



## Retail Marijuana Facilities Process Overview

### **Conditional Use Permit:**

- Administrative review of required conditions.
- City of Pueblo Department of Planning and Community Development  
211 East D. Street  
Pueblo, CO 81003  
719-553-2259
- Pick up a packet at our office, or you can print at [www.pueblo.us/landuse](http://www.pueblo.us/landuse)
- **Non-refundable application fee due at time of submittal:**
  - \$2,500 for Testing Facilities
  - \$5,000 for cultivation
  - \$5,000 for product manufacturing
- Zoning process:
  1. Applicant submits Conditional Use Permit application and required fees.
  2. Within 2 weeks of the submittal date, staff will review the application for completeness and provide a letter noting the date of complete application, or will provide a letter listing the items missing for a complete application.
  3. Within **90 days of the date of complete submittal**, staff will complete a review of the application for compliance with conditions.
    - A Conditional Use Permit will be issued if the application meets the requirements for a retail marijuana facility.
    - If the application does not meet the requirements of location, the Permit will be denied.
    - If the permit is denied, the applicant may appeal the decision to the Zoning Board of Appeals.
- Conditional Use Permit is valid until December 31<sup>st</sup> except those that are issued between November 1<sup>st</sup> and December 31<sup>st</sup>, which are valid until the following December 31<sup>st</sup>.

### **State Business Retail Marijuana License**

- Marijuana Enforcement Division  
455 Sherman Street, Suite 390  
Denver, CO 80203

### **Local Retail Marijuana Business License**

- Marijuana Board
- City Clerk  
200 S. Main Street  
Courtroom Two  
Pueblo, CO 81003  
(719) 553-2669
- Must obtain Conditional Use Permit prior to application submittal.





## Retail Marijuana Facilities Zoning Overview

### Summary of Zoning Requirements:

1. Retail marijuana cultivation allowed with a conditional use permit in a B-P, I-1, I-2 or I-3 Zone District.
2. Retail marijuana infused product manufacturing facilities with a conditional use permit in a B-P, I-1, I-2 or I-3 Zone District.
3. Retail marijuana research facilities with a conditional use permit in a B-3, B-4, B-P, I-1, I-2 or I-3 Zone District.
4. Retail marijuana stores are not permitted
5. Approval of the facilities is contingent upon demonstrated compliance with the required conditions contained in Section 17-4-51 of the Pueblo Municipal Code (PMC).

### Requirements:

Below is a summary of the requirements for retail marijuana. Please refer to Section 17-4-51 of the PMC for specific rules and regulations.

1. Retail marijuana **cultivation** facility:
  - a. Cannot be located within 1,000 feet of a school.
  - b. Must demonstrate compliance with all applicable codes.
  - c. All grow operations shall be conducted in an enclosed building or greenhouse, but cannot be in a structure containing a residence.
  - d. Outdoor grow operations shall be prohibited.
  - e. Site must be brought into compliance with following performance standards:
    - i. Provide required landscaping
    - ii. Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards
    - iii. Provide required parking
    - iv. Provide required public improvements
    - v. Provide a maintenance plan for improvements
  - f. Cannot install signage using specific words or terms referring to marijuana, cannabis or slang, etc.
  - g. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.
2. Retail marijuana **product manufacturing** facility:
  - a. Cannot be located within 1,000 feet of a school.
  - b. Must demonstrate compliance with all applicable codes.
  - c. All product manufacturing must be prepared in a building or facility that is used exclusively for the manufacture or production of marijuana infused products.
  - d. All product manufacturing must be prepared on equipment that is used exclusively for the manufacture or production of marijuana infused products.
  - e. Site must be brought into compliance with following performance standards:
    - i. Provide required landscaping
    - ii. Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards
    - iii. Provide required parking
    - iv. Provide required public improvements

- v. Provide a maintenance plan for improvements
  - f. Cannot install signage using specific words or terms referring to marijuana, cannabis or slang, etc.
  - g. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.
3. Retail marijuana **research** facility:
- a. Cannot be located within 1,000 feet of a school.
  - b. Must demonstrate compliance with all applicable codes.
  - c. Site must be brought into compliance with following performance standards:
    - i. Provide required landscaping
    - ii. Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards
    - iii. Provide required parking
    - iv. Provide required public improvements
    - v. Provide a maintenance plan for improvements
  - d. Cannot install signage using specific words or terms referring to marijuana, cannabis or slang, etc.
  - e. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTERS 2 AND 4 OF TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO RETAIL MARIJUANA AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, on November 6, 2012, the voters of the State of Colorado approved Amendment 64. Amendment 64 added §16 of Article XVIII to the Colorado Constitution, which authorized a system of state and local licensing of businesses engaged in the cultivating, testing, manufacturing, and selling marijuana; and

WHEREAS, Subsection 16(5)(f) of Article XVIII allows governmental localities, within their respective jurisdictions: to prohibit the operation of marijuana establishments; to regulate the time, place, and manner under which marijuana establishments may operate; and to limit the total number of establishments within their jurisdictions, including the authority to engage in local licensing of marijuana establishments; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicating matter being added)

SECTION 1.

Section 17-2-1, Chapter 2, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by amending subsections (6.3.051), (12.1), (19), (23.01), and (38.2) and adding new subsections (11.023), (32.001), (32.002), (32.003), (42.31), (42.32), (42.33), (42.34), (42.35), (42.36), and (42.8) to read as follows:

**Sec. 17-2-1. Definitions.**

. . .

(6.3.051) *Bakery, retail* means an establishment primarily engaged in the retail sale of baked goods for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service but shall not include the sale or preparation of goods infused with medical or retail marijuana.

. . .

**(11.023) Conditional use is a use permitted only upon issuing a conditional use permit by the Administrative Official and subject to the limitations and conditions specified in the applicable ordinances.**

. . .

. . .

(12.1) *Drug store* means an establishment primarily engaged in the retail dispensing of prescription drugs and may offer nonprescription drugs, medical aids and convenience goods, but shall not permit the sale or distribution of medical **or retail** marijuana. The definition of drug store includes a pharmacy.

. . .

(19) *Farming or ranching* means the act or business of cultivating land, producing crops and/or keeping livestock, but specifically excludes the cultivation or production of medical **or retail** marijuana.

. . .

(23.01) *Greenhouse* means a retail or wholesale business whose principal activity is the selling of plants, flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products that are grown on the site, but specifically excludes the cultivation or production of medical **or retail** marijuana.

. . .

**(32.001) Marijuana means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.**

**(32.002) Marijuana accessories means any equipment, products, or materials of any kind, which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.**

**(32.003) Marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.**

. . .

(38.2) *Pharmacy* means an establishment primarily engaged in the retail dispensing of prescription drugs and may offer nonprescription drugs, medical aids and convenience goods, but shall not permit the sale or distribution of medical **or retail** marijuana. The definition of pharmacy includes a drug store.

. . .

**(42.31) Retail marijuana consumer means a person twenty-one years of age or older who purchases marijuana or marijuana products for personal use by persons age twenty-one years of age or older, but not for resale to others.**

**(42.32) Retail marijuana cultivation means the planting, growing, or harvesting of marijuana, including but not limited to hydroponic cultivation and cloning.**

**(42.33) Retail marijuana store means an entity licensed to purchase marijuana from marijuana cultivation facilities, and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to retail marijuana consumers.**

**(42.34) Retail marijuana testing facility means an entity which may analyze and certify the safety and potency of marijuana.**

**(42.35) Retail marijuana cultivation facility means an entity which cultivates, prepares, and packages marijuana and sells marijuana to retail marijuana stores, to retail marijuana product manufacturing facilities, and to other retail marijuana cultivation facilities, but not to consumers.**

**(42.36) Retail marijuana product manufacturing facility means an entity which may purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.**

. . .

**(42.8) School means an education facility and includes parochial, private, professional, college, university and public schools.**

## **SECTION 2.**

Section 17-4-51 of Chapter 4 of Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Section 17-4-51 to read as follows:

### **Sec. 17-4-51. Permitted use of land and buildings.**

**(a)** Any use of land or structure not authorized herein as a use by right, **conditional use**, or use by review upon issuance of a special use permit in a designated zone district is unlawful. Except as otherwise provided, no building permit or certificate of zoning compliance shall be issued for a use not specifically mentioned or described in this Section and not specifically provided with the required off-street loading and parking

spaces and access driveway. [In the case of] **When** a proposal for **a necessary use is** not specifically [mentioned]**listed**, the Administrative Official shall request [that] the Planning and Zoning Commission initiate proceedings to cause the amendment of this Section to make provision for such use.

. . .

(11.1) Highway and Arterial Business District (B-3):

. . .

**c.1 Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.**

. . .

**1.1 Retail marijuana testing facility**

. . .

(12) Regional Business District (B-4):

. . .

**c.1 Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.**

. . .

**1.1 Retail marijuana testing facility**

. . .

(12.4) Business Park District (BP):

. . .

**c.1 Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.**

. . .

**1.1 Retail marijuana cultivation facility**

**1.2 Retail marijuana product manufacturing facility**



**1.3 Retail marijuana testing facility**

. . .

(13) Special Industrial District (I-1):

. . .

**c.1 Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.**

. . .

**1.1 Retail marijuana cultivation facility**

**1.2 Retail marijuana product manufacturing facility**

**1.3 Retail marijuana testing facility**

. . .

(4) Light Industrial District (I-2)

. . .

**c.1 Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.**

. . .

**1.1 Retail marijuana cultivation facility**

**1.2 Retail marijuana product manufacturing facility**

**1.3 Retail marijuana testing facility**

. . .

(15) Heavy Industrial District (I-3):

. . .

**c.1 Conditional Uses. A conditional use is any of the following uses which are permitted only upon issuance of a Conditional Use Permit.**

. . .

**1.1 Retail marijuana cultivation facility**

**1.2 Retail marijuana product manufacturing facility**

**1.3 Retail marijuana testing facility**

. . .

**(b) Conditional use permits. A use may be permitted as a conditional use if certain minimum conditions contained in the applicable ordinances have been satisfied as determined by the Administrative Official. The Administrative Official shall have 90 days to complete the review of an application after it has been determined to be complete. If the Administrative Official, after reviewing the application, determines one or more of the conditions required for the permit cannot be satisfied, the Applicant may seek approval of a Special Use Permit for the proposed use in accordance with Section 17-5-33 of the Pueblo Municipal Code.**

**All Conditional Use Permits shall expire on December 31<sup>st</sup> of each year, except those that are issued between November 1<sup>st</sup> and December 31<sup>st</sup>. Annual review of the Conditional Use Permit shall be required to verify compliance with all requirements of the Permit. Failure to comply with all requirements of the Permit, as well as any zoning violations, shall be grounds for denial of the annual renewal.**

**(1) Retail marijuana cultivation facility**

**a. The facility shall not be located within 1,000 feet of a legally operational school, as determined by direct measurement from the property line of the facility to the closest property line of the school. Establishing a school within the required buffer after the Conditional Use Permit is issued shall not be grounds to suspend, revoke or decline to renew the Permit for such facility provided the Permit and license for the facility remains lawfully in effect.**

**b. The facility shall demonstrate compliance with all applicable building and related codes, including but not limited to the health, building, electrical, plumbing, mechanical, sign, fire, and other codes, statutes, and ordinances.**

**c. All grow operations shall be conducted in an enclosed building or greenhouse.**

**d. Outdoor grow operations shall be prohibited.**

e. Grow operations shall not be located in any structure containing a residential use.

f. Regardless of the zone district where the facility is located, properties with an existing structure, or those properties that will not otherwise be required to comply with full commercial requirements, shall provide, at a minimum, the following improvements:

1. Install landscaping compliant with Section 17-4-7 of this Title.

2. Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards. The Administrative Official has the authority to require alternative requirements for architecture, in cases where the requirements of Section 17-4-46 (e)(7) and (f) are not appropriate for a particular building or structure.

3. Provide parking according to Article IV, Off Street Parking Requirements of this Title.

4. Provide public improvements to bring the site and adjacent rights-of-way into compliance with applicable City standards, including but not limited to repairing or replacing broken sidewalks, curbs and gutters, and providing an ADA driveway “walk-around.”

5. Provide a maintenance plan for improvements required to be installed as part of the Conditional Use Permit.

6. The Administrative Official shall have the authority to modify, or substitute additional requirements for, any of the requirements listed above when the changes to the existing building will have a negative impact on the health, safety and welfare of the surrounding neighborhood.

7. The Administrative Official has the authority to reduce the requirements listed above for research facilities which only lease a portion of an existing structure.

g. It shall be prohibited and unlawful to have signage using the word “marijuana,” “cannabis,” any alternative spelling or abbreviation of the same, any slang term for the same commonly understood as referring to marijuana, any image of a cannabis leaf, or any depiction of any paraphernalia or other image commonly understood as referring to marijuana.

h. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.

**(2) Retail marijuana product manufacturing facility**

**a. The facility shall not be located within 1,000 feet of a legally operational school, as determined by direct measurement from the property line of the facility to the closest property line of the school. Establishing a school within the required buffer after the Conditional Use Permit is issued shall not be grounds to suspend, revoke or decline to renew the Permit for such facility provided the Permit and license for the facility remains lawfully in effect.**

**b. The facility shall demonstrate compliance with all applicable building and related codes, including but not limited to the health, building, electrical, plumbing, mechanical, sign, fire, and other codes, statutes, and ordinances.**

**c. All retail marijuana products shall be prepared in a building or facility that is used exclusively for the manufacture and preparation of marijuana products.**

**d. All retail marijuana products shall be prepared using equipment that is used exclusively for the manufacture and production of marijuana infused products.**

**e. Regardless of the zone district where the facility is located, properties with an existing structure, or those properties that will not otherwise be required to comply with full commercial requirements, shall provide, at a minimum, the following improvements:**

**1. Install landscaping compliant with Section 17-4-7 of this Title.**

**2. Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards. The Administrative Official has the authority to require alternative requirements for architecture, in cases where the requirements of Section 17-4-46 (e)(7) and (f) are not appropriate for a particular building or structure.**

**3. Provide parking in accordance with Article IV, Off Street Parking Requirements of this Title.**

**4. Provide public improvements to bring the site and adjacent rights-of-way into compliance with applicable City standards, including but not limited to repairing or replacing broken sidewalks, curbs and gutters, and providing an ADA driveway “walk-around.”**

**5. Provide a maintenance plan for improvements required to be installed as part of the Conditional Use Permit.**

6. The Administrative Official shall have the authority to modify, or substitute additional requirements for, any of the requirements listed above when the changes to the existing building will have a negative impact on the health, safety and welfare of the surrounding neighborhood.

7. The Administrative Official has the authority to reduce the requirements listed above for research facilities which only lease a portion of an existing structure.

f. It shall be prohibited and unlawful to have signage using the word "marijuana," "cannabis," any alternative spelling or abbreviation of the same, any slang term for the same commonly understood as referring to marijuana, any image of a cannabis leaf, or any depiction of any paraphernalia or other image commonly understood as referring to marijuana.

g. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.

### (3) Retail marijuana testing facility

a. The facility shall not be located within 1,000 feet of a legally operational school, as determined by direct measurement from the property line of the facility to the closest property line of the school. Establishing a school within the required buffer after the Conditional Use Permit is issued shall not be grounds to suspend, revoke or decline to renew the Permit for such facility provided the Permit and license for the facility remains lawfully in effect.

b. The facility shall demonstrate compliance with all applicable building and related codes, including but not limited to the health, building, electrical, plumbing, mechanical, sign, fire, and other codes, statutes, and ordinances.

c. Regardless of the zone district where the facility is located, properties with an existing structure, or those properties that will not otherwise be required to comply with full commercial requirements, shall provide, at a minimum, the following improvements:

1. Install landscaping compliant with Section 17-4-7 of this Title.

2. Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards. The Administrative Official has the authority to require alternative requirements for architecture, in cases where the requirements of Section 17-4-46 (e)(7) and (f) are not appropriate for a particular building or structure.

**3. Provide parking in accordance with *Article IV, Off Street Parking Requirements* of this Title.**

**4. Provide public improvements to bring the site and adjacent rights-of-way into compliance with applicable City standards, including but not limited to repairing or replacing broken sidewalks, curbs and gutters, and providing an ADA driveway “walk-around.”**

**5. Provide a maintenance plan for improvements required to be installed as part of the Conditional Use Permit.**

**6. The Administrative Official shall have the authority to modify, or substitute additional requirements for, any of the requirements listed above when the changes to the existing building will have a negative impact on the health, safety and welfare of the surrounding neighborhood.**

**7. The Administrative Official has the authority to reduce the requirements listed above for research facilities which only lease a portion of an existing structure.**

**d. It shall be prohibited and unlawful to have signage using the word “marijuana,” “cannabis,” any alternative spelling or abbreviation of the same, any slang term for the same commonly understood as referring to marijuana, any image of a cannabis leaf, or any depiction of any paraphernalia or other image commonly understood as referring to marijuana.**

**h. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.**

### **SECTION 3.**

This Ordinance, and these amendments to Title XVII of the Pueblo Municipal Code, shall be administered and enforced according to Chapters 5 and 7 of the Title XVII, Pueblo Municipal Code, as amended. Any person who violates any provision of this Ordinance or these amendments shall be guilty of a municipal offense and shall be subject to the punishment and all other remedies as provided in Chapter 7 of Title XVII of the Pueblo Municipal Code, as amended.

### **SECTION 4.**

The officers and staff of the City are directed and authorized to perform any and all acts consistent with the intent of the Ordinance to effectuate the policies and procedures described herein.

SECTION 5.

This Ordinance shall become effective immediately upon final passage and approval.

INTRODUCED: APRIL 28, 2014

BY: \_\_\_\_\_  
COUNCIL PERSON

APPROVED: \_\_\_\_\_  
PRESIDENT OF CITY COUNCIL

ATTESTED BY: \_\_\_\_\_  
CITY CLERK

PASSED AND APPROVED: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING A FEE SCHEDULE FOR  
ZONING APPLICATIONS FOR CONDITIONAL USE  
PERMITS

WHEREAS, Sections 17-8-13, 17-5-38, 17-6-5 and 12-4-8 of the Pueblo Municipal Code provide that City Council shall by Resolution establish a schedule of fees, charges and expenses for applications before the Zoning Board of Appeals, the Planning and Zoning Commission and the City Council; and

WHEREAS, the Pueblo City Council hereby finds and determines that the following fee schedule is fair and reasonable in relation to the cost and expense, both direct and indirect, in providing the identified services and processing the application.

BE IT RESOLVED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The following fee schedule is hereby adopted for applications made to the Department of Planning and Community Development:

**Conditional Use Permits:**

<b><u>Child care home</u></b>	<b><u>\$500</u></b>
<b><u>Retail marijuana testing facility</u></b>	<b><u>\$2,500</u></b>
<b><u>Retail marijuana grow facility</u></b>	<b><u>\$5,000</u></b>
<b><u>Retail marijuana product manufacturing facility</u></b>	<b><u>\$5,000</u></b>

**Conditional Use Permit Renewal:**

<b><u>Child care home</u></b>	<b><u>\$50</u></b>
<b><u>Retail marijuana testing facility</u></b>	<b><u>\$2,500</u></b>
<b><u>Retail marijuana grow facility</u></b>	<b><u>\$5,000</u></b>
<b><u>Retail marijuana product manufacturing facility</u></b>	<b><u>\$5,000</u></b>



SECTION 2.

This Resolution shall become immediately effective upon final passage and approval.

INTRODUCED: \_\_\_\_\_

BY: \_\_\_\_\_  
COUNCIL PERSON

APPROVED: \_\_\_\_\_  
PRESIDENT OF CITY COUNCIL

ATTESTED BY: \_\_\_\_\_  
CITY CLERK