



Legislation Text

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City Council Medical Marijuana Task Force Report

Presenter:

Councilmember Larry Bagley

Summary:

On November 10, 2015, City Council adopted Ordinance No. 15-79, which imposed a six-month moratorium on the processing of any new land use or licensing approvals for any new medical marijuana facility or the change of location of an existing medical marijuana facility within the City limits, with the six month period to run from November 26, 2015 to and including May 25, 2016. The ordinance also specified that the President of City Council would appoint and City Council would confirm a Task Force to “review, study, develop, evaluate, and review appropriate laws and regulations pertaining to marijuana businesses for presentation to the City Council...”

Previous Council Action:

City Council adopted Ordinance No. 15-79 on November 10, 2015. On November 24, 2015, City Council confirmed President Bennett’s appointments to the task force.

Background:

The task force met on six occasions between December 3 and March 14, with a quorum in attendance at each meeting. All meetings were open to the public, and Councilmember Bagley, as Chair, accepted comments from interested citizens in attendance on a number of occasions. The meetings were covered by several media outlets, and public comments were accepted at a City email address specially set up for this use.

Briefly, the Task Force’s report recommends the following changes to City Code regarding medical marijuana businesses:

- Amend City Code 7.3.105 relating to land uses allowed in residential zones to restrict personal cultivation of marijuana and medical marijuana to twelve plants, with additional requirements limiting such cultivation to 150 square feet for a single-family dwelling detached or 75 square feet for all other dwelling unit types and accessory structures;
- Amend City Code Section 7.3.205 to increase from 400 feet to 1000 feet the required separation between medical marijuana centers and schools, residential childcare facilities and drug/alcohol treatment facilities to align with federal Safe Routes to School requirements;
- Amend City Code section 9.7.102 to make it unlawful for any person to cultivate more than twelve plants in contravention of City Code section 7.3.105, with the City’s general penalty (up to 189 days in jail, a \$2,500 fine or probation) applicable;
- Add an Annex to the City’s Fire Code to impose controls on conditions on the growing of indoor flora (not specific to marijuana) in residential occupancies;

- Amend City Code Part 1, the Medical Marijuana License Code, to impose new licensing requirements on licensed medical marijuana businesses to include provisions relating to advertising, operating hours, failure to disclose changes to business operations, product mix, online sales, transportation of products, ventilation and filtration, and failure to comply with fire and building codes as unlawful acts;
- Amend the City's zoning ordinances to limit Licensed Marijuana Grows to M1 & M2 (industrial zones) as permitted uses, with all other zones (C5, C6, FBZ, OC, OR, PBC, PIP1 and PIP2) as a conditional use; and
- Amend the City's zoning ordinances to limit licensed Medical Marijuana-Infused Products Manufacturers (MIPs) to M1 and M2 (industrial zones) as permitted uses.

The seven City staff members of the task force provided resources and recommendations to the task force but were not voting members. The seven voting members are the public citizens appointed plus Councilmember Bagley. In a number of instances, the task force members departed from staff recommendations in the results included in this report; for instance, staff brought a recommendation relating to including separation from residential zones or uses in the 1000' separation requirements for medical marijuana centers. Other staff input that differed from the task force's ultimate recommendations will be outlined in the presentation.

Because of the short time frames for the task force's work, a full presentation of the report will not be available as of publication of the agenda, but will be provided to Councilmembers in advance of the March 21 meeting and added to the online agenda materials when it is available. Draft ordinances to accomplish the Task Force's recommendations are in development and will be available prior to Council work session presentation. Task Force agendas, minutes, and meeting materials are all available on the City's website at the following link: <https://coloradosprings.gov/government/city-council/city-council-information/marijuana-task-force>.

This item supports the City's strategic goal relating to excelling at City services. The medical marijuana industry has a significant economic impact on the City of Colorado Springs, and regulating this growing and developing industry effectively is important to residents, businesses, and patients.

Financial Implications:

N/A

Board/Commission Recommendation:

The Medical Marijuana Task Force conducted extensive review and discussion of the topics, and recommends the changes listed above.

Stakeholder Process:

The task force's work was open to the public and extensive public input was collected and considered by its members and the Chair.

Alternatives:

N/A

Proposed Motion:

N/A

N/A