



# Ordinance 2048- Update to the LDC Regarding Marijuana Uses

City Council May 4, 2015

# Commerce City Background

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- 2012- LDC is amended to allow medicinal marijuana in industrial zone districts, subject to a conditional use permit and certain separation use requirements.
- As of today, only one business has gone through the CUP process.



# Commerce City Background

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- October 2014- City Council asks staff to prepare regulations concerning recreational marijuana
- January and February 2015- Staff met with City Council via study sessions to discuss issues regarding recreational marijuana, including changes to the LDC.
- April 2015- Staff discussed these updates with Planning Commission

# Types of Uses/Licenses

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- Medical Marijuana:
  - Medical marijuana centers or dispensaries
  - Medical marijuana infused product manufacturers
  - Medical marijuana optional premises cultivation
  - Primary caregivers



# Types of Uses/Licenses

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- Recreational Marijuana:
  - Retail marijuana store
  - Retail marijuana cultivation facility
  - Retail marijuana product manufacturing facility
  - Retail marijuana testing facility



# Analysis

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- Staff looked at jurisdictions that allowed various marijuana uses and compared Commerce City's current regulations to other municipalities to see how the city compared.
- Staff prepared a series of charts and maps that would help document this data and provide guidance for the city council discussions.
- Overall goals from council was to allow these new uses, create regulations in line with other municipalities, not have them widespread throughout the community, and protect high risk uses through appropriate separation.



# Analysis

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- Staff then examined and analyzed the existing separation uses to see how the number of potential parcels increased with reduction or elimination of some separated uses and reported back to city council.



# Analysis

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- At the request of City Council, staff analyzed the existing commercial zones within the City and potential for expansion of retail marijuana into commercial areas.





# Proposed Updates

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- Update Table V-1 to reflect all marijuana license/use types with various zoning district approvals as a use by right, rather than a CUP. The two retail uses would also be allowed in C-3 zoning districts.



# Proposed Updates

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- Update Sec. 21-5249 in the following areas:
  - Updated as it relates to locational restrictions. The uses will still have to be 1000 feet from several uses, including schools, child care, alcohol and drug facilities, group homes, halfway houses, public park, and recreation center. Gone are the separations from like to like uses, fire station, uses outside city limits, private parks, fairgrounds, non-conforming residential uses, and community centers. All measurements are measured from property line to property line.



# Proposed Updates

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- Update Sec. 21-5249 in the following areas:
  - Updated as it relates to residential separations, all marijuana use types with the exception of the two retail stores use types must be a minimum of 1000 feet from residential properties. The two retail store use types must be a minimum of 500 feet from residential properties.



# Proposed Updates

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- Update Sec. 21-5249 in the following areas:
  - Updated language to reflect what happens when a “separated use” enters into an area AFTER an approved marijuana licensed business has been operational.
  - Updated as it relates to regulating signage and design, to help alleviate garish and out of control bright, reflective signs and buildings, while still allowing legal advertising devices.



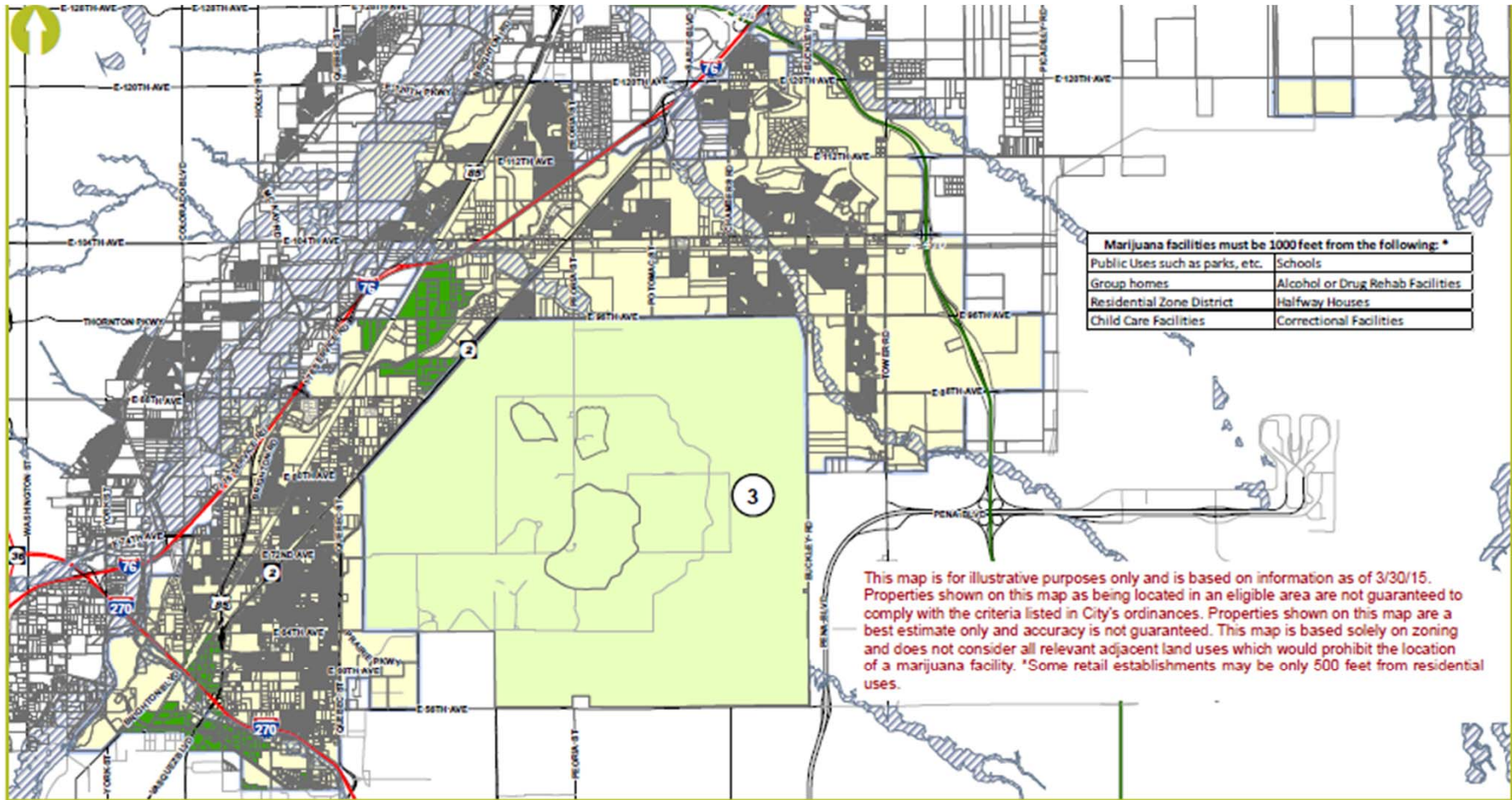
# Proposed Updates

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- Update Sec. 21-5249 in the following areas:
  - Updated as it relates to prohibited uses within the city, including outside and offsite storage and use, membership clubs, home occupations, vapor clubs, and mixed use developments.
- Update Sec. 21-11200 to reflect definitions for the marijuana use/license types.



# Updated Map for General Sub Areas



Marijuana facilities must be 1000 feet from the following: \*

Public Uses such as parks, etc.	Schools
Group homes	Alcohol or Drug Rehab Facilities
Residential Zone District	Halfway Houses
Child Care Facilities	Correctional Facilities

This map is for illustrative purposes only and is based on information as of 3/30/15. Properties shown on this map as being located in an eligible area are not guaranteed to comply with the criteria listed in City's ordinances. Properties shown on this map are a best estimate only and accuracy is not guaranteed. This map is based solely on zoning and does not consider all relevant adjacent land uses which would prohibit the location of a marijuana facility. \*Some retail establishments may be only 500 feet from residential uses.

**Legend**

- Eligible Parcels
- City Limits
- 100-year Floodplain

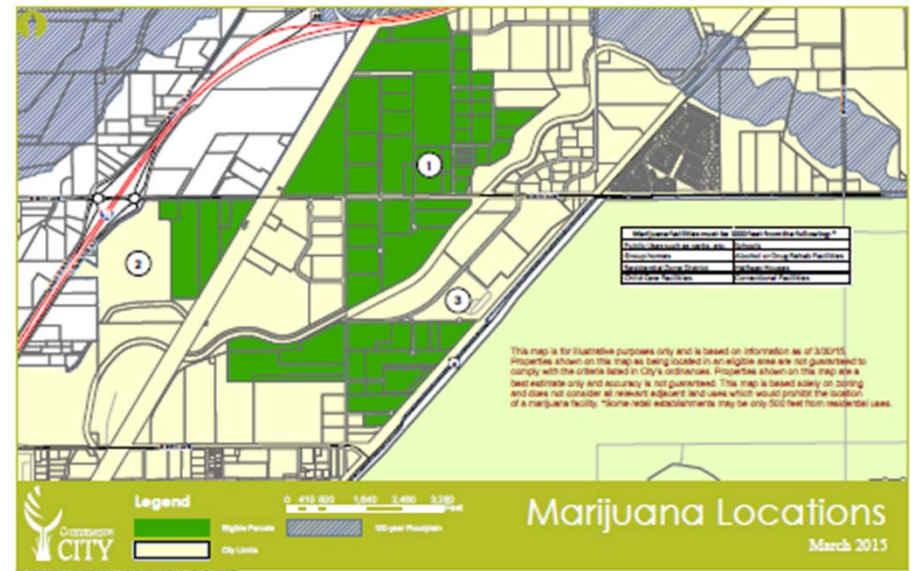
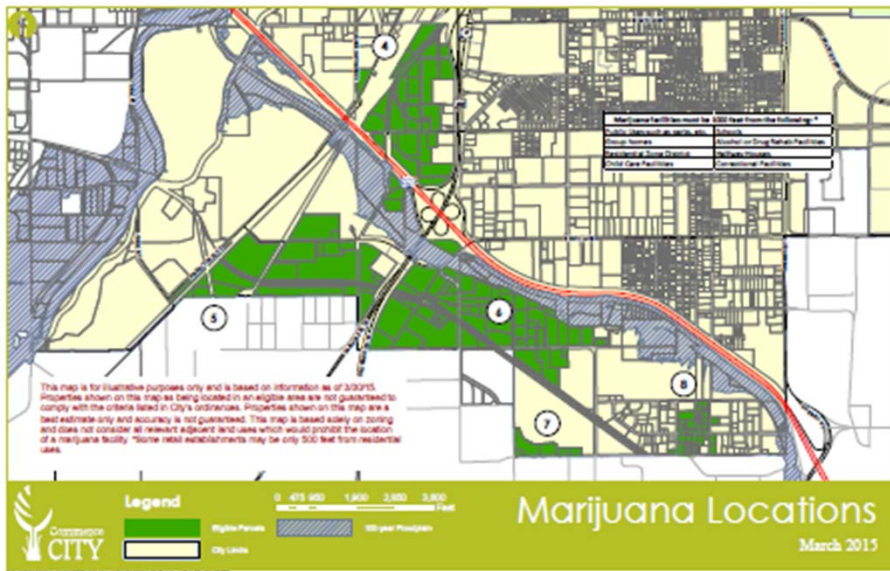
0 2,200 4,400 8,800 13,200 17,600 Feet

## Marijuana Locations

March 2015

Path: G:\Projects\MMU\_Locations\015 Marijuana Location Restrictions Citywide.mxd Author: CCL\_A\WACHK

# Updated Map for General Sub Areas



# Recommendation

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- On April 7, 2015, the Planning Commission reviewed the proposed amendments and voted 5-0 to recommend that the City Council approve Ordinance #2048.







Questions?

