

ZONING CODE AMENDMENT

ORDINANCE NO. 1014

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF RATON,
NEW MEXICO, CHAPTER 156: ZONING**

WHEREAS, the Governing Body of the City of Raton, New Mexico by Ordinance 624, Passed ADOPTED, SIGNED AND APPROVED, the 25th day of February, 1975, enacted Chapter 156: ZONING ORDINANCE (Am. Ord. 699, passed 6-8-1982); and

WHEREAS, the Governing Body has determined amendments are necessary to serve the public health, welfare, and safety.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Raton, New Mexico that the Zoning Ordinance of the City Of Raton Chapter 156 is hereby amended, and Sections §156.120 THROUGH §156.123 REGULATIONS GOVERNING CANNABIS, are added to Chapter 156 as follows:

REGULATIONS GOVERNING CANNABIS

§ 156.120 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 city'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 maintain the walkable, family-friendly design of certain densely developed commercial districts and Main Street areas.

§ 156.121 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.

§ 156.122 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 Code.

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-HZ, 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 and C-3 General and Highway Servicing District. Cannabis Retail is prohibited in other zones, except as provided in this Code.
- (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 this Code.
- (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 this Code.

§ 156.123 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 City of Raton.

Allowable hours of operation for Cannabis Retail, Cannabis Cultivation Facility, Cannabis- derived Product Manufacturing within the City of Raton 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 City of Raton Zoning Code Amendment Ordinance shall become effective immediately upon approval and execution of the Governing Body of the City of Raton, New Mexico.

PASSED, APPROVED, SIGNED AND ADOPTED THIS 24th **DAY OF**
AUGUST, 2021.

CITY OF RATON, NEW MEXICO


James Neil Segotta, Jr. - Mayor

ATTEST:


Michael Anne Antonucci - City Clerk