

Pima County Medical Marijuana Zoning and Permit Fact Sheet

What is a medical marijuana designated caregiver cultivation location? Per the Pima County Zoning Code Section 18.03.020 (M)(5), it is an enclosed facility, that does not exceed 250 square feet of cultivation space, where a designated caregiver, as defined by A.R.S. Section 36-2801(5), cultivates marijuana if the designated caregiver's registry identification card provides that the designated caregiver is authorized to cultivate marijuana. The location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.

What is a medical marijuana dispensary? Per the Pima County Zoning Code Section 18.03.020(M)(6), it is a not-for-profit entity, defined in A.R.S. Section 36-2801(11), that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders.

What is a medical marijuana dispensary offsite cultivation location? Per the Pima County Zoning Code Section 18.03.020(M)(7), it is an additional location where marijuana is cultivated by a medical marijuana dispensary as referenced in A.R.S. Section 36-2804(B)(1)(b)(ii).

What is a medical marijuana qualifying patient cultivation location? Per the Pima County Zoning Code Section 18.03.020(M)(8), it is an enclosed facility, that does not exceed 50 square feet of cultivation space for each location, where a qualifying patient, as defined by A.R.S. Section 36-2801(13), cultivates marijuana if the qualifying patient's registry identification card states that the qualifying patient is authorized to cultivate marijuana. The qualifying patient cultivation location must be located in the CB-2 zone as a Type III conditional use or as an accessory use to the qualifying patient's primary residence. Medical marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. The qualifying patient cultivation location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.

What are the zoning requirements for a medical marijuana dispensary location? The Pima County Zoning Code permits a dispensary as a Type III conditional use in the CB-2 zone. Per Section 18.45.040(D)(3) of the zoning code, dispensaries are not permitted in the gateway overlay zone, buffer overlay zone or a historic zone. The Board of Supervisors may not approve a medical marijuana dispensary at a site if substantial evidence is presented that locating the dispensary at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the dispensary at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.

The required development standards for a dispensary are that it be: 1) located in a permanent building and may not be located in a trailer, cargo container, or motor vehicle; 2) set back a minimum of 2,000 feet from other dispensaries measured from the parcel boundaries; 3) set back a minimum of 1,000 feet from a public, private, parochial, charter, dramatic, dancing, music, or other similar school or educational or activity facility where children may be enrolled, measured from the parcel boundaries; 4) set back a minimum of 1,000 feet from a public, private, parochial, or charter school bus stop; 5) set back a minimum of 1,000 feet from a childcare center, measured from the parcel boundaries; 6) set back a minimum of 1,000 feet from a library or public park; 7) set back a minimum of 1,000 feet from a church; and 8) set back a minimum of 1,000 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.

Additionally, a dispensary may not have a drive-through service or outdoor seating areas, the maximum floor area is 2,000 square feet, the secure storage area for the medical marijuana stored at the dispensary shall not exceed 400 square feet, and the permitted hours of operation are between 9:00 a.m. and 5:00 p.m.

The Pima County Board of Supervisors may include any conditions in the Type III conditional use permit it finds necessary to conserve and promote the public health, safety, convenience and general welfare. The Board must include the following permit conditions: 1) an expiration date for the conditional use permit that requires re-application or renewal of the permit after a specified period of time; 2) a requirement that the

medical marijuana dispensary meets security requirements adopted by the Arizona Department of Health Services; 3) a requirement that the storage facilities for the marijuana stored or grown on site prevent the emission of dust, fumes, vapors, or odors into the environment; 4) a requirement that the owner secure a certification from the State Fire Marshal or from another acceptable entity responsible for fire safety in the area in which the dispensary is to be located stating that the structure complies with all fire code requirements and supply that certification to the Development Services Department; 5) a prohibition on the dispensary offering a service that provides offsite delivery of the medical marijuana; 6) a requirement that the dispensary is prohibited from permitting anyone to consume marijuana on the premises; 7) a requirement for a reasonable setback from a zoning district other than CB-2, CI-1, CI-2, CI-3 or any existing, established, residential use in those zones; 8) a requirement for a reasonable setback from a zoning district in a city or town other than classifications that permit densities and uses greater than or equal to those permitted in CB-2, CI-1, CI-2, and CI-3; and 9) a requirement that the dispensary comply with applicable sections of Title 8 of the Pima County Code which includes the requirement to comply with the registration requirements of A.R.S. 36-2522.

What are the zoning requirements for a medical marijuana dispensary offsite cultivation location? The Pima County Zoning Code permits a dispensary offsite cultivation location as a Type III conditional use in the CB-2 zone. Per Section 18.45.040(E)(3) of the zoning code, dispensary offsite cultivation locations are not permitted in the gateway overlay zone, buffer overlay zone or a historic zone. The Board of Supervisors may not approve a medical marijuana dispensary offsite cultivation location at a site if substantial evidence is presented that locating the cultivation location at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the cultivation location at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.

The required development standards for a dispensary offsite cultivation location are that it be: 1) located in a permanent building and may not be located in a trailer, cargo container, or motor vehicle; 2) set back a minimum of 2,000 feet from all medical marijuana dispensaries measured from the parcel boundary to parcel boundary; 3) set back a minimum of 2,000 feet from all other dispensary offsite cultivation locations measured from the parcel boundaries; 4) set back a minimum of 1,000 feet from a public, private, parochial, charter, dramatic, dancing, music, or other similar school or educational or activity facility where children may be enrolled; 5) set back a minimum of 1,000 feet from a public, private, parochial, or charter school bus stop; 6) set back a minimum of 1,000 feet from a childcare center; 7) set back a minimum of 1,000 feet from a library or public park; 8) set back a minimum of 1,000 feet from a church; and 9) set back a minimum of 1,000 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.

Additionally, a dispensary offsite cultivation location may not have outdoor seating areas, the maximum floor area is 2,000 square feet, and the secure storage area for the medical marijuana stored at the offsite cultivation location shall not exceed 1,000 square feet.

The Type III conditional use permit also requires the same permit conditions as for a medical marijuana dispensary except the prohibition on offsite delivery.

What are the zoning requirements for a medical marijuana designated caregiver cultivation location? The Pima County Zoning Code Section 18.45.040(F) permits a designated caregiver cultivation location as a Type III conditional use within the CB-2 zone subject to the conditions and restrictions for medical marijuana dispensary offsite cultivation locations except that the designated caregiver cultivation location cultivation area is limited to 250 square feet and more than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet.