

ORDINANCE NO. 11, SERIES 2024
TOWN OF KIOWA, COLORADO

**AN ORDINANCE OF THE TOWN OF KIOWA, COLORADO, AMENDING THE TOWN OF
KIOWA ZONING CODE, TABLE OF NON-RESIDENTIAL USES; GROUP HOMES;
NATURAL MEDICINE AND MARIJUANA REGULATIONS IN THE TOWN OF KIOWA**

WHEREAS, Colorado Revised Statutes (C.R.S.) 31-15-101, et seq., authorizes a municipality to enact regulations that promote the health, safety, and welfare, and improve order, comfort, and convenience of the municipality and inhabitants thereof; and

WHEREAS, C.R.S. 31-23-303 declares that such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town; and

WHEREAS, the Board of Trustees of the Town of Kiowa, Colorado found that such regulations promote the health, safety, morals, and the general welfare of the community as stated herein and approved Ordinance 2, Series 2024 on April 9, 2024; and

WHEREAS, the Board of Trustees and the Planning Commission of the Town of Kiowa, Colorado received public comments requesting some modifications, clarifications and revisions to Article VI, Table of Non-Residential Uses, group homes, natural medicine and marijuana establishments and directed the Planning Commission of the Town of Kiowa make recommendations for these revisions; and

WHEREAS, the Planning Commission held several meetings commencing in July, 2024, and has made recommendations that have been received by the Board of Trustees on October 8, 2024, during the regularly scheduled meeting; and

WHEREAS, the Board of Trustees wishes to amend Article VI, Table of Non-Residential uses, Section 16.61 to reflect the needs of the community; provide for Natural medicine businesses and update zoning code definitions.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF KIOWA, COLORADO THAT THE TOWN OF KIOWA, COLORADO CLARIFICATIONS TO ARTICLE VI, TABLE OF NON-RESIDENTIAL SHALL BE APPROVED AS FOLLOWS:

ARTICLE VI

SECTION 16.61, TABLE OF USES—NONRESIDENTIAL ZONE DISTRICTS

Note: Marijuana Caregiver Operations are a permitted use in all areas of Town subject to Colorado law, as amended.					
Uses	TC	CP	LI	HI	PD
Adult Entertainment Establishment	*	*	S	*	*
Ambulance Services	*	P	P	*	P
Amphitheater	*	P	P	*	P
Automotive Sales and Repair	S	S	S	S	S
Bar or Tavern	S	P	P	*	S
Bed and Breakfast	P	P	P	*	*
Bulk Storage of Dangerous Materials	*	*	P	P	*
Bulk Storage of Liquefied Petroleum Gas (LPG)	*	S	S	P	*
Childcare Center	S	S	S	*	P
Church	S	P	S	*	S
Commercial Parking Lots	S	P	P	P	S
Family Childcare Home	*	*	*	*	S
Fire Station	*	S	S	S	S
Funeral Home	P	P	P	*	S
Gas Station	S	S	S	S	S
Gravel and Mineral Extraction or Processing	*	*	S	P	*
Hospital	S	S	S	*	S
Hostel	S	S	S	*	S
Hotel/Motel/Lodging Establishment	S	S	S	*	S
Intermediate Health Care Facility	S	P	S	*	S
Medical and Dental Offices and Clinics	S	S	S	*	S
Medical or Commercial Marijuana or Natural Medicine	*	*	*	*	*
Multifamily	*	*	*	*	*
Nightclub	S	S	S	*	S
Nursing Care Facility	S	S	S	*	S

Office	P	P	P	*	P
Outside Storage	*	*	S	S	S
Park	*	*	S	S	P
Pet Animal Facility – Grooming and Boarding	S	S	S	*	S
Playground	*	S	P	*	P
Recreation Center	S	S	P	*	P
Recreation Facility, Indoor	S	S	P	*	P
Recreation Facility, Outdoor	S	S	P	*	P
Recreational Vehicle Park	*	*	S	S	S
Recycling Facility	*	*	*	S	*
Restaurant	P	P	S	S	P
Retail Establishment	P	P	S	*	P
Salvage or Wrecking Yard	*	*	S	S	*
Self-Service Storage Facilities	*	*	S	S	*
Solar Energy Flush Roof Mounted	S	S	S	S	S
Solar Energy Ground Mounted	S	S	S	S	S
Truck Stop	*	*	S	S	*
Veterinary Clinic	S	S	S	S	S
Warehouse and Distribution	*	S	P	S	*
Wireless Telecommunications Equipment (18.02.860)	S	S	S	S	S
Wireless Telecommunications Facility (18.02.870)	*	*	S	S	S
Food Truck	P	P	P	P	P

Chapter 16, Zoning

Article 1, Section 16-1, the following definitions are added:

“Accessory Dwelling Unit: A dwelling unit is considered an accessory dwelling unit (ADU) if it is a second, subordinate dwelling unit located on the same zone lot as a primary single unit dwelling. An ADU can either be attached to the primary dwelling unit, or it can be a separate, detached structure.

“Dwelling, Single-Family: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by not more than one (1) family in compliance with the Town building code. The dwelling must function as a continuous enclosure without any impassable separation such as a wall or floor. Dwelling spaces joined by a garage or breezeway are considered to be a separate dwelling.”

"Dude ranch" means a resort patterned after a western ranch, featuring camping, horseback riding and other outdoor activities.

“Family” An individual or a group of persons, whether related or not, that habitually reside in a single dwelling unit and form a single residential unit, who share common living areas (e.g. laundry, kitchen, living room, garage, etc.) and expenses, and are at least partially dependent upon each other for care of the residential unit. A family shall not include more than one (1) registered sex offender over the age of 18, unless related by blood, marriage, or legal adoption to all other occupants. “

Health Care Facility: An entity that is licensed, certified, or otherwise permitted by law to administer medical treatment in Colorado, including a hospital, clinic, hospice entity,

community mental health center, federally qualified health center, rural health clinic, organization providing a program of all-inclusive care for the elderly, long-term care facility, continuing care retirement community, or other type of entity where healthcare is provided.

Natural Medicine Business: means any of the following entities as defined by state law, as amended from time to time:

A. Healing Center: A facility where an entity is licensed by the State Licensing Authority pursuant to article 50 of title 44 that permits a Facilitator to provide and supervise Natural Medicine Services for a Participant.

B. Natural Medicine Cultivation Facility: A location where Regulated Natural Medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Healing Center, Facilitator, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.

C. A Natural Medicine Products Manufacturer: A person who manufactures Regulated Natural Medicine Products for transfer to a Healing Center, Facilitator, or to another Natural Medicine Products Manufacturer.

D. A Natural Medicine Testing Facility: A public or private laboratory licensed, or approved by the Division, to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.

“Riding Academy” An establishment where horses and ponies are boarded and cared for, where instruction in **riding**, jumping, and showing may be offered, or where the general public, for a fee, may hire horses for **riding**.

“Sawmill”: (saw mill, saw-mill) or lumber mill is a facility where logs are cut into lumber.

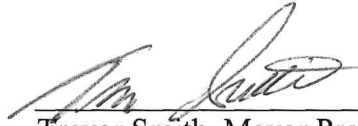
“Water Reservoir” is an enlarged lake or body of water behind a dam, usually built to store fresh water, often doubling for hydroelectric power generation. Reservoirs are created by controlling a watercourse that drains an existing body of water, interrupting a watercourse to form an embayment within it, excavating, or building any number of retaining walls or levees to enclose any area to store water.

Article II, Zone Districts, Section 16-50, the following provisions shall be added:

Natural medicine businesses are permissible in accordance with state law except as provided by the following zoning and distances restrictions:

- A. Natural Medicine businesses shall not be located within any Non-Residential Zone District the Downtown Overlay District, unless co-located with an existing Health Care Facility;
- B. Natural Medicine Businesses shall not be:
 - 1. Within 1,000 feet of a licensed childcare facility.
 - 2. Within 1,000 feet of any preschool, elementary, middle, junior, or high school, or a residential childcare facility.

INTRODUCED and READ this 8th day of October 2024, PASSED and ORDERED PUBLISHED.



Trevor Smith, Mayor Pro Tem

ATTEST:



Sasha Davidson, Town Clerk