



Planning and Zoning Report

Date: May, 14, 2025

To: Planning and Zoning Board

Through: Marc Heirshberg, Deputy City Manager

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

Subject: Mesa Zoning Ordinance text amendment (**Marijuana Ordinance**)-
Proposed amendments to Chapter 31 of the Mesa City Code. (Citywide)

Recommendation

Staff recommends that the Planning and Zoning Board recommend adoption of the proposed Mesa Zoning Ordinance (MZO) Marijuana text amendments to City Council.

Purpose

Staff is recommending amendments to Mesa Zoning Ordinance (MZO) Section 11-31-34: Marijuana Facilities, as detailed in Exhibit 1 – Marijuana Ordinance. Specifically, the proposed text amendments:

1. Modify the maximum floor area of Medical Marijuana Dispensaries and Dual Licensee Facilities; and
2. Remove the restriction of delivery service exclusively to medical marijuana qualifying patients.

Discussion

1. **Modify the maximum floor area of Medical Marijuana Dispensaries and Dual Licensee Facilities.**

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.

2. Remove the restriction on delivery service exclusively to medical marijuana qualifying patients.

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

Exhibit 2 – Municipal Comparison