

**TOWN OF OAK CREEK**

**ORDINANCE NO. 625**

**AN ORDINANCE AMENDING AND MODIFYING THE OAK CREEK LAND USE CODE AT SECTIONS 17.02, 17.03 AND 17.11 OF THE OAK CREEK MUNICIPAL CODE.**

**WHEREAS**, the Oak Creek Planning Commission held a public meeting on August 7, 2013 and forwarded a recommendation to the Oak Creek Board of Trustees on amendments to the Town of Oak Creek Land Use Code (Land Use Code) pertaining to medical and retail marijuana operations to be considered at a duly noticed public hearing; and

**WHEREAS**, notice of the public hearing scheduled August 22, 2013 to consider such amendments was published on July 28, 2013 in the Steamboat Pilot, a paper of general circulation in the Town; and

**WHEREAS**, a draft of this Ordinance amending Title 17 – Oak Creek Land Use Code as outlined herein was introduced and read at the regular meeting of the Board on August 8, 2013; and

**WHEREAS**, the Oak Creek Board of Trustees held a public hearing on August 22, 2013 to consider the Planning Commission’s recommendation and to hear public comments regarding the proposed amendments to the Land Use Code. [No] public comment was received at said public hearing; and

**WHEREAS**, Trustee Gustafson made a motion to approve the recommendation of the Planning Commission regarding amendments to the Land Use Code with the finding of fact that the proposed changes to the Town of Oak Creek’s Land Use Code are in conformance with the purpose and intent of the Town of Oak Creek’s Comprehensive Plan. Trustee Gagne seconded the motion. The motion passed unanimously.

**NOW, THEREFORE**, be it ordained by the Board of Trustees of the Town of Oak Creek as follows:

**SECTION 1. AMENDMENTS.** The Oak Creek Land Use Code codified as Chapter 17 of the Oak Creek Municipal Code is hereby amended to add the following provisions: (additions are underlined, deletions are struck-through):

1. **Section 17.02.055.5 Retail Marijuana Establishment**  
“Retail Marijuana Establishment” means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana product manufacturing facility, or a retail marijuana testing facility as set forth in Section 16 of Article XVIII of the Colorado Constitution, or as may be more fully defined in the Colorado Retail Marijuana Code.
2. **Section 17.03.06 Land use changes of minor impact.**

L. Establishment of any new medical marijuana or Retail Marijuana Establishment business if:

- a. The proposed business meets the applicable criteria of Chapter 5 of the Oak Creek Municipal Code; and
- b. Meets the applicable criteria for commercial uses located in the same Performance District.
- c. Is not operated as a home occupation or Cottage Industry.

3. **Section 17.11.01 Performance District One.**

- B. Permitted and conditional uses:
2. Conditional uses:
  - h. ~~Reserved.~~ Medical marijuana and Retail Marijuana Establishments

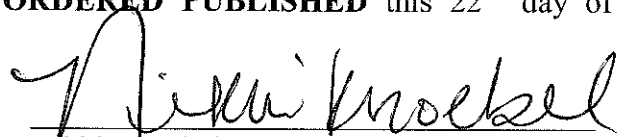
4. **Section 17.11.07 Performance District Seven.**

- B. Permitted, conditional, and prohibited uses.
1. Conditional uses:
  - k. Medical marijuana and Retail Marijuana Establishments

**SECTION 2. SEVERABILITY, CONFLICTING ORDINANCES REPEALED.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. All other ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect and be in full force and effect thirty (30) days after adoption and publication pursuant to C.R.S. § 31-16-105.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED** this 22<sup>nd</sup> day of August, 2012.

  
Nikki Khoebel, Mayor

ATTEST:

  
Mary Alice Sage Allen, Town Administrator/Clerk

