

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by NOON on Wednesday.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: July 6, 2012

Please mark one: ☒ Bill Request or ☐ Resolution Request

1. Has your agency submitted this request in the last 12 months?

☐ Yes ☒ No

If yes, please explain:

2. **Title:** *(Include a one sentence description that clearly indicates the type of request – grant acceptance, contract execution, municipal code change, supplemental request, etc.)*

A bill for an ordinance amending section 24-510 of the Denver Medical Marijuana Code concerning the issuance of optional premises cultivation licenses in locations where cultivation is occurring as a compliant or non-conforming use under the zoning code.

3. **Requesting Agency:** Excise and Licenses

4. **Contact Person:** *(with actual knowledge of proposed ordinance)*

- **Name:** Tom Downey
- **Phone:** 720-865-2738
- **Email:** tom.downey@denvergov.org

5. **Contact Person:** *(with actual knowledge of proposed ordinance who will present the item at Mayor Council and who will be available for first and second reading, if necessary)*

- **Name:** Same
- **Phone:**
- **Email:**

6. **General description of proposed ordinance including contract scope of work if applicable:**

In early 2011 when the city adopted its current set of medical marijuana licensing requirements, the ordinance included a provision allowing for the issuance of optional premises cultivation licenses (OPCs) in certain locations where plant husbandry permits had been previously granted to medical marijuana cultivators under the old zoning code, but where plant husbandry was no longer a permitted use under the new zoning code, for example in I-MX zone districts. While the ordinance allowed OPC licensing in these non-conforming locations, it also imposed special public hearing requirements for any renewal of these licenses in the future.

The city's licensing ordinance anticipated that the first round of licensing (i.e. for all medical medical marijuana businesses that had originally applied for licensing with the state under HB 10-1284 by August, 2010) would be completed by July 1, 2012. Thus language in the ordinance expressly gave the Director the authority to approve OPC licenses in non-conforming locations only through July 1, 2012.

Now, due to circumstances beyond the city's control (primarily the lengthy delays at the state level in acting on the first group of applications submitted in August of 2010), Excise and Licenses has yet to act on numerous OPC applications, including those in non-conforming locations, and will not be able to do so by July 1. The proposed bill (attached) would strike the July 1 date from the ordinance, and allow the Director to continue to issue OPC licenses in non-conforming locations after that date to applicants who were lawfully in the pipeline for approval under existing state and city laws and who otherwise meet all requirements for licensing.

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Please include the following:

- a. **Duration:**
- b. **Location:**
- c. **Affected Council District:**
- d. **Benefits:**
- e. **Costs:**

7. **Is there any controversy surrounding this ordinance?** (groups or individuals who may have concerns about it?) **Please explain.**

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