

Zoning Text Amendment Application ZTA10-01: Medical Marijuana

Ordinance Amendments for Medical Marijuana

March 2, 2011

Add to Section 2.300 – Definitions

Medical Marijuana: All parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

Medical Marijuana Cultivation: The process by which a person grows a marijuana plant. A facility shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.

Medical Marijuana Designated Caregiver Cultivation Location: An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 250 square feet of cultivation space where a designated caregiver, as defined by A.R.S. § 36-2801(5), cultivates marijuana. There shall be no identification of the location as a Medical Marijuana Designated Caregiver Cultivation Location. Medical Marijuana Cultivation must not be detectable from the exterior of the building in which the cultivation takes place.

Medical Marijuana Dispensary: A non-profit entity defined in A.R.S. § 36-2801(11) that sells, distributes, transmits gives, dispenses, or otherwise provide medical marijuana to qualifying patients. A Medical Marijuana Dispensary shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of Marijuana and unauthorized entrance into areas containing marijuana.

Medical Marijuana Dispensary Offsite Cultivation Location: The additional location where marijuana is cultivated by a Medical Marijuana Dispensary as referenced in A.R.S. § 36-2804(B) (1) (b) (ii).

Medical Marijuana Infusion (or Manufacturing) Facility: A facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods.

Medical Marijuana Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § 36-2801(13).

Medical Marijuana Qualifying Patient Cultivation Location: An enclosed, locked facility such as a closet, room, greenhouse, or other building that does not exceed 50 square feet of cultivation space where a qualifying patient, as defined by A.R.S. § 36-2801(13), cultivates marijuana. The qualifying patient cultivation location must be accessory to the qualifying patient's primary residence. Medical Marijuana Cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. Medical Marijuana Cultivation as an accessory use to the qualifying patient's primary residence shall only be permitted if the residence is located at least 25 miles distant from a Medical Marijuana Dispensary.

A new Section 7.800 shall be added to the zoning ordinance:

Section 7.800. Medical Marijuana.

7.801 – Medical Marijuana Dispensary Offsite Cultivation Location.

A Medical Marijuana Dispensary Offsite Cultivation Location shall be permitted only in the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts, subject to the following conditions and limitations:

- A. Applicant shall provide:
 - 1. Name(s) and location(s) of the affiliated offsite medical marijuana dispensary associated with the cultivation operation.
 - 2. A copy of the operating procedures adopted in compliance with A.R.S. § 36-2804(B) (1) (c).
 - 3. A survey sealed by a registrant of the State of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within 10,560 feet.
 - 4. Site plan, floor plan, building permits for occupancy change, and a security plan.
 - 5. If the application is by an agent for the owner of the property, the owner's authorization must include an explicit acknowledgement from the owner that the owner knows that the proposed use of the property is as a medical marijuana offsite cultivation location.
- B. Shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
- C. Shall not permit on-premise consumption.

- D. Shall not be located within 5,280 feet of any other Medical Marijuana Dispensary, Medical Marijuana Dispensary Offsite Cultivation Location, Medical Marijuana Infusion (or Manufacturing) Facility, or Medical Marijuana Designated Caregiver Cultivation Location. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
- E. Shall not be located within 1,320 feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
- F. Shall not be located within 1,320 feet of an elementary, secondary or high school. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
- G. Shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.
- H. There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.
- I. There shall be no retail sales at the facility.
- J. The offsite cultivation location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.
- K. Shall be a maximum 25,000 gross square feet.

7.802 – Medical Marijuana Dispensary.

Medical Marijuana Dispensary shall be permitted only in the General Office (G-O), General Commercial (C-2), and Heavy Commercial (C-3) zoning districts, subject to the following conditions and limitations:

- A. Applicant shall provide:
 - 1. Name and location of the offsite cultivation location, if applicable.
 - 2. A copy of the operating procedures adopted in compliance with A.R.S. § 36-2804(B) (1) (c).
 - 3. A survey sealed by a registrant of the State of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within 10,560 feet.

4. Site plan, floor plan, building permits for occupancy change, and a security plan.
 5. If the application is by an agent for the owner of the property the owner's authorization must include an explicit acknowledgement from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary.
- B. Shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
 - C. Shall not provide outdoor seating.
 - D. Shall not permit on-premise consumption.
 - E. Shall be a maximum 2,000 gross square feet.
 - F. Shall not be located within 5,280 feet of any other Medical Marijuana Dispensary, Medical Marijuana Dispensary Offsite Cultivation Location, Medical Marijuana Infusion (or Manufacturing) Facility, or Medical Marijuana Designated Caregiver Cultivation Location. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
 - G. Shall not be located within 500 feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
 - H. Shall not be located within 1,320 feet of an elementary, secondary or high school. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
 - I. Shall have operating hours not earlier than 8:00 a.m. and not later than 8:00 p.m.
 - J. Off-site delivery is prohibited.
 - K. Drive-through services are prohibited.
 - L. Shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the dispensary's exterior refuse containers.
 - M. There shall be no emission of dust, fumes, vapors, or odors into the environment from the dispensary.

- N. The dispensary must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.
- O. A prominent and permitted sign stating “NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES” shall be located in a place that is clearly visible to patrons of the dispensary. As depicted by the signage, no loitering is allowed on or in front of the premises of the Medical Marijuana Dispensary.
- P. Additionally, a security plan shall be submitted by the applicant in conjunction with design review approval. The security plan shall include provisions for the following:
 - 1. An alarm system with a redundant power supply and circuitry to prevent deactivation.
 - 2. A video surveillance system that at all times records all interior areas and the exterior perimeter.
 - 3. A lighting system that at all times illuminates the interior areas and the exterior perimeter.
 - 4. A plan for the reprogramming of all security codes and keys in the event an employee resigns or is terminated.

7.803 – Medical Marijuana Infusion (or Manufacturing) Facility.

Medical Marijuana Infusion (or Manufacturing) Facility shall be permitted only in the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts, subject to the following conditions and limitations:

- A. Applicant shall provide:
 - 1. Name(s) and location(s) of the affiliated offsite Medical Marijuana Dispensary associated with the infusion (or manufacturing) facility.
 - 2. A copy of the operating procedures adopted in compliance with A.R.S. §36-2804(B) (1) (c).
 - 3. A survey sealed by a registrant of the State of Arizona showing the location of the nearest Medical Marijuana Dispensary, Medical Marijuana Dispensary (No Cultivation), Medical Marijuana Dispensary Offsite Cultivation Location, or Medical Marijuana Infusion (or Manufacturing) Facility if within 10,560 feet.
 - 4. Site plan, floor plan, building permits for occupancy change, and a security plan.
 - 5. If the application is by an agent for the owner of the property, the owner's authorization must include an explicit acknowledgement from the owner that the owner knows that the proposed use of the property is for a medical marijuana infusion (or manufacturing) facility.
- B. The Facility shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
- C. The Facility shall not be located within 5,280 feet of any other Medical Marijuana Cultivation, Medical Marijuana Dispensary, Medical Marijuana Dispensary Offsite Cultivation Location, Medical Marijuana Infusion (or Manufacturing) Facility, or Medical Marijuana Designated Caregiver Cultivation Location. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
- D. The facility shall not be located within 1,320 feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.

- E. The Facility shall not be located within 1,320 feet of an elementary, secondary or high school. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
- F. The Facility shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.
- G. There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.
- H. There shall be no retail sales at the facility.
- I. Shall not permit on-premise consumption.
- J. The Facility must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.
- K. Shall be a maximum 10,000 gross square feet.

7.804 – Medical Marijuana Designated Caregiver Cultivation Location.

Medical Marijuana Designated Caregiver Cultivation location shall be permitted only in the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts, subject to all rules adopted by the Arizona Department of Health Services and the following conditions and limitations:

- A. Shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
- B. Shall not permit on-premise consumption.
- C. The location shall provide for proper disposal of marijuana remnants or by-products, and not placed within the location's exterior refuse containers.
- D. There shall be no emission of dust, fumes, vapors, or odors into the environment from the location.
- E. There shall be no retail sales at the location.
- F. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet.
- G. The designated caregiver location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.

- H. If the application is by an agent for the owner of the property, the owner's authorization must include an explicit acknowledgement from the owner that the owner knows that the proposed use of the property is for a medical marijuana designated caregiver cultivation location.