

**Marijuana Site Development
Application
Marijuana Use Standards
Land Development Code
Section 2 and 3**

**CITY OF GUNNISON
DEVELOPMENT ASSISTANCE PACKET**

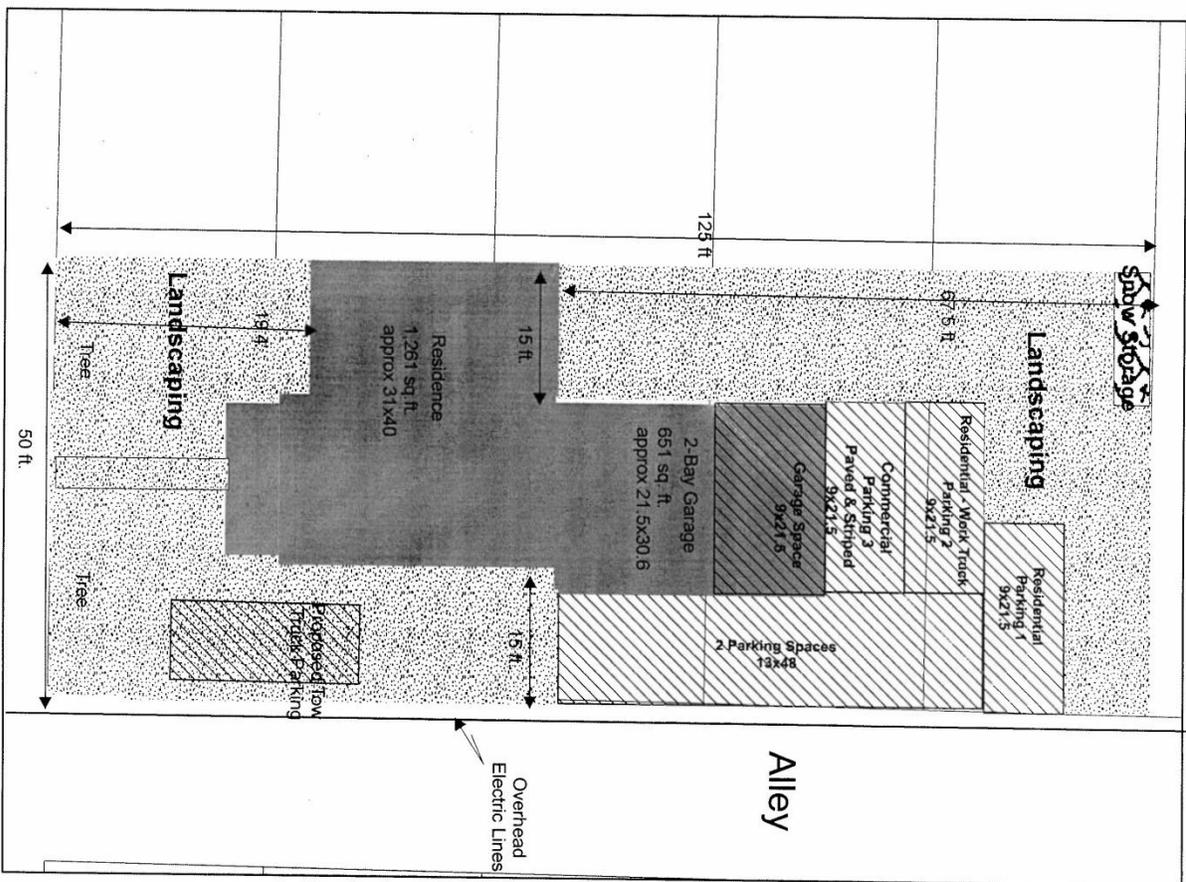
This Development Assistance Packet has been prepared for your convenience and assistance in processing land use applications in the City of Gunnison. You should note that this Development Assistance Packet contains excerpts from the City of Gunnison Land Development Code. Please be advised that the City of Gunnison Land Development Code is amended from time to time and such amendments may not be included within the Development Assistance Packet. It is your responsibility to review the entire City of Gunnison Land Development Code and all amendments thereto, which are maintained in the office of the City Clerk, to determine if you have all of the current ordinances related to the City of Gunnison Development Code and what effect, if any, the City of Gunnison Land Development Code has on your property, project, or application.

**Prepared by the City of Gunnison
Community Development Department
(970) 641-8090**

July 2015

Applicant Name(s): _____
Business Name: _____
Phone #: _____ E-Mail: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Marijuana License Type: _____
Property Location: Site Address of Property: _____ Zoning _____ Block: _____ Lot(s): _____ Addition: _____
Disclosure of Ownership- Please provide the following: <input type="checkbox"/> Assessor Parcel Information OR <input type="checkbox"/> Deed AND (if applicable) <input type="checkbox"/> Lease Agreement
Attachments: <input type="checkbox"/> Description of Proposal <input type="checkbox"/> Authorization of Agent (if not the applicant) <input type="checkbox"/> Site Plan (11"x17") to scale , includes dimensions and location of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks. Include a table for all dimensional requirements based on §2.6. (See attached sample) <input type="checkbox"/> Floor plans to scale , on at least 8.5" x 11" paper. These drawings, at a minimum, will indicate all walls, dimensions, fixtures in sales area, entrances, exits, safes, and storage areas, locations of cameras, DVR and security room(s). <input type="checkbox"/> Mechanical exhaust / ventilation design plan by a licensed professional. <input type="checkbox"/> Equipment Using Carbon Dioxide
Signature(s) _____ _____ Date _____ Date _____
For Office Use Only
<input type="checkbox"/> Conditional Use Application Required <input type="checkbox"/> Inspection By Building Official <input type="checkbox"/> Community Development Review <input type="checkbox"/> Inspection By Fire Marshal

SAMPLE SITE PLAN



APPLICANT NAME: _____
 SITE ADDRESS: _____
 11 X 17 SITE PLAN

Total Parcel Size: 6,250 square feet:

Dimensional Standards:		
Dimension	Required	Actual
Structures:	50%	30% 1,912 sq. ft.
Landscaping:	10%	42% - 2,577 sq. ft.
Parking/Access	40%	28% - 1,761 sq. ft. (see below)

Landscaping Requirements:
 This site is located in the Entrance Overlay zone which requires two trees within five feet of the sidewalk.

Parking Requirements:
 Residence 2 parking spaces
 Bays 2 parking spaces per 2 bays
 Tow Trucks 3 spaces on rear of lot
 Seven spaces required by Code
 Two spaces will be located in driveway access

Total Parking/Access Dimensions:

Parking 1	9 x 21.5	193.50
Parking 2	9 x 21.5	193.50
Parking 3	9 x 21.5	193.50
Parking 4 & 5	13 x 48	624.00
Parking 6	in bay	does not count toward uncovered parking
Total Uncovered Parking/Access:		1204.5 sq. ft./19%

Notes:
 Snow Storage: (approximately 15' x 4') will be on the northwest side of the lot in the landscaped area. Landscaping is predominantly live cover except 220 sq. ft. of sidewalks.

Tomichi Avenue

1 inch equals 15 feet



TABLE 2-3 PRINCIPAL USE TABLE												
Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards	
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I		
	Fairgrounds										P	--
Office	Banks and financial institutions						C	P	P	P		--
	Government offices					C	P	P	P	P		--
	Medical clinic or dental office						P	P	P			--
	Professional offices						P	P	P	C		--
	Radio and television studios						P	P	P			--
Parking, Commercial	Commercial parking lots and garages							C	P	P		--
Retail Sales, Rental and Service, Sales-Oriented	Art Galleries						P	P	P			--
	Auto sales and rental								P	P		--
	Automotive Supplies								P	P		--
	Book stores						P	P	P	C		--
	Convenience Stores, without gas pumps							P	P	P		--
	Drive-in						C	C	C	C		§3.12B
	Furniture and Appliance Stores							P	P	P		--
	Greenhouse or nursery						C	C	P	P		--
	Lumber and building material sales								C	P		--
	Outside Sales or Display							C	P	P		§3.7 B.3.
	Recreational Vehicle Sales								P	P		--
	Retail Grocery Store						C	C	P	C		--
Retail Sales and Service, Personal Service-Oriented	Athletic or Health Clubs						P	P	P	P		--
	Barber and beauty shops						P	P	P			--
	Drive-in						C	C	C	C		§3.12.B.
	Dry cleaning drop-off/pick-up						P	P	P	P		--
	Funeral homes and mortuaries							C	P	P		--
	Kennels								C	P		--
	Laundromats					C			P	P		--
	Photography studios						P	P	P	P		--
Veterinary clinic								P	P		--	
Marijuana ⁵	Retail Marijuana								P	C		§3.15
	Medical Marijuana Centers								P	C		§3.15
Accommodations	Bed and breakfasts				C	C	C	C	P ⁶			§3.7 A.1.
	Hostels				C	C	C	C	P			§3.7 A.2.
	Hotels and motels							C	P			§3.7 A.3.
	RV Parks					C			C	C		§3.7.A.4.
Retail Sales and Service, Eating and Drinking –Oriented	Bars and taverns							P	P	C		--
	Coffee shop/bakery						C	P	P	P		--
	Drive-in							C	C	C		§3.12 B.
	Restaurants						P	P	P	C		--

⁵ Ordinance 5, 2015

⁶ Ordinance 3, 2015

TABLE 2-3 PRINCIPAL USE TABLE											
Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	
Retail Sales and Service, Entertainment-Oriented	Private lodges and clubs							P	P	C	--
	Recreation, indoor							P	P	C	--
	Theater							P	P	P	--
Retail Sales and Service, Repair-Oriented	Appliance repair							C	P	P	--
	Bicycle repair/rental						P	P	P	P	--
	Locksmith						C	P	P	P	--
Vehicle Services, Limited	Car washes								P	P	--
	Convenience stores, with gas pumps							C	P	P	§3.7 B.1.
	Service stations								P	P	--
Industrial Use Categories (§3.8)											
Industrial Sales and Service	Agricultural implement sales/service								P	P	--
	Building and heating contractors								P	P	--
	Chemicals or explosives manufacture									C	--
	Dry cleaning/dyeing plant							C	P	P	--
	Feed and grain sales								P	P	--
	Manufactured home sales/service								C	P	--
	Repair and service of industrial vehicles								C	P	--
	Research laboratories								C	P	--
	Salvage or wrecking yards, or junkyards									C	--
	Sale, rental, leasing of heavy equipment								C	P	--
	Truck Stop								C	P	--
Manufacturing and Production	Catering Services						C	P	P	P	--
	Concrete or redi-mix plant									P	--
	Firewood Production								C	P	--
	Greenhouse/nursery							C	P	P	--
	Industrial Hemp Production									P	--
	Manufacture or assembly of machinery, equipment, instruments								C	P	--
	Meat Processing									C	--
	Printing, publishing and lithography						C	P	P	P	--
Woodworking and cabinet shops								C	P	--	

⁷ Ordinance 4, 2014

TABLE 2-3 PRINCIPAL USE TABLE												
Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards	
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I		
Marijuana Manufacturing and Production ⁸	Marijuana manufacturing										P	§3.15
	Medical marijuana-infused products manufacturing										P	§3.15
	Marijuana cultivation										P	§3.15
	Medical marijuana optional premises cultivation operation										P	§3.15
	Marijuana testing facility									P	P	§3.15
Self-storage Warehouse	Mini-warehouses and mini-storage										P	--
Vehicle Repair	Auto body shops									C	P	§3.7.B.2
	Auto, truck and boat repair									C	P	§3.7.B.2
	Quick lube service									P	P	§3.7.B.2
Warehouse and Freight Movement	Air cargo terminal										P	--
	Outdoor storage, general									C	P	§3.9B.
	Post Office								P	P	P	--
	Recreational vehicle storage									C	P	§3.9B.
	Utility service yards or garages									C	P	§3.9B.
	Warehouses and truck terminals										P	§3.9B.
Waste-Related	Transfer stations										P	--
	Recycling centers										P	--
Wholesale Sales	Mail order houses							P		P	P	--
	Wholesalers of food, clothing, and parts									C	P	--
Other Uses Categories §3.10												
Adult entertainment	Sexually oriented businesses										C	§3.10 C.
Alternative Energy	Solar Voltaic and Wind Turbines	C	C	C	C	C	C	C	C	C	C	§3.11 D.
Aviation and Surface Transportation	Airports and related facilities, public										P	§3.11 A.
Mining	Processing of aggregate mineral or other subsurface resources										C	§3.11 E.
	Asphalt Batch Plant										C	§3.11 E.
Telecommunications Facilities	Telecommunications facilities and towers								C	C	P	§3.11 B.
Temporary Commercial Activity	General retail sales or other commercial use operated outside of a building on a seasonal basis.								C	C	C	§3.13

§2.5 BASE PRINCIPLE USE CATEGORIES

A. Authority. If an application is submitted for a use type not listed the Principal Use Table (§2.4),

⁸ Ordinance 5, 2015

§3.14 MARIJUANA USE CATEGORIES

A. Retail Marijuana and Medical Marijuana Center Standards (retail marijuana establishment).

1. **Characteristics.** A licensed retail marijuana sales facility is authorized to sell retail or medical marijuana or manufactured marijuana products.
2. **Accessory Uses.** Accessory uses may include offices, secured indoor storage areas and sale of marijuana accessories.
3. **Examples.** Retail marijuana stores and medical marijuana centers are licensed in compliance with all local and state regulations. Retail marijuana establishments sell marijuana and marijuana products manufactured for consumption to the general public, under the provisions of state and local government regulations. Facilities have restricted access areas designated for merchandise displays and conducting transactions, and limited access areas which are prohibited for public access. Generally, marijuana testing establishments are classified in the *International Building Code* as Business Group M, Mercantile.

B. Marijuana Manufacturing and Medical Marijuana-Infused Products Manufacturing (marijuana product manufacturing establishment).

1. **Characteristics.** Manufacturing and production facilities serve to prepare, manufacture and package marijuana byproducts. Typically, the manufacturing process includes the distillation of plant materials. The distilled byproducts are generally oils, tinctures, and edible products made from the distilled product. Products may be any part of the plant or a finished product for the wholesale market or other facilities. Goods are not sold on the site.
2. **Accessory Uses.** Accessory uses may include offices, warehouses, truck fleets and secured indoor storage areas.
3. **Examples.** Marijuana manufacturing and medical marijuana-infused products manufacturing are licensed in compliance with all local and state regulations. Marijuana product manufacturing establishments process marijuana into various consumable products, under the provisions of state and local government regulations. Processes often involve distillation of marijuana using various types of equipment. Commercial kitchen equipment meeting the standards of the Colorado Department of Public Health and Environment are required. Facilities are limited areas for which public access is prohibited. Generally, Marijuana product manufacturing establishments are classified in the *International Building Code* as Factory Industrial, F-1, Moderate Hazard Occupancy.

C. Marijuana Cultivation and Medical Marijuana Optional Premises Cultivation Operation (licensed marijuana cultivation establishment).

1. **Characteristics.** Marijuana cultivation incorporates facilities with specific climate controls; ventilation and mechanical systems; equipment for watering and fertilizing plants; and storage of various gases, materials, and equipment required for the growing of marijuana plants. Cultivation facilities cannot cohabitate with any other uses not licensed and permitted as a marijuana establishment.

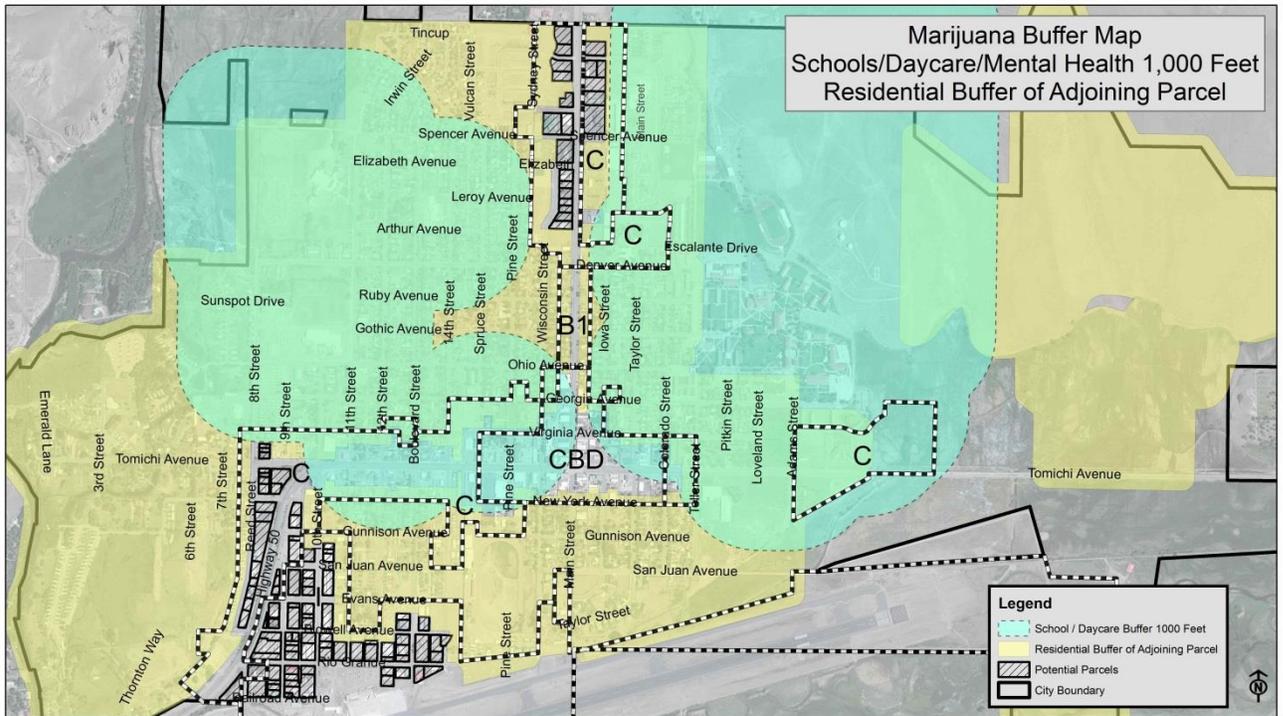
2. **Accessory Uses.** Accessory uses may include offices, warehouses, truck fleets and fully enclosed and secured storage facilities. Open storage yards are not permitted.
3. **Examples.** Marijuana cultivation establishments are licensed in compliance with all local and state regulations. Licensed marijuana cultivation establishments grow and produce marijuana. There are numerous process types that may be used the cultivation of marijuana. Processes may include the injection of compressed gas (generally Carbon dioxide) or using nutrient rich media to enhance plant growth. Primary life-safety concerns include depleted oxygen levels within the facilities, wastewater discharges with elevated nutrient levels from fertilizers, phosphates, odor nuisances, and wastewater discharge of pesticides and other constituents which affect the state and federal licensing compliance provisions related to the City’s sewer system and sewer plant. Public access to facilities are prohibited. Generally, licensed marijuana cultivation establishments are classified in the *International Building Code* as Factory Industrial, F-1, Moderate Hazard Occupancy.

D. Testing Facilities.

1. **Characteristics.** Testing facilities are laboratory facilities licensed to analyze and certify the safety and potency of marijuana.
2. **Accessory Uses.** Accessory uses may include offices, and secured storage areas.
3. **Examples.** Marijuana testing facilities are independent of all other licensed marijuana establishments staffed with technicians and equipped with various types of instruments and laboratory equipment. Generally, marijuana testing establishments are classified in the *International Building Code* as Business Group B, Laboratories (Testing and Research).

§3.15 MARIJUANA USE STANDARDS

- A. **Site Development Application Required.** A Site Development Application is required to be submitted and approved by the Community Development Director.
Exception. Retail Establishments (Medical Marijuana Center and Retail Marijuana Stores) proposed to be located in the city’s Industrial District zone, are subject to Conditional Use approval pursuant to Table 2-3 (Principal Use Table).
- B. **General Compliance Criteria and Standards.** All city licensed marijuana establishments shall meet the following minimum criteria and standards.
 1. Marijuana establishments shall not be located within 1000 feet of a public school; private or charter school; daycare school, center, or home; and mental health facilities. The measure is established as a straight line drawn between any points of the respective property boundaries and is designated by the *Marijuana Establishment Buffer Map* adopted by the City Council. If any portion of deeded real property is intersected in any manner by a designated buffer boundary the entire deeded property is prohibited from being licensed as a marijuana establishment.
 2. Licensed marijuana establishments shall not be located on real property that fronts, abuts or is adjoining to any Residential District zone (R-1,R-1M, R-2, RMU, R-3, PUD-Residential).



3. Licensed Marijuana establishments are subject the district zone location standards as set forth in Table 2-3 (Principal Use Table) of this *LDC*.
4. Marijuana establishment signage shall include only the registered business or trade name, address, and telephone number of the marijuana establishment. Display of graphic/images of any portion of a marijuana plant on signage associated with marijuana establishments shall be prohibited. Sign standards for marijuana establishments shall comply with all provisions of this *LDC* or other applicable city laws and regulations.
5. Except for permanent signage as permitted in Section 4.8, Signs of this *LDC*, it shall be unlawful for any person licensed by the City of Gunnison, or any other person to advertise any marijuana or retail marijuana product anywhere in the city where the advertisement is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media: billboard, Off-Premise Sign, or other outdoor general advertising device as defined in this *LDC*; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to a person in a public place, left upon a motor vehicle or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:
 - a. Any sign located on the same deeded parcel as a licensed marijuana establishment which exists solely for the purpose of identifying the location of the marijuana establishment;
 - b. Any advertisement contained within a newspaper, magazine or other periodical of general circulation within the city or on the internet;
 - c. Any products marked with the name logo of the licensed marijuana establishment, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold; and,

- d. Advertising that is purely incidental to sponsorship of a charitable event by the licensed marijuana establishment.
 6. Licensed marijuana establishments shall comply with all provisions, standards and regulations of this LDC.
 7. Licensed marijuana establishments shall be served by city water, wastewater, and electrical utility services and shall comply with all provisions, standards and regulations specified in the Utilities (Title 12), *City of Gunnison Municipal Code*.
 8. All licensed marijuana establishments shall comply with all applicable requirements of Colorado State Law.
 9. Licensed marijuana establishments shall comply with Code of Colorado Regulations, Medical Use of Marijuana and the Code of Colorado Regulations, Retail Marijuana Code.
 10. Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment. Licensed marijuana establishments 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, 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 a nuisance to adjacent occupants, structures and properties.
 11. **Building Standards.** Licensed marijuana establishments shall be located in buildings that comply with the International Code Council codes adopted by the City and in effect at the time of the license application submittal.
 12. **Hours of Operation.** Licensed marijuana establishments shall not sell, distribute, or initiate the transport of Marijuana or Marijuana Products at any time other than between the hours of 8:00 am and 10:00 pm, Mountain Standard Time, Monday through Sunday, except that Retail Marijuana Establishment hours are limited on Sunday to the hours of 1:00 pm to 6 pm, Mountain Standard Time.
 13. Director or designee shall perform inspections of all licensed marijuana establishments at their discretion. Inspections shall include review of operations and maintenance records.
- C. Retail Marijuana and Medical Marijuana Center Standards (retail marijuana establishments).** A licensed retail marijuana establishment shall comply with the general criteria and standards (Section 3.15 B.) in addition to the following standards:
1. **Building Standards.** Licensed retail establishments shall be located in buildings that comply with occupancy standards established in the International Code Council codes adopted by the City and in effect at the time of the license application submittal.
 2. Licensed retail establishments shall be located on lots in buildings that comply with the regulations in the *LDC* including, but not limited to, landscape standards, buffer standards, lighting standards, screening standards and parking standards.
 3. Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.

4. Off-premises retail marijuana establishment storage facilities are prohibited.

D. Retail Marijuana Products Manufacturing and Medical Marijuana-Infused Products Manufacturing (marijuana product manufacturing establishment). A licensed marijuana product manufacturing establishment shall comply with the general criteria and standards (Section 3.15 B.) in addition to the following standards:

1. **Building Standards.** Licensed marijuana product manufacturing establishments shall be located in buildings that comply with the International Code Council codes adopted the City and in effect at the time of the license application submittal.
2. Equipment used in the licensed marijuana product manufacturing establishment shall be tested and approved by Underwriters Laboratories (UL) or equivalent standards testing laboratory. In the absence of a testing laboratory certification, the design and construction of said equipment may be by a mechanical engineer registered and holding a current license in the State of Colorado. In the case where equipment is approved by a licensed engineer, documents pertaining to specific material specifications, pressure, temperature thresholds, specific operating procedures, and other related details shall be provided in a report signed and stamped by the engineer of record.
3. Licensed marijuana product manufacturing establishments shall, if necessary, be equipped with a commercial kitchen that complies with all related standards, operation procedures, and food service protection provisions promulgated by the Marijuana Product Manufacturing Facilities standards (R 600 Series) of the Colorado Department of Permanent Rules Related to Retail Marijuana Code, as they may be amended.

Licensed marijuana product manufacturing establishments shall, on an annual basis, be inspected. The Community Development Director shall be provided an inspection report demonstrating compliance with established standards, operation procedures and food service protection provisions. Said report shall be the product of a professional who is certified by the American Board of Industrial Hygiene. The licensed manufacturing establishment shall pay all costs for related inspections and reports. The Community Development Director may order an industrial hygiene inspection without notice, and all costs for city ordered inspections and reports shall be the responsibility of the licensed manufacturing establishment.

4. **Toxic Pollutants and Hazardous Waste.** Licensed marijuana product manufacturing establishments shall, on an annual basis, provide the Gunnison Fire Marshal a list of hazardous material types and quantities used. Disposal of hazardous and chemical waste must be conducted in a manner consistent with federal, state and local laws pertaining to the proper disposal of related materials.
5. **Sewer System Discharge.**
 - a. Wastewater discharged from a marijuana licensed product manufacturing establishment is subject to city regulations (Municipal Code, 12.10.040.2, et al.) established to ensure that industrial wastewater discharge complies with state and federal regulations prior to the actual connection to the city's wastewater facilities.

- b. Testing Requirements.** The Public Works Director may order a wastewater discharge inspection without notice, and all costs for city ordered inspections and reports shall be the responsibility of the licensed marijuana product manufacturing establishment. The licensed marijuana cultivation establishment shall pay all costs for related inspections and reports established by an independent testing laboratory acceptable to the Public Works Director.

E. Marijuana Cultivation and Medical Marijuana Optional Premises Cultivation Operation (licensed marijuana cultivation establishment). A licensed marijuana cultivation establishment shall comply with the general criteria and standards (Section 3.15 B.) in addition to the following standards:

- 1.** Outdoor cultivation of marijuana is prohibited.
- 2.** Equipment used in the licensed marijuana cultivation establishment shall be tested and approved by Underwriters Laboratories (UL) or equivalent standards testing laboratory. In the absence of a testing laboratory certification, the design and construction of said equipment may be by a mechanical engineer registered and holding a current license in the State of Colorado. In the case where equipment is approved by a licensed engineer, documents pertaining to specific material specifications, pressure, temperature thresholds, specific operating procedures and other related details shall be provided in a report signed and stamped by the engineer of record.
- 3. Toxic Pollutants and Hazardous Waste.** Licensed marijuana cultivation establishments shall, on an annual basis, provide the Gunnison Fire Marshal a list of hazardous material types and quantities used. Disposal of hazardous and chemical waste must be conducted in a manner consistent with federal, state and local laws pertaining to the proper disposal of related materials.
- 4. Sewer System Discharge.** Wastewater discharged from a licensed marijuana cultivation establishment is subject to city regulations (Municipal Code, 12.10.040.2, et al.) established to ensure that industrial wastewater discharge complies with state and federal regulations prior to the actual connection to the city’s wastewater facilities.

 - a.** The applicant for a licensed marijuana cultivation establishment shall provide an Industrial Pretreatment Plan developed by a licensed engineer in the State of Colorado. The Industrial Pre-Treatment Plan shall be included with the Site Development Plan and shall provide the following specific information:

 - i.** A narrative and graphic plan description of the type of irrigation system to be used.
 - ii.** An estimate of the quantity of total discharge into the wastewater collection system in gallons per day.
 - iii.** The quantity of phosphorous and nitrogen in the discharge, to be established in pounds per day.
 - b. Discharge Conformance Standards.** Licensed marijuana cultivation establishments shall conform to the Colorado Department of Public Health and Environment –Water Quality Control Commission, *Regulation #85, Nutrients Management Control Regulation* (5CCR 1002-85), nutrient discharge limitation, and subject to change to conform to

future nutrient discharge limitations promulgated by the State of Colorado. Nutrient discharge shall not exceed the following levels: Total phosphorous 0.015 pounds per day; Total nitrogen 0.088 pounds per day. Facilities with projected discharges exceed this threshold are subject to demonstrating compliance the *City of Gunnison Municipal Code*, Section 12.10.040.2 (Interceptors and Pretreatment).

- c. Testing Requirements.** The Public Works Director may order a wastewater discharge inspection without notice, and all costs for city ordered inspections and reports shall be the responsibility of the licensed marijuana cultivation establishment. The licensed marijuana cultivation establishment shall pay all costs for related inspections and reports established by an independent testing laboratory acceptable to the Public Works Director.
- F. Marijuana Testing Facilities.** A licensed Marijuana Testing Facility shall comply with the general criteria and standards (Section 3.15 B.). (Ordinance 5, 2015)