



Ordinance

NO. 292

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING ORDINANCE NO. 13, AS AMENDED, PROVIDING FOR CHANGES TO THE ZONING AND LAND USE REGULATIONS OF THE CITY OF SAN LUIS TO PROVIDE REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES AND DISPENSARY OFFSITE CULTIVATION LOCATIONS AS AUTHORIZED PURSUANT TO A.R.S. §36-2804; PROVIDING FOR PENALTIES; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

Whereas, the City of San Luis desires to amend and update its zoning regulations in accordance with Initiative 203 as approved by the voters of the State of Arizona in November 2010; and

Whereas, the City of San Luis has adopted Resolution No. 919, said resolution having declared certain documents entitled "Medical Marijuana 2010" as a public record;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AS FOLLOWS:

Section 1. The City Code is hereby amended to read as set forth in that certain document entitled "Exhibit A - Medical Marijuana 2010", three copies of which are on file with the City Clerk, and which is hereby adopted by reference as though fully set forth again in full.

Section 2. Penalties. It shall be unlawful for any person, firm, or corporation to violate, or cause the violation of any provision of "Exhibit A - Medical Marijuana 2010" as adopted by this ordinance. Each separate day, or part thereof, that a violation continues is a separate offense. Any violation of or failure to do or perform any act required by this ordinance or "Exhibit A - Medical Marijuana 2010" constitutes a civil offense punishable pursuant to Article 1-8 of the City Code. Any third, or more, offense committed within one year of the date of the first offense shall be punishable as a class one misdemeanor pursuant to Article 1-8 of the City Code.

Section 3. In the event of a conflict between the provisions of this ordinance and any other ordinance, resolution, regulations, or policy regarding the regulations of Medical Marijuana within the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance and the "Exhibit A - Medical Marijuana 2010" shall govern.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or "Exhibit A - Medical Marijuana 2010" is for any reason held to be invalid or

Section 5. unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or said reference regulations.

PASSED AND ADOPTED by the Mayor and City Council of the City of San Luis, Arizona, this 23rd day of February, 2011.

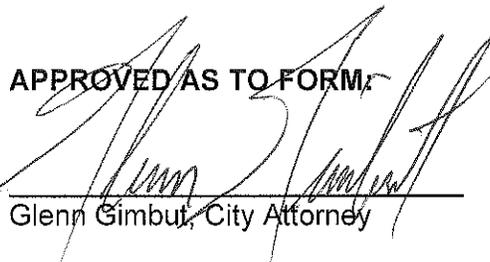

Juan Carlos Escamilla, Mayor

ATTEST:



Sonia Cuello, City Clerk

APPROVED AS TO FORM:



Glenn Gimbut, City Attorney

EXHIBIT A
MEDICAL MARIJUANA 2010
PROPOSED AMENDMENTS BY STAFF
CITY OF SAN LUIS ZONING ORDINANCE

SECTION 1. Article II (Definitions) of the Land Use Regulations, adopted by reference pursuant to Ordinance No. 13, as amended, of the City of San Luis, is hereby amended by adding the following definitions of “medical marijuana dispensary” and “medical marijuana dispensary offsite cultivation location” to Section 201 (Definitions “M”):

Medical marijuana dispensary: A nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2804.

Medical marijuana dispensary offsite cultivation location: The one additional location, if any, duly identified pursuant to A.R.S. § 36-2806 (E) during the process of registering a nonprofit medical marijuana dispensary, where marijuana will be cultivated for sale at a nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2804.

SECTION 2. Article VI, Section 601 (Zoning) Rural Area of the Land Use Regulations as adopted by reference by the City of San Luis as referenced hereinabove, hereby amended by revising 601.03, “Special Uses”, to add a new subparagraph Q, as follows:

Q. Medical marijuana dispensary offsite cultivation location, subject to the requirements found in Section 1110.

SECTION 3. Article VI, Section 611 (Zoning), General Commercial District (C-2) of the Land Use Regulations as adopted by the City of San Luis, as referenced hereinabove, is hereby amended by revising Section 611.03, “Special Uses”, to add a new subparagraph b as follows:

b. Medical marijuana dispensary, subject to the special use permit procedure, and subject to the requirements found in Section 1110.

SECTION 4. Article VI, Section 612 (Zoning), Light Industrial District of the Land Use Regulations as adopted by the City of San Luis, as referenced hereinabove, is hereby amended by revising Section 612.03, “Special Uses”, to add new subparagraphs c and d, as follows:

c. Medical marijuana dispensary, subject to the requirements found in Section 1110.

d. Medical marijuana dispensary offsite cultivation location, subject to the requirements found in Section 1110.

SECTION 5. Article XI (Additional Use and Setback Regulations) of the Land Use Regulations as adopted by the City of San Luis, as referenced hereinabove, is hereby amended by adding new Section 1110, as follows:

Section 1110 Medical Marijuana Uses.

A. The minimum requirements of this section shall apply to all “medical marijuana dispensary” and “medical marijuana dispensary offsite cultivation location” uses located in any zoning district.

B. In addition to any other application requirements, an applicant for any “medical marijuana dispensary” or “medical marijuana dispensary offsite cultivation location” conditional use permit shall provide the following:

1. 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.
2. The legal name of the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location.
3. 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.
4. The name, address, and birth date of each officer and board member of the nonprofit medical marijuana dispensary.
5. The name, address, birth date, and valid registry identification card number of each nonprofit medical marijuana dispensary agent.
6. A copy of the operating procedures adopted in compliance with A.R.S. §36-2804 (B) (1) (c).
7. 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. § 13-901.03 (B) that was classified as a felony in the jurisdiction where the person was convicted.
 - 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.

8. 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.

9. 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.

10. 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 paragraph E 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.

C. A medical marijuana dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 5:00 p.m.

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

1. Be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
2. Not have drive-through service.
3. Not emit dust, fumes, vapors or odors into the environment.
4. Not provide offsite delivery of medical marijuana.
5. Prohibit consumption of marijuana on the premises.
6. Not have outdoor seating areas.

7. Display a current City of San Luis business license applicable to medical marijuana uses.

E. 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:

1. 2,000 feet from any other medical marijuana dispensary or medical marijuana dispensary offsite cultivation location.
2. 2,000 feet from a residential substance abuse diagnostic and treatment facility or other residential drug or alcohol rehabilitation facility.
3. 1,000 feet from a public, private, parochial, charter, dramatic, dancing, music, learning center, or other similar school or educational facility that caters to children.
4. 1,000 feet from a childcare center.
5. 1,000 feet from a public library or public park.
6. 1,000 feet from a church.

F. A medical marijuana dispensary offsite cultivation location not associated with a medical marijuana dispensary is prohibited, and only one medical marijuana dispensary offsite cultivation location shall be permitted for the single medical marijuana dispensary with which it is associated.