ADOPTED BY THE
MAYOR AND COUNCIL ON

February 23, 2016

ORDINANCE NO. 11346

RELATING TO PLANNING AND ZONING; AMENDING THE TUCSON CODE, CHAPTER 23B, UNIFIED DEVELOPMENT CODE, SECTION 4.9.9; AND SETTING AN EFFECTIVE DATE.

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

SECTION 1. The Tucson Code, Chapter 23B, Unified Development Code, Article 4, Zones, Section 4.9, Use-Specific Standards, Section 4.9.9 is hereby amended to read as follows:

UNIFIED DEVELOPMENT CODE
ARTICLE 4, ZONES
SECTION 4.9, 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

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i. A medical marijuana dispensary shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries, measured in a straight and direct horizontal line between the two closest exterior or applicable interior suite walls of medical marijuana dispensaries.

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 or applicable interior suite 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.

k. A medical marijuana dispensary 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 or applicable interior suite wall of the medical marijuana dispensary 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.

l. The expansion of an existing medical marijuana dispensary 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 or applicable interior suite wall of the medical marijuana dispensary to the closest property line of a school.

m. 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 4,000 square feet.

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d. In the C-2 and C-3 zones, 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 I-1 and I-2 zones, a medical marijuana dispensary off-site cultivation location shall be located in a permanent, enclosed, locked facility in accordance with state statute and Arizona Department of Health Services rules and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

f. 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 or applicable interior suite walls of medical marijuana dispensaries' cultivation locations.

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 K-12 public, private or charter school or a licensed childcare center measured in a straight and direct horizontal line from the closest exterior or applicable interior suite 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.

h. 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 or applicable interior suite 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.

i. 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 or applicable interior suite wall of the medical marijuana off-site cultivation location to the closest property line of a school.

j. 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.

k. 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 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. 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 5. This Ordinance becomes effective thirty (30) days after it is adopted by the Mayor and Council and is available from the City Clerk.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, February 23, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED BY:

CITY MANAGER

PG/tl
2/3/16