

**MARANA RESOLUTION NO. 2010-103**

RELATING TO DEVELOPMENT; DECLARING THE AMENDMENTS TO MARANA LAND DEVELOPMENT CODE TITLE 3 (DEFINITIONS), TITLE 5 (ZONING), AND TITLE 8 (GENERAL DEVELOPMENT REGULATIONS) RELATING TO "MEDICAL MARIJUANA DISPENSARY" AND "MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION" ZONING REGULATIONS AS A PUBLIC RECORD FILED WITH THE TOWN CLERK

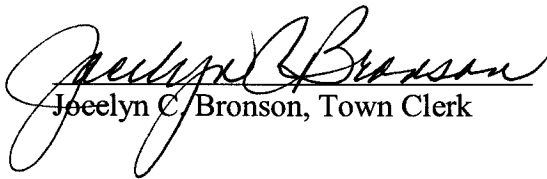
BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the amendments to Marana Land Development Code Title 3 (Definitions), Title 5 (Zoning), and Title 8 (General Development Regulations) relating to "medical marijuana dispensary" and "medical marijuana dispensary offsite cultivation location" zoning regulations, a copy of which is attached to and incorporated in this resolution as Exhibit A and three copies of which are on file in the office of the Town Clerk, are hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 19<sup>th</sup> day of October, 2010.



Mayor Ed Honea

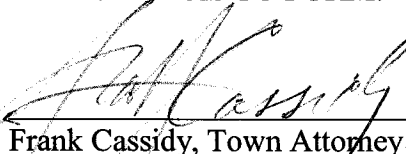
ATTEST:



Jeelynn C. Bronson, Town Clerk



APPROVED AS TO FORM:



Frank Cassidy, Town Attorney

EXHIBIT A TO MARANA RESOLUTION NO. 2010-103  
Amendments to Marana Land Development Code Title 3 (Definitions), Title 5 (Zoning), and  
Title 8 (General Development Regulations) relating to “medical marijuana dispensary” and  
“medical marijuana dispensary offsite cultivation location” zoning regulations  
adopted pursuant to Marana Ordinance No. 2010.18

SECTION 1. Title 3 (Definitions) of the Marana Land Development Code is hereby amended by adding the following definitions of “medical marijuana dispensary” and “medical marijuana dispensary offsite cultivation location” to Section 03.13 (Definitions “M”):

Medical marijuana dispensary: A nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2804.

Medical marijuana dispensary offsite cultivation location: The one additional location, if any, duly identified pursuant to A.R.S. § 36-2806 (E) during the process of registering a nonprofit medical marijuana dispensary, where marijuana will be cultivated for sale at a nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2804.

SECTION 2. Title 5 (Zoning) of the Marana Land Development Code is hereby amended by revising paragraph D (“Conditional Uses”) of Section 05.10.01 (AG Agricultural) to add a new subparagraph 13, as follows:

13. Medical marijuana dispensary offsite cultivation location, subject to the requirements found in Section 08.08.

SECTION 3. Title 5 (Zoning) of the Marana Land Development Code is hereby amended by revising paragraph D (“Conditional Uses”) of Section 05.11.04 (RC Regional Commercial) to renumber existing paragraph d as paragraph e, and to add new subparagraph d, as follows:

- d. Medical marijuana dispensary, subject to the conditional use permit procedure set forth in Section 10.10 and subject to the requirements found in Section 08.08.

SECTION 4. Title 5 (Zoning) of the Marana Land Development Code is hereby amended by revising paragraph E (“Conditional Uses”) of Section 05.12.02 (LI Light Industrial) to add new subparagraphs 7 and 8, as follows:

7. Medical marijuana dispensary, subject to the requirements found in Section 08.08.
8. Medical marijuana dispensary offsite cultivation location, subject to the requirements found in Section 08.08.

SECTION 5. Title 5 (Zoning) of the Marana Land Development Code is hereby amended by revising paragraph D (“Conditional Uses”) of Section 05.12.03 (HI Heavy Industrial) as follows (with additions shown with double underlining):

D. Conditional Uses.

1. The Planning Administrator may permit any other use which may be similar to those listed above, in conformity with the intent and purpose of this zone, and not more obnoxious or detrimental to the public health, safety, welfare or to other uses permitted in this zone.

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2. Medical marijuana dispensary, subject to the conditional use permit procedure set forth in Section 10.10 and subject to the requirements found in Section 08.08.
3. Medical marijuana dispensary offsite cultivation location, subject to the conditional use permit procedure set forth in Section 10.10 and subject to the requirements found in Section 08.08.

SECTION 6. Title 8 (General Development Regulations) of the Marana Land Development Code is hereby amended by adding new Section 08.08, as follows:

**08.08 Medical Marijuana Uses.**

- A. The minimum requirements of this section shall apply to all “medical marijuana dispensary” and “medical marijuana dispensary offsite cultivation location” uses located in any zoning district.
- B. In addition to any other application requirements, an applicant for any “medical marijuana dispensary” or “medical marijuana dispensary offsite cultivation location” conditional use permit shall provide the following:
  1. A notarized authorization executed by the property owner, acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary or a medical marijuana dispensary offsite cultivation location, as applicable.
  2. The legal name of the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location.
  3. If the application is for a medical marijuana dispensary offsite cultivation location, the name and location of the medical marijuana dispensary with which it is associated.
  4. The name, address, and birth date of each officer and board member of the nonprofit medical marijuana dispensary.
  5. The name, address, birth date, and valid registry identification card number of each nonprofit medical marijuana dispensary agent.
  6. A copy of the operating procedures adopted in compliance with A.R.S. §36-2804 (B) (1) (c).
  7. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has been convicted of any of the following offenses:
    - i. A violent crime as defined in A.R.S. § 13-901.03 (B) that was classified as a felony in the jurisdiction where the person was convicted.
    - ii. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the

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sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

8. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked.
  9. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location will be secured, enclosed, and locked as required by law.
  10. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location to the property boundary of the parcel containing any existing uses listed in paragraph E below. If any of the uses are located within 50 feet of the minimum separation, the drawing, showing actual surveyed separations, shall be prepared by a registered land surveyor.
  11. Proof of compliance with Pima County Code Chapter 8.80 (“Medical Marijuana”).
- C. A medical marijuana dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 5:00 p.m.
- D. A medical marijuana dispensary or medical marijuana dispensary offsite cultivation location shall:
1. Be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
  2. Not have drive-through service.
  3. Not emit dust, fumes, vapors or odors into the environment.
  4. Not provide offsite delivery of medical marijuana.
  5. Prohibit consumption of marijuana on the premises.
  6. Not have outdoor seating areas.
  7. Display a current Town of Marana business license applicable to medical marijuana uses.
- E. A medical marijuana dispensary or medical marijuana dispensary offsite cultivation location shall meet the following minimum separations,

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measured in a straight line from the boundary of the parcel containing the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location to the property boundary of the parcel containing any existing uses listed below:

1. 2,000 feet from any other medical marijuana dispensary or medical marijuana dispensary offsite cultivation location.
  2. 2,000 feet from a residential substance abuse diagnostic and treatment facility or other residential drug or alcohol rehabilitation facility.
  3. 1,000 feet from a public, private, parochial, charter, dramatic, dancing, music, learning center, or other similar school or educational facility that caters to children.
  4. 1,000 feet from a childcare center.
  5. 1,000 feet from a public library or public park.
  6. 1,000 feet from a church.
  7. 1,000 feet from a facility devoted to family recreation or entertainment.
- F. A medical marijuana dispensary offsite cultivation location not associated with a medical marijuana dispensary is prohibited, and only one medical marijuana dispensary offsite cultivation location shall be permitted for the single medical marijuana dispensary with which it is associated.
- G. The number of medical marijuana dispensaries permitted within the town limits of Marana shall be limited to two. The number of permitted medical marijuana dispensaries shall be increased by one for each Marana population increase of 50,000 over and above the official 2010 census figure for Marana.