

**Brighton**  
CITY MANAGER'S OFFICE  
Marijuana Discussion 01/24/2023

# Marijuana Discussion

January 24<sup>th</sup>, 2023

City Staff Representative: Michael Martinez, City Manager

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**Purpose**

- Review of previous ordinances and discussion related to marijuana sales, cultivation, manufacturing and testing within City of Brighton limits
- Discussion of possible locations (zones)
- What use types to be allowed
- Staff recommendations and next steps
- Open discussion

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### History of Marijuana in Colorado

- In November of 2000, voters of the state of Colorado passed Amendment 20 to the state's constitution, codified in article XVIII, section 14. This article effectively legalized limited amounts of medical marijuana for patients and their primary caregivers.
- In 2009, the Colorado Board of Health of narrowly rejected the previous five patient limit for caregivers, allowing for the sale of marijuana in physical locations. In effect, this approved and created the dispensary model as we know it.
- In 2010, the Colorado Legislature enacted the Colorado Medical Marijuana Code – the most comprehensive system of medical marijuana distribution and regulation in the world – through the passage of SB 10-109 and HB 10-1284 (C.R.S. 12-43-3.101)
  - Created a robust system and regulatory framework to license commercial businesses for the distribution and production of medical marijuana and imposed new restrictions on patients, caregivers, and doctors.
- On November 6th, 2012, Colorado voter voted in favor of ending marijuana prohibition and legalizing public retail sales with about 55% of the Colorado electorate voting in favor of Amendment 64.

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### History of Marijuana in Brighton

On September 22nd, 2009, Brighton City Council voted to temporarily suspend the acceptance of zoning and approval of use permits, building permits and licenses until further discussion (moratorium).

On June 16<sup>th</sup>, 2011, City Council passed Ord. 2011-012, amending the "Licensing and operation within the City of Brighton of medical marijuana cultivation facilities, and product testing facilities".

Moratorium extended a second time through July 1, 2011 (Ord. 2008)

Moratorium extended through June 15, 2010 (Ord. 2007)

On March 1<sup>st</sup>, 2011, official marijuana sales and cultivation is formally prohibited (Ord. 2006)

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**Amendment 64 Results for Brighton**

Legend: Ward 1 (Yellow), Ward 2 (Green), Ward 3 (Red), Ward 4 (Pink)

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### Municipal Retail Marijuana Status

City	Sales	Cultivation	Manufacturing	Testing	Tax Information
Aurora*	✓	✓	✓	✓	5% excise tax, 4% sales tax on retail with authority up to 10%
Avon					
Bennett					
Boulder	✓	✓	✓	✓	5% excise tax, 3.5% sales tax
Commerce City	✓	✓	✓	✓	7% sales tax, 5% excise tax
Denver**	✓	✓	✓	✓	5% excise and authorized up to 10%
Federal Heights	✓	✓	✓	✓	5% sales tax w/ authority up to 10%, 5% excise tax w/ authority up to 10%
Fort Lupton	✓				4.75% sales tax w/ a 3.1% additional tax up to 10%
Greenwood					
Longmont	✓				3.5% sales tax, 3% excise tax with authority up to 15%
Northglenn	✓	✓	✓		4% sales tax, up to 10%
Thornton	✓			✓	5% sales tax
Westminster					

\* Aurora recently passed an ordinance allowing delivery  
\*\*Denver is the only municipality that allows on-site consumption

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Annual Sales Tax Revenue (2021)			
Jurisdiction	Sales Tax Producing Locations	2021 Revenue	Average per Location
Unincorp. ADCO	5	\$900K	\$180K
Aurora	24	\$14.5M	\$604K
Commerce City	8	\$1.4M	\$180K
Denver	221	\$59.2M	\$268K
Northglenn	4	\$2.9M	\$725K
Thornton	3	\$1.9M	\$633K
Brighton-Proposed	?	?	?

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Map showing the locations of marijuana dispensaries in the Denver metropolitan area. The map includes labels for Denver, Lakewood, Arvada, Westminster, Broomfield, Superior, Lafayette, Louisville, and Aurora. Dispensaries are marked with icons representing different product types: orange for flower, teal for edibles, and green for concentrates. A legend in the bottom right corner identifies the icons: flower, edibles, and concentrates.

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Potential District Locations:  
NWC of Bridge St. & US-85

- Two multi-family residences directly within the area and Veteran's Park is nearby poses a challenge.
- There are a few smaller industrial/commercial buildings that could be renovated.

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Potential District Locations:  
N. Main Street

- Area ripe for revitalization.
- Proposed MSC nearby could pose a challenge.
- Could be "too close" to downtown corridor.

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Potential District Locations:  
Baseline & N. Main Industrial Areas

- This area is primarily industrial in nature and is close in proximity to US-85.
- Numerous industrial buildings and smaller tenant spaces in industrial buildings that could be utilized for retail marijuana establishments.
- Generally, there are no school or park sites in the area with the closest being the Rec. Ctr.

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Potential District Locations:  
Bromley Park Industrial

- Generally, this area works well as there are no residences in the immediate area or park sites and has good access of I-76.
- PUD could present an issue.

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Potential District Locations:  
NWC and SWC of Bromley and US-85

- This area is more commercial in nature and in closer proximity to various types of residential (SFD, SFA, MF).
- May have a higher visibility.
- No school or park sites in the area.

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**Next Steps**

- If allowed, various municipal code amendments related to operation, design, security and storage will be necessary.
  - Repeal ordinances that prohibit the sale of medical or retail marijuana
  - Ordinance to set fees for reviewing a license (similar to fees set for reviewing liquor licenses) and related processes.
  - Creation of additional regulations as needed
- If Council chooses to allow retail and medical sales of marijuana, staff can have all necessary processes in place by Q4 2023/Q1 2024.

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