

# **C8-15-03**

# **Medical Marijuana Zoning**

Planning Commission  
Study Session  
December 2, 2015

## Background

- On September 9, 2014, the Mayor and Council adopted amendments to the Unified Development Code (UDC) related to Medical Marijuana; and,
- And directed staff to revisit the text amendment address two additional items, dispensary CAP and increasing off-site cultivation locations.
- Staff has received inquiries from stakeholders concerning two additional changes.

## Proposed Amendments

1. Place a **cap** on the number of dispensary locations; and,
2. Increase the permitted **size of off-site cultivation** locations in the C-2 and C-3 zones to 4,000 square feet.
3. Adjust the **setback for expansions** of existing dispensary locations; and,
4. Allow the **outdoor cultivation** of medical marijuana in I-1 and I-2 zones.

# 1. Cap

Place a cap on the number of dispensary locations.

- Current Regulation – The State currently permits one dispensary per Community Health Analysis Area (CHAA).
- Proposed Revision – Add to UDC Section 4.9.9.E.1.n (Medical Marijuana Use Specific Standards) that the number of dispensary locations is limited to nine.

## 2. Cultivation Size

Increase the permitted size of off-site cultivation locations in the **C-2** and **C-3 zones** to 4,000 square feet.

- Current Regulation – Off-site cultivation locations in the C-2 and C-3 zones are limited to **3,000** square feet.
- Proposed Revision – Revise UDC Section 4.9.9.E.2.a (Medical Marijuana Use Specific Standards) to allow **4,000** square feet floor area for off-site cultivation locations in the C-2 and C-3 zones. The size is the same as current C-2 and C-3 zone dispensaries.

### 3. Setbacks for Existing Dispensary Locations

Adjust the setback for expansions of existing dispensary locations.

- Current Regulation – For existing dispensaries, an expansion must meet 1,000-foot sensitive setbacks.
- Proposed Revision – Revise UDC Section 4.9.9.E.1.I (Medical Marijuana Use Specific Standards) to allow for the sensitive setbacks to be in accordance with ADHS.

### 3. Setback for Expansions Continued

#### Proposed Revision –

- ADHS § 36-280, R9-17-321 “A dispensary or a dispensary’s cultivation site shall be located at least 500 feet from a private school or a public school that existed before the date the dispensary submitted the initial dispensary registration certificate application.”
- This item would be consistent with the 2014 text amendment (Ordinance 11199) which facilitated the expansions of existing cultivation sites.

## 4. Outdoor Cultivation

Allow the outdoor cultivation of medical marijuana in I-1 and I-2 zones.

- Current Regulation – The UDC Section 4.9.9.E.2.d permits cultivation to be located in a permanent building, which is a structure with a roof. A greenhouse qualifies.
- Proposed Revision – Revise UDC Section 4.9.9.E.2.d & .e (Medical Marijuana Use Specific Standards) to allow off-site cultivation location to be located in an enclosed, locked facility, in accordance with ADHS. This provision would allow an enclosed outdoor area to qualify.

## Recommendation

Staff recommends that the Planning Commission set a public hearing for the following amendments:

1. Place a **cap** on the number of dispensary locations; and,
2. Increase the permitted **size of off-site cultivation** locations in the C-2 and C-3 zones to 4,000 square feet.
3. Match the ADHS Rule which creates the 500 foot setback from schools, only; and,
4. Allow the **outdoor cultivation** of medical marijuana in I-1 and I-2 zones.