

ORDINANCE NO. 1948

INTRODUCED BY: AMADOR, BENSON, BULLOCK, CARSON, DOUGLAS, ELLIOTT, FORD, MCELLOWNEY, TETER

AN ORDINANCE AMENDING SECTIONS 21-5249 AND 21-11200 OF THE LAND DEVELOPMENT CODE OF THE CITY OF COMMERCE CITY FOR THE PURPOSE OF REGULATING THE LOCATION OF MEDICAL MARIJUANA BUSINESSES AND PRIMARY CAREGIVERS

WHEREAS, the City Council of the City of Commerce City adopted the Land Development Code by Ordinance 1720; and

WHEREAS, the Land Development Code became effective March 1, 2009; and

WHEREAS, the City Council amended the Land Development Code in November 2009 to provide zoning regulations addressing the location and regulation of medical marijuana facilities; and

Whereas, the City Council having recently had the opportunity to apply the regulations has determined that some changes are in the best interest of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Section 21-5249 of the Land Development Code of the City of Commerce City is hereby amended to read as follows:

Sec. 21-5249. Medical Marijuana Businesses and Primary Caregivers.

- (1) **Location.** No medical marijuana business or primary caregiver shall be located within 1,000 feet of the following:
 - a) Any residential zone district;
 - b) Any existing or occupied mobile home;
 - c) Any lot on which there is located a single family or multifamily residence, whether located within or outside of the city;
 - d) Any church or religious institution;
 - e) Any educational institution or school, either public or private;
 - f) Any licensed child care facility;
 - g) Any alcohol or drug rehabilitation facility;

- h) Any group home for the developmentally disabled;
 - i) Any other medical marijuana business whether such business is located within or outside of the city;
 - j) Any halfway house or correctional facility; or
 - k) Any fire station, community center, fairground, recreation center, other publicly owned building open for use to the general public, and any public or private park; provided, however, that for purposes of this section, the term park shall exclude any trail.
- (2) **Indoor Use.** All business related to, or consumption of, medical marijuana shall be conducted indoors, and all building openings, entries, and windows shall be located, covered, or screened in such a manner as to prevent a view into the interior; and for new construction, the building shall be constructed so as to prevent any possibility of viewing the interior from the exterior of such structure.

SECTION 2. Section 21-11200 of the Land Development Code of the City of Commerce City is hereby amended by the addition of a definition for “Trail” which shall read as follows:

Trail shall mean a publicly or privately owned or maintained trail/path system open to the public, intended for non-motorized transportation such as walking, jogging or biking, including trailheads. Trailheads may include parking lots, drinking fountains, restrooms, picnic shelters, and related signage and monumentation.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 18th DAY OF MARCH, 2013.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 15th DAY OF APRIL, 2013.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk