

ORDINANCE NO. 1897

INTRODUCED BY: BULLOCK, BENSON, CARSON, DOUGLAS, ELLIOTT, MCELLOWNEY, MORENO, TETER

AN ORDINANCE AMENDING SECTION 21-5249, SECTION 21-11200, AND TABLE V-1 OF THE CITY OF COMMERCE CITY'S LAND DEVELOPMENT CODE

WHEREAS, in 2009 the City of Commerce adopted Ordinance 1770 creating Section 21-5249 of the Land Development Code to establish zoning and use standards for medical marijuana businesses wishing to locate within the City; and

WHEREAS, in 2010 the state legislature enacted the Colorado Medical Marijuana Code creating a dual licensing program for certain medical marijuana businesses; and

WHEREAS, the City of Commerce City is enacting a licensing program to comply with the state law; and

WHEREAS, the City's licensing program will comprehensively regulate the operation of such businesses within the City; and

WHEREAS, the City has determined that some provisions of Section 21-5249 are no longer necessary and that other provisions of the Land Development Code need modification to address the new situation.

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

**SECTION 1.** Table V-1 of the Land Development Code of the City of Commerce City is hereby amended to specify that medical marijuana businesses and primary care givers shall be permitted as a conditional use in the following zone districts: I-1, I-2, and I-3.

**SECTION 2.** 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) The exterior boundary of any public zone district;
  - (b) The exterior boundary of any residential zone district;
  - (c) The exterior boundary of any existing or occupied mobile home;

- (d) The exterior boundary of any lot on which there is located a single family or multifamily residence, whether located within or outside of the city;
  - (e) Any church or religious institution;
  - (f) Any educational institution or school, either public or private;
  - (g) Any licensed child care facility;
  - (h) Any alcohol or drug rehabilitation facility;
  - (i) Any group home for the developmentally disabled;
  - (j) Any public community center, park, fairground, or recreation center, or any publicly owned or maintained building open for use to the general public;
  - (k) Any other medical marijuana business whether such business is located within or outside of the city; or
  - (l) Any halfway house or correctional facility.
- (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 3.** Section 21-11200 of the Land Development Code of the City of Commerce City is hereby amended by the deletion of the definition for “medical marijuana dispensary” and by the addition of definitions for “medical marijuana business” and “primary caregiver” which shall read as follows:

**Medical marijuana business** means a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer as defined in the Colorado Medical Marijuana Code.

**Primary Caregiver** has the same meaning as that ascribed to it in C.R.S. § 25-1.5-106(2)(d.5).

**SECTION 4.** This ordinance shall take effect on July 1, 2012.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED  
THIS 21<sup>ST</sup> DAY OF MAY, 2012.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED  
THIS 18<sup>th</sup> DAY OF JUNE, 2012.

CITY OF COMMERCE CITY, COLORADO

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, CMC, City Clerk