

## **MARANA ORDINANCE NO. 2010.18**

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RELATING TO LAND DEVELOPMENT; AMENDING THE MARANA LAND DEVELOPMENT CODE TO AMEND TITLE 3 (DEFINITIONS) TO ADD DEFINITIONS OF “MEDICAL MARIJUANA DISPENSARY” AND “MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION”; TO AMEND TITLE 5 (ZONING) TO ADD “MEDICAL MARIJUANA DISPENSARY” AS A CONDITIONAL USE IN THE RC REGIONAL COMMERCIAL ZONE (05.11.04), THE LI LIGHT INDUSTRIAL ZONE (05.12.02), AND THE HI HEAVY INDUSTRY ZONE (05.12.03), AND TO ADD “MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION” AS A CONDITIONAL USE IN THE AG AGRICULTURAL ZONE (05.10.01), THE LI LIGHT INDUSTRIAL ZONE (05.12.02), AND THE HI HEAVY INDUSTRY ZONE (05.12.03); AND TO AMEND TITLE 8 (GENERAL DEVELOPMENT REGULATIONS) TO ADD A NEW SECTION 08.08 ENTITLED “MEDICAL MARIJUANA USES,” IMPOSING SPECIAL SETBACK, PERFORMANCE, AND APPLICATION REQUIREMENTS FOR ALL “MEDICAL MARIJUANA DISPENSARY” AND “MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION” USES; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS proposed A.R.S. § 36-2806.01 of Proposition 203, the Arizona Medical Marijuana Act, to be presented to Arizona voters at the November 2, 2010 election, allow municipalities to enact reasonable zoning regulations that limit the use of land for medical marijuana dispensaries; and

WHEREAS the possession, delivery, manufacture, cultivation, or sale of marijuana is illegal under the both the federal Controlled Substances Act and the Arizona Controlled Substances Act; and

WHEREAS the Arizona Medical Marijuana Act, if adopted, may be preempted or limited by the federal Controlled Substances Act or the Arizona Controlled Substances Act; and

WHEREAS 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; and

WHEREAS states permitting the medical use of marijuana have experienced various problems associated with medical marijuana dispensaries, including mobile marijuana distribution and marijuana dispensary proliferation; and

WHEREAS states permitting the medical use of marijuana have reported increased occurrences of crime associated with medical marijuana dispensaries; and

WHEREAS the Mayor and Council of the Town of Marana find that the revisions adopted by this ordinance address these problems and are in the best interests of the Town of Marana and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. The amendments to the Marana Land Development Code to amend Title 3 (Definitions) to add definitions of “medical marijuana dispensary” and “medical marijuana dispensary offsite cultivation location”; to amend Title 5 (Zoning) to add “medical marijuana dispensary” as a conditional use in the RC Regional Commercial zone (05.11.04), the LI Light Industrial zone (05.12.02), and the HI Heavy Industry zone (05.12.03), and to add “medical marijuana dispensary offsite cultivation location” as a conditional use in the AG Agricultural zone (05.10.01), the LI Light Industrial zone (05.12.02), and the HI Heavy Industry zone (05.12.03); and to amend Title 8 (General Development Regulations) to add a new section 08.08 entitled “Medical Marijuana Uses,” imposing special setback, performance, and application requirements for all “medical marijuana dispensary” and “medical marijuana dispensary offsite cultivation location” uses, three copies of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, which were made a public record by and attached as Exhibit A to Resolution No. 2010-103 of the Town of Marana, Arizona, are hereby referred to, adopted and made a part of this ordinance as if fully set out here.

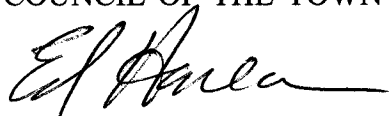
SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. This ordinance shall be effective on the later of (i) November 20, 2010, or (ii) the effective date of Proposition 203, the 2010 Arizona Medical Marijuana Act Initiative.

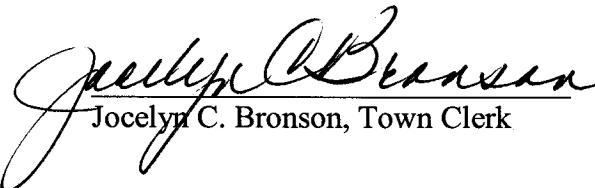
SECTION 4. If the voters reject Proposition 203, the 2010 Arizona Medical Marijuana Act Initiative, on the November 2, 2010 ballot, this ordinance shall be null and void and shall not become effective.

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

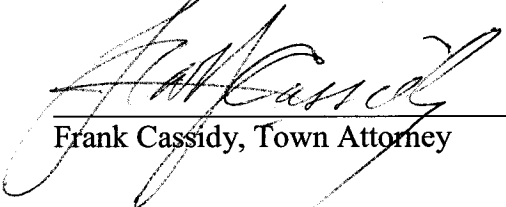


  
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Mayor Ed Honea

ATTEST:

  
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Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:

  
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Frank Cassidy, Town Attorney