



City of Apache Junction

Development Services Department



Date: May 19, 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: June 1, 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

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 a vote is needed on four (4) separate items:

1. Ordinance No. 1502 adopts the "version 2" changes to Section 1-6-12 Medical and Recreational Marijuana. These changes, which were recommended for approval by the planning and zoning commission, would allow standalone recreational marijuana establishments in the B-1, B-2, B-3 and B-4 zoning districts. Testing facilities are prohibited.
2. 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.

3. Resolution No. 21-13 and 21-15 declare the proposed language in the above ordinances a public record, respectively.

If council denies the ordinances and resolutions recommended by P&Z, staff recommends that council make a motion to direct staff to draft a new ordinance that prohibits standalone recreational establishments, prohibits testing facilities and makes associated text amendment changes such as allowing dual licensees, prohibiting standalone recreational establishments in all zoning districts, and adding related definitions.

Alternative Motion

Based on the council's conversation at the work session of May 17, 2021, to specifically prohibit standalone marijuana establishments and marijuana testing facilities, council may choose to not act on P&Z's recommendation and direct staff to come back at their meeting of (date?) with an ordinance to prohibit said uses and make other necessary related text adjustments/changes.

Attachments:

- Ordinance No. 1502 (DRAFT)
- Resolution No. 21-13 (DRAFT)
- Ordinance No. 1504 (DRAFT)
- Resolution No. 21-15 (DRAFT)
- Revised Medical Marijuana Ordinance (Marked-up Version 1)
- Revised Medical Marijuana Ordinance (Marked-up Version 2) _ (3.17.2021)
- Table 5-3 Non-Residential Use Regulations and 1-17-1 Definitions
- Prop 207