

**Medical Marijuana Model Ordinance-Arizona**  
*(Comments and options noted in italics)*

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**Amend Definition Section of the ordinance by adding definitions as follows:**

Medical Marijuana: Means of 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 patients 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 Dispensary: A non-profit entity defined in A.R.S. § 36-2801(11), that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.

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. (*May be combined with Cultivation definition.*)

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.

**Amend the agricultural district (s) by adding language to allow medical marijuana cultivation as a permitted use as follows:**

- \_\_\_ Medical Marijuana Cultivation, subject to the following conditions and limitations:
  - a. Applicant shall provide:
    - 1) the name(s) and location(s) of the 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) (*Note: this is the paperwork an applicant submits to DHS*) and
  - 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 \_\_\_\_\_ feet.
- b. Retail sales of medical marijuana is prohibited.
  - c. Shall not be located within \_\_\_\_\_ feet of the same type of use or a medical marijuana dispensary. 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. Shall not be located within \_\_\_\_\_ feet of a residentially zoned property. This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the property boundary line of the residentially zoned property. (*Option: measuring distance from lot line to lot line.*)
  - e. Shall not be located within \_\_\_\_\_ feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park or community center. This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the property line of the protected use.

**Amend the Intermediate Commercial zoning district to allow medical marijuana dispensaries as a permitted use with conditions as follows:**

**Permitted Uses (sample insert to an existing ordinance):**

99. Merchandise Brokers Office and Display
100. Medical Marijuana Dispensary (No Cultivation), subject to the following conditions and limitations:
  - a. Applicant shall provide:
    - 1) the name(s) and location(s) of the 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) and
  - 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 \_\_\_\_\_ feet.
  - 4) site plan, floor plan, building permits for occupancy change, and a security plan.
- b. Shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.
  - c. Shall be a maximum \_\_\_\_\_ gross square feet. (*Size limitation should be factored based on building code for a one door occupancy.*)
  - d. Shall not be located within \_\_\_\_\_ feet of the same type of use. 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 \_\_\_\_\_ 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 \_\_\_\_\_ feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center. 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 have operating hours not earlier than \_\_\_\_\_ a.m. and not later than \_\_\_\_\_ p.m.
  - h. Drive-through services are prohibited.
  - i. Cultivation of medical marijuana is prohibited.
  - j. Shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.

101. Messenger Service

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**Amend the light industrial district) as follows.**

90. Meat Packing and Smoking (no slaughtering except rabbits and poultry)
91. Medical Marijuana Cultivation, subject to the following conditions and limitations:
  - a. Applicant shall provide:
    - 1) name(s) and location(s) of the offsite dispensary.
    - 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 \_\_\_\_\_ feet.
  - b. Shall not be located within \_\_\_\_\_ feet of the same type of use. 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.
  - c. Shall not be located within \_\_\_\_\_ 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.
  - d. Shall not be located within \_\_\_\_\_ feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center. 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.
92. Medical Marijuana Dispensary, 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 \_\_\_\_\_ feet.
- b. Shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
- c. Shall be a maximum \_\_\_\_\_ gross square feet.
- d. Shall not be located within \_\_\_\_\_ feet of the same type of use. 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 \_\_\_\_\_ 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 \_\_\_\_\_ feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center. 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 have operating hours not earlier than \_\_\_\_\_ a.m. and not later than \_\_\_\_\_ p.m.
- h. Drive-through services are prohibited.

93. Medical Marijuana Infusion (*or Manufacturing*) Production Facility

- a. Applicant shall provide:
  - 1) name(s) and location(s) of the offsite dispensary.

- 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 \_\_\_\_\_ feet.
- b. The facility shall not be located within \_\_\_\_\_ feet of the same type of use. 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.
  - c. The facility shall not be located within \_\_\_\_\_ 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.
  - d. The facility shall not be located within \_\_\_\_\_ feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center. 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.
  - e. There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.

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