



39700 W. Civic Center Plaza
Maricopa, AZ 85138
Ph: 520.568.9098
Fx: 520.568.9120
www.maricopa-az.gov

STAFF REPORT

CASE # TXT23-01

To:	Honorable Mayor and City Council
Through:	Rodolfo Lopez, Development Services, Director
From:	Rick Williams, Development Services, Planning Manager
Meeting Date:	April 4, 2023

REQUEST

PUBLIC HEARING: TXT23-01 Text Amendment: A request by the City of Maricopa for review and approval of a proposed text amendment to the City of Maricopa Zoning Code, Sections 18.120.160 - Qualifying Marijuana Facilities, and Section 18.120.020 – List of Definitions.
DISCUSSION AND ACTION.

COUNCIL PRIORITIES CONSIDERED

- Quality of Life
- Economic Sustainability
- Managing the Future
- Public Safety

AMENDMENT INFORMATION

This request is to formally amend the Maricopa City Code by making the following modifications:

- **Section 18.120.160** - The amendment would remove the term “Medical” and replace it with “Qualifying” as outlined in the Arizona Qualifying Marijuana Act.
- **Section 18.120.160.C1** – Increases the separation requirement of a Qualifying Marijuana Facility and Public/Private/ Charter School from 500-feet to 1,500-feet, clarifies separation requirements from other Qualifying Marijuana Facilities and identified uses, establishes methodology for measuring distances, and establishes Table 18.120.160.
- **Section 18.120.160.G** – Establishes odor control requirements for a Qualifying Marijuana Facility.
- **Section 18.120.160.H** – Establishes consumption requirements for a Qualifying Marijuana Facility.
- **Section 18.120.160.I** – Establishes Security Plan requirements for a Qualifying Marijuana Facility.
- **Section 18.205.020** – Defines, Dual License, Qualifying Marijuana Dispensary, Qualifying Cultivation Facility, and a Qualifying Marijuana Facility.

ADHERENCE TO THE GENERAL PLAN

The text amendments to the Zoning Code is in conformance with the following goals and objectives outlined in the General Plan (Planning Maricopa).

B. Land Use Element

- Objective B1.4.5: Update and consistently enforce the community's development codes, including zoning, subdivision, and related regulations.
- Objective B2.2: Identify and use available tools, including area specific plans, zoning and subdivision standards, to promote housing diversity in both type and lot size for existing and future PAD's

F. Economic Development Element

- Objective F1.2.9: Streamline and simplify governmental permitting processes to assist businesses in locating or expanding within the community.

CITIZEN PARTICIPATION:

As required per the City's Zoning Code Sec. 18.140.060, notification via a public hearing process is required. The Public Participation Plan included a public comment posting and a Public Hearing Notification posting on the city's website, both at a minimum of 15 days prior to a public hearing. The following is the public notification posting timeline:

- March 8, 2023 – Public Comment Posting.
- March 9, 2022 – Public Hearing Posting.
- March 13, 2023 – Planning and Zoning Commission meeting.
- As of the writing of this report, there has been no additional correspondence received by staff.

FINDINGS:

As required by Sec. 18.175.040 of the City's Zoning Code, the Planning & Zoning Commission conducted a public hearing on the proposed text amendment and found the following findings in their recommendation to the City Council:

1. The amendment is consistent with the General Plan;
2. The amendment will promote the growth of the City in an orderly manner and protect the public health, safety, peace, comfort and general welfare.
3. On March 28, 2023, the Planning and Zoning Commission conducted a public hearing on the proposed text amendment and recommended (4-2) to send the application to Council with a favorable recommendation.

STAFF RECOMMENDATION:

Staff recommends City Council concur with the Planning and Zoning Commission and approve Case **TXT23-01**, as amended by staff, increasing the separation requirement between a Qualifying Marijuana Facility and a Public/Private/Charter School from 500-feet to 1,500-feet, as noted in Exhibit A.2, Section 18.120.160 Qualifying Marijuana Facilities.

EXHIBITS

- Exhibit A.1 – Section 18.120.160 Qualified Marijuana Facilities (Proposed Changes)
- Exhibit A.2 – Section 18.120.160 Qualified Marijuana Facilities (New Text)

-- End of staff report --