

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTION 105 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES ALLOWED IN RESIDENTIAL ZONES) OF PART 1 (RESIDENTIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO PERSONAL CULTIVATION OF MARIJUANA AND MEDICAL MARIJUANA

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

Section 1. Section 105 (Additional Standards for Specific Land Uses Allowed in Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.105: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES ALLOWED IN RESIDENTIAL ZONES:

* * *

P. ~~Medical~~ **Personal Cultivation of Marijuana and Medical Marijuana:** ~~Exception — Patient Or Primary Caregiver: A patient who is in possession of a Colorado State issued registry identification card may grow a maximum of six (6) plants and possess medical marijuana for their medical use only in accord with Colorado Constitution article XVIII, section 14. A person designated as the primary caregiver for no more than five (5) patients may grow and possess a maximum of six (6) medical marijuana plants per patient for their patients' medical use in accord with Colorado Constitution article XVIII, section 14.~~ **Pursuant to Colorado Constitution article XVIII, sections 14 and 16, patients, caregivers, and persons over twenty-one (21) years of age may lawfully grow a limited amount of marijuana. No more than twelve (12) medical marijuana plants, marijuana plants for personal use, or any combination thereof, with 1/2 or**

fewer being mature, flowering plants can be grown in a single residential unit or an accessory structure to a single residential unit, regardless of the number of patients, caregivers, or persons over twenty-one (21) years of age, or any combination thereof, that reside in the residential unit. These activities are allowed as accessory uses in all residential zone districts or residential units so long as:

1. No ~~medical~~ marijuana is dispensed, except to registered patients pursuant to Colorado Constitution article XVIII, section 14;
2. No **marijuana or** medical marijuana infused products are manufactured or sold;
3. No **marijuana or** medical marijuana is cultivated outdoors;
4. No signs regarding medical marijuana are displayed;
5. No more than one **(1)** caregiver **cultivating medical marijuana** ~~per~~ **resides in the** dwelling unit ~~is permitted~~;
6. **A ventilation and filtration system that ensures odors from the cultivation activities are not 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;**
7. **Marijuana and medical marijuana plants are grown in an enclosed and locked space;**
8. **All personal cultivation of marijuana and medical marijuana shall be limited to an area of 150 square feet for a single-family dwelling detached or 75 square feet for all other dwelling unit types and accessory structures;**
9. **The person growing, cultivating, or processing marijuana or medical marijuana within a residential or accessory structure owned by another person or entity obtains the written consent of the property owner. The written consent of the property owner must be furnished to any requesting City official. If the person growing, cultivating, or processing marijuana or medical marijuana does not provide the City official with the written consent of the property owner, the City may inform the property owner of the marijuana or medical marijuana related activities occurring on the property; and**

10. The residential unit or accessory structure shall be and remain at all times in compliance with all applicable City regulations including, but not limited to, Zoning, Building, Housing and Fire Codes.

~~Footnote 1: See Colo. Const. art. XVIII, §1 for definitions of "medical use", "patient", "primary caregiver" and "registry identification card".~~

Section 2. This ordinance shall be in full force and effect from and after its final adoption 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 be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2016.

Finally passed: _____
Council President

Mayor's Action:

- Approved on _____.
- 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