

ORDINANCE NO. 5070

AN ORDINANCE TO AMEND TITLE 21 CHAPTER 4, CHAPTER 6, AND CHAPTER 10 AND TO AMEND TITLE 27, CHAPTER 12.12 OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING USE STANDARDS AND FOR SPECIFIC BUFFERING BETWEEN CERTAIN SCHOOLS AND REHABILITATION FACILITIES, AND ADOPTING REGULATIONS FOR SIGNAGE OF CANNABIS BUSINESSES, AND DEFINITIONS FOR SUCH BUSINESSES

RECITALS:

The City desires to maintain effective regulations in its Zoning and Development Code (Title 21 of the Grand Junction Municipal Code ("GJMC")); regulations that encourage and require appropriate use of land throughout the City while taking into consideration the needs and desires of the citizens of Grand Junction.

Although Federal law criminalizes the use and possession of marijuana as a Schedule 1 controlled substance under the Controlled Substance Act, on June 7, 2010, former Governor Ritter signed into law House Bill 10-1284 and Senate Bill 10-108 which, among other things, authorized the City to adopt an ordinance to license, regulate or prohibit the cultivation and/or sale of marijuana (C.R.S. 12-43.3-103(2)). The law also allowed a city to vote, either by a majority of the registered electors or a majority of the City Council, to prohibit the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana infused products manufacturers.

At the time of House Bill 10-1284 and Senate Bill 10-108's passing, a moratorium was in effect in the City for the licensing, permitting and operation of marijuana businesses. The moratorium, which was initially declared on November 16, 2009 (through Ordinance 4437), was for a period of twelve months and applied to any person or entity applying to function, do business or hold itself out as a medical marijuana dispensary in the City of Grand Junction, regardless of the person, entity, or zoning. On October 13, 2020, City Council adopted Ordinance 4446 which extended the moratorium to July 1, 2011.

At the April 5, 2011 election, the electorate voted in favor of prohibiting the operation of medical marijuana businesses and the amendment of the GJMC by prohibiting certain uses of marijuana (Measure A).

On November 6, 2012, Colorado Amendment 64 was passed by the voters, amending Article 18 of the Colorado Constitution adding Section 16 which allows retail marijuana stores and made it legal for anyone 21 years or older to buy marijuana at such stores. In addition, Amendment 64 allows anyone 21 years or older to legally possess and consume up to one ounce of marijuana. Amendment 64 does not change the Federal law; it still remains illegal under Federal law to produce and/or distribute marijuana also known as cannabis.

On February 6, 2013, City Council approved Resolution 07-13 adopting marijuana policies for the City and restrictions for persons or entities from applying to function, do business, or hold itself out as a marijuana facility, business, or operation of any sort in the City limits. Later that same year, City Council adopted Ordinance 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. Ordinance 4599 also amended Sections in Title 5, Article 15 of the GJMC that prohibit certain uses relating to marijuana.

In late 2015, the City, Mesa County and Colorado Mesa University, by and through the efforts of the Grand Junction Economic Partnership (GJEP), were successful in establishing the *Colorado Jumpstart* business development program. One business which was awarded the first *Jumpstart* incentive planned to develop a laboratory and deploy its advanced analytical processes for genetic research and its ability to mark/trace chemical properties of agricultural products, one of which was cannabis. In October 2016, City Council passed Ordinance 4722 which amended Ordinance 4599 and Section 21.04.010 of the GJMC to allow marijuana testing facilities in the City.

On January 20, 2021, the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021 to repeal Referred Measure A contingent on and subject to voter approval of taxation of marijuana businesses. A majority of the votes cast at the election were in favor of repealing the moratorium on marijuana businesses and in favor of taxation of cannabis businesses.

City Council has decided to allow certain regulated cannabis businesses within the City. City Council has requested that staff prepare an ordinance to repeal the prohibition of cannabis businesses from the GJMC and to include rules and regulations for licensing and operating retail cannabis businesses.

City staff and community members, including the Cannabis Working Group, have researched, reviewed, and discussed various approaches to taxation, permitting and regulation of regulated cannabis within the City. Regulations for cannabis uses have been established at the state level with the adoption and implementation of the Colorado Marijuana Code in the Colorado Revised Statutes (C.R.S. 44-10-101, *et. seq.*); however, regulation of regulated marijuana uses at the state level alone are inadequate to address the impacts on the City of regulated cannabis, making it appropriate for the City to regulate the impacts of regulated cannabis uses.

The City has a valid interest in regulating zoning and other impacts of cannabis businesses in a manner that is consistent with constitutional and statutory standards. The City Council desires to facilitate the provision of quality regulated cannabis in a safe manner while protecting existing uses within the City. Regulation of the manner of operation and location of regulated cannabis uses is necessary to protect the health, safety and welfare of both the public and the customers. The proposed ordinance is intended to allow certain regulated cannabis businesses that will have a minimal impact and where potential negative impacts are minimized.

This proposed ordinance amends the City's Code to permit cannabis businesses in the specific zone districts where general indoor retail sales are permitted and provides for buffering from specific land uses including, certain schools and specific rehabilitation facilities. This ordinance also includes regulations for signage and definitions for cannabis businesses.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to allow certain regulated cannabis businesses by and through the uses and the Use Table, are responsive to the community's desires and otherwise advance and protect the public health, safety and welfare of the City and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING SECTIONS OF THE GRAND JUNCTION MUNICIPAL CODE INCLUDING TITLE 21: ZONING AND DEVELOPMENT CODE AND TITLE 27: HORIZON DRIVE DISTRICT OVERLAY ZONE DISTRICT STANDARDS ARE AMENDED AS FOLLOWS (new text additions underlined and deletions marked with strike-through notations):

21.04.010 (d) Prohibited Uses.

~~Marijuana related business, whether retail, commercial, industrial or agricultural, except marijuana testing facility(ies) are prohibited in all zone districts in accordance with Chapter 5.15 GJMC. Marijuana testing facility(ies) is (are) allowed in the zone districts shown.~~

~~Marijuana testing facilities shall be categorized as/under the "industrial services, contractors and trade shops, oil and gas support operations without hazardous materials" category of the use zone matrix as "research, testing, and laboratory facilities – indoors (including marijuana testing facilities)" as allowed uses in B-2, C-1, C-2, MU, BP, IO, I-1 and 1-2 zone districts.~~

21.04.010 Use Table.

Key: A = Allowed, C = Conditional, Blank Cell = Not Permitted

Use Category	Principal Use	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	M X-	Std.
Retail-Sales and Services	Marijuana Related Business																							Ch 5-15

- (ii) Buffering Distance Computation. The buffering distance shall be computed by direct measurement from the nearest property line of the land use to the nearest portion of the building or unit in which the regulated cannabis is to be sold, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing or utilizing alleys, following striping or parking patterns or on-site designated pedestrian routes, with right angles at crossings and with the observance of traffic regulations and traffic signals.

21.06.070 Sign Regulation

(j) Regulated Cannabis Business Signage and Advertising.

- (1) All signs and advertising for Regulated Cannabis Stores shall comply with all applicable provisions of the Colorado Marijuana Code, any regulations adopted pursuant thereto, the provisions of this Chapter and of Title 5, Chapter 13 of the Municipal Code, and the City's ordinances and regulations regarding signs and advertising.
- (2) No sign shall use the terms "pharmacy", "pharmacist", "pharmaceutical", "rx", or any other similar variation of such terms as its corporate, business, or "doing business as" name, so as to prevent a reasonable person from concluding such business is involved in the practice of pharmacy, as regulated by Pharmaceuticals and Pharmacists, C.R.S. Article 22 of Chapter 12. Additionally, no Regulated Cannabis Stores may use any of the above terms or any similar variation thereof in any of its signs, placards, promotional, or advertising materials. Additionally, no signs that mimic or allude to pharmacy or medical related symbols, including but not limited to medical style crosses regardless of proportions or colors, shall be used or displayed in nonmedical Regulated Cannabis Stores.
- (3) No sign shall include advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to persons under 21 years of age.
- (4) Maximum Sign Dimensions:
 - (i) For properties that lie within an existing overlay district regulated by Title 22, Title 24, Title 25, Title 26, or Title 27 the specific regulations within the overlay shall apply.

- (ii) For all other properties within the City, only flush wall mounted signs or monument signs shall be allowed. Maximum sign allowances shall be calculated according to the provisions of this Chapter and subject to the following limitations:
 - (A) Maximum Height: 20 feet; and,
 - (B) Maximum Area: 150 square feet per sign face.
- (5) Signs and Advertising not requiring a permit include:
 - (i) Sign-wavers or other natural persons standing in the public. No Regulated Cannabis Stores shall advertise with sign-wavers or other natural persons within the buffering distances from specified land uses as provided in (w)(3)(i) above.
 - (ii) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the City or on the internet, which may include coupons.
 - (iii) Any non-consumable merchandise or accessories.
 - (iv) A booth at an adult event or job fair where the only items distributed are company or educational materials and no other items are distributed, shown or sold.
 - (v) Business cards within the business or handed directly to an individual who is over the age of 21.
 - (vi) Showing a government-issued verification of age or military status, or registration for a charitable event, or similar item the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.
 - (vii) Company materials and educational materials distributed inside the cannabis business.

27.12.040 Signage.

(b) Freestanding signs shall comply with the following requirements:

(8) Maximum sign dimensions shall not exceed the following:

- (i) For any regulated cannabis business, the maximum sign dimensions shall not exceed the following:

- (A) 20 twenty feet in height; and,
- (B) 75 seventy-five square feet.

21.10.020 Terms defined.

Cannabis Testing Facility(ies) is an entity licensed to analyze and certify safety and potency of cannabis.

Medical Cannabis Store is an entity licensed and co-located with a retail cannabis store that sells medical cannabis to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado constitution, but is not a primary caregiver.

Regulated Cannabis Cultivation Facility is an entity licensed to cultivate, prepare, and package cannabis and sell cannabis to retail cannabis stores, to cannabis product manufacturing facilities, and to other cannabis cultivation facilities, but not to consumer.

Regulated Cannabis Hospitality and Sales Business is a facility that cannot be mobile, that is licensed to permit the consumption of only the retail cannabis or retail cannabis products it has sold pursuant to the provisions of an enacted, initiated, or referred ordinance or resolution of the local jurisdiction in which the licensee operates.

Regulated Cannabis Products Manufacturing Facility is an entity licensed to purchase cannabis; manufacture, prepare, and package cannabis products; and sell cannabis and cannabis products to other cannabis product manufacturing facilities and to retail cannabis stores, but not to consumers.

Regulated Cannabis Transporter Business is an entity or person that is licensed to transport retail cannabis and retail cannabis products from one regulated cannabis business to another regulated cannabis business and to temporarily store the transported regulated cannabis and regulated cannabis products at its licensed premises but is not authorized to sell regulated cannabis or regulated cannabis products under any circumstances.

Regulated Cannabis Store is an entity licensed to purchase regulated cannabis from Regulated Cannabis Cultivation Facilities and to sell regulated cannabis to consumers and Regulated Cannabis Testing Facilities that are licensed to analyze and certify the safety and potency of cannabis.

All other provisions of Title 21 Chapter 4, Chapter 6, and Chapter 10 and Title 27 Chapter 12.12 shall remain in full force and effect.

Introduced on first reading the 16th day of March, 2022 and ordered published in pamphlet form.

Adopted on second reading this 4th day of May 2022 and ordered published in pamphlet form.

ATTEST:



A handwritten signature in black ink, appearing to read "Anna Stout", written over a horizontal line.

Anna Stout
President of City Council

A handwritten signature in blue ink, appearing to read "Laura J. Bauer", written over a horizontal line.

Laura J. Bauer, MMC
Interim City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5070 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 16th day of April 2022 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 4th day of May 2022, at which Ordinance No. 5070 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 6th day of May 2022.


Deputy City Clerk

Published: March 18, 2022
Published: May 6, 2022
Effective: June 5, 2022

