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**ZCA-2023-04**  
**Marijuana**  
**Establishments &**  
**Dispensaries**  
**Code Text**  
**Amendment**

**October 24, 2023**  
**Planning & Zoning**  
**Commission**

**Staff Report**  
**Attachment B-1:**  
*Proposed Minimum*  
*Zoning Code Revisions*  
*DMC §17.05.507, -.508, -*  
*.509, -.510*

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- A. Required area: No minimum area requirement, but any development over three (3) acres in gross area shall be processed as a planned area development under the provisions of Article [17.09](#).
  - B. Maximum building height: No building shall exceed thirty-five (35) feet in height except that within one hundred (100) feet of any UR, SFR, MFR, MHR, or RV district, no building shall exceed twenty-five (25) feet in height.
  - C. Required yards:
    - 1. Front yards: Forty (40) feet.
    - 2. Where a lot has doubled frontage on two (2) streets, the required front yard shall be provided on both streets.
    - 3. Where a lot is located at the intersection of two (2) or more streets, the required front yard shall be provided on one (1) street and a yard having a depth of not less than twenty (20) feet shall be provided on the intersecting street.
    - 4. Side and rear yard. Ten (10) feet.
  - D. Operations and storage. All operations and storage shall be conducted within a completely enclosed building.

**506.8 Nonresidential accessory buildings.**

- A. Maximum height: Fifteen (15) feet above grade.
- B. Maximum yard coverage: Thirty-five (35) percent of the required side and rear yards.
- C. Location restrictions: No accessory building shall be erected in any minimum required front yard, except as otherwise provided in this code.
- D. Setback requirements: Accessory buildings shall be setback from the side lot line and the rear lot line a distance not less than three (3) feet, except:
  - 1. For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).
  - 2. For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback from the rear lot line a distance not less than the width of the least required side yard applicable to the main building.
  - 3. For a corner lot, the street side setback shall be the same as for the main building.

**506.9 Off-street parking and loading.** In accordance with the provisions of Article [17.06](#).

**506.10 Sign regulations.** In accordance with the provisions of Article [17.07](#).

**506.11 Landscaping, screening, and buffering.** Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or Board of Adjustments, and Building Inspector. All landscaping shall meet the requirements set forth in any subsequent ordinance specifically addressing the issue of landscaping.

(Ord. 23-1166, §2, 7-12-2023)

**Sec. 507. GC - General Commercial.**

**507.1 Purpose.**

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- A. This district is designed for the central retail marketing function of the Douglas trade area. Office building activities, personal and business services, and minor repair services are compatible with the primary purpose of the district. Regulations are designed to encourage a concentrated development limited by standards to prevent traffic congestion and to protect the district from incompatible uses.
  - B. Definitions. The following ~~Medical~~ Marijuana Land Use definitions of land use groups shall have the following meaning where applicable in Sections 17.05.507, -.508, -.509, and -.510 of these zoning regulations and business license code.
    1. Medical marijuana designated caregiver cultivation location. A Medical Marijuana Designated Caregiver Cultivation Location or Cultivation by a Designated Caregiver refers to cultivation of Medical Marijuana by a Designated Caregiver and Cardholder whose registration card indicates that the cardholder has been authorized to cultivate marijuana plants for a qualifying patient(s)' medical use pursuant to the Arizona Medical Marijuana Act A.R.S. § 36-2804.A.7.
    2. Medical marijuana dispensary. A Medical Marijuana Dispensary shall have meaning as "Nonprofit Medical Marijuana Dispensary" set forth in the Arizona Medical Marijuana Act A.R.S. § 36-2801.11.
    3. Medical marijuana dispensary off-site cultivation location. A Medical Marijuana Dispensary Off-Site Cultivation Location means the additional location, if any, where marijuana may be cultivated for the use of a Medical Marijuana Dispensary as disclosed pursuant to the Arizona Medical Marijuana Act A.R.S. § 36-2804. B.1.b.ii.
    4. Medical marijuana qualifying patient cultivation location. A Medical Marijuana Qualifying Patient Cultivation Location shall mean cultivation of medical marijuana by a qualifying patient pursuant to the Arizona Medical Marijuana Act A.R.S. § 36-2801.1.a.ii, but shall only include a Qualifying Patient who is also a Cardholder, authorized to cultivate marijuana plants pursuant to the provisions of A.R.S. § 36-2804.02A.3.f.
    5. Marijuana establishment, off-site cultivation location. A marijuana establishment off-site cultivation location is where marijuana may be cultivated, processed, and marijuana products manufactured, but from which marijuana and marijuana products may not be transferred or sold to consumers, per § 36-2850.21(b).
    6. Marijuana establishment, product manufacturing. A marijuana product manufacturing establishment is where marijuana products may be manufactured, packaged, and stored, but from which marijuana and marijuana products may not be transferred or sold to consumers, per § 36-2850.21(c).
    7. Marijuana establishment, retail. A marijuana retail establishment shall mean a single responsible adult use marijuana retail location at which an Arizona Department of Health Services-approved licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products, per A.R.S. § 36-2850.21(a).
    8. Marijuana testing facility. A marijuana testing facility shall mean a location of a certified third-party laboratory for testing marijuana per A.R.S. §§ 36-2804.07 and 36-2855(D).

**507.2 Approval required.** No structure or building shall be built or remodeled upon land in the General Commercial district until all required subdivision plat and/or site plan approvals have been obtained.

**507.3 Location.** The following criteria shall be considered in establishing and maintaining a GC district:

- A. Conforms to appropriate designation in the General Plan.
- B. Corresponds to an existing district or development in an area annexed into the City.

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507.4 **Permitted principal uses.** Buildings, structure, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses including:

A. Building and professional services.

1. Business and professional offices including any permitted in Neighborhood Commercial, Limited Commercial or Office Professional.
2. Business schools.
3. Medical or dental offices including laboratory.
4. Museum.
5. Optician.
6. School, private, operated as a commercial enterprise.
7. Studio for professional work or teaching of any form of commercial or fine arts.
8. Small animal veterinary hospital.

B. Retail sales.

1. Antique store.
2. Appliance store.
3. Art gallery.
4. Automobile parts store.
5. Bakery.
6. Bars and cocktail lounges.
7. Bicycle store.
8. Bookstore.
9. Camera store.
10. Candy store.
11. Carpet and floor covering store.
12. Clothing store.
13. Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.
14. Department store.
15. Drug store.
16. Electronic equipment store.
17. Fabric store.
18. Florist.
19. Furniture store.
20. Gift shop.
21. Grocery store or supermarket.

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22. Gun shop.
  23. Hardware store.
  24. Hobby or toy store.
  25. Home improvement store.
  26. Ice cream store.
  27. Import store.
  28. Liquor store, no drive-through window allowed.
  29. Music store.
  30. Pawn shop.
  31. Pet shop.
  32. Restaurants, including drive-in or drive through types.
  33. Sporting goods store.
  34. Stationary store.
  35. Swimming pool supply store.
  36. Variety store.
  37. Second-hand stores as long as all items are contained within the building.
  38. Medical marijuana designated caregiver cultivation location, ~~subject to~~ [sas defined in Subsection 17.05.507.7.E1\(B\)](#).
  39. Medical marijuana dispensary, ~~subject to~~ [sas defined in Subsection 17.05.507.7.E1\(B\)](#).
  40. Medical marijuana dispensary off-site cultivation location, ~~subject to~~ [sas defined in Subsection 17.05.507.7.E1\(B\)](#).
  41. Medical marijuana qualifying patient cultivation location, ~~subject to~~ [sas defined in Subsection 17.05.507.7.E1\(B\)](#).
  42. [Marijuana establishment, off-site cultivation location, as defined in Subsection 17.05.507.1\(B\)](#).
  43. [Marijuana establishment, product manufacturing, as defined in Subsection 17.05.507.1\(B\)](#).
  44. [Marijuana establishment, retail, as defined in Subsection 17.05.507.1\(B\)](#).

C. Services.

1. Appliance repair.
2. Bank (including drive-thru).
3. Barber or beauty shop.
4. Bowling alley.
5. Broadcasting station and studio, radio or television, but not including transmitting or receiving towers.
6. Clothes cleaning agencies and Laundromats excluding industrial cleaning and dyeing plants.

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7. Hotel or motel.
  8. Movie theater.
  9. Pool hall.
  10. Printing, lithography, publishing or photostating establishment.
  11. Shoe repair.
  12. Taxidermist.
  13. Telephone answering service.
  14. Theater for the performing arts.
  15. Amusement park.
  16. Automated car wash.
  17. Automobile rental or leasing.
  18. Automobile sales, new.
  19. Automobile sales, used.
  20. Automotive repair, body and paint shops.
  21. Bars and cocktail lounges.
  22. Boat sales.
  23. Bus station, excluding overnight parking and storage of buses.
  24. Commercial parking lot.
  25. Day nursery or pre-school.
  26. Equipment sales rental and storage yard.
  27. Funeral home and chapel.
  28. Gasoline service station.
  29. Health studio.
  30. Miniature golf course.
  31. Motorcycle sales.
  32. Recreational vehicle and camper sales and or repair.
  33. Residential health care facility.
  34. Sports arena.
  35. Tire store excluding retreading.
  36. Multi-unit storage facilities.

507.5 **Permitted conditional uses.** See Section 17.03.310(C) and (D).

507.6 **Permitted accessory uses.**

- A. Any use customarily incidental to a permitted principal use, such as:
  1. Private garage or carport for storage of vehicles;

- 2. Garden house, toolhouse, ramada, swimming pool.
- B. Accessory dwelling units, See Section [17.03.310](#).
- C. Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.
- D. Home occupations, see Section [17.03.324](#).

**507.7 Property development standards.**

- A. Required area. No minimum area requirement, but any development over three (3) contiguous acres in gross area shall be processed as a planned area development under the provisions of Article 9.
- B. Maximum building height. No building shall exceed thirty-five (35) feet in height, except that within one hundred (100) feet of any SFR, MFR, or MHR district, no building shall exceed twenty-five (25) feet in height.
- C. Minimum distance between main buildings. As prescribed by the Uniform Building Code.
- D. Required yards:
  - 1. Front yard:
    - (a) There shall be a front yard having a depth of not less than forty (40) feet.
    - (b) Where a lot has double frontage on two (2) streets, the required front yard of not less than forty (40) feet shall be provided on both streets.
    - (c) Where a lot is located at the intersection of two (2) or more streets, the required front yard of not less than forty (40) feet shall be provided on one (1) street and a yard having a depth of not less than twenty (20) feet shall be provided on the intersecting street.
  - 2. Side and rear yard. Ten (10) feet.
- E. ~~[[Marijuana Land Uses Specifications.](#)] The following property development standards shall have the following specifications where applicable in Article 5 of these zoning regulations, and shall apply across the board as to all districts (GC, IP, LI and HI), as listed in the zoning regulations.~~
  - 1. Medical marijuana dispensary.
    - (a) The total maximum floor area of a medical marijuana dispensary shall not exceed two thousand five hundred (2,500) square feet.
      - i. Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City of Douglas Planning and Zoning Code.
    - (b) The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed five hundred (500) square feet of the total two thousand five hundred (2,500) square foot maximum floor area of a medical marijuana dispensary.
    - (c) A medical marijuana dispensary shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
    - (d) The permitted hours of operation of a medical marijuana dispensary shall be from 9:00 am to ~~5~~10:00 pm.
    - (e) A medical marijuana dispensary shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.



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- (f) A medical marijuana dispensary shall not have a drive-through service.
  - (g) A medical marijuana dispensary shall not have outdoor seating areas.
  - (h) A medical marijuana dispensary shall not offer a service that provides off-site delivery of the medical marijuana.
  - (i) A medical marijuana dispensary shall be setback a minimum of two thousand (2,000) feet from any other medical marijuana dispensaries measured in a straight and direct horizontal line between the two (2) closest exterior walls of the medical marijuana dispensaries.
  - (j) A medical marijuana dispensary shall be setback a minimum of one thousand (1,000) feet from a public, private or charter school or a licensed childcare center, measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana dispensary to the closest property line of a school or childcare center.
  - (k) A medical marijuana dispensary shall be setback a minimum of one thousand (1,000) feet from a church, library or public park and a minimum of two thousand (2,000) feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility, measured in a straight and direct horizontal line from the closest wall of a medical marijuana dispensary to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.  

A "church" means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.
  - (l) A medical marijuana dispensary shall comply with lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

2. *Medical marijuana dispensary off-site cultivation location.*

- (a) The total maximum floor area of a medical marijuana dispensary off-site cultivation location shall not exceed three thousand (3,000) square feet.
- (b) The secure storage area for the medical marijuana stored at the medical marijuana dispensary off-site cultivation location shall not exceed one thousand (1,000) square feet total maximum floor area of a medical marijuana dispensary off-site cultivation location.
- (c) A medical marijuana dispensary off-site cultivation location must be located in a permanent building and shall not be located in a trailer, cargo container mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (d) A medical marijuana dispensary off-site cultivation location shall be setback a minimum of two thousand (2,000) feet from any other medical marijuana dispensaries or medical marijuana dispensary off-site cultivation locations measured in a straight and direct horizontal line between the two closest exterior walls of the medical marijuana dispensaries' cultivation location.
- (e) A medical marijuana dispensary off-site cultivation location shall be setback a minimum of one thousand (1,000) feet from a public, private or charter school or a licensed childcare center measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana off-site cultivation location to the nearest property line of a school or childcare center.

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- (f) A medical marijuana dispensary off-site cultivation location shall be setback a minimum of one thousand (1,000) feet from a church, library or public park and a minimum of two thousand (2,000) feet from a licensed residential substances abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility measured in a straight and direct horizontal line from the closest wall of the medical marijuana dispensary off-site cultivation location to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.

A "church" means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.

- (g) Medical marijuana off-site cultivation location shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

3. Medical marijuana designated caregiver cultivation location.

- (a) All conditions and restrictions for a medical marijuana dispensary off-site cultivation locations apply except that the designated caregiver cultivation location cultivation area is limited to a total two hundred fifty (250) square feet maximum, including any storage areas.
- (b) A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with § A.R.S. 36-2806.01.
- (c) More than one (1) designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed two hundred fifty (250) square feet maximum, including storage areas.
- (d) A designated caregiver shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

4. Medical marijuana qualifying patient cultivation location.

- (a) A qualifying patient may cultivate at their place of residence subject to compliance with A.R.S. § 36-2806.01.
- (b) A qualifying patient, cultivating marijuana, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

**507.8 Nonresidential accessory buildings.**

- A. Maximum height: Fifteen (15) feet above grade.
- B. Maximum yard coverage: Thirty-five (35) percent of rear yard.
- C. Location restrictions: No accessory building shall be erected in any minimum required front or side yard, except as otherwise provided in this code.
- D. Setback requirements: Accessory buildings shall be setback ~~front from~~ eh the side lot line and the rear lot line a distance no less than three (3) feet, except:
  - 1. For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).

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2. For a corner lot abutting a key lot and not separated there ~~form~~from an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

507.8 **Off-street parking and loading.** In accordance with the provisions of Article [17.06](#).

507.9 **Sign regulations.** In accordance with the provisions of Article [17.07](#).

507.11 **Landscaping, screening, and buffering.** Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or Board of Adjustment, and Building Inspector. All landscaping shall meet the specifications set forth in any subsequent ordinance specifically addressing the issue of landscaping.

507.12 **Marijuana testing facility permitted.**

- A. It shall be unlawful for a person to operate a marijuana establishment at any location within the City of Douglas without obtaining a business license from the City of Douglas pursuant to the Douglas Municipal Code, Section 5.02.040-~~A-8~~(A)(8), and also meet City Zoning Code regulations, including any application and review procedures.
- B. A Marijuana testing facility is permitted in the City of Douglas subject to the following conditions:
  1. To the extent permitted by applicable law, the development standards shall follow those outlined in subsection numbered [17.05.507.7](#)-~~(E)~~. Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City.
  2. There are no more than one marijuana testing facilities operating in the City of Douglas.
  3. Shall ensure that access to the area of the facility where marijuana or marijuana products are being tested or stored for testing is limited to a facility's owners, authorized personnel or agents.
  4. Shall ensure that transportation of marijuana or marijuana products are following applicable law.
  5. Shall comply with all testing processes, protocols, standards, and criteria adopted by the Department for testing marijuana and marijuana products.
  6. Shall maintain records, equipment and instrumentation as required by the Department.
  7. Shall submit a written security plan to the City of Douglas that specifies the measures that will be taken to deter and prevent unauthorized entrance into limited access areas including the use of security equipment to detect unauthorized intrusion, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras that provide coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building and has sufficient recording resolution.
  8. Shall comply with all security protocols required by the Department.
  9. Shall only be authorized in GC, IP, LI, HI zoning districts by Conditional Use Permit.

507.13 **Marijuana establishments permitted.**

- A. It shall be unlawful for a person to operate a marijuana establishment at any location within the City of Douglas without obtaining a business license from the City of Douglas pursuant to the Douglas Municipal Code, Section 5.02.040-~~(A-7)~~(7)8, and also meet City Zoning Code regulations, including any application and review procedures.
- B. If authorized by state law and a valid permit has been obtained from the City of Douglas, a marijuana establishment is permitted in City of Douglas subject to the following conditions and limitations:
  1. To the fullest extent allowable by law, shall be authorized in the City of Douglas for:

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- a. A dual licensee who operates both a nonprofit medical marijuana dispensary and marijuana establishment.
  - b. Any other entity licensed by the Department to provide marijuana or marijuana products to consumers.
2. Shall only be authorized in GC, IP, LI, HI zoning districts by Conditional Use Permit.
  3. Shall not be located within two thousand (2,000) feet of the same type of use or a nonprofit medical marijuana dispensary. This distance shall be measured from the lot line of the property in which the businesses are conducted or proposed to be conducted.
  4. Shall not be located within two thousand (2,000) feet of a substance abuse testing, treatment, or rehabilitation center. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property boundary line of the protected use.
  5. Shall not be located within one thousand (1,000) feet of a residence, preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or licensed childcare facility. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property line of the protected use.
  6. Shall be located in a permanent building on an established foundation adhering to the City building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.
  7. To the extent permitted by applicable law, the development standards shall follow those outlined in subsection numbered [17.05.507.7\(E\)](#). Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City.
  8. Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City of Douglas Planning and Zoning Code and:
    - a. Shall have operating hours not earlier than 9:00 a.m. and not later than 10:00 p.m.
    - b. Shall not provide drive-thru services or offsite deliveries of marijuana or marijuana products.
    - c. Shall not allow a person to consume marijuana or marijuana products on the premises or provide outdoor seating areas.
    - d. Shall provide for proper disposal of marijuana remnants or by-products. The remnants or by-products shall not to be placed within the facility's exterior refuse containers, City trash can, bin or another City facility, or in any park refuse container unless authorized by the City.
    - e. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of [the City](#).
    - f. Shall not sell marijuana or marijuana products, except as permitted by state law to consumers.
    - g. Shall not display or keep marijuana or marijuana products that are visible from outside the premises.
    - h. Shall comply with applicable county health regulations for food preparation and handling.
    - i. Shall comply with applicable laws to safely and securely engage in extraction processes.

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- j. Shall submit a written security plan to the City that describes the actions taken to deter and prevent unauthorized entrance into limited access areas including use of security equipment, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras.
  - k. For a marijuana establishment that engages in cultivation or manufacturing, shall submit a written operations plan to the City that describes the following:
    - i. Procedures showing that the marijuana cultivation will be conducted in accordance with state and local laws and regulations regarding use and disposal of pesticides and fertilizers.
    - ii. The legal water source, irrigation plan, wastewater systems to be used, and projected water use.
    - iii. The plan for addressing odor and other public nuisances that may derive from the establishment.

**507.14 Individual's primary residence for personal use of marijuana.**

- A. To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation, and cultivation is permitted in a residential zoning district in the City of Douglas and is subject to the following conditions and limitation:
  - 1. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants.
  - 2. It shall be unlawful for two or more individuals who are at least twenty-one (21) years of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals' primary residence.
  - 3. Except as provided by A.R.S. § 36-2801 et al. and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a residential zoning district within the City limits.
  - 4. Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol, that has a flashpoint below one hundred (100) degrees Fahrenheit.
  - 5. Kitchen, bathrooms, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.
  - 6. A residence shall not emit dust, fumes, vapors, or odors from cultivation, processing, or manufacturing into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of ~~the City/Town~~.
  - 7. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.
  - 8. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.

**507.15 Fees and retail sales from marijuana and marijuana products.** Douglas Municipal Code, Section 5.02.040:~~(A-)~~(8), shall be amended to provide for a one thousand dollar (\$1,000.00) a year business license fee applicable to a Marijuana Testing Facility and to conduct retail sales of Marijuana and Marijuana products by Marijuana Establishments. These facilities shall also be subject to local sales tax assessments. To the fullest extent allowable by law, the sale of marijuana and marijuana products is authorized within the Douglas City Code from a marijuana establishment and is tangible personal property as defined in A.R.S. § 42-5001 and subject to the transaction privilege tax in the retail classification and use tax.

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**507.16 Violations and enforcement penalties.**

- A. It is unlawful and a violation of this article for a person to sell, cultivate, process, manufacture or transport marijuana or marijuana products if the person fails to meet all the requirements in this article or state law, including the Department's rules.
- B. It is a violation of this article for any person to provide false information on any permit application.
- C. Each day any violation of any provision of this article shall continue shall constitute a separate offense.
- D. The business license may be revoked by the City for violation of any provision of this article, for any violation of the requirements of the permit, or if the Department revokes the license for a marijuana establishment or marijuana testing facility. If a license is revoked, the permittee shall have the right to appeal the decision of the City as outlined in the Douglas Municipal Code.
- E. Violations of this article are in addition to any other violation enumerated within the Douglas Municipal Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this article, which is also a violation of any other Code provision of the City or federal or state law. Conviction and punishment of judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
- F. Violations of this article are in addition to any other violation enumerated within the Douglas Municipal Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this article, which is also a violation of any other Code provision of the City or federal or state law. Conviction and punishment of judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
- G. Civil penalty: Violations of any provision of this article shall be civil code offenses which may be adjudicated and enforced in the local justice Court.

(Ord. No. 05-887, § 3, 2006; Ord. 11-997, §§ 2, 3, 7, 3-9-11; Ord. 21-1128 §§ 1—5, 2021, [Ord. 23-1166, §2, 7-12-2023](#))

**Sec. 508. IP - Industrial Park.**

Purpose. This district is intended to provide for administrative, professional, research and specialized manufacturing activities at a low intensity. All uses shall be of non-nuisance type and residential scale having low silhouette, a variety of separate building masses and landscaped areas. This district is to provide employment near residential areas and the development standards are intended to be compatible with adjacent residential and commercial uses and provide a park-like setting for employment.

**508.1 Approvals required.** No structure or building shall be built or remodeled upon land in the IP district until all required subdivision plat and/or site plan approvals have been obtained.

**508.2 Location.** The following criteria shall be considered in establishing and maintaining an IP district:

- A. Conforms to appropriate designation in the General Plan.
- B. Corresponds to an existing district or development in an area annexed into the City.

**508.3 Permitted principal uses.**

- A. Industrial, scientific, or business research, development testing laboratories and offices.

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- B. Electronic instruments and devices, assembling and manufacturing.
  - C. Computer center.
  - D. Motion picture studios.
  - E. General office buildings.
  - F. Medical and dental office building and clinics.
  - G. Temporary construction offices and sheds, appurtenant signs and storage incidental to a construction project only for the duration of such project, not to exceed eighteen (18) months.
  - H. Medical Marijuana Designated Caregiver Cultivation Location, ~~subject to~~ [sas defined in Subsection 17.05.507.7.E1\(B\)](#).
  - I. Medical Marijuana Dispensary Off-site Cultivation Location, ~~subject to~~ [sas defined in Subsection 17.05.507.7.E1\(B\)](#).
  - J. Medical Marijuana Qualifying Patient Cultivation Location, ~~subject to~~ [sas defined in Subsection 17.05.507.7.E1\(B\)](#).
  - K. [Marijuana establishment, off-site cultivation location, as defined in Subsection 17.05.507.1\(B\)](#).
  - L. [Marijuana establishment, product manufacturing, as defined in Subsection 17.05.507.1\(B\)](#).
  - M. [Marijuana establishment, retail, as defined in Subsection 17.05.507.1\(B\)](#).

508.4 **Permitted conditional uses.** See Section [17.03.310](#)(C) and (D).

508.5 **Permitted accessory uses.**

- A. Any use customarily incidental to a permitted principal use, such as:
  - 1. Private garage or carport for storage of vehicles;
  - 2. Garden house, toolhouse, ramada, swimming pool.
- B. Accessory dwelling units, See Section [17.03.310](#).
- C. Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

508.6 **Property development standards.**

- A. Minimum area: No minimum area requirement, but any development over ten (10) acres in gross area shall be processed as a planned area development under the provisions of Article [17.09](#).
- B. Building height: No building shall exceed twenty-five (25) feet in height.
- C. Required yards.
  - 1. Side and rear yard. Twenty five (25) feet.
  - 2. Front Yard. There shall be a front yard having a depth of not less than forty (40) feet.
- D. Minimum distance between main buildings: As prescribed by the Uniform Building Code.
- E. [Marijuana Land Uses. Development standards as regulated by Section 17.05.507.7\(E\)](#).

508.7 **Nonresidential accessory buildings.**

- A. Maximum height. Fifteen (15) feet above grade.

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- B. Maximum yard coverage. Thirty-five (35) percent of the required side and rear yards.
  - C. Location restrictions. No accessory building shall be erected in any minimum required front yard, except as otherwise provided in this code.
  - D. Setback requirements. Accessory building shall be set back from the side lot line and the rear lot line a distance not less than three (3) feet, except:
    - 1. For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).
    - 2. For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback from the rear lot line a distance not less than the width of the least required side yard applicable to the main building.
    - 3. For a corner lot, the street side setback shall be the same as for the main building.

508.8 **Off-street parking and loading.** In accordance with the provisions of Article 17.06.

508.9 **Sign regulations.** In accordance with the provisions of Article 17.07.

508.10 **Landscaping, screening, and buffering.** See subsection 17.05.507.11.

(Ord. 11-997, § 4, 3-9-11, Ord. 23-1166, §2, 7-12-2023)

## **Sec. 509. LI - Light Industry.**

509.1 **Purpose.** This district is for industrial development, but not located where development and operational characteristics of the industries will negatively effect nearby residential or commercial uses. Regulations are intended to encourage development of such manufacturing, fabricating, processing, packaging and other industries as can be operated in a relatively clean, quiet and safe manner.

509.2 **Approvals required.** No structure or building shall be built or remodeled upon land in the Light Industrial district until all required subdivision plat and/or site plan approvals have been obtained.

509.3 **Location.**> The following criteria shall be considered in establishing and maintaining a LI district:

- A. Conform to appropriate designation in the General Plan for industrial land use.
- B. Corresponds to an existing district or development in an area annexed into the City.

509.4 **Permitted principal uses.**

- A. Manufacture, compounding, processing, packaging, bottling, or treatment of such products as bakery goods, candy, cosmetic, dairy products, drugs, perfumes, pharmaceutical, soap, toiletries, beverage, and food products, and other personal articles and household goods.
- B. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, rubber, leather, paper, plastics, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, wool, yard; except as hereinafter specified.
- C. Manufacture of instruments, toys, novelties, rubber and metal stamps, cameras, photographic equipment, business and household machines and appliances.
- D. Farming, landscaping and agricultural supplies and equipment, wholesaling and storage.
- E. Manufacturing, processing and assembly of malleable metals, signs, monuments, industrial machinery and carbonic ice.



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- F. Public utility plants and storage.
  - G. Spraying supplies and equipment, wholesaling and storage.
  - H. Towed or motor vehicle assembling, repairing including body and fender shops.
  - I. Truck, bus, and heavy equipment garages, dispatching and weighing stations.
  - [J. Reserved.]
  - K. Mini-warehouses, for storage purpose only. No retailing is permitted form these facilities.
  - L. Retail commercial operations directly related to the primary industrial use, may be permitted, provided they do not exceed fifteen (15) percent of the gross floor area in the LI district.
  - M. Blacksmith or welding shop.
  - N. Contractors storage yard.
  - O. Kennels.
  - P. Veterinary hospital.
  - Q. Medical marijuana designated caregiver cultivation location, ~~subject to sas~~ [defined in Subsection 17.05.507.7.E1\(B\)](#).
  - R. Medical marijuana dispensary off-site cultivation location, ~~subject to sas~~ [defined in Subsection 17.05.507.7.E1\(B\)](#).
  - S. Medical marijuana qualifying patient cultivation location, ~~subject to sas~~ [defined in Subsection 17.05.507.7.E1\(B\)](#).
  - T. [Marijuana establishment, off-site cultivation location, as defined in Subsection 17.05.507.1\(B\)](#).
  - U. [Marijuana establishment, product manufacturing, as defined in Subsection 17.05.507.1\(B\)](#).
  - V. [Marijuana establishment, retail, as defined in Subsection 17.05.507.1\(B\)](#).

509.5 **Permitted conditional uses.** See Section [17.03.310](#)(C) and (D).

509.6 **Permitted accessory uses.**

- A. Any use customarily incidental to a permitted principal use, such as:
  - 1. Private garage or carport for storage of vehicles;
  - 2. Garden house, toolhouse, ramada, swimming pool.
- B. Accessory dwelling unit. See Section [17.03.310](#).
- C. Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

509.7 **Property development standards.**

- A. Minimum area: No minimum size required for industrial use.
- B. Building height: No building shall, exceed thirty-five (35) feet in height.
- C. Required yards:
  - 1. Front yard setback: 40 feet.
  - 2. Side yard setback: Minimum of twenty-five (25) feet.

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3. Rear yard setback: Same as side yard setback.

D. Minimum distance between main buildings. As prescribed by the Uniform Building Code.

E. Marijuana Land Uses. Development standards as regulated by Section 17.05.507.7(E).

**509.8 Nonresidential accessory buildings:**

A. Maximum height: Fifteen (15) feet above grade.

B. Maximum yard coverage: Thirty-five (35) percent of the required side and rear yard.

C. Location Restrictions: No accessory building shall be erected in any minimum required front yard, except as otherwise provided in this code.

D. Setback requirements: Accessory buildings shall be setback ~~form~~ from the side lot line and rear lot line a distance not less than three (3), feet except:

1. For a lot having its rear lot line contiguous with any alley line, no rear setback shall be required for the accessory building(s).

2. For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be set back from the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

3. For a corner lot, the side street setback shall be the same as for the main building.

**509.9 Off-street parking and loading.** In accordance with the provisions of Article [17.06](#).

**509.10 Sign regulations.** In accordance with the provisions of Article [17.07](#).

**509.11 Landscaping, screening, and buffering.** See subsection [17.05.507.11](#).

(Ord. 11-997, § 5, 3-9-11, Ord. 23-1166, §2, 7-12-2023)

## **Sec. 510. HI - Heavy Industry.**

**510.1 Purpose.** This district is comprised of certain industrial lands, structures and uses having physical and operational characteristics which are offensive or hazardous at historically high-intensities of use or which would otherwise adversely affect the economic welfare of nearby residential and commercial uses with high-intensity, large-scale industrial use. When scaled smaller, and impacts are managed, certain heavy industry uses may be compatible with other less intensive uses.

**510.2 Approvals required.** No structure or building shall be built or remodeled upon land in the Heavy Industry district until all required subdivision plat and/or site plan approvals have been obtained. The Arizona Department of Environmental Quality (ADEQ) shall be consulted for review of potential environmental impacts as part of the documented City of Douglas development review and approval process.

A. Substandard Lot Sizes. For Heavy Industry (HI)-zoned properties with less land area than the minimum lot size established in Section [17.05.510.7](#), Property Development Standards, there may be two (2) pathways to permitting a proposed use or development in the HI Zoning District:

1) If the proposed use would normally be principally-permitted per Section [17.05.510.4](#), a conditional use permit would be required, per Section 310;

2) If the proposed use would normally be conditionally-permitted per Section [17.05.510.5](#), a complete planned development application must be filed per the requirements of Article [17.09](#), Planned Development Regulations.

**510.3 Location.** The following criteria shall be considered in establishing and maintaining a HI zoning district:

- 
- A. Conforms to appropriate designation in the general plan.
  - B. Corresponds to an existing district or development in an area annexed into the City.

**510.4 Permitted principal uses.**

- A. School or studio for professional work or teaching of any form of commercial or fine arts;
- B. Small and large animal veterinary hospital;
- C. Retail sales;
- D. Broadcasting station and studio;
- E. Clothes cleaning establishment;
- F. Industrial cleaning and dyeing plants;
- G. Publishing;
- H. Shoe repair;
- I. Taxidermist;
- J. Automated carwash;
- K. Automobile rental;
- L. Automobile sales;
- M. Automotive repair;
- N. Body and paint shops;
- O. Boat sales;
- P. Commercial parking lot;
- Q. Equipment sales or rental and storage;
- R. Gasoline service station;
- S. Motorcycle sales;
- T. Recreational vehicle and camper sales and repair;
- U. Tire store;
- V. Retreading;
- W. Multi-unit storage facilities;
- X. Cold storage;
- Y. Wholesale establishments;
- Z. Manufacture, compounding, processing, packaging, bottling of, or treatment of such products as bakery goods, candy, cosmetic, dairy products, drugs, perfume, pharmaceutical, soap, toiletries, beverage, and food products, and other personal articles and household goods;
- AA. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, rubber, leather, paper, plastics, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, wool, yarn, except as hereafter specified;

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- AB. Manufacture of instruments, toys, novelties, rubber and metal stamps, cameras, photographic equipment, business and household machines and appliances;
  - AC. Farming, landscaping and agricultural supplies and equipment, wholesaling and storage;
  - AD. Manufacturing, processing and assembly of malleable metals, signs, monuments, industrial machinery, and carbonic ice;
  - AE. Spraying supplies and equipment, wholesaling and storage;
  - AF. Towed or motor vehicle assembling;
  - AG. Truck, bus and heavy equipment garages, dispatching and weighing stations;
  - AH. Mini-warehouses, for storage purposes only (no retailing is permitted from these facilities);
  - AI. Retail commercial operations directly related to the primary industrial use, may be permitted, provided they do not exceed twenty (20) percent of the gross floor area;
  - AJ. Blacksmith or welding shop;
  - AK. Kennels;
  - AL. Medical marijuana designated caregiver cultivation location, ~~subject to as defined in subsection~~ [Subsection 17.05.507.7-E1\(B\)](#);
  - AM. Medical marijuana dispensary off-site cultivation location, ~~subject to as defined in subsection~~ [Subsection 17.05.507.7-E1\(B\)](#);
  - AN. Medical marijuana qualifying off-site cultivation location "35", ~~subject to as defined in subsection~~ [Subsection 17.05.507.7.E](#).
  - [AO. Marijuana establishment, off-site cultivation location, as defined in Subsection 17.05.507.1\(B\).](#)
  - [AP. Marijuana establishment, product manufacturing, as defined in Subsection 17.05.507.1\(B\).](#)
  - [AQ. Marijuana establishment, retail, as defined in Subsection 17.05.507.1\(B\).](#)

510.5 **Permitted conditional uses.** In accordance with Section 310, the following uses may be approved:

- A. Ball bearing manufacturing;
- B. Boxes or cabinets, manufacturing;
- C. Chocolate and cocoa products manufacturing;
- D. Feed (grains) manufacturing and processing;
- E. Flour and grain mills, storage and elevators;
- F. Fuel distributing station, gasoline (bulk plant);
- G. Ice manufacturing and storage;
- H. Paint and varnish manufacturing;
- I. Septic tank, cesspool servicing and cleaning-equipment yard;
- J. Wood products, manufacturing, bulk;
- K. Meat packing and smoking; slaughtering prohibited;
- L. Petroleum products, packaging and storage, including butane distributors, subject to the provisions of the Uniform Fire Code;

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- M. Automobile parts, supplies, salvage, or wrecking;
  - N. Cement and paving material mixing plant;
  - O. Manufacture, fabrication, or assembly, including contractors facilities, of building materials and construction equipment: acoustical materials, air conditioners, heating and ventilating equipment, bolts, cement and concrete products, ceramics, decorative metals and wrought iron, doors drills, fences, fire escapes, hardware and machine and road building equipment, plaster, plastics, plumbing supplies and sewer pipes, pumps, scaffolds, screens, screws, tile, welding equipment, windows; or other similar items;
  - P. Exterminator and insect poison, manufacturing;
  - Q. Foundry for casting lightweight, nonferrous metal, not causing noxious odors or fumes;
  - R. Gasoline and petroleum bulk storage tanks;
  - S. House movers, equipment, storage or wrecking yards;
  - T. Junk yards;
  - U. Metals crushing for salvage;
  - V. Millwork (woodworking, manufacturing);
  - W. Planing mills;
  - X. Plating works, bulk (galvanizing);
  - Y. Manufacture of brick and all clay, cinder, concrete, synthetic, cast stone, plastic and pumice stone products;
  - Z. Rock crushing;
  - AA. Sand blasting yard;
  - AB. Seed treatment, processing, extraction of oil;
  - AC. Steel fabrication (plate, structural, misc. iron, reinforcing);
  - AD. Storage yards bulk material;
  - AE. Tanks, fabrication;
  - AF. Retail commercial operations directly related to the primary industrial conditional use maybe permitted, provided they do not exceed twenty (20) percent of the gross floor area;
  - AG. Extraction of sand, gravel, and other natural resources;
  - AH. Wastewater treatment plants and sewage facilities;
  - AI. Utility structures;
  - AJ. Correctional facilities;
  - AK. Public solid waste landfill or transfer station;
  - AL. Emergency service facilities or other public service facilities needing locations in the area to permit effective service within the area;
  - AM. Private clubs, lodges;
  - AN. Recycling centers;
  - AO. Medical offices when developed in conjunction with a planned hospital development.

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**510.6 Permitted accessory uses.**

- A. Any use customarily incidental to a permitted principal use, such as:
  - 1. Private garage or carport for storage of vehicles;
  - 2. Garden house, toolhouse, ramada, swimming pool.
- B. Accessory dwelling units, see Section [17.03.310](#).
- C. Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

**510.7 Property development standards.**

- A. Minimum area: Five (5) acres, with conditional use permitting or planned development application processes required for existing Heavy Industry (HI)-zoned properties with substandard land area, per Section [17.05.510.2\(A\)](#).
- B. Building height: No newly-constructed building featuring permitted Heavy Industry (HI) uses shall exceed thirty-five (35) feet in height.
- C. Required yards:
  - 1. Front yard setback: 40 feet.
  - 2. Side yard setback: 30 feet.
  - 3. Rear yard setback: 30 feet.
- D. Minimum distance between main buildings: As prescribed by the Uniform Building Code.
- E. Required yards, applicability to substandard parcels: Notwithstanding the above Subsections of Section [17.05.510.7](#) above, required yards may be established for a non-conforming Heavy Industry (HI)-zoned properties through a conditional use permit or planned development application process, per Section [17.05.510.2\(A\)](#).
- F. Marijuana Land Uses. Development standards as regulated by Section 17.05.507.7(E).

**510.8 Nonresidential accessory buildings.**

- A. Maximum height: Fifteen (15) feet above grade.
- B. Maximum yard coverage: Thirty-five (35) percent of the required side or rear yard.
- C. Location restrictions: No accessory building shall be erected in any minimum required front yard, except as otherwise provided in this code.
- D. Setback requirements: Accessory buildings shall be setback ~~form~~ from the side lot line and the rear lot line a distance not less than three (3) feet, except:
  - 1. For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).
  - 2. For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback ~~form~~ from the rear lot line a distance not less than the width of the least required side yard applicable to the main building.
  - 3. For a corner lot, the street side setback shall be the same as for the main building.
- E. Nonresidential accessory buildings, applicability to substandard parcels: Notwithstanding the above Subsections of Section [17.05.510.8](#) above, nonresidential accessory building locations may be

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established for a non-conforming Heavy Industry (HI)-zoned properties through a conditional use permit or planned development application process, per Section [17.05.510.2\(A\)](#)).

510.9 **Off-street parking and loading.** In accordance with the provisions of Article [17.06](#).

510.10 **Sign regulations.** In accordance with the provisions of Article [17.07](#).

510.11 **Landscaping, screening, and buffering.** See subsection [17.05.507.11](#).

(Ord. 10-986, § 2, 6-9-10; Ord. 11-997, § 6, 3-9-11; Ord. No. 22-1143 , § 2(Exh. A), 4-13-2022)

## **Sec. 511. OS - Open Space Zone.**

511.1 **Purpose.** This district is intended to provide for land uses in areas which have been set aside to serve recreational functions or to provide open space areas.

511.2 **Approvals required.** No structure or building shall be build or remodeled upon land in the Open Space district until all required subdivision plat and/or site plan approvals have been obtained.

511.3 **Location.** The following criteria shall be considered in establishing and maintaining an OS zoning district:

- A. Conforms to appropriate designation in the General Plan.
- B. Corresponds to location of existing park or open space use.
- C. Corresponds to an existing district or development in an area annexed into the City.

511.4 **Permitted principal uses.**

- A. Parks, parkways, cemeteries, and related facilities.
- B. Golf course, playground, playfield and related facilities.
- C. Airports.
- D. Open space areas.

511.5 **Permitted conditional uses.**

- A. Amusement parks.
- B. Public zoo.
- C. Racetracks and raceways.
- D. Fairgrounds.

511.6 **Permitted accessory uses.**

- A. Any use customarily incidental to a permitted principal use, such as:
  - 1. Private garage or carport for storage for vehicles.
  - 2. Garden house, toolhouse, ramada, swimming pool.
  - 3. Accessory dwelling units, see Section [17.03.310](#).
  - 4. Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

511.7 **Property development standard.**

- A. Minimum area: One (1) acre.

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**ZCA-2023-04**  
**Marijuana**  
**Establishments &**  
**Dispensaries**  
**Code Text**  
**Amendment**

**October 24, 2023**  
**Planning & Zoning**  
**Commission**

**Staff Report**  
**Attachment B-2:**  
*Proposed Option A*  
*Zoning Code Revisions*  
*DMC §17.05.507, -.508, -*  
*.509, -.510*

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2. Garden house, toolhouse, ramada, swimming pool.
  - B. Accessory dwelling units, See Section [17.03.310](#).
  - C. Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.
  - D. Home occupations, see Section [17.03.324](#).

**507.7 Property development standards.**

- A. Required area. No minimum area requirement, but any development over three (3) contiguous acres in gross area shall be processed as a planned area development under the provisions of Article 9.
- B. Maximum building height. No building shall exceed thirty-five (35) feet in height, except that within one hundred (100) feet of any SFR, MFR, or MHR district, no building shall exceed twenty-five (25) feet in height.
- C. Minimum distance between main buildings. As prescribed by the Uniform Building Code.
- D. Required yards:
  1. Front yard:
    - (a) There shall be a front yard having a depth of not less than forty (40) feet.
    - (b) Where a lot has double frontage on two (2) streets, the required front yard of not less than forty (40) feet shall be provided on both streets.
    - (c) Where a lot is located at the intersection of two (2) or more streets, the required front yard of not less than forty (40) feet shall be provided on one (1) street and a yard having a depth of not less than twenty (20) feet shall be provided on the intersecting street.
  2. Side and rear yard. Ten (10) feet.
- E. [Marijuana Land Uses Specifications.] The following property development standards shall have the following specifications where applicable ~~in Article 5 of these zoning regulations, and shall apply across the board as to all districts (GC, IP, LI and HI), as listed in the zoning regulations.~~
  1. Medical marijuana dispensary.
    - (a) The total maximum floor area of a medical marijuana dispensary shall not exceed ~~two-ten thousand five hundred (2,500)~~ 10,000 square feet.
      - i. Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City of Douglas Planning and Zoning Code.
    - (b) The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed ~~five hundred~~ twenty-percent (500) ~~square feet~~ of the total ~~two thousand five hundred (2,500) square foot~~ maximum floor area of a medical marijuana dispensary.
    - (c) A medical marijuana dispensary shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
    - (d) The permitted hours of operation of a medical marijuana dispensary shall be from 9:00 am to ~~5~~ 10:00 pm.

- (e) A medical marijuana dispensary shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
- (f) A medical marijuana dispensary shall not have a drive-through service.
- (g) A medical marijuana dispensary shall not have outdoor seating areas.
- (h) A medical marijuana dispensary shall not offer a service that provides off-site delivery of the medical marijuana.
- (i) A medical marijuana dispensary shall be setback a minimum of five hundred (500)~~two thousand (2,000)~~ feet from any other medical marijuana dispensaries measured in a straight and direct horizontal line between the two (2) closest exterior walls of the medical marijuana dispensaries.
- (j) A medical marijuana dispensary shall be setback a minimum of five hundred (500)~~one thousand (1,000)~~ feet from a public, private or charter school or a licensed childcare center, measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana dispensary to the closest property line of a school or childcare center.
- (k) A medical marijuana dispensary shall be setback a minimum of five hundred (500)~~one thousand (1,000)~~ feet from a church, library or public park and a minimum of five hundred (500)~~two thousand (2,000)~~ feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility, measured in a straight and direct horizontal line from the closest wall of a medical marijuana dispensary to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.  
  
A "church" means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.
- (l) A medical marijuana dispensary shall comply with lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

2. *Medical marijuana dispensary off-site cultivation location.*

- (a) The total maximum floor area of a medical marijuana dispensary off-site cultivation location shall not exceed ~~three-ten~~ thousand (310,000) square feet.
- (b) The secure storage area for the medical marijuana stored at the medical marijuana dispensary off-site cultivation location shall not exceed ~~one thousand~~ twenty-five percent (25%) ~~square feet total of the~~ maximum floor area of a medical marijuana dispensary off-site cultivation location.
- (c) A medical marijuana dispensary off-site cultivation location must be located in a permanent building and shall not be located in a trailer, cargo container mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (d) A medical marijuana dispensary off-site cultivation location shall be setback a minimum of ~~two thousand~~ five hundred (500) ~~(2,000)~~ feet from any other medical marijuana dispensaries or medical marijuana dispensary off-site cultivation locations measured in a straight and

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direct horizontal line between the two closest exterior walls of the medical marijuana dispensaries' cultivation location.

- (e) A medical marijuana dispensary off-site cultivation location shall be setback a minimum of ~~one thousand five hundred~~ (1,000500) feet from a public, private or charter school or a licensed childcare center measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana off-site cultivation location to the nearest property line of a school or childcare center.
- (f) A medical marijuana dispensary off-site cultivation location shall be setback a minimum of ~~one thousand five hundred~~ (1,000500) feet from a church, library or public park and a minimum of ~~two thousand five hundred~~ (2,000500) feet from a licensed residential substances abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility measured in a straight and direct horizontal line from the closest wall of the medical marijuana dispensary off-site cultivation location to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.

A "church" means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.

- (g) Medical marijuana off-site cultivation location shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

3. Medical marijuana designated caregiver cultivation location.

- (a) All conditions and restrictions for a medical marijuana dispensary off-site cultivation locations apply except that the designated caregiver cultivation location cultivation area is limited to a total two hundred fifty (250) square feet maximum, including any storage areas.
- (b) A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with § A.R.S. 36-2806.01.
- (c) More than one (1) designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed two hundred fifty (250) square feet maximum, including storage areas.
- (d) A designated caregiver shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

4. Medical marijuana qualifying patient cultivation location.

- (a) A qualifying patient may cultivate at their place of residence subject to compliance with A.R.S. § 36-2806.01.
- (b) A qualifying patient, cultivating marijuana, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

5. Marijuana establishments. All regulations applied to non-profit medical marijuana dispensaries is applied equally to adult-use marijuana establishments.

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6. Marijuana testing facilities. All regulations applied to testing facilities are applied equally for non-profit medical marijuana dispensaries and adult-use marijuana establishments.

**507.8 Nonresidential accessory buildings.**

- A. Maximum height: Fifteen (15) feet above grade.
- B. Maximum yard coverage: Thirty-five (35) percent of rear yard.
- C. Location restrictions: No accessory building shall be erected in any minimum required front or side yard, except as otherwise provided in this code.
- D. Setback requirements: Accessory buildings shall be setback ~~front from~~ eh the side lot line and the rear lot line a distance no less than three (3) feet, except:
  - 1. For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).
  - 2. For a corner lot abutting a key lot and not separated there ~~form from~~ an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

**507.8 Off-street parking and loading.** In accordance with the provisions of Article [17.06](#).

**507.9 Sign regulations.** In accordance with the provisions of Article [17.07](#).

**507.11 Landscaping, screening, and buffering.** Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or Board of Adjustment, and Building Inspector. All landscaping shall meet the specifications set forth in any subsequent ordinance specifically addressing the issue of landscaping.

**507.12 Marijuana testing facility permitted.**

- A. It shall be unlawful for a person to operate a marijuana establishment at any location within the City of Douglas without obtaining a business license from the City of Douglas pursuant to the Douglas Municipal Code, Section 5.02.040-~~A-8(A)(8)~~, and also meet City Zoning Code regulations, including any application and review procedures.
- B. A Marijuana testing facility is permitted in the City of Douglas subject to the following conditions:
  - 1. To the extent permitted by applicable law, the development standards shall follow those outlined in subsection numbered [17.05.507.7-\(E\)](#). Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City.
  - 2. There are no more than one marijuana testing facilities operating in the City of Douglas.
  - 3. Shall ensure that access to the area of the facility where marijuana or marijuana products are being tested or stored for testing is limited to a facility's owners, authorized personnel or agents.
  - 4. Shall ensure that transportation of marijuana or marijuana products are following applicable law.
  - 5. Shall comply with all testing processes, protocols, standards, and criteria adopted by the Department for testing marijuana and marijuana products.
  - 6. Shall maintain records, equipment and instrumentation as required by the Department.
  - 7. Shall submit a written security plan to the City of Douglas that specifies the measures that will be taken to deter and prevent unauthorized entrance into limited access areas including the use of security equipment to detect unauthorized intrusion, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras that provide coverage of all entrances to and

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exits from limited access areas and all entrances to and exits from the building and has sufficient recording resolution.

8. Shall comply with all security protocols required by the Department.
9. Shall only be authorized in GC, IP, LI, HI zoning districts by Conditional Use Permit.

**507.13 Marijuana establishments permitted.**

- A. It shall be unlawful for a person to operate a marijuana establishment at any location within the City of Douglas without obtaining a business license from the City of Douglas pursuant to the Douglas Municipal Code, Section 5.02.040-(A)-(7)8, and also meet City Zoning Code regulations, including any application and review procedures.
- B. If authorized by state law and a valid permit has been obtained from the City of Douglas, a marijuana establishment is permitted in City of Douglas subject to the following conditions and limitations:
  1. To the fullest extent allowable by law, shall be authorized in the City of Douglas for:
    - a. A dual licensee who operates both a nonprofit medical marijuana dispensary and marijuana establishment.
    - b. Any other entity licensed by the Department to provide marijuana or marijuana products to consumers.
  2. Shall only be authorized in GC, IP, LI, HI zoning districts by Conditional Use Permit.
  3. Shall not be located within ~~two thousand~~ **five hundred** (2,000**500**) feet of the same type of use or a nonprofit medical marijuana dispensary. This distance shall be measured from the lot line of the property in which the businesses are conducted or proposed to be conducted.
  4. Shall not be located within ~~two thousand~~ **five hundred** (2,000**500**) feet of a substance abuse testing, treatment, or rehabilitation center. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property boundary line of the protected use.
  5. Shall not be located within ~~one thousand~~ **five hundred** (1,000**500**) feet of a residence, preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or licensed childcare facility. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property line of the protected use.
  6. Shall be located in a permanent building on an established foundation adhering to the City building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.
  7. To the extent permitted by applicable law, the development standards shall follow those outlined in subsection numbered 17.05.507.7(E). Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City.
  8. Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City of Douglas Planning and Zoning Code and:
    - a. Shall have operating hours not earlier than 9:00 a.m. and not later than 10:00 p.m.
    - b. Shall not provide drive-thru services or offsite deliveries of marijuana or marijuana products.
    - c. Shall not allow a person to consume marijuana or marijuana products on the premises or provide outdoor seating areas.

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- d. Shall provide for proper disposal of marijuana remnants or by-products. The remnants or by-products shall not to be placed within the facility's exterior refuse containers, City trash can, bin or another City facility, or in any park refuse container unless authorized by the City.
  - e. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the City.
  - f. Shall not sell marijuana or marijuana products, except as permitted by state law to consumers.
  - g. Shall not display or keep marijuana or marijuana products that are visible from outside the premises.
  - h. Shall comply with applicable county health regulations for food preparation and handling.
  - i. Shall comply with applicable laws to safely and securely engage in extraction processes.
  - j. Shall submit a written security plan to the City that describes the actions taken to deter and prevent unauthorized entrance into limited access areas including use of security equipment, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras.
  - k. For a marijuana establishment that engages in cultivation or manufacturing, shall submit a written operations plan to the City that describes the following:
    - i. Procedures showing that the marijuana cultivation will be conducted in accordance with state and local laws and regulations regarding use and disposal of pesticides and fertilizers.
    - ii. The legal water source, irrigation plan, wastewater systems to be used, and projected water use.
    - iii. The plan for addressing odor and other public nuisances that may derive from the establishment.

**507.14 Individual's primary residence for personal use of marijuana.**

- A. To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation, and cultivation is permitted in a residential zoning district in the City of Douglas and is subject to the following conditions and limitation:
  - 1. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants.
  - 2. It shall be unlawful for two or more individuals who are at least twenty-one (21) years of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals' primary residence.
  - 3. Except as provided by A.R.S. § 36-2801 et al. and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a residential zoning district within the City limits.
  - 4. Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol, that has a flashpoint below one hundred (100) degrees Fahrenheit.
  - 5. Kitchen, bathrooms, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.

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6. A residence shall not emit dust, fumes, vapors, or odors from cultivation, processing, or manufacturing into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of ~~{the City/Town}~~.
  7. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.
  8. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.

**507.15 Fees and retail sales from marijuana and marijuana products.** Douglas Municipal Code, Section 5.02.040-~~(A-)~~(8), shall be amended to provide for a one thousand dollar (\$1,000.00) a year business license fee applicable to a Marijuana Testing Facility and to conduct retail sales of Marijuana and Marijuana products by Marijuana Establishments. These facilities shall also be subject to local sales tax assessments. To the fullest extent allowable by law, the sale of marijuana and marijuana products is authorized within the Douglas City Code from a marijuana establishment and is tangible personal property as defined in A.R.S. § 42-5001 and subject to the transaction privilege tax in the retail classification and use tax.

**507.16 Violations and enforcement penalties.**

- A. It is unlawful and a violation of this article for a person to sell, cultivate, process, manufacture or transport marijuana or marijuana products if the person fails to meet all the requirements in this article or state law, including the Department's rules.
- B. It is a violation of this article for any person to provide false information on any permit application.
- C. Each day any violation of any provision of this article shall continue shall constitute a separate offense.
- D. The business license may be revoked by the City for violation of any provision of this article, for any violation of the requirements of the permit, or if the Department revokes the license for a marijuana establishment or marijuana testing facility. If a license is revoked, the permittee shall have the right to appeal the decision of the City as outlined in the Douglas Municipal Code.
- E. Violations of this article are in addition to any other violation enumerated within the Douglas Municipal Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this article, which is also a violation of any other Code provision of the City or federal or state law. Conviction and punishment of judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
- F. Violations of this article are in addition to any other violation enumerated within the Douglas Municipal Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this article, which is also a violation of any other Code provision of the City or federal or state law. Conviction and punishment of judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
- G. Civil penalty: Violations of any provision of this article shall be civil code offenses which may be adjudicated and enforced in the local justice Court.

(Ord. No. 05-887, § 3, 2006; Ord. 11-997, §§ 2, 3, 7, 3-9-11; Ord. 21-1128 §§ 1—5, 2021, Ord. 23-1166, §2, 7-12-2023)



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**ZCA-2023-04**  
**Marijuana**  
**Establishments &**  
**Dispensaries**  
**Code Text**  
**Amendment**

**October 24, 2023**  
**Planning & Zoning**  
**Commission**

**Staff Report**  
**Attachment B-3:**  
*Proposed Option B*  
*Zoning Code Revisions*  
*DMC §17.05.507, -.508, -*  
*.509, -.510*

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- (e) A medical marijuana dispensary shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
- (f) A medical marijuana dispensary shall not have a drive-through service.
- (g) A medical marijuana dispensary shall not have outdoor seating areas.
- (h) A medical marijuana dispensary shall not offer a service that provides off-site delivery of the medical marijuana.
- (i) ~~A medical marijuana dispensary shall be setback a minimum of two thousand (2,000) feet from any other medical marijuana dispensaries measured in a straight and direct horizontal line between the two (2) closest exterior walls of the medical marijuana dispensaries.~~
- (j) A medical marijuana dispensary shall be setback a minimum of five hundred (500)~~one thousand (1,000)~~ feet from a public, or private ~~or charter school or a licensed childcare center,~~ measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana dispensary to the closest property line of a school ~~or childcare center.~~
- (k) ~~A medical marijuana dispensary shall be setback a minimum of one thousand (1,000) feet from a church, library or public park and a minimum of two thousand (2,000) feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility, measured in a straight and direct horizontal line from the closest wall of a medical marijuana dispensary to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.~~

~~A "church" means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.~~

- (l) A medical marijuana dispensary shall comply with lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

2. *Medical marijuana dispensary off-site cultivation location.*

- (a) The total maximum floor area of a medical marijuana dispensary off-site cultivation location shall not exceed three ten thousand (310,000) ~~three ten thousand (310,000)~~ square feet.
- (b) The secure storage area for the medical marijuana stored at the medical marijuana dispensary off-site cultivation location shall not exceed one thousand twenty-five percent (1,00025%) square feet total of the ~~one thousand twenty-five percent (1,00025%) square feet total of the~~ maximum floor area of a medical marijuana dispensary off-site cultivation location.
- (c) A medical marijuana dispensary off-site cultivation location must be located in a permanent building and shall not be located in a trailer, cargo container mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (d) ~~A medical marijuana dispensary off-site cultivation location shall be setback a minimum of two thousand (2,000) feet from any other medical marijuana dispensaries or medical marijuana dispensary off-site cultivation locations measured in a straight and direct horizontal line between the two closest exterior walls of the medical marijuana dispensaries' cultivation location.~~

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- (e) A medical marijuana dispensary off-site cultivation location shall be setback a minimum of ~~one thousand five hundred (1,000)~~ 500 feet from a public, ~~or private or charter school or a licensed childcare center~~ measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana off-site cultivation location to the nearest property line of a school ~~or childcare center~~.
  - (f) ~~A medical marijuana dispensary off-site cultivation location shall be setback a minimum of one thousand (1,000) feet from a church, library or public park and a minimum of two thousand (2,000) feet from a licensed residential substances abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility measured in a straight and direct horizontal line from the closest wall of the medical marijuana dispensary off-site cultivation location to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.~~

~~A "church" means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.~~

- (g) Medical marijuana off-site cultivation location shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

3. Medical marijuana designated caregiver cultivation location.

- (a) All conditions and restrictions for a medical marijuana dispensary off-site cultivation locations apply except that the designated caregiver cultivation location cultivation area is limited to a total two hundred fifty (250) square feet maximum, including any storage areas.
- (b) A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with § A.R.S. 36-2806.01.
- (c) More than one (1) designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed two hundred fifty (250) square feet maximum, including storage areas.
- (d) A designated caregiver shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

4. Medical marijuana qualifying patient cultivation location.

- (a) A qualifying patient may cultivate at their place of residence subject to compliance with A.R.S. § 36-2806.01.
- (b) A qualifying patient, cultivating marijuana, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

5. Marijuana establishments. All zoning and development regulations applied to non-profit medical marijuana dispensaries shall be applied equally to adult-use marijuana establishments.

6. Marijuana testing facilities. All zoning and development regulations applied to testing facilities shall be applied equally for non-profit medical marijuana dispensaries and adult-use marijuana establishments.

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**507.8 Nonresidential accessory buildings.**

- A. Maximum height: Fifteen (15) feet above grade.
- B. Maximum yard coverage: Thirty-five (35) percent of rear yard.
- C. Location restrictions: No accessory building shall be erected in any minimum required front or side yard, except as otherwise provided in this code.
- D. Setback requirements: Accessory buildings shall be setback ~~front from~~ eh the side lot line and the rear lot line a distance no less than three (3) feet, except:
  - 1. For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).
  - 2. For a corner lot abutting a key lot and not separated there ~~form from~~ an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

**507.8 Off-street parking and loading.** In accordance with the provisions of Article [17.06](#).

**507.9 Sign regulations.** In accordance with the provisions of Article [17.07](#).

**507.11 Landscaping, screening, and buffering.** Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or Board of Adjustment, and Building Inspector. All landscaping shall meet the specifications set forth in any subsequent ordinance specifically addressing the issue of landscaping.

**507.12 Marijuana testing facility permitted.**

- A. It shall be unlawful for a person to operate a marijuana establishment at any location within the City of Douglas without obtaining a business license from the City of Douglas pursuant to the Douglas Municipal Code, Section 5.02.040-~~A.8(A)(8)~~, and also meet City Zoning Code regulations, including any application and review procedures.
- B. A Marijuana testing facility is permitted in the City of Douglas subject to the following conditions:
  - 1. To the extent permitted by applicable law, the development standards shall follow those outlined in subsection numbered ~~17.05.507.7.(E)~~. Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City.
  - 2. There are no more than one marijuana testing facilities operating in the City of Douglas.
  - 3. Shall ensure that access to the area of the facility where marijuana or marijuana products are being tested or stored for testing is limited to a facility's owners, authorized personnel or agents.
  - 4. Shall ensure that transportation of marijuana or marijuana products are following applicable law.
  - 5. Shall comply with all testing processes, protocols, standards, and criteria adopted by the Department for testing marijuana and marijuana products.
  - 6. Shall maintain records, equipment and instrumentation as required by the Department.
  - 7. Shall submit a written security plan to the City of Douglas that specifies the measures that will be taken to deter and prevent unauthorized entrance into limited access areas including the use of security equipment to detect unauthorized intrusion, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras that provide coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building and has sufficient recording resolution.
  - 8. Shall comply with all security protocols required by the Department.

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9. Shall only be authorized in GC, IP, LI, HI zoning districts by Conditional Use Permit.

**507.13 Marijuana establishments permitted.**

- A. It shall be unlawful for a person to operate a marijuana establishment at any location within the City of Douglas without obtaining a business license from the City of Douglas pursuant to the Douglas Municipal Code, Section 5.02.040:~~(A-)(7)~~**8**, and also meet City Zoning Code regulations, including any application and review procedures.
- B. If authorized by state law and a valid permit has been obtained from the City of Douglas, a marijuana establishment is permitted in City of Douglas subject to the following conditions and limitations:
1. To the fullest extent allowable by law, shall be authorized in the City of Douglas for:
    - a. A dual licensee who operates both a nonprofit medical marijuana dispensary and marijuana establishment.
    - b. Any other entity licensed by the Department to provide marijuana or marijuana products to consumers.
  2. Shall only be authorized in GC, IP, LI, HI zoning districts by Conditional Use Permit.
  3. ~~Shall not be located within two thousand (2,000) feet of the same type of use or a nonprofit medical marijuana dispensary. This distance shall be measured from the lot line of the property in which the businesses are conducted or proposed to be conducted.~~
  4. ~~Shall not be located within two thousand (2,000) feet of a substance abuse testing, treatment, or rehabilitation center. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property boundary line of the protected use.~~
  5. Shall not be located within ~~one thousand~~**five hundred (1,000500)** feet of a ~~residence, preschool, kindergarten, elementary, secondary or high~~**public or private** school, ~~place of worship, public park, or licensed childcare facility.~~ This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property line of the protected use.
  6. Shall be located in a permanent building on an established foundation adhering to the City building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.
  7. To the extent permitted by applicable law, the development standards shall follow those outlined in subsection numbered 17.05.507.7(E). Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City.
  8. Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City of Douglas Planning and Zoning Code and:
    - a. Shall have operating hours not earlier than 9:00 a.m. and not later than 10:00 p.m.
    - b. Shall not provide drive-thru services or offsite deliveries of marijuana or marijuana products.
    - c. Shall not allow a person to consume marijuana or marijuana products on the premises or provide outdoor seating areas.
    - d. Shall provide for proper disposal of marijuana remnants or by- products. The remnants or by-products shall not to be placed within the facility's exterior refuse containers, City trash

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**ZCA-2023-04**  
**Marijuana**  
**Establishments &**  
**Dispensaries**  
**Code Text**  
**Amendment**

**October 24, 2023**  
**Planning & Zoning**  
**Commission**

**Staff Report**  
**Attachment B-4:**  
*Proposed Option C*  
*Zoning Code Revisions*  
*DMC §17.05.507, -.508, -*  
*.509, -.510*

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- 2. Garden house, toolhouse, ramada, swimming pool.
- B. Accessory dwelling units, See Section [17.03.310](#).
- C. Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.
- D. Home occupations, see Section [17.03.324](#).

**507.7 Property development standards.**

- A. Required area. No minimum area requirement, but any development over three (3) contiguous acres in gross area shall be processed as a planned area development under the provisions of Article 9.
- B. Maximum building height. No building shall exceed thirty-five (35) feet in height, except that within one hundred (100) feet of any SFR, MFR, or MHR district, no building shall exceed twenty-five (25) feet in height.
- C. Minimum distance between main buildings. As prescribed by the Uniform Building Code.
- D. Required yards:
  - 1. Front yard:
    - (a) There shall be a front yard having a depth of not less than forty (40) feet.
    - (b) Where a lot has double frontage on two (2) streets, the required front yard of not less than forty (40) feet shall be provided on both streets.
    - (c) Where a lot is located at the intersection of two (2) or more streets, the required front yard of not less than forty (40) feet shall be provided on one (1) street and a yard having a depth of not less than twenty (20) feet shall be provided on the intersecting street.
  - 2. Side and rear yard. Ten (10) feet.
- E. ~~Specifications~~ Marijuana Land Uses. The following property development standards shall have the following specifications where applicable ~~in Article 5 of these zoning regulations, and shall apply across the board as to all districts (GC, IP, LI and HI), as listed in the zoning regulations.~~
  - 1. Medical marijuana dispensary.
    - (a) The total maximum floor area of a medical marijuana dispensary shall not exceed ~~two-ten thousand five-hundred (2,500)~~ 10,000 square feet.
      - i. Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City of Douglas Planning and Zoning Code.
    - (b) The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed ~~five-hundred~~ twenty-percent (20%) ~~square feet~~ of the total ~~two-thousand five-hundred (2,500) square foot~~ maximum floor area of a medical marijuana dispensary.
    - (c) A medical marijuana dispensary shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
    - (d) The permitted hours of operation of a medical marijuana dispensary shall be from 9:00 am to ~~5~~ 10:00 pm.

- (e) A medical marijuana dispensary shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.
  - (f) A medical marijuana dispensary shall not have a drive-through service.
  - (g) A medical marijuana dispensary shall not have outdoor seating areas.
  - (h) A medical marijuana dispensary shall not offer a service that provides off-site delivery of the medical marijuana.
  - (i) ~~A medical marijuana dispensary shall be setback a minimum of two thousand (2,000) feet from any other medical marijuana dispensaries measured in a straight and direct horizontal line between the two (2) closest exterior walls of the medical marijuana dispensaries.~~
  - (j) A medical marijuana dispensary shall be setback a minimum of one thousand (1,000) feet from a public, ~~or private~~ ~~or charter~~ school ~~or a licensed childcare center,~~ measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana dispensary to the closest property line of a school ~~or childcare center.~~
  - (k) ~~A medical marijuana dispensary shall be setback a minimum of one thousand (1,000) feet from a church, library or public park and a minimum of two thousand (2,000) feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility, measured in a straight and direct horizontal line from the closest wall of a medical marijuana dispensary to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.~~
- ~~A "church" means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.~~
- (l) A medical marijuana dispensary shall comply with lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

2. *Medical marijuana dispensary off-site cultivation location.*

- (a) The total maximum floor area of a medical marijuana dispensary off-site cultivation location shall not exceed ~~three-ten~~ thousand (3,000) square feet.
- (b) The secure storage area for the medical marijuana stored at the medical marijuana dispensary off-site cultivation location shall not exceed ~~one thousand~~ ~~twenty-five percent~~ (1,000 ~~25%~~) ~~square feet total of the~~ maximum floor area of a medical marijuana dispensary off-site cultivation location.
- (c) A medical marijuana dispensary off-site cultivation location must be located in a permanent building and shall not be located in a trailer, cargo container mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (d) ~~A medical marijuana dispensary off-site cultivation location shall be setback a minimum of two thousand (2,000) feet from any other medical marijuana dispensaries or medical marijuana dispensary off-site cultivation locations measured in a straight and direct horizontal line between the two closest exterior walls of the medical marijuana dispensaries' cultivation location.~~
- (e) A medical marijuana dispensary off-site cultivation location shall be setback a minimum of one thousand (1,000) feet from a public, ~~or private~~ ~~or charter~~ school ~~or a licensed~~

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~~childcare center~~ measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana off-site cultivation location to the nearest property line of a school ~~or childcare center~~.

- (f) ~~A medical marijuana dispensary off-site cultivation location shall be setback a minimum of one thousand (1,000) feet from a church, library or public park and a minimum of two thousand (2,000) feet from a licensed residential substances abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility measured in a straight and direct horizontal line from the closest wall of the medical marijuana dispensary off-site cultivation location to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.~~

~~A "church" means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.~~

- (g) Medical marijuana off-site cultivation location shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

3. Medical marijuana designated caregiver cultivation location.

- (a) All conditions and restrictions for a medical marijuana dispensary off-site cultivation locations apply except that the designated caregiver cultivation location cultivation area is limited to a total two hundred fifty (250) square feet maximum, including any storage areas.
- (b) A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with § A.R.S. 36-2806.01.
- (c) More than one (1) designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed two hundred fifty (250) square feet maximum, including storage areas.
- (d) A designated caregiver shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

4. Medical marijuana qualifying patient cultivation location.

- (a) A qualifying patient may cultivate at their place of residence subject to compliance with A.R.S. § 36-2806.01.
- (b) A qualifying patient, cultivating marijuana, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

5. Marijuana establishments. All zoning and development regulations applied to non-profit medical marijuana dispensaries shall be applied equally to adult-use marijuana establishments.

6. Marijuana testing facilities. All zoning and development regulations applied to testing facilities shall be applied equally for non-profit medical marijuana dispensaries and adult-use marijuana establishments.

**507.8 Nonresidential accessory buildings.**

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- A. Maximum height: Fifteen (15) feet above grade.
  - B. Maximum yard coverage: Thirty-five (35) percent of rear yard.
  - C. Location restrictions: No accessory building shall be erected in any minimum required front or side yard, except as otherwise provided in this code.
  - D. Setback requirements: Accessory buildings shall be setback ~~front from~~ eh the side lot line and the rear lot line a distance no less than three (3) feet, except:
    - 1. For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).
    - 2. For a corner lot abutting a key lot and not separated there ~~form from~~ an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

507.8 **Off-street parking and loading.** In accordance with the provisions of Article [17.06](#).

507.9 **Sign regulations.** In accordance with the provisions of Article [17.07](#).

507.11 **Landscaping, screening, and buffering.** Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or Board of Adjustment, and Building Inspector. All landscaping shall meet the specifications set forth in any subsequent ordinance specifically addressing the issue of landscaping.

507.12 **Marijuana testing facility permitted.**

- A. It shall be unlawful for a person to operate a marijuana establishment at any location within the City of Douglas without obtaining a business license from the City of Douglas pursuant to the Douglas Municipal Code, Section 5.02.040-~~A.8(A)(8)~~, and also meet City Zoning Code regulations, including any application and review procedures.
- B. A Marijuana testing facility is permitted in the City of Douglas subject to the following conditions:
  - 1. To the extent permitted by applicable law, the development standards shall follow those outlined in subsection numbered [17.05.507.7\(E\)](#). Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City.
  - 2. There are no more than one marijuana testing facilities operating in the City of Douglas.
  - 3. Shall ensure that access to the area of the facility where marijuana or marijuana products are being tested or stored for testing is limited to a facility's owners, authorized personnel or agents.
  - 4. Shall ensure that transportation of marijuana or marijuana products are following applicable law.
  - 5. Shall comply with all testing processes, protocols, standards, and criteria adopted by the Department for testing marijuana and marijuana products.
  - 6. Shall maintain records, equipment and instrumentation as required by the Department.
  - 7. Shall submit a written security plan to the City of Douglas that specifies the measures that will be taken to deter and prevent unauthorized entrance into limited access areas including the use of security equipment to detect unauthorized intrusion, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras that provide coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building and has sufficient recording resolution.
  - 8. Shall comply with all security protocols required by the Department.
  - 9. Shall only be authorized in GC, IP, LI, HI zoning districts by Conditional Use Permit.

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507.13 Marijuana establishments permitted.

- A. It shall be unlawful for a person to operate a marijuana establishment at any location within the City of Douglas without obtaining a business license from the City of Douglas pursuant to the Douglas Municipal Code, Section 5.02.040:~~(A-)(7)~~**8**, and also meet City Zoning Code regulations, including any application and review procedures.
- B. If authorized by state law and a valid permit has been obtained from the City of Douglas, a marijuana establishment is permitted in City of Douglas subject to the following conditions and limitations:
  - 1. To the fullest extent allowable by law, shall be authorized in the City of Douglas for:
    - a. A dual licensee who operates both a nonprofit medical marijuana dispensary and marijuana establishment.
    - b. Any other entity licensed by the Department to provide marijuana or marijuana products to consumers.
  - 2. Shall only be authorized in GC, IP, LI, HI zoning districts by Conditional Use Permit.
  - 3. ~~Shall not be located within two thousand (2,000) feet of the same type of use or a nonprofit medical marijuana dispensary. This distance shall be measured from the lot line of the property in which the businesses are conducted or proposed to be conducted.~~
  - 4. ~~Shall not be located within two thousand (2,000) feet of a substance abuse testing, treatment, or rehabilitation center. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property boundary line of the protected use.~~
  - 5. Shall not be located within one thousand (1,000) feet of a ~~residence, preschool, kindergarten, elementary, secondary or high~~public or private school, ~~place of worship, public park, or licensed childcare facility.~~ This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property line of the protected use.
  - 6. Shall be located in a permanent building on an established foundation adhering to the City building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.
  - 7. To the extent permitted by applicable law, the development standards shall follow those outlined in subsection numbered 17.05.507.7(E). Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City.
  - 8. Maximum square footage may be expanded subject to Conditional Use Permit application and hearing procedures set forth under the City of Douglas Planning and Zoning Code and:
    - a. Shall have operating hours not earlier than 9:00 a.m. and not later than 10:00 p.m.
    - b. Shall not provide drive-thru services or offsite deliveries of marijuana or marijuana products.
    - c. Shall not allow a person to consume marijuana or marijuana products on the premises or provide outdoor seating areas.
    - d. Shall provide for proper disposal of marijuana remnants or by- products. The remnants or by-products shall not to be placed within the facility's exterior refuse containers, City trash can, bin or another City facility, or in any park refuse container unless authorized by the City.