

**SUBMITTED BY:** William D. Osborne, AICP, City Planner

**MANAGEMENT TEAM REVIEW:** Xenia Gonzalez, Neighborhood Services & Grants Director, Luis Pedroza, Deputy City Manager

**FOCUS AREA:** Strengthen Trade and Commerce

**ORGANIZATIONAL IMPROVEMENTS:** Provides economic development opportunities and corrects inconsistencies with Arizona Revised Statutes.

**SUBJECT:** **SECOND READING OF ORDINANCE NO. 23-1172**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **ADOPTING “MARIJUANA LAND USES AMENDMENTS** to the **DOUGLAS ZONING CODE ARTICLE 5 OF TITLE 17** and **CHAPTER 5.02** of the **DOUGLAS MUNICIPAL CODE”** by reference to amend certain provisions, relating to the update of rules and regulations to zoning within the City of Douglas and to the Licensing and Taxation of Marijuana Land Uses; establishing severability of components of Ordinance; and establishing an effective date thereof

**EXECUTIVE SUMMARY:**

The Planning and Zoning Commission met on October 24, 2023, and recommended to the City Council to approve Option B of the proposed amendments of the Douglas Municipal Code Chapters 5.02 and 17.05 (ZCA-2023-04) to correct inconsistent treatment of adult use-recreational marijuana establishments versus non-profit medical marijuana dispensaries, and to increase the ability of State-licensed applicants to locate more appropriate to State restrictions on locating marijuana establishments or dispensaries.

**BACKGROUND:**

These amendments will bring the city into compliance with the Arizona Revised Statutes regarding marijuana establishments (A.R.S. Title 36, Chapter 28.2) and nonprofit medical marijuana dispensaries (A.R.S. Title 36, Chapter 28.1), and to increase economic development opportunities, therefore, staff proposes the following amendments to DMC 5.02.010, 5.02.040 (Business Taxes, Licenses and Regulations), 17.05.507, 17.05.508, 17.05.509, and 17.05.510 (Zoning Districts).

**DISCUSSION & RECOMMENDATION:**

The proposed Douglas Municipal Code Text amendment is consistent with General Plan goals, objectives and policies. Staff recommends approval.

**FISCAL IMPACT:**

N/A

**Fiscal Year:** 2023/2024

**Amount Requested:** \$0.00

**Budgeted:** Y / N

**Account (s):**

**“...I MOVE THAT THE MAYOR AND COUNCIL APPROVE THE SECOND READING OF ORDINANCE NO. 23-1172 BY NUMBER AND TITLE ONLY.”**