

ORDINANCE NO. 712  
SERIES 2016

An Ordinance of the Town of Mancos Making Certain Changes to the Land Use Code of the Town of Mancos Concerning the Regulation of Medical Marijuana Businesses and Retail Marijuana Establishments within the Town of Mancos, And Declaring An Emergency Therefore

WHEREAS, Section 1-3-70 of the Mancos Municipal Code allows that amendments to the Code may be made; and

WHEREAS, the Mancos Board of Trustees has made recent amendments to Chapters Six and Sixteen of the Mancos Municipal Code related to permitting of medical marijuana businesses and the licensing of retail marijuana establishments; and

WHEREAS, certain amendments are necessary to clarify the provisions of medical marijuana businesses and retail marijuana establishments in Chapter 16 of the Mancos Municipal Code to accurately coincide with the intent of the Board of Trustees and Table 16-1 Schedule of Use Regulations; and

WHEREAS, the proposed changes and amendments had already met with the approval of the Planning and Zoning Commission after public comment;

WHEREAS, the proposed changes and amendments had already been discussed at a public hearing held by the Board of Trustees at a regular meeting on October 14, 2015; and

WHEREAS, the Board of Trustees has determined that the following text amendments to Chapter 16 are necessary in order to better achieve the purposes of the Land Use Code, and to coincide with the Board of Trustees intent in adopting Table 16-1 Schedule of Use Regulations;

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE TOWN OF MANCOS, COLORADO, AS FOLLOWS:

1 Chapter 16 Article 9 Section 30 concerning Commercial District shall be amended as follows:

**Sec. 16-9-30. Special uses.**

The following special uses shall be allowed in accordance with Sections 16-20-80 through 16-20-150 of this Chapter:

- 1) Telecommunications towers or facilities. (Prior LUC 3.9; Ord. 606, 2008; Ord. 628 §3, 2010; Ord. 634 §1, 2010; Ord. 658, 2013)
- 2) Medical marijuana centers, either stand alone, or co-located with a medical marijuana optional premises cultivation operation over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).
- 3) Retail marijuana stores, either stand alone, or co-located with a retail marijuana cultivation facility over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).

2. Chapter 16 Article 10 Section 30 concerning Highway Business District shall be amended as follows:

**Sec. 16-10-30. Special uses.**

Special uses shall be allowed only in accordance with Sections 16-20-80 through 16-20-150 of this Chapter. The following uses shall be allowed:

- (1) Animal pound or kennel.
- (2) Manufacturing, light.
- (3) Medical marijuana centers, either stand alone or co-located with a medical marijuana optional premises cultivation operation (over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).
- (4) Retail marijuana stores, either stand alone or co-located with a retail marijuana cultivation facility over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).
- (5) Niche manufacturing, over two thousand (2,000) square feet.
- (6) Recreational use, indoor or outdoor, commercial.
- (7) Recreational vehicles, travel trailer park.
- (8) Repair services, general.
- (9) Telecommunication towers or facilities.
- (10) Warehouse - commercial or self-storage. (Prior LUC 3.10; Ord. 606, 2008; Ord. 616 §5, 2009; Ord. 658, 2013; Ord. 666 §3, 2013; Ord. 686 §4, 2014)

3. Chapter 16 Article 11 Sections 20 and 30 concerning Light Industrial Zoning District shall be amended as follows:

**Sec. 16-11-20. Permitted uses.**

The following uses shall be permitted by right:

- (1) Public or civic uses:
  - a. Charitable, civic, youth, social and fraternal organizations.
  - b. Churches or places of worship.
  - c. Day care centers (for more than six [6] children).
  - d. Day care homes (for up to six [6] children).
  - e. Essential services and facilities.
  - f. Hospitals or clinics.
  - g. Municipal facilities.
  - h. Park maintenance and storage structures.

- i. Post offices.
- j. Schools (elementary or secondary).
- (2) Industrial, communications, transportation and automobile-related uses:
  - a. Auto repair garages, subject to the use-specific standards of Section 16-4-240 of this Chapter.
  - b. Bus stations or terminals.
  - c. Car washes.
  - d. Gasoline service stations.
  - e. Manufacturing, light.
  - f. Radio, television and microwave towers.
  - g. Repair services, general.
  - h. Repair services, limited.
  - i. RV and boat storage.
  - j. Warehouses, commercial or self-storage.
- (3) Retail, commercial and personal service uses:
  - a. Animal pounds or kennels (public or private).
  - b. Custom personal services.
  - c. General retail (outdoors).
  - d. Offices, business or professional.
  - e. Market gardens. (Prior LUC 3.11; Ord. 584, 2007; Ord. 606, 2008; Ord. 658, 2013)
  - f. Medical marijuana centers, stand alone, under 2,500 SF.
  - g. Medical marijuana centers, co-located with a medical marijuana optional premises cultivation operation (entire facility under 2,500 SF).
  - h. Medical marijuana infused product production facility, stand alone, under 2,500 SF.
  - i. Retail marijuana stores, stand alone, under 2,500 SF.
  - j. Retail marijuana stores, co-located with a retail marijuana cultivation facility (entire facility under 2,500 SF).
  - k. Retail marijuana products manufacturer, stand alone, under 2,500 SF.

- l. Retail marijuana testing facility, stand alone, under 2,500 SF.
- m. Medical marijuana testing facility, stand alone, under 2,500 SF.
- n. Medical marijuana cultivation facility, stand alone, under 2,500 S.F.
- o. Retail marijuana cultivation facility, stand alone, under 2,500 S.F.

**Sec. 16-11-30. Special uses.**

The following special uses shall be allowed in accordance with Sections 16-20-80 through 16-20-150 of this Chapter:

- (1) Manufacturing, hazardous or objectionable.
- (2) Telecommunications towers or facilities.
- (3) Solar energy system, large, subject to the use-specific standards of Section 16-4-250 of this Chapter. (Prior LUC 3.11; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)
- (4) Medical marijuana centers, either stand alone or co-located with a medical marijuana optional premises cultivation operation over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).
- (5) Retail marijuana stores, either stand alone or co-located with a retail marijuana cultivation facility over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).
- (6) Medical marijuana infused product production facility, stand alone, over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).
- (7) Retail marijuana products manufacturer, stand alone, over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).
- (8) Retail marijuana testing facility, stand alone, over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).
- (9) Medical marijuana testing facility, stand alone, over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).
- (10) Medical marijuana cultivation facility, stand alone, over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).
- (11). Retail marijuana cultivation facility, stand alone, over 2,500 SF (maximum size of entire facility may be no more than 5,000 SF, including all buildings).

Section 4. Reason and Declaration for Emergency. The Board of Trustees of the Town of Mancos hereby finds, determines, and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety in that persons have relied upon the Table 16-1, Schedule of Use Regulations, and need to process their applications in full compliance with the Land Use Code.

Section 5. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that anyone part or parts may be declared invalid or unconstitutional.

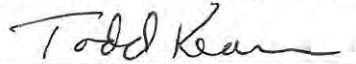
Section 6. Immediate Effect. The Board of Trustees of the Town of Mancos finds and concludes that this Ordinance is necessary for the immediate preservation of the health, safety, and welfare of the citizens of the Town of Mancos to protect the citizens of the Town of Mancos and, therefore, this Ordinance shall be effective immediately upon its approval by the Board of Trustees.

Section 7. Repeal. All other ordinances or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 8. Effective Date. The within Emergency Ordinance shall take effect immediately upon adoption.

THIS ORDINANCE PASSED ON FIRST AND FINAL READING HELD on the 10<sup>th</sup> Day of February 2016, at the hour of 7:00 p.m. at the Town Hall in Mancos, Colorado.

TOWN OF MANCOS, COLORADO



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Todd Kearns, Mayor Pro-Tem

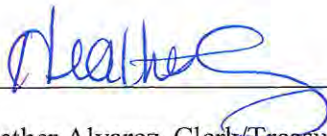
ATTEST:



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Heather Alvarez, Clerk/Treasurer

PUBLISHED THE 19 DAY OF Feb, 2016 BY THE AUTHORITY OF THE TOWN CLERK OF MANCOS, COLORADO.

ATTEST:



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Heather Alvarez, Clerk/Treasurer