

ORDINANCE NO: 2048

INTRODUCED BY: AMADOR, BENSON, BULLOCK, CARSON, DOUGLAS,
ELLIOTT, FORD, MCELDOWNEY

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE

WHEREAS, the City Council of the City of Commerce City has determined to license both retail and medical marijuana businesses within the City; and

WHEREAS, the Commerce City Land Development Code currently only permits medical marijuana businesses to operate within the City; and

WHEREAS, the City Council wishes to amend the Land Development Code to address both types of marijuana businesses.

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

SECTION 1. The section 21-5249 of the Land Development Code of the City of Commerce City is hereby repealed and reenacted to read as follows:

Sec. 21-5249. Marijuana Businesses, Primary Caregivers, and Marijuana Activities.

(1) Location Restrictions.

(a) General Restrictions. No marijuana business or primary caregiver shall be located within:

- i. 1000 feet of any educational institution or school, either public or private; excluding institutions of post-secondary education
- ii. 1000 feet of any state licensed child care facility;
- iii. 1000 feet of any alcohol or drug rehabilitation facility;
- iv. 1000 feet of any group home;
- v. 1000 feet of any halfway house or correctional facility; or
- vi. 1000 feet of any city-owned public park or city owned recreation center; provided, however, that for purposes of this section, the term park shall exclude any trail.

(b) Restrictions Related to Residential Uses.

- i. Retail marijuana stores and medical marijuana centers shall not be located within 500 feet of any property in the city that is zoned: mixed use and has a residential entitlement; residential; or agricultural.

- ii. All other marijuana business and primary caregivers shall not be located within 1000 feet of any property in the city that is zoned: mixed use and has a residential entitlement; residential; or agricultural.
- (c) Applicability. The location restrictions contained in this section shall be applicable at the time of initial licensing. For purposes of this section, an established and licensed marijuana business or primary caregiver may continue operations without being deemed to be in violation of this section if one of the above referenced uses locates within an applicable buffer zone. For purposes of this code, the business or caregiver shall be deemed to be a pre-existing use. The business or primary caregiver who continues to operate does so at its own risk, however, and shall be subject to the enforcement of any applicable non-city provision relating to location.

(2) Advertising, Signage, and Design.

- (a) Advertising Generally. In addition to this code, primary caregivers and all marijuana businesses, regardless of whether they are medical or retail in nature, shall comply with the provisions contained in series 1100 of the retail marijuana code.
- (b) Sign Approval Required. No permanent or temporary sign associated with a marijuana-related business licensed with the city may be installed or located until reviewed and approved by the city via a temporary or permanent sign permit.
- (c) Color Restrictions. Colors for both signage and the overall building that offer low reflectance in subtle, neutral or natural tones are required over the use of high intensity or reflective colors that draw attention to the business.

(3) Prohibitions. The following activities are prohibited anywhere within the city:

- (a) Storage of marijuana or marijuana-related products off the site of the licensed premises;
- (b) Marijuana membership clubs;
- (c) Marijuana businesses as home occupations;
- (d) Marijuana businesses within a mixed-use development that includes a residence; and
- (e) Marijuana vapor lounges.

SECTION 2. Section 21-11200 of the Land Development Code of the City of Commerce City is hereby amended by the by the addition or revision of the following terms:

Marijuana membership club shall mean an organization and its premises operating on a membership basis for the promotion of interests of the members including the smoking or other consumption of medical or retail marijuana or marijuana products.

Medical marijuana center shall have the meaning ascribed to it in state law.

Medical marijuana infused product manufacturer shall have the meaning ascribed to it by state law.

Optional premises cultivation operation shall have the meaning ascribed to it by state law.

Retail marijuana store shall have the meaning ascribed to it by state law.

Retail marijuana cultivation facility shall have the meaning ascribed to it by state law.

Retail marijuana product manufacturer shall have the meaning ascribed to it by state law.

Retail marijuana testing facility shall have the meaning ascribed to it by state law.

Marijuana business means any medical marijuana center, optional premises cultivation operation, medical marijuana-infused products manufacturer, retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturer and retail marijuana testing facility.

Retail marijuana code means title 12, article 43.4 of the Colorado Revised Statutes, as amended from time to time, and any rules or regulations promulgated thereunder.

SECTION 3. Table V-1 of the Land Development Code is hereby amended as follows:

- (a) The existing row related to the use type titled “Medical Marijuana business and/or primary caregivers” is deleted.
- (b) A new use classification entitled “Marijuana Uses” shall be added.
- (c) “Retail marijuana store” shall be added within the Marijuana Uses classification as a use by right within the C-3, I-1, I-2, and I-3 zone districts.

- (d) “Retail marijuana product manufacturing facility” shall be added within the Marijuana Uses classification as a use-by-right within the I-1, I-2, and I-3 zone districts.
- (e) “Retail marijuana cultivation facility” shall be added within the Marijuana Uses classification as a use-by-right within the I-1, I-2, and I-3 zone districts.
- (f) “Retail marijuana testing facility” shall be added within the Marijuana Uses classification as a use-by-right within the I-1, I-2, and I-3 zone districts.
- (g) “Medical marijuana center” shall be added within the Marijuana Uses classification as a use-by-right within the C-3, I-1, I-2, and I-3 zone districts.
- (h) “Medical marijuana-infused product manufacturer” shall be added within the Marijuana Uses classification as a use-by-right within the I-1, I-2, and I-3 zone districts.
- (i) “Optional premises cultivation operation” shall be added within the Marijuana Uses classification as a use-by-right within the I-1, I-2, and I-3 zone districts.
- (j) “Primary caregiver” shall be added within the Marijuana Uses classification as a use-by-right within the I-1, I-2, and I-3 zone districts.

SECTION 4. Except as specifically modified herein, the provisions of the Land Development Code shall remain unchanged and in full force and effect.

SECTION 5. This ordinance shall take effect June 1, 2015.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 4TH DAY OF MAY, 2015.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 1ST DAY OF JUNE, 2015.

CITY OF COMMERCE CITY,
COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

