



**PLANNING DIVISION  
STAFF REPORT**

**City Council Meeting**

**August 21, 2023**

Date: August 21, 2023  
To: City Council  
From: Rachel Nettles, Assistant Planning Director  
Through: Natalie Lewis, Deputy City Manager  
Nana Appiah, Development Services Director  
Mary Kopaskie-Brown, Planning Director;  
Subject: Mesa Zoning Ordinance text amendment (**Marijuana Facilities**) - Proposed amendments to Chapter 31 of Title 11 of the Mesa City Code.

**STAFF RECOMMENDATION:**

Staff recommends that City Council:

1. Consider an Ordinance amending the Mesa Zoning Ordinance (MZO) to include a limited exception to the minimum distance required between two medical marijuana dispensaries or dual licensee facilities (i.e., Marijuana Facility(ies)).
2. Adopt an Ordinance amending the Mesa Zoning Ordinance related to Marijuana Facilities (Chapter 31 - Title 11).

**PURPOSE:**

The Planning Division continues to evaluate the MZO regulations to ensure their effectiveness in implementing the purpose, intent, and spirit of the MZO, and from time to time, the Planning Division makes recommendations for amendments.

The Planning Division is recommending certain text amendments to the MZO related to Marijuana Facilities.

The proposed text amendments would modify the spacing requirements in Section 11-31-34(A)(1) of the MZO for Medical Marijuana Dispensaries and Dual Licensee Facilities. The proposed amendments would only provide an exception to the minimum spacing requirement for an “Existing Marijuana Facility” (defined in the proposed text amendment as shown below) from a Marijuana Facility to encourage the Existing Marijuana Facility to relocate to a large industrial development that is appropriately setback from the street and buffered from other uses.

**EXPLANATION:**

The MZO requires that Marijuana Facilities be located in Light Industrial (LI) or General Industrial

(GI) zoning districts. Marijuana Facilities must adhere to specific separation requirements from other land uses such as other Marijuana Facilities, schools, churches, etc. The separation requirements are for the benefit of the public by helping ensure that Marijuana Facilities are in appropriate areas and that there is not an oversaturation of Marijuana Facilities in a specific area and also by protecting more sensitive land uses (such as schools and churches) and mitigating the impacts of Marijuana Facilities on those land uses and on residential and commercial communities.

Staff is recommending certain text amendments to Section 11-31-34(A)(1)(a) of the MZO, which would provide a limited exception to the minimum separation requirements for existing Medical Marijuana Dispensaries and existing Dual Licensee Facilities. Only Existing Marijuana Facilities could use the exception in the proposed text amendment; the text amendment would not allow new or additional Marijuana Facilities to use the exception, in order not to incentivize Marijuana Facilities from other jurisdiction to relocate to the City.

Nothing else regarding Marijuana Facilities will change – the zoning districts, separation requirements from other uses, and City process will remain the same.

Currently, the MZO requires that Medical Marijuana Dispensaries and Dual Licensee Facilities be separated a minimum distance of 5,280 feet from one another.

The proposed amendment would allow Existing Marijuana Facilities (as defined below) to be separated a minimum of 1,000 feet from the nearest Medical Marijuana Dispensary and Dual Licensee Facility if the Existing Marijuana Facility meets all of the following criteria in Subsection 11-31-34(A)(1)(a)(i):

Criteria

- a. The Existing Marijuana Facility is located on or relocates to a Large Industrial Development; and
- b. The Existing Marijuana Facility is setback from a Major Roadway by at least 300 feet; and
- c. The Existing Marijuana Facility is separated from the nearest registered Medical Marijuana Dispensary or Dual Licensee Facility by the Major Roadway.

The minimum 1,000-foot distance in Subsection 11-31-34 (a)(1)(a)(i) is measured from the support wall, post or column of the Existing Marijuana Facility, along the street, to the support wall, post or column of the nearest registered Medical Marijuana Dispensary or Dual Licensee Facility.

The following definitions apply to Subsection 11-31-34 (a)(1)(a)(i):

“Existing Marijuana Facility” means a Medical Marijuana Dispensary or Dual Licensee Facility that prior to the effective date of Ordinance No. 5803 had 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” means 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“ means 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.

“Registered Medical Marijuana Dispensary or Dual Licensee Facility” means and includes both: (1) a Medical Marijuana Dispensary or Dual Licensee Facility that is registered or had registered with the City and is currently operating within the corporate boundaries of the City as evidenced by a certificate of occupancy issued by the City, and (2) a medical marijuana dispensary, dual licensee facility, or marijuana establishment that is currently operating in a neighboring jurisdiction.

**SUMMARY:**

One of the most appropriate and compatible locations for Marijuana Facilities in Mesa is within large, industrial areas that are located along wide, arterial streets. The location of Marijuana Facilities in these areas often result in the Marijuana Facilities being appropriately setback from streets and buffered and insulated from other land uses and have less impact on residential communities and commercial developments. The proposed text amendments will encourage Existing Marijuana Facilities to relocate to these more appropriate locations, without encouraging Marijuana Facilities located outside of the City to come into the City.

The proposed amendments will encourage the siting of Existing Marijuana Facilities in large industrial areas which have less impact on residential and commercial communities while dissuading Marijuana Facilities located outside the corporate boundaries of the City from relocating to the City.