

## ZONING ORDINANCE 21\_\_

### AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA AMENDING THE COCHISE COUNTY ZONING REGULATIONS TO PERMIT MARIJUANA CULTIVATION FACILITIES, MARIJUANA ESTABLISHMENT, MARIJUANA ESTABLISHMENT CULTIVATION FACILITIES, MARIJUANA INFUSION FACILITIES, MARIJUANA TESTING FACILITIES AS SPECIAL USES AND ESTABLISHING SITE DEVELOPMENT STANDARDS FOR THOSE USES

**WHEREAS**, the Cochise County Board of Supervisors recognizes that Proposition 207, the Smart and Safe Arizona Act, A.R.S. § 36-2857, allows counties to enact reasonable zoning regulations of recreational marijuana uses; and

**WHEREAS**, nothing in this ordinance is intended to permit or assist in the violation of either the Federal Controlled Substances Act or the Arizona Controlled Substances Act; and

**WHEREAS**, medical marijuana dispensaries are currently permitted use of land in Cochise County; and

**WHEREAS**, medical marijuana cultivation is currently permitted use of land in Cochise County; and

**WHEREAS**, the amendments in this ordinance will allow for the use of a property as a Marijuana Cultivation Facility, Marijuana Establishment, Marijuana Establishment Cultivation Facility, Marijuana Infusion Facility, or Marijuana Testing Facility per the provisions of Proposition 207, the Smart and Safe Arizona Act remain in full force and effect; and

**WHEREAS**, this ordinance does not create new restrictions on the use of property, and this ordinance is not intended to, nor should it be construed to, reduce any existing rights to use, divide, sell or possess private real property; and

**WHEREAS**, on April 14, 2021, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Zoning Regulations, hereby

known as Docket R-21-01, and attached hereto as **Exhibit A**, which will permit the development of marijuana uses; and

**WHEREAS**, existing local zoning regulations do not address recreational marijuana uses.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Cochise County Zoning Regulations be amended to define marijuana cultivation facilities, marijuana establishment, marijuana establishment cultivation facilities, marijuana infusion facilities, marijuana testing facilities as distinct land use categories.

**IT IS FURTHER RESOLVED** that said regulations be amended to establish regulations as to where marijuana uses shall be permitted as special uses and to establish site development standards for those uses as described in **Exhibit A**.

**PASSED AND ADOPTED** by the Board of Supervisors of Cochise County, Arizona, this 18th day of May 2021.

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Ann English  
Chair of the Board of Supervisors

**ATTEST:**

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Kim Lemons, CPCC  
Clerk of the Board

**APPROVED AS TO FORM:**

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Paul Correa  
Civil Deputy Cochise County Attorney