



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: March 23, 2021

CASE NUMBER: AM-1-20

REQUEST: 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; Section 1-5-3 Non-Residential Use Regulations; and Article 1-17: Definitions.

BACKGROUND

On November 3, 2020, as part of the general election, 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 recreational marijuana.

On December 1, 2020, the City Council directed Planning Staff to amend the Zoning Text that addresses the medical marijuana criteria to include recreational marijuana, as follows:
"Councilmember Rizzi moved, seconded by Mayor Serdy to direct staff to allow existing dispensaries to become dual licensees: require CUP amendment process, operate under the same rules as existing dispensaries, allow recreational marijuana sales too, but no cultivation or processing, allow medical marijuana to convert to recreational marijuana through CUP amendment, the code to still allow for medical marijuana cultivation and infusion kitchens. Councilmember Evans motioned to add on to Councilmember Rizzi's motion that marijuana be treated like retail and liquor stores in the B-1, B-2 and B-3 zones."

At a work session on February 23, 2021, the Planning and Zoning Commission was presented with two text change options regarding

the integration of recreational marijuana into the existing medical marijuana regulations.

Version 1 allowed dual licensee facilities with the city, but did not allow new standalone recreational marijuana establishments or recreational marijuana testing facilities. Version 2 allowed standalone recreational marijuana establishments in the B-1, B-2 and B-3 zoning district, did not allow recreational marijuana testing facilities, and imposed the same regulations as existing medical marijuana dispensaries.

The Planning and Zoning Commission recommended that staff move forward with Version 2, provided that recreational marijuana establishments were treated the same as existing medical marijuana dispensaries, including the spacing requirements.

PROPOSAL

The draft amendments are being presented to the planning and zoning commission for their recommendation to the city council. The proposed text amendment is case AM-1-20, a request to amend the medical marijuana regulations to include recreational marijuana.

Revised Section 1-6-12 Medical and Recreational Marijuana:

- **Medical Marijuana Criteria:**
 - o All regulations for medical marijuana facilities are to remain the same. Minor text changes have been made for clarification.
 - o The addition of regulations surrounding dual licensees has been added to the medical marijuana regulations.
- **Recreational Marijuana Criteria:**
 - o Recreational marijuana establishments will be treated in the same manner as medical marijuana facilities.
 - o Regulations include the home cultivation of recreational marijuana for individuals 21 years of age or older.

Section 1-5-2 Non-Residential Use Regulations

- Table 1-5-2 will be revised to include provisions regarding recreational marijuana.

Article 1-17: Definitions

- Definitions within this article will be revised to reflect the words and phrases that are described in the newly amended medical and recreational marijuana regulations.

PLANNING DIVISION RECOMMENDATION

Planning staff recommends approval of the proposed text amendment and offers the following recommended motion to update 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, Section 1-5-3 Non-Residential Use Regulations, and Article 1-17: Definitions to include regulations regarding recreational marijuana.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the (APPROVAL/DENIAL) of text amendment case AM-1-20, an 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; Section 1-5-3 Non-Residential Use Regulations; and Article 1-17: Definitions described in the attached text exhibits dated March 17, 2021.

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Planner

Attachments:

Exhibit #1 - Revised Medical Marijuana Ordinance ("Clean"
Version 2)_(March 17, 2021)

Exhibit #2 - Revised Medical Marijuana Ordinance ("Marked-up"
Version 2)_(March 17, 2021)

Exhibit #3 - Revised Section 1-5-3 Non-Residential Use Regulations and
Article 1-17 Definitions (March 17, 2021)

Exhibit #4 - Revised Medical Marijuana Ordinance (Version 1)_(
(Presented to Planning and Zoning Commission on February 23, 2021)