



Legislation Text

File #: ID-263-23, Version: 1

Offices of the City Manager and the City Attorney; Community Development Department

Reference: Marijuana Store Licenses

To: Mayor Gregory Mills and Members of City Council

Through: Michael P. Martinez, City Manager

**Prepared By: Alicia Calderón, City Attorney
Michael Martinez, City Manager;
Holly Prather, Community Development Director**

Date Prepared: August 4, 2023

PURPOSE

To consider an ordinance authorizing marijuana stores within the City of Brighton.

BACKGROUND

In 2012, Colorado voters passed Amendment 64 to the State's Constitution, codified in Article XVIII, Section 16, legalizing the use of marijuana for anyone over the age of twenty-one years of age or older, to be taxed and regulated similarly to alcohol. The medical use of marijuana for certain conditions was approved by the voters in November of 2000. However, local jurisdictions can opt out by passing an ordinance prohibiting the cultivation, product manufacturing, testing, and retail marijuana facilities. The City of Brighton ("City") currently prohibits all of these.

A municipality may enact ordinances that govern the time, place, manner, and number of marijuana establishment operations and establish procedures for licensing such facilities. Enacting such an ordinance does not allow driving under the influence of marijuana and does not require an employer to accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace.

On January 24, 2023, City Council discussed the history of marijuana in the City and options for regulations. On April 4, 2023, City Council reviewed the various types of marijuana businesses and provided direction to proceed with medical and retail marijuana businesses only. The ordinance being brought for consideration only allows medical and retail marijuana businesses.

Any applicant for a marijuana retail or medical marijuana retail business must obtain approval from the City and the State. The City may require a local license for a retail or medical marijuana business, and this is included in the proposed ordinance. The medical marijuana business may not be located within 1,000 feet of a school, a drug or alcohol treatment facility, a principal campus of a college or university, and a residential child care facility. The City in its ordinance may vary the distance restrictions or may eliminate one or more types of schools, campuses, or facilities from the distance restriction. C.R.S. § 44-10-311(1)(d). The City in its ordinance may make the medical marijuana distance restrictions applicable to retail marijuana or make its own location restrictions.

The ordinance presented requires a local license, with a limit of 4 licenses within the City. Two of the licenses are reserved for social equity applicants. The zoning where such marijuana stores may be placed is limited C-3 and I-1, and it will not be allowed in a PD or PUD that has not included that as an allowed use. The distance requirements from schools is 1,000 feet, as well as from residential child care facilities, correctional facilities, and substance abuse treatment

facilities. The hours of operation allowed will be from 9:00 am until 9:00 pm.

The ordinance will not become effective until January 1, 2024.

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM

N/A

FINANCIAL IMPACT

It is expected that there will be a financial impact as the City Clerk's office will dedicate time to the licensing of these businesses, Community Development will inspect the premises for zoning and building code compliance, the Police Department will have staff assist with enforcement and reviews of licenses, and the City Attorney's Office will prosecute violations and assist with any licensing hearings.

STAFF RECOMMENDATION

N/A

OPTIONS FOR COUNCIL CONSIDERATION

- 1) Approve the Ordinance as written.
- 2) Deny passage of the Ordinance.
- 3) Modify the Ordinance

ATTACHMENTS

1. Ordinance
2. Presentation