TO THE LAND DEVELOPMENT CODE: February 16, 2011

A SUMMARY OF "2011 AMENDMENTS TO THE FLAGSTAFF CITY CODE, TITLE 10, LAND DEVELOPMENT CODE, CHAPTER 10-02, ESTABLISHMENT OF ZONING DISTRICTS, CHAPTER 10-03, USE REGULATIONS, AND CHAPTER 10-14, DEFINITIONS, TO PROVIDE FOR THE USE OF LAND FOR REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES AND THE GROWTH, CULTIVATION, AND USE OF MEDICAL MARIJUANA" AS APPROVED BY THE FLAGSTAFF CITY COUNCIL, FEBRUARY 15, 2011. (Effective Date March 17, 2011)

CHAPTER 10-02
Establishment of Zoning Districts

10-02-005-0014 C-3-E, HIGHWAY COMMERCIAL DISTRICT ESTABLISHED

Insert a new paragraph 17. into Section 10-02.005.0014.B (Permitted uses) as follows:

B. PERMITTED USES.

17. Medical Marijuana Dispensary. See Section 10-03-006-0001.AA, Medical Marijuana Uses. (Ord. 2007-20, Amended 03/20/2007) (Ord. 2011-03, Amended 02/15/2011)

10-02-005-0018. I-1-E, RESTRICTED INDUSTRIAL DISTRICT ESTABLISHED:

Insert a new paragraph 15. into Section 10-02.005.0018.B (Permitted uses) as follows:

B. PERMITTED USES.

15. Medical Marijuana Dispensary Offsite Cultivation Location. See Section 10-03-006-0001.AA, Medical Marijuana Uses. (Ord. 2007-20, Amended 03/20/2007) (Ord. 2011-03, Amended 02/15/2011)

10-03-001-0003 TABLE OF PERMITTED USES:
USES PERMITTED BY RIGHT, USES PERMITTED WITH CONDITIONAL USE PERMITS, AND USES NOT PERMITTED:

B. Non-residential Districts (Ord. 2007-20, 3-20-07) (Ord. 2008-03, 02-05-08) (Ord. 2011-03, Amended 02/15/2011)

Insert a new rows S. and T. into Table 10-03-001-0003, Section B (Non-residential Districts) as follows:

General Use		DISTRICTS Commercial			Industrial				
		SC	UC	RB	BP	BPI	LI	HI	AO
S.	Medical Marijuana Dispensary	N	Y!	N	N	N	N	N	N
T.	Medical Marijuana Dispensary Offsite Cultivation Location	N	N	N	N	N	Y!	Y!	N

CHAPTER 10-03
Use Regulations

10-03-006-0001 DETAILED USE REGULATIONS:

Insert a new Section AA. (Medical Marijuana Uses) as follows:

AA. **MEDICAL MARIJUANA USES** (Ord. 2011-03, Amended 02/15/2011)

1. The minimum requirements of this section shall apply to all medical marijuana dispensaries located in the C-3-E (Highway Commercial District Established) and the UC (Urban Commercial) zoning districts as well as medical marijuana dispensary offsite cultivation locations established in industrial zones.

2. In addition to any other application requirements, an applicant for any medical marijuana dispensary or medical marijuana dispensary offsite cultivation location shall provide the following:

   a. A notarized authorization executed by the property owner acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary or a medical marijuana dispensary offsite cultivation location, as applicable;

   b. The legal name of the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location;

   c. If the application is for a medical marijuana dispensary offsite cultivation location, the name and location of the medical marijuana dispensary with which it is associated;

   d. The name, address and birth date of each officer and board member of the nonprofit medical marijuana dispensary;

   e. The name, address, birth date, and valid registry identification card number of each nonprofit medical marijuana dispensary agent;

   f. A copy of the operating procedures adopted in compliance with A.R.S. § 36-2804;

   g. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has been convicted of any of the following offenses;

   i. A violent crime as defined in A.R.S. § 13.9010.03.(B) that was classified as a felony in the jurisdiction where the person was convicted; and,

   ii. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence including any term of probation incarceration or supervised release was completed ten or more years earlier or an offense involving conduct that would be immune from arrest prosecution or penalty under A.R.S. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

h. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked;

i. A security plan describing details of alarm systems and exterior lighting in compliance with Division 10-08-002 (Development Lighting Regulations), and including a floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location will be secured, enclosed and locked as required by law;

j. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location to the property boundary of the parcel containing any existing uses listed in subparagraph 8. below. If any of the uses are located within 50 feet of the minimum separation, the drawing showing actual surveyed separations shall be prepared by a registered land surveyor;

3. A medical marijuana dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 7:00 p.m.

4 . A medical marijuana dispensary or medical marijuana dispensary offsite cultivation location shall:

a. Be located in a permanent building and may not be located in a semi-trailer, shipping container or motor vehicle.

b. Not have drive through service.

c. Not emit dust, fumes, vapors, or odors into the environment.

d. Prohibit consumption of marijuana on the premises, including the parking area associated with the marijuana dispensary or medical marijuana dispensary offsite cultivation location.

e. Not have outdoor seating areas.

f. Display a current City of Flagstaff business license applicable to medical marijuana uses.

g. Include a secure storage area that can be enclosed and locked as required by law.

h. Have a single secure entrance as required by law. Additional fire exits that may be required by applicable Building Code requirements shall be provided with an alarm system to prevent unauthorized exiting.

i. Shall dispose of medical marijuana remnants and by-products in accordance with state and local regulations.

5. Medical marijuana infusion facilities shall only be permitted within a medical marijuana dispensary or at a medical marijuana offsite cultivation location.

6. A medical marijuana dispensary or medical marijuana dispensary offsite cultivation location shall meet the following minimum separations, measured in a straight line from the boundary of the parcel containing the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location to the property boundary of the parcel containing any existing uses listed below:

    a. 2,000 feet from any other medical marijuana dispensary, medical marijuana dispensary offsite cultivation location or medical marijuana infusion facility.

    b. 500 feet from a licensed residential substance abuse treatment facility or other residential drug or alcohol rehabilitation facility.

    c. 500 feet from a community college, university, public, private, parochial, charter, dramatic, dancing, music learning center or other similar school or educational facility that caters to children.

    d. 500 feet from a childcare center.

    e. 500 feet from a public library or public park.

    f. 500 feet from a facility devoted to family recreation or entertainment.

7. A medical marijuana dispensary offsite cultivation location not associated with a medical marijuana dispensary is prohibited in Flagstaff.

8. Medical marijuana cultivation may occur within a medical marijuana dispensary.

9. Medical Marijuana Qualifying Patient Cultivation Location. A qualifying patient may cultivate at their place of residence within the Flagstaff City limits subject to compliance with A.R.S. § 36-2804.02, i.e. a qualifying patient may not cultivate medical marijuana at their place of residence if there is a medical marijuana dispensary located within 25 miles of the qualifying patient's home.

10. Medical Marijuana Designated Caregiver Cultivation Location.

    a. All conditions and restrictions for medical marijuana dispensary offsite cultivation locations apply except that the designated caregiver cultivation location cultivation area is limited to a total of 250 square feet maximum, including any storage areas.

    b. A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with A.R.S. § 36-2806.01.

    c. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet maximum, including storage areas.

CHAPTER 10-14
Definitions

10-14-004-0001 DEFINITIONS

Amend the definition of Home Occupation and insert the following new definitions:

HOME OCCUPATION. An occupation, profession, activity, or use that is clearly customary, incidental, and secondary to the use of a dwelling and that does not alter the exterior of the property or affect the residential character of the neighborhood, including but not limited to, home day care for up to eight (8) children, day care for the elderly and the handicapped for up to eight (8) persons. A home occupation does not include pet grooming, sales offices, automobile repairs, commercial stables, massage businesses, veterinary hospitals or clinics, medical marijuana dispensaries, medical marijuana dispensary offsite cultivation locations, medical marijuana qualifying patient cultivation locations, or other uses that would bring customer traffic into the neighborhood. Some of such uses may be considered as home occupations if the requirements of Section 10-03-006-0001M can be met. (Ord. 2002-15, 11-05-02) (Ord. 2007-20, 3-20-07) (Ord. 2011-03, Amended 02/15/2011)

MEDICAL MARIJUANA. All parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition. (Amended, Ord. No. 2011-03, 02/15/2011)

MEDICAL MARIJUANA DESIGNATED CAREGIVER CULTIVATION LOCATION. A medical marijuana designated caregiver cultivation location or cultivation by a designated caregiver refers to cultivation of medical marijuana by a designated caregiver and cardholder whose registration card indicates that the cardholder has been authorized to cultivate marijuana plants for a qualifying patient(s)' medical use pursuant to The Arizona Medical Marijuana Act A.R.S. § 36-2804.A.7. (Amended, Ord. No. 2011-03, 02/15/2011)

MEDICAL MARIJUANA DISPENSARY. A nonprofit medical marijuana dispensary registered and certified pursuant to A.R.S. § 36-2804 that may also include a medical marijuana infusion facility. (Amended, Ord. No. 2011-03, 02/15/2011)

MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION. The one additional location, if any, where marijuana may be cultivated for the use of a medical marijuana dispensary as disclosed pursuant to A.R.S. § 36-2804. (Amended, Ord. No. 2011-03, 02/15/2011)

MEDICAL MARIJUANA INFUSION FACILITY. A facility that incorporates medical marijuana by means of cooking, blending, or incorporation into consumable/edible goods. (Amended, Ord. No. 2011-03, 02/15/2011)

MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION LOCATION. A medical marijuana qualifying patient cultivation location shall mean cultivation of medical marijuana by a qualifying patient pursuant to A.R.S. § 36-2801 but shall only include a qualifying patient who is also a cardholder, authorized to cultivate marijuana plants pursuant to the provisions of A.R.S. § 36-2804.02. (Amended, Ord. No. 2011-03, 02/15/2011)

RESIDENTIAL SUBSTANCE ABUSE TREATMENT FACILITY. A facility for the purpose of treatment of alcohol or other drug abuse where one or more patients are provided with care, meals and lodging. A residential substance abuse treatment facility does not include a facility where outpatient counseling and treatment for alcohol or drug abuse is provided or where patients are not provided with meals and lodging. (Amended, Ord. No. 2011-03, 02/15/2011)