

# Medical marijuana relegated to C-3 zone

## Council approves final rules

By Bob Burns  
Times Reporter

Fountain Hills will allow medical marijuana facilities in just one small part of town after the Town Council voted to approve a Zoning Ordinance amendment Jan. 6.

Dispensaries here will be limited to the C-3 zoning district, which is a fairly small area bounded by Tower Drive, Saguaro Boulevard and Colony Drive, Enterprise Drive and Panorama Drive.

There would be distance restrictions from other types of facilities. This in-

cludes 2,000 feet from another medical marijuana dispensary or cultivation location; 2,000 feet from any facility for treatment or diagnosis of substance abuse or residential drug or alcohol rehabilitation facility; 2,000 feet from various types of schools and educational facilities; 2,000 feet from a child care center; 1,000 feet from a park; and 500 feet from a church.

Voters narrowly approved an initiative to allow the sale of medical marijuana in the state with Proposition 203 in the Nov. 2 General Election.

It is left up to local ju-

risdictions to come up with the rules for regulating the dispensaries and cultivation sites.

### Comments

There were a number of reluctant supporters of the town's proposed ordinance at the council meeting.

There was a clear indication that most would prefer not to allow the marijuana dispensaries at all.

Carole Groux, head of the Fountain Hills Youth Substance Abuse Prevention Coalition, thanked the town for working with the coalition to come up with a responsible approach to permitting the medical marijuana facilities.

Maria Perreault told the council that she and her husband had chosen Fountain Hills as a safe environment to raise their children.

She said she is shocked by survey results that indicate a high use of marijuana by Fountain Hills High School students.

"This is a strong predictor of academic failure," Perrault said. "I feel having a dispensary in town is not worth the risk, but I support passage of this ordinance."

Rich Schultz, director of

the local Boys & Girls Club branch, said he supports the ordinance fully.

Schultz said he was recently in California visiting family and was surprised by how prevalent the marijuana dispensaries have become.

He also noted the proliferation of "smoke shops" that offer smoking paraphernalia. He brought to the council a copy of a smoke shop ordinance and suggested the town look into curbing those activities.

Linda Bordow suggested that the dispensaries be operated as non-profit entities allowing the money made to go back into the community for benefit programs such as the food bank, youth activities and abuse programs.

Town Attorney Andrew McGuire said the suggestion regarding non-profit operation is one to make to the Arizona Department of Health Services. That is the state agency setting the rules to govern the operation of the dispensaries.

Councilwoman Ginny Dickey said it is still not too late to make comment to DHS regarding the rules process.

The public can visit

the Department of Health Services and learn more about the medical marijuana rule making process at [azdhs.gov/prop203](http://azdhs.gov/prop203).

### FH restrictions

Other restrictions in the ordinance prohibit cultivation locations that are not specifically associated with an existing dispensary.

\* Size limitations on the facilities include 2,500 square feet for a dispensary with no more than 500 square feet for secured storage.

\* Offsite cultivation locations are not to exceed 3,000 square feet with no more than 1,000 of that for storage.

\* A medical marijuana

caregiver cultivation site is to be no more than 250 square feet.

\* Operating hours for dispensaries would be no longer than 9 a.m. to 5 p.m.

\* Proper lighting is to be maintained at the site.

\* Security guards must be provided at all times.

\* Patients who are minors must be accompanied by a parent or legal guardian.

\* There is to be no on-site doctor to issue recommendations for medical marijuana.

\* There can be no on-site sales of alcohol or tobacco, and no on-site consumption of food, alcohol tobacco or marijuana.