

# Affidavit of Posting

● City of Tucson ●

State of Arizona  
County of Pima

} ss

I, the undersigned, the duly appointed City Clerk for the City of Tucson, Arizona, do hereby affirm the following Ordinance(s)/Resolution(s) was (were) posted online at <https://www.tucsonaz.gov/clerks/mayorcouncil>.

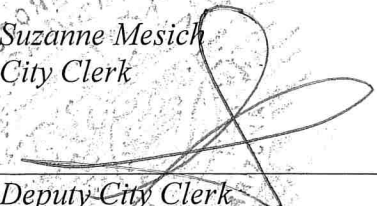
Ordinance(s) 12075

Date adopted by Mayor and Council: March 19, 2024

Date Posted: March 20, 2024

To remain posted until: April 21, 2024

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Tucson, Arizona, this 20th day of March, 2024.

Suzanne Mesich  
City Clerk  
By:   
Deputy City Clerk

CITY CLERK FILE NOTE: Date prepared by Leg. Acts/Agenda Section: 03/20/2024  
Date received by Mail Clerk: 03/20/2024  
Date received by Public Records Section: 03/20/2024

ADOPTED BY THE  
MAYOR AND COUNCIL

March 19, 2024

ORDINANCE NO. 12075

RELATING TO ZONING; A SPECIAL EXCEPTION LAND USE – MARIJUANA DISPENSARY – TP-ENT-1023-00041 HARVEST TUCSON - 1010 S. FREEWAY, BUILDING A, SUITE 130 – LOCATED ON THE WEST SIDE OF INTERSTATE 10 APPROXIMATELY 600-FEET NORTHWEST OF THE INTERSECTION OF W STARR PASS BOULEVARD AND INTERSTATE 10; APPROVING WITH CONDITIONS THE CONSTRUCTION OF A MARIJUANA DISPENSARY IN THE C-2 ZONE; AND SETTING AN EFFECTIVE DATE.

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

SECTION 1. The special exception land use application for a marijuana dispensary located approximately 600 feet Northwest of the intersection of West Starr Pass Boulevard and Interstate 10 is approved subject to the conditions attached hereto as Exhibit "A."

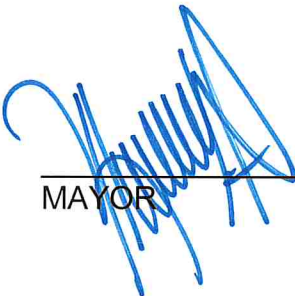
SECTION 2. Notwithstanding any provision of the Tucson Code, no grading, grubbing, filling, excavation, construction, or other physical alteration of the site in furtherance of the project contemplated by this Ordinance shall occur prior to the effective date of the Ordinance.

SECTION 3. This Ordinance becomes effective thirty (30) days after it is adopted by the Mayor and Council and is available from the City Clerk.


SECTION 4. The provisions of this Ordinance, including the attached conditions, cannot be given effect individually, and to this end, the provisions of this Ordinance and the attached conditions are not severable.

SECTION 5. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, March 19, 2024.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED BY:

  
\_\_\_\_\_  
CITY MANAGER

## **EXHIBIT "A" TO ORDINANCE No. 12075**

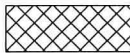
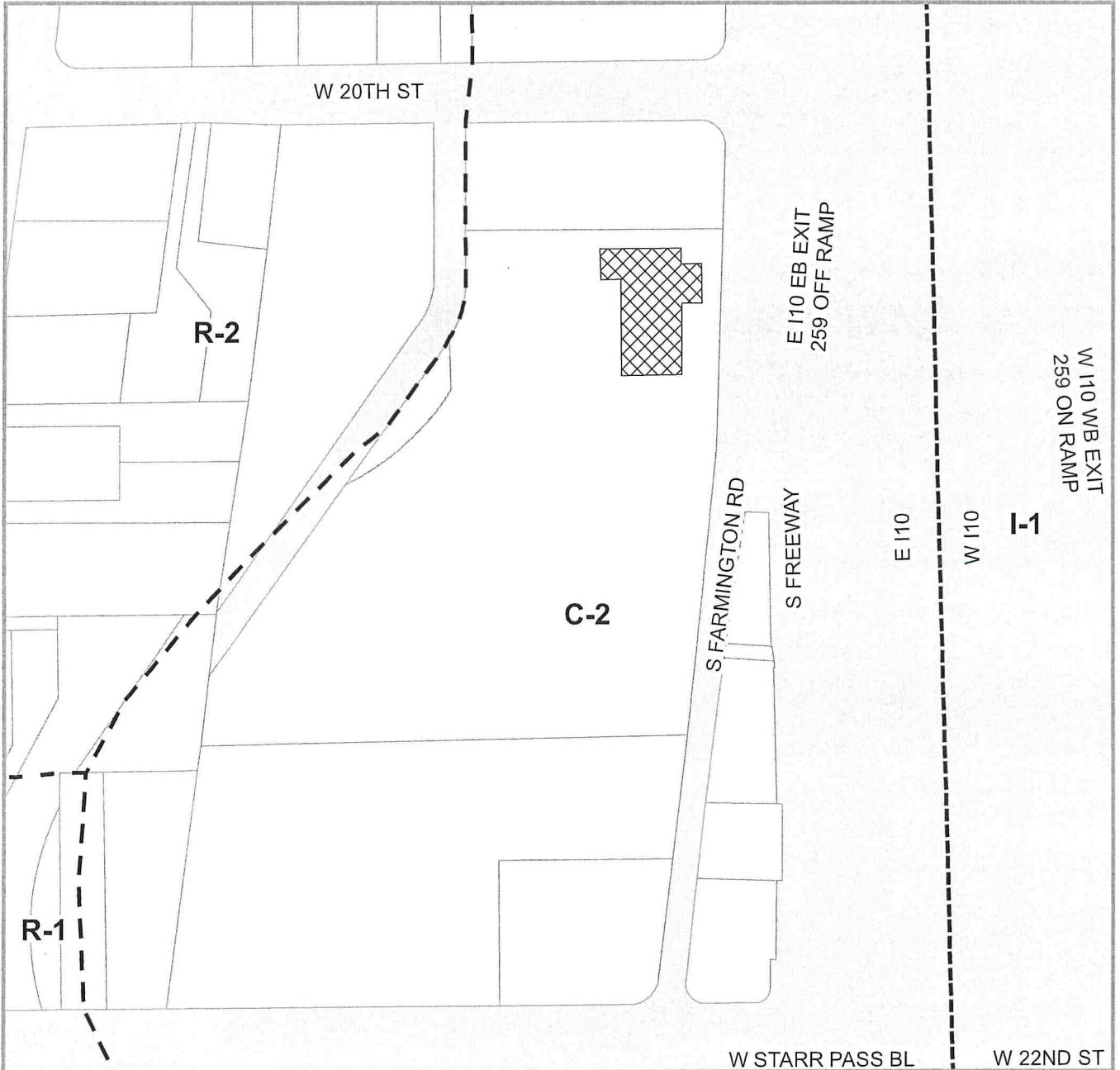
Requirements for Special Exception Case TP-ENT-1023-00041 Harvest Tucson - 1010 S. Freeway, Building A, Suite 130 as established by Mayor and Council on March 19, 2024.

This Ordinance is subject to the following conditions:

### **PROCEDURAL**

1. A development package in substantial compliance with the revised preliminary development plan, and required reports, dated December 6, 2023, is to be submitted and approved in accordance with the Unified Development Code (UDC) *Administrative Manual*, Sec. 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134(I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment." The fully executed Waiver must be received by the Planning & Development Services Department (PDSD) before the item is scheduled for Mayor and Council action.
3. Eighteen months are allowed from the date of approval of the Special Exception by the Mayor and Council until the issuance of a Certificate of Occupancy by PDSD. The PDSD Director may grant one (1) six-month extension following a written request from the property owner. The request must be received by PDSD a minimum of 60 days prior to the end of the 18-month timeframe and include the reason(s) for the extension request.
4. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. Sec. 41-865 the discovery of human remains, and associated objects found on private lands in Arizona must be reported to the Director of the Arizona State Museum.
5. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
6. Pima County Wastewater Reclamation provides the condition that the owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the special exception area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for

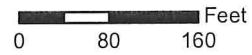
**TP-ENT-1023-00041 - Harvest Tucson, 1010 S FREEWAY Unit:BLDG A UNIT 130**



Area of Special Exception

Ordinance 12075

Adoption Date March 19, 2024



1 inch = 164.45 feet



Ordinance becomes effective 30 days after adoption by Mayor and Council and when it is made available by the City Clerk.

Legal Description: CTRL PTN W2 SE SE LYG WLY FREEWAY & LYG 136.86' TO 273.91' SLY OF 20TH

*Krista Swales*

Director, Planning & Development Services Department

Created by: MB, 02/15/2024

