

TOWN OF PARADISE VALLEY

**Medical Marijuana and Specific Residential Spacing
Requirements Related to Medical Marijuana Dispensaries**

Town Council Study Session

June 13, 2019



BACKGROUND

- As approved by the voters of the State of Arizona in Proposition 203, Arizona Revised Statutes Section 36-2806.01 reads that *“Cities, towns and counties may enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries to specified areas in the manner provided in title 9, chapter 4, article 6.1, and title 11, chapter 6, article 2”*



BACKGROUND: TOWN APPROACH TO PROP 203

- Town added Medical Marijuana Dispensaries (MMDs) as a potential use in a Medical Office SUP District
- Town adopted a legislative rezoning process (the intermediate amendment process) as its “reasonable zoning regulations that limit the use of land for MMDs”
- Town complied with Prop 203 by using the closest thing that Town had to a “commercial use” district (Medical Office) to “limit the use of land” in PV for MMDs along with some spacing standards for educational institutions, places of worship, and other sensitive land uses



CURRENT STATUS

- The current Town Zoning Ordinance provisions do not have specific spacing requirements between MMDs and residential properties, but instead state that such spacing should be a “primary concern” and that the spacing distance between MMDs and residential properties should be “optimized”
- Many of the municipalities near Paradise Valley have adopted specific spacing standards between MMDs and residential properties (see next slide)



SURROUNDING CITIES SPECIFIC SPACING

Specific Residential Spacing/Location Requirements for Medical Marijuana Dispensaries				
	Residential Zoning District	Child Care Facility	Church/Place of Worship	Other Medical Marijuana Dispensaries
Town of Paradise Valley	None	1,500 Feet	1,500 Feet	5,280 Feet
City of Tempe	1,320 Feet	1,500 Feet	1,320 Feet	5,280 Feet
City of Scottsdale*	1,500 Feet	1,500 Feet	1,500 Feet	2,640 Feet
Town of Gilbert	1,000 Feet	1,000 Feet	1,000 Feet	5,280 Feet
City of Chandler	1,320 Feet	1,320 Feet	1,320 Feet	5,280 Feet
City of Mesa	2,400 Feet	500 Feet	1,200 Feet	5,280 Feet
*Caregiver Cultivation				



BACKGROUND

- Council discussed spacing standards between MMDs and residential properties at its April 25, 2019 study session
- Based on comments from the Council the Town Manager recommended changes to the Zoning Ordinance that would create a specific spacing standard of 1,500 feet between MMDs and residential properties and eliminate the non-specific references to spacing contained in the current Zoning Ordinance
- The Town Manager referred a draft ordinance (No. 2019-07) to the Planning Commission for consideration and to make a recommendation to the Council



BACKGROUND

- The Commission discussed draft Ordinance No. 2019-07 at its Work Study session on May 7, 2019, as well as at a Citizen Review Meeting on May 21, 2019—no public comments were received
- The Commission held a Public Hearing on June 4, 2019 with only one comment received regarding the draft ordinance—from a law firm that represents MMD owners, who recommended denial of the Ordinance
- The Commission concurred with the Town Manager’s recommendation and unanimously recommended that the Council approve draft Ordinance No. 2019-07



NEXT STEPS

- The Town Manager has recommended a fixed spacing of 1500 feet between Medical Marijuana Dispensaries and residential property
- Draft Ordinance #2019-07 incorporates those spacing standards
- By unanimous vote, the Planning Commission recommended adoption of Ordinance No. 2019-07
- The Council should hold a public hearing and take action on Ordinance No. 2019-07



QUESTIONS?

