

Attachment B



City of Phoenix

PLANNING AND DEVELOPMENT SERVICES

Staff Report
Zoning Ordinance Text Amendment
TA-2-18 (Medical Marijuana Operating Hours)
May 2, 2018

Application Z-TA-2-18: Amend Chapter 6, Section 623 (Commercial C-2 District – Intermediate Commercial), and Section 627 (Industrial A-1 District – Light Industrial District) of the Phoenix Zoning Ordinance related to the operating hours for the non-profit medical marijuana dispensary.

Staff recommendation: Staff recommends approval of Z-TA-2-18 as shown in the recommended text in Exhibit A.

PURPOSE/BACKGROUND

The intent of this text amendment is to reassess the current zoning regulations for the operating hours for non-profit medical marijuana dispensaries within Phoenix and update as necessary.

The voters of the State of Arizona passed the Arizona Medical Marijuana Act (AMMA), Proposition 203, on November 2, 2010. Jurisdictions adopted the local zoning regulations before the State rules were adopted. Phoenix established operating hours for non-profit medical marijuana dispensaries to be no earlier than 8:00 a.m. and no later than 7:00 p.m. Early in 2015, several dispensaries were granted variances to extend the operating hours to comply with the State regulations on operating hours for at least 30 hours weekly between the hours of 7:00 a.m. and 10:00 p.m. Exhibit B provides a summary of other jurisdictions' regulations for operating hours of nonprofit medical marijuana dispensaries.

There has been a significant increase in the number of patients registered with the Arizona Department of Health Services and the amount of medical marijuana purchased over the past seven years. Based on the numerous reviews of existing non-profit medical marijuana dispensaries, there are not significant public safety issues or detrimental effects from these establishments, including the ones with extended operating hours. The proposed amendment will not change the number of licensed non-profit medical marijuana dispensaries within Phoenix.

The General Plan sets forth the goal of connecting people and places. It states, “vacant and underdeveloped land in the older parts of the city should be developed or redeveloped in a manner that is compatible with viable existing development and the long-term character and goals of the area.” Most of the non-profit medical marijuana dispensaries have located in existing vacant buildings in older parts of the city. Another General Plan goal is there should be an abundance of places to connect with services and resources. Access to the non-profit medical marijuana dispensaries has been a discussion point supporting the increase in operating hours.

Staff recommends a modification to the operating hours from 7:00 p.m. to 10:00 p.m. to be consistent with the State regulations.

Conclusion

This text amendment will amend the operating hours for non-profit medical marijuana dispensaries within the City of Phoenix.

Staff recommends approval of Z-TA-2-18 as shown in the recommended text in Exhibit A.

Writer

T. Hillner

5/1/18

Exhibits

- A. Proposed Language
- B. Summary of other jurisdictions regulations

EXHIBIT A
Text Amendment
Z-TA-2-18: Medical Marijuana – Operating Hours

Proposed Language:

Amend Section 623.D (Commercial C-2 District – Intermediate Commercial) to read as follows:

* * *

124. Non-profit medical marijuana dispensary facility, subject to the following conditions and limitations; failure to comply with the below regulations and requirements is subject to revocation per Section 307.

* * *

- i. Shall have operating hours not earlier than 8:00 a.m. and not later than 710:00 p.m.

* * *

Amend Section 627.D (Industrial A-1 District – Light Industrial District) to read as follows:

* * *

92. Medical marijuana dispensary facility, subject to the following conditions and limitations; failure to comply with the below regulations and requirements is subject to revocation per Section 307.

* * *

- h. Shall have operating hours not earlier than 8:00 a.m. and not later than 710:00 p.m.

* * *

EXHIBIT B
Summary of other jurisdictions regulations

| SUMMARY OF MEDICAL MARIJUANA DISPENSARY HOURS REGULATIONS | |
|--|--|
| Jurisdiction | Hours |
| Phoenix | 8:00 a.m. to 7:00 p.m. |
| Chandler | 9:00 a.m. to 7:00 p.m. |
| Flagstaff | 8:00 a.m. to 7:00 p.m. |
| Gilbert | 8:00 a.m. to 8:00 p.m. |
| Glendale | 8:00 a.m. to 10:00 p.m. |
| Mesa | 8:00 a.m. to 9:00 p.m. |
| Peoria | 8:00 a.m. to 9:00 p.m. |
| Scottsdale | 6:00 a.m. to 7:00 p.m.---Regulations put in place prior to State rules. City following the dispensary shall "ensure that the dispensary is operating and available. . . between the hours of 7:00 a.m. and 10:00 p.m. City decided to have option to open earlier. |
| Surprise | NONE |
| Tempe | 8:00 a.m. to 8:00 p.m. |
| Tucson | 9:00 a.m. to 10:00 p.m. |
| Maricopa County | NONE |
| Pima County | 9:00 a.m. to 5:00 p.m. |