

# **C8-15-03**

# **Medical Marijuana Zoning**

Planning Commission

Public Hearing

January 13, 2016

## 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 dispensaries; and,
4. Allow the **outdoor cultivation** of medical marijuana in I-1 and I-2 zones.

## 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 Dispensaries

Adjust the setback for expansions of existing dispensaries. 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 expansion of dispensaries.

- Current Regulation – For existing dispensaries, an expansion must meet 1,000-foot sensitive use 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 500 feet from schools.



## 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 I-1 and I-2 zones, in accordance with ADHS. This provision would allow an enclosed outdoor area to qualify.

## Recommendation

Staff recommends that the Planning Commission recommend approval for the following amendments:

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 dispensaries to 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.