

Communication Services
5334 South Prince Street
Littleton, Colorado 80120-1136
Phone: 303-795-5467
Fax: 303-734-5470
www.co.arapahoe.co.us

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Contact:

ANDREA RASIZER

Communication Services Director

Direct: 303-795-4284

Mobile: 303-882-1909

E-mail: arasizer@co.arapahoe.co.us

Arapahoe County amends Land Development Code

Regulations approved by the Board of County Commissioners Tuesday address Medical Marijuana land uses within unincorporated Arapahoe County

LITTLETON, CO --- Arapahoe County's Land Development Code was amended by the Board of County Commissioners Tuesday to address the impacts of medical marijuana dispensaries and growing operations in unincorporated Arapahoe County.

The code amendments prohibit medical marijuana land uses within unincorporated Arapahoe County with certain exceptions, including:

- Existing commercial medical marijuana operations established prior to the adoption of the County's moratorium on Dec. 15, 2009 are allowed to continue to operate, so long as they are in compliance with the County's non-conforming use regulations and so long as they comply with the requirements of the Colorado Medical Marijuana Code, including the requirement that they obtain a license. Commercial operations are not, however, allowed in residences or residential zone districts.
- The non-commercial use, including growing and storage, of medical marijuana by registered patients and their live-in registered primary caregivers is allowed within dwelling units in residential zone districts, subject to the limitation that no more than six plants per patient, and 12 plants total, may be grown at any given time in a dwelling unit.
- The non-commercial use, including growing and storage, of medical marijuana by registered patients and registered primary caregivers also is allowed in the A-E, A-1, B-4, B-5, I-1 and I-2 zoning districts. However, with the exception of the growing of 12 or fewer plants, or the storage of four or fewer ounces of marijuana, such use cannot take place within 1,000 feet of any church, school, residential zoning district, dwelling unit, public park or licensed childcare center.
- The non-commercial use of medical marijuana also must comply with the following restrictions:
 - 1) It must be in compliance with state law;
 - 2) It must be conducted in an enclosed and secure structure that is not visible to the public;
 - 3) It cannot cause odors, smoke, heat, glare or light that is detectable to a person beyond the property line or in an adjacent dwelling unit or public area; and

4) No signage or other advertising is allowed.

In December 2009, the Board of County Commissioners enacted a temporary moratorium on the establishment of any new medical marijuana dispensaries or commercial growing operations in unincorporated Arapahoe County in order to review any potential adverse impacts of medical marijuana dispensaries and growing operations and to ensure those impacts are adequately addressed in the County's Land Development Code.

The moratorium was necessary to the unregulated proliferation of dispensaries that was occurring at that time. The code amendments are intended to supersede the moratorium and to address both commercial and non-commercial land uses related to medical marijuana.

The medical marijuana land use regulations are intended to strike a reasonable balance between the rights of patients to have access to medical marijuana and the rights of residents to the peaceful and safe enjoyment of their neighborhood and community.

For more information about the County's medical marijuana land use regulations, visit What's New on the County's web site at www.co.arapahoe.co.us or call the Zoning Division at 720-874-6650.

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