

Recreational Marijuana

Nana Appiah, Planning Director

Rachel Prelog, Senior Planner

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Proposition 207

Smart and Safe Arizona Act

- Passed by voters on November 3, 2020
- Signed by Governor Ducey on November 30, 2020
- Effective December 1, 2020
- Department of Health Services (DHS) accepting early applicants January 21 – March 9

Police Ordinance

Adopted December 8, 2020

- Limited recreational marijuana establishments to dual license facilities
- Prohibited home delivery of recreational marijuana
- Prohibited marijuana testing facilities
- Prohibited the consumption of marijuana on city properties
- Prohibited the consumption of marijuana while driving, operating or riding in a vehicle used for transportation

Current Zoning Regulations



Regulates medical marijuana dispensaries, cultivation, and infusion facilities



Permitted in Light Industrial (LI) and General Industrial (GI) zoning districts



Permissible hours of operation - 8:00 a.m. to 9:00 p.m.



Dispensaries limited to 2,500 sq ft, no more than 500 sq ft of which can be used for storage

Current Zoning Regulations







Separation Requirements:

- 500 ft from day cares, preschools, public parks (other than *LI or GI*), HOA owned open space
- 1,200 ft from churches, libraries, schools, and public parks (*LI or GI*)
- 2,400 ft from residential substance abuse facilities, alcohol rehabilitation facilities, correctional transitional housing facilities, and off-site medical marijuana cultivation facilities
- 5,280 ft from another medical marijuana dispensary


Medical Marijuana Dispensary Locations

MM Facility (All)

FacilityType

-  Dispensary (only) - 10
-  Cultivation (only) - 3
-  Cultivation/Infusion - 1
-  Dispensary/Cultivation/Infusion - 4

 Mesa Planning Area

 City Limits

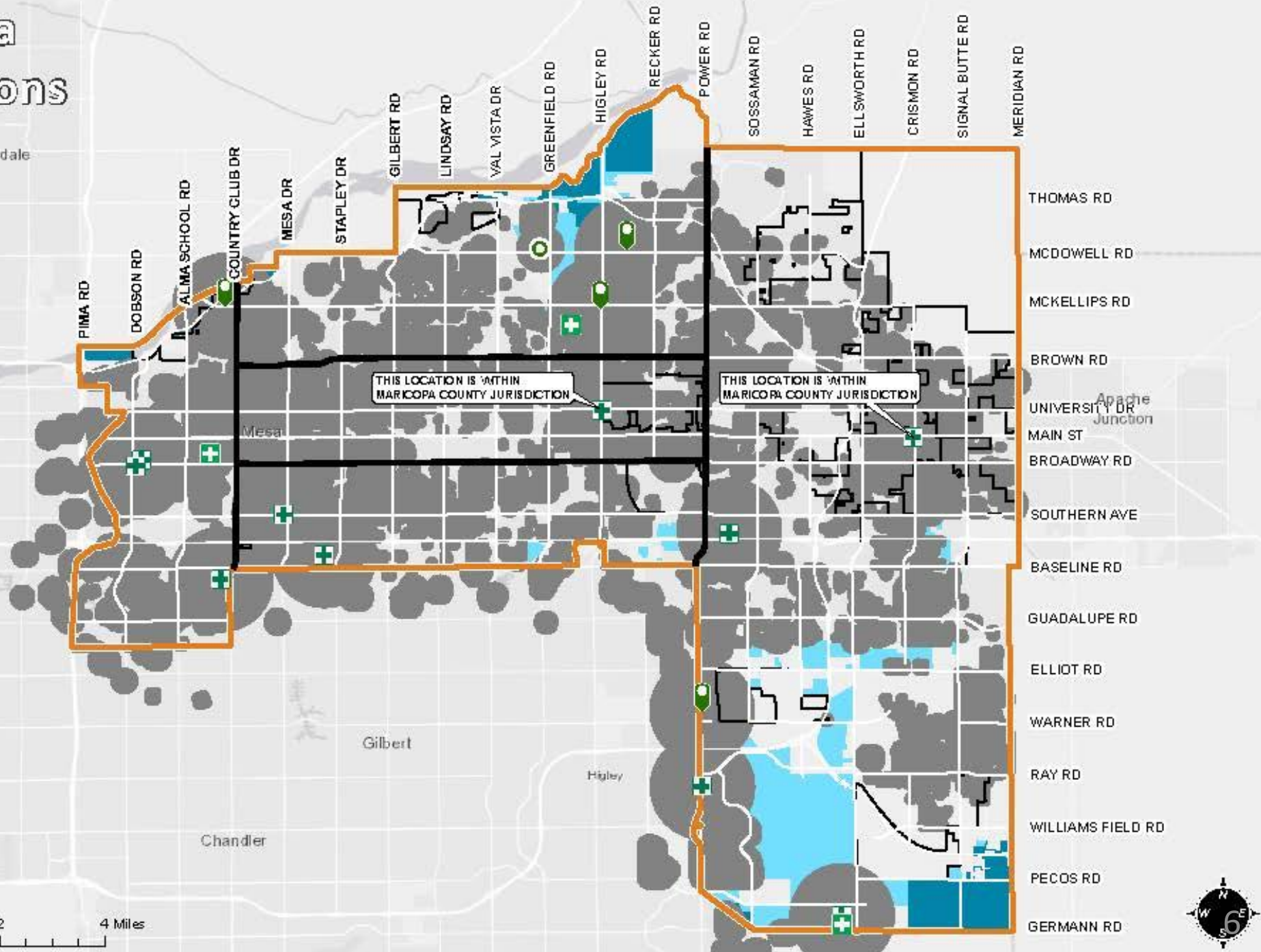
Zoning

-  LI
-  GI

Separation Requirements

| Type | Distance |
|--|----------|
| Other Dispensaries | 5,280' |
| Residential Substance Abuse Treatment Facilities | 2,400' |
| Alcohol Rehabilitation Facilities | 2,400' |
| Correctional Transitional Housing Facilities | 2,400' |
| Churches/Places of Worship (RS, RM, DR, T3N, T4N, T5N districts) | 1,200' |
| Parks in LI, GI Zoning | 1,200' |
| Libraries | 1,200' |
| Schools (K-12) | 1,200' |
| Day Care / Pre-Schools | 500' |
| Parks and HOA maintained open spaces NOT in LI, GI Zoning | 500' |

0 1 2 4 Miles



Recommendation

- Dual licensed facilities only
 - **Dual Licensee Facility.** An entity licensed by the Arizona Department of Health Services (ADHS) to operate both a Medical Marijuana Dispensary and a Marijuana Establishment. The retail of recreational marijuana and medical marijuana must occur at the same location. Recreational marijuana sales may only occur in conjunction with medical marijuana sales regardless of the licensed held
- Permissible zoning (LI and GI districts)
- Permissible hours of operation (8 am - 9 pm)
- Size limits remain the same:
 - Dispensaries 2,500 sq. ft.
 - Cultivation Facility 25,000 sq. ft
 - Infusion Facility 10,000 sq. ft.
- Separation requirements remain the same

Next Steps

Projected P&Z Hearing.....April-May

Projected CC Hearing.....Before Council Break



Discussion

| Municipality | Dual Licensee Only | Separation | Facility Size | Zoning Districts | Land Use Process | Hours of Operation | |
|--------------|--------------------|------------------------|---------------|--|--|------------------------|--------------|
| Mesa | x | Dispensary | 5,280 | 2,500 Dispensary 500 Storage | LI, GI | Administrative Permit | 8 am – 9 pm |
| | | Daycare | 500 | | | | |
| | | Schools, Park in LI&GI | 1,200 | | | | |
| | | Other schools & parks | 500 | | | | |
| | | Residential Zoning | N/A | | | | |
| | | Library | 1,200 | | | | |
| | | Hospital | N/A | | | | |
| | | Place of worship | 1,200 | | | | |
| Gilbert | x | Dispensary | 5,280 | 3,000 Dispensary & Cultivation 1,000 offsite cultivation | LI, GI | Conditional Use Permit | 8 am – 8 pm |
| | | Daycare, park, school | 1,000 | | | | |
| | | Residential Zoning | 1,000 | | | | |
| | | Library | N/A | | | | |
| | | Hospital | 1,320 | | | | |
| | | Place of worship | 1,000 | | | | |
| Tempe | ? | Dispensary | 5,280 | 5,000 Dispensary | CSS, CC, PCC-1, PCC-2, RCC, LID (Dispensary) GID, HID (Dispensary & Cultivation) | Administrative Permit | 8 am – 10 pm |
| | | Daycare, park, school | 1,500 | | | | |
| | | Residential Zoning | 1,320 | | | | |
| | | Library | N/A | | | | |
| | | Hospital | N/A | | | | |
| | | Place of worship | 1,320 | | | | |
| Phoenix | ? | Dispensary | 5,280 | 5,000 Dispensary | S1, S2, C2, A1 | Use Permit | N/A |
| | | Daycare, park, school | 1,320 | | | | |
| | | Residential Zoning | 500 | | | | |
| | | Library | N/A | | | | |
| | | Hospital | N/A | | | | |
| | | Place of worship | 1,320 | | | | |
| Chandler | x | Dispensary | 5,280 | 2,500 Dispensary 500 Storage 3,000 Cultivation 1,000 storage | C3, C3 (Dispensary) I1, I2 (Cultivation & infusion) | Zoning Clearance | 9 am – 10 pm |
| | | Daycare, park, school | 1,320 | | | | |
| | | Residential Zoning | 1,320 | | | | |
| | | Library | 1,320 | | | | |
| | | Hospital | 1,320 | | | | |
| | | Place of worship | N/A | | | | |
| Scottsdale | x | Dispensary | 2,640 | N/A | CO, L1, SC | Conditional Use Permit | 6 am – 7 pm |
| | | Daycare, park, school | 1,500 | | | | |
| | | Residential Zoning | 1,500 | | | | |
| | | Library | N/A | | | | |
| | | Hospital | N/A | | | | |
| | | Place of worship | 1,500 | | | | |