

**ORDINANCE NO. 2598**

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, CHAPTER I ZONING REGULATIONS, DIVISION 4 GENERAL REGULATIONS, ARTICLE 4.5 SUPPLEMENTAL USE REGULATIONS, BY AMENDING SECTION 4.5014 MEDICAL MARIJUANA DISPENSARIES, OFFSITE CULTIVATION SITES AND DESIGNATED CAREGIVER CULTIVATION LOCATIONS, RELATED TO SEPARATION REQUIREMENTS BETWEEN DISPENSARIES AND CERTAIN USES AND THE TOTAL NUMBER OF DISPENSARIES PERMITTED WITHIN THE TOWN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Council has determined that the proposed Land Development Code text amendment will provide for the efficient regulation of land uses within the Town, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed text amendment; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Land Development Code of Gilbert, Arizona, Chapter I Zoning Regulations, Division 4 General Regulations, Article 4.5 Supplemental Use Regulations, Section 4.5014 Medical Marijuana Dispensaries, Offsite Cultivation Sites and Designated Caregiver Cultivation Locations, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

*[Subsections A and B remain the same]*

- C. ***Location.*** Medical Marijuana Facilities shall be a minimum distance from the uses set forth in Table 4.5014: Medical Marijuana Facilities Location Requirements, INCLUDING MEDICAL MARIJUANA FACILITIES LOCATED IN NEIGHBORING JURISDICTIONS. Measurements shall be made in a straight line in any direction from the closest perimeter business walls. No separation is required when medical marijuana facilities are separated by a freeway.

**Table 4.5014: Medical Marijuana Facilities Location Requirements**

<i>Use or Use Classification</i>	<i>Separation Requirement (feet)</i>
Another Medical Marijuana Dispensary or Offsite Cultivation	<del>1,320</del> <u>5,280</u>
Hospital	1,320
Day Care Center, public or private	1,000
Public or Private Park	1,000
Place of Worship	1,000
Schools, Public or Private	1,000
Residential District Boundary	<del>500</del> <u>1,000</u>

*[Subsections D and E remain the same]*

~~F. **FACILITY LIMITATIONS. THE MAXIMUM NUMBER OF MEDICAL MARIJUANA FACILITIES ALLOWED WITHIN THE GILBERT TOWN LIMITS SHALL BE TWO (2).**~~

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties

Any person found responsible for violating the provisions set forth in this ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Town of Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

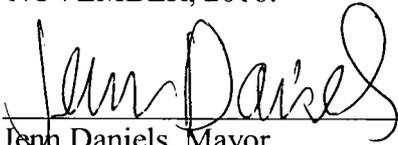
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 10<sup>th</sup> day of November, 2016, by the following vote:

AYES: j CANDLAND, E COOK, J DANIELS, V PETERSEN, B PETERSON, J TAYLOR

NAYES: NONE ABSENT: J. RAY

EXCUSED: NONE ABSTAINED: NONE

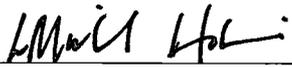
APPROVED this 10<sup>TH</sup> day of NOVEMBER, 2016.

  
Jen Daniels, Mayor

ATTEST:

  
Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:

  
L. Michael Hamblin, Town Attorney

I, LISA MAXWELL, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2598 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 10<sup>TH</sup> DAY OF NOVEMBER, 2016, WAS POSTED IN FOUR PLACES ON THE 17 DAY OF NOVEMBER, 2016.

  
Lisa Maxwell, Town Clerk