

ORDINANCE NO. 16-53

AN ORDINANCE AMENDING SECTION 302 (DEFINITIONS OF USE TYPES) OF PART 3 (LAND USE TYPES AND CLASSIFICATIONS) OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS) AND SECTIONS 203 (PERMITTED, CONDITIONAL AND ACCESSORY USES) AND 205 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES) OF PART 2 (COMMERCIAL 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 MEDICAL MARIJUANA FACILITIES

WHEREAS, the City of Colorado Springs ("City") is a home rule city and Colorado municipal corporation created and organized pursuant to Art. XX of the Colorado Constitution and the Charter of the City of Colorado Springs; and

WHEREAS, City Code § 7.2.102 sets forth the purpose and intent of the City's zoning and land use regulations is "to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions"; and

WHEREAS, in the November 2000 general election, the voters of the State of Colorado approved Amendment 20; and

WHEREAS, the City's licensing and land use regulations for medical marijuana related services and medical marijuana facilities were adopted in 2011; and

WHEREAS, on November 10, 2015 the City Council ordained a six (6) month moratorium on the establishment of any new medical marijuana facilities within the City limits; and

WHEREAS, the situation regarding marijuana uses statewide and within the City have fundamentally changed since 2011 and requires a new analysis regarding the land uses related to approval of marijuana-related land uses; and

WHEREAS, the increasing number of and new types of marijuana-related land uses has created increasing health, safety and welfare concerns throughout the City; and

WHEREAS, City Code § 7.2.107 ordains “it shall be unlawful to use any building, structure, or land or to erect, move, structurally alter, convert, extend, or enlarge any building or other structure except in conformity with the requirements established in the zone district in which said structure, building, or land is located and in accord with the provisions of this Zoning Code.”; and

WHEREAS, the study by and recommendation of a City Council appointed task force during the moratorium period has illustrated the need for updated zoning and land use regulations to sufficiently protect the public health, safety and welfare and to mitigate the impacts of medical marijuana facilities in accord with City Code § 7.2.102.

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

Section 1. Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) 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:

7.2.302: DEFINITIONS OF USE TYPES:

* * *

C. * * *

22. MEDICAL MARIJUANA FACILITY (MMJ Facility):

a. * * *

b. Medical Marijuana Infused Products Manufacturer (MMIPM): An establishment for the manufacture and storage of medical marijuana infused products. **MMIPMs shall be classified by the Manager, in consultation with the City Fire Marshal, in accord with the following land use types:**

(1) Medical Marijuana Infused Products Manufacturer - Non- Hazardous (MMIPM - NH): Any MMIPM location that does not exceed reasonable fire and life safety risks, or does not otherwise meet the definition of a MMIPM - HZ. Examples of MMIPM - NH land use classifications may include but are not limited to the use of super/subcritical CO2 extraction processes, cooking or baking facilities.

(2) Medical Marijuana Infused Products Manufacturer - Hazardous (MMIPM - HZ): Any MMIPM location that presents fire and life safety risks by utilizing oil extraction processes through the use of pressurized flammable gas, flammable or combustible liquids, and other processes. Examples of MMIPM - HZ land use classifications may include but are not limited to the use of Butane, Propane, Acetone, Naptha, Alcohol, etc., during the manufacturing process.

* * *

E. * * *

11. Medical Marijuana Infused Products Manufacturer - Hazardous (MMIPM - HZ): See section 7.2.302 (C)(22)(b)(2) of this chapter.

12. * * *

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20. * * *

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Section 2. Section 203 (Permitted, Conditional and Accessory Uses) of Part 2 (Commercial 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:

7.3.203: PERMITTED, CONDITIONAL AND ACCESSORY USES:

Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
* * *														
Commercial use types:														
* * *														
Medical marijuana facility:														
Medical marijuana center	* * *													
Medical marijuana infused product manufacturer - non hazardous	7	7	CP	CP	CP	CP	CP	P	P					
Optional premises cultivation operation	7	7	CP	CP	CP	CP	CP	P	P					
* * *														
Industrial use types:														
* * *														
Medical marijuana facility:														
Medical marijuana infused product manufacturer - hazardous	7	7						P	P					
* * *														

FIGURE 3 - Ordinance 16-53

Notes:

* * *

7. Refer to subsection 7.3.205KL6 of this part for additional standards for MMJ facilities located within the OR and OC zone districts.


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Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. 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 26th day of April, 2016.

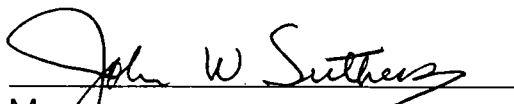
Finally passed: May 10, 2016



Council President

Mayor's Action:

- Approved on May 13, 2016.
- Disapproved on _____, based on the following objections:



Mayor

Handwritten initials/signature in bottom right corner.

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.

ATTEST:

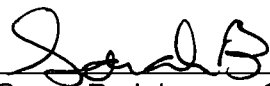

Sarah B. Johnson,
City Clerk




Council President

I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE AMENDING SECTION 302 (DEFINITIONS OF USE TYPES) OF PART 3 (LAND USE TYPES AND CLASSIFICATIONS) OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS) AND SECTIONS 203 (PERMITTED, CONDITIONAL AND ACCESSORY USES) AND 205 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES) OF PART 2 (COMMERCIAL 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 MEDICAL MARIJUANA FACILITIES”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on April 26, 2016; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 10th day of May, 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 13th day of May, 2016.


Sarah B. Johnson, City Clerk



1st Publication Date: April 29, 2016

2nd Publication Date: May 18, 2016

Effective Date: May 23, 2016

Initial: SBJ
City Clerk