

When recorded mail to: Navajo County Board of Supervisors

CAPTION HEADING:

Re-Record Ordinance; Ordinance Number  
should be Ordinance Number 05-11 not  
03-11 , Amending Article 16A of the Navajo  
County Zoning Ordinance, Concerning  
Medical Marijuana

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## ORDINANCE NO. 03 -11

### **AN ORDINANCE OF THE NAVAJO COUNTY BOARD OF SUPERVISORS, AMENDING ARTICLE 16A OF THE NAVAJO COUNTY ZONING ORDINANCE, CONCERNING MEDICAL MARIJUANA**

**WHEREAS**, the Arizona Medical Marijuana Act, A.R.S. § 36-2801 et seq., authorizes counties to enact zoning regulations for Medical Marijuana dispensaries and related land uses; and

**WHEREAS**, the Board of Supervisors adopted Article 16A on February 22, 2011, under Ordinance #01-11; and,

**WHEREAS**, the Public Works staff and the Planning and Zoning Commission have recommended that Article 16A be amended as set forth herein regarding the regulation of Medical Marijuana uses within the Zoning Ordinance; and

**WHEREAS**, following a duly noticed public hearing held this date, the Board of Supervisors finds that the recommended amendment to Article 16A is in the public interest and should be approved,

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors that Article 16A of the Zoning Ordinance is hereby amended to read as follows (proposed language is underlined, ~~deleted language is in strikeout~~)::

#### **Article 16A – MEDICAL MARIJUANA**

##### **Section 16A-01 – Definitions:**

1. Medical Marijuana Designated Caregiver Cultivation Location:

An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where a caregiver designated pursuant to A.R.S. §36-2801 cultivates marijuana for one or more patients under the caregiver's care, each of whom resides in Navajo County at a location at least 25 miles distant from a Medical Marijuana Dispensary. The designated caregiver cultivation location must be accessory to the designated caregiver's primary residence. Medical Marijuana cultivation as an accessory use to the designated caregiver's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. ~~Medical Marijuana cultivation as an accessory use to the designated caregiver's primary residence~~

~~shall only be permitted if the residence is located at least 25 miles distant from a Medical Marijuana Dispensary.~~

**Section 16A-04 – Additional Application Requirements for a Special Use Permit for a Medical Marijuana Dispensary:**

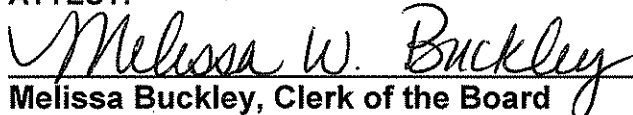
In addition to the application materials typically required for a Special Use Permit, an application for a Special Use Permit for a Medical Marijuana Dispensary shall also include evidence that the applicant has applied to the Arizona Department of Health Services (ADHS) for a dispensary registration certificate. At a minimum, the Special Use Permit application shall include a copy of the application to ADHS and evidence that ADHS has accepted the application. Failure to provide this information will result in rejection of the Special Use Permit application.

**SO ORDAINED** by the Navajo County Board of Supervisors at Holbrook, Arizona, on August 23, 2011, by a vote of 3 ayes and 0 nays. *2 absent.*

Navajo County Board of Supervisors

By:   
David Tenney, Chairman of the Board

ATTEST:

  
Melissa Buckley, Clerk of the Board