

ORDINANCE NO. 1316

AN ORDINANCE AMENDING APPENDIX C, LAND USE AND ZONING CODE OF 2010, ARTICLE III, DISTRICT REGULATIONS, SECTION 3.2, USE TABLE, AND SECTION 3.3, USE REGULATIONS, SUBSECTION 3.3.1, USE-SPECIFIC STANDARDS, PARAGRAPH 3.3.1 H), CANNABIS ESTABLISHMENTS, SUBPARAGRAPHS 3.3.1 H) 2) b), c), g) AND i), OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, TO PROVIDE ZONING AND REGULATION OF CANNABIS ESTABLISHMENTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021.

Sponsored by Councilor Guadalupe Cano.

WHEREAS, the state legislature of New Mexico passed House Bill 2 known as the “Cannabis Regulation Act” on March 31, 2021 in a special session of the legislature; and

WHEREAS, on November 9, 2021, by Ordinance 1307, the Town Council amended the Town’s Land Use and Zoning Code of 2010 of the Town Code in order to provide for the orderly regulation and administration of cannabis establishments and the testing, production, distribution and sale of cannabis products within the municipal boundaries of the town; and

WHEREAS, on September 13, 2022, by Ordinance 1314, the Town Council again amended the Town’s Land Use and Zoning Code of 2010 of the Town Code in order to provide for the orderly regulation and administration of cannabis establishments and the testing, production, distribution and sale of cannabis products within the municipal boundaries of the town

WHEREAS, since the passage of the Cannabis Regulation Act, the Cannabis Control Division of the State of New Mexico has been adopting and modifying rules and regulations for the cannabis industry, and it has become necessary for the Town to amend its ordinances for the operation, regulation, and administration of the cannabis industry in Silver City, and said amendments to the Town code are appropriate for the health, safety and welfare of the Town and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that:

1. The Land Use and Zoning Code of 2010, Article III, District Regulations, Section 3.2, Use Table, is hereby amended by amending “Class I, II, III Cannabis Manufacturer” and “Integrated Cannabis Microbusiness,” in the “Manufacturing and Production” category in the “Industrial” section, with the amendments and changes in Table 3.2 to now read as follows *(the changes are highlighted in red for identification purposes only; the remainder of Table 3:2 is not affected and therefore not set out):*

Category	Specific Use Type	R u	R A	R B- 1	R B- 2	R C	M U	C - H D	C - L t	C- Hwy	I	Use-Specific Standard
A = Allowed, C = Allowed with Conditional Use Permit, X = Not Allowed												

INDUSTRIAL												
Manufacturing and Production	Batch or Asphalt Plant	X	X	X	X	X	X	X	X	X	A	3.3.1 (G)
	Cannabis Testing Laboratory	X	X	X	X	X	X	X	X	X	A	3.3.1 (H)
	Class I, II, III Cannabis Manufacturer	A	X	X	X	X	A	A	A	A	A	3.3.1 (H)

Class IV Cannabis Manufacturer	X	X	X	X	X	X	X	X	X	X	A	3.3.1 (H)
Cannabis Producer	A	X	X	X	X	X	X	X	X	X	A	3.3.1 (H)
Cannabis Research Laboratory	X	X	X	X	X	X	X	X	X	X	A	3.3.1 (H)
Vertically Integrated Cannabis Establishment	X	X	X	X	X	C	C	A	A	A	A	3.3.1 (H)
Cannabis Producer Microbusiness	A	X	X	X	X	C	A	A	A	A	A	3.3.1 (H)
Integrated Cannabis Microbusiness	X	X	X	X	X	C	A	A	A	A	A	3.3.1 (H)
All Other	C	X	X	X	X	X	X	X	X	X	X	3.3.1 (V, W)

2. The Land Use and Zoning Code of 2010, Article III, District Regulations, Section 3.3, Use Regulations, Subsection 3.3.1, Use-Specific Standards, Paragraph 3.3.1 H), Cannabis Establishments, Subparagraph 3.3.1 H) 2), Subparagraphs 3.3.1 H) 2) b), c), g) and i) are hereby amended to now read as follows:

b) A cannabis manufacturer Class I, II, III is allowed in the Industrial Zoning District, in the Mixed-Use Zoning District, Commercial-Historic Zoning District, Light Commercial Zoning District, and the Highway Commercial Zoning District.

c) A cannabis manufacturer Class IV is only allowed in the Industrial Zoning District. Class IV manufacturing is not allowed in any integrated business outside of the Industrial Zone.

g) A vertically integrated cannabis establishment is allowed in the Industrial Zoning District, Light Commercial Zoning District, and the Highway Commercial Zoning District and, with a Conditional Use permit, in the Mixed-Use Zoning District and the Commercial-Historic Zoning District, excluding Class IV manufacturing.

i) An integrated cannabis microbusiness is allowed in the Light Commercial Zoning District, the Highway Commercial Zoning District, the Industrial Zoning District, Commercial-Historic Zoning District, and with a Conditional Use Permit in the Mixed-Use Zoning District, excluding Class IV manufacturing.

3. All of the rest and remainder of The Land Use and Zoning Code of 2010, Article III, District Regulations, Section 3.2, Use Table, and Section 3.3, Use Regulations, Subsection 3.3.1, Use-Specific Standards, Paragraph 3.3.1 H), Cannabis Establishments, as amended, except as the same has been amended herein by this ordinance, shall continue to remain in full force and effect as currently written.

///

PASSED, ADOPTED AND APPROVED by vote of the Town Council of the Town of Silver City, Grant County, New Mexico, this 14th day of March, 2023.

TOWN OF SILVER CITY

(Seal)

Ken Ladner, Mayor

ATTEST:

Alfred Sedillo, Town Clerk