



Marijuana Sales Licenses

CITY COUNCIL MEETING - Aug. 15, 2023

City Staff Representatives: Alicia R. Calderón, City Attorney
Michael Martinez, City Manager
Holly Prather, Director of Community Development



2023 History

- Jan. 24, 2023: Discussion held at Study Session
- Apr. 4, 2023: City Council was presented with the different types of marijuana licenses
- Apr. 4, 2023: City Council approved Resolution 2023-38 directing City staff to prepare an ordinance amending the *Brighton Municipal Code* to allow for the operation of marijuana businesses



Medical/Retail Sales Licenses Recap

- Required to track all marijuana and products from point of transfer to point of sale
- Products sold must be pre-packaged and clearly labeled
- Sale limits and verification
- Sale shall be immediately recorded in seed-to-sale inventory tracking system
- May contract/transact with medical/retail marijuana products manufacturer licensees
- Retail facilities are prohibited from accepting any retail purchased from a retail cultivation facility unless evidence of applicable taxes paid



Location

- Areas zoned C-3 and/or I-1
 - C-3 – General Retail & Services: Provides wide range retail, service and employment uses at a scale, intensity or in a format that requires a high level of vehicle accessibility and visibility, typically along corridors or major intersections, and is not easily integrated with other land uses or development patterns.
- Not permitted in existing planned developments (PDs) or planned unit developments (PUDs) unless included already as an approved use.



Quantity

- No more than 4 stores within the City
 - 2 licenses reserved for qualified Social Equity Licensees



Operations

- City of Brighton license required
- Hours of Operation: 9 – 9
- Marijuana Licensing Authority will need to be appointed



Updates to Ordinance for Second Reading

- Following first reading of the Ordinance, staff received feedback from a marijuana retailer and an organization dedicated to promoting social equity in the marijuana industry.
- Staff incorporated some of the comments provided by these entities into the draft ordinance for second reading, shown on the following slides.
- The comprehensive changes to the Ordinance are outlined in the attached REDLINE.



Changes to Location Restrictions

(c) A marijuana store shall be located only within the C-3—General Retail & Services ~~and/or I-1—Light Industrial~~ zoning ~~districts~~ district. For any planned development or planned unit development that does not reference a marijuana store as an allowed use, a marijuana store is prohibited, even if the underlying zoning would allow it.

~~(e)~~—Marijuana stores shall not be permitted if, at the time of application for such license, such location is:

~~(a)~~ ~~(e)~~ Within within one thousand 1,000 feet of:

~~(S)~~ (1) Any school;

~~(S)~~ (2) Any residential child care center; and

~~(S)~~ (3) Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation center.

~~(2) Within 1500 feet of another marijuana store.~~



Changes to Application Process

(g) The maximum number of licensed marijuana stores within the City shall not exceed four (4). At least two (2) marijuana store licenses may only be issued to a qualified Social Equity Licensee, as defined by the Colorado Marijuana Code. A Social Equity Licensee shall provide proof of such certification to the City Clerk at the time of application. ~~The City Clerk shall determine the process if more than two applications are received.~~ Initial applications for the issuance of a new marijuana store license shall be accepted by the City Clerk for a period of ninety (90) days beginning January 1, 2024. Subsequent applications for the issuance of a new marijuana store license or renewal of a marijuana store license shall be accepted by the City Clerk annually during the first ninety (90) days of the calendar year. The City Clerk will specify the start and end date and time of the application period, and may, in his or her discretion, increase the time period of acceptance of new applications. If a marijuana store license becomes available outside of the application period, the City Manager, in his or her discretion, may allow for an off-cycle application period. The City Clerk shall create a review committee to select applications and further define the approval process.



Changes to Labeling and Pesticide Requirements

(h) All marijuana stores shall ~~affix labels to~~comply with all receptacles on labeling requirements of the licensed premises that contain marijuana or marijuana products which labels shall clearly display potency profiles and contaminant results from a licensed marijuana testing facility.Colorado Marijuana Code.

(m) Use of pesticides. ~~No pesticides or insecticides that are prohibited by applicable law for fertilization or production of edible produce shall be used on any marijuana produced or distributed by a marijuana store.~~ A marijuana store shall comply with the Colorado Marijuana Code and all applicable laws regarding use of pesticides.



Options for City Council

Brighton City Council has the following options in this matter:

- ❑ Approve the amended ordinance to amend the *Brighton Municipal Code* allowing marijuana stores within the City.
- ❑ Deny the ordinance.
- ❑ Modify the ordinance.