



Legislation Details (With Text)

File #: CPC CA 16-00050 **Version:** 3 **Name:**

Type: Planning Case **Status:** Mayor's Office

File created: 4/20/2016 **In control:** City Council

On agenda: **Final action:** 10/25/2016

Title: Ordinance No. 16-100 amending the Regulating Plan for the Downtown Colorado Springs Form-Based Zone pertaining to medical marijuana facilities, including medical marijuana centers, medical marijuana infused products manufacturer, and optional premises cultivation operation.

(Legislative)

Presenter:
Peter Wysocki, Director of Planning and Community Development

Sponsors:

Indexes:

Code sections:

Attachments: 1. Zoning-FBZ_ORD-2016-09-23, 2. DRB Staff Report for MMJ regulations 050416, 3. Figure 1 - Proposed MMJ Standard for FBZ April 2016, 4. Figure 2_04.19.16 DDA MMJ, 5. MMJ presentation zoning CC WS 9-26-16, 6. 5-4-16 DRB Minutes, 7. Signed Ordinance 16-100.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|---------------------------|---------------------------|--------|
| 10/25/2016 | 3 | City Council | finally passed | Pass |
| 10/11/2016 | 2 | City Council | approved on first reading | Pass |
| 10/11/2016 | 2 | City Council | denied | Fail |
| 9/26/2016 | 2 | City Council Work Session | referred | |
| 5/4/2016 | 1 | Downtown Review Board | referred | Pass |

Ordinance No. 16-100 amending the Regulating Plan for the Downtown Colorado Springs Form-Based Zone pertaining to medical marijuana facilities, including medical marijuana centers, medical marijuana infused products manufacturer, and optional premises cultivation operation.

(Legislative)

Presenter:
Peter Wysocki, Director of Planning and Community Development

Summary:
The proposed ordinance updates the Regulating Plan for the Downtown Colorado Springs Form-Based Zone to provide consistency with new City-wide regulations for medical marijuana uses. The existing Form-Based Code permits all types of medical marijuana uses throughout the zone. The proposed ordinance will continue to allow medical marijuana centers (dispensaries) throughout downtown as permitted uses. Optional premises cultivation operations and infused product

manufacturers (non-hazardous) will require conditional use approval from the Downtown Review Board under the new regulations. Medical marijuana infused product manufacturers (hazardous) are proposed to be prohibited throughout the Downtown Colorado Springs Form-Based Zone.

Previous Council Action:

This ordinance was introduced to City Council's work session on September 26, 2016.

On October 11, 2016 during the regular meeting, this ordinance passed on first reading with a 5:3:1 vote. Councilmember Pico was excused, and the dissenting votes were Councilmembers Strand, Collins, and Murray.

Background:

Late 2015, Council received numerous constituent complaints and reports of possible illegal activities, and City staff reports of public safety concerns.

Since 2000, marijuana industry has evolved, and existing City ordinances have not kept pace.

City Council adopted Ordinance 15-79, 6-month moratorium, effective November 23, 2015.

- Medical Marijuana Task Force appointments confirmed November 24, 2015
- Moratorium ends May 25, 2016

Task Force briefed Council on its recommendations at the March 21, 2016 and April 11, 2016 Council work sessions.

Because these ordinances amend Chapter 7 ("zoning code") of City Code, on April 21, 2016, the Planning Commission first reviewed the ordinances and recommended approval to City Council for formal consideration. (Commissioner Markewich was the only dissenting vote limiting twelve medical marijuana plants for personal use.)

Complementary ordinances relating to licensing and criminal enforcement of residential cultivation exceeding the permitted amount were concurrently developed and approved by Council on first and second reading, April 26, 2016 and May 10, 2016.

Financial Implications:

N/A

Board/Commission Recommendation:

On May 4, 2016, the Downtown Review Board voted 8:0 to support the proposed changes to the Form-Base Code Section 2.5.6 regarding Medical Marijuana Uses.

Downtown Development Authority expresses support of proposed changes to Form-Base Code Section 2.5.6 regarding Medical Marijuana Uses, to be in alignment with modifications to citywide standards addressing Medical Marijuana Uses.

Stakeholder Process:

The proposed ordinances for City-wide regulations were developed by the Medical Marijuana Task Force, which consisted of voting representatives from the marijuana industry as well as neighborhoods. The Task Force was supported by non-voting City Staff from Planning, Police, Fire,

City Clerk's Office, CSU, City Attorney's Office, and the Mayor's Office. Members of the Task Force were official appointed by the City Council. The proposed changes to the Downtown Colorado Springs Form-Based Code are intended to provide consistency with City-wide regulations. Staff received a letter from the Downtown Development Authority voicing support for the proposed regulations.

The second medical marijuana task force currently convened has not recommended any modifications to the zoning regulations previously adopted by Council.

Alternatives:

1. Uphold the action of the Downtown Review Board;
2. Modify the decision of the Downtown Review Board;
3. Reverse the action of the Downtown Review Board; or
4. Refer the matter back to the Downtown Review Board for further consideration.

Proposed Motion:

Approve an ordinance amending the Regulating Plan for the Downtown Colorado Springs Form-Based Zone pertaining to medical marijuana facilities, including medical marijuana centers, medical marijuana infused products manufacturer, and optional premises cultivation operation.

An ordinance amending the Regulating Plan for the Downtown Colorado Springs Form-Based Zone pertaining to medical marijuana facilities, including medical marijuana centers, medical marijuana infused products manufacturer, and optional premises cultivation operation.