

ORDINANCE NO. (O)16-08

AN ORDINANCE OF THE TOWN OF ORO VALLEY ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED (OVZCR) CHAPTER 25, USE REGULATIONS, SECTION 25.1.V.1.b.xi, MEDICAL MARIJUANA DISPENSARY – DEVELOPMENT STANDARDS, REGARDING HOURS OF OPERATION OF MEDICAL MARIJUANA DISPENSARIES; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O) 81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised” (OVZCR); and

WHEREAS, on October 29, 2010, the Mayor and Council approved Ordinance (O) 10-13, which amended the OVZCR to allow for regulation of facilities related to the cultivation and dispensation of medical marijuana; and

WHEREAS, the proposed amendment to the OVZCR, Chapter 25, Use Regulations, Section 25.1.V.1.b.xi, Medical Marijuana Dispensary – Development Standards, is to consider increasing the hours of operation of medical marijuana dispensaries from 9 a.m. to 5 p.m. to 7 a.m. to 10 p.m. to allow for improved patient access to prescribed medicine; and

WHEREAS, there is currently one (1) medical marijuana dispensary within Town limits which is located in the Rancho Vistoso Safeway Center; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendment to the OVZCR, Chapter 25, Use Regulations, Section 25.1.V.1.b.xi, Medical Marijuana Dispensary – Development Standards regarding increasing the hours of operation of medical marijuana dispensaries within the Town at a duly noticed public hearing on May 3, 2016 in accordance with State Statutes and recommended approval to the Town Council; and

WHEREAS, at a duly noticed Town Council Meeting on June 1, 2016, the Oro Valley Town Council has considered the proposed amendment to the OVZCR, Chapter 25, Use Regulations, Section 25.1.V.1.b.xi, Medical Marijuana Dispensary – Development Standards regarding increasing the hours of operation of medical marijuana dispensaries

within the Town and the Planning and Zoning Commission's recommendation and finds it consistent with the Town's General Plan and other Town ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that:

SECTION 1. That certain document entitled Oro Valley Zoning Code Revised, is hereby amended to add the amendment OVZCR, Chapter 25, Use Regulations, Section 25.1.V.1.b.xi, Medical Marijuana Dispensary – Development Standards regarding increasing the hours of operation of medical marijuana dispensaries within the Town, attached hereto as Exhibit “A”.

SECTION 2. All Oro Valley 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.

SECTION 3. 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, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 1st day of June, 2016.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

Zoning Code Amendment
Modified Text

Additions shown in **BOLD AND CAPS**

Deletion shown in ~~strike through~~ font

- xi. The permitted hours of operation of a medical marijuana dispensary are
between the hours of ~~9:00 a.m. and 5:00 p.m.~~ **7:00 A.M. TO 10:00 P.M.**