

ORDINANCE NO. 1348, SERIES 2025

AN ORDINANCE AMENDING THE CODE OF THE CITY OF CORTEZ, COLORADO REGARDING DISTANCE MEASUREMENTS AND SIGNAGE FOR MEDICAL AND RETAIL MARIJUANA ESTABLISHMENTS

WHEREAS, as authorized by Article XVIII, Sections 14 and 16 of the Colorado Constitution, and pursuant to Colorado Revised Statutes Section 44-10-101, *et seq.* (the “Colorado Marijuana Code”), and Articles II and III of Chapter 4 of the Code of Ordinances of the City of Cortez, and Section 3.06.12 of the Cortez Land Use Code, the City regulates medical marijuana and the retail sale of marijuana; and

WHEREAS, Title 44, Article 10 of the Colorado Revised Statutes authorizes local jurisdictions to regulate Medical Marijuana and Retail Marijuana within the boundaries of the local jurisdiction by ordinance; and

WHEREAS, the City of Cortez regulates Medical Marijuana pursuant to the Cortez, Colorado Code of Ordinances, Chapter 4, Article II, Medical Marijuana Business Code, and Article III, Cortez Retail Marijuana Code (collectively the “Code”), and pursuant to Section 3.06.12 of the Cortez Land Use Code (the “Land Use Code”); and

WHEREAS, the City Council desires to amend the Code and the Land Use Code by adopting the amendments concerning distance regulations and signage as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL AS FOLLOWS:

RECITALS INCORPORATED: The foregoing recitals are incorporated herein as conclusions, facts, determinations, and findings by the Cortez City Council.

CORTEZ CODE OF ORDINANCES, ARTICLE II. – MEDICAL MARIJUANA CODE:

Is amended as follows:

Section 4-101. – Application; fee. Section 4-101, the last paragraph, shall be amended to read as follows:

The City of Cortez shall not accept or act upon an application for a medical marijuana business license if the business application concerns a particular location that is the same as or within One Thousand Feet (1,000 feet) of a location for which, within the two years immediately preceding date of the application, the City of Cortez or the state licensing authority denied an application for the same class of license due to the nature of the use or other concern related to the location.

Section 4-111. – Operational requirements. Section 4-111 shall be amended by the addition of a new subsection (h) which shall read as follows:

(h) In addition to complying with all applicable Colorado Statutes and regulations, including, without limitation, 1 CCR 212-2 R 1100 Series, 1 CCR 212-3-3-735 and 1 CCR 212-3-3-705 of the Colorado Code of Regulations, governing signs advertising marijuana establishments,

of the Colorado Code of Regulations, governing signs advertising marijuana establishments, and complying with the Cortez Land Use Code - Section 5.010 Signs, Medical marijuana centers may not erect, install, construct, paint, or display any sign that:

1. Contains the words marijuana, cannabis or other words commonly associated with or which allude to the use of marijuana.
2. Is electronically illuminated or lighted.
3. Has mechanical, wind, or air assisted moving parts.
4. Is inflatable.
5. Portrays marijuana or cannabis leaves, plants or products.
6. Directly or indirectly advertises, markets, or promotes any discount sales, price promotions, specials, or direct comparisons of its products or services to those of any other business.
7. Is designed to appeal to persons under the age of 21, or is primarily targeted to persons under the age of 21.
8. Contains any cartoon characters, animation, or caricatures of any person, animal or object.

Section 4-112. - Distance requirements. Section 4-112(a) shall be amended to read as follows:

- (a) All medical marijuana businesses or retail marijuana establishments shall be at least One Thousand Feet (1,000 feet) from any school, the principal campus of any college, university, seminary, licensed child care center or facility, or other medical or retail marijuana establishment. Legally established Medical marijuana businesses and retail marijuana establishments in existence as of the effective date of this Ordinance are exempt from this distance requirement and shall be considered to have legal nonconforming status, so long as such businesses or establishments are in regular and continuous use. Temporary discontinuance of operations for minor repairs and maintenance, and changes of ownership, shall not change the legal nonconforming status.

Section 4-112. - Distance requirements. Section 4-112(b) shall be amended to read as follows:

- (b) Any computation of distance between medical marijuana licensees, marijuana retail licensees and other establishments where a distance requirement has been established shall be measured as follows:

Said distance shall be computed by direct measurement (“as the crow flies”) from the center of the lot or parcel upon which a medical marijuana center is located to the closest property boundary of any building or facility referenced in Section 4-112(a) above, using Geographical Information System (GIS) data as the measuring method.

Section 4-114. – Non-conforming uses. A new Section 4-114 shall be added to read as follows:

- (a) Any medical marijuana business operating on the effective date of Ordinance No. 1348, Series 2025 in violation of Sections 4-111(h), 4-112(a), or 4-112(b) of the Code of Ordinances of the City of Cortez, shall be deemed a legal nonconforming use.
- (b) Any medical marijuana business that is deemed a legal nonconforming use due to its nonconforming signage shall be permitted to continue using its nonconforming signage so

long as the signage is not enlarged, extended, altered, or replaced with other nonconforming signage, except that the signage may be maintained and repaired, and that the signage may be changed to conform with Section 4-111(h), thereby becoming a conforming use.

- (c) Any medical marijuana business that is deemed a legal nonconforming use, due to its location not conforming to Sections 4-112(a) or (b), shall be permitted to continue operating so long as the business is continuously operated in the same location and is not destroyed or abandoned. A medical marijuana business shall be considered destroyed when its building is destroyed by fifty percent (50%) or more of its gross floor area. If less than fifty percent of the gross floor area is destroyed, the building may be reconstructed within substantially the same floor area. Any nonconforming medical marijuana business that is discontinued for or that remains vacant for a period of twelve (12) months shall be considered to have been abandoned.
- (d) To establish a record of a nonconformity, the owner of such medical marijuana business is encouraged to submit a certificate of nonconformity to the Zoning Administrator pursuant to Section 1.05(B) of the Cortez Land Use Code.

CORTEZ CODE OF ORDINANCES, ARTICLE III. – CORTEZ RETAIL MARIJUANA CODE: Is amended by the amendment of the following sections:

Section 4-209. - Application; fee. Section 4-209(e) shall be amended to read as follows:

- (e) The Cortez City Clerk shall not accept or act upon an application for a retail marijuana establishment if the application concerns a particular location that is the same as or within One Thousand Feet (1,000 feet) of a location for which, within the two years immediately preceding date of the application, the local or the state licensing authority denied an application for the same class of license due to the nature of the use or other concern related to the location.

Section 4-212. - Distance requirements. Section 4-112(a) shall be amended to read as follows:

- (a) All medical marijuana businesses or retail marijuana establishments shall be at least One Thousand Feet (1,000 feet) from any school, the principal campus of any college, university seminary, licensed child care center or facility, or other medical or retail marijuana establishment. Legally established Medical marijuana businesses and retail marijuana establishments in existence as of the effective date of this Ordinance are exempt from this distance requirement and shall be considered to have legal nonconforming status, so long as such businesses or establishments are in regular and continuous use. Temporary discontinuance of operations for minor repairs and maintenance, and changes of ownership, shall not change the legal nonconforming status.

Section 4-212. - Distance requirements. Section 4-212(b) shall be amended to read as follows:

- (b) Any distance to be computed regarding the distances between medical marijuana licensees, marijuana retail licensees and other establishments where a distance requirement has been established shall be measured as follows:

Said distance shall be computed by direct measurement (“as the crow flies”) from the center of the lot or parcel upon which a medical marijuana center is located to the closest property boundary of any building or facility referenced in Section 4-212(a) above, using Geographical Information System (GIS) data as the measuring method.

Section 4-220. – Operational requirements. Section 4-220 shall be amended by the addition of a new subsection (j) which shall read as follows:

- (j) In addition to complying with all applicable Colorado Statutes and regulations, including, without limitation, 1 CCR 212-2 R 1100 Series, 1 CCR 212-3-3-735 and 1 CCR 212-3-3-705 of the Colorado Code of Regulations, governing signs advertising marijuana establishments, and complying with the Cortez Land Use Code - Section 5.010 Signs, medical marijuana centers and retail marijuana businesses may not erect, install, construct, paint, or display any sign that:
 - (1) Contains the words marijuana, cannabis or other words or phrases commonly associated with or which allude to the use of marijuana.
 - (2) Is electronically illuminated or lighted.
 - (3) Has mechanical, wind, or air assisted moving parts.
 - (4) Is inflatable.
 - (5) Portrays marijuana or cannabis leaves, plants or products.
 - (6) Directly or indirectly advertises, markets, or promotes any discount sales, price promotions, specials, or contains direct comparisons of its products or services to those of any other business.
 - (7) Is designed to appeal to persons under the age of 21 or is primarily targeted to persons under the age of 21.
 - (8) Contains any cartoon characters, animation, or caricatures of any person, animal or object.

Section 4-221. – Non-conforming uses. A new Section 4-221 shall be added to read as follows:

- (a) Any retail marijuana establishment operating on the effective date of Ordinance No. 1348, Series 2025 in violation of Sections 4-212(a), 4-212(b), or 4-220(j) of the Code of Ordinances of the City of Cortez, shall be deemed a legal nonconforming use.
- (b) Any retail marijuana establishment that is deemed a legal nonconforming use due to its nonconforming signage shall be permitted to continue using its nonconforming signage so long as the signage is not enlarged, extended, altered, or replaced with other nonconforming signage, except that the signage may be maintained and repaired, and that the signage may be changed to conform with Section 4-220(j), thereby becoming a conforming use.
- (c) Any retail marijuana establishment that is deemed a legal nonconforming use, due to its location not conforming to Sections 4-212(a) or (b), shall be permitted to continue operating so long as the business is continuously operated in the same location and is not destroyed or abandoned. A retail marijuana establishment shall be considered destroyed when its building is destroyed by fifty percent (50%) or more of its gross floor area. If less than fifty percent of the gross floor area is destroyed, the building may be reconstructed within substantially the same floor area. Any nonconforming retail marijuana establishment that is discontinued for

or that remains vacant for a period of twelve (12) months shall be considered to have been abandoned.

- (d) To establish a record of a nonconformity, the owner of such retail marijuana establishment is encouraged to submit a certificate of nonconformity to the Zoning Administrator pursuant to Section 1.05(B) of the Cortez Land Use Code.

CORTEZ LAND USE CODE, SECTION 3.06 – USE REGULATIONS: Is amended as follows:

Section 3.06.12 - Marijuana Uses. The last sentence in Section 3.06.12(B)(2)(b) is amended to read as follows:

- b. Nothing within this Section shall preclude the establishment of a public, private, or charter school, licensed child care center or facility, licensed pre-school, or dedicated public park within One Thousand Feet (1,000 feet), measured as set forth in Section 4-212(b) of the Cortez Code of Ordinances, of a preexisting medical marijuana dispensary.

Section 3.06.12 - Marijuana Uses. The last sentence in Section 3.06.12(D)(2)(b) is amended to read as follows:

- b. Nothing within this Section shall preclude the establishment of a public, private, or charter school, licensed child care center or facility, licensed pre-school, or dedicated public park within One Thousand Feet (1,000 feet), measured as set forth in Section 4-212(b) of the Cortez Code of Ordinances, of a preexisting retail marijuana establishment.

REPEALER: All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

SEVERABILITY: If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

RECORDING AND AUTHENTICATION: Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

EFFECTIVE DATE: This ordinance shall be effective upon publication after final passage on second reading.

FIRST READING: This ordinance shall be considered first reading on the 9th day of September, 2025, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado, at which time this ordinance shall be read and the public hearing for the second or final reading of this ordinance shall be set.

SECOND READING AND PUBLIC HEARING: This ordinance shall be considered for second

and final reading on the 23rd day of September, 2025, at the hour of 7:30 p.m. in the City Council Chambers in City Hall, Cortez, Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 9TH DAY OF SEPTEMBER, 2025.

CITY OF CORTEZ

ATTEST:



DANIELLE WELLS, CITY CLERK



RACHEL B. MEDINA, MAYOR

APPROVED AS TO FORM:



J. PATRICK COLEMAN, CITY ATTORNEY

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 23RD DAY OF SEPTEMBER, 2025.

CITY OF CORTEZ

ATTEST:



DANIELLE WELLS, CITY CLERK



RACHEL B. MEDINA, MAYOR