

ORDINANCE NO. 2021-04

AN ORDINANCE AMENDING THE RATON – COLFAX COUNTY EXTRATERRITORIAL ZONING ORDINANCE, BEING ORDINANCE NO. 2021-04 BY AMENDING THE PROVISIONS CONTAINED THEREIN AND PROVIDING FOR THE RENUMBERING OF CERTAIN SECTIONS TO ACCOMPLISH THE SAME

WHEREAS, the Raton – Colfax County Extraterritorial Zoning Ordinance has been adopted by Ordinance 81-1 and established zoning jurisdiction determined by the joint powers agreement between the Board of Colfax County Commissioners and the Raton City Commission dated February 2, 1981; and

WHEREAS, the Raton – Colfax County Extraterritorial Zoning Ordinance states that the ordinance is designed to provide reasonable consideration to the character of the zoning areas and districts, and their peculiar suitability for particular uses, and to conserving the value of buildings and land, and encouraging the most appropriate use of land throughout the jurisdiction; and

WHEREAS, the Raton – Colfax County Extraterritorial Zoning Commission has developed amendments to the Raton – Colfax County Extraterritorial Zoning Ordinance; and

WHEREAS, the Joint Municipal-County Zoning Authority, also known as the Extraterritorial Zoning Authority has determined amendments are necessary to serve the public health, welfare, and safety.

NOW THEREFORE, BE IT ORDAINED by Extraterritorial Zoning Authority that the Raton – Colfax County Extraterritorial Zoning Ordinance (Ordinance 81-1) is hereby amended, and ARTICLE V – ZONING DISTRICT REQUIREMENTS; Section 1, R-HZ, Rural Holding Zone; is hereby amended as follows:

(A) Permitted Principal Uses and Structures

- Amend **Agriculture** with the following: ***Agriculture, including farming and ranching, but excluding greenhouses and nurseries.***
- Delete ***Greenhouses, nurseries, and truck gardening*** as a permitted principal use and structure.

AND, ARTICLE XII Sections 1 THROUGH 4, REGULATIONS GOVERNING CANNABIS, are added to Ordinance 81-1 as follows:

ARTICLE XII: REGULATIONS GOVERNING CANNABIS

Section 1 GENERALLY.

The intent of the cannabis regulations are to implement the 2021 New Mexico Cannabis Regulation Act provisions to protect the health, safety and welfare of the residents of the city by prescribing the time, place and manner in which commercial and industrial retail cannabis establishments, cannabis cultivation facilities and cannabis derived production facilities may be operated within the city.

Further, the purpose of this article is to best preserve the character of the community's special places and ensure compatibility with surrounding areas and community goals.

Cannabis regulations are intended to protect the character of residential areas of the community and to meet comprehensive planning goals and guidance established by Colfax County and the City of Raton.

Section 2 CANNABIS LAND USE CLASSIFICATIONS.

As applicable to land use categorization, cannabis activities are classified as follows:

- (A) Cannabis Retail** - A retail sales establishment licensed by the State of New Mexico to sell cannabis for medical purpose and recreational consumption.
- (B) Cannabis Cultivation Facility** - A facility wherein cannabis is propagated, planted, grown, harvested, dried, cured, graded, labeled, tagged for tracking or trimmed, or that does all or any combination of those activities.
- (C) Cannabis- derived Product Manufacturing** - A facility in which a product is infused with cannabis that is intended for use or consumption other than by smoking, including but not limited to, edible products, ointments, and tinctures.

Section 3 CANNABIS LAND USE CLASSIFICATIONS.

Cultivation, production, processing, manufacturing, distribution and retail sales of cannabis for any end-use purpose by a licensed producer or seller shall take place only within designated zoning districts as specified in this Ordinance.

No cannabis-related operation, facility, or commercial or industrial application shall take place at locations that are within 300 feet of any school or daycare center that existed within the 300-foot area before the licensee became enabled by statutory authorization to operate at the location.

No cannabis-related operation, facility, or commercial or industrial application shall take place at locations that are within 300 feet of any residential designated zone, including R-1, R-4, R-5, R-O-I, RM-1, MHS, and MHP zones, that existed within the 300-foot area before the licensee became enabled by statutory authorization to operate at the location.

No cannabis-related operation, facility, or commercial or industrial application shall take place at a location that is within 300 feet of any existing cannabis-related operation or facility as determined by the distance from the nearest points from property boundary to property boundary.

Permissible zoning classifications for cannabis related land uses shall be limited to the following:

- (A) Cannabis Retail shall be allowed within a C-2 General Commercial District, C-3 General and Highway Servicing District and L-I Light Industrial District. Cannabis Retail is prohibited in other zones, except as provided in Ordinance 81-1, as amended.
- (B) Cannabis Cultivation Facility shall be allowed within the H-1 Heavy Industrial District. Cannabis Cultivation Facility is prohibited in other zones, except as provided in Ordinance 81-1, as amended.
- (C) Cannabis- derived Product Manufacturing shall be allowed within an L-I Light Industrial District and H-1 Heavy Industrial District. Cannabis- derived Product Manufacturing is prohibited in other zones, except as provided in Ordinance 81-1, as amended.

Section 4 CANNABIS COMMERCIAL AND INDUSTRIAL OPERATIONAL LIMITATIONS.

Except as specifically authorized in this Code, the Cannabis Regulation Act and applicable other New Mexico Statute, the commercial or industrial cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, dispensing, distribution, or sale of cannabis or a cannabis product is expressly prohibited in the designated Raton – Colfax County Extraterritorial Zoning area.

Allowable hours of operation for Cannabis Retail, Cannabis Cultivation Facility, Cannabis- derived Product Manufacturing within the designated Raton – Colfax County Extraterritorial Zoning area shall be limited to a daily period commencing at 8:00 am and closing at 10:00 pm.

Public smoking, vaporizing and ingesting of cannabis products are prohibited. Public indoor or outdoor cannabis consumption areas are prohibited.

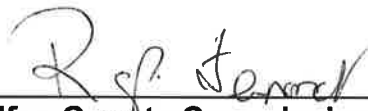
The Raton – Colfax County Extraterritorial Zoning Amendment Ordinance shall become effective immediately upon approval and execution of the Extraterritorial Zoning Authority of the City of Raton, New Mexico.

**PASSED, APPROVED, SIGNED AND ADOPTED THIS 12th DAY
OF NOVEMBER, 2021.**

RATON - COLFAX COUNTY EXTRATERRITORIAL ZONING AUTHORITY



Colfax County Commission - Bobby Ledoux



Colfax County Commission - Roy P. Fernandez



Raton City Commission - Lori Chatterley



ATTEST:



Rayetta M. Trujillo - Colfax County Clerk