



**DENVER**  
THE MILE HIGH CITY

# **Growing Marijuana for Personal Use on Residential Lands with Old Code Zoning**

Amendment to DRMC Section 59-2  
to Clarify Rules

FOR CITY SERVICES VISIT | CALL  
**DenverGov.org** | **311**

Neighborhood & Planning Committee  
August 6, 2014

This document contains:

- Ordinance sponsor
- Review and approval process overview
- Explanation of current standards
- Purpose of text amendment
- Summary of proposed changes and revised text

- Councilwoman Jeanne Robb is the ordinance sponsor
- Support comes from the City Attorney's Office and Department of Community Planning & Development

# Text Amendment Process

- Summary and draft for public review published on CPD website/emailed to all RNOs
  - July 1, 2014
- Planning Board Public Hearing & Recommendation to City Council
  - July 16, 2014: 10-0 vote to recommend Approval
- City Council Adoption Process
  - NAP Committee: August 6, 2014
  - Public Hearing: September 15, 2014
- RNO notice of Planning Board & Committee meetings
- No public comments received to date

- **2013:** City adopted limits on growing marijuana at home for personal use
  - Maximum # of plants is capped at 6 per adult and no more than 12 total per household
  - Must be grown in completely enclosed structure, and not in common areas of a multi-unit building
  - Marijuana is only for personal use of resident, not for sale or off-site distribution
  - Limitations apply only to residential properties with Denver Zoning Code zoning (e.g., U-SU-C, U-TU-B, G-MU-3)

- DZC limitations do not apply to residential properties with Old Code zoning (e.g., R-1 or R-2 with waivers, or PUD)
  - Growing at home still limited by state law to no more than 6 plants per adult
  - No similar limit on total # of plants per household (could be more than 12 plants)
  - No similar prohibition on growing MJ outdoors (e.g., could be grown outdoors in locked fenced enclosure per state law)

# Purpose of DRMC Amendment

- Apply same Denver Zoning Code limits on growing marijuana at home to residential properties with Old Code zoning

- Amend city's municipal code to state the following:
  - “Gardens” are allowed as accessory to a primary residential use on Old Code zoned lands
  - Growing marijuana for personal use is allowed in a garden connected with a residential use
  - Marijuana growing at home has same limitations as found in the Denver Zoning Code, including:
    - No more than 12 plants per household
    - Must be grown inside a completely enclosed structure



# Actual Proposed DRMC Text

- *Section 59-2, add new subsection (i):*
  - “Gardens shall be allowed as an accessory use common, customary and incidental to a primary residential use, and shall comply with all limitations generally applicable to accessory uses stated in Former Chapter 59, Sections 59-87 and 59-88.”
  - “In addition, marijuana grown as part of a garden accessory to a primary residential use shall comply with all applicable limitations found in the Denver Zoning Code, including but not limited to Section 11.8 (Uses Accessory to Primary Residential Uses – Limitations).”

- City Charter, Section 3.2.9:
  - Amendment is consistent with City's adopted Comprehensive Plan
  - Amendment furthers public health, safety, and general welfare
  - Amendment results in regulations that are uniform in each zone district
- CPD staff finds all criteria are met and recommends that the Committee moves the amendment to the full City Council for final decision