35) Cannabis Retail

4-3(D)(35)(a) Cannabis retail is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. For the purposes of the IDO, all measurements for this use shall be from the lot(s) that include the cannabis retail establishment to be licensed by the State as a “licensed premises” as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.

4-3(D)(35)(b) Establishments with a valid license from the State under the medical cannabis program as of April 1, 2022 pursuant to Sections 26-2B-1 to 26-2B-10 NMSA 1978 (the Lynn and Eric Compassionate Use Act) are entitled to continued and uninterrupted operations and are allowed permissively as a cannabis retail use after issuance of a license(s) from the State under Sections 26-2C-1 to 26-2C-42 NMSA 1978. These establishments are not subject to the distance separation requirements in Subsection (c) or (d) below or the prohibition in Subsection (h).

4-3(D)(35)(c) If located within 600 feet of another cannabis retail establishment, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), unless associated with an establishment licensed by the State as a cannabis microbusiness. Nothing herein prohibits multiple licenses from operating from a single “licensed premises” as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.

4-3(D)(35)(d) This use is prohibited within 300 feet of any school or child day care facility.

4-3(D)(35)(e) This use shall not include a storage or display area outside of fully enclosed portions of a building.

4-3(D)(35)(f) Notwithstanding other provisions in this Subsection 14-16-4-3(D)(35), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed to include commercial on-site cannabis consumption, which is licensed separately by the State under Sections 26-2C-1 to 26-2C-42 NMSA 1978.

4-3(D)(35)(g) If the cannabis retail establishment is licensed by the State for commercial on-site cannabis consumption, and smoking or vaporizing is proposed to occur on-site, an odor control plan approved by the City is required pursuant to Subsection 14-16-6-5(G) (Site Plan – Administrative), Subsection 14-16-6-6(I) (Site Plan – DRB), or Subsection 14-16-6-6(J) (Site Plan – EPC), as relevant.