



## Legislation Text

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**File #:** 19-261, **Version:** 1

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**TO:** Chair and Planning Commission

**FROM:** Andrew Miller, Town Attorney  
Jeremy Knapp, Community Development Director

**DATE:** June 4, 2019

**CONTACT:**

Andrew Miller, 480-348-3526

**AGENDA TITLE:**

Public Hearing regarding approval of Town Manager Recommendations on Changes to Article XI, Section 1102.2.B. of the Zoning Ordinance.

**BACKGROUND:**

At its work study meeting on May 7, and the Citizen Review meeting on May 21, 2019, the Planning Commission discussed recommendations to changes to the draft ordinance regarding Article XI, Section 1102.2.B of the Zoning Ordinance as it relates to spacing requirements between medical marijuana dispensaries and residential properties. As background, the Town Council, at its meeting on April 25, 2019, discussed recommended changes to Article XI, Section 1102.2.B. of the Zoning Ordinance. Based on the Council discussion the Town Manager determined (pursuant to his authority under Town Code §2-5-2D.1.(c)(3)) to recommend to the Planning Commission that the spacing standard between medical marijuana dispensaries and residential properties be set at 1,500 feet, similar to the spacing standards for other cities near Paradise Valley.

Many of the municipalities near Paradise Valley have adopted specific spacing standards between medical marijuana dispensaries and residential properties. The current Town Zoning Ordinance provisions do not have specific spacing requirements but instead suggest that spacing should be a "primary concern" and that the spacing distance between medical marijuana dispensaries and residential properties should be "optimized." The current Zoning Ordinance provision in Article XI, Section 1102.2.B.2.f.iv(11), states:

(11) A medical marijuana dispensary shall be at least 1,500 feet from the following existing uses, as measured within the Paradise Valley municipal limits only: (a) educational institutions (b) places of worship (c) parks and recreational facilities (d) youth centers; and at least 5,280 feet from any other medical marijuana dispensary, as measured within the Paradise Valley municipal limits only. Measurements are taken from nearest property lines of the medical office use and each of the uses noted above. The location of the dispensary shall optimize distance from residentially zoned property. Residential spacing shall be the primary consideration for all reviews of intermediate SUP amendment applications for medical marijuana

dispensaries. (Emphasis added)

By comparison, the spacing standards between medical marijuana dispensaries and residential properties contained in the zoning standards for other municipalities in the cities near Paradise Valley are as follows:

**Specific Residential Spacing/Location Requirements for Medical Marijuana Dispensaries**

	<b>Residential Zoning District</b>	Child Care Facility	Church/Place of Worship	Other Medical Marijuana Dispensaries
<b>Town of Paradise Valley</b>	<b>None</b>	1.500 Feet	1.500 Feet	5.280 Feet
<b>City of Tempe</b>	<b>1.320 Feet</b>	1.500 Feet	1.320 Feet	5.280 Feet
<b>City of Scottsdale</b>	<b>1.500 Feet</b>	1.500 Feet	1.500 Feet	2.640 Feet
<b>Town of Gilbert</b>	<b>1.000 Feet</b>	1.000 Feet	1.000 Feet	5.280 Feet
<b>City of Chandler</b>	<b>1.320 Feet</b>	1.320 Feet	1.320 Feet	5.280 Feet
<b>City of Mesa</b>	<b>2.400 Feet</b>	500 Feet	1.200 Feet	5.280 Feet

\*Caregiver Cultivation

The Town Manager has recommended that the Commission review a draft ordinance (see attached Draft Ordinance 2019-07) and make a recommendation to the Council on one proposed change to Zoning Ordinance Section 1102.2.B.2.f.iv(11). The Manager’s recommended change would eliminate the references to spacing between medical marijuana dispensaries and residential properties being a “primary concern” and that such spacing distance should be “optimized;” and instead would create a spacing standard of 1500 feet between a medical marijuana dispensary and “a residential zoning district or the property line of a parcel solely devoted to a residential use in any zoning district.” Not only is this standard similar to the standards in cities near Paradise Valley, it is the same as the existing spacing standard for Paradise Valley between medical marijuana dispensaries and educational institutions; places of worship; parks and recreational facilities; and youth centers.

It is recommended that the Commission make a final recommendation to the Town Council regarding Draft ordinance No.2019-07.

**NEXT STEPS**

Make a recommendation to the Council regarding Draft Ordinance No. 2019-07.

**ATTACHMENTS:**

Draft Ordinance No. 2019-07