

CITY & COUNTY OF DENVER COMMUNITY PLANNING & DEVELOPMENT BUILDING PERMIT POLICY		
Subject: OCCUPANCY CLASSIFICATION FOR MARIJUANA USES		
Approved: Scott V. Prisco, AIA, Building Official		
Number: IBC Section 302.1	Effective Date: August 8, 2016 Revised June 7, 2017	Page: 1 of 2

Reference: IBC Section 302, 303, 304, 309

Scope: IBC Section 302.1 states that when a structure is proposed for a purpose that is not specifically provided for in the International Building Code, such structure shall be classified in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard involved.

The provisions of this policy outline the occupancy classification for commercial marijuana uses (such as grow facilities, infused product manufacturers, stores, centers, and testing facilities) that engage in the growing, manufacturing and selling of marijuana, be that for medical or recreational purposes.

Marijuana facilities must comply with all Denver Building and Fire Code requirements, including hazardous occupancy classification requirements when hazardous material use or storage exceeds Maximum Allowable Quantities (MAQ) regarding marijuana operations; any other Denver Fire Department requirements; and any zoning code requirements.

1. Marijuana Stores and Centers

All new (projects that have not submitted for building permits by the date of this policy) marijuana stores and centers that will be engaged in marijuana sales, medical or recreational, will be defined as a Group M occupancy in accordance with the IBC for any facility that requires the issuance of a certificate of occupancy to be issued as part of the permitting and inspection process. Occupant load, means of egress, plumbing fixtures, and other code compliance elements shall be designed and built based on Occupancy Group M.

Existing stores and centers that do not have a Certificate of Occupancy in Group M shall be required to undergo a change of occupancy process to Occupancy Group M in the following scenarios:

- a. The existing store is increasing its square footage either through an addition or an expansion into an adjacent tenant space.
- b. A level 3 alteration, as defined by the International Existing Building Code Section 505 is undertaken, except that the area of work exceeding 50 percent shall be within the tenant space, not the building area.
 - a. If a tenant space includes a store/center and grow facility, and work is planned to occur only within the grow facility but it's more than 50 percent of the total tenant area, then the store would have to go through a change of occupancy process.
 - b. If 50 percent of the area of the store/center is undergoing work, but that does not encompass 50 percent of the tenant area, the store itself will need to go through a change of occupancy process.

2. Marijuana Grow Facilities

Facilities engaged in the growing of marijuana shall be classified as an F-1 occupancy, which includes facilities that are typically referred to as a "greenhouse".

3. Marijuana Manufacturing Facilities

Facilities engaged in the manufacturing of marijuana products including, but not limited to, edibles, extraction of marijuana oil, and lotions shall be classified as an F-1 occupancy.

4. Marijuana Testing Facilities

Facilities engaged in the testing and laboratory research related to marijuana shall be classified as a B occupancy.

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5. Multiple Occupancies

A medical or recreational marijuana store or center may be classified as having multiple occupancies. For example, if the facility was selling various products, offering counseling services, and providing other traditional or non-traditional health-care treatment(s), then a multiple-occupancy classification may be appropriate. This determination will be made by the Architectural/Structural plans review engineer during plan review.