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Medical Marijuana Zoning Clearance Application

This application is for a: *(check the appropriate box)*

- Medical Marijuana Facility
- Medical Marijuana Cultivation Site
- Infusion Food Establishment

Project/Business Case Name		
Subject Property Address, Suite No.		City, State, Zip Code
Legal Description	Assessor's Parcel Number(s)	
	Building Square Footage	
Property Owner(s)		Contact Person
Mailing Address		Phone Number
City, State, Zip Code		Email Address and Fax Number
Applicant/Firm Name		Contact Person
Mailing Address		Phone Number
City, State, Zip Code		Email Address and Fax Number
Signature of Property Owner or Authorized Representative		Date
For City Use		
Date Filed	Application No. ZCL	Planner



Medical Marijuana Zoning Clearance Application Submittal Checklist

✓ Zoning clearance applications must be submitted with all of the following documents/information:

_____ **Written Narrative.** A written description of the proposed Medical Marijuana Facility, Medical Marijuana Cultivation Site, or Infusion Food Establishment including the subject site’s zoning district, the site address, suite number, development name, business name, building square footage, a description of the proposed business, hours of operation, number of employees, and an explanation of how the request complies with approval criteria for medical marijuana operations identified in Section 35-2213 of Chandler’s City Code.

_____ **Application Form.** All of the requested information on the application form must be filled out and the application signed by the property owner or an authorized representative of the property owner.

_____ **Letter of Authorization.** If the subject property is not owned by the applicant, a written statement signed by the property owner authorizing the applicant to apply for the zoning clearance for the premises and consenting to the use being requested in the application.

_____ **Site Plan.** A site plan drawn to scale on 8 ½" x 11" or 11" x 17" sheet identifying the subject property on which the premises is located, lot dimensions with front, sides, and rear setbacks, and, where applicable, its location within the larger development in which the property may be situated.

_____ **Floor Plan.** An accurate, to-scale, floor plan on 8 ½" x 11" or 11" x 17" sheet(s) clearly showing the configuration of the premises and stating the total square floor space of the premises or portion thereof to be used for the purpose for which the zoning clearance is requested. In addition to any other information, the floor plan shall specifically identify and provide as applicable the following:

1. The location of the enclosed, locked facility in which cultivation or storage of medical marijuana will take place;
2. The total floor space for the enclosed, locked facility;
3. The location within the premises where infusion will take place;
4. All entrances and exits to and from the premises, indicating which such entrances are secured and which, if any, are not secured;
5. The location of any windows from which a member of the public can view activities occurring inside the premises;
6. 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
7. Additional protections, if any, against medical marijuana diversion and theft.

_____ **Fee.** A non-refundable application fee for zoning clearance application of \$120.

Prior to making a determination, the Zoning Administrator may request other pertinent information in addition to the documentation listed here in order to determine compliance with Section 35-2213 of Chandler’s City Code.



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Medical Marijuana Zoning Clearance Application Letter of Authorization

I attest that I am the owner or an authorized representative of the owner of the property located at:

_____ (street address, suite number, city, state and zip code)

_____ (assessor parcel number)

Said property is owned by:

_____ (as recorded with the Maricopa County Assessor)

I authorize _____ to submit a zoning clearance
(applicant's first and last name and affiliation)

application for a medical marijuana use to be located on the aforementioned property, I consent to the medical marijuana use being requested in the zoning clearance application, and I certify that all of the information provided in this letter of authorization is correct.

_____ Property Owner Name Printed

_____ Property Owner Signature

_____ Date

City of Chandler Medical Marijuana Regulations

The following excerpts from Chapter 35 (Zoning Code) of Chandler's City Code are provided for convenience only. Applicants are responsible for verifying all provisions from the Chandler City Code.

35-200 Definitions.

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.

35-2213 *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 Section.

1. *Eligible Zoning Districts.*

A. 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 zoning clearance for such use.

B. 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 zoning clearance for such use.

2. *Application.* Medical marijuana facilities, medical marijuana cultivation sites and infusion food establishments shall submit a completed zoning clearance application with supplemental materials as required by the Planning Division. The application shall contain the following information:

A. The location of the premises at which the medical marijuana facility, the medical marijuana cultivation site, or infusion food establishment will be operated.

B. 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.

C. If the premises identified in the application is not owned by the medical marijuana dispensary making application for the zoning clearance, a written statement signed by the property owner authorizing the applicant to apply for the zoning clearance for the premises and consenting to the use being requested in the application.

D. A site plan for the property on which the premises is located showing lot dimensions with front, sides and rear setbacks, and, where applicable, its location within the larger development in which the property may be situated.

E. 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 zoning clearance 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.

F. Other pertinent information as needed to determine compliance with the provisions of this Section (2213) as required by the Planning Division.

3. *Approval Criteria.* The Zoning Administrator may approve a zoning clearance application to operate a medical marijuana facility, a medical marijuana cultivation site, or an infusion food establishment upon finding that the request complies with the following criteria:

A. The request is in conformance with the General Plan and its policies.

B. The request is in full conformance with the provisions of this Section (2213).

C. The request is in full compliance with Chapter 29 Building Regulations of the City Code, all development standards and other land use regulations stated in the Zoning Code or any other ordinance or code adopted by the City of Chandler.

D. The request will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

E. The medical marijuana facility, a medical marijuana cultivation site, or an infusion food establishment:

1) Is located in a permanent building and is not located in a temporary structure, trailer, cargo container, motor vehicle, or other similar non-permanent enclosure.

2) Is not larger than two thousand five hundred (2,500) gross square feet for a medical marijuana facility and three thousand (3,000) gross square feet for a medical marijuana cultivation site. The secure storage area does not exceed five hundred (500) square feet in a medical marijuana facility and one thousand (1,000) square feet in a medical marijuana cultivation site.

3) Does not have or operate drive-through facilities or take-out windows.

4) Will not emit dust, fumes, vapors or odors into the environment.

5) Is 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:

i. Comply with all registration and recordkeeping required by the City of Chandler, Maricopa County and Arizona Law.

- ii. Obtain, maintain and display a valid City of Chandler business registration or license as may be required by City Code.
- iii. Not provide off-site deliveries of medical marijuana to a cardholder.
- iv. Not sell merchandise other than medical marijuana and related supplies.
- v. Prohibit consumption of medical marijuana on the premises.
- vi. 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.
- vii. Allow annual fire inspections pursuant to the City of Chandler Code.
- viii. Have operating hours not earlier than 9:00 a.m. and not later than 7:00 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 2213.3(F) Separation 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. The separation requirements set forth in Table 2213.3(F) shall not be reduced through a variance, Planned Area Development (PAD), or any other manner.

Table 2213.3(F) Separation 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 school, public or private school or college	1,320
Residential zoning district boundary	1,320
Public library	1,320
Hospital, public or private	1,320

4. *Issuance of zoning clearance.*

- A. Approval of such a zoning clearance application shall not be construed as any endorsement by the City of the use or operation for which the zoning clearance has been requested by the applicant. The review time for said zoning clearance application shall conform to the time frames adopted by the City as required by Arizona Revised Statutes which are posted on the City's website.
- B. A zoning clearance issued under this Section (2213) shall be deemed void and to have automatically expired if the permitted use is not commenced by the zoning clearance holder or substantial construction has not taken place within nine (9) months after the date of approval.

5. *Nontransferability of zoning clearance.* A zoning clearance issued under this Section (2213) 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 zoning clearance.

6. *Zoning clearance denial and appeal process.*

- A. The Zoning Administrator, upon finding that the information presented in a zoning clearance application for a medical marijuana facility, medical marijuana cultivation site, or an infusion food establishment does not comply with the requirements set forth in this Section (2213) shall issue a notice of denial that specifies the grounds therefore.
- B. The applicant may appeal the Zoning Administrator's decision to deny the issuance of a zoning clearance to the Board of Adjustment pursuant to the appeal procedures provided under Section 2503 of this Zoning Code.

7. *Revocation or suspension of zoning clearance.*

- A. The Zoning Administrator may suspend or revoke a zoning clearance upon finding:
 - 1). Material noncompliance with the requirements prescribed in this Section (2213); and/or
 - 2). Operation of the permitted use in such a manner as to cause a substantial detrimental impact on neighboring persons or property.
- B. To suspend or revoke a zoning clearance, the Zoning Administrator shall deliver or mail by certified mail to the address indicated on the zoning clearance and, if different from application address, the address of the property subject to the zoning clearance, a written notice that the zoning clearance is suspended or revoked and which states the grounds therefore.
- C. Upon written request received by the Zoning Administrator within ten (10) days of the date of the notice by the zoning clearance holder, or any person whose use of the subject property will be adversely affected by the suspension or revocation, the matter will be referred to the Board of Adjustment on an appeal pursuant to the appeal procedures provided under Section 2503 of this Zoning Code. If an appeal is not received within ten (10) days of the notice, the suspension or revocation shall take effect on the eleventh day after the date of notice.
- D. The decision of the Board of Adjustment may be appealed as provided in Section 2503 of this Zoning Code.