



## LAND DEVELOPMENT CODE REFERENCE

### COMMERCIAL CANNABIS ORDINANCE NO. 2021 - 19

The new “Commercial Cannabis Establishments” category of specific uses within SFCC Section 14-6.1-1 (table of permitted uses), stipulates specific definitions and uses in zoning districts as “permitted use”, “special use permit”, “accessory use”, and “prohibited use”.

Consumption areas are not currently allowed within the City of Santa Fe, and cannabis for commercial business is not allowed in any residential districts.

Commercial Cannabis Establishments are divided into two classes for Production:

1. Cannabis Producer: A business conducted by a person licensed to cultivate cannabis, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, provided that the person may possess two hundred and one (201) total mature cannabis plants or more at one time. (Permitted indoors: I-1 and I-2, Permitted indoors or outdoors with Special Use Permit: C-2 and BIP)
2. Cannabis Producer Microbusiness: A small business conducted by a person licensed to cultivate cannabis at a single location, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, provided that the person may not possess more than two hundred (200) total mature cannabis plants at any one time. (Permitted indoors: C-2, I-1, I-2, BIP, SC-1, SC-2 and SC-3, Outdoors with Special Use Permit)

\*\*Hydroponics and Aquaponics are both listed in the permitted use table as a special use permit. A special use permit must be obtained to produce cannabis in these manners.

Commercial Cannabis Establishments are divided into two classes for Manufacturing:

1. Cannabis Manufacturing, Heavy: A use that involves compounding, blending, extracting, infusing, packaging, or otherwise preparing a cannabis product using volatile solvents, e.g., butane, heptane, hexane, or propane. (Permitted indoors in I-1, I-2 and BIP)
2. Cannabis Manufacturing, Light: A use that involves compounding, blending, extracting, infusing, packaging, or otherwise preparing a cannabis product using mechanical methods, nonvolatile solvents, or no solvents. (Permitted in C-2, BCD, I-1, I-2 and BIP)

Commercial Cannabis Establishments are divided into two categories for Cannabis research and testing laboratories:

1. Cannabis Research Laboratory: A facility that produces or possesses cannabis or cannabis products for the purpose of studying cannabis cultivation, characteristics, or uses, provided that a cannabis research laboratory that conducts heavy cannabis manufacturing activities shall be classified as “cannabis manufacturing, heavy.” (Permitted in C-2, BCD, I-1, I-2 and BIP)
2. Cannabis Testing Laboratory: A facility where cannabis products are sampled, collected, and tested, provided that a cannabis testing laboratory that conducts heavy cannabis manufacturing activities shall be classified as “cannabis manufacturing, heavy.” (Permitted in C-2, BCD, I-1, I-2 and BIP)

Commercial Cannabis Establishments include one category for Cannabis Retail:

Commercial Cannabis Retailer: A business conducted by a person that is licensed to sell cannabis products directly to consumers who are twenty-one years of age or older. Permitted in C-2, BCD, I-1, I-2, BIP, SC-1, SC-2, SC-3, and MU (limited to hours of operation from 7:00 AM to 10:00 PM in MU districts only)

- Commercial Cannabis Retailer use is only permitted if it is NOT within three hundred (300) feet of an existing school or daycare
- New commercial cannabis retailer would only be permitted if is NOT within four hundred (400) feet of another cannabis retailer.
- All commercial cannabis retailers are limited to hours of operation from 7:00 AM to 12:00 AM (midnight).

### BUSINESS LICENSING

To open a cannabis business within the City of Santa Fe, you will need to be licensed by the State of New Mexico and the City of Santa Fe.

To apply for the State License please go to their website.

To apply for your City of Santa Fe business license, please go to [www.santafebizreg.com](http://www.santafebizreg.com). A zoning verification letter must be attached to the business license application for processing.

To request a zoning verification letter from the City of Santa Fe’s Land Use office please check their website at [https://www.santafenm.gov/current\\_planning](https://www.santafenm.gov/current_planning) for the current process. Zoning verification letters cost \$75 per letter/address. Payment must be received prior to issuance of the letter. For Cannabis businesses please include the Cannabis Zoning Verification Application available at [https://www.santafenm.gov/application\\_forms\\_and\\_fees](https://www.santafenm.gov/application_forms_and_fees).



TO BE COMPLETED BY CITY STAFF

Type:	Accepted by:	Date Accepted:
Amount Paid:	Zoning:	Overlay:

TO BE COMPLETED BY APPLICANT

Lot (square feet):	Building (square feet):	Subdivision:
Distance from Schools and Daycares (feet):	Lot:	Block:
Distance from other Cannabis Establishments (feet):	Proposed Business Hours	
PROPOSED BUSINESS TYPE: (Check all that apply)		
Cannabis Retailer	Cannabis Producer, Indoor	
Cannabis Producer, Microbusiness	Cannabis Testing, Laboratory	
Cannabis Research Laboratory	Cannabis Manufacturing, Light	
Cannabis Manufacturing, Heavy	Cannabis Producer, Outdoor	

Business Name:		
Address:		
Street Address	Suite/Unit #	
City	State	ZIP Code
Applicant Name (First, Last):		
Phone:	E-mail Address:	

MISSION STATEMENT

May be included as an attachment:

SUBMITTAL CHECKLIST

Applications are due to [zoningcounter@santafem.gov](mailto:zoningcounter@santafem.gov). Please include the following items as separate PDF files saved with unique descriptive file names.

Business Plan	Site Plan	Equity Provisions	Refuse Plan
Community Engagement Plan	Legal lot of Record, Legal Description	Water Plan	



### SITE PLAN

Zoning Verification Letters applications include approval of a site plan and other site development drawings necessary to document that the type and extent of development proposed can be accomplished in conformance with applicable development standards.

The site plan shall be a scaled drawing showing all site improvements, existing and proposed, including but not limited to the following:

1. Buildings and other structures such as fences and walls, existing and proposed
2. Landscape, existing and proposed; and
3. Parking, vehicular and pedestrian circulation including off-site access.

The Land Use Department may require additional information, including but not limited to:

1. Slope and topographic analysis;
2. Utility connections or availability statements;
3. Fire protection; and,
4. Traffic impact analysis.

### BUSINESS PLAN

Zoning Verification Letter applications include approval of a business plan that demonstrates the applicant's ability to manage both the day-to-day operations and regulatory compliance of a cannabis related business.

The business plan shall include, but is not limited to, the following:

1. Qualifications and experience for operating a cannabis business in New Mexico
2. A description of day-to-day operation including staff management, customer management, monitoring of incoming and outgoing products, and overall security.
3. A site access plan including pedestrian, bicycle and vehicular access and queue management
4. Demonstrate ability to maintain compliance with:
  - a. State Cannabis Regulations
  - b. General City of Santa Fe code compliance
  - c. City of Santa Fe Cannabis Ordinance (No. 2021-19) Compliance

### COMMUNITY ENGAGEMENT PLAN

Zoning Verification Letter applications include approval of a Community Engagement Plan that demonstrates the applicant's commitment to the City of Santa Fe community in general and the neighborhood where the business is located specifically.

The Community Engagement Plan shall include, but is not limited to, the following:

1. A description of methods of community engagement including meetings, events and digital communication
2. A description of improvements to the site, building and surrounding neighborhood
3. Environmentally friendly practices and benefits
4. Community benefits including employment, public programs and charity
5. A description of odor control measures

### WATER PLAN

Zoning Verification Letter applications include approval of a Water Plan that demonstrates the applicant's ability to legally procure water and commitment to water conservation.

The Water Plan shall include, but is not limited to, the following:

1. A quantification in gallons and acre-feet of the total proposed water usage on the subject parcel of land on an annual basis
  - a. If the estimate is equal to or greater than five acre-feet per year, the applicant shall show ownership of water rights or agree to obtain water through the water rights transfer program
2. A description of water conservation methods to be used, both indoor and outdoor



REFUSE PLAN

Zoning Verification Letter applications include approval of a Refuse Plan that demonstrates the applicant's ability to dispose of all waste products in a safe, legal and environmentally friendly manner:

The Refuse Plan shall include, but is not limited to, the following:

- 1. A quantification in both volume (gallons) and weight (pounds) of all waste produced on a monthly basis
2. A description of all types of anticipated hazardous waste and procedures for safe and legal disposal
3. A description of all types of anticipated organic waste and procedures for safe and legal disposal

EQUITY PROVISIONS

Zoning Verification Letter applications include approval of an Equity Provisions letter that demonstrates the applicant's positive impact on social equity for people who have historically been negatively affected by cannabis prohibition.

The Equity Provisions Letter shall include, but is not limited to, the following:

- 1. Any instances of directly (I.E. the applicant or a close family member) being negatively affected by cannabis prohibition including convictions, incarceration, inability to access goods and services, etc.
2. Plans to mitigate historic inequities through employment of people with convictions, experiencing homelessness, from low-income/high-risk communities, etc.
3. Plans to mitigate historic inequities through community investment, such as franchising, cooperatives, direct investment, mentorship, etc.

APPLICANT/AGENT INFORMATION (if different from owner)

Business Name:
Address: Street Address Suite/Unit #
City State ZIP Code
Applicant Name (First, Last):
Phone: E-mail Address:

Correspondence directed to Owner Applicant Both

AGENT AUTHORIZATION (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at:
I/We authorize to act as my/our agent to execute this application
Signed: Date:
Signed: Date:

SIGNATURE

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a pre-application meeting to verify that the attached proposal is in compliance with the City's zoning requirements.
Signed: Date:

A planner will be assigned to your project and will notify you within 10 business days if any additional information is needed. Please contact the Land Use Department zoningcounter@santafenm.gov with any questions.