



## Planning and Zoning Board Report

Date: May 24, 2023  
To: Planning and Zoning Board  
From: Rachel Nettles, Assistant Planning Director  
Through: Mary Kopaskie-Brown, Planning Director; Nana Appiah, Development Services Director  
Subject: Mesa Zoning Ordinance text amendment (**Marijuana Facilities**) - Proposed amendments to 31 of Title 11 of the Mesa City Code.

### **PURPOSE:**

The Planning Division continues to evaluate the Mesa Zoning Ordinance (MZO) regulations to ensure their effectiveness in implementing the purpose, intent, and spirit of the Code, 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 specifically provide an exception to the minimum spacing requirements for “Existing Marijuana Facilities” to encourage them to relocate within a large industrial development.

Details of the proposed text amendments are attached to this report as Exhibit 1 (2023 Marijuana Ordinance Text Amendments).

### **EXPLANATION:**

Currently, 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 help ensure that there is not an oversaturation of facilities in a specific area and they also protect more sensitive land uses.

Staff is recommending certain text amendments to Section 11-31-34(A)(1)(a) of the MZO, which would provide an exception to the minimum separation requirements for existing Medical Marijuana Dispensaries and existing Dual Licensee Facilities (i.e., Existing Marijuana Facilities).

Nothing else in the MZO 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 the 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 a 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:** 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:**

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 buffered and insulated from streets and other land uses and have less impact on residential communities and commercial developments.

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.

**STAFF RECOMMENDATION:**

Recommendation of adoption to City Council.