ORDINANCE NO. 25 - 10

AN ORDINANCE AMENDING CHAPTER 7 (UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MEDICAL AND RETAIL MARIJUANA.

WHEREAS, at the November 5, 2024 election, citizens of the City of Colorado Springs approved limited retail marijuana businesses within the city limits pursuant to Ballot Question 300; and

WHEREAS, because of the retail marijuana uses approved through Ballot Question 300, amendments to the City's zoning code are needed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The above recitals are hereby incorporated into this Ordinance, approved, and effective.

Section 2. Part 2 (Allowed Use Tables) of Article 3 (Use Regulations) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.3.201: BASE AND NNA-O DISTRICT USE TABLE:

* * *

Table 7.3.2-A Base and NNA-O District Use Table	P = Permitted C = Conditional use R = Allowed pursuant to regulating plan																										
	Residential									Mixed-Use							Indus.			Spec P.			NNA-O			
Zone District ☐ Land Use ↓	A	R-E	R-1 6	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	OR	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	Use-Specific Standards
									*	*	*																
COMMERCIAL AND INDUSTRIAL USES																											
									*	*	*																

Table 7.3.2-A Base and NNA-O District Use Table

P = Permitted
C = Conditional use
A = Accessory to primary use
T = Temporary use
R = Allowed pursuant to regulating plan

	Residential									Mixed-Use							Indus.			Spec P.			NNA-O			
Zone District / Land Use ↓	A	R-E	R-1 6	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	OR	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	Use-Specific Standards
Marijuana-related Services																										7.3.303F
Marijuana Consumption Club Facility																R										7.3.303F.3
Medical Marijuana Cultivation Facility													C	C		R	C	P	P							
~~Medical Marijuana Products Manufacturer – Hazardous~~																~~R~~		~~P~~	~~P~~							
Medical Marijuana Products Manufacturer – ~~Nonhazardous~~													C	C		R	C	P	P							
Medical Marijuana Store													P	P		R	A	A	A							7.3.303F.4
Medical Marijuana Testing													**P**	**P**	**P**	**P**	**P**	**P**	**P**							
Retail Marijuana Cultivation Facility													**C**	**C**		**R**	**C**	**P**	**P**							**7.3.303F.5**
Retail Marijuana Products Manufacturer													**C**	**C**		**R**	**C**	**P**	**P**							**7.3.303F.5**
Retail Marijuana Store													**P**	**P**		**R**	**A**	**A**	**A**							**7.3.303F.5**
Retail Marijuana Testing													**P**	**P**	**P**	**P**	**P**	**P**	**P**							**7.3.303F.5**

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7.3.202: ADDITIONAL OVERLAY DISTRICT USE TABLE:

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Table 7.3.2-B Additional Overlay District Use Table

P = Permitted use if by-right in base zone district
C = Conditional use if permitted by-right in base zone district
A = Accessory
T = Temporary Use

Overlay District / Land Use ↓	SS-O	AP-O [1]				
		ADNL	RPZ	APZ-1	APZ-2	ANAV

* * *

Table 7.3.2-B Additional Overlay District Use Table	P = Permitted use if by-right in base zone district C = Conditional use if permitted by-right in base zone district A = Accessory T = Temporary Use					
Overlay District Land Use ↓	SS-O	AP-O [1]				
		ADNL	RPZ	APZ-1	APZ-2	ANAV
COMMERCIAL AND INDUSTRIAL USES						
* * *						
Marijuana-related Services						
Marijuana Consumption Club Facility	P	C		P	P	P
Medical Marijuana Cultivation Facility	P	C		P	P	P
Medical Marijuana Products Manufacturer ~~- Nonhazardous~~	C	C		P	P	P
~~Medical Marijuana Products Manufacturer - Hazardous~~	~~C~~	~~C~~		~~P~~	~~P~~	~~P~~
Medical Marijuana Store	P	C		P	P	P
Medical Marijuana Testing	**P**	**P**		**P**	**P**	**P**
Retail Marijuana Cultivation Facility	**P**	**C**		**P**	**P**	**P**
Retail Marijuana Products Manufacturer	**C**	**C**		**P**	**P**	**P**
Retail Marijuana Store	**P**	**C**		**P**	**P**	**P**
Retail Marijuana Testing	**P**	**P**		**P**	**P**	**P**
* * *						

Section 3. Section 303 (Commercial and Industrial Uses) of Part 3 (Use-Specific Standards) of Article 3 (Use Regulations) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.3.303: COMMERCIAL AND INDUSTRIAL USES:

* * *

F. * * *

1. * * *

a. Except as expressly permitted in this UDC, the following ~~uses~~ are prohibited on all property within the City:

(1) ~~Operating a retail marijuana establishment.~~

~~(2)~~ Transferring or permitting the transfer of marijuana or marijuana concentrate at no cost to a person if the transfer is in any way related to remuneration for any other service or product.

~~(3)~~**(2)** Growing, cultivating, or processing **retail** marijuana or medical marijuana except in compliance with the requirements of this UDC.

b. * * *

c. Outdoor **retail and medical marijuana** grow facilities are prohibited.

2. * * *

a. An MMJ Facility is prohibited within a residential zone district or dwelling unit except as allowed by Subsection 7.3.304J (Marijuana, Home Cultivation, Accessory), **and RMJ Facilities are prohibited within residential zone districts or dwelling units.**

b. An MMJ **or RMJ** Facility shall hold valid local and state medical **or retail** marijuana business licenses and local and state Sales Tax licenses, as applicable.

c. **Unless expressly stated otherwise in this Code,** ~~O~~on-premises use, consumption, ingestion, or inhalation within an MMJ **or RMJ** Facility is prohibited.

d. An MMJ **or RMJ** Facility shall install, maintain, and operate an adequate ventilation and filtration system that ensures odors are not reasonably detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

3. * * *

4. Medical Marijuana Store: This use ~~shall~~**must** be located at least one thousand (1,000) feet from any Elementary or Secondary School, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or any other Medical Marijuana Store. This minimum distance shall be measured from the nearest portion of the building used for the Medical Marijuana Store to the nearest property line of the school, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or other Medical Marijuana Store using a route of direct pedestrian access.

5. Retail Marijuana ~~Store~~**Facilities: All RMJ Facilities must be located at least one thousand (1,000) feet from any operating public or private daycare facility, including but not limited to Child Day Care Centers, Child Care Facilities, and Home Child Day Cares, Elementary or Secondary School, and Drug or Alcohol Treatment Facility. This minimum distance shall be measured from the nearest portion of the building used for the RMJ Facility to the nearest property line of the daycare, School, or Drug or Alcohol Treatment Facility using a route of direct pedestrian access.**

~~a. To the extent that Retail Marijuana Stores are permitted by law, this use shall be located at least one (1) mile from any Elementary or Secondary School, Residential Childcare Facility, or Drug or Alcohol Treatment Facility. This minimum distance shall be measured from the nearest portion of the building used for the Retail Marijuana Store to the nearest property line of the school, Residential Childcare Facility, or Drug or Alcohol Treatment Facility using a route of direct pedestrian access.~~

~~b. This Subsection (5) does not authorize the sale of retail marijuana.~~

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Section 4. Section 1003 (Parking Space Requirements by Use) of Part 10 (Parking and Loading) of Article 4 (Development Standards and Incentives) of Chapter 7 (Unified

Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.4.1003: PARKING SPACE REQUIREMENTS BY USE:

* * *

B. * * *

3. * * *

Table 7.4.10-A
Minimum Off-Street Parking Requirements
DU= Dwelling Unit
GFA = Gross Floor Area
N/A = Not Applicable

Use Types	Minimum Spaces
* * *	
Marijuana-Related Services	
Marijuana Consumption Club Facility	1 per 400 sf of GFA
Medical Marijuana Cultivation Facility	***Grow and Process:*** 1 per 5,000 sf
Medical Marijuana Products Manufacturer-~~Nonhazardous~~	1 per 1,000 sf of GFA
~~Medical Marijuana Products Manufacturer-Hazardous~~	
Medical Marijuana Store	***Retail:*** 1 per 300 sf of GFA ***Office:*** 1 per 400 sf of GFA
Medical Marijuana Testing	**1 per 1,000 sf of GFA**
Retail Marijuana Cultivation Facility	***Grow and Process:*** **1 per 5,000 sf**
Retail Marijuana Products Manufacturer	**1 per 1,000 sf of GFA**
Retail Marijuana Store	***Retail:*** **1 per 300 sf of GFA** ***Office:*** **1 per 400 sf of GFA**
Retail Marijuana Testing	**1 per 1,000 sf of GFA**
* * *	

Section 5. Section 301 (Definitions) of Part 3 (Definitions) of Article 6 (Definitions and Rules of Construction) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.6.301: DEFINITIONS:

* * *

MARIJUANA-RELATED DEFINITIONS:

* * *

MEDICAL MARIJUANA FACILITY (MMJ FACILITY): An establishment licensed by the City and state for the growth, cultivation, acquisition, manufacture, storage, dispensing, or sale of medical marijuana or medical marijuana products, including Medical Marijuana Products Manufacturer, ~~Medical Marijuana Products Manufacturer - Nonhazardous, Medical Marijuana Products Manufacturer – Hazardous~~**Medical Marijuana Cultivation**, and Medical Marijuana Store uses.

* * *

MEDICAL MARIJUANA PRODUCTS MANUFACTURER (MIP): An establishment for the manufacture and storage of medical marijuana products. ~~MIPs shall be classified by the Manager, in consultation with the Fire Code Official, as either hazardous or nonhazardous, in compliance with the land use types described in the following two (2) definitions.~~**Through consultation with the Planning Manager and the Fire Code Official, a MIP may be subject to heightened building code standards when the manufacturing requires certain potentially hazardous materials or processes.**

~~MEDICAL MARIJUANA PRODUCTS MANUFACTURER - NONHAZARDOUS (MIP - NH): Any MIP location that does not exceed reasonable fire and life safety risks or does not otherwise meet the definition of a MIP - HZ. Examples of MIP - NH land use classifications may include, but are not limited to, the use of super/subcritical water or CO2 extraction processes, cooking, or baking facilities.~~

~~MEDICAL MARIJUANA PRODUCTS MANUFACTURER - HAZARDOUS (MIP - HZ): Any MIP location that presents fire and life safety risks by using oil extraction processes through the use of pressurized flammable gas, flammable or combustible liquids, and other processes. Examples of MIP - HZ land use classifications may include, but are not limited to, the use of butane, propane, acetone, naphtha, alcohol, etc., during the manufacturing process.~~

* * *

MEDICAL MARIJUANA TESTING (MMT): As used in the regulation of marijuana-related land uses and activities, an establishment for the testing of medical marijuana and medical marijuana products.

RETAIL MARIJUANA FACILITY (RMJ FACILITY): An establishment licensed by the City and state for the growth, cultivation, acquisition, manufacture, storage, dispensing, or sale of retail marijuana or retail marijuana products, including Retail Marijuana Products Manufacturer, Retail Marijuana Cultivation, and Retail Marijuana Store uses.

RETAIL MARIJUANA CULTIVATION FACILITY (RMJCF): As used in the regulation of marijuana-related land uses and activities, an establishment for the growth, cultivation, and storage of retail marijuana.

RETAIL MARIJUANA PRODUCTS MANUFACTURER (RMIP): An establishment for the manufacture and storage of retail marijuana products. Through consultation with the Planning Manager and the Fire Code Official, a RMIP may be subject to heightened building code standards when the manufacturing requires certain potentially hazardous materials or processes.

RETAIL MARIJUANA STORE (RMS): An establishment for the storage, dispensing, and/or sale of retail marijuana or retail marijuana products.

RETAIL MARIJUANA TESTING (RMT): As used in the regulation of marijuana-related land uses and activities, an establishment for the testing of retail marijuana and retail marijuana products.

* * *

Section 6. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter. However, in the event Ballot Question 300 approved at the November 5, 2024 election and the associated initiated ordinance allowing limited retail marijuana businesses within the City limits is repealed through a subsequent vote of the electorate at the spring 2025 election, this ordinance shall be repealed in its entirety as of the date of said 2025 vote.

Section 7. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 14th day of January 2025.

Finally passed: January 28, 2025

Randy Helme, Council President

Mayor's Action:

☒ Approved on JAN 29 2025.

☐ Disapproved on _____, based on the following objections:

_____

_____

_____

_____

_____

Blessing A. Mobolade, Mayor

Council Action After Disapproval:

☐ Council did not act to override the Mayor's veto.

☐ Finally adopted on a vote of _____, on _____.

☐ Council action on _____ failed to override the Mayor's veto.

_____

Randy Helms, Council President

ATTEST:

Sarah B. Johnson, City Clerk

COLORADO SPRINGS INCORPORATED SEAL SEPTEMBER 3, 1872 COLORADO

CAO: MS

COS: _____

I HEREBY CERTIFY that the foregoing ordinance entitled **"AN ORDINANCE AMENDING CHAPTER 7 (UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MEDICAL AND RETAIL MARIJUANA."** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on **January 14, 2025**; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the **28thth day of January 2025**, and that the same was published by title and in summary or in full, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, **28th day of January 2025.**

Sarah B. Johnson, City Clerk

1st Publication Date: **January 17, 2025**
2nd Publication Date: **February 3, 2025**

Effective Date: **February 8, 2025**

Initial: SBJ
City Clerk

COLORADO SPRINGS INCORPORATED SEAL SEPTEMBER 3, 1872 COLORADO