



# CITY OF TUCSON FACT SHEET

## MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION LOCATIONS (ORD. No. 10850)

**DISCLAIMER:** *This fact sheet is provided to assist persons wishing to engage in the sale or cultivation of Medical Marijuana within the City of Tucson. The following is a summary of relevant provisions of the City of Tucson Land Use Code provisions. This document is a summary or reference guide and is in no way intended to substitute for, change or modify any provision of the Land Use Code, The Arizona Medical Marijuana Act or any applicable health care regulation, including but not limited to regulations promulgated by the Arizona Department of Health Services.*

**NOTICE:** *The information provided herein is solely related to compliance with the City of Tucson land use regulations. Nothing herein is intended to express any opinion regarding compliance with federal laws.*

### **GENERAL**

A Medical Marijuana Dispensary and Medical Marijuana Cultivation Location may be established on separate properties or combined on a single property subject to compliance with the regulations governing each use.

### **MEDICAL MARIJUANA DISPENSARY**

1. Allowed in the C-2 and C-3 zones.
2. The total maximum floor area of a medical marijuana dispensary shall not exceed 2,500 square feet.
3. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 500 square feet of the total 2500 square foot maximum floor area of a medical marijuana dispensary.
4. A medical marijuana dispensary shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle. 'Building' shall mean: A structure having a roof supported by columns, posts, or walls and intended for the shelter, housing, or enclosure of any person, entity, animal, process, equipment, goods, or materials of any kind or nature. Tucson Land Use Code, Article 6, Division 2, Section 6.2.2.
5. The permitted hours of operation of a medical marijuana dispensary shall be from 9:00 am to 7:00 pm.
6. A medical marijuana dispensary shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
7. A medical marijuana dispensary shall not have a drive-through service.
8. A medical marijuana dispensary shall not have outdoor seating areas.

9. A medical marijuana dispensary shall not offer a service that provides offsite delivery of the medical marijuana.
10. A medical marijuana dispensary shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries measured in a straight and direct horizontal line between the two closest exterior walls of medical marijuana dispensaries.
11. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a public, private or charter school or a licensed childcare center, measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana dispensary to the closest property line of a school or childcare center.
12. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a church, library or public park and a minimum of 2,000 feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility, measured in a straight and direct horizontal line from the closest wall of the medical marijuana dispensary to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.
13. A medical marijuana dispensary shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

***MEDICAL MARIJUANA CULTIVATION LOCATION***

1. Allowed in the C-2, C-3, I-1 and I-2 zones.
2. The total maximum floor area of a medical marijuana cultivation location shall not exceed 3,000 square feet.
3. The secure storage area for the medical marijuana stored at the medical marijuana cultivation location shall not exceed 1,000 square feet of the 3,000 square foot total maximum floor area of a medical marijuana cultivation location.
4. A medical marijuana cultivation location must be located in a permanent building and shall not be located in a trailer, cargo container mobile or modular unit, mobile home, recreational vehicle or other motor vehicle. ‘Building’ shall mean: A structure having a roof supported by columns, posts, or walls and intended for the shelter, housing, or enclosure of any person, entity, animal, process, equipment, goods, or materials of any kind or nature. Tucson Land Use Code, Article 6, Division 2, Section 6.2.2.
5. A medical marijuana cultivation location shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries or medical marijuana cultivation locations measured in a straight and direct horizontal line between the two closest exterior walls of medical marijuana cultivation locations.
6. A medical marijuana cultivation location shall be setback a minimum of 1,000 feet from a public, private or charter school or a licensed childcare center measured in a straight and direct horizontal line from the closet exterior wall of the medical marijuana cultivation location to the nearest property line of a school or childcare center.

7. A medical marijuana cultivation location shall be setback a minimum of 1,000 feet from a church, library or public park and a minimum of 2,000 feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility measured in a straight and direct horizontal line from the closest wall of the medical marijuana cultivation location to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.
8. A medical marijuana cultivation location shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

***MEDICAL MARIJUANA DESIGNATED CAREGIVER CULTIVATION LOCATION***

1. A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with §A.R.S. 36-2801et. seq. The Arizona Medical Marijuana Act.
2. A designated caregiver may, subject to compliance with §A.R.S. 36-2801et. seq. The Arizona Medical Marijuana Act, cultivate for more than one qualifying patient in the C-2; C-3; I-1 or I-2 zones.
3. More than one designated caregiver may co-locate cultivation locations in the C-2; C-3; I-1 or I-2 zones as long as the total cultivation area does not exceed 250 square feet maximum, including storage areas.
4. A designated caregiver shall comply with all lawful, applicable health regulations, including but not limited to those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.
5. All conditions and restrictions for medical marijuana dispensary offsite cultivation locations apply except that the designated caregiver cultivation location cultivation area is limited to a total 250 square feet maximum, including any storage areas.

***MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION LOCATION***

1. A qualifying patient may cultivate at his/her place of residence only in compliance with *The Arizona Medical Marijuana Act* §A.R.S. 36-2806 et. seq.
2. A qualifying patient, cultivating marijuana, shall comply with all lawful, applicable health regulations, including but not limited to those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

***DEFINITIONS***

Medical Marijuana Dispensary. A Medical Marijuana Dispensary shall have the same meaning as ‘Nonprofit Medical Marijuana Dispensary’ set forth in The Arizona Medical Marijuana Act A.R.S. § 36-2801.11.

Medical Marijuana Cultivation Location. A Medical Marijuana Cultivation Location includes a cultivation location in conjunction with a dispensary or a Medical Marijuana Dispensary Off-site

Cultivation Location where marijuana may be cultivated for the use of a Medical Marijuana Dispensary pursuant to The Arizona Medical Marijuana Act A.R.S. § 36-2801 et. seq.

Medical Marijuana Dispensary Off-site Cultivation Location. A Medical Marijuana Dispensary Off Site Cultivation Location means the additional location, if any, where marijuana may be cultivated for the use of a Medical Marijuana Dispensary as disclosed pursuant to The Arizona Medical Marijuana Act A.R.S. § 36-2804.B.1.b.ii.

Medical Marijuana Designated Caregiver Cultivation Location. A Medical Marijuana Designated Caregiver Cultivation Location or Cultivation by a Designated Caregiver refers to cultivation of Medical Marijuana by a Designated Caregiver and Cardholder whose registration card indicates that the cardholder has been authorized to cultivate marijuana plants for a qualifying patient(s)' medical use pursuant to The Arizona Medical Marijuana Act A.R.S. § 36-2804.A.7

Medical Marijuana Qualifying Patient Cultivation Location. A Medical Marijuana Qualifying Patient Cultivation Location shall mean cultivation of medical marijuana by a qualifying patient pursuant to The Arizona Medical Marijuana Act A.R.S. § 36-2801.1.a.ii but shall only include a Qualifying Patient who is also a Cardholder, authorized to cultivate marijuana plants pursuant to the provisions of § 36-2804.02.A.3.f.

### ***PROCESS***

A proposed site or location of a Medical Marijuana Dispensary or a Medical Marijuana Cultivation Location is reviewed by the Zoning Administrator, or designee, for compliance with applicable Land Use Code regulations.

An application with sufficient information to determine the exact location of the proposed Medical Marijuana site and contact information of the applicant is required.

A site plan, indicating the proposed location of the Medical Marijuana facility, the location of all other land uses identified in this ordinance, within a half (1/2) mile radius of the proposed location and the setbacks to those land uses is required. It is the responsibility of the applicant to research the uses on the surrounding properties and accurately identify the distances and separations as required. Failure to accurately document surrounding uses may result in the revocation of any zoning compliance.

A signed and notarized letter is required from the applicant indicating that they have read and understand the rules and regulations of the City of Tucson, have physically inspected the site and surrounding properties for specific uses and verifying that the proposed site location meets the requirements of Ordinance No. 10848.

The review process and site verification will take approximately four (4) weeks to complete. A provisional letter of zoning compliance may be issued to the applicant upon verification of compliance with the provisions of this Ordinance, where required by applicable health regulations. Zoning compliance will only be considered final upon proof of compliance with applicable health regulations to include registration, as may be required by the Arizona Department of Health Services. A provisional letter of zoning compliance will be valid for a period of one (1) year from date of issuance.

### ***FEES***

A \$495.00 fee is required to be submitted with the application and site plan. Checks are made payable to: The City of Tucson.