

WHEN RECORDED RETURN TO:

City of Tolleson
ATTN: Crystal Zamora, City Clerk
9555 West Van Buren Street
Tolleson, Arizona 85353

ORDINANCE NO. 564 N.S.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, AMENDING THE CITY ZONING ORDINANCE, CHAPTER 12, LAND USE, ARTICLES 12-4, ALLOWING MEDICAL MARIJUANA DISPENSARY AND CULTIVATION FACILITIES IN INDUSTRIAL I-1 ZONING AS A PERMITTED USE AND AMENDING REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARY AND CULTIVATION FACILITIES RELATING TO SPACING REQUIREMENTS, SQUARE FOOTAGE FOR SUCH FACILITIES, HOURS OF OPERATION, AND SECURITY.

WHEREAS, the Arizona Department of Health Services is in the process of issuing additional licenses for medical marijuana dispensaries; and

WHEREAS, medical marijuana facilities in other cities are highly regulated by state licensing laws and they have demonstrated that they can be operated without negative effects on the public at large and they do provide a necessary medical service to residents who qualify for medical marijuana cards; and

WHEREAS, medical marijuana facilities provide substantial tax revenues in the cities where they are located and serve as significant economic development projects for host cities.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, as follows:

Section 1. Section 12-4-61 (A) is amended by adding the following:

12-4-61 PERMITTED USES

(A) The I-1 Light Industrial District, is intended to provide a mixture of uses including light manufacturing, warehousing, wholesaling, research and development, office and support retail services. Permitted uses shall not create any offensive noise, vibration, smoke, dust, odor, gas, fumes, soot, heat, glare or explosions. In the I-1 District the following uses are permitted in enclosed buildings with exterior walls and roof systems of materials approved and accepted by the International Building Code including walls made out of brick, stone, masonry, concrete or concrete block.

...

(15) MEDICAL MARIJUANA DISPENSARY, SUBJECT TO THE REQUIREMENTS OF §12-4-154;

Section 2. Section 12-4-61 (B) is amended by deleting the following:

12-4-61 PERMITTED USES

(B) In the I-2 District, the following uses are permitted:

...

~~(10) Medical marijuana dispensary, subject to the requirements of §12-4-154;
—(11) Medical marijuana cultivation location, subject to the requirements of §12-4-154.~~

Section 3. Section 12-4-62 is amended by adding the following:

(A) In the I-1 District. Only specific uses are designated as uses permitted subject to a use permit in each zoning use if approved by the Tolleson City Council at a public meeting as per §§ 12-4-165 through 12-4-170, Procedures:

...

(11) MEDICAL MARIJUANA CULTIVATION LOCATION, SUBJECT TO THE REQUIREMENTS OF § 12-4-154.

(B) In the I-2 District.

...

(10) MEDICAL MARIJUANA CULTIVATION LOCATION, SUBJECT TO THE REQUIREMENTS OF § 12-4-154.

Section 4. Section 12-4-154 is amended to read as follows:

12-4-154 MEDICAL MARIJUANA USES

The following minimum requirements shall apply to all medical marijuana dispensary and medical marijuana cultivation location uses permitted under A.R.S. § 36-2801 et seq. (the "Act") and § 12-4-61:

...

(B) A medical marijuana dispensary shall have operating hours not earlier than 9:00 7:00 a.m. and not later than 5:00 9:00 p.m. ~~Monday through Friday.~~

(C) A medical marijuana dispensary or medical marijuana cultivation location shall meet the following minimum separation requirements, measured in a straight line from the closest boundary of the parcel containing the medical marijuana dispensary or medical marijuana

cultivation location to the closest property boundary of the parcel containing any existing uses listed below:

- (1) ~~2.5 miles~~ 1,000 FEET from any other medical marijuana dispensary or medical marijuana cultivation location.

...

(E) The following size limitations shall apply to any medical marijuana dispensary:

- (1) The total maximum floor area of a medical marijuana dispensary, inclusive of any secure storage area, shall not exceed ~~2,500~~ 5,000 square feet.

- (2) The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed ~~500~~ 1,000 square feet.

- (3) ~~For a medical marijuana dispensary that also is a medical marijuana cultivation location, the total maximum floor area that may also be used for cultivation and incorporation or processing of the medical marijuana into consumable or edible products inclusive of any secure storage area, shall not exceed 3,500 15,000 square feet. The secure storage area for the medical marijuana stored at the medical marijuana dispensary that also is a cultivation location shall not exceed 1,500 5,000 square feet.~~

~~(F) The following size limitations shall apply to any medical marijuana cultivation location that is not also a medical marijuana dispensary location:~~

- ~~(1) The total maximum floor area of a medical marijuana cultivation location inclusive of any secure storage area, shall not exceed 3,000 square feet.~~

- ~~(2) The secure storage area for the medical marijuana stored at the medical marijuana cultivation location shall not exceed 1,000 square feet.~~

...

(H) In addition to the requirements set forth in division (G) above, and to ensure that the operations of medical marijuana dispensaries are in compliance with state law and to mitigate the adverse secondary effects from operations of dispensaries, medical marijuana dispensaries shall operate in compliance with the following additional standards:

- (1) Security guards shall be provided ~~at the main entrances and exits~~ during all hours of operation OR detailed internal security measures will be identified and maintained after consultation with AND APPROVAL BY the Police Department. For the purposes of this section, **SECURITY GUARD** shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. §32-2601 *et seq.* Prior to opening for business, the medical marijuana dispensary shall provide all property owners with a 500 foot radius of the medical marijuana dispensary location with written notification via first class U.S. mail of the security company responsible for providing its security services.

...


Section 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and City Council of the City of Tolleson, Arizona, this 12th day of July, 2016.



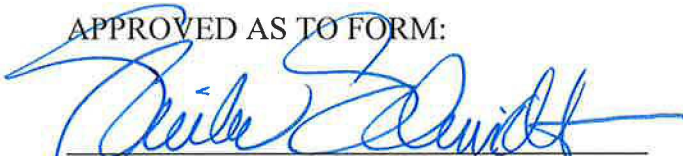
Adolfo F. Gámez, Mayor

ATTEST:



Crystal Zamora, City Clerk

APPROVED AS TO FORM:



Shiela B. Schmidt, City Attorney