

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

**Brighton**

# 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 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 voters 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, 2008, Brighton City Council voted to temporarily suspend the application, processing and approval of use permits, variances, building permits and licenses until further discussion (moratorium)

Moratorium extended through June 15, 2010 (Ord. 2047)

Moratorium extended a second time through July 1, 2011 (Ord. 2068)

On June 18<sup>th</sup>, 2013, City Council passed Ord. 2156 which prohibits the licensing and operation within the City of Brighton of retail marijuana stores, cultivation facilities, and product testing facilities

On March 1st, 2011, medical marijuana sales and cultivation is formally prohibited (Ord. 2086)

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## Amendment 64 Results for Brighton

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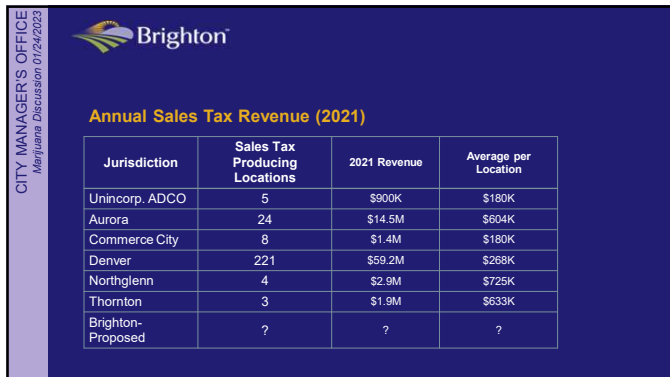
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## Municipal Retail Marijuana Status

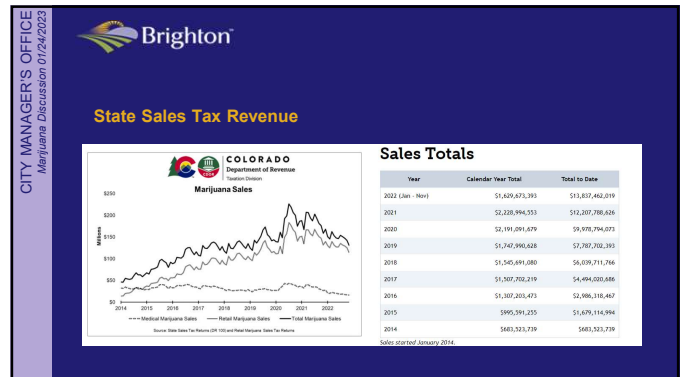
City	Sales	Cultivation	Manufacturing	Testing	Tax Information
Aurora*	✓	✓	✓	✓	5% excise tax, 4% sales tax on retail with authority up to 10%
Boulder	✓	✓	✓	✓	5% excise tax, 3.5% sales tax
Commerce City	✓	✓	✓	✓	7% sales tax, 5% excise tax
Denver**	✓	✓	✓	✓	5% excise and authorized up to 10%
Federal Heights	✓	✓	✓	✓	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%
Lakewood	✓	✓	✓	✓	3.5% sales tax, 3% excise tax with authority up to 15%
Northglenn	✓	✓	✓	✓	4% sales tax, up to 10%
Thornton	✓	✓	✓	✓	5% sales tax
Windsor	✓	✓	✓	✓	

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

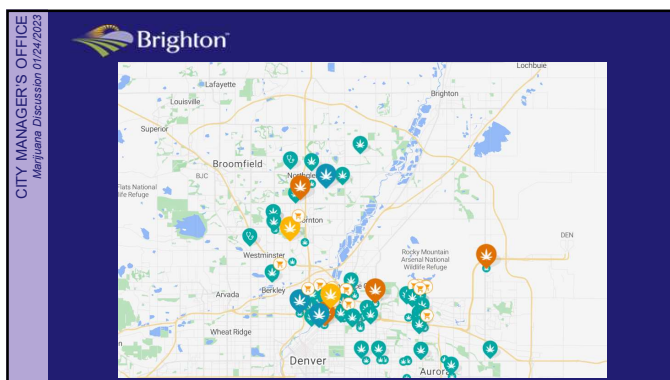
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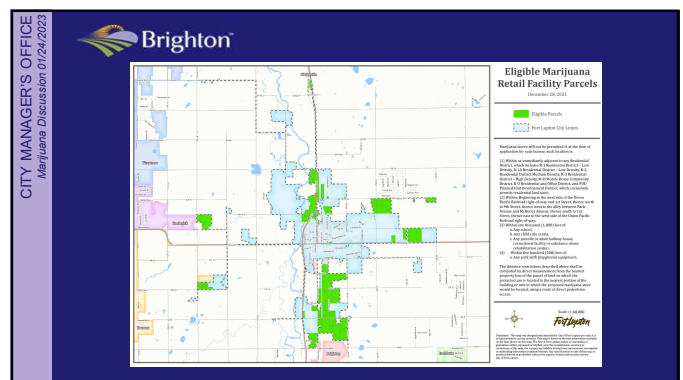
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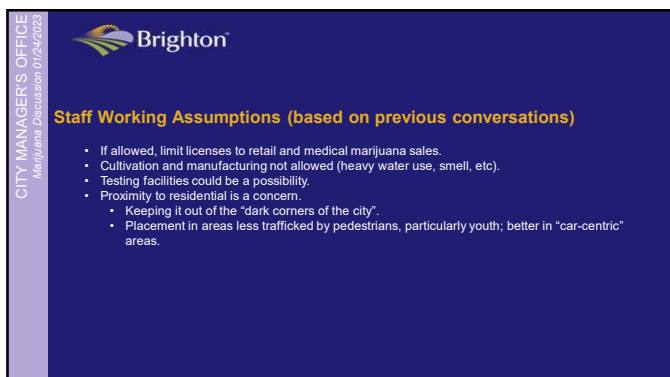
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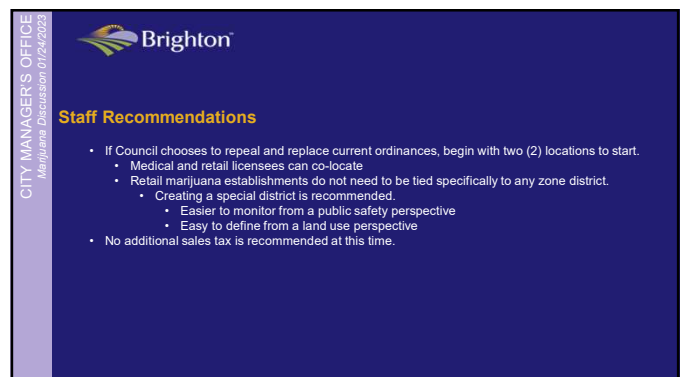
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**Potential District Locations:**  
NWC of Bridge St. & US-85

- 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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