



Legislation Details (With Text)

File #: Ord 2048 **Version:** 1 **Name:** Marijuana LDC Amendments
Type: Ordinance **Status:** Passed
File created: 2/23/2015 **In control:** City Council
On agenda: 6/1/2015 **Final action:** 6/1/2015
Title: AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE
Sponsors:
Indexes:
Code sections:
Attachments: 1. Ordinance Final, 2. Staff Report, 3. PC Minutes, 4. Exhibit A: Comparative License Types, 5. Exhibit B: Comparative Zoning Districts, 6. Exhibit C: Comparative Process, 7. Exhibit D: Comparative Hours of Operation, 8. Exhibit E: Comparative Current Separation Requirements, 9. Exhibit F: Existing LDC Code, 10. Exhibit G: Marijuana Comparison with Separation Changes, 11. Exhibit H: Marijuana Cluster Map (North) with New Regulations, 12. Exhibit I: Marijuana Cluster Map (South) with New Regulations, 13. Exhibit J: Powerpoint Presentation

Date	Ver.	Action By	Action	Result
6/1/2015	1	City Council	approved on second & final reading	
5/4/2015	1	City Council	introduced by council as seated and approved on first reading	Pass

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE

Summary and Background Information:

The Land Development Code (LDC) was adopted by City Council in January 2009 and became effective on March 1, 2009. The adoption of the LDC was a comprehensive update to the Commerce City Zoning Ordinance, which included a wide variety of topics related to development, land use, and procedures for development. The updated version has been a tremendous help to staff and applicants as development occurs in the city.

In late 2014, City Council asked staff to prepare land use and licensing regulations for recreational marijuana businesses. The City currently allows medical marijuana businesses, so recreational marijuana businesses would be in addition to medical marijuana. The proposed regulations highlight zone districts in which marijuana businesses should operate, separation requirements for marijuana businesses, and supplemental regulations that should apply for marijuana businesses within the city. If approved by City Council, these regulations will take effect in June of 2015.

The changes required to be included within the LDC are as follows:

- 1) Update Table V-1 to reflect all nine 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.
- 2) Update Sec. 21-5249 in the following areas:
 - a. Updated as it relates to locational restrictions. The marijuana uses will still have to be located at least 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.

b. Updated as it relates to residential separations, all marijuana use types with the exception of the two retail stores use types must be located a minimum of 1000 feet from residential properties. The two retail store use types must be a minimum of 500 feet from residential properties. Again, all measurements are measured from property line to property line.

c. Updated language to reflect what happens when a “separated use” enters into an area AFTER an approved marijuana licensed business has been operational.

d. 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.

e. 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.

3) Update Sec. 21-11200 to reflect definitions for the marijuana use/license types.

Please see attached Planning Commission minutes for detailed background and discussion

Staff Responsible (Department Head): Chris Cramer, Community Development Director

Staff Member Presenting: Steve Timms, Planning Manager

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation:

On April 6 ,2015, 2014, the Planning Commission held a public hearing, took testimony, and voted (5-0) to forward the ordinance request to City Council with a positive recommendation.

Alternative:

One option would be for City Council to approve the request as submitted by the applicant; a second option would be to approve the request subject to conditions; a third option would be for City Council to deny the request.