

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER WOODEN**  
**Council Bill No. 02**  
**Ordinance No.1563**  
**Series 2015**

**TITLE: AN ORDINANCE AMENDING CHAPTERS 5, 11 AND 26 OF THE WHEAT  
RIDGE CODE OF LAWS CONCERNING THE REGULATION OF MEDICAL  
MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA  
ESTABLISHMENTS**

**WHEREAS**, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to adopt ordinances for the regulation of land use and the protection of the public health, safety and welfare; and

**WHEREAS**, pursuant to the authority granted by Section 14, Article XVIII of the Colorado Constitution and the Colorado Medical Marijuana Code, Article 43.3, Title 12, C.R.S., the Wheat Ridge City Council ("Council") previously adopted local regulations governing medical marijuana establishments; and

**WHEREAS**, pursuant to the authority granted by Section 16, Article XVIII of the Colorado Constitution and the Colorado Retail Marijuana Code, Article 43.4, Title 12, C.R.S., the Council previously adopted local regulations governing retail marijuana establishments; and

**WHEREAS**, by City of Wheat Ridge Ordinance No. 1554, on August 18, 2014, the Council adopted a temporary moratorium on certain City approvals necessary to establish and operate marijuana establishments in the City for the purposes of permitting the Council to study and evaluate existing local regulations; and

**WHEREAS**, by City of Wheat Ridge Ordinance No. 1560, on October 27, 2014, the Council adopted an additional temporary moratorium on such approvals in order to permit the Council adequate time to carefully study the many issues implicated by the regulation of marijuana-related businesses; and

**WHEREAS**, the Council has completed its study of such issues and now desires to amend certain provisions of Chapters 5, 11 and 26 of the Wheat Ridge Municipal Code ("Code"), concerning the regulation of both medical marijuana establishments and retail marijuana establishments, as further set forth herein.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Section 11-296 of the Code, concerning application for a medical marijuana business license, is hereby amended as follows:

**Sec. 11-296. - Application for license.**

- (a) A person seeking to obtain a license pursuant to this division shall file an application with the local licensing authority on a form provided by the state, A SIGN APPLICATION and ~~shall include~~ all additional information required by the Colorado Medical Marijuana Code. IF PROPOSED SIGNAGE IS NOT AVAILABLE AT THE TIME OF INITIAL APPLICATION, AN APPLICANT MAY FILE THE SIGN APPLICATION AS SOON AS PRACTICAL. NO PERMANENT OR TEMPORARY SIGNAGE MAY BE INSTALLED OR LOCATED ON THE PROPERTY UNTIL APPROVED BY THE CITY. SEE SECTION 26-708.H.
- (b) The local licensing authority is hereby authorized to request any applicant to provide information that is in addition to the requirements of the Colorado Medical Marijuana Code if it determines that such information is reasonably necessary to complete the investigation and review of the application.

**Section 2.** Section 11-298 of the Code, concerning the issuance of medical marijuana business licenses, is hereby amended as follows:

**Sec. 11-298. - Standards for approval of license; no hearing required; MAXIMUM NUMBER OF LICENSES.**

- (a) The local licensing authority is authorized to administratively approve any license under this division so long as the following conditions are met:
  - (1) The application (including any required attachments and submissions) is complete and signed by the applicant;
  - (2) The applicant has paid the application fee and any other fees required by this Code;
  - (3) The application does not contain a material falsehood or misrepresentation;
  - (4) The application complies with all of the requirements of this division and the Colorado Medical Marijuana Code; ~~and~~
  - (5) The licensing authority has received written approval from the city police department as to the applicant's criminal background; ;
  - (6) The licensing authority has received written approval from the community development department that the location and zoning



requirements imposed by this division and section 26-204 of this Code have been met; AND

- (7) THE PROPOSED LOCATION, IF APPROVED, WILL NOT EXCEED THE MAXIMUM NUMBER OF LICENSED LOCATIONS PERMITTED IN THE CITY.
  - a. THE MAXIMUM TOTAL NUMBER OF MEDICAL MARIJUANA CENTERS AND RETAIL MARIJUANA STORES IN THE CITY SHALL NOT EXCEED FIVE (5). FOR PURPOSES OF THIS PARAGRAPH, A RETAIL MARIJUANA STORE AND A MEDICAL MARIJUANA CENTER COLOCATED IN ACCORDANCE WITH SECTION 11-415(C) SHALL BE COUNTED AS ONE (1) STORE/CENTER.
  - b. THE MAXIMUM TOTAL NUMBER OF MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURERS AND RETAIL MARIJUANA PRODUCTS MANUFACTURERS IN THE CITY SHALL NOT EXCEED THREE (3). FOR PURPOSES OF THIS PARAGRAPH, A RETAIL MARIJUANA PRODUCTS MANUFACTURER AND A MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURE COLOCATED IN ACCORDANCE WITH SECTION 11-415(B) SHALL BE COUNTED AS ONE (1) MANUFACTURER.
- (b) The local licensing authority may, but is not required to hold a hearing as permitted by C.R.S. § 12-43.3-302 prior to granting a medical marijuana license.
- (C) THE LOCAL LICENSING AUTHORITY SHALL ADMINISTER THE MAXIMUM NUMBER OF LICENSED LOCATIONS AS FOLLOWS:
  - (1) WHEN A LICENSE BECOMES AVAILABLE WITHIN THE MAXIMUM NUMBERS ESTABLISHED BY PARAGRAPH (A)(7) ABOVE, THE CITY SHALL DECLARE THAT A VACANCY EXISTS AND PUBLISH NOTICE OF THE VACANCY ON THE CITY'S WEBSITE AND POST SUCH NOTICE AT THE CITY'S OFFICIAL POSTING PLACES. THE DETERMINATION AND DECLARATION OF A VACANCY SHALL BE IN THE CITY'S SOLE AND ABSOLUTE DISCRETION. THE NOTICE OF VACANCY SHALL PROVIDE THAT INTERESTED PARTIES MUST FILE A LETTER OF INTENT WITH THE CITY WITHIN THIRTY (30) DAYS OF THE DATE OF NOTICE.
  - (2) THE CITY SHALL ACCEPT LETTERS OF INTENT FROM INTERESTED PARTIES FOR THIRTY (30) DAYS FROM THE DATE

OF THE NOTICE OF VACANCY. LETTERS OF INTENT MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION:

- A. THE TYPE OF MEDICAL MARIJUANA ESTABLISHMENT OR RETAIL MARIJUANA ESTABLISHMENT PROPOSED. THE PROPOSED ESTABLISHMENT MUST BE ONE ELIGIBLE TO OBTAIN A CITY LICENSE PURSUANT TO ARTICLES XII AND/OR XIII OF CHAPTER 11.
  - B. THE PROPOSED LOCATION OF THE ESTABLISHMENT.
  - C. WRITTEN PERMISSION OF THE OWNER OF THE PROPERTY, IF THE OWNER IS NOT THE INTERESTED PARTY, TO CONDUCT THE PROPOSED ESTABLISHMENT AT THE LOCATION.
- (3) IF MORE THAN ONE (1) COMPLETE LETTER OF INTENT IS TIMELY FILED, THE CITY SHALL SELECT ONE (1) LETTER TO CONTINUE PROCESSING BY LOTTERY. ALL POTENTIAL APPLICANTS IN THE LOTTERY SHALL BE NOTIFIED OF THE TIME AND PLACE THAT LOTS SHALL BE DRAWN AND MAY ATTEND AND OBSERVE THE PROCESS. IF THE CITY DOES NOT RECEIVE ANY LETTERS OF INTENT WITHIN THE INITIAL THIRTY (30) DAY RESPONSE PERIOD, THE CITY SHALL MAINTAIN THE NOTICE OF VACANCY ON THE CITY'S WEBSITE. THE NOTICE OF VACANCY SHALL BE AMENDED TO REFLECT THAT THE INITIAL RESPONSE PERIOD HAS LAPSED AND THAT LETTERS OF INTENT WILL NOW BE ACCEPTED AND PROCESSED BY THE CITY IN THE ORDER RECEIVED. IF MORE THAN ONE LETTER OF INTENT IS THEREAFTER RECEIVED BY CITY ON THE SAME DATE, THE LOTTERY PROCESS SET FORTH ABOVE SHALL BE USED TO SELECT ONE (1) LETTER TO CONTINUE PROCESSING.
- (4) THE SOLE OR SELECTED APPLICANT MUST FILE A COMPLETE LICENSE APPLICATION AS REQUIRED BY CHAPTER 11 AND A COMPLETE SPECIAL USE PERMIT APPLICATION, IF REQUIRED PURSUANT TO SECTION 26-204, WITHIN SIXTY (60) DAYS OF:
- A. THE DATE THE APPLICANT IS SELECTED BY LOTTERY, IF SO SELECTED;
  - B. THE EXPIRATION OF THE INITIAL THIRTY (30) DAY RESPONSE PERIOD IF THE APPLICANT IS THE ONLY PARTY THAT HAS FILED A TIMELY LETTER OF INTENT; OR



C. THE DATE OF THE APPLICANT'S LETTER OF INTENT IF SUBMITTED AFTER THE INITIAL THIRTY (30) DAY RESPONSE PERIOD.

(5) THE SOLE OR SELECTED APPLICANT MUST OBTAIN THE CITY BUSINESS LICENSE REQUIRED BY CHAPTER 11 AND OBTAIN A SPECIAL USE PERMIT, IF REQUIRED BY SECTION 26-204, WITHIN ONE HUNDRED EIGHTY (180) DAYS OF THE APPLICABLE DATE SET FORTH UNDER PARAGRAPH (C)(4) ABOVE.

(6) AN APPLICANT'S FAILURE TO MEET THE DEADLINES SET FORTH UNDER THIS SUBSECTION OR TO TIMELY FILE THE MATERIALS AND INFORMATION NECESSARY TO COMPLY WITH THE SPECIAL USE PERMIT PROCESS, IF APPLICABLE, OR THE CITY BUSINESS LICENSE PROCESS, AS DETERMINED BY THE CITY IN ITS ABSOLUTE AND SOLE DISCRETION, SHALL RESULT IN THE REJECTION OF HIS OR HER APPLICATION AND THE GENERATION OF A NEW NOTICE OF VACANCY, IN ACCORDANCE WITH PARAGRAPH (C)(1) ABOVE.

**Section 3.** Subsection 11-305 of the Code, concerning prohibited locations of medical marijuana businesses, is hereby amended as follows:

**Sec. 11-305. - Prohibited locations.**

(a) Except as provided in subsection (g) of this section, no medical marijuana establishment shall be located at a location that does not conform to the requirements of this section.

(b) No medical marijuana center or medical marijuana-infused product manufacturer shall be located within one thousand (1,000) feet of a school, an alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential child care facility. NO MEDICAL MARIJUANA CENTER SHALL BE LOCATED WITHIN ONE THOUSAND (1,000) FEET OF AN IMPROVED CITY PARK OR THE WHEAT RIDGE RECREATION CENTER. FOR PURPOSES OF THIS SUBSECTION, *IMPROVED CITY PARK* DOES NOT MEAN OR INCLUDE PROPERTIES HELD BY THE CITY AND/OR JEFFERSON COUNTY FOR THE PURPOSES OF PASSIVE RECREATION, INCLUDING BUT NOT LIMITED TO THE CLEAR CREEK GREENBELT. ~~This~~ THESE limitationS will be computed by direct AERIAL measurement from the nearest property line of the land used for a school, treatment facility, campus, or residential child care facility, IMPROVED CITY PARK OR THE WHEAT RIDGE RECREATION CENTER to the nearest PROPERTY LINE OF THE LAND ON ~~portion of the building in which the center or manufacturer is to be located, using the most direct route of~~

~~pedestrian access, as determined by the community development director.~~  
Medical marijuana establishments that were lawfully in existence at a specific location within the city as of the effective date of this section shall not be subject to the prohibition at that location.

- (c) No medical marijuana center shall be located within three-quarters ( $\frac{3}{4}$ ) of a mile of another medical marijuana center or within three-quarters ( $\frac{3}{4}$ ) of a mile of a retail marijuana store unless the medical marijuana center and the retail marijuana store are operating a dual retail business as described in section 11-415. This limitation will be measured using a ~~straight~~ DIRECT AERIAL line from the perimeter of the parcel where a proposed medical marijuana center will be located to the perimeter of the parcel upon which the existing center or store is located. Medical marijuana establishments that were lawfully in existence at a specific location within the city as of the effective date of this section shall not be subject to the prohibition at that location.
- (d) No medical marijuana-infused product manufacturer shall be located within one-quarter ( $\frac{1}{4}$ ) of a mile of another medical marijuana-infused product manufacturer or a retail marijuana products manufacturer unless the medical marijuana-infused product manufacturer and retail marijuana products manufacturer are operating as a dual manufacturing business as described in section 11-415. This limitation will be measured using a ~~straight~~ DIRECT AERIAL line from the perimeter of the parcel where a proposed manufacturer will be located to the perimeter of the parcel upon which the existing medical marijuana-infused product manufacturer or a retail marijuana products manufacturer is located.
- (e) No person shall operate an optional premises cultivation operation within the city unless the licensed premises of the person's optional premises cultivation operation are contiguous with the licensed premises of the person's medical marijuana center license and/or the person's medical marijuana-infused products manufacturing license. THE TOTAL COMBINED GROSS SQUARE FOOTAGE OF AN OPTIONAL PREMISES CULTIVATION OPERATION AND ANY MEDICAL MARIJUANA CULTIVATION FACILITY COLOCATED THEREWITH MAY NOT EXCEED FIVE THOUSAND (5,000) SQUARE FEET ON THE ENTIRE LICENSED PREMISE. SEE, SECTION 26-204.
- (f) Each medical marijuana establishment shall be operated from a permanent location. Except as permitted by the Medical Marijuana Code, no medical marijuana establishment shall be licensed to operate from a moveable, mobile, or transitory location.
- (g) The suitability of a location for a medical marijuana establishment shall be determined at the time of the issuance of the first license for such



establishment. The fact that changes in the neighborhood that occur after the issuance of the first license might render the site unsuitable for a medical marijuana establishment under this section shall not be grounds to suspend, revoke, or refuse to renew the license for such establishment so long as the license for the establishment remains in effect.

**Section 4.** Section 11-306 of the Code, concerning signage requirements for medical marijuana businesses, is hereby amended as follows:

**Sec. 11-306. - Signage.**

- (a) All signage for a medical marijuana establishment shall comply with the requirements of chapter 26 of this Code.
- (b) ~~No licensee shall display a sign for the medical marijuana establishment that contains the word "marijuana," "cannabis," or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded or followed by the word "medical."~~ EXCEPT AS OTHERWISE PROVIDED HEREIN, IT SHALL BE UNLAWFUL FOR ANY MEDICAL MARIJUANA ESTABLISHMENT TO ENGAGE IN ADVERTISING THAT IS VISIBLE TO MEMBERS OF THE PUBLIC FROM ANY STREET, SIDEWALK, PARK OR OTHER PUBLIC PLACE, INCLUDING ADVERTISING UTILIZING ANY OF THE FOLLOWING MEDIA: ANY BILLBOARD OR OTHER OUTDOOR GENERAL ADVERTISING DEVICE; ANY SIGN MOUNTED ON A VEHICLE; ANY HAND-HELD OR OTHER PORTABLE SIGN; OR ANY HANDBILL, LEAFLET OR FLIER DIRECTLY HANDED TO ANY PERSON IN A PUBLIC PLACE, LEFT UPON A MOTOR VEHICLE, OR POSTED UPON ANY PUBLIC OR PRIVATE PROPERTY. THESE PROHIBITIONS SHALL NOT APPLY TO ANY FIXED SIGN THAT IS LOCATED ON THE SAME LOT AS A MEDICAL MARIJUANA ESTABLISHMENT AND THAT EXISTS SOLELY FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE MEDICAL MARIJUANA ESTABLISHMENT AND OTHERWISE COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THIS CODE.
- (C) A MEDICAL MARIJUANA ESTABLISHMENT SHALL NOT INCLUDE IN ANY FORM OF SIGNAGE ANY CONTENT THAT SPECIFICALLY TARGETS INDIVIDUALS UNDER THE AGE OF 21, INCLUDING BUT NOT LIMITED TO CARTOON CHARACTERS OR SIMILAR IMAGES.
- (D) A MEDICAL MARIJUANA ESTABLISHMENT SHALL NOT INCLUDE IN ANY FORM OF SIGNAGE ANY CONTENT THAT IS DECEPTIVE, FALSE, OR MISLEADING.

(E) A MEDICAL MARIJUANA ESTABLISHMENT SHALL NOT DISPLAY A SIGN THAT DEPICTS THE LEAF OF THE MARIJUANA PLANT OR AN IMAGE RESEMBLING THE SAME.

(F) A MEDICAL MARIJUANA ESTABLISHMENT SHALL NOT DISPLAY A SIGN THAT CONTAINS A GREEN CROSS GRAPHIC IN EXCESS OF TWO (2) FEET HIGH BY TWO (2) FEET WIDE.

**Section 5.** Section 11-406 of the Code, concerning application for a retail marijuana business license, is hereby amended as follows:

**Sec. 11-406. - Application for license.**

(a) A person seeking to obtain a license pursuant to this division shall file an application with the local licensing authority on a form provided by the state, A SIGN APPLICATION and ~~shall include~~ all additional information required by the Colorado Retail Marijuana Code. IF PROPOSED SIGNAGE IS NOT AVAILABLE AT THE TIME OF INITIAL APPLICATION, AN APPLICANT MAY FILE THE SIGN APPLICATION AS SOON AS PRACTICAL. NO PERMANENT OR TEMPORARY SIGNAGE MAY BE INSTALLED OR LOCATED ON THE PROPERTY UNTIL APPROVED BY THE CITY. SEE SECTION 26-708.H.

(b) The local licensing authority is hereby authorized to request any applicant to provide information that is in addition to the requirements of the Colorado RETAIL Marijuana Code if it determines that such information is reasonably necessary to complete the investigation and review of the application.

**Section 6.** Section 11-408 of the Code, concerning the issuance of retail marijuana business licenses, is hereby amended as follows:

**Sec. 11-408. - Standards for approval of license, no hearing required; MAXIMUM NUMBER OF LICENSES.**

(a) The local licensing authority is authorized to administratively approve any license under this article so long as the following conditions are met:

(1) The application (including any required attachments and submissions) is complete and signed by the applicant;

(2) The applicant has paid the operating fee and any other fees required by this Code;



- (3) The application does not contain a material falsehood or misrepresentation;
- (4) The application complies with all of the requirements of this article and the Colorado Retail Marijuana Code; ~~and~~
- (5) The licensing authority has received written approval from the city police department as to the applicant's criminal background; ;
- (6) The licensing authority has received written approval from the community development department that the location and zoning requirements imposed by this article and section 26-204 of the Code have been met; AND
- (7) THE PROPOSED LOCATION, IF APPROVED, WILL NOT EXCEED THE MAXIMUM NUMBER OF LICENSED LOCATIONS PERMITTED IN THE CITY.
  - a. THE MAXIMUM TOTAL NUMBER OF RETAIL MARIJUANA STORES AND MEDICAL MARIJUANA CENTERS IN THE CITY SHALL NOT EXCEED FIVE (5). FOR PURPOSES OF THIS PARAGRAPH, A RETAIL MARIJUANA STORE AND A MEDICAL MARIJUANA CENTER COLOCATED IN ACCORDANCE WITH SECTION 11-415(C) SHALL BE COUNTED AS ONE (1) STORE/CENTER.
  - b. THE MAXIMUM TOTAL NUMBER OF RETAIL MARIJUANA PRODUCTS MANUFACTURERS AND MEDICAL IN THE CITY SHALL NOT EXCEED THREE (3). FOR PURPOSES OF THIS PARAGRAPH, A RETAIL MARIJUANA PRODUCTS MANUFACTURER AND A MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURER COLOCATED IN ACCORDANCE WITH SECTION 11-415(B) SHALL BE COUNTED AS ONE (1) MANUFACTURER.
- (b) The local licensing authority may, but is not required to hold a hearing as permitted by C.R.S. § 12-43.4-412 prior to granting a retail marijuana establishment license.
- (c) The local licensing authority shall inform the state licensing authority of approval of an application for a license.
- (D) THE LOCAL LICENSING AUTHORITY SHALL ADMINISTER THE MAXIMUM NUMBER OF LICENSED LOCATIONS AS FOLLOWS:

- (1) WHEN A LICENSE BECOMES AVAILABLE WITHIN THE MAXIMUM NUMBERS ESTABLISHED BY PARAGRAPH (A)(7) ABOVE, THE CITY SHALL DECLARE THAT A VACANCY EXISTS AND PUBLISH NOTICE OF THE VACANCY ON THE CITY'S WEBSITE AND POST SUCH NOTICE AT THE CITY'S OFFICIAL POSTING PLACES. THE DETERMINATION AND DECLARATION OF A VACANCY SHALL BE IN THE CITY'S SOLE AND ABSOLUTE DISCRETION. THE NOTICE OF VACANCY SHALL PROVIDE THAT INTERESTED PARTIES MUST FILE A LETTER OF INTENT WITH THE CITY WITHIN THIRTY (30) DAYS OF THE DATE OF NOTICE.
- (2) THE CITY SHALL ACCEPT LETTERS OF INTENT FROM INTERESTED PARTIES FOR THIRTY (30) DAYS FROM THE DATE OF THE NOTICE OF VACANCY. LETTERS OF INTENT MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION:
  - A. THE TYPE OF MEDICAL MARIJUANA ESTABLISHMENT OR RETAIL MARIJUANA ESTABLISHMENT PROPOSED. THE PROPOSED ESTABLISHMENT MUST BE ONE ELIGIBLE TO OBTAIN A CITY LICENSE PURSUANT TO ARTICLES XII AND/OR XIII OF CHAPTER 11.
  - B. THE PROPOSED LOCATION OF THE ESTABLISHMENT.
  - C. WRITTEN PERMISSION OF THE OWNER OF THE PROPERTY, IF THE OWNER IS NOT THE INTERESTED PARTY, TO CONDUCT THE PROPOSED ESTABLISHMENT AT THE LOCATION.
- (3) IF MORE THAN ONE (1) COMPLETE LETTER OF INTENT IS TIMELY FILED, THE CITY SHALL SELECT ONE (1) LETTER TO CONTINUE PROCESSING BY LOTTERY. ALL POTENTIAL APPLICANTS IN THE LOTTERY SHALL BE NOTIFIED OF THE TIME AND PLACE THAT LOTS SHALL BE DRAWN AND MAY ATTEND AND OBSERVE THE PROCESS. IF THE CITY DOES NOT RECEIVE ANY LETTERS OF INTENT WITHIN THE INITIAL THIRTY (30) DAY RESPONSE PERIOD, THE CITY SHALL MAINTAIN THE NOTICE OF VACANCY ON THE CITY'S WEBSITE. THE NOTICE OF VACANCY SHALL BE AMENDED TO REFLECT THAT THE INITIAL RESPONSE PERIOD HAS LAPSED AND THAT LETTERS OF INTENT WILL NOW BE ACCEPTED AND PROCESSED BY THE CITY IN THE ORDER RECEIVED. IF MORE THAN ONE LETTER OF INTENT IS THEREAFTER RECEIVED BY CITY ON THE SAME DATE, THE LOTTERY PROCESS SET FORTH ABOVE SHALL BE USED TO SELECT ONE (1) LETTER TO CONTINUE PROCESSING.



(4) THE SOLE OR SELECTED APPLICANT MUST FILE A COMPLETE LICENSE APPLICATION AS REQUIRED BY CHAPTER 11 AND A COMPLETE SPECIAL USE PERMIT APPLICATION, IF REQUIRED PURSUANT TO SECTION 26-204, WITHIN SIXTY (60) DAYS OF:

A. THE DATE THE APPLICANT IS SELECTED BY LOTTERY, IF SO SELECTED;

B. THE EXPIRATION OF THE INITIAL THIRTY (30) DAY RESPONSE PERIOD IF THE APPLICANT IS THE ONLY PARTY THAT HAS FILED A TIMELY LETTER OF INTENT; OR

C. THE DATE OF THE APPLICANT'S LETTER OF INTENT IF SUBMITTED AFTER THE INITIAL THIRTY (30) DAY RESPONSE PERIOD.

(5) THE SOLE OR SELECTED APPLICANT MUST OBTAIN THE CITY BUSINESS LICENSE REQUIRED BY CHAPTER 11 AND OBTAIN A SPECIAL USE PERMIT, IF REQUIRED BY SECTION 26-204, WITHIN ONE HUNDRED EIGHTY (180) DAYS OF THE APPLICABLE DATE SET FORTH UNDER PARAGRAPH (D)(4) ABOVE.

(6) AN APPLICANT'S FAILURE TO MEET THE DEADLINES SET FORTH UNDER THIS SUBSECTION (D) OR TO TIMELY FILE THE MATERIALS AND INFORMATION NECESSARY TO COMPLY WITH THE SPECIAL USE PERMIT PROCESS, IF APPLICABLE, OR THE CITY BUSINESS LICENSE PROCESS, AS DETERMINED BY THE CITY IN ITS ABSOLUTE AND SOLE DISCRETION, SHALL RESULT IN THE REJECTION OF HIS OR HER APPLICATION AND THE GENERATION OF A NEW NOTICE OF VACANCY, IN ACCORDANCE WITH PARAGRAPH (D)(1) ABOVE.

**Section 7.** Section 11-416 of the Code, concerning prohibited locations of retail marijuana businesses, is hereby amended as follows:

**Sec. 11-416. - Prohibited locations.**

(a) Except as provided in subsection (h) of this section, no retail marijuana establishment shall be located at a location that does not conform to the requirements of this section.

(b) No retail marijuana store or retail marijuana products manufacturer shall be located within one thousand (1,000) feet of a school, an alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential child care facility. NO RETAIL MARIJUANA STORE SHALL BE LOCATED WITHIN ONE THOUSAND (1,000) FEET

OF AN IMPROVED CITY PARK OR THE WHEAT RIDGE RECREATION CENTER. FOR PURPOSES OF THIS SUBSECTION, *IMPROVED CITY PARK* DOES NOT MEAN OR INCLUDE PROPERTIES HELD BY THE CITY AND/OR JEFFERSON COUNTY FOR THE PURPOSES OF PASSIVE RECREATION, INCLUDING BUT NOT LIMITED TO THE CLEAR CREEK GREENBELT. ~~This~~ THESE limitationS will be computed by direct AERIAL measurement from the nearest property line of the land used for a school, alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential child care facility, OR AN IMPROVED CITY PARK OR THE WHEAT RIDGE RECREATION CENTER to the nearest ~~portion of the building in~~ PROPERTY LINE OF THE LAND ON which the store or manufacturer is to be located, ~~using the most direct route of pedestrian access, as determined by the community development director.~~

- (c) No retail marijuana store shall be located within three-quarters ( $\frac{3}{4}$ ) of a mile of another retail marijuana store. This limitation will be measured using a ~~straight~~ DIRECT AERIAL line from the perimeter of the parcel where a proposed retail marijuana store will be located to the perimeter of the parcel upon which the existing retail marijuana store is located. This limitation shall apply to retail marijuana stores whether they ARE located within or outside of the city limits.
- (d) No retail marijuana store shall be located within three-quarters ( $\frac{3}{4}$ ) of a mile of a medical marijuana center unless the retail marijuana store and the medical marijuana center are operating a dual retail business as described in section 11-415. This limitation will be measured using a ~~straight~~ DIRECT AERIAL line from the perimeter of the parcel where a proposed retail marijuana store will be located to the perimeter of the parcel upon which the existing medical marijuana center is located. This limitation shall apply to retail marijuana stores and medical marijuana centers whether they are located within or outside of the city limits.
- (e) No retail marijuana products manufacturer shall be located within one-quarter ( $\frac{1}{4}$ ) of a mile of another retail marijuana products manufacturer or medical marijuana-infused product manufacturer unless the medical marijuana-infused product manufacturer and retail marijuana products manufacturer are operating as a dual manufacturing business as described in section 11-415. This limitation will be measured using a ~~straight~~ DIRECT AERIAL line from the perimeter of the parcel where a proposed retail marijuana products manufacturer will be located to the perimeter of the parcel upon which the existing retail marijuana products manufacturer or medical marijuana-infused product manufacturer is located.



- (f) No person shall operate a retail marijuana cultivation facility within the city unless the licensed premises of the person's retail marijuana cultivation facility are contiguous with the licensed premises of the person's retail marijuana store license and/or the person's retail marijuana products manufacturing license. THE TOTAL COMBINED GROSS SQUARE FOOTAGE OF A RETAIL MARIJUANA CULTIVATION FACILITY AND ANY OPTIONAL PREMISES CULTIVATION OPERATION COLOCATED THEREWITH MAY NOT EXCEED FIVE THOUSAND (5,000) SQUARE FEET ON THE ENTIRE LICENSED PREMISE. SEE, SECTION 26-204.
- (g) Each retail marijuana establishment shall be operated from a permanent location. No retail marijuana establishment shall be licensed to operate from a moveable, mobile, or transitory location.
- (h) The suitability of a location for a retail marijuana establishment shall be determined at the time of the issuance of the first license for such establishment. The fact that changes in the neighborhood that occur after the issuance of the first license might render the site unsuitable for a retail marijuana establishment under this section shall not be grounds to suspend, revoke or refuse to renew the license for such establishment so long as the license for the establishment remains in effect.

**Section 8.** Section 11-417 of the Code, concerning signage requirements for retail marijuana businesses, is hereby amended as follows:

**Sec. 11-417. - Signage.**

- (A) All signage for a retail marijuana establishment shall comply with the requirements of Chapter 26 of this Code and the Colorado Retail Marijuana Code.
- (B) EXCEPT AS OTHERWISE PROVIDED HEREIN, IT SHALL BE UNLAWFUL FOR ANY RETAIL MARIJUANA ESTABLISHMENT TO ENGAGE IN ADVERTISING THAT IS VISIBLE TO MEMBERS OF THE PUBLIC FROM ANY STREET, SIDEWALK, PARK OR OTHER PUBLIC PLACE, INCLUDING ADVERTISING UTILIZING ANY OF THE FOLLOWING MEDIA: ANY BILLBOARD OR OTHER OUTDOOR GENERAL ADVERTISING DEVICE; ANY SIGN MOUNTED ON A VEHICLE; ANY HAND-HELD OR OTHER PORTABLE SIGN; OR ANY HANDBILL, LEAFLET OR FLIER DIRECTLY HANDED TO ANY PERSON IN A PUBLIC PLACE, LEFT UPON A MOTOR VEHICLE, OR POSTED UPON ANY PUBLIC OR PRIVATE PROPERTY. THESE PROHIBITIONS SHALL NOT APPLY TO ANY FIXED SIGN THAT IS LOCATED ON THE SAME LOT AS A RETAIL MARIJUANA ESTABLISHMENT AND THAT EXISTS SOLELY FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE RETAIL MARIJUANA

ESTABLISHMENT AND OTHERWISE COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THIS CODE.

- (C) A RETAIL MARIJUANA ESTABLISHMENT SHALL NOT INCLUDE IN ANY FORM OF SIGNAGE ANY CONTENT THAT SPECIFICALLY TARGETS INDIVIDUALS UNDER THE AGE OF 21, INCLUDING BUT NOT LIMITED TO CARTOON CHARACTERS OR SIMILAR IMAGES.
- (D) A RETAIL MARIJUANA ESTABLISHMENT SHALL NOT INCLUDE IN ANY FORM OF SIGNAGE ANY CONTENT THAT IS DECEPTIVE, FALSE, OR MISLEADING.
- (E) A RETAIL MARIJUANA ESTABLISHMENT SHALL NOT DISPLAY A SIGN THAT DEPICTS THE LEAF OF THE MARIJUANA PLANT OR AN IMAGE RESEMBLING THE SAME.
- (F) A RETAIL MARIJUANA ESTABLISHMENT SHALL NOT DISPLAY A SIGN THAT CONTAINS A GREEN CROSS GRAPHIC IN EXCESS OF TWO (2) FEET HIGH BY TWO (2) FEET WIDE.

**Section 9.** Section 26-204 of the Code, concerning the zone district use schedule, is hereby amended by amending the following portions of the Table of Uses – Commercial and Industrial Districts as follows:

Table of Uses – Commercial and Industrial Districts

Uses	Notes	NC	RC	C-1	C-2	IE
Medical marijuana centers	SUPS NOT TRANSFERABLE WITHOUT CITY APPROVAL. SEE § 26-114.G.2.			P S		P
Medical Marijuana – Optional premises cultivation operation ASSOCIATED WITH MEDICAL MARIJUANA CENTERS	5,000 COMBINED TOTAL SQUARE FEET MAXIMUM; SEE § 11-305(E)			P S		P
MEDICAL MARIJUANA – OPTIONAL PREMISES CULTIVATION OPERATION ASSOCIATED WITH MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURERS	5,000 COMBINED TOTAL SQUARE FEET MAXIMUM; SEE § 11-305(E)					P



Retail marijuana cultivation facility ASSOCIATED WITH RETAIL MARIJUANA CENTERS	5,000 COMBINED TOTAL SQUARE FEET MAXIMUM; SEE § 11-416(F)			P S		P
RETAIL MARIJUANA CULTIVATION FACILITY ASSOCIATED WITH RETAIL MARIJUANA PRODUCT MANUFACTURERS	5,000 COMBINED TOTAL SQUARE FEET MAXIMUM; SEE § 11-416(F)					P
Retail marijuana stores	SUPS NOT TRANSFERABLE WITHOUT CITY APPROVAL. SEE § 26-114.G.2.			P S		P

**Section 10.** Subsection 26-114.G. of the Code, concerning the term of special uses, is hereby amended as follows:

G. Term.

1. A special use permit is valid so long as the conditions of approval are maintained by the applicant, unless a specific time limit for the use or development is set forth as part of the permit approval by the community development director or city council. EXCEPT AS OTHERWISE PROVIDED HEREIN, If an approved special use ceases operation for any reason for a period of one (1) year, the special use permit shall be deemed expired, unless otherwise provided in the permit itself. IF AN APPROVED SPECIAL USE FOR A MEDICAL MARIJUANA CENTER, RETAIL MARIJUANA STORE OR COLOCATED CENTER AND STORE CEASES OPERATION FOR ANY REASON FOR A PERIOD OF SIX (6) MONTHS, THE SPECIAL USE PERMIT SHALL BE DEEMED EXPIRED, UNLESS OTHERWISE PROVIDED IN THE PERMIT ITSELF.
2. If the conditions of a special use permit become the responsibility of a person or entity other than the applicant, the community development department shall be notified in writing, identifying the new person or entity responsible for maintaining the conditions of the permit. Until such notice is received, the applicant shall remain responsible for maintaining those conditions. The notice shall be attached to the

permit on file with the community development department. A SPECIAL USE PERMIT FOR A MEDICAL MARIJUANA CENTER, A RETAIL MARIJUANA STORE OR A COLOCATED CENTER AND STORE MAY BE TRANSFERRED TO A PERSON OR ENTITY OTHER THAN THE ORIGINAL APPLICANT ONLY UPON THE REVIEW AND APPROVAL OF THE COMMUNITY DEVELOPMENT DIRECTOR. IT SHALL BE THE BURDEN OF THE PROPOSED NEW PERMIT HOLDER TO DEMONSTRATE THAT ITS CONTINUATION OF THE SPECIAL USE SHALL MEET THE SPECIAL USE REVIEW CRITERIA SET FORTH IN SECTION 26-114.D.

**Section 11.** Section 26-708 of the Code, concerning miscellaneous sign code provisions, is hereby amended by the addition of a new subsection H, to read in its entirety as follows:

- H. *Signs for marijuana-related businesses.* No permanent or temporary sign associated with a marijuana-related business licensed pursuant to Articles XII and/or XIII of Chapter 11 may be installed or located until reviewed and approved by the City. See, Sections 11-296, 11-306, 11-406 and 11-417

**Section 12.** Subsection 5-78(b) of the Code, concerning local amendments to the 2012 International Mechanical Code, is hereby amended by amending the following amendment set forth thereunder, as follows:

502.20 Marijuana related occupancies. Add the following section:

**502.20 Marijuana related occupancies.** Occupancies involved in the sale, transfer, packaging, processing, cultivation, production, extraction or destruction of plants and their parts, devices designed for the use of marijuana and marijuana products, products containing marijuana and hash oil, hash oil or other marijuana related operations and activities shall provide an approved source capture system capable of removing particulate and odors as required to achieve levels that do not constitute as nuisance to adjacent occupants, structures and properties. For the purpose of application of requirements of this code, occupancies involved in the water-based AND NONCOMBUSTIBLE SOLVENT-BASED extraction of hash oil shall be considered to be hazardous occupancies and shall be subject to the requirements for such occupancies as set forth in this code. ALL OTHER Occupancies involved in the ~~solvent-based~~ extraction of hash oil are not permitted.

**Section 13.** Subsection 26-120.C, Paragraph 6 of the Code is amended as follows:



6. EXCEPT AS OTHERWISE PROVIDED HEREIN, ~~W~~whenever any nonconforming use of a structure, or land, or a structure and land in combination is discontinued for twelve (12) consecutive months the structure, or structure and premises in combination shall not thereafter be devoted to a use not permitted in the district in which is located. NONCONFORMING MEDICAL MARIJUANA ESTABLISHMENT USES AND RETAIL MARIJUANA ESTABLISHMENT USES MAY NOT RESUME IN THE SAME LOCATION AFTER SUCH NONCONFORMING USE HAS BEEN DISCONTINUED FOR A PERIOD OF SIX (6) CONSECUTIVE MONTHS. Nonconforming residential structures and uses are exempt from the provisions of this subparagraph. Rezoning or special use permit applications for properties which are nonconforming uses at the time of application, and where these applications are intended to bring the nonconforming use into use conformance, shall not be charged application fees or be required to reimburse the city for direct expenses related to the application review process.

**Section 14. Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 15. Moratorium Repealed** The temporary moratorium on certain City approvals necessary to establish and operate marijuana establishments in the City, originally imposed by Ordinance No. 1554 on August 18, 2014, and as extended by Ordinance No. 1560 on October 27, 2014, is hereby repealed.

**Section 16. Effective Date.** This Ordinance shall take effect upon adoption and signature of the Mayor, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 12th day of January, 2015, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for January 26, 2015, at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 26th day of January, 2015.

**SIGNED** by the Mayor on this 26<sup>th</sup> day of January, 2015.

  
Joyce Jay, Mayor

ATTEST:

  
Janelle Shaver, City Clerk  
*Kelly K. Stevens, Deputy City Clerk*



Approved as to Form

  
Gerald E. Dahl, City Attorney

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