



**TOWN OF LARKSPUR
ORDINANCE NO. 3.117**

**AN ORDINANCE AMENDING ORDINANCE 3.43 OF THE TOWN OF LARKSPUR
(LARKSPUR'S ZONING ORDINANCE) TO PROHIBIT MARIJUANA CULTIVATION
FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES,
MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES
PURSUANT TO THE AUTHORITY GRANTED BY
ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION**

WHEREAS, the Town of Larkspur has previously adopted zoning regulations pursuant to Sections 31-23-301, et seq., Colorado Revised Statutes, and such regulations are contained in the Town's Zoning Ordinance, Ordinance 3.43; and

WHEREAS, uses that are permitted within all the various zoning districts within the Town of Larkspur are set forth in the list contained in Ordinance 3.43, Article II, Section 1.6 of the Larkspur Zoning Ordinance; and

WHEREAS, on November 6, 2012 the voters of the State of Colorado approved Amendment 64 adding Section 16 to Article XVIII of the Colorado Constitution a limited exemption from criminal liability under Colorado law for people 21 and over to possess and cultivate marijuana for recreational use, and to establish the licensing and regulation of marijuana establishments in a manner similar to alcohol as described in Amendment 64; and

WHEREAS, Amendment 64 states that a locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure; provided, any initiated or referred measure to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores must appear on a general election ballot during an even numbered year; and

WHEREAS, in response to requests from the public the Larkspur Town Council determined that a question should be placed on the ballot at its April 8, 2014 regular municipal election, asking the voters of the Town whether they wanted to permit such marijuana facilities; and

WHEREAS, at such election, the registered electorate of the Town of Larkspur voted against permitting marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO, IN ORDER TO IMPLEMENT THE OUTCOME OF THE ELECTION HELD APRIL 8, 2014 AS FOLLOWS:

1. Ordinance 3.43 is hereby amended by the addition of Section 1.7 to Article II providing as follows:
1.7 Uses Prohibited in All Districts
A. As a result of the election held April 8, 2014, Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana store are prohibited in all zone districts within the Town of Larkspur.
2. No other provisions of Ordinance 3.43 shall be changed as a result of the adoption of this Ordinance.
3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
4. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.


INTRODUCED, PASSED AND ADOPTED A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AND SIGNED THIS 16th DAY OF JUNE 2016.



Votes Approving:	<u>5</u>
Votes Opposed:	<u>0</u>
Absent:	<u>2</u>
Abstained:	<u>0</u>

ATTEST:

TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO


Manfred Krimmer
Town Clerk/Manager

By: 
Gerry Bean/Mayor