

ADOPTED BY THE
MAYOR AND COUNCIL ON

September 9, 2014

ORDINANCE NO. 11199

RELATING TO PLANNING AND ZONING; AMENDING CERTAIN PORTIONS OF THE UNIFIED DEVELOPMENT CODE, CHAPTER 23B, ARTICLE 4, ZONES; SECTION 4.9, USE SPECIFIC STANDARDS, SUBSECTION 4.9.9, RETAIL TRADE USE GROUP; ARTICLE 7, DEVELOPMENT STANDARDS, SECTION 7.4, MOTOR VEHICLE AND BICYCLE PARKING, SUBSECTIONS 7.4.4, REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES; USE TABLE 7.4.4-1 AND 7.4.8, REQUIRED NUMBER OF BICYCLE PARKING SPACES, USE TABLE 7.4.8-1, DECLARING A SUNSET DATE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. The Unified Development Code, Chapter 23B, Article 4, Zones, Section 9, Use-Specific Standards, Subsection 4.9.9 is hereby amended to read as follows:

ARTICLE 4. ZONES
SECTION 9. USE-SPECIFIC STANDARDS

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4.9.9 RETAIL TRADE USE GROUP.

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E. Medical Marijuana

1. Medical Marijuana Dispensary
 - a. The total maximum floor area of a medical marijuana dispensary shall not exceed 4,000 square feet.
 - b. The secure storage area for the medical marijuana stored at the medical marijuana

dispensary shall not exceed 500 square feet of the total maximum floor area of a medical marijuana dispensary.

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- d. The permitted hours of operation of a medical marijuana dispensary are from 7:00 a.m. to 10:00 p.m.

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- h. A medical marijuana dispensary may deliver medical marijuana to qualifying patients and shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

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- j. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a K-12 public, private, or charter school or a licensed childcare center, measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana dispensary to the closest property line of a school or childcare center. Exception: For the purposes of this section, the following uses are not considered schools, and therefore, exempt from the setback requirement: 1) school administrative offices not located on or contiguous with a school site; and, 2) athletic fields or playgrounds used for school functions that are not contiguous with a school site, except as provided in Section 4.9.9.E.1.k.

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- l. A medical marijuana dispensary and associated uses such as infusion kitchens, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

2. Medical Marijuana Dispensary Off-site Cultivation Location

- a. In the C-2 and C-3 zones, the total maximum floor area of a medical marijuana dispensary off-site cultivation location shall not exceed 3,000 square feet.
- b. In the I-1 and I-2 zones, there is no size limit.
- c. In the C-2 and C-3 zones, the secure storage area for the medical marijuana stored at the medical marijuana dispensary off-site cultivation location shall not exceed 1,000 square feet of the 3,000 square foot total maximum floor area of a medical marijuana dispensary off-site cultivation location.
- d. A medical marijuana dispensary off-site cultivation location shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle. "Building" shall have the meaning provided in Section 11.4.
- e. In the C-2 and C-3 zones, a medical marijuana dispensary off-site cultivation location shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries or medical marijuana dispensary off-site cultivation locations measured in a straight and direct horizontal line between the two closest exterior walls of medical marijuana dispensaries' cultivation locations.
- f. In the C-2 and C-3 zones, a medical marijuana dispensary off-site cultivation location shall be setback a minimum of 1,000 feet from a K-12 public, private or charter school or a licensed childcare center measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana off-site cultivation location to the nearest property line of a school or childcare center. Exception. For the purposes of this section, the following uses are

not considered schools, and therefore, exempt from the setback requirement: 1) school administrative offices not located on or contiguous with a school site; and, 2) except as provided in Section 4.9.9.E.k, athletic fields or playgrounds used for school functions that are not contiguous with a school site.

- g. In the C-2 and C-3 zones, a medical marijuana dispensary off-site cultivation location shall be setback a minimum of 1,000 feet from a public park listed in Section 6: *Medical Marijuana Dispensary and Dispensary Off-Site Cultivation Uses - Required Setback from Certain Parks*, of the Technical Standards Manual, a church or library and a minimum of 2,000 feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed residential drug or alcohol rehabilitation facility measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana dispensary off-site cultivation location to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility, or other licensed drug or alcohol rehabilitation facility. A “church” means a building that is erected or converted for use as a church, where services are regularly convened that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs, or other architectural features.
- h. In the I-1 and I-2 zones, a medical marijuana dispensary off-site cultivation location shall be setback a minimum of 500 feet from a K-12 public, private, or charter school, measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana off-site cultivation location to the closest property line of a school.
- i. A medical marijuana off-site cultivation location and associated uses such as infusion kitchens, shall comply with all lawful, applicable health

regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

- j. A medical marijuana dispensary off-site cultivation location shall provide only wholesale products to other medical marijuana dispensaries or medical marijuana dispensary off-site cultivation locations.

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SECTION 2. The Unified Development Code, Chapter 23B, Article 7, Development Standards, Section 4, Motor Vehicle and Bicycle Parking, Subsections 7.4.4 and 7.4.8, Use Tables 7.4.4-1 and 7.4.8-1 are hereby amended to read as follows:

**ARTICLE 7. DEVELOPMENT STANDARDS
SECTION 4. MOTOR VEHICLE AND BICYCLE PARKING**

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7.4.4. REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES

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- B. Minimum Number of Motor Vehicle Parking Spaces Required

The minimum number of motor vehicle parking spaces required is provided in Table 7.4.4-1.

TABLE 7.4.4-1: MINIMUM NUMBER OF MOTOR VEHICLE SPACES REQUIRED	
Land Use Group/Class	Motor Vehicle Parking Required
	* * *
RETAIL TRADE USE GROUP*	1 space per 300 sq. ft. GFA, except as follows:
	* * *
Medical Marijuana Dispensary Off-Site Cultivation Location	1 space per 2,000 sq. ft. of storage area for the first 20,000 sq. ft. of storage area plus 1 space per 10,000 sq. ft. of storage area for over 20,000 sq. ft. of storage area, with a minimum of 2 spaces
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7.4.8. REQUIRED NUMBER OF BICYCLE PARKING SPACES

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B. Minimum Number of Bicycle Parking Spaces Required

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2. Minimum Required Bicycle Parking Spaces

Table 7.4.8-1: Minimum Required Bicycle Parking Spaces		
Land Use Group/Class	Short-Term Bicycle Parking Required	Long-Term Bicycle Parking Required
* * *		
RETAIL TRADE USE GROUP*		
* * *		
Medical Marijuana Dispensary Off-Site Cultivation Location	2 spaces	1 space per 40,000 sq. ft. GFA. Minimum requirement is 2 spaces. Maximum requirement is 10 spaces.
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SECTION 3. The provisions of this Ordinance shall cease to be effective on January 31, 2019, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to this amending Ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement this Ordinance, as added or to revert to those provisions existing prior to this Ordinance.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 5. If any provisions of this Ordinance, or of its application to any person or circumstance is declared invalid or unenforceable, as determined by a court of competent jurisdiction, the invalidity or unenforceability shall not affect other provisions or applications of this Ordinance which can be given effect without the

invalid provision or circumstance, and to this end, the provisions of this Ordinance are severable.

SECTION 6. Nothing in this Ordinance is intended to permit or assist in the violation of either the Federal Controlled Substances Act or the Arizona Controlled Substances Act. Furthermore, nothing in this ordinance is intended to prevent or frustrate Federal and State enforcement of any laws or regulations applicable to the possession, use or distribution of marijuana or act as a defense to the commission of any act prohibited by Federal or State law.

SECTION 7. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall become effective immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, September 9, 2014.



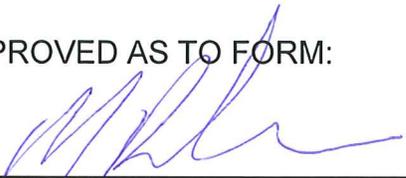
MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:



CITY MANAGER

PG/tl
8/25/14

