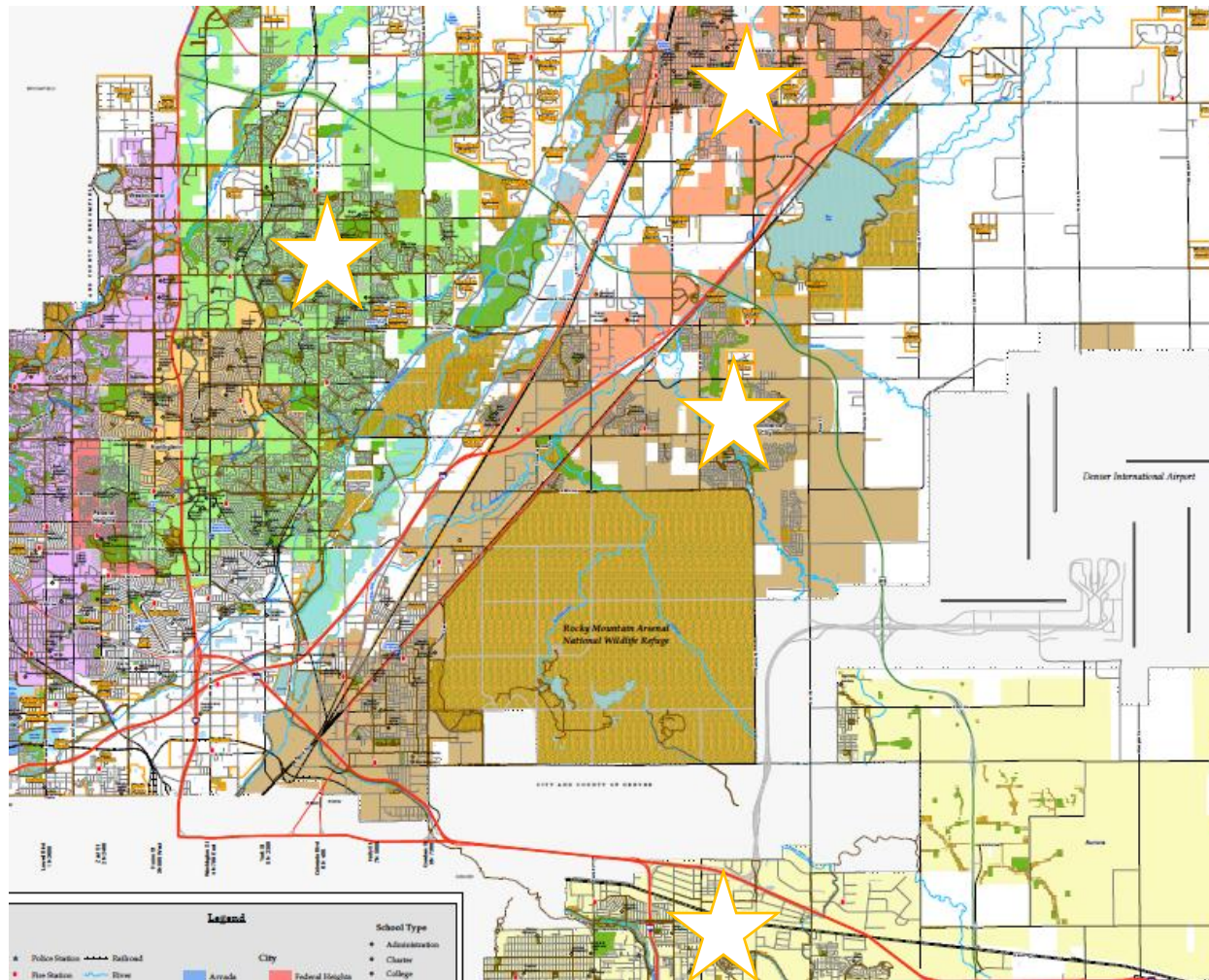


# Local Marijuana Regulations



*Speakers: Aja Tibbs, City of Brighton; Ty Robbins, City of Thornton; Robin Kerns, Commerce City; Kim Kreimeyer, City of Aurora.*

# Marijuana Regulations

## City of Brighton

- Ordinance 2086, 3/2011
  - Prohibits Medical Marijuana Centers, Optional Premises Cultivation Operations and Medical Marijuana-Infused Products Manufacturers.
- Ordinance 2156, 7/2013
  - Prohibits Retail Marijuana Stores, Marijuana Cultivation Facilities, Marijuana Product Facilities, and Marijuana Testing Facilities.
- Ordinance 2197, 2/2015
  - Establishes regulations for marijuana cultivation within residential structures.

**1. Ownership consent is required and must be kept on location**

**2. Dimensional limitation, not plant count**

1. 50 SF for Single Family Detached, 35 SF for Multifamily/ Attached
2. Additional 50 SF if located within an accessory structure
3. 24" clearance required

**3. Nuisance (complaint) based system**

1. Must not be perceptible from the exterior
2. No permitting or registration

**4. Must remain a place of residence**

1. Residential type fixtures only
2. 1 kitchen, 1 bathroom, + any occupied bedroom cannot be used for cultivation

**5. Prohibits home occupations involving the presence of minors in absence of their parent or guardian**

**6. Marijuana concentrates are prohibited**

# Public Education & Outreach

## MARIJUANA CODE

The following information is intended to provide general information and a summary of the recently adopted rules for growing marijuana in your home. For specifics, please refer to the city ordinance #2197.



### General Guidelines

Marijuana cultivation (growing) is only allowed in your home – growing on commercial, industrial or public land is still prohibited in Brighton.

Cultivation must be for private use so you cannot sell it. (Exception: A registered primary caregiver for medical marijuana may charge his or her patients for the marijuana provided so long as it is in accordance with the statutes, procedures and requirements established by the State of Colorado.)

If you are not the owner of your residence, you must have written agreement from the property owner, manager or person in control of the residence to grow marijuana. Homeowner associations or management companies of common-interest communities need to give their okay as well.

All State of Colorado regulations still apply. These City of Brighton regulations are intended to clarify where and how cultivation of marijuana may occur in Brighton.

### Rules for Grow Areas

**The amount of space in your home used to grow and process marijuana depends on the type of home you have:**

*Single family detached homes may have up to 50 square feet of cultivation and processing secure area within the home.*

*Single family attached homes or multifamily homes (townhomes, apartments, condos, duplex's, etc.) may have up to 35 square feet of cultivation and processing secure area within the home.*

*Any home occupant may add an additional 50 square feet of cultivation secure area in a detached structure such as a shed or detached garage.*

*No plant or storage material can be within 2 feet of the ceiling.*

**This is your home so keep it safe!**

*Don't store dangerous chemicals in your home.*

*Only use residential type lighting such as CLF's or LED lights.*

*Production of marijuana concentrates is not permitted.*

*Check with the building department if you are making any changes to your home (electrical work, adding ventilation, new sheds, etc.).*

### Keep it private:

*All cultivation must be done in a private occupied residence*

*Cultivation and processing in common areas and outdoor areas are not allowed.*

*Rooms that are regularly used, such as the kitchen, bathroom(s), or bedroom(s), may not be used for the cultivation and processing of marijuana.*

*All grow areas must be kept locked and secured.*

*Your cultivation area may not create any light, smoke, traffic, or smell that would disturb your neighbors or be obvious to those passing by.*

*Remember that violations of the ordinance are criminal misdemeanors under the Brighton Municipal Code.*



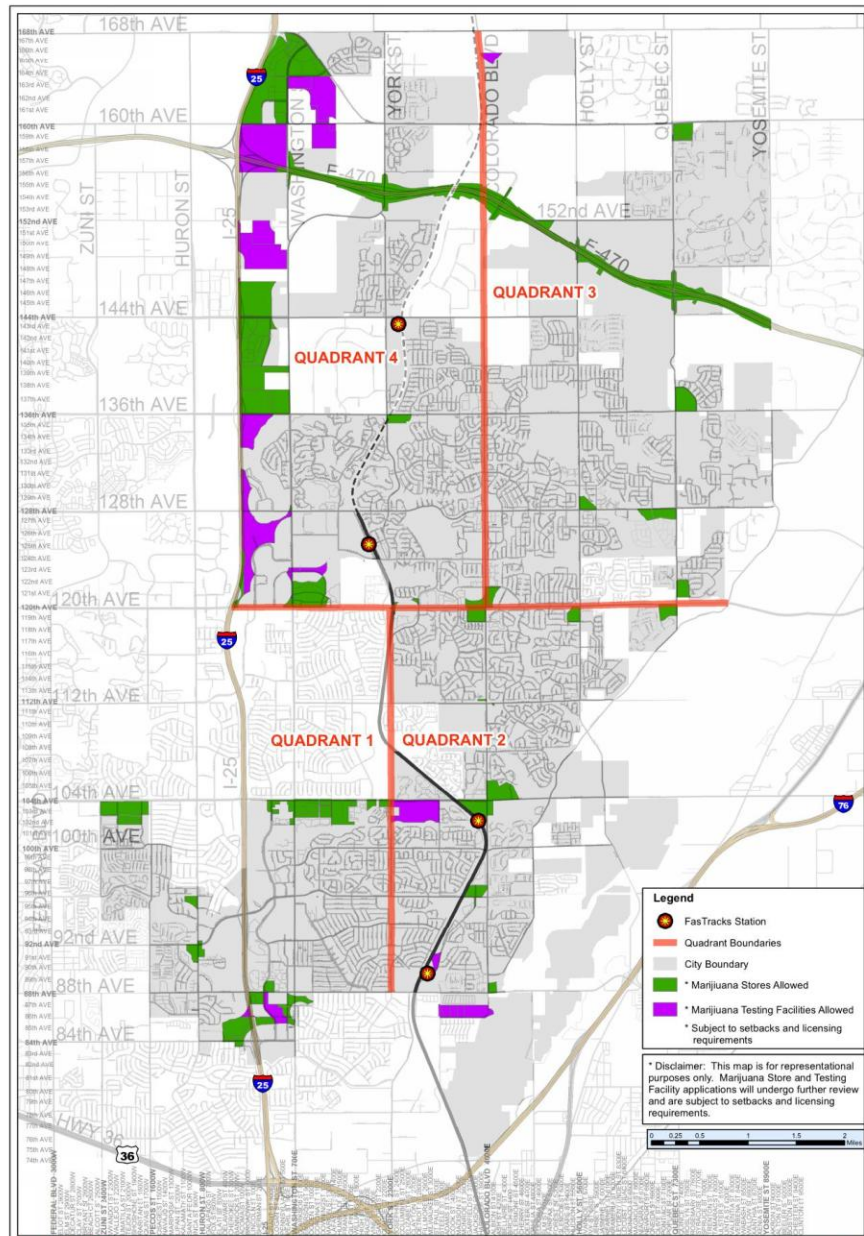
**City of Thornton  
Marijuana Land Use  
Code Amendments**

# Proposed: Marijuana Stores

- Adds “marijuana store” as new land use
- Allows stores in certain zone districts
  - Community Retail
  - Regional Commercial
- Stores cannot be co-located with any other type of business

# Proposed: Marijuana Stores

- Establishes four quadrants for store locations
  1. South of 120<sup>th</sup> Ave., west of York St.
  2. South of 120<sup>th</sup> Ave., east of York St.
  3. North of 120<sup>th</sup> Ave., east of Colorado Blvd.
  4. North of 120<sup>th</sup> Ave., west of Colorado Blvd.
- Allows one marijuana store in each quadrant





# Proposed: Marijuana Testing Facilities

- Adds “marijuana testing facility” as new land use
- Allows in certain zone districts
  - Industrial
  - Business Park
  - Employment Center
- No limit to the number of testing facilities

# Distance Requirements

- All marijuana stores and testing facilities must be
  - At least 1,000 feet from existing public and private schools (change from original draft)
  - At least 500 feet from existing licensed childcare facilities
  - At least 500 feet from existing alcohol and drug treatment facilities
- Measured from the property line of the listed facility to the closest wall of the marijuana business
- Marijuana stores must be at least 1,500 feet from another marijuana store

# Additional Amendments

- Updates the current prohibition sections regarding marijuana businesses
- Adds zoning and parking requirements for the “marijuana stores” and “marijuana testing facilities”
- Updates and relocates definitions related to marijuana uses

# Related Items

- Related items for Council consideration
  - Licensing standards and regulations
  - Application and licensing fees
  - Sentencing guidelines
  - Rules of procedure

# Planning & Zoning Involvement

- Zoning Verification Letters
- Field visits
- Field surveys as necessary
- 31 license applications currently in review
- Will need to re-verify zoning and separation requirements prior to final approval



# Commerce City & Marijuana Regulations

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Presenter: Robin Kerns, AICP

# Commerce City & Marijuana Regulations

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- Pre June 1, 2015
  - Only Medical Marijuana allowed:
    - Licensing via State
    - In all Industrial Zone Districts with 1,000 ft. separation requirements, and CUP\* (Planning\* & City Council\*)
    - Warehousing, wholesaling or cultivating marijuana prohibited unless acc. to the retail sale (tax revenue & to protect Ind. land)
    - 1 application received, approved, never constructed
  - Residential Moratorium
- Post June 1, 2015
  - City Council repeals ban on medical/retail & residential marijuana
    - Tax benefits, Adj. Comm. allowing it, Public Voted in Favor

# Commerce City & Marijuana Regulations

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- Medical & Retail Marijuana
  - Amended land development, building, and fire codes
  - New Licensing Process managed by City Clerk Office (similar to liquor licensing process “but better”)
    - Internal & External Stakeholders built the process
    - Helps applicants understand process for successful lic.
    - 34 meetings held / 4 lic. Issued / 2 denied / 1 withdraw
    - \$7,500 total lic. Fee / year (“does not fully cover staff time”)
  - Allowed in all Ind. Zone Districts with 1,000 ft. separation req., 500 ft. for retail only from Res. & Ag. zoned property. (\*\*Removed separation req. for marijuana businesses\*\*)
  - Zoning Report required to verify separation distances, processed by the Planning Division (\$200)



# Commerce City & Marijuana Regulations

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- Medical & Retail Marijuana (cont.)
  - Prohibitions:
    - Marijuana membership clubs;
    - Marijuana businesses as home occupations
    - Marijuana businesses within a mixed-use development that includes a residence; and
    - Marijuana vapor lounges.
- Residential Marijuana
  - Adopted Muni. Code Sec. 12-1602
  - Enforced by NS w/ PD & FPD backup (security/gases)
  - Max. grow = by area = 32 sq.ft., 10 ft. height
  - 42 Home Grows enforced on, 1 complies
  - Rental Business Model \$3,800-4200 /month/home



# RETAIL MARIJUANA

*Regulation of Marijuana in Aurora*



## BACKGROUND OVERVIEW

- Medical Marijuana – Aurora voters did not approve – approximately 52% opposed
- Retail Marijuana - Aurora voters approved 57% to 43% allows to regulate time, place and manner.
- Moratorium – Formed the Amendment 64 Ad-hoc Committee. The Committee met for over a year developing the regulations.
- Approach the regulation of marijuana establishments in a measured way.
- Developed a team comprised of individuals from five city departments: Planning, Building, Licensing, Code Enforcement and Police, (AMED-Aurora Marijuana Enforcement Division)
- Allowed uses: Retail sales, cultivation/grow, testing and product manufacturing
  - Limited number of stores - 24
  - Unlimited number of cultivations, manufacturing and testing
- Home grows – Police function
- Hours of operation for stores 8:00 a.m. – 10:00p.m.



# REGULATIONS

- Zoning for stores:
  - Commercial and Industrial Districts
- Buffering stores from sensitive uses
  - Hospital/treatment center (500 feet from edge of parcel to address point of store)
  - School (Preschool to grade 12) (1,000 feet from edge of parcel to address point of store)
- Zoning for Cultivation, testing & manufacturing:
  - Industrial Districts
  - Testing also allowed in commercial zones.
- Buffering
  - 300 feet of an open zone district, residential zone or conforming residential use – from property line to property line
- No spacing between store, cultivation, testing or manufacturing locations
- Best Management Practices: under development
  - Odor mitigation
  - Light deprivation-greenhouses
  - Energy conservation – efficient lighting
  - Water conservation - education
  - Disposal of waste - composting
  - Inspections
  - Security



**BEFORE**



**AFTER**



BEFORE



AFTER



# Discussion Questions

- What types of tax benefits have been observed in your community?
- What keeps you busy and why? How have the new regulations impacted staff workload?
- Could a marijuana campus (grow, operations, labs, manufacturing, distribution, sales, etc.) be developed in your community?
- How have you seen changes in your constituents' willingness to allow marijuana since Amendments 20 & 64 passed?
- What types of security and/or financial issues have occurred with the adoption of your local regulations?
- Does your community allow any type of group consumption such as membership organizations (smoking clubs)?
- How do you address second-hand smoke in residences where children are present?
- What factors contribute to the geographic locations of marijuana grows and sales?

# Sources

- City of Brighton:
  - [https://www.municode.com/library/co/brighton/codes/municipal\\_code?nodeId=CH9PUPEMOWE](https://www.municode.com/library/co/brighton/codes/municipal_code?nodeId=CH9PUPEMOWE)
- Commerce City:
  - <http://c3gov.com/marijuana>
- City of Thornton:
  - <https://www.cityofthornton.net/government/city-clerk/Pages/marijuana-licensing-information.aspx>
- City of Aurora:
  - [https://www.auroragov.org/business\\_services/marijuana\\_regulations/](https://www.auroragov.org/business_services/marijuana_regulations/)