



Medical Marijuana Ordinance
Susan Moore to: CityClerkAgenda
Cc: Melanie Sala-Friedrichs, Jeff Kurtz

02/10/2011 03:21 PM

----- Forwarded by Susan Moore/COC on 02/10/2011 03:20 PM -----

From: Carolyn Stewart <gstew@q.com>
To: <Mayor&Council@chandleraz.gov>
Date: 02/08/2011 06:51 PM
Subject: concerning Marijuana zoning

I am unable to attend the meeting. I hope that the council will craft rules which will protect this city and the people from the activities which will be drawn to these places. Make your rules firm and the boundaries solid.....no loop holes.

It will be easier for those who purchase and those who police the sales, if the rules are clear and complete.

Carolyn Stewart
2431 e. Elgin Street]
Chandler, AZ 85225

----- Forwarded by Susan Moore/COC on 02/10/2011 03:20 PM -----

From: "Carol Clesceri" <cclesceri@cox.net>
To: <MayorandCouncil@chandleraz.gov>
Date: 02/09/2011 05:22 PM
Subject: Medical Marijuana Ordinance

To Mayor and all City Council Members:

As a resident of the City of Chandler, I am astounded to hear the Planning and Zoning Commission cave in to city staff recommendations and have such a lack of concern and consideration for the families living in this community. It is incredible that Planning and Zoning has apparently gone out of their way to accommodate marijuana growers and at the same time show a total disregard for the families living in Chandler. I plan on attending the meeting Feb. 10 and have encouraged other Chandler residents also to attend in the hopes the Mayor and City Council members will not make the same mistake made by Planning and Zoning.

Marijuana retail outlets are a disgusting and a sad reality our City – I truly believe no good will come from as a result of this new law. The very least the City Council can do is to not to make it so easy for these outlets to set up business so near our homes, parks, and hospitals.

You MUST require these outlets to have shorter evening hours to aid the police in the enforcement during “dark” hours.

You MUST require at least a quarter mile separation from residential districts, hospitals, and parks.

Please help protect our community and not make it so easy for marijuana growers to

peddle their drugs.

Sincerely,

Carol Clesceri
3650 E. Coconino Dr.
Chandler, AZ 85249

----- Forwarded by Susan Moore/COC on 02/10/2011 03:20 PM -----

From: Joyce Sample <rsample2@live.com>
To: <mayor&council@chandleraz.gov>
Date: 02/10/2011 01:38 PM
Subject:

As a Chandler resident I would like to suggest to the council that medical marijuana would only be distributed at hospitals. Also once a person receives a prescription that info is put into a data base and checked before another doctor can issue another prescription.

35

FEB 10 2011



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MEMORANDUM

Transportation & Development – CC Memo No. 11-007

DATE: JANUARY 20, 2011

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, ACTING CITY MANAGER *RD*
PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *PM*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*

FROM: JEFF KURTZ, PLANNING ADMINISTRATOR *JK*

SUBJECT: ZCA10-0007, CITY OF CHANDLER / MEDICAL MARIJUANA
INTRODUCTION TO ORDINANCE 4278

Request: City initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code, by amending Sections 35-200, 35-305 and 35-2100 by establishing definitions and Use Permit requirements relating to Medical Marijuana Facilities and Cultivation Sites and Infusion Food Establishments

RECOMMENDATION

Planning Commission and Staff recommend approval with modifications to Ordinance 4278 as attached and published. The modifications recommended are discussed in this report and shown as strike-out changes in the attached ordinance. If Council concurs with the modifications as recommended or as may be further modified by Council, the ordinance Introduction and Tentative Adoption would need to be continued to the February 24, 2011 Council meeting at which time the modified ordinance, having been published in the modified form, could be Introduced and Tentatively adopted. Alternatively, if Council acts to approve the Zoning Code Amendment in the form of the current ordinance with no changes then the ordinance could be Introduced and Tentatively adopted at the February 10, 2011 meeting.

BACKGROUND

A voter initiative (proposition) established a governing process for the dispensing of marijuana for medical purposes as defined by the initiative and administered by the State Department of Health Services. The proposition did not preempt a jurisdiction's authority to enact reasonable zoning regulations that limit the use of land for medical marijuana dispensaries.

The Mayor and Council on December 6, 2010 directed staff to initiate a Zoning Code Amendment addressing local zoning regulations for Medical Marijuana dispensing. The Council's Transportation and Development Subcommittee met on December 16, 2010 to provide general policy direction to staff upon which this proposed ordinance is based. This item was reviewed by Planning Commission on January 19, 2011 for their recommendation to amend the Zoning Code establishing definitions and Use Permit requirements relating to Medical Marijuana Facilities, Cultivation Sites and Infusion Food Establishments and procedures by which these uses may be considered to be located in Chandler.

The proposed ordinance, in the form of a Zoning Code Amendment, establishes several items. First, it creates definitions for *Edible Food Product*, *Infusion* or *Infuse*, *Infusion Food Establishment*, *Medical Marijuana*, *Medical Marijuana Dispensary*, *Medical Marijuana Facility*, *Medical Marijuana Cultivation Site*, and *Related Supplies*. These terms are used within the proposed ordinance and will be a definition with the Zoning Code. Secondly, the proposed ordinance establishes that Medical Marijuana Facilities (retail dispensing) would be allowed only in C-2 and C-3 Zoning Districts or in PAD Zoning Districts where C-2 and C-3 uses are allowed and only upon obtaining a Use Permit. The proposed ordinance establishes that Medical Marijuana Cultivation sites (growing operations) or Infusion Food Establishments (combining medical marijuana into edible food products) would be allowed only in I-1 or I-2 Zoning Districts or in PAD Zoning Districts where I-1 and I-2 uses are allowed and only upon obtaining a Use Permit. Thirdly, the proposed ordinance establishes the requirements of an application process specifying certain information needed to evaluate a Use Permit application such as a security plan and other criteria that would be a requirement of the use. Fourth, the proposed ordinance establishes separation requirements from protected uses (another Medical Marijuana Facility or Cultivation Sites or Infusion Food Establishment, Day Care Center, Public or Private Park, Place of Worship, School, Residential Zoning District Boundary, Public Library, Public or Private Hospital) that exceed that separation required by the state law. Fifth, the proposed ordinance establishes that a Use Permit would be valid for one-year, is non-transferable to another location, and creates renewal procedures.

The proposed ordinance section that affects the facility locations to the greatest degree are the separation requirements and the inclusion of which particular uses should be considered as protected uses requiring separation from dispensaries. Due to the ordinance adoption process requirements, the Subcommittee directed staff to include a quarter-mile spacing (1320 feet) from protected uses in order to be consistent unless it was determined that the separation distance would eliminate all locations within the City. Staff was to undertake a map analysis studying the results of quarter-mile spacing as applied to the city before making a final determination of which uses should be included as a protected use and how the separation spacing would impact available locations. A series of general and detailed maps are attached to this memo. The maps are based upon the best available data; however, any Use Permit application location would be further evaluated on current and specific separation requirements existing at the time the Use Permit is considered.

It is expected that the Department of Health Services will have completed their rule-making process and begin to issue dispensary licenses by the end of March 2011 or soon thereafter.

Thus, if Chandler were to enact further reasonable zoning regulations it is imperative that the ordinance adoption process be completed prior to the end of March.

DISCUSSION

Staff has reviewed the separation requirements discussed by the Subcommittee and prepared study maps that analyze the impact upon possible locations within the city. The study maps point out that the separation requirements will result in providing eligible locations within the city where Use Permits could be considered, however, when including the separation requirement of 1320 feet from a RESIDENTIAL ZONING DISTRICT BOUNDARY the locations are limited. Based upon Chandler’s land use pattern, commercially zoned property is almost always near or adjacent to residentially zoned property. Planning Commission and Staff would recommend that the final ordinance delete the separation requirement between dispensaries and RESIDENTIAL ZONING DISTRICT BOUNDARIES. A map that demonstrates how removing the residential separation requirement will affect available sites is also attached.

Secondly, the list of protected uses includes HOSPITALS, PUBLIC OR PRIVATE, and the applicable separation requirement. Inherently, it would seem that separating Medical Marijuana Facilities from hospitals where associated medical treatment is received would be inconsistent with the purpose of the use. Planning Commission and Staff would recommend that HOSPITALS, PUBLIC OR PRIVATE be deleted from the protected use list.

Thirdly, the list of protected uses includes PUBLIC OR PRIVATE PARK and the applicable separation requirement. A PRIVATE PARK is an ambiguous term that could be construed in many forms such as a subdivision’s private greenbelt, more clearly a private park, or a smaller tract of landscaping adjacent to a street. Planning Commission and Staff would recommend that that PRIVATE PARK be deleted from the protected use list yet still include PUBLIC PARK which are easily and clearly identifiable as a protected use.

Lastly, the ordinance identifies one of the Use Permit criterion (j) would be that the operating hours would be no earlier than 9:00 A. M. and not later than 7:00 P. M. Planning Commission and Staff are recommending that the P. M. hours be changed to 9:00 P.M. to better distribute patient visit times during the “after-work” time frames.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

In Favor: 6 Opposed: 0

During the Planning Commission hearing questions were raised regarding where patients could use medical marijuana. This action is to consider the locational aspects of where dispensaries should be located in the community rather than where patients use the medicine. As a follow up to the questions, staff advised that the Medical Marijuana Act identified certain specific restrictions on card holder’s lawful use such as prohibitions of use in public transportation vehicles (bus) and more general prohibitions, while not specifically defined, such as public places.

RECOMMENDED ACTION

Planning Commission and Staff recommend that the Zoning Code Amendment be continued to the February 24, 2011 Council meeting so that the ordinance can be modified and republished to delete the separation requirement from PRIVATE PARK, RESIDENTIAL ZONING DISTRICT BOUNDARY, and HOSPITALS, PUBLIC OR PRIVATE and to modify the Use Permit criteria (j) hours of operation from not earlier than 9:00 A.M. and not later than 9:00 P.M.

If other changes are to be made to the ordinance per Council direction, the specifics of those changes need to be exactly identified so that the ordinance modifications are accurate for the purposes of publishing.

PROPOSED MOTION TO ENACT PLANNING COMMISSION AND STAFF RECOMMENDATION MODIFYING PORTIONS OF ORDINANCE 4278

Move to continue Zoning Code Amendment ZCA10-0007 CITY OF CHANDLER/MEDICAL MARIJUANA to February 24, 2011 directing that Ordinance 4278 be modified and republished to incorporate Planning Commission and Staff recommendation.

PROPOSED MOTION TO APPROVE THE ZONING CODE AMENDMENT WITH NO CHANGES

Move to Introduce and Tentatively adopt Ordinance 4278 amending the Chandler Zoning Code in case ZCA10-0007 CITY OF CHANDLER/MEDICAL MARIJUANA.

Attachments

1. Ordinance 4278 with strike-out modifications included
2. Map with all protected uses per ordinance (2)
3. Map with all protected uses except residential zoning districts, hospitals (public or private), and private parks (2)
4. Detail air-photo map with all protected uses except residential zoning districts, hospitals (public or private), and private parks (6)
5. Correspondence
6. Other jurisdictions chart

ORDINANCE NO. 4278

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SECTIONS 35-200 OF ARTICLE II, SECTION 35-305 OF ARTICLE III, AND SECTION 35-2100 OF ARTICLE XXI, OF CHAPTER 35, (ZONING CODE) OF THE CHANDLER CITY CODE; BY ESTABLISHING DEFINITIONS AND USE PERMIT REQUIREMENTS RELATING TO MEDICAL MARIJUANA FACILITIES AND CULTIVATION SITES AND TO INFUSION FOOD ESTABLISHMENTS.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Section 35-200, Article II. "Definitions", Chapter 35, Chandler City Code, is hereby amended by adding the following definitions:

EDIBLE FOOD PRODUCT: A SUBSTANCE, BEVERAGE, OR INGREDIENT USED OR INTENDED FOR USE OR FOR SALE IN WHOLE OR IN PART FOR HUMAN CONSUMPTION.

INFUSION OR INFUSE: THE ACT OR PROCESS OF MIXING, BLENDING, COMBINING, OR OTHERWISE ADMIXING MEDICAL MARIJUANA OR THE ACTIVE INGREDIENTS OF MEDICAL MARIJUANA INTO AN EDIBLE FOOD PRODUCT.

INFUSION FOOD ESTABLISHMENT: A FOOD PROCESSING OR OTHER FOOD ESTABLISHMENT OF ANY TYPE OR SIZE, NOT OPERATED BY A MEDICAL MARIJUANA DISPENSARY AND NOT LOCATED AT A MEDICAL MARIJUANA FACILITY OR A MEDICAL MARIJUANA CULTIVATION SITE, BUT WHICH IS PERMITTED UNDER ARIZONA STATE LAW TO CONTRACT WITH AND DOES PROVIDE TO A MEDICAL MARIJUANA DISPENSARY EDIBLE FOOD PRODUCTS INFUSED WITH MEDICAL MARIJUANA.

MEDICAL MARIJUANA: ALL PARTS OF ANY PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, AND THE SEEDS OF SUCH PLANT, USED TO TREAT OR ALLEVIATE A DEBILITATING MEDICAL CONDITION OR THE SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION OF A PERSON WHO IS REGISTERED WITH AND IDENTIFIED BY THE ARIZONA STATE

DEPARTMENT OF HEALTH SERVICES AS A REGISTERED QUALIFYING PATIENT.

MEDICAL MARIJUANA DISPENSARY: A NOT-FOR-PROFIT ENTITY REGISTERED WITH AND APPROVED TO OPERATE BY THE ARIZONA STATE DEPARTMENT OF HEALTH SERVICES THAT ACQUIRES, POSSESSES, CULTIVATES, MANUFACTURES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES, SELLS, OR DISPENSES MEDICAL MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO CARDHOLDERS, AS THAT TERM IS DEFINED IN A.R.S. SECTION 36-2801.

MEDICAL MARIJUANA FACILITY: THE PHYSICAL LOCATION FROM WHICH A MEDICAL MARIJUANA DISPENSARY OPERATES TO ACQUIRE, POSSESS, SUPPLY, SELL, OR DISPENSE IN ANY MANNER OR FORM MEDICAL MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO CARDHOLDERS, AS THAT TERM IS DEFINED IN A.R.S. SECTION 36-2801. A MEDICAL MARIJUANA FACILITY CANNOT SERVE AS A MEDICAL MARIJUANA CULTIVATION SITE.

MEDICAL MARIJUANA CULTIVATION SITE: THE PHYSICAL LOCATION FROM WHICH A MEDICAL MARIJUANA DISPENSARY OPERATES TO GROW, CULTIVATE, MANUFACTURE, INFUSE, OR STORE MEDICAL MARIJUANA, OR FROM WHICH IT DELIVERS, TRANSFERS, TRANSPORTS, OR SUPPLIES MEDICAL MARIJUANA TO ANOTHER MEDICAL MARIJUANA FACILITY OR CULTIVATION SITE. A MEDICAL MARIJUANA CULTIVATION SITE CANNOT SERVE AS A MEDICAL MARIJUANA FACILITY.

RELATED SUPPLIES: ANY EQUIPMENT, PRODUCT, OR MATERIAL OF ANY KIND THAT IS PRIMARILY INTENDED OR DESIGNED FOR THE PURPOSE OF ASSISTING A PERSON WHO IS REGISTERED WITH AND IDENTIFIED BY THE ARIZONA STATE DEPARTMENT OF HEALTH SERVICES AS A REGISTERED QUALIFYING PATIENT IN SMOKING OR OTHERWISE CONSUMING MEDICAL MARIJUANA.

SECTION II. Section 35-305, Article III, Chapter 35, Chandler City Code, is hereby amended by adding Subsection (6) to read as follows:

(6) *MEDICAL MARIJUANA FACILITY, MEDICAL MARIJUANA CULTIVATION SITE, AND INFUSION FOOD ESTABLISHMENT.* THE OPERATION OF A MEDICAL MARIJUANA FACILITY, A MEDICAL MARIJUANA CULTIVATION SITE, OR AN INFUSION FOOD ESTABLISHMENT SHALL ONLY BE ALLOWED IN ACCORDANCE WITH

THE PROVISIONS, PROCEDURES AND STANDARDS SET FORTH IN THIS SUBSECTION.

(a) *BASIC USE PROVISIONS.*

1. THE OPERATION OF A MEDICAL MARIJUANA FACILITY, A MEDICAL MARIJUANA CULTIVATION SITE, OR AN INFUSION FOOD ESTABLISHMENT IS NOT ALLOWED BY RIGHT IN ANY ZONING DISTRICT.

2. THE OPERATION OF A MEDICAL MARIJUANA FACILITY IS ALLOWED ONLY IN A C-2 OR C-3 DISTRICT OR IN THAT PORTION OF A PAD DISTRICT WHERE C-2 OR C-3 USES ARE ALLOWED AND ONLY UPON OBTAINING A USE PERMIT FOR SUCH USE.

3. THE OPERATION OF A MEDICAL MARIJUANA CULTIVATION SITE OR AN INFUSION FOOD ESTABLISHMENT IS ALLOWED ONLY IN AN I-1 OR I-2 DISTRICT OR IN THAT PORTION OF A PAD DISTRICT WHERE I-1 OR I-2 USES ARE ALLOWED AND ONLY UPON OBTAINING A USE PERMIT FOR SUCH USE.

(b) *APPLICATION.* THE APPLICATION PROCEDURES FOR A USE PERMIT TO OPERATE A MEDICAL MARIJUANA FACILITY, A MEDICAL MARIJUANA CULTIVATION SITE, OR AN INFUSION FOOD ESTABLISHMENT AT A SPECIFIED PREMISES SHALL BE THE SAME AS THE APPLICATION PROCEDURES STATED IN SECTION 35-305(1)(a) FOR GENERAL USE PERMITS, EXCEPT THAT IN ADDITION TO ANY OTHER REQUIRED SUBMITTALS, AN APPLICANT SHALL PROVIDE:

1. THE LOCATION OF THE PREMISES AT WHICH THE MEDICAL MARIJUANA FACILITY, THE MEDICAL MARIJUANA CULTIVATION SITE, OR INFUSION FOOD ESTABLISHMENT WILL BE OPERATED.

2. THE IDENTITY OF THE MEDICAL MARIJUANA DISPENSARY THAT WILL OPERATE THE MEDICAL MARIJUANA FACILITY OR THE MEDICAL MARIJUANA CULTIVATION SITE, AND, FOR AN INFUSION FOOD ESTABLISHMENT, THE IDENTITY OF THE OPERATOR OF THE ESTABLISHMENT.

3. IF THE PREMISES IDENTIFIED IN THE APPLICATION IS NOT OWNED BY THE MEDICAL MARIJUANA DISPENSARY MAKING APPLICATION FOR THE USE PERMIT, A WRITTEN STATEMENT SIGNED BY THE PROPERTY OWNER AUTHORIZING THE APPLICANT TO APPLY FOR THE USE PERMIT FOR THE PREMISES AND CONSENTING TO THE USE BEING REQUESTED IN THE APPLICATION.

4. A SITE PLAN FOR THE PROPERTY ON WHICH THE PREMISES IS LOCATED SHOWING LOT DIMENSIONS WITH FRONT, SIDES AND REAR SETBACKS, AND, WHERE APPLICABLE, IT'S LOCATION WITHIN THE LARGER DEVELOPMENT IN WHICH THE PROPERTY MAY BE SITUATED.

5. AN ACCURATE, TO-SCALE, FLOOR PLAN CLEARLY SHOWING THE CONFIGURATION OF THE PREMISES AND STATING THE TOTAL FLOOR SPACE OF THE PREMISES OR PORTION THEREOF TO BE USED FOR THE PURPOSE FOR WHICH THE USE PERMIT IS REQUESTED. IN ADDITION TO ANY OTHER INFORMATION, THE FLOOR PLAN SHALL SPECIFICALLY IDENTIFY AND PROVIDE AS APPLICABLE: (i) THE LOCATION OF THE ENCLOSED, LOCKED FACILITY IN WHICH CULTIVATION OR STORAGE OF MEDICAL MARIJUANA WILL TAKE PLACE; (ii) THE TOTAL FLOOR SPACE FOR THE ENCLOSED, LOCKED FACILITY; (iii) THE LOCATION WITHIN THE PREMISES WHERE INFUSION WILL TAKE PLACE; (iv) ALL ENTRANCES AND EXITS TO AND FROM THE PREMISES, INDICATING WHICH SUCH ENTRANCES ARE SECURED AND WHICH, IF ANY, ARE NOT SECURED; (v) THE LOCATION OF ANY WINDOWS FROM WHICH A MEMBER OF THE PUBLIC CAN VIEW ACTIVITIES OCCURRING INSIDE THE PREMISES; (vi) ANY ADDITIONAL SECURITY MEASURES OR DEVICES TO BE INSTALLED IN OR UPON THE PREMISES, INCLUDING WITHOUT LIMITATION ANY ON-SITE ALARM SYSTEM OR SECURITY LIGHTING; AND (vii) ADDITIONAL PROTECTIONS, IF ANY, AGAINST MEDICAL MARIJUANA DIVERSION AND THEFT.

(c) *REVIEW.* THE REVIEW AND APPROVAL OF AN APPLICATION FOR A USE PERMIT TO OPERATE A MEDICAL MARIJUANA FACILITY, A MEDICAL MARIJUANA CULTIVATION SITE, OR AN INFUSION FOOD ESTABLISHMENT SHALL CONSIDER ALL RELEVANT LAND USE FACTORS, INCLUDING

THOSE STATED IN SECTION 35-305(1)(b) FOR GENERAL USE PERMITS, AS WELL AS THE USE PERMIT CRITERIA AND LOCATION REQUIREMENTS STATED IN SECTIONS 35-305(6)(e) AND 35-305(6)(f) BELOW.

(d) *APPROVAL.* AN APPLICATION FOR A USE PERMIT UNDER THIS SUBSECTION (6) MAY BE APPROVED OR DENIED BY THE CITY COUNCIL, BASED UPON THE FINDINGS SET FORTH IN SUBSECTION 35-305(1)(c). APPROVAL OF SUCH A USE PERMIT APPLICATION SHALL NOT BE CONSTRUED AS ANY ENDORSEMENT BY THE CITY OF THE USE OR OPERATION FOR WHICH THE USE PERMIT HAS BEEN REQUESTED BY THE APPLICANT.

(e) *USE PERMIT CRITERIA.* THE PREMISES IN OR UPON WHICH SHALL BE OPERATED A MEDICAL MARIJUANA FACILITY, A MEDICAL MARIJUANA CULTIVATION SITE OR AN INFUSION FOOD ESTABLISHMENT SHALL:

1. BE LOCATED IN A PERMANENT BUILDING AND SHALL NOT BE LOCATED IN A TEMPORARY STRUCTURE, TRAILER, CARGO CONTAINER, MOTOR VEHICLE, OR OTHER SIMILAR NON-PERMANENT ENCLOSURE.

2. NOT BE LARGER THAN 2,500 GROSS SQUARE FEET FOR A MEDICAL MARIJUANA FACILITY AND 3,000 GROSS SQUARE FEET FOR A MEDICAL MARIJUANA CULTIVATION SITE. THE SECURE STORAGE AREA SHALL NOT EXCEED 500 SQUARE FEET IN A MEDICAL MARIJUANA FACILITY AND 1,000 SQUARE FEET IN A MEDICAL MARIJUANA CULTIVATION SITE.

3. BE OPERATED ONLY BY A MEDICAL MARIJUANA DISPENSARY OR, IN THE CASE OF AN INFUSION FOOD ESTABLISHMENT, A PERSON OR ENTITY AUTHORIZED BY STATE LAW TO INFUSE EDIBLE FOOD PRODUCTS, WHO DOES:

a. COMPLY WITH ALL REGISTRATION AND RECORDKEEPING REQUIRED BY THE CITY OF CHANDLER, MARICOPA COUNTY AND ARIZONA LAW.

b. OBTAIN, MAINTAIN AND DISPLAY A VALID CITY OF CHANDLER BUSINESS REGISTRATION OR LICENSE AS MAY BE REQUIRED BY CITY CODE.

c. NOT PROVIDE OFF-SITE DELIVERIES OF MEDICAL MARIJUANA TO A CARDHOLDER.

d. NOT SELL MERCHANDISE OTHER THAN MEDICAL MARIJUANA AND RELATED SUPPLIES.

e. NOT HAVE OR OPERATE DRIVE-THROUGH FACILITIES OR TAKE-OUT WINDOWS.

f. NOT EMIT DUST, FUMES, VAPORS OR ODORS INTO THE ENVIRONMENT.

g. PROHIBIT CONSUMPTION OF MEDICAL MARIJUANA ON THE PREMISES.

h. NOT PERMIT OUTDOOR SEATING ANYWHERE ON THE PREMISES. WHERE THE PREMISES IS LOCATED WITHIN A LARGER COMMERCIAL OR INDUSTRIAL DEVELOPMENT HAVING WALKWAYS OR OTHER COMMON AREA CONTAINING ALREADY EXISTING OUTDOOR SEATING REQUIRED AS A CONDITION OF THE ZONING FOR THE DEVELOPMENT, THEN NO NEW OUTDOOR SEATING SHALL BE LOCATED IMMEDIATELY ADJACENT TO THE PREMISES.

i. ALLOW ANNUAL FIRE INSPECTIONS PURSUANT TO THE CITY OF CHANDLER CODE.

j. HAVE OPERATING HOURS NOT EARLIER THAN 9:00 A.M. AND NOT LATER THAN ~~7:00~~ 9:00 P.M.

(f) *SEPARATION REQUIREMENTS.* A MEDICAL MARIJUANA FACILITY OR A MEDICAL MARIJUANA CULTIVATION SITE SHALL BE LOCATED A MINIMUM DISTANCE FROM THE USES SET FORTH IN *TABLE 305.6.EE. MEDICAL MARIJUANA FACILITIES LOCATION REQUIREMENTS.* MEASUREMENTS SHALL BE MADE

IN A STRAIGHT LINE IN ANY DIRECTION FROM THE CLOSEST EXTERIOR WALL OF THE MEDICAL MARIJUANA FACILITY OR MEDICAL MARIJUANA CULTIVATION SITE TO THE NEAREST PROPERTY LINE OF ANY PARCEL CONTAINING USES IDENTIFIED IN THE TABLE. NO SEPARATION IS REQUIRED WHEN A MEDICAL MARIJUANA FACILITY OR A MEDICAL MARIJUANA CULTIVATION SITE IS SEPARATED FROM ANOTHER SUCH FACILITY OR SITE BY A FREEWAY.

TABLE 305.6.EF MEDICAL MARIJUANA FACILITIES LOCATION REQUIREMENTS

USE OR USE CLASSIFICATION	SEPARATION REQUIREMENT (FEET)
ANOTHER MEDICAL MARIJUANA FACILITY OR CULTIVATION SITE	5,280
DAY CARE CENTER, PUBLIC OR PRIVATE	1,320
PUBLIC OR PRIVATE PARK	1,320
PLACE OF WORSHIP	1,320
CHARTER SCHOOLS, PUBLIC SCHOOLS OR PRIVATE SCHOOLS	1,320
RESIDENTIAL ZONING DISTRICT BOUNDARY	1,320
PUBLIC LIBRARY	1,320
HOSPITALS, PUBLIC OR PRIVATE	1,320

NOTE: AS PART OF THE USE PERMIT REVIEW PROCESS, THE CITY COUNCIL MAY ALLOW MINOR DEVIATIONS TO THE SEPARATION REQUIREMENTS IF COUNCIL FINDS THAT, UNDER THE PARTICULAR CIRCUMSTANCES, THE SUBJECT PREMISES IS SO LOCATED AS TO SATISFY THE INTENT OF THE SEPARATION REQUIREMENTS.

(g) *ISSUANCE OF USE PERMIT:*

1. A USE PERMIT ISSUED UNDER THIS SUBSECTION SHALL BE VALID FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF CITY COUNCIL APPROVAL OF THE USE PERMIT APPLICATION, EXCEPT AS PROVIDED IN PARAGRAPH (g)2 BELOW.

2. A USE PERMIT ISSUED UNDER THIS SUBSECTION (6) SHALL BE DEEMED VOID AND TO HAVE AUTOMATICALLY EXPIRED IF THE PERMITTED USE IS NOT COMMENCED BY THE PERMIT HOLDER OR

SUBSTANTIAL CONSTRUCTION HAS NOT TAKEN PLACE WITHIN NINE (9) MONTHS AFTER THE DATE OF CITY COUNCIL APPROVAL.

3. THE VALIDITY OF A USE PERMIT UNDER THIS SUBSECTION (6) IS FURTHER CONDITIONED UPON THE PERMIT HOLDER AND THE PERMITTED PREMISES BEING AT ALL TIMES IN COMPLIANCE WITH APPLICABLE CITY BUILDING CODES, DEVELOPMENT STANDARDS AND OTHER LAND USE REGULATIONS STATED IN THE ZONING CODE OR ANY OTHER ORDINANCE OR CODE ADOPTED BY THE CITY OF CHANDLER.

(h) *NONTRANSFERABILITY OF USE PERMIT:* A USE PERMIT ISSUED UNDER THIS SUBSECTION IS NOT TRANSFERABLE TO ANY OTHER LOCATION OR PREMISES, NOR IS IT VALID FOR ANY OTHER USE OR BUSINESS ASSOCIATED WITH A MEDICAL MARIJUANA DISPENSARY THAT IS NOT SPECIFICALLY IDENTIFIED IN THE USE PERMIT.

(i) *PERMIT RENEWAL:*

1. A USE PERMIT UNDER THIS SUBSECTION (6) MAY BE RENEWED BY FILING AN APPLICATION FOR RENEWAL ON A FORM PROVIDED BY THE ZONING ADMINISTRATOR. THE APPLICATION FOR RENEWAL SHALL BE RECEIVED BY THE ZONING ADMINISTRATOR NOT LESS THAN SEVENTY (70) DAYS BEFORE THE EXPIRATION OF THE PERMIT. WHEN THE APPLICATION FOR RENEWAL IS RECEIVED LESS THAN SEVENTY (70) DAYS BEFORE THE EXPIRATION DATE, THE EXPIRATION OF THE USE PERMIT SHALL NOT BE DELAYED, POSTPONED OR OTHERWISE AFFECTED.

2. AN APPLICATION FOR RENEWAL SHALL BE CONSIDERED FOLLOWING THE SAME PROCEDURES AS AN ORIGINAL APPLICATION. THE APPLICATION FOR RENEWAL MAY BE DENIED FOR ANY REASON THAT AN ORIGINAL APPLICATION MAY BE DENIED OR REVOKED.

3. A MEDICAL MARIJUANA FACILITY OR MEDICAL MARIJUANA CULTIVATION SITE LAWFULLY OPERATING IS NOT RENDERED IN VIOLATION OF THE DISTANCE REQUIREMENTS SET FORTH IN 305(6)(f) IF,

SUBSEQUENT TO THE INITIAL GRANTING OF THE USE PERMIT UNDER THIS SUBSECTION (6), ANY OF THE USES IDENTIFIED IN TABLE 305(6)(f) ARE CONSTRUCTED OR LOCATED WITHIN THE REQUIRED SEPARATION AREA. THIS PROVISION APPLIES ONLY TO THE RENEWAL OF A VALID USE PERMIT AND DOES NOT APPLY WHEN AN APPLICATION FOR A USE PERMIT IS SUBMITTED AFTER A USE PERMIT HAS EXPIRED OR HAS BEEN REVOKED.

(j) *REVOCATION OR SUSPENSION:* A USE PERMIT ISSUED PURSUANT TO THIS SUBSECTION (6) IS SUBJECT TO REVOCATION OR SUSPENSION IN ACCORDANCE WITH PROVISIONS OF SUBSECTION 35-305(1) THAT ADDRESS THE ISSUE OF REVOCATION OR SUSPENSION.

SECTION III. Section 35-2100, Article XXI. "TABLE OF PERMITTED USES FOR NONRESIDENTIAL DISTRICTS", Chapter 35, Chandler City Code, is hereby amended by adding the following uses to read as follows:

USES	DISTRICTS				
	C-1	C-2	C-3	I-1	I-2
MEDICAL MARIJUANA DISPENSARY:					
MEDICAL MARIJUANA FACILITY		UP	UP		
MEDICAL MARIJUANA CULTIVATION SITE				UP	UP
INFUSION FOOD ESTABLISHMENT				UP	UP

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4278 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2011, and that a quorum was present thereat.

CITY CLERK

Approved as to form:

CITY ATTORNEY *GAB*

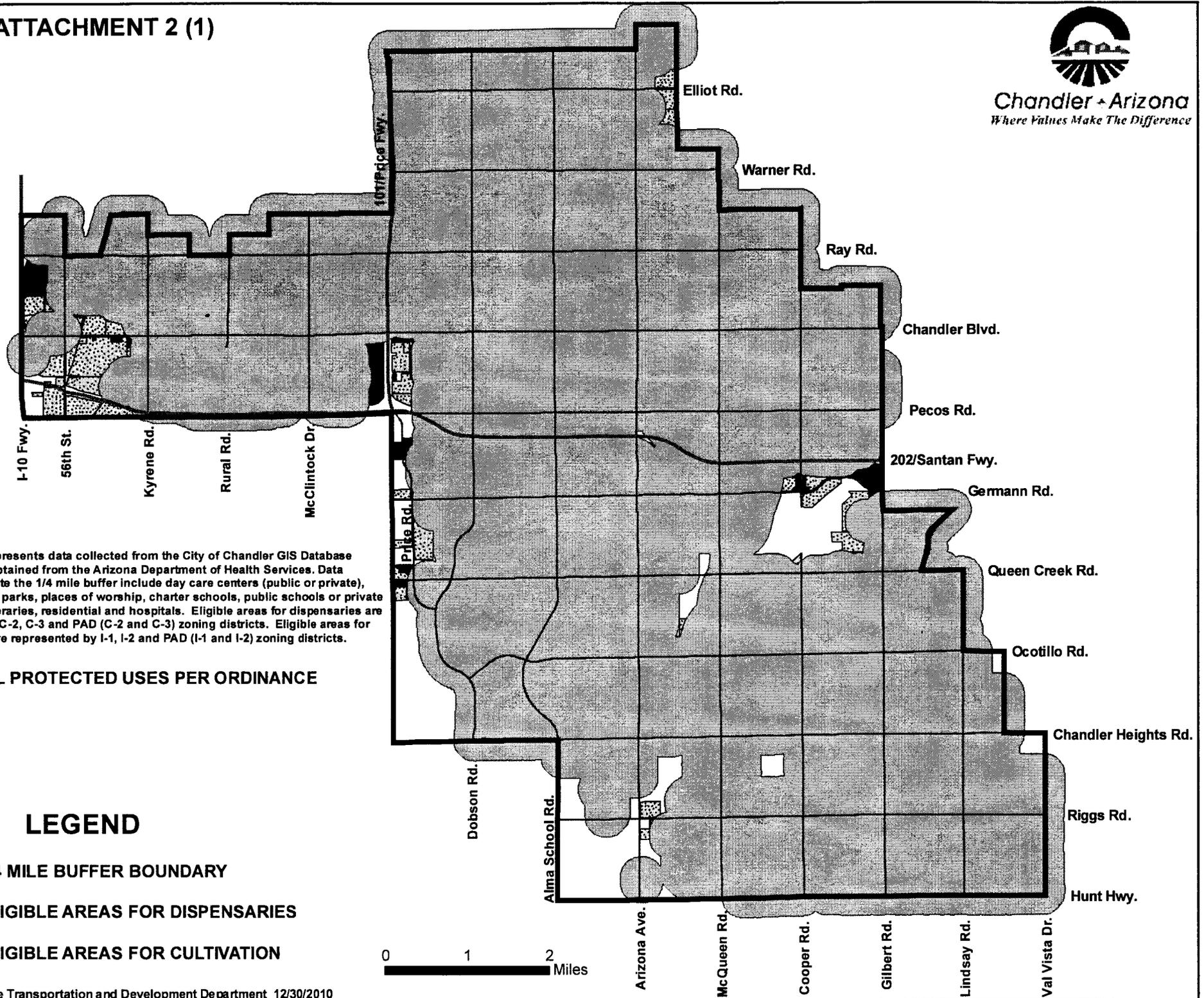
Published:



ATTACHMENT 2 (1)



Chandler • Arizona
Where Values Make The Difference



This map represents data collected from the City of Chandler GIS Database and data obtained from the Arizona Department of Health Services. Data used to generate the 1/4 mile buffer include day care centers (public or private), public and private parks, places of worship, charter schools, public schools or private schools, public libraries, residential and hospitals. Eligible areas for dispensaries are represented by C-2, C-3 and PAD (C-2 and C-3) zoning districts. Eligible areas for cultivation are represented by I-1, I-2 and PAD (I-1 and I-2) zoning districts.

ALL PROTECTED USES PER ORDINANCE

LEGEND

-  1/4 MILE BUFFER BOUNDARY
-  ELIGIBLE AREAS FOR DISPENSARIES
-  ELIGIBLE AREAS FOR CULTIVATION

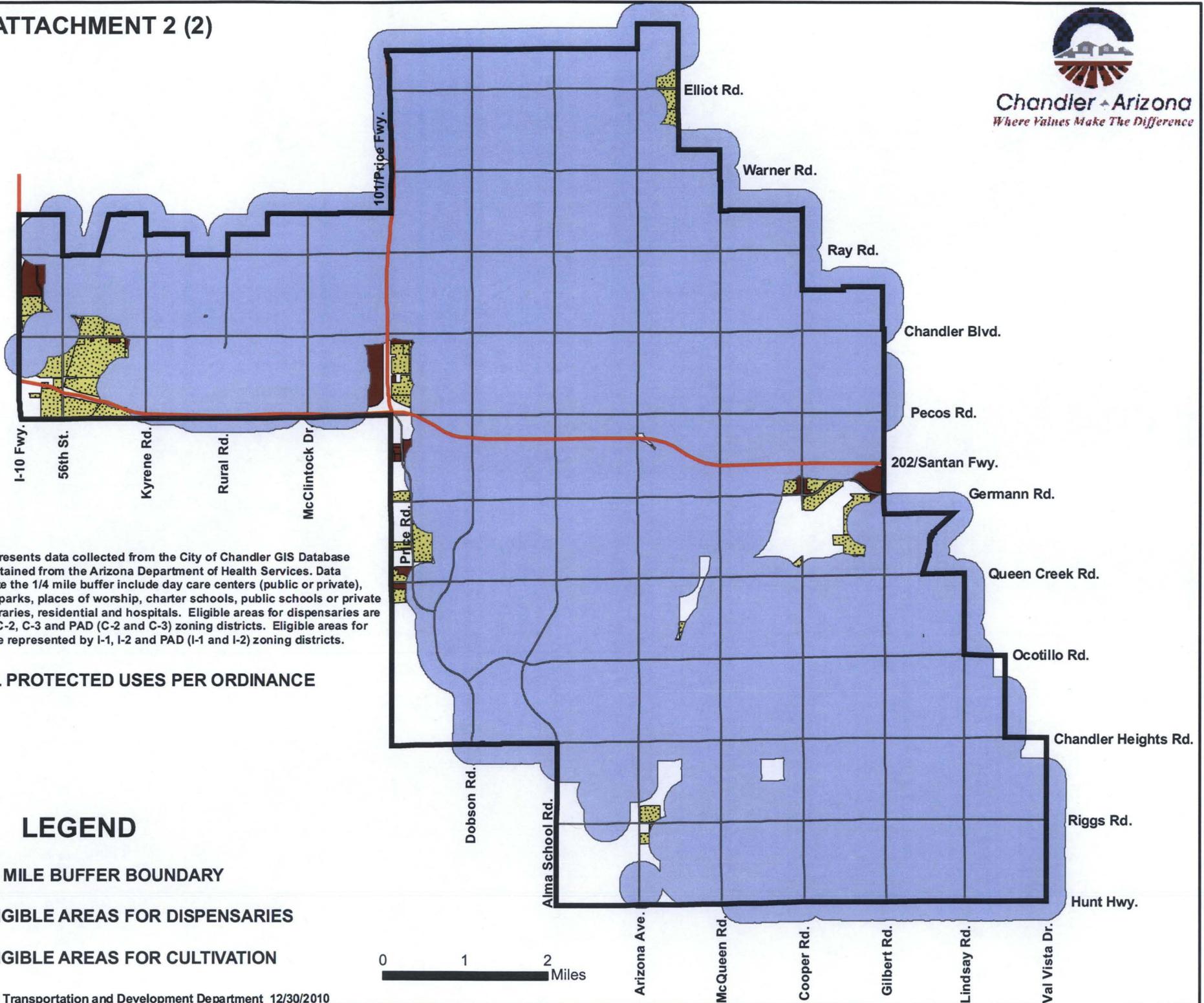
0 1 2 Miles



ATTACHMENT 2 (2)



Chandler Arizona
Where Values Make The Difference



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LEGEND

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-  ELIGIBLE AREAS FOR DISPENSARIES
-  ELIGIBLE AREAS FOR CULTIVATION

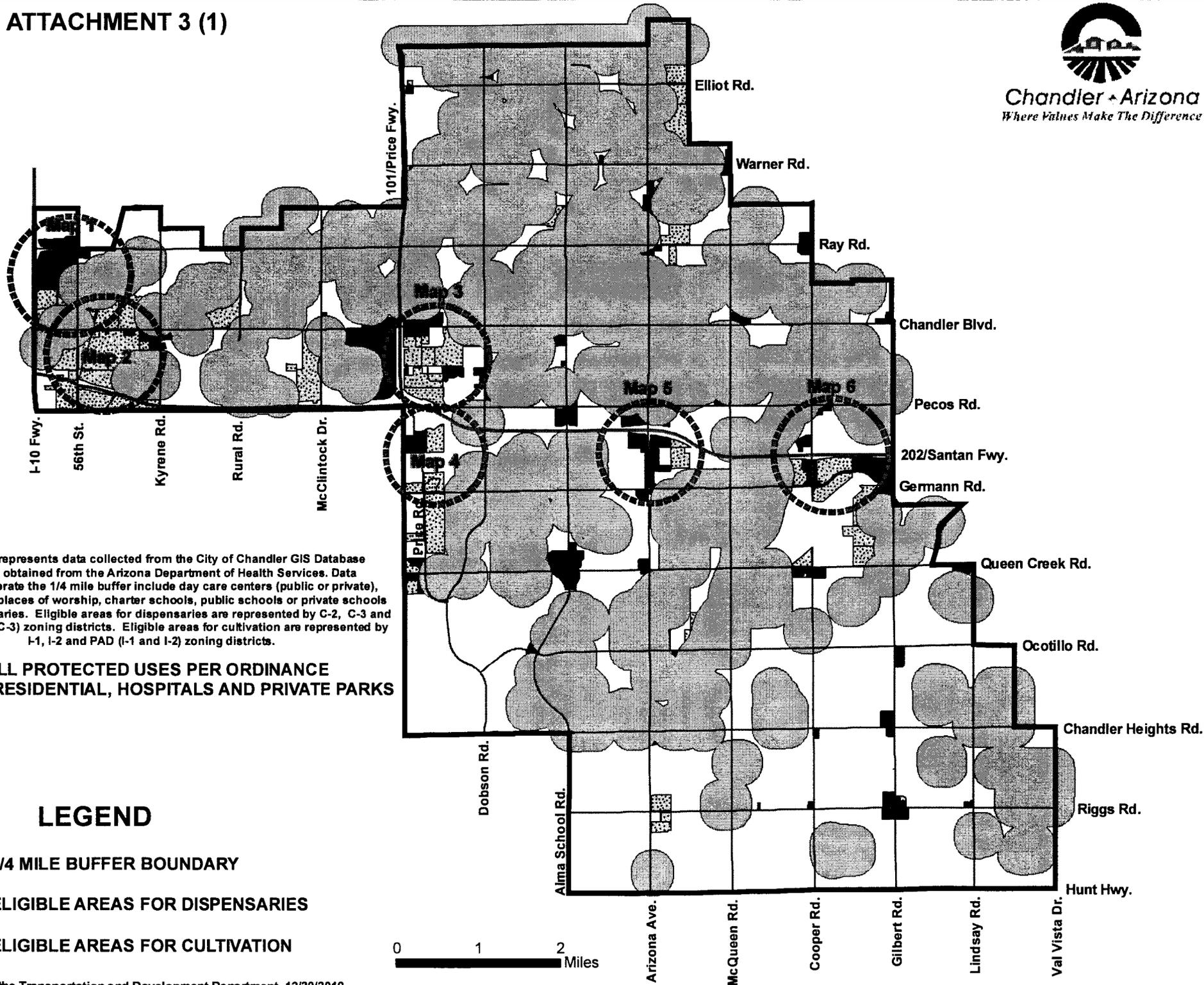
0 1 2 Miles



ATTACHMENT 3 (1)



Chandler, Arizona
Where Values Make The Difference



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ALL PROTECTED USES PER ORDINANCE EXCEPT RESIDENTIAL, HOSPITALS AND PRIVATE PARKS

LEGEND

-  1/4 MILE BUFFER BOUNDARY
-  ELIGIBLE AREAS FOR DISPENSARIES
-  ELIGIBLE AREAS FOR CULTIVATION

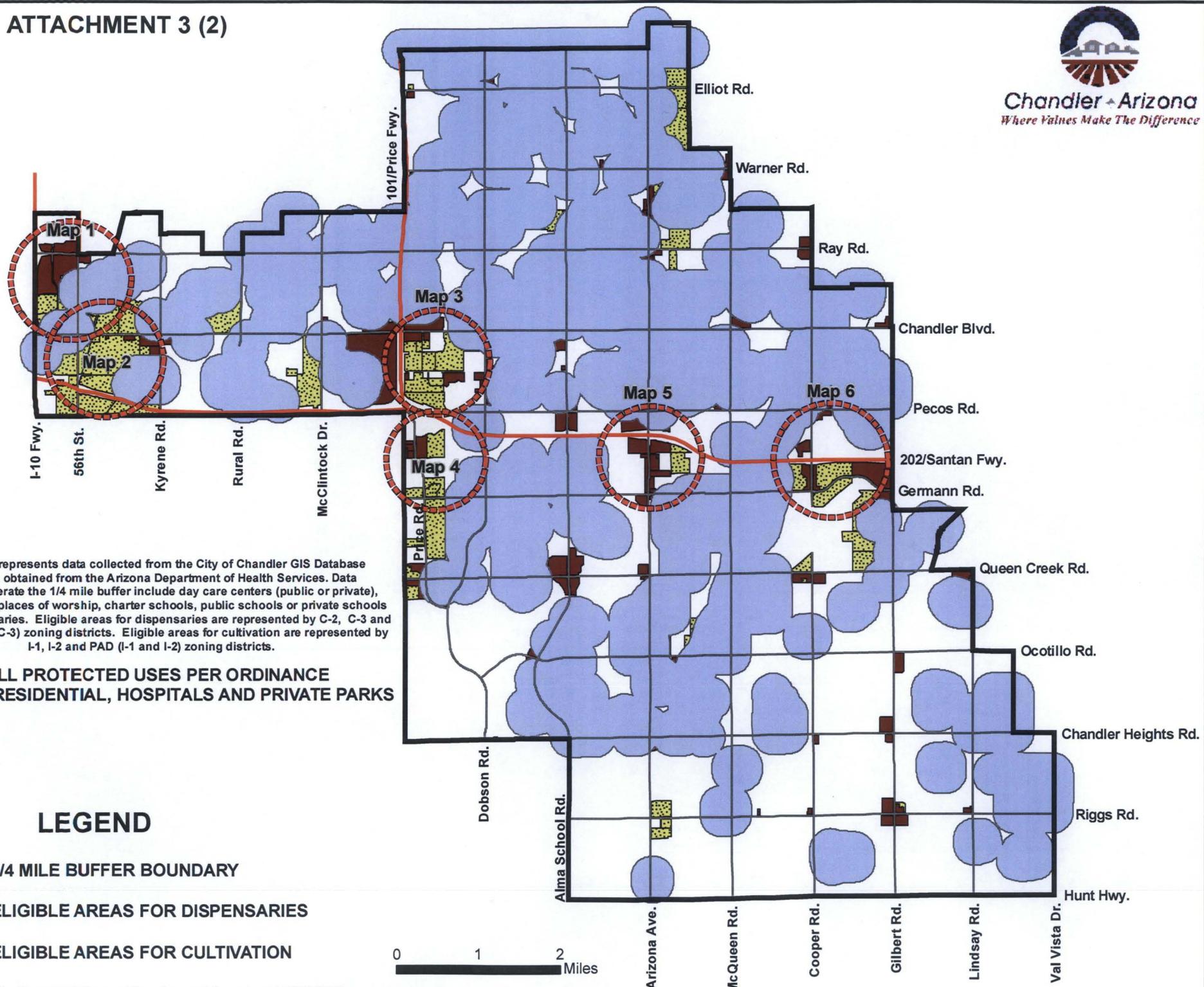
0 1 2 Miles



ATTACHMENT 3 (2)



Chandler Arizona
Where Values Make The Difference



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LEGEND

-  1/4 MILE BUFFER BOUNDARY
-  ELIGIBLE AREAS FOR DISPENSARIES
-  ELIGIBLE AREAS FOR CULTIVATION

0 1 2 Miles

MAP 1

DETAIL AIR-PHOTO MAP ATTACHMENT 4 (1)

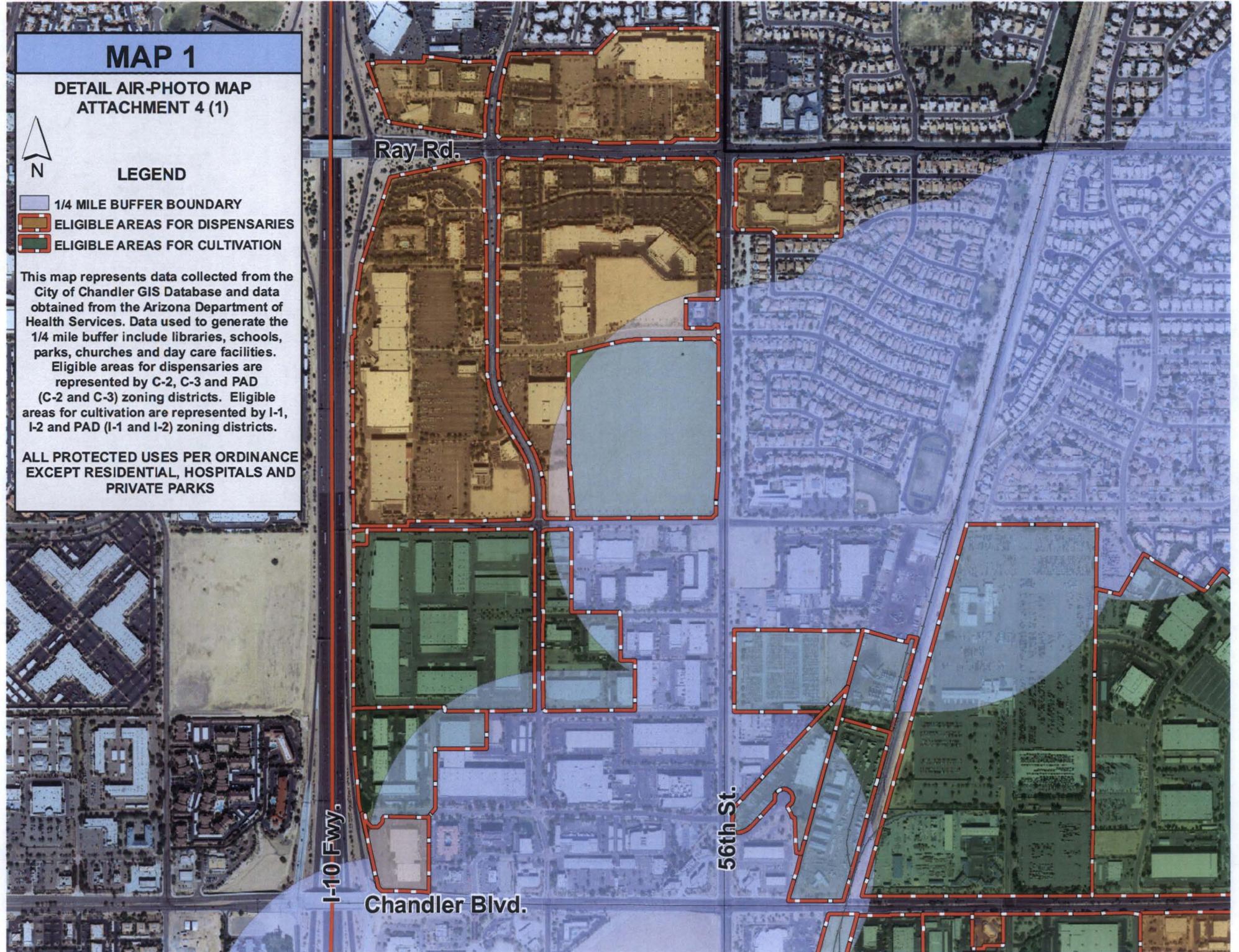


LEGEND

-  1/4 MILE BUFFER BOUNDARY
-  ELIGIBLE AREAS FOR DISPENSARIES
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MAP 2

DETAIL AIR-PHOTO MAP ATTACHMENT 4 (2)



LEGEND

-  1/4 MILE BUFFER BOUNDARY
-  ELIGIBLE AREAS FOR DISPENSARIES
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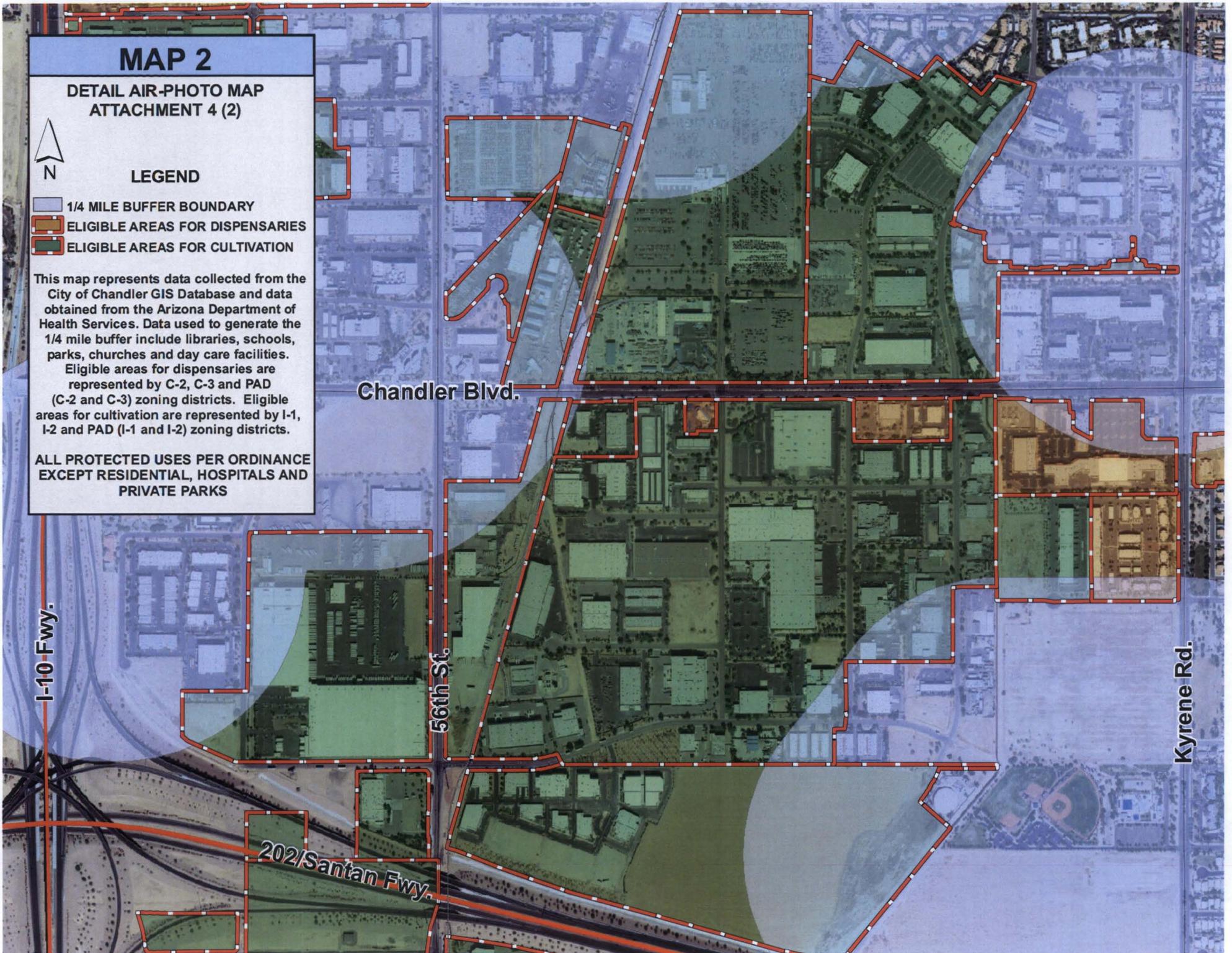
Chandler Blvd.

I-10 Fwy.

56th St.

202/Santan Fwy.

Kyrene Rd.



MAP 3

DETAIL AIR-PHOTO MAP ATTACHMENT 4 (3)

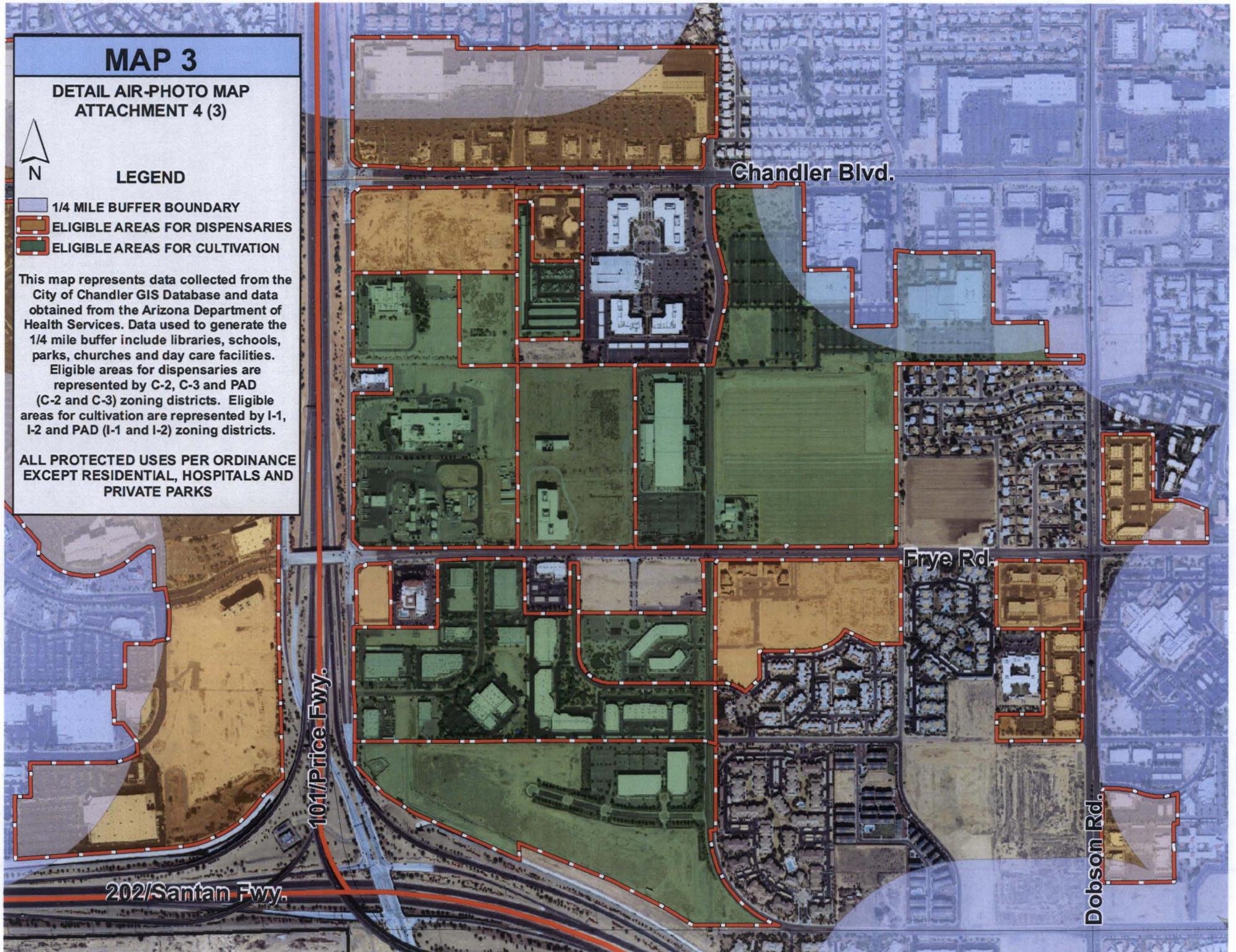


LEGEND

-  1/4 MILE BUFFER BOUNDARY
-  ELIGIBLE AREAS FOR DISPENSARIES
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MAP 4

DETAIL AIR-PHOTO MAP ATTACHMENT 4 (4)

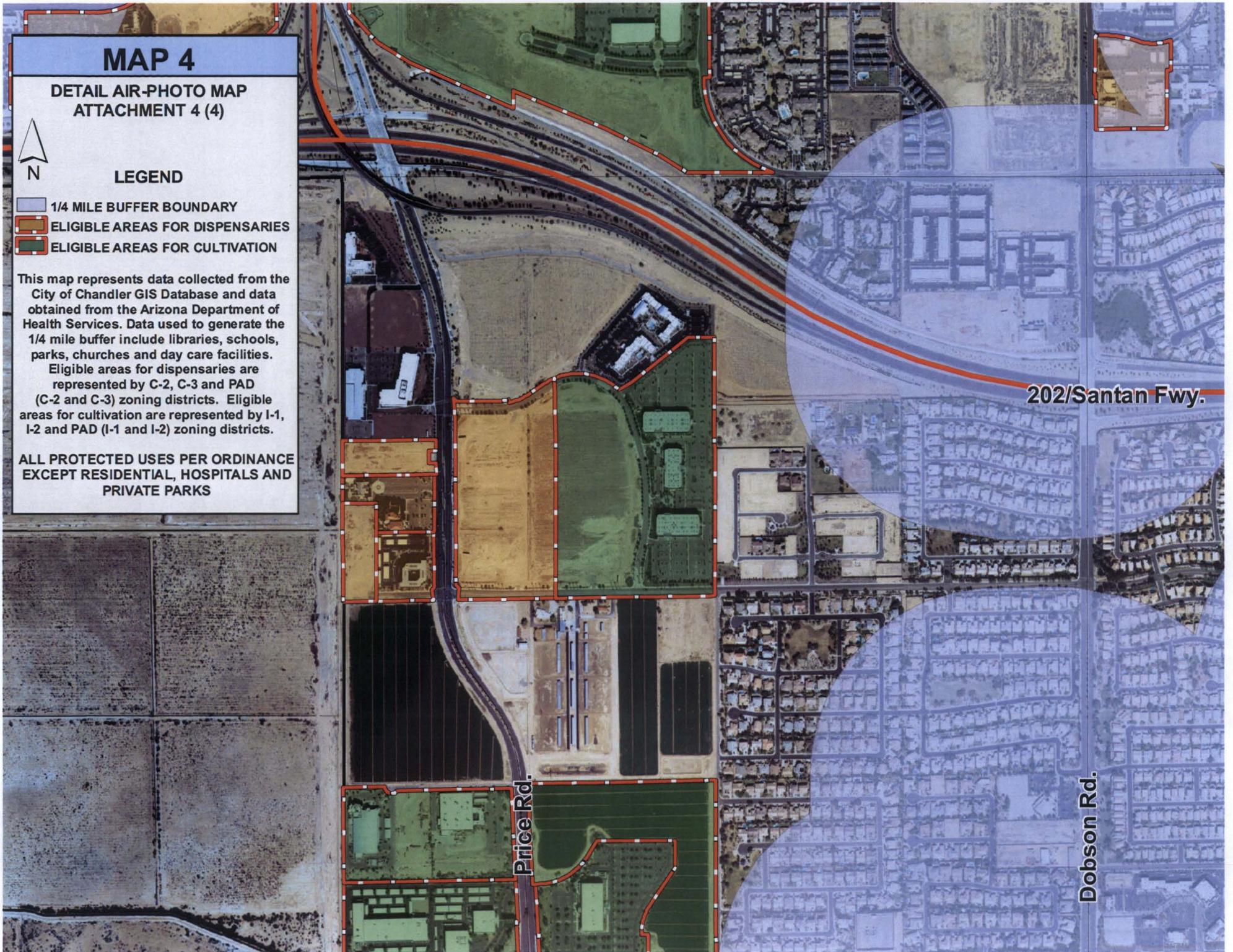


LEGEND

-  1/4 MILE BUFFER BOUNDARY
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MAP 5

DETAIL AIR-PHOTO MAP ATTACHMENT 4 (5)

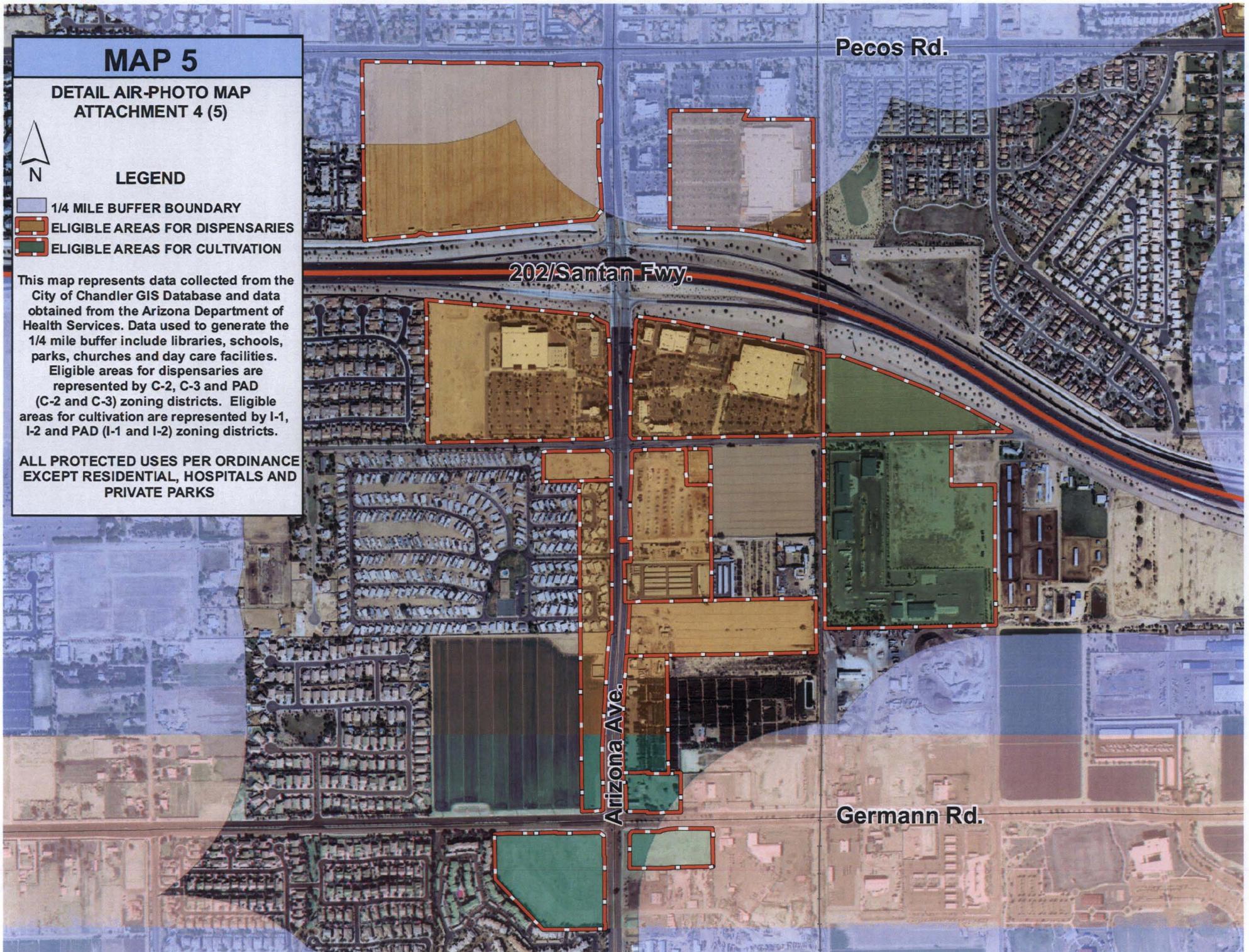


LEGEND

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MAP 6

DETAIL AIR-PHOTO MAP ATTACHMENT 4 (6)

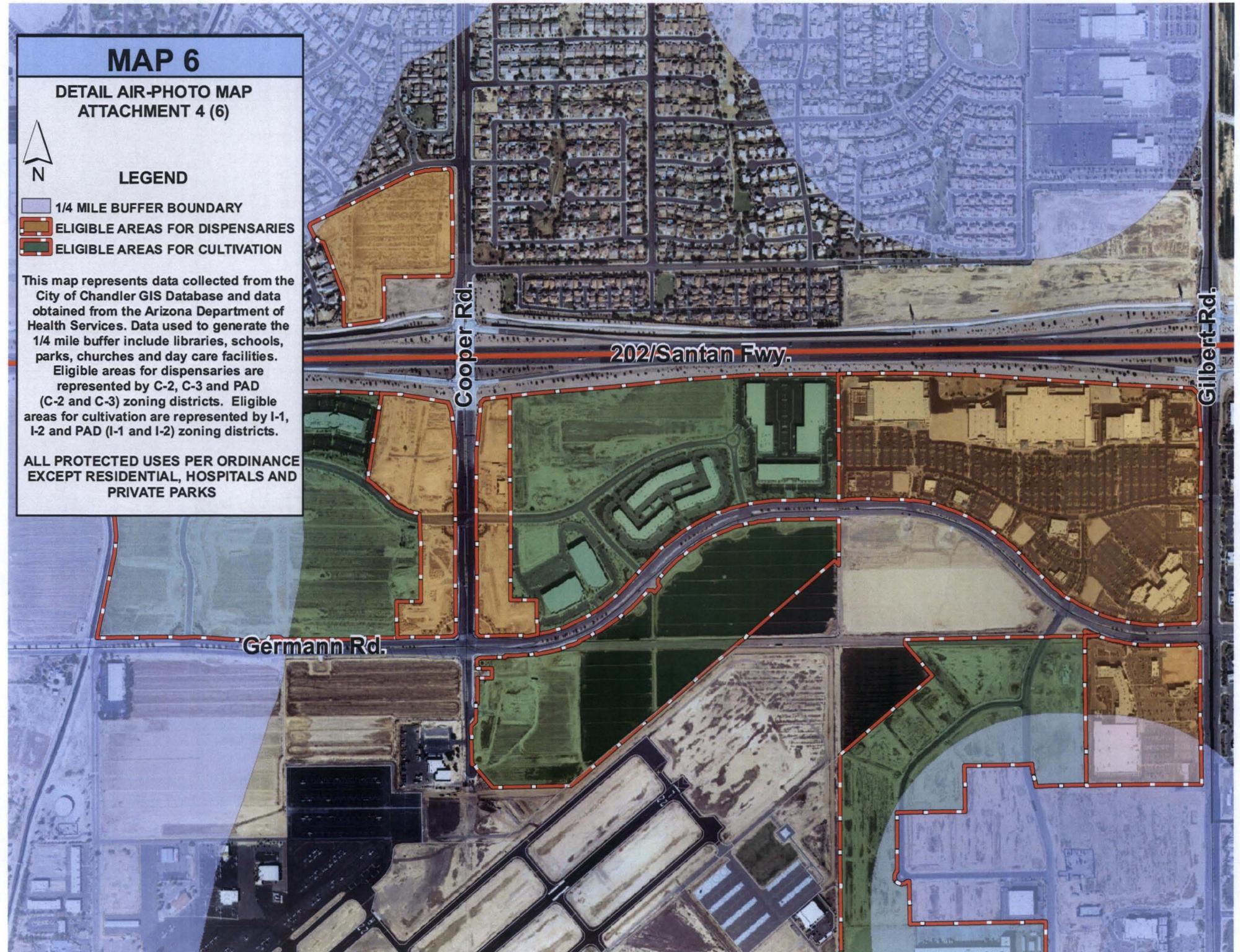


LEGEND

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January 24, 2011

To: Chandler City Council

CC: Jeff Kurtz, Planning Administrator

Re.: Draft ordinance relating to medical marijuana facilities

Dear Councilmembers:

The Arizona Medical Marijuana Association (AzMMA) commends the City of Chandler for crafting a local land-use ordinance for medical marijuana facilities in accordance with the newly approved state law.

AzMMA is comprised of business professionals and other stakeholders seeking to protect the interests of the profession, and most importantly, the patients it serves. We are committed to working with you and all policymakers at the local and state level to ensure state law is implemented in accordance with the intent of the initiative approved by Arizona voters.

We are not new to this issue. Over the past two years, the leaders of AzMMA played a lead role in the drafting of the initiative, and carried out the campaign that led to its passage. Throughout our effort, we have remained committed to the goal of nothing less than creating the best medical marijuana program in the nation, learning from both the best practices as well as the mistakes made in 14 other states where medical marijuana laws have been adopted. With only 124 dispensary licensees available statewide, there is no reason to settle for anything less.

Experience shows that medical marijuana facilities can be an asset to their surrounding communities. In California, these facilities generate hundreds of millions of dollars in tax revenue and thousands of jobs. Contrary to the claims of a few critics, medical marijuana dispensaries generally are not associated with increased crime rates. The Los Angeles Police Department released data last year indicating that local banks are more likely to attract robberies than medical marijuana dispensaries.¹

In fact, medical marijuana facilities can improve conditions in surrounding communities when they are properly and reasonably regulated.

We are generally pleased with the direction city staff and the Planning Commission have taken the draft ordinance but we do have a couple serious concerns and suggestions about the current language that can hopefully be addressed at the council's upcoming hearing on this issue.

¹ Los Angeles Daily News. "LAPD chief: Pot clinics not plagued by crime," <http://www.dailynews.com/news/ci_14206441> (January, 2010).

1.) Separation requirement from places of worship not reasonable or appropriate policy for medical facilities

The current draft of the amendment imposes a 1,320-foot separation requirement from places of worship. We feel that there is no need to include places of worship as a protected use in this case.

In order to legally operate in the City of Chandler and anywhere in Arizona, medical marijuana dispensaries will have had to undergo a rigorous and competitive approval process to obtain a license from the state Department of Health Services. There are no such requirements for churches which all cited all over the valley with no special permits – in fact anyone can become ordained over the Internet.

Medical marijuana dispensaries are retail establishments similar to pharmacies and medical clinics that operate to serve patients and should therefore be easily accessible and close to arterial streets. The distance requirement from all places of worship will make it difficult to locate a dispensary at many inline retail spaces that would otherwise be appropriate.

AzMMA requests that the ordinance be amended to remove “places of worship” from the list of protected uses or to reduce the separation requirement to a more reasonable distance such as, 250 feet.

2.) Prohibiting sales of merchandise other than medical marijuana and related supplies does not serve the interest of patients or the community at large.

A provision restricting all sales to medical marijuana and related supplies (*use permit criteria §3(d)*) would prevent existing medical clinics and related businesses from integrating medical marijuana into their current programs. This situation would run counter to the goal of ensuring that medical marijuana dispensaries operate as true patient centers.

Experience shows that the best facilities are those that provide an array of services and products to patients, not just the sales of marijuana.

AzMMA strongly opposes such language and requests that the council strike it from the proposed amendment.

I hope these comments and suggestions are helpful to the council as it considers the proposed ordinance. Our intent is to assist you in your efforts to uphold state law, consider patients’ needs and advance the will of Arizona voters. Please feel free to contact me at any time for more information or assistance on this matter.

Sincerely,



Aaron Smith
Implementation Consultant
Arizona Medical Marijuana Association
Ph: (602) 341-5021
E-mail: f.aaron.smith@gmail.com

	Gilbert	Mesa	Phoenix	Tempe	County
Another Retail Dispensary	1320	5280	5280	1320	1500
Another Cultivation site	1320	2400	5280	1320	1500
Day care	1000	500	0	1320	1500 (R) 500 (C)
Public Park	1000	1200	1320	1320	1500
Private Park	1000	500	0	0	0
Place of Worship	1000	1200	500	1320	1500
School	1000	1200	1320	1320	1500 (R) 500 (C)
Residential Zoning	500	0	250 (R) 1000 (C)	500	0
Public Library	0	1200	1320	1320	0
Hospital	1320	0	0	0	0
Zoning Dispensary	Industrial	Industrial	Industrial and Commercial	Commercial	Commercial
Zoning Cultivation	Industrial	Industrial	Industrial and AG	Industrial	Any district
Operation Hours	9-7	8-9	8-7	8-6	None