

**TOWN OF PARACHUTE
ORDINANCE NO. 722-2017**

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING TITLE 15 OF THE PARACHUTE MUNICIPAL CODE CONCERNING CLASSIFICATION AND LOCATION OF MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING, RETAIL MARIJUANA PRODUCTS MANUFACTURING, OPTIONAL PREMISES CULTIVATION, AND RETAIL MARIJUANA CULTIVATION USES.

WHEREAS, Title 15 of the Parachute Municipal Code (the “Code”) contains the Town of Parachute’s Land Use Regulations;

WHEREAS, the Code includes the zoning regulations affecting the classification and location of marijuana uses in the Town;

WHEREAS, for marijuana cultivation uses (“retail marijuana cultivation facility” and medical “optional premises cultivation operation”), the Code does not distinguish between the size of the cultivation operation;

WHEREAS, the Board of Trustees (the “Board”) finds that larger sized cultivation operations have a greater likelihood for adverse impacts and, thus, wishes to define large cultivation operations and limit large cultivation operations to the industrial zone districts in the Town;

WHEREAS, for marijuana manufacturing uses (“retail marijuana product manufacturing facility” and “medical marijuana-infused products manufacturer”), the Code does not distinguish between hazardous and nonhazardous manufacturing processes;

WHEREAS, the Board finds that different manufacturing processes (extraction versus infusing) have different environmental impacts and effects, including but not limited to the extraction process creates more odors, is potentially hazardous, and is generally not well-suited to be in normal commercial areas;

WHEREAS, as a result, the Board wishes to distinguish between hazardous and nonhazardous marijuana manufacturing uses and to limit hazardous marijuana manufacturing uses to the industrial zone districts and require a special review use for such uses;

WHEREAS, accordingly, the Board initiated an application for text amendment to Title 15 to define and zone the following uses: “retail marijuana cultivation facility, small”; “retail marijuana cultivation facility, large”; “optional premises cultivation operation, small”; “optional premises cultivation operation, large”; “retail marijuana product manufacturing facility, nonhazardous”; “retail marijuana product manufacturing facility, hazardous”; “medical marijuana-infused products manufacturer, nonhazardous”; and “medical marijuana-infused products manufacturer, hazardous” (the “Text Amendment”);

WHEREAS, the Town Manager determined the Text Amendment was complete;

WHEREAS, the Town of Parachute Planning and Zoning Commission reviewed the Text Amendment at a public meeting held on March 9, 2017

WHEREAS, the Board considered the Text Amendment at a public hearing on April 20, 2017 and said hearing was properly noticed in accordance with the Code;

WHEREAS, the Board finds and determines the Text Amendment to be desirable and in the best interests of the Town; and

WHEREAS, by this Ordinance, the Board of Trustees wishes to amend Title 15 as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Section 15.07.210 “Words and Terms” of the Parachute Municipal Code shall be amended to include the following defined terms:

Sec. 15.07.410 Word and terms.

“Medical marijuana-infused products manufacturer, hazardous” means a medical marijuana-infused products manufacturer, as defined in Chapter 6.11, that presents fire and life safety risks by utilizing oil extraction processes through the use of pressurized flammable gas, flammable or combustible liquids, and other processes. Examples of “hazardous” manufacturing may include, but are not limited to, the use of butane, propane, acetone, naphtha, alcohol, etc., during the manufacturing process.

“Medical marijuana-infused products manufacturer, nonhazardous” means a medical marijuana-infused products manufacturer, as defined in Chapter 6.11, that does not exceed reasonable fire and life safety risks, or does not otherwise meet the definition of a “hazardous.” Examples of “nonhazardous” manufacturing may include, but are not limited to, the use of super/subcritical CO2 extraction processes, cooking or baking facilities

“Optional premises cultivation operation, large” means an optional premises cultivation operation, as defined in Chapter 6.11, that is greater than 2,500 square feet in size.

“Optional premises cultivation operation, small” means an optional premises cultivation

operation, as defined in Chapter 6.11, that is 2,500 square feet or less in size

“Retail marijuana cultivation facility, large” means a retail marijuana cultivation facility, as defined in Chapter 6.11, that is greater than 2,500 square feet in size.

“Retail marijuana cultivation facility, small” means a retail marijuana cultivation facility, as defined in Chapter 6.11, that is 2,500 square feet or less in size.

“Retail marijuana product manufacturing facility, hazardous” means a retail marijuana product manufacturing facility, as defined in Chapter 6.11, that presents fire and life safety risks by utilizing oil extraction processes through the use of pressurized flammable gas, flammable or combustible liquids, and other processes. Examples of “hazardous” manufacturing may include, but are not limited to, the use of butane, propane, acetone, naphtha, alcohol, etc., during the manufacturing process.

“Retail marijuana product manufacturing facility, nonhazardous” means a retail marijuana product manufacturing facility, as defined in Chapter 6.11, that does not exceed reasonable fire and life safety risks, or does not otherwise meet the definition of a “hazardous.” Examples of “nonhazardous” manufacturing may include, but are not limited to, the use of super/subcritical CO2 extraction processes, cooking or baking facilities.

Section 3. The Schedule of Uses contained in Section 15.02.230 of the Code shall be amended to read as set forth in Exhibit A enclosed herewith, with additions shown in **bold, underlined text** and ~~strikethrough language~~ deleted.

Section 4. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part of portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 5 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 20th day of April, 2017 and approved by the Mayor on the 20th day of April, 2017.



**BOARD OF TRUSTEES OF THE TOWN
OF PARACHUTE, COLORADO**

By: _____

Roy McClung
Roy McClung, Mayor

ATTEST:

Lucy Cordova

Lucy Cordova, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

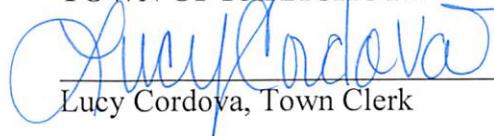
AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING TITLE 15 OF THE PARACHUTE MUNICIPAL CODE CONCERNING CLASSIFICATION AND LOCATION OF MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING, RETAIL MARIJUANA PRODUCTS MANUFACTURING, OPTIONAL PREMISES CULTIVATION, AND RETAIL MARIJUANA CULTIVATION USES.

was introduced before the Board of Trustees on April 20, 2017; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Board of Trustees held on April 20, 2017, and approved by the Mayor on April 20, 2017.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 20 day of April, 2017.

TOWN OF PARACHUTE



Lucy Cordova, Town Clerk

EXHIBIT A

Land Use	RA	LD R	MDR	HDR	OT C	NC	HT	SC	LI	GI	P
COMMERCIAL / RETAIL USES											

Medical Marijuana Optional Premises Cultivation Operation, <u>Small</u>								S	S	S	
<u>Medical Marijuana Optional Premises Cultivation Operation, Large</u>									<u>S</u>	<u>S</u>	
Medical Marijuana Infused Products Manufacturer, <u>Nonhazardous</u>					P	P	P	P	P	P	
<u>Medical Marijuana Infused Products Manufacturer, Hazardous</u>									<u>S</u>	<u>S</u>	
Medical Marijuana Testing Facility					P	P	P	P	P	P	

Retail marijuana cultivation facility, <u>Small</u>								S	S	S	
<u>Retail marijuana cultivation facility, Large</u>									<u>S</u>	<u>S</u>	
Retail marijuana product manufacturing facility, <u>Nonhazardous</u>					P	P	P	P	P	P	
<u>Retail marijuana product manufacturing, Hazardous</u>									<u>S</u>	<u>S</u>	
Retail marijuana store					P	P	P	P	P	P	
Retail marijuana testing facility					P	P	P	P	P	P	