

# **TOWN OF PARADISE VALLEY**

## **Ordinance 2019-07; Modifications to Zoning Requirements Related to Medical Marijuana Dispensaries**

**Council Meeting – October 22, 2020**

Town Council  
April 2020



# Key Questions and Staff Recommendations

## Questions:

- Does the desire to adopt Ordinance 2019-07?

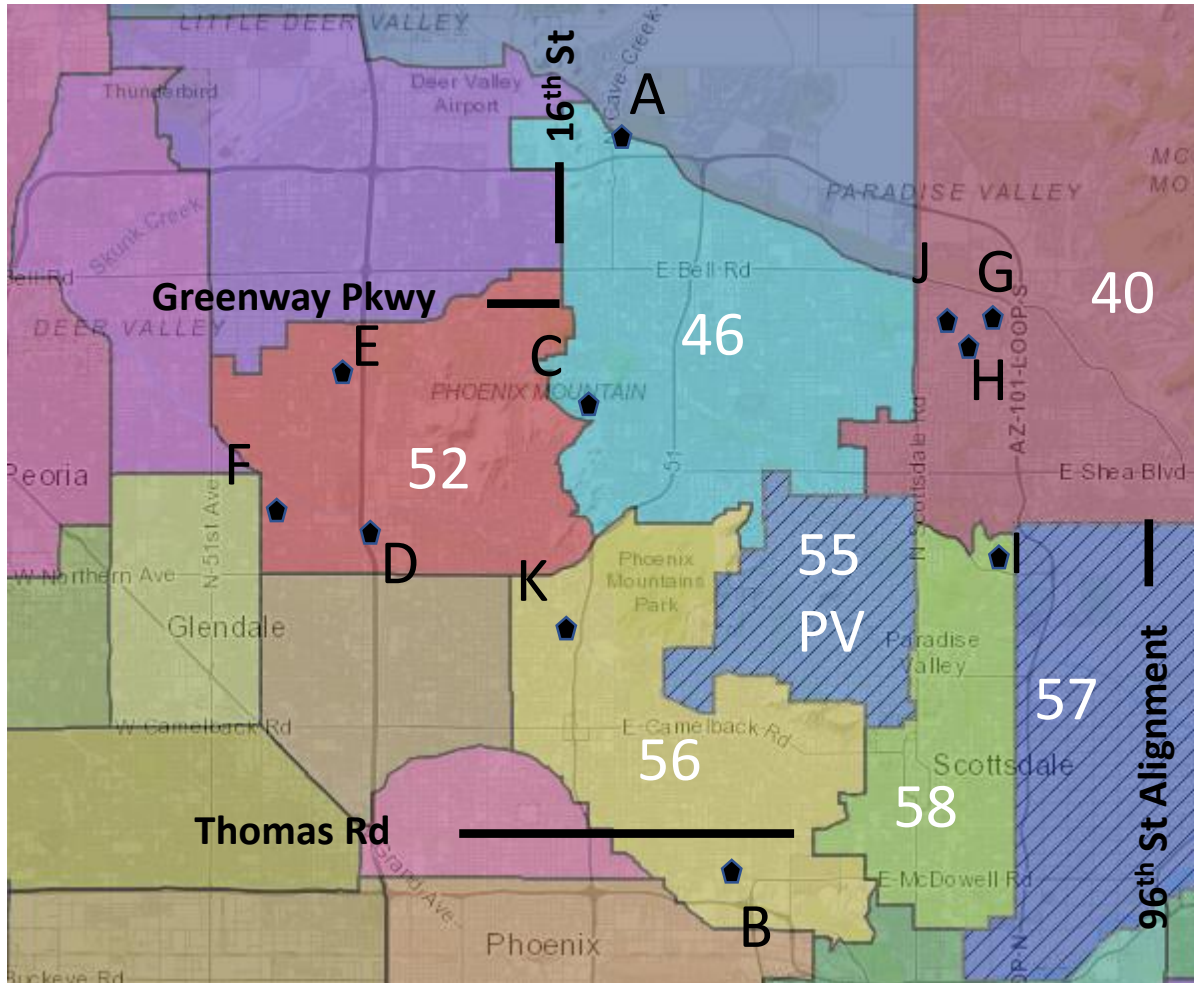
## 2- Step Approach to MMD Applications - 1st Step

- Draft Ordinance 2019-07 creates a 2-step approach for applications for a MMD
- Step one is based on the fact that there are numerous other MMDs within a short distance and drive time from Paradise Valley
- Each of these nearby MMDs is designated as an “Available Facility”
- The draft ordinance provides that the existence of an Available Facility shall be grounds to refuse to accept an application for a MMD
- AzDHS rules for MMDs focus on locating MMDs within 10 miles of an area where there is a high concentration of MM cardholders
- Because AzDHS applies a “10 mile” approach to MMD locations and the granting of new MMD licenses, the Town can reasonably look to the fact that there are already other existing Available Facilities near PV as a basis to refuse the acceptance of an application

## 2- Step Approach to MMD Applications - 1st Step

- ZO § 1102.2.B.2.f lists a MMD as an “allowed use” subject to a number of criteria:
  - New subsection i.1 – as a precondition to submitting an application the applicant must determine whether there is an Available Facility within 10 miles of the specified center of PV (latitude and longitude based) at the time of app
  - New subsection i.2 - if there is an Available Facility, then then such a finding shall be grounds for refusal to accept an application for a MMD
  - New subsection i.3 - If an application is submitted and the Town has reasons for questioning whether the applicant checked to see if there are any Available Facilities, then
    - the Town may require that a consultant selected by the Town (paid for by the applicant) determine whether there are existing MMDs near PV;
    - and if so, the Town shall refuse to accept the application

# DISPENSARIES NEAREST TO PV



MAP ID	NAME	ADDRESS	CHAA	Miles to Center of PV
A	HEALTH FOR LIFE	21035 N Cave Creek Rd Ste C5	46	14.9 Miles
B	TRUMED	1613 N 40TH St	56	10.2 Miles
C	MuV	12620 N Cave Creek Rd #1	46	10.1 Miles
D	MISSION DISPENSARY	2601 W Dunlap Ave #18	52	15.0 Miles
E	YILO SUPERSTORE	2841 W Thunderbird Rd	52	14.8 Miles
F	EMERALD DISPENSARY PHOENIX	4244 W Dunlap Rd, Ste 1	52	16.9 Miles
G	HARVEST OF SCOTTSDALE	15190 N Hayden Rd	40	8.5 miles
H	LEVEL UP SCOTTSDALE	14980 N 78th Way	40	8.3 Miles
I	MONARCH WELLNESS CENTER	8729 E Manzanita DR	58	5.3 Miles
J	ARIZONA NATURAL SELECTIONS	7320 E Butherus Dr Ste 100	40	8.5 Miles
K	SUNDAY GOODS	1616 E Glendale Ave	56	9.2 Miles

Source: <https://azdhs.gov/licensing/medical-marijuana/index.php#dispensary-map-chaa> (April 3, 2020) and <https://arizonamedicalmarijuanaclinic.com/dispensaries/>

Town Approximate Center - approximately the intersection of E Mockingbird Lane and N Mummy Mountain Road.

## 2- Step Approach to MMD Applications – 2nd Step

- Section 1102.2.B.2.f .iii.(11) has been modified to eliminate prior spacing requirements between a MMD and residential properties and to instead provide that the spacing between a MMD suite and any residential use district or any resort or residential use under any resort SUP be at least 300 feet
- The same section has been modified to require that:
  - “All distances shall be measured from the wall of the office suite or space occupied by the medical marijuana dispensary to the nearest property line of the district(s) or use(s) indicated above
- If the measurement were to be measured from the property line of a medical office SUP property the 300 foot measurement would be more difficult to meet

# Council Direction on Key Questions

## Questions:

- Does the Council desire to adopt Ordinance 2019-07?