

# Marijuana Uses



## Facts to Know

### INTRODUCTION:

The City of Commerce City has adopted a new licensing program for both medical and retail marijuana businesses and amended its land development, building, and fire codes to support safe and thoughtful marijuana regulation. To operate legally, marijuana businesses will need to follow the city's regulations as well as those of the state.

The Land Development Code, Sec. 21-11200, defines nine Marijuana Business License types: 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.

### "Who does what?"

- Marijuana Licensing is managed through the Office of the City Clerk and is a good place to start your inquiry about marijuana businesses.
- As part of the licensing process, a Zoning Report is required to verify that a specific property meets the required separation distances. Zoning Reports for Marijuana Business are processed by the Planning Division of the Community Development Department.
- Building Permit reviews are processed by the Building Division of the Community Development Department.

### GENERAL TIMEFRAME:

- Check with the City Clerk's Office for the overall length of time for this process.
- Zoning Report review process takes a minimum of **3 days**.

### REVIEW PROCESS AND SUBMITTAL REQUIREMENTS FOR A ZONING REPORT:

- A zoning report application for Marijuana Businesses will be reviewed and processed by planning staff.
- Zoning Report review process cost is \$200 per address or property, whichever is applicable.
- Submittal requirements consist of 1 completed copy of the Zoning Report application and the non-refundable review fee, provided to the Community Development Department.
- Note: All land use reviews must be completed prior to receiving a zoning report.
- For more information regarding marijuana uses within Commerce City, please visit our website at <http://c3gov.com/marijuana>

# FTK: Marijuana Uses

## Relevant Land Development Code Sections:

Marijuana Development is governed by Sec. 21-5200 and Sec. 21-5249 of the Land Development Code, which is managed by the Planning Division of the Community Development Department.

**Sec. 21-5200. Land Use Table**

USES ALLOWED BY ZONING DISTRICT																		
R = ALLOWED BY RIGHT P = USE BY PERMIT C = CONDITIONAL USE OG = OIL & GAS PERMIT BLANK CELL = EXCLUDED																		
USE CLASSIFICATION	SPECIFIC USE TYPE	NAICS CODE	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	MU-1	I-1	I-2	I-3	AG	PUBLIC	ADDITIONAL REGULATIONS	
<b>AGRICULTURAL USES</b>																		
Marijuana Uses	Medical marijuana center									R		R	R	R			21-5249	
	Medical marijuana infused product manufacturer											R	R	R			21-5249	
	Optional premises cultivation operation											R	R	R			21-5249	
	Primary caregiver											R	R	R			21-5249	
	Retail marijuana cultivation facility											R	R	R			21-5249	
	Retail marijuana product manufacturing facility												R	R	R			21-5249
	Retail marijuana store										R		R	R	R			21-5249
	Retail marijuana testing facility												R	R	R			21-5249

**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. (See Colorado Dept. of Revenue Code of Regulations.)
- (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.

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