



# City Council Report

**Date:** June 16, 2025

**To:** Planning and Zoning Board

**Through:** Marc Heirshberg, Assistant City Manager

**From:** Nana Appiah, Development Services Director  
Mary Kopaskie-Brown, Planning Director  
Rachel Phillips, Assistant Planning Director

**Subject:** Mesa City Code text amendment (**Marijuana Ordinance**)- Proposed amendments to Title 6 Chapter 25 and Title 11 Chapter 31 of the Mesa City Code. (**Citywide**)

## Recommendation

Staff recommends that City Council adopt the proposed Marijuana text amendments.

The Planning and Zoning Board recommended on May 28, 2025 (vote 6-0) that City Council adopt the proposed Mesa Zoning Ordinance (MZO) Chapter 31 Marijuana text amendments.

## Purpose

Staff is recommending amendments to Mesa City Code Section 6-25-2: Definitions, Section 6-25-6: Marijuana Delivery Prohibited; Exception, and Section 11-31-34: Marijuana Facilities, as detailed in Exhibit 1 – Marijuana Ordinance. Specifically, the proposed text amendments:

1. Modify the definition of Arizona Medical Marijuana Act in Title 6 (Police Regulations).
2. Modify the provisions for marijuana delivery in Title 6 (Police Regulations).
3. Modify the maximum floor area of Medical Marijuana Dispensaries and Dual Licensee Facilities in Title 11 (Zoning Ordinance); and
4. Remove the restriction of delivery service exclusively to medical marijuana qualifying patients in Title 11 (Zoning Ordinance).

## Discussion

### 1. **Modify the definition of “Arizona Medical Marijuana Act” in Title 6 (Police Regulations).**

Staff recommends modifying the definition of “Arizona Medical Marijuana Act” to “Arizona Medical Marijuana Program and Adult-Use Marijuana Program” to reflect the rules and regulations established by the Arizona Department of Health Services. The proposed modifications are outlined below.

**ARIZONA MEDICAL MARIJUANA PROGRAM AND ADULT-USE MARIJUANA PROGRAM ACT**” means **THE RULES AND REGULATIONS ESTABLISHED BY THE ARIZONA DEPARTMENT OF HEALTH SERVICES PURSUANT TO** Arizona Revised Statutes, **§**Title 36, **§**Chapter **S** 28.1 **AND 28.2**.

### 2. **Modify the provisions for marijuana delivery in Title 6 (Police Regulations).**

Proposition 207 prohibits local jurisdictions from adopting ordinances, regulations, or rules for recreational marijuana dispensaries that are more restrictive than those that apply to nonprofit medical marijuana dispensaries.

Section 6-25-6 of the Police Regulations prohibits the acceptance or delivery of marijuana or marijuana products in the city but has an exception for when the delivery is done from a Non-Profit Medical Marijuana Dispensary.

Given that Mesa’s current Code prohibits recreational marijuana delivery, it may be interpreted as more restrictive than the rules governing medical marijuana delivery, potentially conflicting with state law. Therefore, staff recommends adding an exception for the delivery of marijuana or marijuana products from Dual Licensee Facilities.

### 3. **Modify the maximum floor area of Medical Marijuana Dispensaries and Dual Licensee Facilities in Title 11 (Zoning Ordinance).**

Section 11-31-34(B)(1) of the MZO regulates the size of Marijuana Facilities, including Medical Marijuana Dispensaries, Dual Licensee Facilities, Cultivation Facilities, and Infusion Facilities.

Currently, Medical Marijuana Dispensaries and Dual Licensee Facilities are limited to a maximum of 2,500 square feet of floor area, of which no more than 500 square feet may be used for storage, and 25% of which must be dedicated to an interior customer waiting area.

Following the review of regulations in surrounding jurisdictions, staff recommends increasing the maximum allowable floor area to 5,000 square feet and removing specific requirements for storage area limitations and dedicated interior waiting areas. This recommendation aligns with best practices and provides greater operational flexibility for registered facilities.

**4. Remove the restriction on delivery service exclusively to medical marijuana qualifying patients in Title 11 (Zoning Ordinance).**

Currently, Section 11-31-34(B)(3) of the MZO permits delivery of marijuana only to medical marijuana qualifying patients from Medical Marijuana Dispensaries.

However, under Proposition 207, local jurisdictions are prohibited from adopting ordinances, regulations, or rules for recreational marijuana dispensaries that are more restrictive than those that apply to nonprofit medical marijuana dispensaries. Additionally, on November 1, 2024, Arizona Department of Health Services' rules authorizing and regulating the delivery of recreational marijuana became effective.

Given that Mesa's current Code prohibits recreational marijuana delivery, it may be interpreted as more restrictive than the rules governing medical marijuana delivery, potentially conflicting with state law. Therefore, staff recommends removing the section that limits delivery exclusively to Medical Marijuana Dispensaries serving qualifying patients to ensure compliance with state law and to support consistent regulation of marijuana delivery services.

**Implementation**

Staff recommends the ordinance approving the proposed text amendments become effective 30 days from the date of City Council approval.

**Exhibits**

Exhibit 1 – Marijuana Ordinance