



Legislation Text

File #: 16-329, **Version:** 2

Ordinance No. 16-57 creating a twelve (12) month moratorium on the processing of any land use approval or licensing application for a new medical marijuana facility or the change of location of a currently operating medical marijuana facility within the City limits

Presenter:

Councilmember Larry Bagley

Summary:

The proposed ordinance would establish a new City moratorium on the processing of any application for land use approval or licensing for any new medical marijuana facilities, or for the change of location or the expansion of a currently operating medical marijuana facility, for a time not to exceed one year. The current six-month moratorium, which runs through May 25, 2016, allowed time for City staff and the Medical Marijuana Task Force to review the City's existing marijuana regulations and propose a number of code amendments. However, the consensus of the task force was that an additional moratorium, as well as the establishment of a working group of City staff and stakeholders, is necessary to fully explore issues relating to this rapidly-emerging and complex industry. The moratorium would not preclude the continued operation of any legally existing facilities.

Previous Council Action:

City Council adopted Ordinance 15-79, relating to the current moratorium, on October 27, 2015. As a result of the work of the Medical Marijuana Task Force, which was created by Ordinance 15-79, City Council heard presentations regarding proposed ordinances regarding medical marijuana zoning and enforcement, at its work session meeting on April 11, 2016, and will consider those proposed ordinances at its regular meeting on April 26, 2016.

Background:

Regulations for medical marijuana facilities were first adopted by the City Council in 2011. Medical marijuana facilities are defined by the City's zoning code as:

An establishment licensed by the City of Colorado Springs and the State of Colorado for the growth, cultivation, acquisition, manufacture, storage, dispensing or sale of medical marijuana or medical marijuana infused products. The following are considered medical marijuana facility use types:

- a. Medical Marijuana Center (MMC): An establishment for the storage, dispensing and/or sale of medical marijuana or medical marijuana infused products.
- b. Medical Marijuana Infused Products Manufacturer (MMIPM): An establishment for the manufacture and storage of medical marijuana infused products.
- c. Optional Premises Cultivation Operation (OPCO): An establishment for the growth, cultivation, and storage of medical marijuana.

In addition to zoning regulations, a separate license approval is necessary prior to opening a MMJ facility and undertaking medical marijuana related sales and goods. Licensing requirements are set forth in City Code §§ 2.2.101 et seq.

Financial Implications:

N/A

Board/Commission Recommendation:

At their meeting on April 20, 2016, the Marijuana Task Force recommended a new, one year, citywide moratorium on a vote of five in favor, one opposed and one absent.

Stakeholder Process:

The Marijuana Task Force held numerous meetings between December 2015 and April 2016, receiving input from dozens of stakeholders and working with City staff and their communities of interest to conduct extensive research.

Alternatives:

City Council could decide not to adopt the ordinance, which would allow the current moratorium to expire on May 25, 2016.

Proposed Motion:

Adopt the ordinance as presented.

An ordinance creating a one (1) year moratorium on the processing of any land use approval or licensing application for a new medical marijuana facility or the change of location of a currently operating medical marijuana facility within the City limits