



Legislation Text

File #: 19-285, **Version:** 1

TO: Mayor and Town Council

FROM: Jill Keimach, Town Manager
Andrew Miller, Town Attorney

DATE: June 13, 2019

CONTACT:

Andrew Miller, Town Attorney, 480-348-3691

AGENDA TITLE:

Discussion of Amendments to Article XI, Section 1102.2.B. of the Zoning Ordinance.

BACKGROUND:

The Interim Town Manager referred to the Planning Commission a recommended change to Article XI, Section 1102.2.B of the Zoning Ordinance as it relates to spacing requirements between medical marijuana dispensaries ("MMDs") and residential properties (the "Manager's Recommendation"). The Manager's Recommendation came in the form of a draft ordinance (now "Ordinance No. 2019-07," copy attached). The Commission held a study session on May 7, 2019, a Citizen Review meeting on May 21, 2019, and a Public Hearing on June 4, 2019 to discuss and take public comment regarding draft Ordinance No. 2019-07. The only comments received on the draft ordinance at the June 4th hearing were from an attorney from the Rose Law Group who stated that the current provisions in the Zoning Ordinance regarding spacing between MMDs and residential properties is quite strong and provide great protection for residential properties; and that the Commission should delay consideration of draft Ordinance No. 2019-07 or recommend denial. After closing the hearing, by unanimous vote, the Planning Commission recommended approval of draft Ordinance No. 2019-07.

The Town Council discussed the issue of spacing standards between MMDs and residential properties at a study session on April 25, 2019. Based on comments at the meeting Interim Town Manager Brian Dalke recommended that the Commission consider changes to the Zoning Ordinance. Those changes would have a specific spacing standard of 1,500 feet between MMDs and residential properties, similar to the spacing standards for other cities near Paradise Valley. Said changes were contained in draft Ordinance No. 2019-07.

Because many of the municipalities near Paradise Valley have adopted specific spacing standards between MMDs and residential properties, the Town Manager recommended that the Town adopt similar standards. The current Town Zoning Ordinance provisions suggest that spacing should be a "primary concern" and that the spacing distance between MMDs and residential properties should be "optimized," but do not have specific numerical spacing requirements. The spacing standards MMDs and residential properties contained in the zoning standards of other municipalities near Paradise

Valley are as follows:

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

The Town Manager has recommended that the same 1,500 foot spacing standard between proposed MMDs and other sensitive land uses (such as child care facilities and places of worship) be used for residential properties. The Manager's Recommendation would also eliminate the references in the current Zoning Ordinance to spacing between medical marijuana dispensaries and residential properties being a "primary concern" and that such spacing distance should be "optimized." Instead, the Manager's Recommendation would incorporate a spacing standard of 1,500 feet between a MMD and "a residential zoning district or the property line of a parcel solely devoted to a residential use in any zoning district."

It is recommended that Council adopt draft Ordinance No. 2019-07.

NEXT STEPS

Adopt draft Ordinance No. 2019-07.

ATTACHMENTS:

Draft Ordinance No. 2019-07