

**NOTICE OF PUBLIC HEARING:** A public hearing will be held by the Pinal County Planning and Zoning Commission at 9:00 A.M. on the 17<sup>st</sup> day **June, 2021** in the Pinal County Historic Courthouse, Board of Supervisors Chambers, 185 N. Pinal St., Florence, Arizona to consider **PZ-C-001-21:** a Zoning Ordinance Text Amendment to **Title 2** of the **Pinal County Development Services Code**, amending **Chapter 2.191 “MEDICAL MARIJUANA DISPENSARY, MEDICAL MARIJUANA DISPENSARY OFF-SITE CULTIVATION LOCATION AND MEDICAL MARIJUANA FOOD ESTABLISHMENT”** as follows: (A non-legislative format version of the proposed amendment is available at the County’s web page at the following address:

<https://www.pinalcountyaz.gov/CommunityDevelopment/Planning/Pages/OrdinanceMajorCPA.aspx>

**(LEGISLATIVE FORMAT)**

**Pinal-County Development  
Services Code  
Chapter 2.191**

**MEDICAL MARIJUANA ~~DISPENSARY~~DISPENSARIES, RECREATIONAL MARIJUANA ESTABLISHMENTS, ~~MEDICAL MARIJUANA DISPENSARY OFF-SITE MARIJUANA CULTIVATION LOCATIONS~~ AND ~~MEDICAL MARIJUANA FOOD ESTABLISHMENT TESTING FACILITIES~~**

Sections:

2.191.010 Medical marijuana ~~dispensary~~dispensaries, ~~medical marijuana dispensary recreational marijuana establishments~~, off-site marijuana cultivation locations and ~~medical marijuana food establishment~~Testing Facilities.

2.191.020 ~~Process development~~Prohibition of marijuana on public property.

**2.191.010 Medical marijuana ~~dispensary~~dispensaries, ~~medical marijuana dispensary recreational~~ marijuana establishments, off-site marijuana cultivation locations and ~~medical marijuana food establishment~~testing facilities.**

A. Medical Marijuana ~~Dispensary~~Dispensaries or Medical and Recreational Marijuana Food Establishments. ~~A medical~~Medical marijuana ~~dispensary~~dispensaries and recreational marijuana establishments ~~is permitted as a conditional use~~shall be subject to the following conditions:

1. Minimum Notification Area. The minimum notification area ~~for a special use permit~~ for a medical marijuana dispensary ~~or~~ medical recreational marijuana food establishment is ~~1,000-1,500~~ feet.
2. Application Requirements. An applicant for a ~~special use permit for a~~ medical marijuana dispensary ~~or~~ medical recreational marijuana food establishment must complete an application that includes all of the following information:
  - a. If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary and/or recreational marijuana establishment, as applicable.
  - b. The legal name of the medical marijuana dispensary ~~or~~ medical recreational marijuana food establishment.
  - c. The name, address and date of birth of each principal officer and board member ~~of the nonprofit~~ medical marijuana dispensary and the name, address and date of birth of each ~~medical marijuana dispensary~~ agent.

d. A copy of ~~the any~~ operating procedures adopted in compliance with ~~ARS 36-2804(B)(1)(e)~~ the rules of the Arizona Department of Health Services or its successor agency.

e. A notarized certification that none of the principal officers or board members has been convicted of one 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 including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the 10 years prior to applying for the application for the dispensary 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~~ State of Arizona.

f. A notarized certification that none of the principal officers or board members has served as a principal officer or board member for a registered ~~nonprofit~~ medical marijuana dispensary or medical-recreational marijuana food-establishment that has had its registration certificate revoked.

g. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary or medical-recreational marijuana food-establishment will meet the definition of enclosed, locked facility contained in A.R.S. § 36-2801(6) and will be conducted completely within an enclosed, locked building.

3. Permitted Location. A medical marijuana dispensary or medical-recreational marijuana food-establishment is ~~only~~ only permitted in the ~~CB-2 (general business) zone and the~~ [C-3 (general commercial), I-1 (industrial buffer), I-2 (light industrial and warehouse), and I-3 (industrial)] zoning districts and only with a special use permit. ~~with a special use permit that requires reapplication of the permit after five years or less.~~

4. Community Impacts. The ~~board~~ County may or may not approve a medical marijuana dispensary or medical-recreational marijuana food-establishment at a site if substantial evidence is presented that locating the dispensary or food-establishment at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the dispensary or establishment at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.

5. Development Standards.

a. A medical marijuana dispensary or medical-recreational marijuana food-establishment must be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

b. A medical marijuana dispensary or medical-recreational marijuana food-establishment shall be ~~set back separated~~ set back separated a minimum of ~~10 miles~~ ten (10) mile(s) from all other medical marijuana dispensaries or establishments measured from the parcel boundaries.; ~~however, this does not preclude a dual licensee from operating both a medical marijuana dispensary and a marijuana establishment collectively at a shared location.; however, the planning commission may recommend and the board of supervisors may approve dispensaries with a setback less than 10 miles if they find that the smaller setback will lead to improved accessibility for qualified patients and caregivers.~~

c. A medical marijuana dispensary or medical-recreational marijuana food-establishment shall be ~~set back separated~~ set back separated a minimum of 1,500 feet from schools, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries.

d. A medical marijuana dispensary or medical-recreational marijuana food-establishment shall be ~~set back separated~~ set back separated a minimum of 1,500 feet from a childcare center, measured from the parcel boundaries.

e. A medical marijuana dispensary or medical-recreational marijuana food establishment shall be set back-separated a minimum of 1,500 feet from a library or public park.

f. A medical marijuana dispensary or medical-recreational marijuana food establishment shall be set back-separated a minimum of 1,500 feet from a church.

g. A medical marijuana dispensary or medical-recreational marijuana food establishment shall be set back-separated a minimum of 1,500 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.

h. A medical marijuana dispensary or medical recreational marijuana food establishment may have a drive-through service.

~~i. A medical marijuana food establishment shall only be allowed immediately adjacent to a medical marijuana dispensary or a medical marijuana dispensary off-site cultivation location~~

~~j.i. A medical marijuana dispensary or medical-recreational marijuana food establishment may not have outdoor seating areas.-~~

~~j. The maximum floor area of a medical marijuana dispensary or medical recreational marijuana food establishment is **2,000 square feet.**~~

~~k. The secure storage area for the medical marijuana or medical marijuana food establishment stored at the a medical marijuana dispensary or medical recreational marijuana food establishment shall not exceed **400 square feet.**~~

~~l.j. The permitted hours of operation of a medical marijuana dispensary or medical-recreational marijuana food establishment are between the hours of **97:00** a.m. and **710:00** p.m. daily.~~

~~6. Permit Conditions. The board may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. The board must include the following permit conditions for issuance of the special use permit for a medical marijuana dispensary:~~

~~j. An expiration date for the special use permit that requires reapplication or renewal of the permit after two years or less.-~~

~~bk. A requirement that the The medical marijuana dispensary or medical-recreational marijuana food establishment meets shall meet security requirements adopted by the Arizona Department of Health Services or its successor agency.~~

~~l. A requirement that the The storage facilities for the medical marijuana or medical marijuana food establishment stored or grown at the dispensary or off-site cultivation location establishment shall prevent the emission of dust, fumes, vapors or odors into the environment.~~

~~m. A requirement that the The owner shall secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary or medical-recreational marijuana food establishment is to be located stating that the structure complies with all fire code requirements and supply that certification to the building-Building and safety-Safety department-Department.~~

~~n. The medical marijuana dispensary or recreational marijuana establishment is prohibited from permitting anyone to consume marijuana on its premises.~~

~~g0.~~ The medical marijuana dispensary or recreational marijuana establishment shall comply with applicable sections of the Pinal County sanitary code.

~~ep.~~ A prohibition on the The medical marijuana dispensary or medical-recreational marijuana food establishment offering a service that provides may provide off-site delivery of the medical-marijuana.

~~fr.~~ A requirement that the The medical marijuana dispensary or medical marijuana food establishment is prohibited from permitting anyone to consume marijuana on the premises.

~~gs.~~ A requirement that the The medical marijuana dispensary or medical marijuana food establishment shall comply with applicable sections of the Pinal County sanitary code.

76. Enforcement. The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by PCDSC 2.160.140 or by injunction or other civil proceeding as provided by A.R.S. § 11-808815(H). Notwithstanding any other provision of this code, this subsection shall not be enforced under A.R.S. § 11-808815(C) as a misdemeanor.

87. Fees. The fee for application ~~shall include and hearing is a combination of the existing fees for special use permit application filing fee, and hearing is a combination of the existing fees for the special use permit application filing fee,~~ the site analysis submittal fee, and the ~~notice of public hearing notification-notice of public hearing~~ fee included in the most current ~~planning-Planning and development-Development Department Department~~ fee schedule.

B. Special Conditions for Non-~~dispensary-Dispensary / Non-Establishment~~ Cultivation.

1. An individual is permitted to possess, consume, process, manufacture, transport, and cultivate marijuana in a residential zoning district within the unincorporated areas of the County, subject to the limitations imposed by A.R.S. § 36-2801 et seq. (the Arizona Medical Marijuana Act) and A.R.S. § 36-2850 et seq. (the Smart and Safe Arizona Act) and this Chapter.

2. ~~1. Medical-Marijuana Cultivation Location for a Registered Qualifying Patient.~~

- a. Allowed as an accessory to a primary residence.
- b. Must be conducted in a completely enclosed, locked building.
- c. Must prevent the emission of dust, fumes, vapors or odors into the environment.
- d. ~~Must have a legible copy of a valid medical marijuana registry qualifying patient identification card, the original of which is issued by the state of Arizona, plainly displayed inside of the doorway.~~
- e. ~~The qualified patient cultivation must be at least 25 miles from a medical marijuana dispensary.~~

~~2. Medical Marijuana Cultivation Location for a Registered Designated Caregiver.~~

- a. ~~Allowed as an accessory to a primary residence.~~
- b. ~~Must be conducted in a completely enclosed, locked building.~~
- e. ~~Must prevent the emission of dust, fumes, vapors or odors into the environment.~~

- d. ~~Must have a legible copy of a valid medical marijuana registry designated caregiver identification card, the original of which is issued by the state of Arizona, plainly displayed inside of the doorway.~~
- e. ~~Must be for qualified patients who live at least 25 miles from a medical marijuana dispensary.~~

C. Medical Marijuana Dispensary Off-Site Marijuana Cultivation Locations and Testing Facilities. As long as the Arizona Revised Statutes remain in full force and effect to allow ~~medical~~ marijuana dispensaries, ~~a medical marijuana dispensary and establishments, testing facilities and~~ off-site cultivation ~~and manufacturing~~ locations ~~where marijuana and marijuana products may not be transferred or sold to consumers~~ is ~~are~~ permitted as a special use subject to the following conditions:

1. Minimum Notification Area. The minimum notification area for ~~a special use permit for a medical marijuana dispensary off-site marijuana cultivation locations and testing facilities~~ is 1,000-1,500 feet.
2. Supplemental Application. In addition to the application required by Chapter 2.150 PCDS, an applicant for a special use permit for an ~~medical marijuana dispensary~~ off-site cultivation location or testing facility shall complete an application that includes all of the following information:
  - a. If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as an ~~medical marijuana dispensary~~ off-site marijuana cultivation location or testing facility.
  - b. The legal name and address of the affiliated medical marijuana dispensary and/or recreational marijuana establishment.
  - c. The name, address and date of birth of each principal officer and board member ~~of the medical marijuana dispensary~~ affiliated with the off-site cultivation location or testing facility and the name, address and date of birth of each ~~medical marijuana dispensary~~ agent.
  - d. A copy of ~~the any~~ operating procedures adopted in compliance with ARS 36-2804(B)(1)(c) the rules of the Arizona Department of Health Services or its successor agency.
  - e. A notarized certification that none of the principal officers or board members ~~for the medical marijuana dispensary~~ affiliated with the off-site cultivation location or testing facility has been convicted of one 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 including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the 10 years prior to applying for the application for the off-site cultivation location, 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~~ State of Arizona.
  - f. A notarized certification that none of the principal officers or board members ~~for the medical marijuana dispensary~~ affiliated with the off-site cultivation location or testing facility has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.

g. A floor plan showing the location, dimensions of and type of security measures demonstrating that the ~~medical marijuana dispensary~~ off-site cultivation location or testing facility will meet the definition of “enclosed, locked facility” contained in A.R.S. §36-2801(6).

h. A security plan that meets or exceeds Arizona Department of Health Services (~~AZDHS~~) requirements, which shall be submitted to the Pinal County ~~sheriff's~~ Sheriff's office-Office for review and comment prior to the applicant's special use permit hearing.

3. Permitted Location. An ~~medical marijuana dispensary~~ off-site cultivation location or testing facility is only permitted in ~~a the CB-2 (general business) zoning district, GR (general rural) zoning district, or IC-3 (general commercial), I-1 (industrial buffer), I-2 (light industrial and warehouse), and I-3 (industrial) zoning districts~~ and only with a special use permit that requires reapplication of the permit after ten years or less.

4. Community Impacts. The board may or may not approve an ~~medical marijuana dispensary~~ off-site cultivation location or testing facility at a location if substantial evidence is presented that locating the cultivation location or testing facility at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows ~~that locating that locating~~ the cultivation location or testing facility at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.

5. Development Standards.

a. An ~~medical marijuana dispensary~~ off-site cultivation location or testing facility must meet the definition of an “enclosed, locked facility” under A.R.S. § 36-2801(6) and the definition of “enclosed area” under Arizona Administrative Code R9-17-101(~~4620~~) and may not be located in a trailer, cargo container or motor vehicle.

b. An ~~medical marijuana dispensary~~ off-site cultivation location or testing facility shall be ~~set-back~~separated a minimum of 2,000 feet from all other ~~medical marijuana dispensary~~ off-site cultivation locations or testing facilities measured from the parcel boundaries.

c. An ~~medical marijuana dispensary~~ off-site cultivation location or testing facility shall be ~~set-back~~separated a minimum of 1,500 feet from schools, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries.

d. An ~~medical marijuana dispensary~~ off-site cultivation location or testing facility shall be ~~set-back~~separated a minimum of 1,500 feet from a childcare center.

e. An ~~medical marijuana dispensary~~ off-site cultivation location or testing facility shall be ~~set-back~~separated a minimum of 1,500 feet from a library or public park.

f. An ~~medical marijuana dispensary~~ off-site cultivation location or testing facility shall be ~~set-back~~separated a minimum of 1,500 feet from a church.

g. An ~~medical marijuana dispensary~~ off-site cultivation location or testing facility shall be ~~set-back~~separated a minimum of 1,500 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.

h. An ~~medical marijuana dispensary~~ off-site cultivation location or testing facility shall be ~~set-back~~separated a minimum of 1,500 feet from any single-family residential zone, multifamily residential zone, ~~transitional zone~~, mixed dwelling zone and RU-C zone, as measured from the parcel boundaries.

i. An ~~medical marijuana dispensary~~ off-site cultivation location may not have outdoor seating areas.



- j. All drying, curing and storage of ~~medical~~ marijuana at an ~~medical marijuana dispensary~~ off-site cultivation location or testing facility must take place inside a completely enclosed permanent building with controlled access and cannot be located in a trailer, cargo container, or motor vehicle.
  - k. ~~An medical marijuana dispensary~~ off-site cultivation location must have a legible copy of a valid ~~medical marijuana dispensary~~ agent registry identification card, the original of which is issued by the ~~state~~ State of Arizona, plainly displayed inside of the doorway at all times.
  - l. An off-site cultivation location ~~Must~~ must have the address of the medical marijuana dispensary or recreational marijuana establishment that the off-site cultivation location supplies plainly displayed inside of the doorway at all times.
  - m. ~~An medical marijuana dispensary~~ off-site cultivation location or testing facility must be accessible by a pavement to pavement roadway.
  - n. The County shall not permit more than one off-site cultivation location and one off-site manufacturing location for each dispensary and establishment located in the County, absent a showing of unnecessary hardship.
  - o. The off-site cultivation location or testing facility shall meet security requirements adopted by the Arizona Department of Health Services or its successor agency.
  - p. The storage facilities for the marijuana stored or grown on site shall prevent the emission of dust, fumes, vapors or odors into the environment.
  - q. The owner shall secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the off-site cultivation location or testing facility is to be located stating that the structure complies with all fire code requirements and supply a copy of that certification to the Building and Safety Department.
  - r. The off-site cultivation location or testing facility is prohibited from permitting anyone to consume marijuana on the premises.
  - s. The off-site cultivation location or testing facility shall comply with applicable section of the Pinal County sanitary code.
  - t. The applicant shall provide not less than three days' advance notice to the Pinal County Sheriff's Office when marijuana is to be harvested at the cultivation location and when marijuana is to be transported from the site to a marijuana dispensary and/or establishment.
  - u. The applicant shall submit for review and approval of a specific site plan as required by Chapter 2.200 PCDSC prior to operation of an off-site cultivation location or testing facility.
  - ~~n. A medical marijuana dispensary off-site cultivation location not located within a completely enclosed permanent building shall not exceed five acres, absent a showing of unnecessary hardship.~~
  - ~~o. The county shall not permit more than one off-site cultivation location for each dispensary located in the county, absent a showing of unnecessary hardship.~~
6. ~~Permit Conditions. The board may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. The board must include the following permit conditions for issuance of the special use permit for a medical marijuana dispensary off-site cultivation location:~~

- a. ~~An expiration date for the special use permit that requires reapplication or renewal of the permit after one year or less.~~
- b. ~~A requirement that the medical marijuana dispensary off site cultivation location meets security requirements adopted by the Arizona Department of Health Services.~~
- c. ~~A requirement that the storage facilities for the medical marijuana stored or grown on site prevent the emission of dust, fumes, vapors or odors into the environment.~~
- d. ~~A requirement that the owner secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary off site cultivation location is to be located stating that the structure complies with all fire code requirements and supply a copy of that certification to the building and safety department.~~
- e. ~~A requirement that the medical marijuana dispensary off site cultivation location is prohibited from permitting anyone to consume marijuana on the premises.~~
- f. ~~A requirement that the medical marijuana dispensary off site cultivation location comply with applicable sections of the Pinal County sanitary code.~~
- g. ~~A requirement that the applicant shall provide not less than three days' advance notice to the Pinal County sheriff's office when medical marijuana is to be harvested at the cultivation location and when medical marijuana is to be transported from the site to a medical marijuana dispensary.~~
- h. ~~A requirement that prior to operation of a medical marijuana dispensary off site cultivation location the applicant shall submit for review and approval a specific site plan as required by Chapter 2.200-PCDSC.~~

~~76. Enforcement. The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by PCDSC 2.160.140 or by injunction or other civil proceeding as provided by A.R.S. § 11-815(H). Notwithstanding any other provision of this code, this subsection shall not be enforced under A.R.S. § 11-815(C) as a misdemeanor.~~

~~87. Fees. The fee for application and hearing is a combination of the existing fees for the special use permit application filing fee, the site analysis submittal fee and the notice of public hearing fee included in the most current Planning and development-Development services department-Department fee schedule.~~

~~D. Marijuana Food Establishments. A marijuana food establishment shall only be allowed immediately adjacent to or within a medical marijuana dispensary and/or recreational marijuana establishment and shall be subject to the same requirements applicable to marijuana dispensaries and establishments in PCDSC 2.191.010(A).~~

~~D. Medical Marijuana Food Establishment. As long as the Arizona Revised Statutes remain in full force and effect to allow medical marijuana dispensaries, a medical marijuana food establishment is permitted as a conditional use subject to the following conditions:~~

~~1. Minimum Notification Area. The minimum notification area for a special use permit for a medical marijuana food establishment is 1,000 feet.~~

~~2. An applicant for a special use permit for a medical marijuana food establishment must complete an application that includes all of the following information:~~



a.—If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary.

b.—The legal name of the medical marijuana food establishment.

c.—The name, address and date of birth of each principal officer and board member of the medical marijuana food establishment and the name, address, and date of birth of each medical marijuana food establishment agent.

d.—A copy of the operating procedures adopted in compliance with ARS 36-2804(B)(1)(c).

e.—A notarized certification that none of the principal officers or board members has been convicted of one of the following offenses:

i.—A violent crime as defined in ARS 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 including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the 10 years prior to applying for the application for the medical marijuana food establishment, or an offense involving conduct that would be immune from arrest, prosecution or penalty under ARS 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.

f.—A notarized certification that none of the principal officers or board members has served as a principal officer or board member for a registered medical marijuana food establishment that has had its registration certificate revoked.

g.—A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana food establishment will meet the definition of enclosed locked facility contained in ARS 36-2801(6) and will be conducted completely within an enclosed, locked building.

3.—Permitted Location. A medical marijuana food establishment is only permitted in the CB-2 (general-business) zone and the C-3 (general-commercial) zoning district with a special use permit.

4.—Community Impacts. The board may or may not approve a medical marijuana food establishment at a site if substantial evidence is presented that locating the establishment at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the establishment at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.

5.—Development Standards.

a.—A medical marijuana food establishment must be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

b.—A medical marijuana food establishment shall be set back a minimum of 1,500 feet from schools, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries.

c.—A medical marijuana food establishment shall be set back a minimum of 1,500 feet from a childcare center, measured from the parcel boundaries.

~~d.—A medical marijuana food establishment shall be set back a minimum of 1,500 feet from a library or public park.~~

~~e.—A medical marijuana food establishment shall be set back a minimum of 1,500 feet from a church.~~

~~f.—A medical marijuana food establishment shall be set back a minimum of 1,500 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.~~

~~g.—A medical marijuana food establishment may not have a drive through service.~~

~~h.—A medical marijuana food establishment shall only be allowed immediately adjacent to a medical marijuana dispensary or a medical marijuana dispensary off site cultivation location.~~

~~i.—No distribution or sales of medical marijuana edible food products which are infused with medical marijuana may occur at a medical marijuana food establishment, other than to a medical marijuana dispensary.~~

~~6.—Permit Conditions. The board may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. The board must include the following permit conditions for issuance of the special use permit for a medical marijuana food establishment:~~

~~a.—An expiration date for the special use permit that requires reapplication or renewal of the permit after two years or less.~~

~~b.—A requirement that the medical marijuana food establishment meets security requirements adopted by the Arizona Department of Health Services.~~

~~c.—A requirement that the storage facilities for the medical marijuana stored on site prevent the emission of dust, fumes, vapors or odors into the environment.~~

~~d.—A requirement that the owner secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the medical marijuana food establishment is to be located stating that the structure complies with all fire code requirements and supply that certification to the building and safety department.~~

~~e.—A requirement that the medical marijuana food establishment is prohibited from permitting anyone to consume marijuana on the premises.~~

~~f.—A requirement that the medical marijuana food establishment comply with applicable sections of the Pinal County sanitary code.~~

~~7.—Enforcement. The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by PCDSC 2.160.140 or by injunction or other civil proceeding as provided by ARS 11-808(H). Notwithstanding any other provision of this code, this subsection shall not be enforced under ARS 11-808(C) as a misdemeanor.~~

~~8.—Fees. The fee for application and hearing is a combination of the existing fees for special use permit application filing fee, the site analysis submittal fee and the notice of public hearing fee included in the most current planning and development department fee schedule. [Ord. PZ C 001 14 § 1; Ord. 011812 ZO PZ C 007 10 § 21; Ord. 022311 PZ C 008 10 § 3].~~

**2.191.020 ~~Process development~~ Prohibition of marijuana on public property.**

~~The Pinal County board of supervisors recognizes that the Arizona Department of Health Services (ADHS) may be registering and certifying medical marijuana dispensaries after it has developed the processes related to applications and application fees for dispensaries and the issuance of patient registry cards. The development of the processes may be completed at any point in time within 120 days of certification of the 2010 election. [Ord. 022311 PZ-C-008-10 § 4].~~Except as otherwise provided by State law, the possession, use, sale, cultivation, manufacture, production or distribution of marijuana products is prohibited on property that is occupied, owned, controlled or operated by the County and it is unlawful for an individual to smoke marijuana in a public place or open space in unincorporated areas of Pinal County.

COPIES OF THE PROPOSED TEXT AMENDMENT ARE AVAILABLE FOR REVIEW ON THE PINAL COUNTY WEBSITE AT:  
<https://www.pinalcountyz.gov/CommunityDevelopment/Planning/Pages/OrdinanceMajorCPA.aspx>

UNDER ZONING ORDINANCE AMENDMENTS.

and in the office of Community Development Please request a Copy of PZ-C-001-21 when inquiring

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE HEARING AT THE TIME AND PLACE DESIGNATED ABOVE AND STATE THEIR APPROVAL OR OBJECTIONS TO ANY PROPOSED AMENDMENT.

Contact for this matter: Steve Abraham E-MAIL ADDRESS: [steve.abraham@pinal.gov](mailto:steve.abraham@pinal.gov)

Phone #: (520) 866-6045 Fax: (520) 866-6435

DATED THIS 20<sup>th</sup> DAY OF May, 2021.

Pinal County Planning and Development Department



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Lester Chow, Community Development Director

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[Anything below this line is not for publication]

PUBLISHED ONCE in each of the following:

Florence Reminder

Tri-Valley Dispatch

Arizona Republic

Copper Basin news

Superior Sun

San Manuel Miner

Pinal County Development Services Code

**Chapter 2.191**

(CLEAN)

**MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA ESTABLISHMENTS,  
OFF-SITE MARIJUANA CULTIVATION LOCATIONS AND TESTING FACILITIES**

Sections:

- 2.191.010 Medical marijuana dispensaries, recreational marijuana establishments, off-site marijuana cultivation locations and Testing Facilities.
- 2.191.020 Prohibition of marijuana on public property.

**2.191.010 Medical marijuana dispensaries, recreational marijuana establishments, off-site marijuana cultivation locations and testing facilities.**

A. Medical Marijuana Dispensaries and Recreational Marijuana Establishments. Medical marijuana dispensaries and recreational marijuana establishments shall be subject to the following conditions:

1. Minimum Notification Area. The minimum notification area for a medical marijuana dispensary or recreational marijuana establishment is 1,500 feet.
2. Application Requirements. An applicant for a medical marijuana dispensary or recreational marijuana establishment must complete an application that includes all of the following information:
  - a. If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary and/or recreational marijuana establishment, as applicable.
  - b. The legal name of the medical marijuana dispensary or recreational marijuana establishment.
  - c. The name, address and date of birth of each principal officer and board member and the name, address and date of birth of each agent.
  - d. A copy of any operating procedures adopted in compliance with the rules of the Arizona Department of Health Services or its successor agency.
  - e. A notarized certification that none of the principal officers or board members has been convicted of one 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 including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the 10 years prior to applying for the application for the dispensary 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.

f. A notarized certification that none of the principal officers or board members has served as a principal officer or board member for a registered medical marijuana dispensary or recreational marijuana establishment that has had its registration certificate revoked.

g. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary or recreational marijuana establishment will meet the definition of enclosed, locked facility contained in A.R.S. § 36-2801(6) and will be conducted completely within an enclosed, locked building.

3. Permitted Location. A medical marijuana dispensary or recreational marijuana establishment is only permitted in the C-3 (general commercial), I-1 (industrial buffer), I-2 (light industrial and warehouse), and I-3 (industrial) zoning districts and only with a special use permit that requires reapplication of the permit after five years or less.

4. Community Impacts. The County may or may not approve a medical marijuana dispensary or recreational marijuana establishment at a site if substantial evidence is presented that locating the dispensary or establishment at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the dispensary or establishment at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.

5. Development Standards.

a. A medical marijuana dispensary or recreational marijuana establishment must be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

b. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of ten miles from all other medical marijuana dispensaries or establishments measured from the parcel boundaries; however, this does not preclude a dual licensee from operating both a medical marijuana dispensary and a marijuana establishment collectively at a shared location.

c. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from schools, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries.

d. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a childcare center, measured from the parcel boundaries.

e. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a library or public park.

f. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a church.

g. A medical marijuana dispensary or recreational marijuana establishment shall be separated a minimum of 1,500 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.

h. A medical marijuana dispensary or recreational marijuana establishment may have a drive-through service.

i. A medical marijuana dispensary or recreational marijuana establishment may not have outdoor seating areas.

j. The permitted hours of operation of a medical marijuana dispensary or recreational marijuana establishment are between the hours of 7:00 a.m. and 10:00 p.m. daily.

k. The medical marijuana dispensary or recreational marijuana establishment shall meet security requirements adopted by the Arizona Department of Health Services or its successor agency.

l. The storage facilities for the marijuana stored or grown at the dispensary or establishment shall prevent the emission of dust, fumes, vapors or odors into the environment.

m. The owner shall secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary or recreational marijuana establishment is to be located stating that the structure complies with all fire code requirements and supply that certification to the Building and Safety Department.

n. The medical marijuana dispensary or recreational marijuana establishment is prohibited from permitting anyone to consume marijuana on its premises.

o. The medical marijuana dispensary or recreational marijuana establishment shall comply with applicable sections of the Pinal County sanitary code.

p. The medical marijuana dispensary or recreational marijuana establishment may provide off-site delivery of marijuana.

6. Enforcement. The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by PCDCS 2.160.140 or by injunction or other civil proceeding as provided by A.R.S. § 11-815(H). Notwithstanding any other provision of this code, this subsection shall not be enforced under A.R.S. § 11-815(C) as a misdemeanor.

7. Fees. The fee for application and hearing is a combination of the existing fees for the special use permit application filing fee, the site analysis submittal fee, and the notice of public hearing fee included in the most current Planning and Development Department fee schedule.

B. Special Conditions for Non-Dispensary / Non-Establishment Cultivation.

1. An individual is permitted to possess, consume, process, manufacture, transport, and cultivate marijuana in a residential zoning district within the unincorporated areas of the County, subject to the limitations imposed by A.R.S. § 36-2801 *et seq.* (the Arizona Medical Marijuana Act) and A.R.S. § 36-2850 *et seq.* (the Smart and Safe Arizona Act) and this Chapter.

2. Marijuana Cultivation Location.

a. Allowed as an accessory to a primary residence.

b. Must be conducted in a completely enclosed, locked building.

c. Must prevent the emission of dust, fumes, vapors or odors into the environment.

C. Off-Site Marijuana Cultivation Locations and Testing Facilities. As long as the Arizona Revised Statutes remain in full force and effect to allow marijuana dispensaries and establishments, testing facilities and off-site cultivation and manufacturing locations where marijuana and marijuana products may not be transferred or sold to consumers are permitted as a special use subject to the following conditions:

1. Minimum Notification Area. The minimum notification area for off-site marijuana cultivation locations and testing facilities is 1,500 feet.

2. Supplemental Application. In addition to the application required by Chapter 2.150 PCDCS, an applicant for a special use permit for an off-site cultivation location or testing facility shall complete an application that includes all of the following information:

- a. If the application is by an agent for the owner, the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as an off-site marijuana cultivation location or testing facility.
  - b. The legal name and address of the affiliated medical marijuana dispensary and/or recreational marijuana establishment.
  - c. The name, address and date of birth of each principal officer and board member affiliated with the off-site cultivation location or testing facility and the name, address and date of birth of each agent.
  - d. A copy of any operating procedures adopted in compliance with the rules of the Arizona Department of Health Services or its successor agency.
  - e. A notarized certification that none of the principal officers or board members affiliated with the off-site cultivation location or testing facility has been convicted of one 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 including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the 10 years prior to applying for the application for the off-site cultivation location, 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.
  - f. A notarized certification that none of the principal officers or board members affiliated with the off-site cultivation location or testing facility has served as a principal officer or board member for a registered nonprofit medical marijuana dispensary that has had its registration certificate revoked.
  - g. A floor plan showing the location, dimensions of and type of security measures demonstrating that the off-site cultivation location or testing facility will meet the definition of “enclosed, locked facility” contained in A.R.S. § 36-2801(6).
  - h. A security plan that meets or exceeds Arizona Department of Health Services requirements, which shall be submitted to the Pinal County Sheriff’s Office for review and comment prior to the applicant’s special use permit hearing.
3. Permitted Location. An off-site cultivation location or testing facility is only permitted in the C-3 (general commercial), I-1 (industrial buffer), I-2 (light industrial and warehouse), and I-3 (industrial) zoning districts and only with a special use permit that requires reapplication of the permit after ten years or less.
4. Community Impacts. The board may or may not approve an off-site cultivation location or testing facility at a location if substantial evidence is presented that locating the cultivation location or testing facility at the proposed site will negatively impact neighboring property values or if substantial evidence is presented that shows that locating the cultivation location or testing facility at the proposed site will create an unreasonable risk to the health, safety or general welfare in the area.
5. Development Standards.
- a. An off-site cultivation location or testing facility must meet the definition of an “enclosed, locked facility” under A.R.S. § 36-2801(6) and the definition of “enclosed area” under Arizona Administrative Code R9-17-101(20) and may not be located in a trailer, cargo container or motor vehicle.



- b. An off-site cultivation location or testing facility shall be separated a minimum of 2,000 feet from all other off-site cultivation locations or testing facilities measured from the parcel boundaries.
- c. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from schools, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries.
- d. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a childcare center.
- e. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a library or public park.
- f. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a church.
- g. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.
- h. An off-site cultivation location or testing facility shall be separated a minimum of 1,500 feet from any single-family residential zone, multifamily residential zone, mixed dwelling zone and RU-C zone, as measured from the parcel boundaries.
- i. An off-site cultivation location may not have outdoor seating areas.
- j. All drying, curing and storage of marijuana at an off-site cultivation location or testing facility must take place inside a completely enclosed permanent building with controlled access and cannot be located in a trailer, cargo container, or motor vehicle.
- k. An off-site cultivation location must have a legible copy of a valid agent registry identification card, the original of which is issued by the State of Arizona, plainly displayed inside of the doorway at all times.
- l. An off-site cultivation location must have the address of the medical marijuana dispensary or recreational marijuana establishment that the off-site cultivation location supplies plainly displayed inside of the doorway at all times.
- m. An off-site cultivation location or testing facility must be accessible by a pavement to pavement roadway.
- n. The County shall not permit more than one off-site cultivation location and one off-site manufacturing location for each dispensary and establishment located in the County, absent a showing of unnecessary hardship.
- o. The off-site cultivation location or testing facility shall meet security requirements adopted by the Arizona Department of Health Services or its successor agency.
- p. The storage facilities for the marijuana stored or grown on site shall prevent the emission of dust, fumes, vapors or odors into the environment.
- q. The owner shall secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the off-site cultivation location or testing facility is to be located stating that the structure complies with all fire code requirements and supply a copy of that certification to the Building and Safety Department.

r. The off-site cultivation location or testing facility is prohibited from permitting anyone to consume marijuana on the premises.

s. The off-site cultivation location or testing facility shall comply with applicable section of the Pinal County sanitary code.

t. The applicant shall provide not less than three days' advance notice to the Pinal County Sheriff's Office when marijuana is to be harvested at the cultivation location and when marijuana is to be transported from the site to a marijuana dispensary and/or establishment.

u. The applicant shall submit for review and approval of a specific site plan as required by Chapter 2.200 PCDCS prior to operation of an off-site cultivation location or testing facility.

6. Enforcement. The provisions of this subsection may be enforced through the use of the civil penalty procedure provided for by PCDCS 2.160.140 or by injunction or other civil proceeding as provided by A.R.S. § 11-815(H). Notwithstanding any other provision of this code, this subsection shall not be enforced under A.R.S. § 11-815(C) as a misdemeanor.

7. Fees. The fee for application and hearing is a combination of the existing fees for the special use permit application filing fee, the site analysis submittal fee and the notice of public hearing fee included in the most current Planning and Development Department fee schedule.

D. Marijuana Food Establishments. A marijuana food establishment shall only be allowed immediately adjacent to or within a medical marijuana dispensary and/or recreational marijuana establishment and shall be subject to the same requirements applicable to marijuana dispensaries and establishments in PCDCS 2.191.010(A).

**2.191.020 Prohibition of marijuana on public property.**

Except as otherwise provided by State law, the possession, use, sale, cultivation, manufacture, production or distribution of marijuana products is prohibited on property that is occupied, owned, controlled or operated by the County and it is unlawful for an individual to smoke marijuana in a public place or open space in unincorporated areas of Pinal County.