

EXHIBIT "A"

ORDINANCE NO. 2011-02

AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADOPTING AMENDMENTS TO THE TOWN OF CAREFREE ZONING ORDINANCE AMENDED THROUGH NOVEMBER 3, 2010, ARTICLE II. RULES AND DEFINITIONS AND ARTICLE V. USES PERMITTED IN EACH ZONING DISTRICT AND ADDITIONAL REQUIREMENTS AND CLARIFICATIONS FOR USES PERMITTED IN EACH ZONING DISTRICT; PROVIDING FOR REPEAL OF CERTAIN PROVISIONS OF THE TOWN OF CAREFREE ZONING ORDINANCE; PROVIDING FOR SEPARABILITY; ADOPTION AND APPROVAL BY THE MAYOR AND COMMON COUNCIL OF THE TOWN AS REQUIRED BY LAW AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THIS AMENDMENT INTO THE TOWN OF CAREFREE ZONING ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

- Section 1: That certain document known as "The Town of Carefree Zoning Ordinance, amended through November 3, 2010" is hereby amended as stated below in Section 4 (the "Amendments"), in order to conserve and promote the public health, safety and general welfare for the citizens of the Town of Carefree.
- Section 2: The document shall be known as "The Town of Carefree Zoning Ordinance, amended through March 1, 2011" and is hereby declared to be a public record. Three (3) copies of said amended Zoning Ordinance are hereby placed and ordered to remain on file in the Office of the Town Clerk.
- Section 3: All ordinances and portions of ordinances in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.
- Section 4: The Amendments are made to Article II. Rules and Definitions and to Article V. Uses Permitted in Each Zoning District and Additional Requirements and Clarifications for Uses Permitted in Each Zoning District of the Town of Carefree Zoning Ordinance, adopted March 2, 2004 and amended through November 3, 2010 as follows (added language is shown in **Bold**, deleted language is shown ~~crossed out~~).

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Article II. RULES AND DEFINITIONS

Section 2.02 Definitions

(1) – (69) No changes. Insert new definitions numbered (70) through (74) as follows:

(70) **MEDICAL MARIJUANA:** All parts of genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate qualifying patients with debilitating medical conditions or symptoms associated with the patient's debilitating medical condition. (Ord. #2011-02)

(71) **MEDICAL MARIJUANA CULTIVATION:** The process by which a person grows a medical marijuana plant. A facility shall mean a building, structure or premises used for cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary. (Ord. #2011-02)

(72) **MEDICAL MARIJUANA DISPENSARY:** A non-profit entity defined in Arizona Revised Statute §36-2801(11) that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients. (Ord. #2011-02)

(73) **MEDICAL MARIJUANA INFUSION (or MANUFACTURING) FACILITY:** A facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporations into consumable/edible goods. (May be combined with cultivation definition). (Ord. #2011-02)

(74) **MEDICAL MARIJUANA QUALIFYING PATIENT:** A person who has been diagnosed by a physician as having a debilitating medical condition as defined in Arizona Revised Statute §36-2801.13. (Ord. #2011-02)

Existing definitions (~~70~~) through (~~118~~) shall be renumbered accordingly as (75) through (123).

Article V. USES PERMITTED IN EACH ZONING DISTRICT AND ADDITIONAL REQUIREMENTS AND CLARIFICATIONS FOR USES PERMITTED IN EACH ZONING DISTRICT.

Table 5.1: Uses allowed in each zoning district, residential (Rural-190 through R-3), Lodging (L), Garden Office (GO), and Commercial (C). (Ord. #2005-05, Ord. #2006-05, Ord. #2011-02)

ZONING DISTRICT										
USES ALLOWED	Rural-190	Rural-70	Rural-43	R1-35	R1-18	R1-10	R-3	L	GO	C
Medical Marijuana Dispensary										C ¹³

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Section 5.02 Additional Requirements and Clarifications (Ord. #2006-05, Ord. #2011-02)

- (13) **Medical Marijuana Cultivation, Infusion or Manufacturing facilities are prohibited. The Conditional Use Permit for a Medical Marijuana Dispensary shall meet the following minimum criteria (Ord. #2011-02):**
- (A) **The applicant shall submit a copy of the operating procedures for the medical marijuana dispensary facility adopted in compliance with Arizona Revises Statute §36-2804(B)(1)(c).**
 - (B) **The dispensary facility shall be located in a permanent building and shall not be located in a trailer, cargo container, motor vehicle, recreation vehicle or any temporary structure.**
 - (C) **The area of the dispensary facility shall not exceed 1,500 gross square feet.**
 - (D) **The dispensary facility shall have operating hours not earlier than 9 a.m. and not later than 6 p.m. Monday through Friday, and not earlier than 10 a.m. and not later than 6 p.m. Saturday and Sunday.**
 - (E) **Drive-through services are prohibited.**
 - (F) **Cultivation and infusion (manufacturing) of medical marijuana are prohibited.**
 - (G) **Marijuana remnants and/or byproducts shall not be placed within exterior refuse container(s) or disposed of onsite by any other means and shall be disposed of by a certified offsite waste disposal service in conformance with state and federal requirements.**
 - (H) **Off-site delivery and on-site consumption of medical marijuana are prohibited.**
 - (I) **The dispensary facility shall not be located within 1,320 linear feet (¼ mile) of any other medical marijuana cultivation, infusion or manufacturing facility or another medical marijuana dispensary. This distance shall be measured from the exterior walls of the building or portion thereof in which the dispensary facility is located to the closest point of the property boundary line of the other facility.**
 - (J) **The dispensary facility shall not be located within five hundred (500) linear feet of any residential property located in the Rural-190, Rural-70, Rural-43, R1-35, R1-18, R1-10, and/or R-3 zoning districts. This distance shall be measured from the exterior walls or portion thereof in which the dispensary facility is located or proposed to be located to the closest point of the property boundary line of the residential property.**
 - (K) **The dispensary facility shall not be located within five hundred (500) linear feet of any preschool, kindergarten, elementary, secondary and/or high school. This distance shall be measured from the exterior walls or portion thereof in which the dispensary facility is located or**

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proposed to be located to the closest point of the property boundary line of the school.

- (L) The applicant shall submit a survey sealed by a registered land surveyor of the State of Arizona showing that the location of the nearest medical marijuana dispensary, cultivation, infusion or manufacturing facility is not located within 1,320 linear feet (1/4 mile) of the proposed dispensary facility and within five hundred (500) linear feet of any preschool, kindergarten, elementary, secondary and/or high school and/or any residential property located in the Rural-190, Rural-70, Rural-43, R1-35, R1-18, R1-10, and/or R-3 zoning districts.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the amendments of this Ordinance 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.

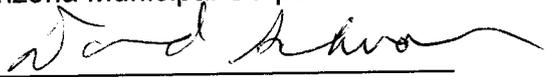
Section 6. This Ordinance and stated amendments shall become effective and in full force and effect thirty (30) days from and after the date of its adoption.

Section 7. The Town Clerk of the Town of Carefree shall incorporate the Amendment set forth herein in to the Zoning Ordinance of the Town of Carefree, Arizona.

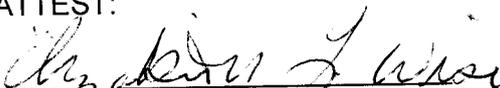
PASSED AND ADOPTED by the Common Council of the Town of Carefree, Arizona this 1st day of March, 2011.

Ayes 7 Noes 0 Abstentions 0 Absent 0

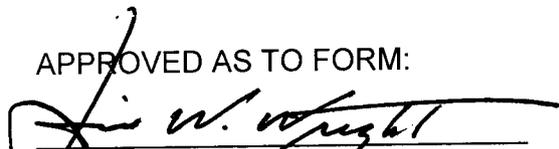
TOWN OF CAREFREE, an
Arizona Municipal Corporation


David Schwan, Mayor

ATTEST:


Elizabeth L. Wise, Town Clerk

APPROVED AS TO FORM:


Michael W. Wright, Town Attorney