



MARY BETH SUSMAN
COUNCIL PRESIDENT
DISTRICT 5

TO: Registered Neighborhood Organizations
FROM: City Council
DATE: October 4, 2012

CHRISTOPHER HERNDON
PRESIDENT PRO TEM
DISTRICT 11

**SUBJECT: CB12-0676: Zoning Text Amendment #13
Retain limitations on residential growing of medical
marijuana**

SUSAN K. SHEPHERD
DISTRICT 1

JEANNE FAATZ
DISTRICT 2

The City Council will hold a public hearing and have final consideration on the proposed Zoning Text Amendment at its regular meeting on October 29, 2012.

PAUL LOPEZ
DISTRICT 3

Proposed Amendment

Councilwoman Robb proposes to amend the Zoning Code to repeal the Nov. 1, 2012 expiration (or sunset date) attached to the limitations in the Code on growing medical marijuana in residential zone districts and as an accessory use to a primary residential use. This amendment will ensure that the current limitations continue to be enforced beyond Nov. 1, 2012.

PEGGY LEHMANN
DISTRICT 4

CHARLIE BROWN
DISTRICT 6

The pages of the Zoning Code indicating the proposed language changes are attached.

CHRIS NEVITT
DISTRICT 7

ALBUS BROOKS
DISTRICT 8

History of the Bill

On Sept. 5, the Planning Board reviewed the proposed amendment and recommended approval to City Council.
On Sept. 20, Council's Land Use, Transportation & Infrastructure Committee approved filing the bill on the Consent Agenda for that week.
On Oct. 1, City Council ordered the bill published and set a public hearing date of October 29.

JUDY H. MONTERO
DISTRICT 9

JEANNE ROBB
DISTRICT 10

ROBIN KNIECH
AT-LARGE

If you would like more information about this proposal or the public hearing process, please contact Gretchen Williams at the City Council Office, 720-337-2005 or Gretchen.williams@denvergov.org.

DEBORAH "DEBBIE"
ORTEGA
AT-LARGE

SECTION 11.8.3 DOMESTIC EMPLOYEES

In all Zone Districts, where permitted with limitations, housing of one or more domestic employee(s), as defined in Article 13, Rules of Measurement and Definitions, is allowed as accessory to all primary residential household living uses.

SECTION 11.8.4 GARDEN

11.8.4.1 All Zone Districts

In all Zone Districts, where permitted with limitations, the growing of medical marijuana shall comply with the following:

- A. No more than 6 plants may be grown for each patient registry identification card holder residing in a dwelling unit, not to exceed 12 plants per dwelling unit.
- B. Growing and/or storage of medical marijuana shall occur within a completely enclosed structure.
- C. Growing and/or storage of medical marijuana shall not occur in a common area associated with the dwelling unit.
- D. Growing shall be for personal use only by patient registry identification card holders residing in the dwelling unit; retail or wholesale sales of goods or products derived from the growing of medical marijuana and any off-site distribution of such plants or derived products are prohibited.

~~This subsection 11.8.4.1 shall expire on November 1, 2012.~~

11.8.4.2 All Residential Zone Districts

In a Residential Zone District, where permitted with limitations, retail or wholesale sales of goods or products derived from a Garden accessory to a primary residential use are prohibited in a Residential Zone District.

SECTION 11.8.5 KEEPING OF HOUSEHOLD ANIMALS

11.8.5.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

A. Animals Allowed Without a Zoning Permit

The keeping of domestic or household animals is allowed as accessory to a primary dwelling unit use, subject to compliance with the following standards regarding number and kinds of animals:

KIND OF ANIMAL ALLOWED	PERMITTED NUMBER OF ANIMALS ALLOWED / STANDARDS
Dogs	3 maximum
Cats	5 maximum
Combination of dogs and cats	No more than 5 dogs and cats combined provided there are no more than 3 dogs as part of the total.
Rabbits	2 maximum
Pigeons or doves	25 maximum
Horses	No more than 1 horse for each 1/2 acre of zone lot area
Small rodents--Rats, mice, guinea pigs, hamsters and other similar animals	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.
Fish	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.

conflicts with a limitation specific to an accessory use found in Divisions 11.8, Uses Accessory To Primary Residential Uses - Limitations, 11.9, Home Occupations Accessory to a Primary Residential Use - All Zone Districts, or 11.10, Uses Accessory to Primary Nonresidential Uses - Limitations.

2. Limitations in the Primary Structure

If an accessory use is operated partially or entirely within the structure containing the primary use, the gross floor area within such structure utilized by the accessory use (except loading docks, and dining rooms for the exclusive use of occupants or persons employed in the structure) shall not be greater than:

- a. In a Residential Zone District, 20 percent of the gross floor area, but not to exceed 300 square feet, of a single unit dwelling use, two-unit dwelling use, or multi-unit dwelling use in a structure containing 8 or less dwelling units.
- b. In a Residential Zone District, 10 percent of the gross floor area occupied by a primary use other than a single unit dwelling use, two-unit dwelling use, or a multi-unit dwelling use in a structure containing 8 or less dwelling units.
- c. In a Mixed Use Commercial Zone District or Industrial Context Zone District, 20 percent of the gross floor area of the structure containing the primary use.

When more than one accessory use is associated with a single primary use, the above limitations shall apply to the cumulative total gross floor area of all the accessory uses in the same principal structure.

11.7.1.3 Prohibited Accessory Uses in Residential Zone Districts

- A. In a Residential Zone District, the sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer is prohibited.
- B. The accessory parking/storage of vehicles, trailers, commercial vehicles, and RVs are governed by Division 10.9, Parking, Keeping and Storage of Vehicles.
- C. The growing of medical marijuana is prohibited as accessory to a primary nonresidential use established in a Residential Zone District. ~~This subsection 11.7.1.2.E shall expire on November 1, 2012.~~