



*City of Apache Junction*  
*Development Services Department*



Date: March 29, 2021

To: Honorable Mayor and City Council Members

Through: Bryant Powell, City Manager  
Larry Kirch, Development Services Director  
Rudy Esquivias, Planning Manager/Zoning Administrator

From: Kelsey Schattnik, Planner

Subject: April 5, 2021 City Council Work Session, and April 6, 2021, City Council Public Hearing Items:  
AM-1-20 (Resolution No. 21-13, Ordinance No. 1502, Resolution No. 21-15 and Ordinance No. 1504)  
Presentation, discussion and consideration on proposed Text Amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, Section 1-6-12, Medical Marijuana; Article 1-5 Zoning Bulk and Use Regulations, Section 1-5-3 Non-Residential Use Regulations; and Article 1-17, Section 1-17-1 Definitions.

Background

On November 3, 2020, the voters of Arizona passed the "Smart and Safe Arizona Act", a citizen initiative....."relating to the responsible adult use, regulation and taxation of marijuana", (also referred to as the "recreational marijuana act").

On December 1, 2020, staff was directed by city council to amend the current medical marijuana regulations to include recreational marijuana.

In response to the direction to staff, staff drafted two draft version of the text amendment changes.

On February 23, 2021, staff held a work session with the planning and zoning commission to review the two draft text changes.

Staff was given direction to focus on Version 2, which allows Recreational Marijuana in the B-1, B-2, and B-3 zoning districts and regulates Recreational Marijuana in the same manner as Medical Marijuana.

## Planning and Zoning Commission Recommendation

A planning and zoning commission public hearing was held on March 23, 2021 (planning staff report and exhibits attached).

The commission unanimously recommended approval of the text amendment dated March 17, 2021 in a vote of 7-0. The attached ordinance represents staff's and the commission's recommendation.

Council is advised that four (4) separate items are needed to effect the commission's changes:

1. Resolution No. 21-13 and 21-15 declare the proposed language a public record
2. Ordinance No. 1502 adopts the specific changes to Section 1-6-12 Medical and Recreational Marijuana
3. Ordinance No. 1504 adopts incidental changes to the "commercial uses" and the definitions section of the zoning ordinance in order to effect the new language adopted by Ordinance No. 1502.

### Attachments:

- Ordinance No. 1502 (DRAFT)
- Resolution No. 21-13 (DRAFT)
- Ordinance No. 1504 (DRAFT)
- Resolution No. 21-15 (DRAFT)
- Revised Medical Marijuana Ordinance (Markedup Version 2) \_ (3.17.2021)
- Table 5-3 Non-Residential Use Regulations and 1-17-1 Definitions
- PZ Staff Report from March 23, 2021, with all attachments.