

Revise Land Use Matrix to include adding **MARIJUANA FACILITY**

Table 106-1c

Zoning District Uses	C-2	C-3	I-1	I-2
Medical Marijuana Dispensary	CUP	CUP	CUP	
Medical Marijuana Offsite Cultivation Facility	CUP	CUP	CUP	CUP
MARIJUANA FACILITY	CUP	CUP	CUP	CUP

LDO Section 101-2.2(C) (Glossary of Terms)

(from Ord 2020-37)

MARIJUANA TERMS: THE FOLLOWING TERMS ARE ASSOCIATED WITH THE CREATION, SALES, AND CONSUMPTION OF MARIJUANA.

1. **CHEMICAL EXTRACTION:** THE PROCESS OF REMOVING A PARTICULAR COMPONENT OF A MIXTURE FROM OTHERS PRESENT, INCLUDING REMOVING RESINOUS TETRAHYDROCANNABINOL FROM MARIJUANA.
2. **CHEMICAL SYNTHESIS:** PRODUCTION OF A NEW PARTICULAR MOLECULE BY ADDING TO, SUBTRACTING FROM, OR CHANGING THE STRUCTURE OF A PRECURSOR MOLECULE.
3. **CONSUME, CONSUMING, AND CONSUMPTION:** THE ACT OF SMOKING, INGESTING, INHALING, OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.
4. **CONSUMER:** AN INDIVIDUAL WHO IT AT LEAST TWENTY-ONE YEARS OF AGE AND WHO PURCHASES MARIJUANA OR MARIJUANA PRODUCTS.
5. **CULTIVATE AND CULTIVATION:** TO PROPAGATE, BREED, GROW, PREPARE, AND PACKAGE MARIJUANA.
6. **DHS:** THE STATE OF ARIZONA DEPARTMENT OF HEALTH SERVICES OR ITS SUCCESSOR AGENCY.

- 7. DUAL LICENSEE:** AN ENTITY THAT HOLDS BOTH A NONPROFIT *MEDICAL MARIJUANA DISPENSARY* REGISTRATION AND A *MARIJUANA RETAIL ESTABLISHMENT* LICENSE.
- 8. EXTRACTION:** THE *PROCESS* OF REMOVING OR SEPARATING RESIN FROM *MARIJUANA* TO PRODUCE OR *PROCESS* ANY FORM OF *MARIJUANA CONCENTRATES* USING WATER, LIPIDS, GASES, SOLVENTS, OR OTHER CHEMICALS OR CHEMICAL *PROCESSES*.
- 9. MARIJUANA:** ALL PARTS OF THE PLANT OF THE GENUS *CANNABIS*, WHETHER GROWING OR NOT, AS WELL AS THE SEEDS FROM THE PLANT, THE RESIN *EXTRACTED* FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, *MANUFACTURE*, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT OR ITS SEEDS OR RESIN.
- A. INCLUDES *CANNABIS* AS DEFINED IN A.R.S. § 13-3401.
- B. DOES NOT INCLUDE INDUSTRIAL HEMP, THE FIBER PRODUCED FROM THE STALKS OF THE PLANT OF THE GENUS *CANNABIS*, OIL, OR CAKE MADE FROM THE SEEDS OF THE PLANT, STERILIZED SEEDS OF THE PLANT THAT ARE INCAPABLE OF GERMINATION, OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH *MARIJUANA* TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCTS.
- 10. MARIJUANA CONCENTRATE:**
- A. RESIN *EXTRACTED* FROM ANY PART OF A PLANT OF THE GENUS *CANNABIS* AND EVERY COMPOUND, *MANUFACTURE*, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THAT RESIN OR TETRAHYDROCANNABINOL.
- B. DOES NOT INCLUDE INDUSTRIAL HEMP OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH *CANNABIS* TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCTS.
- 11. MARIJUANA FACILITY:**
- A. INCLUDES A *MEDICAL MARIJUANA DISPENSARY*, *MEDICAL MARIJUANA OFFSITE CULTIVATION FACILITY*, AND/OR *MEDICAL MARIJUANA INFUSION FACILITY*; OR
- B. A *MARIJUANA RETAIL ESTABLISHMENT* OPERATED BY A *DUAL LICENSEE* THAT IS CO-LOCATED ON THE SAME PROPERTY WITH A *MEDICAL MARIJUANA DISPENSARY* WHICH HAS AN ACTIVE, VALID *MEDICAL MARIJUANA DISPENSARY* REGISTRATION FROM *DHS* AS WELL AS A *MARIJUANA RETAIL ESTABLISHMENT* LICENSE ISSUED BY *DHS*.

12. **MARIJUANA MANUFACTURE AND MANUFACTURING:** TO COMPOUND, BLEND, EXTRACT, INFUSE, OR OTHERWISE MAKE OR PREPARE A MARIJUANA PRODUCT.
13. **MARIJUANA PRODUCTS:** MARIJUANA CONCENTRATE AND PRODUCTS THAT ARE COMPOSED OF MARIJUANA AND OTHER INGREDIENTS AND THAT ARE INTENDED FOR USE OR CONSUMPTION, INCLUDING SMOKING, EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.
14. **MARIJUANA RETAIL ESTABLISHMENT:** AN ENTITY LICENSED BY DHS TO OPERATE ANY OR ALL THE FOLLOWING:
 - A. A SINGLE RETAIL LOCATION AT WHICH THE LICENSEE MAY SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS, CULTIVATE MARIJUANA, AND/OR MANUFACTURE MARIJUANA PRODUCTS.
 - B. A SINGLE OFF-SITE CULTIVATION LOCATION AT WHICH THE LICENSEE MAY CULTIVATE MARIJUANA, PROCESS MARIJUANA, AND MANUFACTURE MARIJUANA PRODUCTS, BUT FROM WHICH MARIJUANA AND MARIJUANA PRODUCTS MAY NOT BE TRANSFERRED OR SOLD TO CONSUMERS.
 - C. A SINGLE OFF-SITE LOCATION AT WHICH THE LICENSEE MAY MANUFACTURE MARIJUANA PRODUCTS AND PACKAGE AND STORE MARIJUANA AND MARIJUANA PRODUCTS, BUT FROM WHICH MARIJUANA AND MARIJUANA PRODUCTS MAY NOT BE TRANSFERRED OR SOLD TO CONSUMERS.
15. **MARIJUANA TESTING FACILITY:** DHS, OR ANOTHER ENTITY THAT IS LICENSED BY DHS, TO ANALYZE THE POTENCY OF MARIJUANA AND TEST MARIJUANA FOR HARMFUL CONTAMINANTS.
16. **Medical Marijuana Dispensary:** *Medical Marijuana Dispensary:* A not-for-profit entity defined in A.R.S. § 36-2801(11), that acquires, possesses, *cultivates*, *MANUFACTURES*, delivers, transfers, transports, supplies, sells, dispenses, or otherwise provides medical MARIJUANA or related supplies and educational materials to cardholders as defined in A.R.S. § 36-2801(2).
17. **Medical Marijuana Dispensary Off-Site Cultivation Facility:** An enclosed, locked facility where MARIJUANA is *cultivated* by a *Medical Marijuana Dispensary* as referenced in A.R.S. § 36-2804(B)(1)(b)(ii).
18. **Medical Marijuana Infusion Facility:** A facility that incorporates medical MARIJUANA into consumable/edible goods by the means of cooking or blending.
19. **Process and Processing:** To harvest, dry, cure, trim, or separate parts of the MARIJUANA plant.

20. **Smoke:** To inhale, exhale, burn, carry, or possess any lighted *MARIJUANA* or lighted *MARIJUANA PRODUCTS*, whether natural or synthetic.

Current LDO provisions for *MEDICAL MARIJUANA* approved by P&Z on 11/19 and City Council on 12/15.

Proposed changes in legislative format. New text is shown in **ALL CAPS AND HIGHLIGHTED** and text to be removed is shown with a ~~strikethrough~~ line.

106-10.27 ~~Medical Marijuana FACILITY~~ Uses.

- A. All ~~medical marijuana~~ *FACILITY uses* shall comply with ~~all regulations and~~ laws pursuant to the Arizona Revised Statutes **AND ALL REGULATIONS ISSUED BY DHS**. The following provisions will not be construed as permitting any *use* or act which is otherwise prohibited or made punishable by law.
- B. Any ~~Medical Marijuana Dispensary facility, Medical Marijuana Dispensary off-site cultivation location, and/or a medical MARIJUANA infusion facility,~~ **MARIJUANA FACILITY** shall meet the following requirements:
1. Be located in a permanent *building* and may not be located in a trailer, cargo container, storage unit, or motor vehicle.
 2. The *business* location shall not exceed a maximum size of 2,500 gross square feet, **EXCEPT THAT A CO-LOCATED MEDICAL MARIJUANA DISPENSARY AND MARIJUANA RETAIL ESTABLISHMENT OPERATED BY A DUAL LICENSEE MAY BE A MAXIMUM SIZE OF 5,000 GROSS SQUARE FEET.**
 3. Not have a drive-thru service.
 4. Not emit dust, fumes, vapors, or odors into the environment.
 5. Not provide *off-site* delivery of ~~medical MARIJUANA~~ **OR MARIJUANA PRODUCTS**.
 6. Prohibit *consumption* of *MARIJUANA* on the premises.
 7. Not have outdoor seating areas.
 8. Disposal of *MARIJUANA* remnants, by-products, and/or infused products shall not to be placed within ~~the facilities~~ exterior refuse containers.
 9. **THE SECURE STORAGE AREA FOR THE MARIJUANA STORED AT A MARIJUANA FACILITY OPERATED BY A DUAL LICENSEE SHALL NOT EXCEED**

TWENTY PERCENT (20%) OF THE MAXIMUM GROSS FLOOR AREA OF THE MARIJUANA FACILITY.

10. THE PERMITTED HOUSE OF OPERATION OF A MARIJUANA FACILITY OPERATED BY A DUAL LICENSEE SHALL BE LIMITED TO 8:00 A.M. TO 7:00 P.M.
11. THE OPERATOR OF A MARIJUANA FACILITY SHALL PROVIDE UNRESTRICTED ACCESS TO CITY CODE ENFORCEMENT OFFICERS OR POLICE OFFICERS WHO REQUEST ADMISSION FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THESE STANDARDS.
12. WITHIN A MARIJUANA FACILITY THERE SHALL BE A SECURE STORAGE AREA SUFFICIENT TO DETER AND PREVENT THEFT.
13. ALL MARIJUANA AND MARIJUANA PRODUCTS SHALL BE SECURELY LOCKED WITHIN THE SECURE STORAGE AREA AT ANY TIME THE MEDICAL MARIJUANA DISPENSARY ~~OR MARIJUANA FACILITY OPERATED BY A DUAL LICENSEE~~ IS NOT OPEN FOR BUSINESS.
14. A MEDICAL MARIJUANA DISPENSARY OR MARIJUANA FACILITY OPERATED BY A DUAL LICENSEE SHALL HAVE ONLY ONE SECURE ENTRANCE TO THE BUILDING AND ANY OTHER DOORS REQUIRED FOR EXITING SHALL BE LOCKED TO THE OUTSIDE AND HAVE AN ALARM THAT SOUNDS WHEN OPENED FROM THE INSIDE.
15. A MARIJUANA FACILITY SHALL HAVE AN ALARM SYSTEM WITH A REDUNDANT POWER SUPPLY AND CIRCUITRY TO PREVENT DEACTIVATION.
16. A MARIJUANA FACILITY SHALL HAVE A VIDEO SURVEILLANCE SYSTEM THAT AT ALL TIMES RECORDS ALL INTERIOR AREAS AND THE EXTERIOR PERIMETER.
17. A MARIJUANA FACILITY SHALL HAVE ADEQUATE EXTERIOR SECURITY LIGHT, WHICH ALSO COMPLIES WITH CHAPTER 107-ARTICLE 3 OF THIS ORDINANCE.
18. THE OPERATOR OF A MARIJUANA FACILITY SHALL DEVELOP AND MAINTAIN A SECURITY PLAN WHICH DEMONSTRATES COMPLIANCE WITH ALL OF THE MINIMUM STANDARDS SPECIFIED HEREIN.

- C. Any ~~Medical Marijuana Dispensary, Medical Marijuana Dispensary off-site cultivation, and/or a medical MARIJUANA infusion facility~~ MARIJUANA FACILITY shall meet the following minimum separations, measured in a straight line from the boundary of the parcel containing the ~~Medical Marijuana Dispensary, off-site cultivation, or infusion~~ MARIJUANA FACILITY location to the boundary of the parcel containing any uses as listed below in (see Table 106-10c). IF EITHER THE

MARIJUANA FACILITY OR BUFFERED USE IS IN A COMMERCE CENTER DEVELOPMENT, THE SEPARATION REQUIREMENTS SHALL BE MEASURED FROM THE BOUNDARY OF THE COMMERCE CENTER.

- D. A Medical Marijuana Dispensary off-site cultivation location or a medical marijuana infusion facility not associated with a Medical Marijuana Dispensary is prohibited.

MARIJUANA RETAIL ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES ARE PROHIBITED, EXCEPT THAT A MARIJUANA RETAIL ESTABLISHMENT IS PERMITTED WHEN IT IS OPERATED IN THE SAME BUILDING ON THE SAME PROPERTY WITH A MEDICAL MARIJUANA DISPENSARY BY A DUAL LICENSEE WHO HAS AN ACTIVE, VALID MEDICAL MARIJUANA DISPENSARY REGISTRATION FROM DHS AS WELL AS A MARIJUANA RETAIL ESTABLISHMENT LICENSE ISSUED BY DHS.

- E. A MARIJUANA FACILITY ~~Medical Marijuana Dispensary, off-site cultivation facility, or an infusion facility~~ lawfully operating is not rendered in violation of these provisions by the subsequent location of ~~a place of worship, public or private primary or secondary school, public or private day care, preschool, kindergarten facility, public park, or playground~~ OF A NEW USE IS ESTABLISHED closer than the outlined below in Table 106-10c.

Table 106-10c - Separation Distances for any Medical MARIJUANA FACILITY MARIJUANA FACILITY	
Land Use	Dispensaries Off-site Cultivation Facilities Infusion Facilities MARIJUANA FACILITY
From any PARCELS THAT ARE residentially zoned property OR DESIGNATED RESIDENTIAL LAND USE WITHIN AN APPROVED PAD	500 feet
From any place of worship	500 feet
From any dwelling unit	500 feet
From any public or private charter, primary, or secondary school	1,500 feet
From any public or private day care, preschool, or kindergarten facility	1,500 feet
From any public park or playground or usable open space	1,500 feet
FROM ANY ENTERTAINMENT ESTABLISHMENT OR AMUSEMENT FACILITY, SUCH AS A MOVIE THEATER, SPORTS VENUE, BOWLING ALLEY, ARCADE, OR GAMING HALL	1,500 FEET
From any other medical MARIJUANA FACILITY MARIJUANA FACILITY of any type	3,000 feet
From any sexually oriented business	3,000 feet
From any residential substance abuse facility	3,000 feet

F. Medical *MARIJUANA* designated caregiver *cultivation* and qualifying patient *cultivation* locations shall further comply with the follow requirements:

1. *Cultivation* locations will be an enclosed, locked facility such as a closet, room, greenhouse or other *building* that does not exceed 50 square feet of *cultivation* space.
2. *Cultivation* locations will not be visible from beyond the boundaries of the property on which the *cultivation* location is situated.
3. Medical *MARIJUANA cultivation* as an *accessory use* to the qualifying patient primary residence will only be permitted if the residence is located at least 25 miles from a *Medical Marijuana Dispensary*.