

ORDINANCE NO. 16-100

AN ORDINANCE AMENDING SECTION 2.5.6. OF THE REGULATING PLAN FOR THE DOWNTOWN COLORADO SPRINGS FORM-BASED CODE OF THE CITY OF COLORADO SPRINGS

WHEREAS, § 7.3.801, *et seq.*, of the Code of the City of Colorado Springs, 2001 as amended (“City Code”), empowers the City to implement form-based zoning districts; and

WHEREAS, through Ordinance No. 09-83, the City Council enacted a Downtown Colorado Springs Form-Based Code zoning district; and

WHEREAS, through Ordinance No. 12-23, the City Council determined that changes to the standards found within the Downtown Colorado Springs Form-Based Code Regulating Plan (the “Regulating Plan”) are processed, reviewed and approved according to the procedures set forth in Section 5.8.1.3 of the Regulating Plan and Chapter 7, Article 5, Part 6 of City Code.

WHEREAS, the City Council passed a variety of new zoning regulations in 2016 adjusting the permitted zone districts for medical marijuana land use types; and

WHEREAS, through Ord. No. 16-57 the City Council also enacted a moratorium on the establishment of new medical marijuana licenses and land use approvals through May 25, 2017; and

WHEREAS, following a public hearing the City’s Downtown Review Board has recommended new review processes and standards for medical marijuana uses within the Downtown Colorado Springs Form-Based Code zoning district area.

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

Section 1. Section 2.5.6 of the Regulating Plan for the Downtown Colorado Springs Form-Based Code of the City of Colorado Springs is hereby modified by the changes described, attached and made a part hereof by

reference as Exhibit A. All development within the FBZ-Downtown zone district shall comply with the standards, guidelines, procedures and requirements contained within the Regulating Plan as adopted and subsequently amended.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the Office of the City Clerk.

Introduced, read and passed on first reading and ordered published this 11th day of October, 2016.

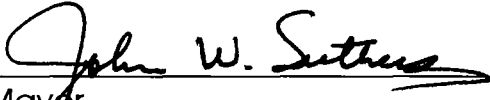
Finally passed: October 25, 2016



Council President

Mayor's Action:

- Approved on October 27, 2016.
- Disapproved on _____, based on the following objections:



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.

Council President


ATTEST:

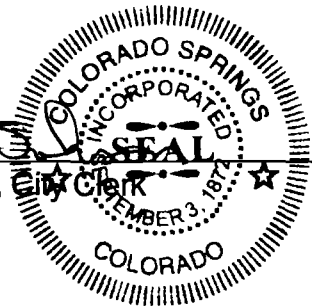

Sarah B. Johnson, City Clerk



I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE AMENDING SECTION 2.5.6. OF THE REGULATING PLAN FOR THE DOWNTOWN COLORADO SPRINGS FORM-BASED CODE OF THE CITY OF COLORADO SPRINGS”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on October 11, 2016; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 25th day of October, 2016, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 27th day of October, 2016.


Sarah B. Johnson, City Clerk



1st Publication Date: October 14, 2016
2nd Publication Date: November 2, 2016

Effective Date: November 7, 2016 Initial: SBJ
City Clerk

Mark-up of existing Form-Based Code language to address new MMJ regulations

2.5.6 Medical Marijuana Uses

Medical Marijuana uses (including centers, optional premises cultivation operations, and infused product manufacturers) are **allowed as permitted or as commercial conditional** uses throughout many of the City's commercial **and industrial** zone districts. Due to their potentially unique characteristics and the fact that the uses don't fit directly into the form-based code's definitions for commercial **or industrial** land uses (e.g. retail, service, **manufacturing**, etc.), a specific standard is justified. Medical Marijuana centers, ~~optional premises cultivation operations, and infused product manufacturers~~ are considered permitted uses throughout the Downtown Form-Based Zone. **Optional premises cultivation operations and medical marijuana infused product manufacturers (non-hazardous) are allowed with approval of a conditional use permit by the Downtown Review Board throughout the Downtown Form-Based Zone. Medical marijuana infused product manufacturers (hazardous) are prohibited uses in all Form-Based Zone Sectors.** City-wide standards, licensing, and separation requirements are applicable within the Downtown Form-Based Zone.