



# Marijuana Text Amendment

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# Process Update

- May 24, 2023 - Staff presented proposed text amendments to Section 11-31-34: Marijuana Facilities
  - Planning & Zoning Board recommended Adoption to City Council (5-0)
- August 21, 2023 - Ordinance Introduced to City Council
  - City contacted by an existing marijuana facility with proposed changes
  - City Attorney's office worked with the marijuana facility on proposed changes
  - Continued to November 6, 2023
- December 13, 2023 – Staff presents proposed Ordinance changes to Planning & Zoning Board
- January 8, 2024 – Tentative – Ordinance with Proposed Changes Introduced to City Council



# Proposed Changes to the Ordinance

- Added ability for marijuana facility that is, on the effective date of the proposed ordinance, located within the one-mile buffer of a Qualified Marijuana Facility to relocate one time if the new location is further from:
  1. The nearest Qualified Marijuana Facility;
  2. The nearest right-of-way; and
  3. The nearest intersection of public streets.
- The one-time relocation:
  - Meets the goals and intent of the MZO and the originally proposed text amendments by allowing a move that results in greater separation between the marijuana facilities and greater setbacks.
  - Is equitable to the marijuana facility that would otherwise be stuck.



# Current Regulations

## Section 11-31-34: Marijuana Facilities

- Regulates Marijuana Establishments
- Permitted in the Light Industrial and General Industrial zoning districts
- Includes separation, registration, facility size, and operational requirements



# Current Regulations

## Section 11-31-34(A)(1)(a)

- Regulates spacing requirements for Medical Marijuana Dispensaries and Dual Licensee Facilities
- Currently 5,280 feet (1 mile) required between facilities

# Existing Marijuana Facilities and Eligible Large Industrial Development

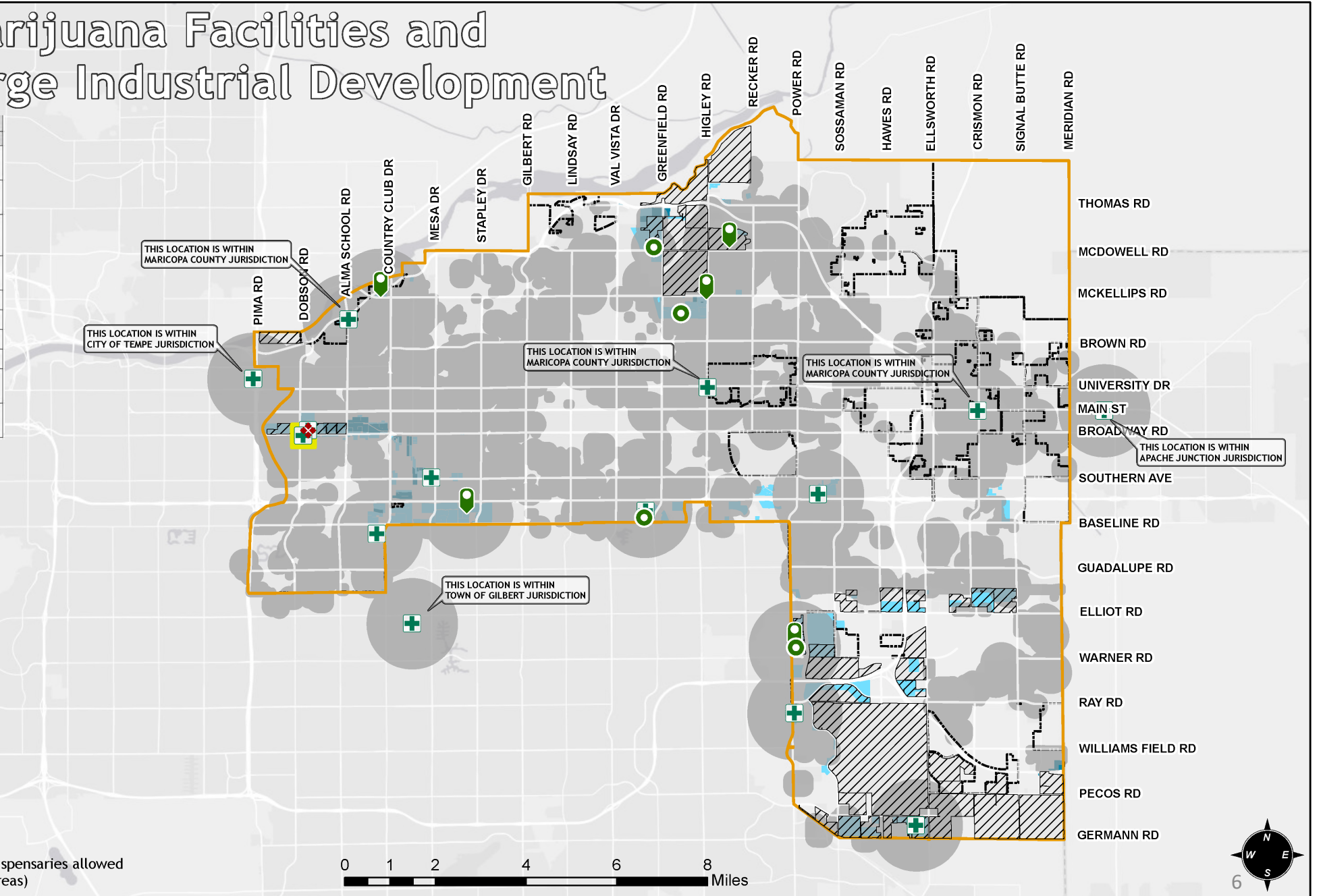
Separation Requirements	
Type	Distance
Medical Marijuana Dispensary & Dual License Facility	5,280'
Off-Site Marijuana Cultivation Facility	2,400'
Off-Site Infusion Facility	2,400'
Community Residence, Correctional Transitional Housing, Social Service Facility	2,400'
Churches (RS, RM, DR, T3N, T4N, T5N Districts)	1,200'
Public Parks in LI, GI Districts	1,200'
Libraries	1,200'
Schools	1,200'
Day Care / Pre-Schools	500'
Public Parks NOT in LI, GI Districts	500'
HOA-maintained open spaces NOT in LI, GI Districts	500'

## Facility Type

- Dispensary (only)
- Cultivation (only)
- Cultivation/Infusion
- Dispensary/Cultivation/Infusion
- Qualified Marijuana Facility
- Relocation Eligible Marijuana Facility

## Zoning

- LI
- GI
- Mesa Planning Area
- City Limits
- Industrial Areas of Greater than 80 acres
- Separation Buffers (no new dispensaries allowed in these areas)





# Proposed Amendments

## Section 11-31-34(A)(1)(a)

- Create an exception for “Existing Marijuana Facilities”
- May locate a minimum of 1,000 feet from a medical marijuana facility or dual licensee facility if:
  - They locate or relocate to a “Large Industrial Development”
  - They are setback from the “Major Roadway” by at least 300 feet
  - They are separated from the nearest registered Medical Marijuana Dispensary or Dual Licensee Facility by a “Major Roadway”



# Proposed Amendments

## Definitions - Section 11-31-34(A)(1)(a)

**Existing Marijuana Facility:** A Medical Marijuana Dispensary or Dual Licensee Facility that prior to the effective date of this Ordinance was registered with the City and was operating within the corporate boundaries of the city as evidenced by a certificate of occupancy issued by the City.

**Large Industrial Development:** A single parcel of land zoned LI or GI that is at least 80-acres in size, or a parcel of land zoned LI or GI that in combination with adjoining parcels of land zoned LI or GI that are not separated by a right-of-way dedicated to the City are collectively at least 80-acres in size.

**Major Roadway:** A highway, six lane arterial roadway, or a roadway identified as a future six lane arterial in the Mesa 2040 Transportation Plan, as may be amended from time to time.





# Summary

The Proposed Amendments will encourage appropriate siting of facilities in large industrial areas which are:

- Located along wide, arterial streets
- Setback and insulated from other land uses
- Have less impact on residential communities and commercial developments

***Staff recommends Adoption of the proposed text amendments  
Planning and Zoning Board recommends Adoption (Vote: 7-0)***



# Discussion and Questions



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