

RESOLUTION NO. 23-18

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED “2023 AMENDMENTS TO SECTION 18.120.160: QUALIFYING MARIJUANA FACILITIES AND SECTION 18.205.020: LIST OF DEFINITIONS,” REGARDING THE RULES AND REGULATIONS RELATING TO ZONING OF QUALIFYING MARIJUANA FACILITIES WITHIN THE CITY OF MARICOPA AND AMENDING SECTION 18.120.160 AND 18.205.020 OF THE MARICOPA CITY CODE.

WHEREAS, the City Council previously adopted Ordinances which established rules and regulations related to zoning of marijuana facilities within the City of Maricopa; and

WHEREAS, staff for the City has provided some amendments to those Ordinances which update the rules and regulations related to qualifying marijuana facilities; and

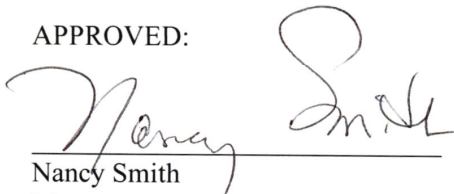
WHEREAS, the City Council believes that declaring such document a public record and adopting its provisions by reference will be in the City’s best interests.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Maricopa, Arizona as follows:

That certain document filed with the city clerk and entitled “2023 Amendments to Section 18.120.160: Qualifying Marijuana Facilities and Section 18.205.020: List of Definitions,” regarding the update of rules and regulations relating to qualifying marijuana facilities and amending Section 18.120.160 and Section 18.205.020 of the Maricopa City Code, is hereby declared to be a public record, and an electronic copy shall remain on file in the office of the City Clerk of the City of Maricopa for examination by the public.

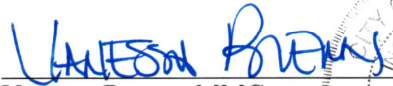
PASSED AND ADOPTED by the City Council of the City of Maricopa, Arizona this 4th day of April, 2023.

APPROVED:



Nancy Smith
Mayor

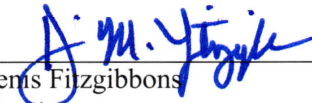
ATTEST:



Vanessa Bueras, MMC
City Clerk



APPROVED AS TO FORM:



Denis Fitzgibbons
City Attorney

EXHIBIT A

**2023 AMENDMENTS TO SECTION 18.120.160: QUALIFYING
MARIJUANA FACILITIES AND SECTION 18.205.020: LIST OF
DEFINITIONS**

18.120.160 Qualifying Marijuana Facilities.

Qualifying marijuana facilities shall be located, developed, and operated in compliance with the following standards:

A. *Compliance with Law.* All qualifying marijuana facilities shall conform with the Arizona Qualifying Marijuana Act, A.R.S. §§ [36-2801](#) through [36-2819](#), and any applicable Maricopa City Code.

B. *Allowable Zones.* GC (dispensaries only, no cultivation), LI and GI (infusion and cultivation facilities).

C. *Location:*

1. Qualifying marijuana facilities shall be a minimum distance from the uses set forth in the following table, including marijuana qualifying facilities located in neighboring jurisdictions. Measurements shall be made in a straight line in any direction from the exterior wall of the qualifying marijuana facility to the exterior wall of the protected use. If a manmade or natural barrier separates the uses but is within the separation requirement, then an exception can be made at the discretion of the Zoning Administrator.

Table 18.120.160 Marijuana Qualifying Facilities	
<u>Use or Use Classification</u>	<u>Separation Requirement (feet)</u>
Another Marijuana Qualifying Facility	1,500 feet
Public/Private/Charter School	1,500 feet
Public or Private Park	500 feet
Religious Facilities	500 feet
Civic Facilities	500 feet
Day Care Center	500 feet
Group and Residential Care Home	500 feet

Residential District Boundary	250 Feet
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- D. *Alcohol.* No alcohol can be sold or distributed on the premises for on- or off-site consumption.
- E. *Hours of Operation.* Hours of operation shall be limited to the time period between 8:00 a.m. and 10:00 p.m.
- F. *Minors.* Any minor who is allowed by law to enter a Qualifying Marijuana Facility shall be supervised by an adult.
- G. *No Drive-Through Facilities.* No drive-through facilities are permitted.
- H. *Odor control.* Qualifying marijuana facilities shall not emit dust, fumes, vapors, or odors into the environment and business shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the city.
- I. *Consumption.* No marijuana consumption may occur on the same premises as a dispensary.
- J. *Security Plan Required.* The applicant shall furnish to the licensing office, for review and approval by the police department, a security plan containing the following information:
1. Plan of operation, program plan and hours;
 2. Site/building information;
 3. Safety conditions;
 4. Patron parking, ingress and egress, vehicular and pedestrian traffic control;
 5. Staffing and operations;
 6. Conditions of plan;
 7. On-site contact person/manager;
 8. Any and all responsible parties for business operations;
 9. Employee background checks excluding violent felons;
 10. Floor plan and evacuation routes; and,
 11. Any other reasonable information the police department deems necessary for review and approval of the security plan.
- K. *Dispensary.*

1. *Size.* The maximum size for a qualifying marijuana facility dispensary is 5,000 square feet. Storage cannot be larger than 500 square feet.
2. *Cultivation.* No marijuana cultivation may occur on the same premises as a dispensary.
3. *Signage.* Signage shall be limited to one wall sign not to exceed 10 square feet in area, and one identifying sign not to exceed two square feet in area. Signs shall not be directly illuminated.
4. *Disposal of Products.* The dispensary shall provide for proper disposal of marijuana remnants of by-products, and which are not to be placed within the facility's exterior refuse containers.

L. *Cultivation.*

1. *Size.* The maximum size for a qualifying marijuana cultivation facility is 5,000 square feet. Storage cannot be larger than 1,000 square feet.
2. *Amount.* Authorized patients may grow up to 12 marijuana plants.
3. *Enclosed Locked Facility.* All marijuana plants must be cultivated in a permanent, enclosed, locked facility, which is a closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder. It may not be located in a trailer, cargo container, or motor vehicle.
4. *Sales.* Customer sales are prohibited.

M. *Disposal of Products.* The dispensary shall provide for proper disposal of marijuana remnants of by-products, and which are not to be placed within the facility's exterior refuse containers.

N. *Abandonment.* If a qualifying marijuana facility closes for a duration longer than 12 months or if its license is revoked, the use will be considered abandoned and any authorization for the use on the lot shall be null and void. [Res. 21-09; Ord. 21-05 § 2; Res. 14-36 § 410.16; Ord. 14-12 § 1.]

18.205.020 List of definitions.*Medical Marijuana Terms.*

“Allowable amount of marijuana” means a qualifying patient may have two and one-half ounces of usable marijuana, and if the patient is authorized to cultivate marijuana, the patient may grow up to 12 marijuana plants contained in an enclosed locked facility.

“Cardholder” means a qualifying patient, a designated caregiver or a nonprofit medical marijuana dispensary agent who has been issued and possesses a valid registry identification card as defined in A.R.S. § [36-2801.2](#).

“Dual License means an entity that holds both a non-profit medical marijuana dispensary registration and a marijuana establishment license._

“Enclosed locked facility” means a closet, room, greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

“Medical marijuana” means all of the 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.

“Medical marijuana infusion (or manufacturing) facility” means a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporating into consumable/edible goods.

“Medical marijuana qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § [36-2801.13](#).

Qualifying Marijuana Dispensary means a single retail location at which the licensee may sell marijuana and marijuana products to consumers in accordance with applicable laws.

Qualifying Marijuana Cultivation Facility means a single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers in accordance with applicable laws.

Qualifying Marijuana Facility includes both a qualifying marijuana dispensary and a qualifying marijuana cultivation facility.