

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 MEDICAL MARIJUANA EXCEPTIONS - PATIENT OR PRIMARY CAREGIVER

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 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) marijuana plants, with ½ or fewer being mature, flowering plants can be grown in a single residential unit or accessory structure, regardless of the**

**number 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 ~~medical~~ marijuana infused products are manufactured or sold;
3. No ~~medical~~ marijuana is cultivated outdoors;
4. No signs regarding medical marijuana are displayed;
5. No more than one **(1) caregiver** ~~per~~ **resides in the** dwelling unit ~~is permitted~~<sup>1</sup>;
6. **A ventilation and filtration system that ensures odors from the cultivation activities are not detectable outside of the residential unit and prevent mold and moisture from accumulating within the dwelling unit; and**
7. **Marijuana plants are grown in an enclosed and locked space.**

~~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:

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\_\_\_\_\_  
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