

DENVER ZONING CODE

Text Amendment 13 – Medical Marijuana Growing
as an Accessory Use

Text Amendment 13 – Medical Marijuana Growing as an Accessory Use



- Public Process
- Purpose of this text amendment
- Explanation of current standards
- Summary of the proposed changes
- Review criteria
- CPD Recommendation: approval

Text Amendment Process

- Courtesy summary posted to website: **August 6, 2012**
- Planning Board Public Hearing: **September 5, 2012**
 - ▣ Notification to Registered Neighborhood Organizations and City Council 15 days prior to public hearing: August 21
 - ▣ Posting of “redline” of the text amendment and CPD staff report: August 29
 - ▣ Public hearing and Planning Board recommendation
- City Council Land Use, Transportation and Infrastructure Committee meeting: **September 20, 2012**, Consent Agenda
- City Council First Reading: **October 1, 2012**
- City Council Public Hearing: **October 29, 2012**
 - ▣ Notification to Registered Neighborhood Organizations at least 21 days prior to public hearing: October 4
 - ▣ Public Hearing and decision by City Council

Purpose of Text Amendment



- Continue the current limitations on growing medical marijuana in residential zone districts and as an accessory use to a primary residential use by repealing the expiration dates.

Current Standard

□ **Summary of the Current Standard:**

- The growing of medical marijuana as accessory to a primary nonresidential use in a residential zone district is prohibited. (*Denver Zoning Code, §11.7.1.3.C*)
- The growing of medical marijuana as accessory to a primary residential use is permitted subject to the following (*Denver Zoning Code, §11.8.4.1*):
 - Up to 6 plants per patient registry ID card holder residing in a dwelling unit, may be grown, up to a maximum of 12 plants per dwelling unit.
 - Growing and storage of medical marijuana must be in a completely enclosed structure.
 - Growing and storage of medical marijuana cannot occur in a common area.
 - Growing must be for personal use only by the patient registry ID card holder living in the dwelling unit; retail or wholesale sales and off-site distribution are prohibited.
- **All of the above provisions will expire on November 1, 2012.**

Proposed Text Change



- **Proposed change:**

- The November 1, 2012, expiration date will be repealed from DZC Sections 11.7.1.3.C and 11.8.4.1.

- **What is the effect of the proposed change?**

- The current standards for growing medical marijuana will remain in place.

Review Criteria



- **Three review criteria for text amendments (DZC Section 12.4.11.9).** The text amendment ...
 1. Is Consistent with the City's Adopted Plans and Policies
 2. Furthers the Public Health, Safety, and General Welfare
 3. Results in Regulations that are Uniform within Each Zone District

Review Criteria

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...

1. **Is Consistent with the City's Adopted Plans and Policies**

- Consistent with Comprehensive Plan 2000 Land Use Strategy 2-A: revisions to DZC should be flexible and accommodating of current and future land use needs.
- Accommodates small-scale growing in residential areas for personal use only while protecting the stability of residential neighborhoods

2. **Furtheres the Public Health, Safety, and General Welfare**

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Review Criteria

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...

1. Is Consistent with the City's Adopted Plans and Policies
2. **Furtheres the Public Health, Safety, and General Welfare**
 - The amendment furtheres these by providing continuity and consistency in regulations.
 - Current restrictions mitigate potential hazards.
3. Results in Regulations that are Uniform within Each Zone District

Review Criteria

- **Three review criteria for text amendments (DZC Section 12.4.11.9).** The text amendment

...

1. Is Consistent with the City's Adopted Plans and Policies
2. Furthers the Public Health, Safety, and General Welfare
3. Results in Regulations that are Uniform within Each Zone District
 - The amendment will result in continuing the existing uniform regulation of growing medical marijuana in each zone district.

Planning Board Recommendation



- Public Hearing: September 5, 2012
- By unanimous vote, Planning Board recommended **approval** based on finding that all criteria have been met.

CPD Recommendation



- CPD recommends **approval** based on finding that criteria have been met
 1. Consistent with City's Adopted Plans and Policies
 2. Furthers the Public Health, Safety and General Welfare
 3. Results in Regulations that are Uniform within Each Zone District