Marana Ordinance No. 2019.022

Relating to Development; Amending Marana Town Code Title 17 (Land Development) by revising section 17‑6‑14 (medical marijuana dispensary) to add new paragraphs G and H, clarifying the rights of a property owner under a medical marijuana dispensary conditional use permit

WHEREAS a disagreement in the interpretation of Town Code section 17‑6‑14 (medical marijuana dispensary) has arisen between Town staff and the owner of a property where a medical marijuana dispensary is operating pursuant to a Town-issued conditional use permit; and

WHEREAS Town staff proposes to moot the disagreement with an ordinance amending Town Code section 17‑6‑14 to clarify the rights of a property owner under a medical marijuana dispensary conditional use permit; and

WHEREAS the Town Council finds that adoption of this ordinance is in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 17 (Land Development) is hereby amended by revising section 17‑6‑14 (medical marijuana dispensary) to add new paragraphs G and H as follows:

* + - 1. The medical marijuana dispensary operator and the owner of the property shall jointly share the rights and obligations of a medical marijuana dispensary conditional use permit issued under this section.
      2. If a medical marijuana dispensary ceases to operate at a property for which a conditional use permit has been issued under this section, the owner of the property shall have the right to lease or sell the property to another medical marijuana dispensary operator without the need for a new medical marijuana dispensary conditional use permit, subject to the following conditions and requirements:
         1. A new conditional use permit shall be required if the medical marijuana dispensary conditional use permit expires by operation of section 17‑3‑2 (conditional use permits) paragraph K (expiration upon discontinuance).
         2. Before opening to the public, the new medical marijuana dispensary operator shall provide to the town the information and documentation set forth in subparagraphs 1 through 7 and 9 of paragraph B of this section.
         3. The new medical marijuana dispensary operator shall obtain a new medical marijuana dispensary conditional use permit if the planning director determines that the floor plan provided as required by subparagraph 7 of paragraph B of this section is substantially different from the floor plan approved in the medical marijuana dispensary conditional use permit. For purposes of making this determination, the planning director shall disregard floor plan changes required by the state as a condition of the operator’s state license.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance shall be effective on the 31st day after its adoption.

Passed and adopted by the Mayor and Council of the Town of Marana, Arizona, this 15th day of October, 2019.

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|  | Mayor Ed Honea |
| ATTEST:    Cherry L. Lawson, Town Clerk | APPROVED AS TO FORM:    Frank Cassidy, Town Attorney |