

ORDINANCE NO. 2625

INTRODUCED BY: CHACON, DOUGLAS, DOUGLAS, DUKES, FORD, KIM, MADERA, NOBLE, TETER

AN ORDINANCE AMENDING DIVISION 2 OF ARTICLE II OF CHAPTER 8 OF THE COMMERCE CITY REVISED MUNICIPAL CODE PERTAINING TO MARIJUANA BUSINESSES BY ADDING NEW LIMITS ON THE NUMBER OF RECREATIONAL AND MEDICAL RETAIL STORES ALLOWED IN THE CITY

WHEREAS, in 2015, the City Council enacted Ordinance No. 2050, which established regulations prescribing the manner in which marijuana businesses within the City of Commerce City (“City”) are licensed and how;

WHEREAS, such regulations are conducted as necessary and appropriate to protect the health, safety, and welfare of the residents, businesses, and property in the City;

WHEREAS, in 2023, City Council enacted Ordinance No. 2527 which created a twelve-month moratorium on new retail and medical marijuana stores in Wards I and II in the City to, in part, research adopting new and increased set-backs for marijuana businesses in the Land Development Code;

WHEREAS in 2024, City Council enacted Ordinance 2567 which extended the moratorium by an additional six months to, in part, allow staff to research parameters for and types of potential limits on the number of retail stores within the City;

WHEREAS, currently the majority of recreation and medical retail stores in the City are located in Wards I and II, south of 96th Avenue and City Council desires to more evenly distribute stores throughout the City and limit the proliferation of marijuana retail stores; and

WHEREAS, the City Council desires to update its regulations relating to the limit of the number of recreational and medical retail marijuana stores in the City as prescribed in Exhibit A to this Ordinance.

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

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendment. Division 2 of Article II of Chapter 8 of the Commerce City Revised Municipal Code is hereby amended as described in Exhibit A.

SECTION 3. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 16TH DAY OF DECEMBER, 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF JANUARY 2025.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A TO ORDINANCE 2625
(blue underline indicate additions, (...) indicates no changes)

DIVISION 2. APPLICATION AND LICENSING

(...)

Sec. 8-2215. Limit on Recreational Retail and Medical Retail Stores.

Retail marijuana store and medical marijuana retail store licenses, as defined in Colorado Revised Statutes Sec. 44-10-103, shall have the following limits on the number of licenses issued by geographic area:

- (a) The Marijuana Licensing Authority shall issue no more than four (4) retail or medical store licenses for any property located in Area 1, as defined below in section (c). Co-located licenses, as defined in Sec. 8-2319, shall count as one (1) license issued. If there is more than four (4) licensed retail or medical store licenses, the Authority shall not issue a new license until such time as there are less than four (4) licensed retail or medical stores in Area 1.
- (b) The Marijuana Licensing Authority shall issue no more than four (4) retail or medical store licenses for any property located in Area 2, as defined below in section (c). Co-located licenses, as defined in Sec. 8-2319, shall count as one (1) license issued. If there is more than four (4) licensed retail or medical store licenses, the Authority shall not issue a new license until such time there is less than four (4) licensed retail or medical stores in Area 2.
- (c) The boundary between Area 1 and Area 2 shall be from the western most point of 96th Avenue to the intersection of Buckley Road, then from the intersection of 96th Avenue and Buckley Road to the intersection of 80th Avenue and Buckley Road, then from the intersection of 80th Avenue and Buckley Road to the eastern most point of 80th Avenue. Area 1 shall be south and west of the boundary and Area 2 shall be north and east of the boundary.
- (d) For the purpose of this section, any local license issued at the time of adoption of this section and currently granted by the Authority shall continue to possess a local license until such time the license has been surrendered, has failed to renew as required by applicable law, or has been revoked by the Authority.