



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

February 3, 2021

**DEPARTMENT:**Community  
Development**DIVISION**

Community Planning

**STRATEGIC OUTCOMES**

- ☒ Safe & Prosperous
- ☐ Active & Appealing
- ☐ Respected & Responsible
- ☐ Connected & Engaged
- ☐ Unique & Creative

**ACTION**

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

**TITLE:**

Zoning Code Text Amendment: Recreational Marijuana Establishments

**SUMMARY RECOMMENDATION:**

Amend Title 15, Chapter 154, Article 22 to update provisions related to Non-Profit Medical Marijuana Dispensaries and Recreational Marijuana Establishments, as it relates to the recent approval of State Proposition 207 in the November 2020 General Election. (Community Development/Community Planning) (Randy Crist)

**REPORT:**

Clerk Note: A motion was approved by City Council at the January 20, 2021, Regular City Council meeting to amend Section 1, subsection 154-22.01 titled Purpose, to add a revised version of the last strikethrough sentence so the last sentence reads, "Furthermore, the City of Yuma does not condone the use of marijuana or violation of Federal law."

On November 3, 2020, Arizona voters approved Proposition 207, the Arizona Smart and Safe Act (AZSSA). The AZSSA legalizes the responsible use of marijuana by adults 21 years of age or older. Additionally, the AZSSA provides specific definitions related to recreational marijuana, its use and regulation. This proposed ordinance and zoning code text amendment requires recreational marijuana establishments to co-locate with non-profit medical marijuana dispensaries in a single location, within the same building.

In 2011, the City Council originally adopted a zoning ordinance which provided regulations for the operation of medical marijuana dispensaries. With the approval of this proposed zoning code text amendment, recreational marijuana establishments in Yuma will be subject to the same rules and regulations as medical marijuana dispensaries, in addition to the co-location requirement.

Staff has reviewed how other states have addressed and implemented laws related to recreational marijuana, understanding that the law in each state is different and that some of their regulations cannot or do not apply here in Arizona.

In the City of Yuma, the goal is to protect certain property uses from possible future impacts of marijuana facilities. This is accomplished by requiring buffers from those certain property uses to any marijuana facility (1,000 feet from schools, day cares, churches and other places of worship, residential zones, parks, libraries and community centers, and 5,280 feet from any other marijuana facility, regardless if these uses are located

in the city or the county); allowing marijuana facilities by right (no conditional use permit is required) in General Commercial and Light Industrial zoning districts; requiring the facilities to be located on heavily traveled roadways; requiring dispensing and growing to be grouped together on the same site; limiting the hours of operation; and by allowing the Arizona Department of Health Services to regulate the actual operation of the use (who can open a facility, how it must be run, reporting requirements, etc.).

On December 14, 2020 the Planning and Zoning Commission voted to recommend APPROVAL (5-0, with Dammeyer and Edgar absent) of the request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 22 to update provisions related to Non-Profit Medical Marijuana Dispensaries and Recreational Marijuana Establishments, as it relates to the recent approval of Proposition 207 in the November 2020 General Election.

#### PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

##### QUESTIONS FOR STAFF

“Chris Hamel – Planning and Zoning Commissioner asked if there was any security protocols for the establishments in the text amendment.

“Alyssa Linville – Assistant Director Community Development replied that are no security protocols in the text amendment, but there may be at the state level.

“Rodney Short – Deputy City Attorney stated in Prop 207 that there is a provision of security under Title 36 that has security protocols for the whole state.

“Gregory Counts – Planning and Zoning Commissioner asked if there was anything in the General Plan that addressed security, or would that topic be included in the upcoming General Plan Amendment.

“Linville replied that the establishments need to meet the buffer requirements within the appropriate zoning designations.

“Short then added the Department of Health Services is currently writing the rules for security.

##### QUESTIONS FOR APPLICANT

None

##### PUBLIC COMMENT

None

##### MOTION

“Motion by Lorraine Arney – Planning and Zoning Commissioner, second by Barbara Beam – Planning and Zoning Commissioner, to APPROVE ZONE-32945-2020, as presented in the staff report.

“Motion carried (5-0; with Fred Dammeyer – Planning and Zoning Commissioner and Janice Edgar – Planning and Zoning Commissioner absent).’

This proposed text amendment assists in furthering the City Council’s Vision and strategic outcomes as it relates to Safe and Prosperous. The approval of this amendment will ensure the safe implementation of development standards for recreational marijuana establishments.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT/FUND/CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip A. Rodriguez		1/13/2021	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		1/13/2021	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Alyssa Linville		12/23/2020		
WRITTEN/SUBMITTED BY:		DATE:		