



# Marijuana Moratorium Discussion

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Study Session  
May 13, 2024

# Agenda

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Marijuana Legislative History

Moratorium Discussion

# Background

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2000

- Colorado voters approved decriminalizing marijuana

2010

- Legislatures adopted Medical Marijuana Code
  - Created licensing scheme, local control

2012-2013

- Colorado voters approved recreational marijuana
  - Legislature adopted Retail Marijuana Code
    - Established State Licensing Authority & local control
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# Background

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2012

- Commerce City LDC and Municipal Code amended to allow medical businesses, primary caregivers, and establish local licensing program

2013-2014

- City Council enacts moratorium on retail businesses

2015

- City Council lifts moratorium and created licensing structure and land use regulations
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# Background

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2023

- City Council adopts new regulations which includes new license and permit types such as:
    - Medical transporter and delivery
    - Off-site storage
    - Testing
    - Research and development
    - New and increased setbacks in Land Development Code
  - City Council enacted a one-year moratorium on new recreational and medical retail stores in Wards I & II
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# Moratorium

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## Moratorium History in Commerce City

- June 2010 – emergency moratorium on medical marijuana
- March 2011 – emergency moratorium w/ State moratorium
- May 2013 – temporary 18mo moratorium on recreational
- June 2014 – extension of 2013 moratorium
- June 2015 – recreational moratorium lifted
- March 2017 – moratorium study session, didn't proceed
- July 2023 – temporary 12mo moratorium on stores in Wards I and II

# Moratorium

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Council revisits moratorium ~3 months in advance of expiration to determine whether or not to extend

Ordinance at June and July meetings to either repeal or extend moratorium before July 31 expiration

Moratorium considerations:

- Purpose
  - Duration
  - Type of licenses impacted
  - Alternatives such as caps or non-replenishing maximums
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**End**







# Supplemental Information



# Licensing Procedures

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## Dual License

- State license AND local license

## Steps

- Letter of intent and pre-application meeting
    - Zoning Verification
  - Application submission
  - Neighborhood needs and desires survey
  - Public Hearing
  - Inspection
  - License Issuance
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# Licensing Procedures

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## Letter of Intent

- Applicant information
- Type of business
- Size of operation
- Scope of operation

## Pre-Application Meeting

- City Clerk, Code Enforcement, PD, Building & Zoning
- Fire
- Water

# Licensing Procedures

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## Application Submission

- State and Local Fees
- Affirmation and Consent of Applicant
- Authorization of marijuana use from Landlord
- Operating Plan
- Zoning Report
- Floor plan & security diagram
- Background application
- State application form

# Licensing Procedures

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## Neighborhood Needs and Desires Survey

- Neighborhood is ½ mile radius (or greater)
- Petition company circulates to ask for signatures
- Both Support, Opposition, and Neutral are included
- Petitioner testifies at hearing
- Applicant mails postcards to property owners in boundary for notice of hearing date and location
- Public hearing notices on Legistar and in Sentinel Express

# Licensing Procedures

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## Public Hearing

- Marijuana Licensing Authority of Commerce City
  - Hearing Officer appointed by Council
  - Entering of appearance for attorneys representing City and Applicant
  - Accepting file of application into the record
  - Testimony of applicant
  - Questions from City
  - Public Testimony
  - Examination of good moral character, qualifications
  - Continuation, (conditional) approval, or denial
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# Licensing Procedures

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## Hearing Officer

- Appointed by City Council
  - Create procedural rules
  - Makes decisions on applications and licenses based on:
    - Application compliance with State statutes, regulations, rules, municipal code & land development code
    - Neighborhood survey results for needs & desires
    - Public testimony
    - City questions and arguments
    - Qualifications & Good moral character of applicant
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# Licensing Procedures

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## Inspection

- Building inspection for Certificate of Occupancy
    - Odor control system must be approved by Building Official
    - Sec. 8-2311 prohibits odor from being detectable from the exterior of the business or within adjoining properties
  - Code Enforcement for floor plan and licensing posting
  - Police inspection for premise security and cameras
  - Fire inspection
  - Water inspection
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# Licensing Procedures

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## License Issuance

- Licensing Coordinator / Authority Secretary
- Once all conditions are met
- Annual Renewal
- Annual fee dependent on license type

## Ongoing Basis

- Show cause hearings or renewal hearings if necessary
- Suspension or revocation by Licensing Authority

# Land Development Code

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- 1000 feet from educational institution or school
- 1000 feet from any alcohol or drug rehabilitation facility
- 1000 feet from any group home
- 1000 feet from any halfway house or correctional facility
- 1000 feet from any city-owned public park or rec center
- 1000 feet from any other marijuana business (any)
- 2000 feet of any property zoned residential, agricultural, or mixed-use with residential or agricultural entitlement
- 2000 feet of any store from any other store

# Marijuana Tax Collected

Year	Calendar Year Total	Total to Date
2023	\$2,095,194	10,226,716
2022	\$2,202,167	\$8,131,522
2021	\$1,768,919	\$5,929,355
2020	\$1,699,629	\$4,160,436
2019	\$1,120,925	\$2,460,807
2018	\$827,245	\$1,339,882
2017	\$419,370	\$512,637
2016	\$93,267	\$93,267



# Licenses

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## Current Licenses

- 38 Active or Conditionally Approved Licenses (-4)
    - 11 Retail Products Manufacturer
    - 6 Retail Cultivation (-3)
    - 14 Retail Stores (+2)
    - 4 Medical Products Manufacturer (-1)
    - 2 Medical Stores
    - 1 Medical Optional Premise Cultivation (-2)
  - 32 in Ward I, 4 in Ward II, 2 in Ward III
  - No letters of intent for stores filed
  - Informal inquires since moratorium enacted
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# Licenses

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Statistics (for every 10,000 residents within a city)

- Pueblo has 3.3 Retail stores
- Denver has 2.7 Retail stores
- Boulder has 2.6 Retail stores
- Commerce City has 2.2 Retail stores
- Thornton has 0.9 Retail stores
- Fort Collins has 0.7 Retail stores
- Aurora has 0.6 Retail stores
- Lakewood has 0.6 Retail stores