



CITY OF ELOY

THE CITY OF ELOY
PLANNING & ZONING COMMISSION MEETING
Wednesday, January 20, 2021, 6:00 PM
Eloy City Council Chambers-City Hall
595 North C Street
Eloy, Arizona 85131

AGENDA

- I. Call to Order**
- II. Roll Call**
- III. Invocation**
- IV. Pledge of Allegiance**
- V. Motion to approve the December 16, 2020 meeting minutes of the Planning and Zoning Commission**
 - A. Meeting Minutes from the December 16, 2020 Meeting
- VI. Old Business: Possible discussion and/or action on the following:**
 - A. Conduct public hearing to discuss Text Amendment TA2020, Recreational Marijuana to the Eloy City Code as a result of the passage of Proposition 207 by Arizona voters in November 2020.
 - B. Commission to make a recommendation for approval, approval with conditions, or denial for draft text amendment TA2020-028, Recreational Marijuana to the Eloy City Code
- VII. New Business: Possible discussion and/or action on the following:**
- VIII. Informational Item:**
- IX. Communications:**
- X. Motion to Adjourn**

POSTED BY FRIDAY, JANUARY 15, 2021 BY 5 PM AT ELOY CITY HALL, ELOY POST OFFICE, TROY THOMAS COMMUNITY CENTER, TOLTEC COMMUNITY/SENIOR CENTER AND CITY WEBSITE: www.elayaz.gov

A handwritten signature in cursive script that reads "Mary Myers". The signature is written in black ink and is positioned above a solid horizontal line.

Mary Myers, CMC, CPM
City Clerk

INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS MAY CONTACT LORENA LaSALDE-RIOS, ADA COORDINATOR FOR THE CITY OF ELOY AT 520-466-9201 OR 520-466-7455 (TDD). IF POSSIBLE, SUCH REQUESTS SHOULD BE MADE 72 HOURS IN ADVANCE. ONE OR MORE MEMBERS OF THE COMMISSION AND/OR STAFF MAY PARTICIPATE BY TELEPHONIC OR VIDEO MEANS.

**MEETING MINUTES OF
THE CITY OF ELOY
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, December 16, 2020
6:00 p.m.**

I. CALL TO ORDER

Vice-chairperson Marlo Schuh called the meeting to order at 6:00 p.m.

II. ROLL CALL

*One or more members of the Planning and Zoning Commission may attend by telephonic means.

Members present:

- Chairperson Marlo Schuh
- Vice-Chairperson Larry Brown
- Ex-Officio Daniel Snyder
- Commissioner Allen Crawford

Members Absent:

- Commissioner Steve Paulson
(Excused)
- Commissioner Kirk Tatom
- Commissioner John Peterson

Staff present:

- Jon Vlaming, Community Development Director
- Belinda Lopez, Planner
- Jerry Stabley, Planning Manager

Others present:

- Robert Guerrero

III. INVOCATION

Chairperson Schuh led the Invocation and requested a moment of silence.

IV. PLEDGE OF ALLEGIANCE

Chairperson Schuh led the recitation of the Pledge of Allegiance.

V. MOTION TO APPROVE THE NOVEMBER 18, 2020 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION.

Chairperson Schuh asked for a motion to approve the meeting minutes of the Planning and Zoning Commission. Vice-chair Brown made a motion to approve the November 18, 2020 meeting minutes as presented. Commissioner Crawford seconded the motion. The motion was approved with a vote of 3-0.

VI. OLD BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

A. CONDUCT PUBLIC HEARING TO DISCUSS AN AMENDMENT TO THE ELOY ZONING CODE TO ADDRESS RECREATIONAL MARIJUANA AS A RESULT OF THE PASSAGE OF PROPOSITION 207 BY ARIZONA VOTERS IN NOVEMBER 2020.

Chairperson Schuh opened up the Public Hearing. Mr. Vlaming introduced Jerry Stabley. Mr. Jerry Stabley, Planning Manager introduced himself and presented a power point presentation on the proposed recreational marijuana ordinance. Proposition 207 (Prop 207) known as the Smart and Safe Act was passed in the November 3, 2020 election.

Mr. Stabley provided an overview of the general regulations. Individuals that are twenty-one (21) years and older can grow no more than six (6) marijuana plants in their house: Plants cannot be viewed by the public and plants must be in a lockable area. The Arizona Department of Health Services will be developing rules and regulations not addressed in this proposition. Topics to be addressed include: not allowing the smoking of marijuana in a public place or open space, or consumption of marijuana products while operating a vehicle. Employers can impose prohibitions on employees' use of recreational marijuana and marijuana products. It would still be a felony, under Federal statutes, to possess and use marijuana. By Federal Law: anyone using or possessing marijuana is prohibited from possessing or owning a firearm. Eloy Police Department Chief Chris Vasquez already noted to his Department: sworn and civilian staff are not allowed to use marijuana.

Proposed City Timing for approval of this Text Amendment to the Zoning Code
Planning and Zoning Commission Work Session: occurred on November 18, 2020
City Council Work Session: occurred on December 7, 2020
Planning and Zoning Commission Hearing: December 16, 2020 (tonight's topic)
City Council Hearing: January 11, 2021

This proposed Ordinance may be declared an emergency by the City Council. If so, it would go into effect immediately after it is passed.

At the City Council Work Session on December 7-City Council members identified that they are open to allowing Marijuana Establishments to be located in more places than the current City Code allows for medical marijuana dispensaries. There was additional Council discussion to allow establishments on Main Street, Frontier Street

and in the Toltec area. It was mentioned that one-thousand three hundred twenty (1,320) foot separation was too large between recreational marijuana establishments and some uses. The Council wanted to maintain some separation between recreational marijuana establishments and schools and homes, but they were not as concerned about distancing from churches and residentially zoned vacant land.

Staff has a draft ordinance in place to control the location of establishments that may be approved by early 2021. Staff has already advertised a draft ordinance for this Commission hearing. Staff found out that other cities were taking their time to approve and ordinance. For example, the City of Tempe is planning to take action in February 2021. Staff is asking for a continuance until January 20, 2021 to address City Council's questions.

B. COMMISSION TO MAKE A RECOMMENDATION FOR APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF THE AMENDMENTS TO THE ELOY ZONING CODE TO ADDRESS RECREATIONAL MARIJUANA TO THE CITY COUNCIL.

Chairperson Schuh asked for a recommendation for approval, approval with conditions, or denial of the amendments to the Eloy Zoning Code to address recreational marijuana to the City Council. Vice-chair Brown made a motion to table/continue it until the next meeting. Commissioner Crawford seconded the motion. The motion passed with a vote of 3-0.

VII. NEW BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

A. CONDUCT PUBLIC HEARING TO DISCUSS THE APPLICATION SUMMITTED BY UPFRONT PLANNING & ENTITLEMENTS, LLC IN CARE OF JESSICA SARKISSIAN ON BEHALF OF HANNA 10 LLC TO REZONE PINAL COUNTY ASSESSOR'S PARCEL NUMBERS: 511-33-001M, 511-33-001N, 511-33-001P, 511-33-001Q, AND 511-33-001R FROM GR (GENERAL RURAL) A PINAL COUNTY ZONING DESIGNATION TO I-1 LIGHT INDUSTRIAL). THE SUBJECT PROPERTIES ARE LOCATED AT THE SOUTHWEST CORNER OF HANNA ROAD AND SUNLAND GIN ROAD, IN A PORTION OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 7 EAST, G&SRB&M, PINAL COUNTY, ARIZONA.

Ms. Lopez introduced this agenda item and introduced Jessica Sarkissian with Upfront Planning & Entitlements, LLC. Mrs. Sarkissian was attending this meeting via telephone and explained to the Commissioners that her client's property is in the process of annexation. The Eloy City Council recently approved the annexation on December 14, 2020. The properties are at the corner of Hanna and Sunland Gin Roads and are currently vacant. Their request is to rezone to Light Industrial to be in conformance to the adopted Eloy General Plan and Pinal County Comprehensive Plan.

Mrs. Sarkissian mentioned there is no immediate proposed development on the site at this time.

B. COMMISSION TO MAKE A RECOMMENDATION FOR APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL FOR CASE NO.: RZ2020-025 TO REZONE PINAL COUNTY ASSESSOR'S PARCEL NUMBER: 511-33-001M, 511-33-001N, 511-33-001P, 511-33-001Q, AND 511-33-001R FROM GR (GENERAL RURAL) A PINAL COUNTY ZONING DESIGNATION TO I-1 LIGHT INDUSTRIAL). PROJECT NAME: HANNA 10 INDUSTRIAL.

Chairperson Schuh asked for a recommendation for approval, approval with conditions, or denial of Case No.: RZ2020-025 to the City Council. Commissioner Crawford made a motion to approve the rezoning Case, as presented. Vice-chair Brown seconded the motion. The motion passed with a vote of 3-0.

VIII. INFORMATIONAL ITEMS:

A. FRONTIER STREET COMMUNITY TREE PROJECT

Mr. Vlaming introduced the status of the Frontier Street Community Tree Project. This project is going to cover the south side of Frontier Street, between Stuart and Myers Boulevards. Staff has received three alternative designs (exhibits were displayed at the meeting) to consider and would like everyone's input on the options before moving forward with this project. Staff has posted these alternatives on the city's webpage with a link to each of the alternative designs. These will be available until the end of December along with an online survey to gather input. He also mentioned that the exhibit boards are on display at City Hall in the lobby.

IX. COMMUNICATIONS:

- The Dust Bowl Theater is under review for what City Council should recommend to do with it.
- The Water Tower is going to be repainted and lights will be installed in a similar manner as the one that was completed in the Town of Gilbert.
- The Xpress Fuel Truck Stop on Toltec Road will be open for business at the end of the year. Staff is planning a ribbon cutting for some time in December 2020.

X. MOTION TO ADJOURN.

Chairperson Schuh asked for a motion to adjourn. Vice-chair Brown made a motion to adjourn and was seconded by Commissioner Crawford. The adjournment passed 3-0 and the meeting adjourned at approximately 7:00 p.m.

CITY OF ELOY

REQUEST FOR COMMISSION ACTION

Agenda Item: **VI.A.**

Date: **1/20/2021**

Date submitted:
12/31/2020

Action: Other

Subject: Conduct public hearing to discuss Text Amendment TA2020, Recreational Marijuana to the Eloy City Code as a result of the passage of Proposition 207 by Arizona voters in November 2020.

Date requested:
1/20/2021

TO: Planning and Zoning Commission

FROM: Jerry Stabley

RECOMMENDATION:

Recommend that the Planning and Zoning Commission recommend adopting changes to the City Code Zoning to regulate recreational marijuana.

DISCUSSION:

Proposition 207, the Safe and Smart Arizona Act, was passed by Arizona voters on November 3. The Act allows for the sale and consumption of recreational marijuana, it also raises concerns which can be addressed in Eloy's City Code.

General Issues

- Individuals that are 21 years and older can grow no more than six marijuana plants in their house provided the plants cannot be viewed by the public and are in a lockable area.
- The AZ Department of Health Services will be developing rules and regulations not addressed in Prop. 207.
- Prop. 207 does not allow the smoking of marijuana in a public place or open space, or the consumption of marijuana products while operating a vehicle.
- An employer can impose a prohibition on its employees use of recreational marijuana and marijuana products
- It is still a felony under Federal statutes to possess and use marijuana
- According to Federal law, anyone using or possessing marijuana is prohibited from possessing or owning a firearm

Issues Related to the Zoning Ordinance

The Act allows proposed recreational marijuana establishments to apply for a license from AZ Dept. of Health Services (DHS). Marijuana establishments include all of the following: retail, cultivation and manufacturing of marijuana products. Establishment owners can choose one, two or all and there is no guarantee that owner will retail products. This is a major change from the medical marijuana laws that allowed the city to create separate regulations for dispensaries, cultivation and infusion of medical marijuana.

The Act places restrictions on how localities, which are defined as Cities, Towns or Counties, can regulate marijuana establishments.

The text of the Act states:

“A locality may not enact any ordinance, regulation or rule that: is more restrictive than a comparable ordinance, regulation or rule that applies to nonprofit medical marijuana dispensaries.”

The City must regulate all recreational marijuana establishments with an ordinance that is not more restrictive than our current regulation of medical marijuana dispensaries. However, we are allowed to be more permissive.

The current ordinance requires that all medical marijuana dispensaries have a Conditional Use Permit (CUP). Property owners are only allowed to apply for a CUP in the following zoning districts:

- General Commercial District (C-2)
- Business Park (BP)
- Light Industrial (I-1)
- General Industrial (I-2)

The current ordinance also specifies that medical marijuana dispensaries shall not be located within 1,320 feet of: the same type of use, residentially zoned property, a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center.

Staff initially proposed that the City regulations for recreational marijuana establishments mirror the rules for medical marijuana dispensaries.

City Council Feedback

The City Council held a work session on December 7 and raised the following issues:

- Open to allowing Marijuana Establishments to locate in more places than Code allows medical marijuana dispensaries
- Discussed allowing Establishments on Main and Frontier Streets and in Toltec
- 1320' separation too large
- Maintain some separation from schools and homes

- Not as concerned about distancing from churches and residentially zoned vacant land
- Control with Conditional Use Permits

Draft City Code: General Regulations

There are enforcement issues that are not covered under the Act. There are no regulations for consuming marijuana on city property. There are prohibitions on smoking marijuana in public places and open spaces, but no mention of the other ways it can be consumed. To address these issues, staff recommends that the following sections be added to the City Code, Chapter 13: Offenses and Miscellaneous Law Enforcement Provisions.

13-28: MARIJUANA:

13-28.1: DEFINITIONS:

CONSUME MARIJUANA, MARIJUANA, OPEN SPACE, PUBLIC PLACE (Please see attached ordinance for definitions)

13-28.2: CONSUMPTION OF MARIJUANA:

A. The consumption of marijuana on City owned property, in a public place or open space is prohibited.

B. Penalty Imposed: Any person found guilty of violating any provisions of this code, except as otherwise provided in this code, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Draft City Code: Zoning Ordinance Conditional Use Permit

Staff is recommending that Marijuana Establishments cannot operate without a Conditional Use Permit. The Act mandates that properties with the following zoning be allowed to apply:

- General Commercial District (C-2)
- Business Park (BP)
- Light Industrial (I-1)
- General Industrial (I-2)

Staff is also recommending that property owners with Neighborhood Commercial District (C-1) zoning be allowed to apply. Most of the C-1 zoning in the City is in Downtown along Frontier Street. Allowing these property owners to apply will meet the Council's goal of opening up Frontier Street to this use.

Minimum Separation Requirements

Based on the feedback from the City Council, Staff is recommending the following minimum separations from Marijuana Establishments:

- Residences: 25 feet from building to building

- Preschool, kindergarten, elementary or secondary school, public park, or public community center: 100 feet from building to building
- High School: 150 feet from closest property line to closest property line

FISCAL IMPACT:

If a retail marijuana establishment is located in Eloy, the City will be able to collect regular sales tax on sales to consumers. The City will also receive its regular share of state shared transaction privilege tax. The Act does not allow the City to impose an excise tax.

Recreational Marijuana Proposed Ordinance

Planning and Zoning Commission Hearing

January 20, 2021

Community Development



Prop 207: Safe and Smart Arizona Act

Passed by AZ Voters
November 3, 2020 Election

Prop 207: Safe and Smart Arizona Act

Today:

- Quick Review of Previous Recommendation
- Council Input During Work Session
- Proposed Changes

General Regulations

- ◆ Individuals that are 21 years and older can grow no more than 6 marijuana plants in their house:
 - ◆ Plants cannot be viewed by public
 - ◆ Plants are in lockable area
- ◆ The AZ Department of Health Services will be developing rules and regulations not addressed in Prop.
- ◆ Does not allow the **smoking** of marijuana in a public place or open space, or consumption of marijuana products while operating vehicle

General Regulations

- ◆ Employers can impose prohibitions on employees use of recreational marijuana and marijuana products
- ◆ Still a felony under Federal statutes to possess and use marijuana
- ◆ Federal law: anyone using or possessing marijuana prohibited from possessing or owning a firearm
- ◆ Chief Vasquez already noticed his department: sworn and civilian staff are not permitted to use marijuana

Marijuana Establishment

Includes all of the Following:

- ◆ Retail
- ◆ Cultivation
- ◆ Manufacturing Marijuana Products

Establishment owner can choose one, two or all
No guarantee that owner will retail

Major Change from Medical Marijuana:
Dispensary, Cultivation, Infusion

Act Restriction on Localities

Locality: City, Town or County

Text from Act:

“A locality may not enact any ordinance, regulation or rule that: is more restrictive than a comparable ordinance, regulation or rule that applies to nonprofit medical marijuana dispensaries.”

We are allowed to be more permissive

Eloy Regulation of Medical Marijuana Dispensaries

Requires a Conditional Use Permit

Only allowed to apply in:

- ◆ General Commercial District (C-2)
- ◆ Business Park (BP)
- ◆ Light Industrial (I-1)
- ◆ General Industrial (I-2)

Eloy Regulation of Medical Marijuana Dispensaries

Shall not be located within 1,320 feet of:

- ◆ The same type of use
- ◆ Residentially zoned property
- ◆ A preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center

December 7

City Council Work Session

- ◆ Open to allowing Marijuana Establishments to locate in more places than Code allows medical MJ dispensaries
- ◆ Discussed allowing Establishments on Main and Frontier Streets and in Toltec
- ◆ 1320' separation too large
- ◆ Maintain some separation from schools and homes
- ◆ Not as concerned about distancing from churches and residentially zoned vacant land
- ◆ Control with Conditional Use Permits

January 11

City Council Work Session

- ◆ 1320' separation too large for High Schools:
should be no direct view

Eloy Regulation of Medical MJ Dispensaries

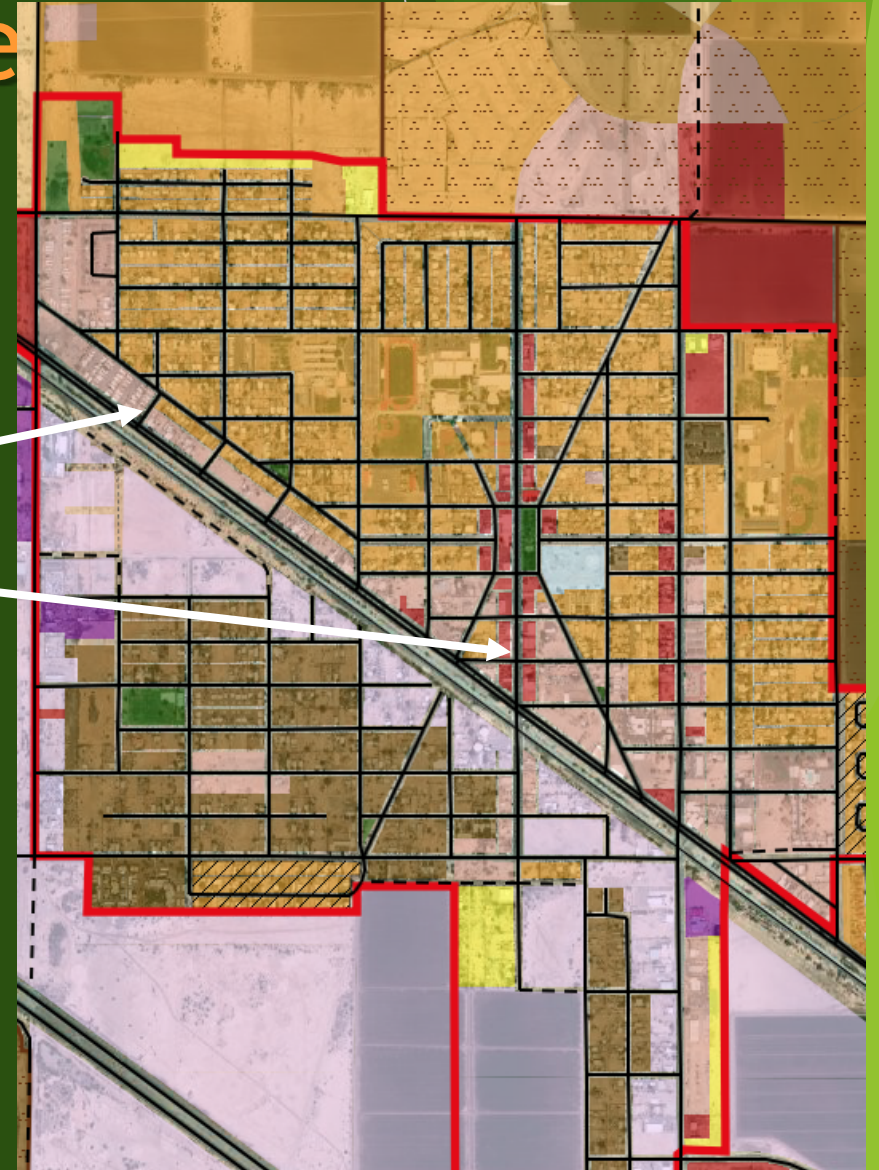
Rec. Recommendations in Orange

Requires a Conditional Use Permit

Only allowed to apply in:

- ◆ Neighborhood Commercial District (C-1)
- ◆ General Commercial District (C-2)
- ◆ Business Park (BP)
- ◆ Light Industrial (I-1)
- ◆ General Industrial (I-2)

Propose Allowing Owner to Apply for Recreational MJ CUP in all the above



Eloy Regulation of Medical MJ Dispensaries

Recommendations for Rec. MJ Shown in Orange

Shall not be located within 1,320 feet of:

- ◆ The same type of use
Propose not to include, small market
- ◆ Residentially zoned property
Propose 25 feet from building to building, opens up
Main Street

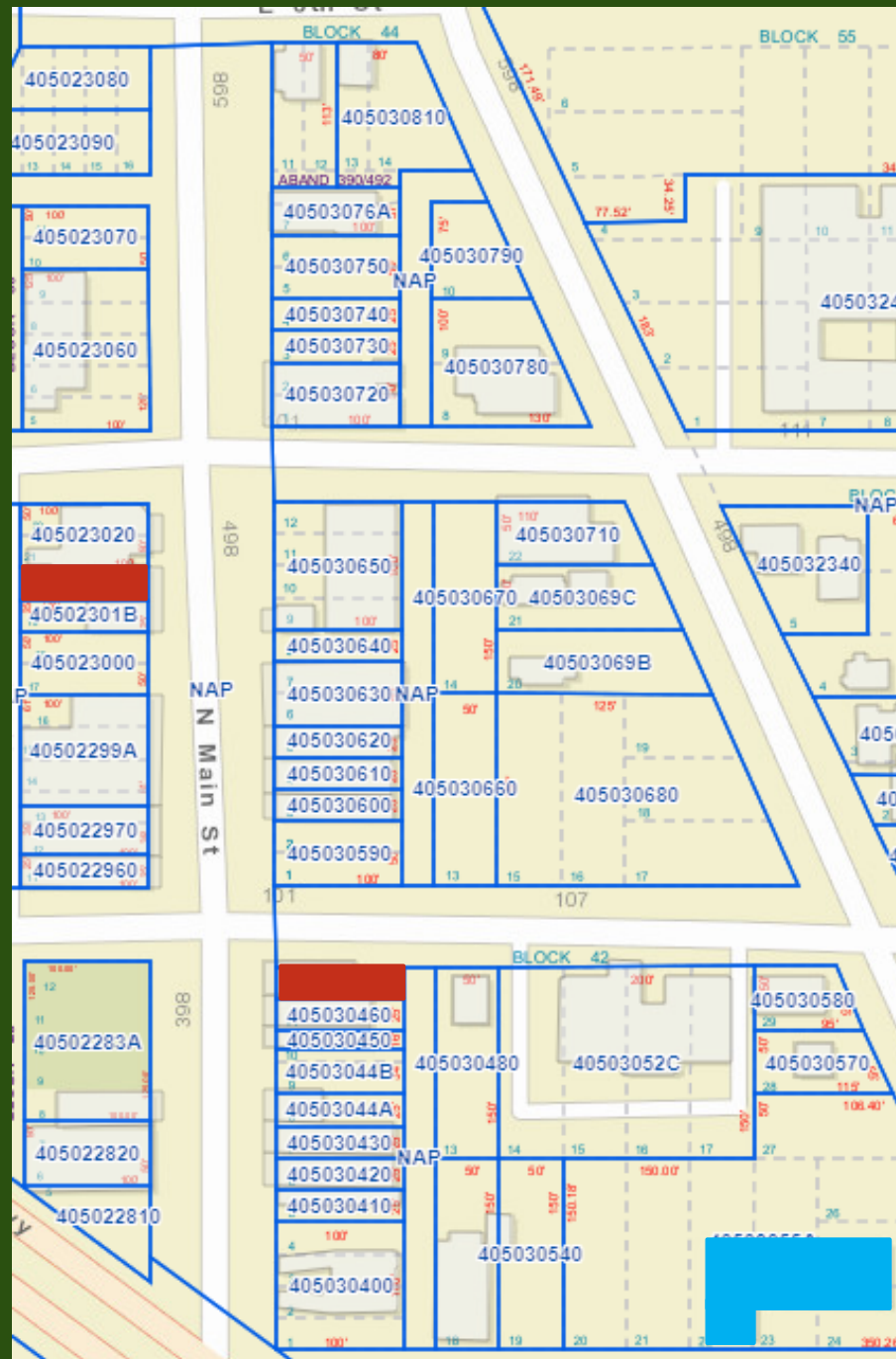
Eloy Regulation of Medical MJ Dispensaries

Recommendations for Rec. MJ Shown in Orange

Shall not be located within 1,320 feet of:

- ◆ Preschool, kindergarten, elementary or secondary school, public park, or public community center
Recommend 100 ft minimum distance from building to building: small separation
- ◆ High school Recommend 150 ft. from property line to property line: no direct view from HS property to an establishment
- ◆ Place of worship Any minimum distance would impact Main Street, south of Post Office

Churches



Head
Start

General Regulations

- ◆ Does not allow the smoking of marijuana in a public place or open space, or consumption of marijuana products while operating a vehicle
- ◆ “Open space” means a public park, public sidewalk, public walkway or public pedestrian thoroughfare.
- ◆ "Public place" means any enclosed area to which the public is invited or in which the public is permitted, including airports, banks, bars, common areas of apartment buildings, condominiums or other multifamily housing facilities, educational facilities, entertainment facilities or venues, health care facilities, hotel and motel common areas, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.
- ◆ (Safe and Smart Arizona Act cites: 36-601.01. Smoke-free Arizona act)

Proposed City General Regulations

Regulate the consumption of marijuana on:

- City owned property
- Public places
- Open space

Proposed City General Regulations

Chapter 13: Offenses and Miscellaneous Law Enforcement Provisions

13-28: MARIJUANA:

13-28.1: DEFINITIONS: CONSUME MARIJUANA, MARIJUANA, OPEN SPACE, PUBLIC PLACE

13-28.2: CONSUMPTION OF MARIJUANA:

A. The consumption of marijuana on City owned property, in a public place or open space is prohibited.

B. Penalty Imposed: Any person found guilty of violating any provisions of this code, except as otherwise provided in this code, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Proposed City Timing

P and Z Commission Work Session: Nov 18

City Council Work Session : Dec 7

City Council Work Session : Jan 11

P and Z Commission Hearing: Jan 20

City Council Hearing: Feb 8

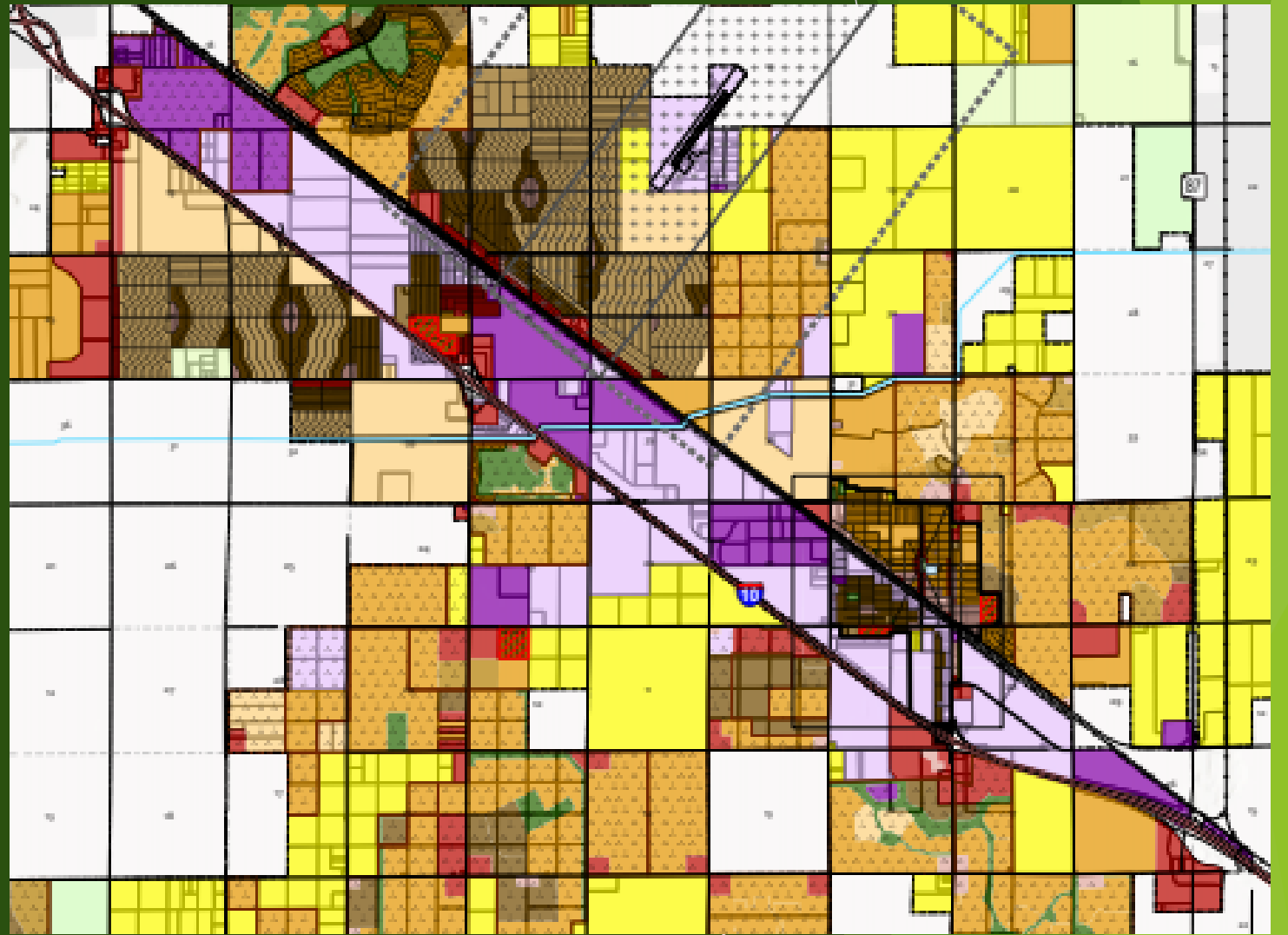
Questions?

Recreational Marijuana

Community Development

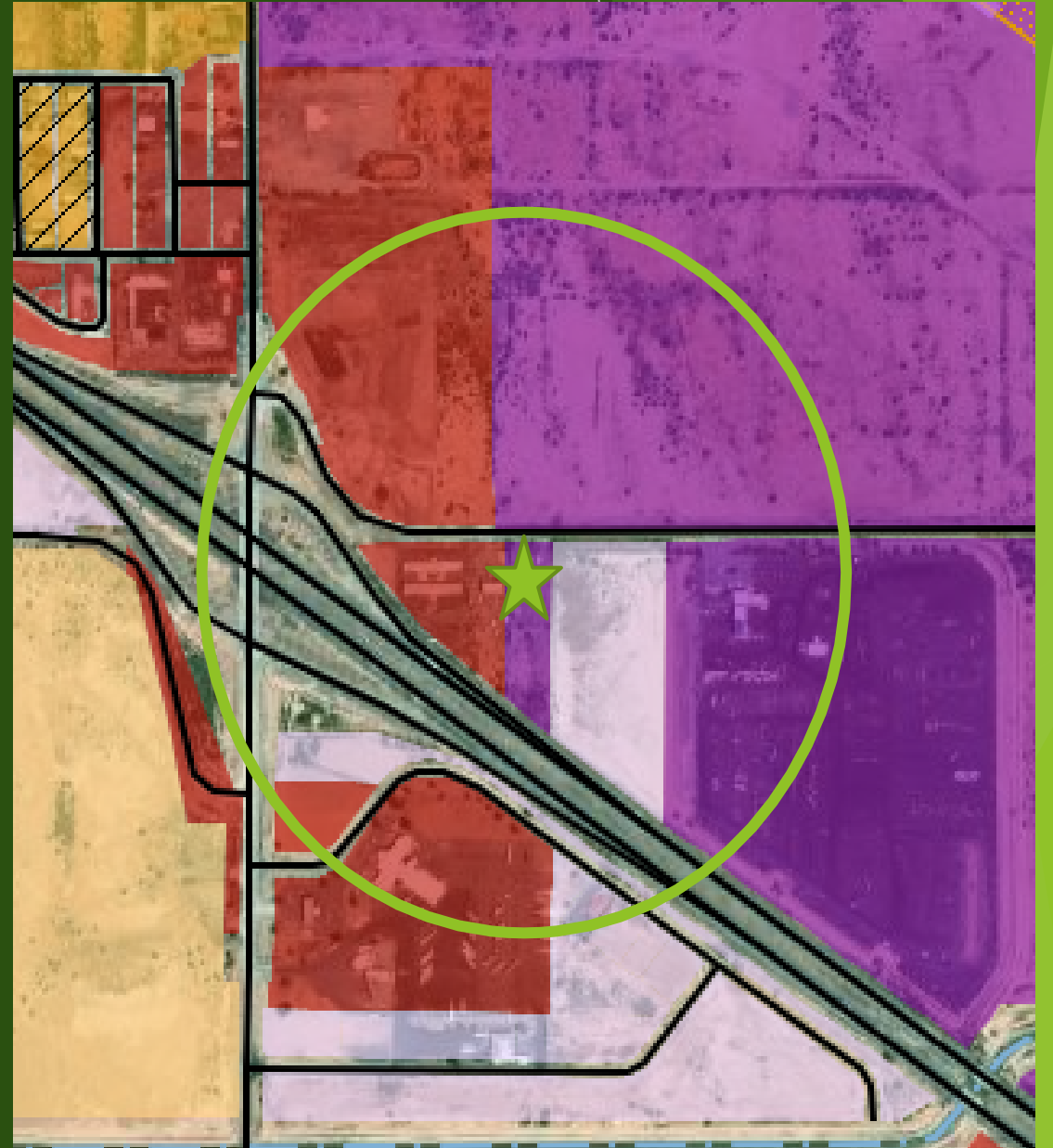


Zoning Map



Existing Medical Cultivation Facility

Houser Road,
east of Toltec Road



Revenues

- City can collect regular sales tax on sales made to consumers
- Will receive regular share of state shared transaction privilege tax
- City cannot impose an excise tax

Crime: Recreational Marijuana

John Jay College of Criminal Justice

Study of Denver CO

3 Years before Recreational was Legalized (2011-2013)
and 3 Years after (2014-2016)

Street segments where Rec. Dispensaries were set up:

- ◆ 18% Increase in Property Crime (Burglary and Theft)
- ◆ 28% Increase in Drug Crimes
- ◆ 17% Increase in Disorder Crimes (Criminal Mischief and Graffiti)

Crime: Liquor Stores

Johns Hopkins University
Study of Baltimore MD

Every 10% Increase in Access to Carryouts =
4.2% Increase in Violent Crimes

One store in neighborhood, it increases amount of
carryout space from 50% to 55% = 4.2% Increase in Violent
Crimes

Studies from Humboldt State Univ. and UNC show
correlation between alcohol sales and violent crime

Liquor Stores: Current City Code

Requires a Conditional Use Permit:

- ◆ Neighborhood Commercial District (C-1)
- ◆ No spacing criteria

Allowed use in:

- ◆ General Commercial District (C-2)
- ◆ Mixed-Use District (MU)

TA2020-028 Recreational Marijuana

Eloy City Code

Chapter 13: Offenses and Miscellaneous Law Enforcement Provisions

Chapter 21: Zoning Ordinance

Add the following sections:

13-28: MARIJUANA:

13-28.1: DEFINITIONS:

CONSUME MARIJUANA: The act of ingesting, inhaling or otherwise introducing marijuana into the human body.

MARIJUANA: All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin. Includes cannabis as defined in A.R.S. § 13-3401.

Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

OPEN SPACE: A public park, public sidewalk, public walkway or public pedestrian thoroughfare.

PUBLIC PLACE: Any enclosed area to which the public is invited or in which the public is permitted, including airports, banks, bars, common areas of apartment buildings, condominiums or other multifamily housing facilities, educational facilities, entertainment facilities or venues, health care facilities, hotel and motel common areas, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

13-28.2: CONSUMPTION OF MARIJUANA:

- A. The consumption of marijuana on City owned property, in a public place or open space is prohibited.
- B. **Penalty Imposed:** Any person found guilty of violating any provisions of this code, except as otherwise provided in this code, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Amend the following sections:

21-2-3.3: COMMERCIAL AND MIXED-USE STANDARDS:

TABLE 2.3-1

TABLE OF ALLOWED USES FOR COMMERCIAL AND MIXED-USE DISTRICTS

P = Permitted use C = Conditional use NP = Not permitted

Use Category	Specific Use Type	Commercial And Mixed-Use Zoning Districts				
		C-1	C-2	MU	PF	Supplemental Use Regulations
Commercial	Medical marijuana dispensary	NP	C	NP	NP	21-3-1.25
	Medical marijuana infusion	NP	C	NP	NP	21-3-1.26
	Microbrewery, craft distillery or tasting room	NP	P	P	NP	21-3-1.27
	Movie theater	NP	P	P	NP	
	Nightclub	NP	C	C	NP	
	Non-chartered financial institution (payday loan/check cashing)	NP	C	NP	NP	
	Nursery, commercial	NP	C	C	NP	
	Office, business or professional	P	P	P	NP	
	Outdoor/mobile vending	C	C	C	NP	21-3-1.31
	Parking lots and parking structure	NP	P	P	P	
	Recreational marijuana establishments and dual licensee facilities	C	C	NP	NP	21-3-1.33
	Restaurant	P	P	P	NP	
	Restaurant, with drive through	C	C	C	NP	21-3-1.18
	Restaurant, with off track betting	NP	C	C	NP	

21-2-5.3: INDUSTRIAL USE STANDARDS:**TABLE 2.5-1****TABLE OF ALLOWED USES FOR BUSINESS, INDUSTRIAL AND PUBLIC FACILITY DISTRICTS**

P = Permitted use C = Conditional use NP = Not permitted

Medical marijuana dispensary, infusion, or cultivation	C	C	C	NP	21-3-1.24, 21-3-1.25, 21-3-1.26
Use Category and Specific Use Type	Industrial Zoning Districts				
	BP	I-1	I-2	PF	Supplemental Use Regulations
Microbrewery, craft distillery	C	C	NP	NP	21-3-1.27
Non-chartered financial institution (payday loan/check cashing)	NP	C	NP	NP	
Nursery, commercial	NP	P	P	NP	
Office, business or professional	P	P	P	NP	
Outdoor/mobile vending	NP	C	NP	NP	21-3-1.31
Parking lots and parking structure	P	P	P	P	
Recreational marijuana: establishments, testing facilities and dual licensee facilities	C	C	C	NP	21-3-1.33
Restaurant	P	P	C	NP	
Restaurant, with drive through	P	P	C	NP	21-3-1.18
Restaurant, with off track betting	C	C	C	NP	

Create a new Section 21-3-1.33: Recreational Marijuana: Establishments, Testing and Dual License Facilities

Change the numbering and references for: Religious Assembly, Resident Care Home, Schools, Self Service Storage, Service Stations, Solar Generation Facility and Tiny Houses

21-3-1.33: RECREATIONAL MARIJUANA: ESTABLISHMENTS, TESTING AND DUAL LICENSEE FACILITIES

A. Applicant shall provide:

1. A copy of the operating procedures adopted in compliance with Arizona Revised Statutes (ARS).

2. A survey sealed by a registrant of the State of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location or recreational marijuana: establishment, testing facility and dual licensee if within five thousand two hundred eighty feet (5,280') of the subject parcel property boundary.

3. Site plan, floor plan, building permits for occupancy change, and a security plan.

4. Procedures for proper disposal of marijuana remnants or by-products.

5. A plan to prohibit the emission of odors from the facility into the environment.

B. Shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.

C. Shall comply with the Building Code as adopted and amended from time to time by the City.

D. Shall not be located within twenty-five feet (25') of a residence. This distance shall be measured in a straight line from the closest exterior wall of the building in which the business is conducted, or proposed to be conducted, to the closest exterior wall of the residence.

E. Shall not be located within one hundred fifty feet (150') of a high school. This distance shall be measured in a straight line from the closest property line where the business is conducted, or proposed to be conducted to the closest property line of the high school building.

F. Shall not be located within one hundred feet (100') of a preschool, kindergarten, elementary, secondary school, public park, or public community center. This distance shall be measured in a straight line from the exterior wall of the building or portion thereof in which the business is conducted, or proposed to be conducted, to the closest exterior wall of the protected use or the boundary line of the public park.

G. Retail locations shall have operating hours not earlier than eight o'clock (8:00) A.M. and not later than six o'clock (6:00) P.M.

H. Drive-through services are prohibited.

I. Shall provide for proper disposal of marijuana remnants or byproducts, and not to be placed within the facility's exterior refuse containers.

J. Marijuana shall not be consumed on the premises, including any accessory structures, parking lot or parking areas.

Add the following definitions:

21-9-1: DEFINITIONS:

CONSUME MARIJUANA: The act of ingesting, inhaling or otherwise introducing marijuana into the human body.

CULTIVATE MARIJUANA: To propagate, breed, grow, prepare and package marijuana.

DUAL LICENSEE: An entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.

MARIJUANA: All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin. Includes cannabis as defined in A.R.S. § 13-3401.

Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA CONCENTRATE: Resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.

Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.

MARIJUANA ESTABLISHMENT: An entity licensed by the State of Arizona Department of Health Services to operate all of the following:

A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.

A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

MARIJUANA PRODUCTS: Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

MARIJUANA TESTING FACILITY: The State of Arizona Department of Health Services or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.

PROCESSING MARIJUANA: To harvest, dry, cure, trim or separate parts of the marijuana plant.

DRAFT

CITY OF ELOY

REQUEST FOR COMMISSION ACTION

Agenda Item: **VI.B.**

Date: **1/20/2021**

Date submitted:
01/13/2021

Action: Formal

Subject: Commission to make a recommendation for approval, approval with conditions, or denial for draft text amendment TA2020-028, Recreational Marijuana to the Eloy City Code

Date requested:
1/20/2021

TO: Planning and Zoning Commission

FROM: Jerry Stabley

RECOMMENDATION:

Commission to make a recommendation for approval, approval with conditions, or denial for a text amendment to the Eloy Zoning Code related to Recreational Marijuana

DISCUSSION:

Proposition 207, the Safe and Smart Arizona Act, was passed by Arizona voters on November 3. The Act allows for the sale and consumption of recreational marijuana, it also raises concerns which can be addressed in Eloy's City Code.

General Issues

- Individuals that are 21 years and older can grow no more than six marijuana plants in their house provided the plants cannot be viewed by the public and are in a lockable area.
- The AZ Department of Health Services will be developing rules and regulations not addressed in Prop. 207.
- Prop. 207 does not allow the smoking of marijuana in a public place or open space, or the consumption of marijuana products while operating a vehicle.
- An employer can impose a prohibition on its employees use of recreational marijuana and marijuana products
- It is still a felony under Federal statutes to possess and use marijuana
- According to Federal law, anyone using or possessing marijuana is prohibited from possessing or owning a firearm

Issues Related to the Zoning Ordinance

The Act allows proposed recreational marijuana establishments to apply for a license from AZ Dept. of Health Services (DHS). Marijuana establishments include all of the following: retail, cultivation and manufacturing of marijuana products. Establishment owners can choose one, two or all and there is no guarantee that owner will retail products. This is a major change from the medical marijuana laws that allowed the city to create separate regulations for dispensaries, cultivation and infusion of medical marijuana.

The Act places restrictions on how localities, which are defined as Cities, Towns or Counties, can regulate marijuana establishments. The text of the Act states: "A locality may not enact any ordinance, regulation or rule that: is more restrictive than a comparable ordinance, regulation or rule that applies to nonprofit medical marijuana dispensaries."

The City must regulate all recreational marijuana establishments with an ordinance that is not more restrictive than our current regulation of medical marijuana dispensaries. However, we are allowed to be more permissive.

The current ordinance requires that all medical marijuana dispensaries have a Conditional Use Permit (CUP). Property owners are only allowed to apply for a CUP in the following zoning districts:

- General Commercial District (C-2)
- Business Park (BP)
- Light Industrial (I-1)
- General Industrial (I-2)

The current ordinance also specifies that medical marijuana dispensaries shall not be located within 1,320 feet of: the same type of use, residentially zoned property, a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center.

Staff initially proposed that the City regulations for recreational marijuana establishments mirror the rules for medical marijuana dispensaries.

City Council Feedback

The City Council held a work session on December 7 and raised the following issues:

- Open to allowing Marijuana Establishments to locate in more places than Code allows medical marijuana dispensaries
- Discussed allowing Establishments on Main and Frontier Streets and in Toltec
- 1320' separation too large
- Maintain some separation from schools and homes

- Not as concerned about distancing from churches and residentially zoned vacant land
- Control with Conditional Use Permits

Draft City Code: General Regulations

There are enforcement issues that are not covered under the Act. There are no regulations for consuming marijuana on city property. There are prohibitions on smoking marijuana in public places and open spaces, but no mention of the other ways it can be consumed. To address these issues, staff recommends that the following sections be added to the City Code, Chapter 13: Offenses and Miscellaneous Law Enforcement Provisions.

13-28: MARIJUANA:

13-28.1: DEFINITIONS:

CONSUME MARIJUANA, MARIJUANA, OPEN SPACE, PUBLIC PLACE (Please see attached ordinance for definitions)

13-28.2: CONSUMPTION OF MARIJUANA:

1. The consumption of marijuana on City owned property, in a public place or open space is prohibited.
2. Penalty Imposed: Any person found guilty of violating any provisions of this code, except as otherwise provided in this code, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Draft City Code: Zoning Ordinance

Conditional Use Permit

Staff is recommending that Marijuana Establishments cannot operate without a Conditional Use Permit. The Act mandates that properties with the following zoning be allowed to apply:

- General Commercial District (C-2)
- Business Park (BP)
- Light Industrial (I-1)
- General Industrial (I-2)

Staff is also recommending that property owners with Neighborhood Commercial District (C-1) zoning be allowed to apply. Most of the C-1 zoning in the City is in Downtown along Frontier Street. Allowing these property owners to apply will meet the Council's goal of opening up Frontier Street to this use.

Minimum Separation Requirements

Based on the feedback from the City Council, Staff is recommending the following minimum separations from Marijuana Establishments:

- Residences: 25 feet from building to building
- Preschool, kindergarten, elementary or secondary school, public park, or public community center: 100 feet from building to building
- High School: 150 feet from closest property line to closest property line

FISCAL IMPACT:

If a retail marijuana establishment is located in Eloy, the City will be able to collect regular sales tax on sales to consumers. We will also receive our regular share of state shared transaction privilege tax. The Act does not allow the City to impose an excise tax.

Recreational Marijuana Proposed Ordinance

Planning and Zoning Commission Hearing

January 20, 2021

Community Development



Prop 207: Safe and Smart Arizona Act

Passed by AZ Voters
November 3, 2020 Election

Prop 207: Safe and Smart Arizona Act

Today:

- Quick Review of Previous Recommendation
- Council Input During Work Session
- Proposed Changes

General Regulations

- ◆ Individuals that are 21 years and older can grow no more than 6 marijuana plants in their house:
 - ◆ Plants cannot be viewed by public
 - ◆ Plants are in lockable area
- ◆ The AZ Department of Health Services will be developing rules and regulations not addressed in Prop.
- ◆ Does not allow the **smoking** of marijuana in a public place or open space, or consumption of marijuana products while operating vehicle

General Regulations

- ◆ Employers can impose prohibitions on employees use of recreational marijuana and marijuana products
- ◆ Still a felony under Federal statutes to possess and use marijuana
- ◆ Federal law: anyone using or possessing marijuana prohibited from possessing or owning a firearm
- ◆ Chief Vasquez already noticed his department: sworn and civilian staff are not permitted to use marijuana

Marijuana Establishment

Includes all of the Following:

- ◆ Retail
- ◆ Cultivation
- ◆ Manufacturing Marijuana Products

Establishment owner can choose one, two or all
No guarantee that owner will retail

Major Change from Medical Marijuana:
Dispensary, Cultivation, Infusion

Act Restriction on Localities

Locality: City, Town or County

Text from Act:

“A locality may not enact any ordinance, regulation or rule that: is more restrictive than a comparable ordinance, regulation or rule that applies to nonprofit medical marijuana dispensaries.”

We are allowed to be more permissive

Eloy Regulation of Medical Marijuana Dispensaries

Requires a Conditional Use Permit

Only allowed to apply in:

- ◆ General Commercial District (C-2)
- ◆ Business Park (BP)
- ◆ Light Industrial (I-1)
- ◆ General Industrial (I-2)

Eloy Regulation of Medical Marijuana Dispensaries

Shall not be located within 1,320 feet of:

- ◆ The same type of use
- ◆ Residentially zoned property
- ◆ A preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center

December 7

City Council Work Session

- ◆ Open to allowing Marijuana Establishments to locate in more places than Code allows medical MJ dispensaries
- ◆ Discussed allowing Establishments on Main and Frontier Streets and in Toltec
- ◆ 1320' separation too large
- ◆ Maintain some separation from schools and homes
- ◆ Not as concerned about distancing from churches and residentially zoned vacant land
- ◆ Control with Conditional Use Permits

January 11

City Council Work Session

- ◆ 1320' separation too large for High Schools:
should be no direct view

Eloy Regulation of Medical MJ Dispensaries

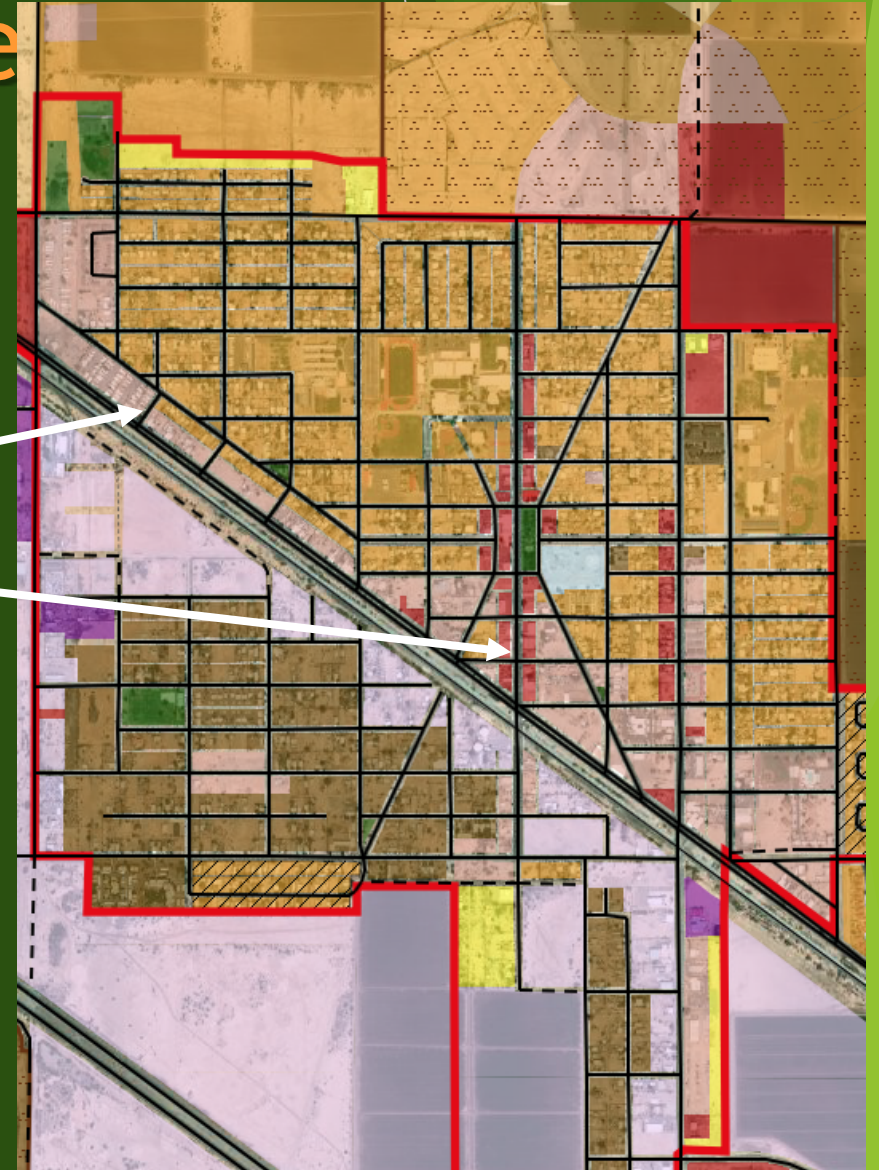
Rec. Recommendations in Orange

Requires a Conditional Use Permit

Only allowed to apply in:

- ◆ Neighborhood Commercial District (C-1)
- ◆ General Commercial District (C-2)
- ◆ Business Park (BP)
- ◆ Light Industrial (I-1)
- ◆ General Industrial (I-2)

Propose Allowing Owner to Apply for Recreational MJ CUP in all the above



Eloy Regulation of Medical MJ Dispensaries

Recommendations for Rec. MJ Shown in Orange

Shall not be located within 1,320 feet of:

- ◆ The same type of use
Propose not to include, small market
- ◆ Residentially zoned property
Propose 25 feet from building to building, opens up
Main Street

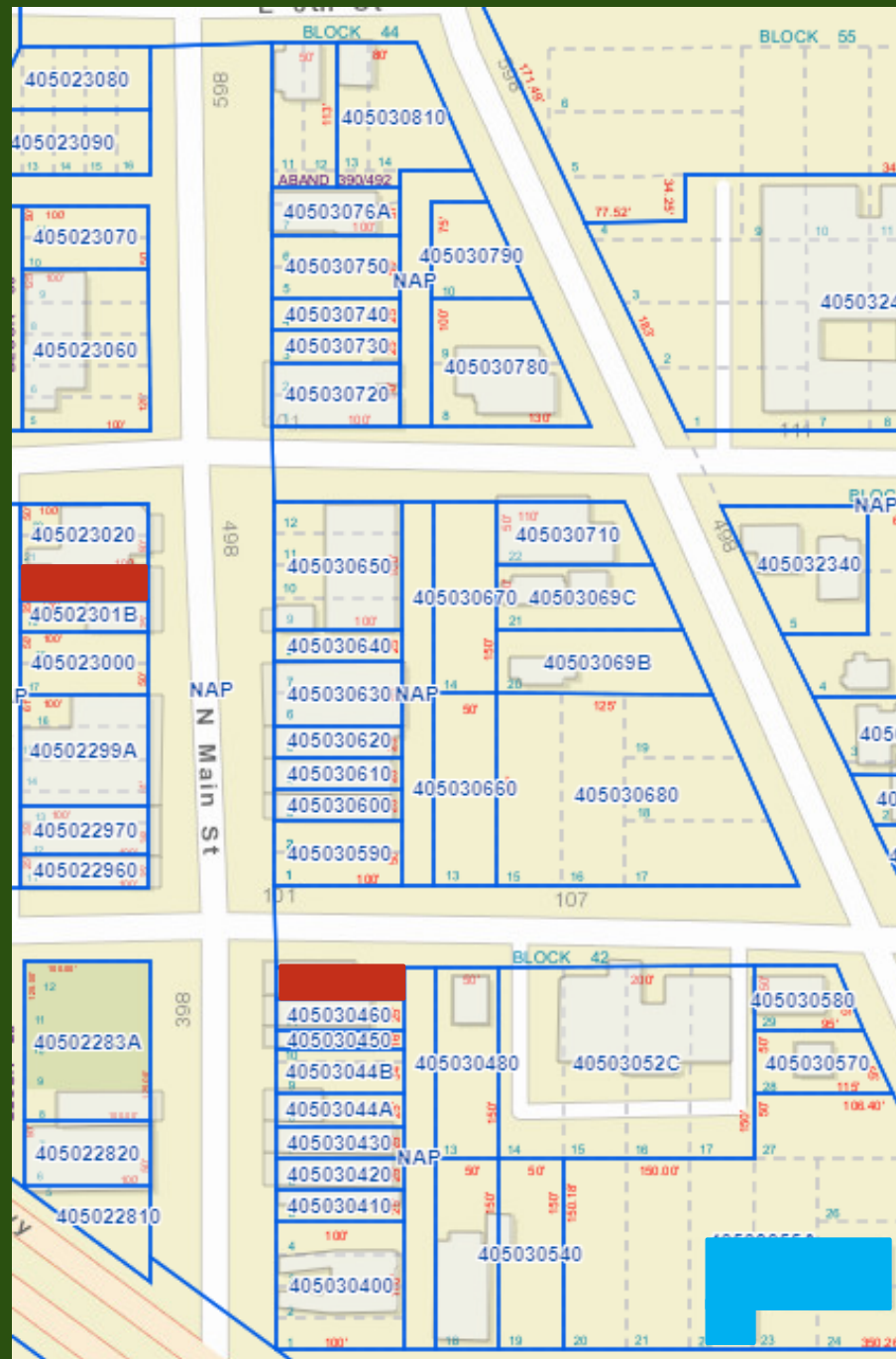
Eloy Regulation of Medical MJ Dispensaries

Recommendations for Rec. MJ Shown in Orange

Shall not be located within 1,320 feet of:

- ◆ Preschool, kindergarten, elementary or secondary school, public park, or public community center
Recommend 100 ft minimum distance from building to building: small separation
- ◆ High school Recommend 150 ft. from property line to property line: no direct view from HS property to an establishment
- ◆ Place of worship Any minimum distance would impact Main Street, south of Post Office

Churches



Head
Start

General Regulations

- ◆ Does not allow the smoking of marijuana in a public place or open space, or consumption of marijuana products while operating a vehicle
- ◆ “Open space” means a public park, public sidewalk, public walkway or public pedestrian thoroughfare.
- ◆ "Public place" means any enclosed area to which the public is invited or in which the public is permitted, including airports, banks, bars, common areas of apartment buildings, condominiums or other multifamily housing facilities, educational facilities, entertainment facilities or venues, health care facilities, hotel and motel common areas, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.
- ◆ (Safe and Smart Arizona Act cites: 36-601.01. Smoke-free Arizona act)

Proposed City General Regulations

Regulate the consumption of marijuana on:

- City owned property
- Public places
- Open space

Proposed City General Regulations

Chapter 13: Offenses and Miscellaneous Law Enforcement Provisions

13-28: MARIJUANA:

13-28.1: DEFINITIONS: CONSUME MARIJUANA, MARIJUANA, OPEN SPACE, PUBLIC PLACE

13-28.2: CONSUMPTION OF MARIJUANA:

A. The consumption of marijuana on City owned property, in a public place or open space is prohibited.

B. Penalty Imposed: Any person found guilty of violating any provisions of this code, except as otherwise provided in this code, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Proposed City Timing

P and Z Commission Work Session: Nov 18

City Council Work Session : Dec 7

City Council Work Session : Jan 11

P and Z Commission Hearing: Jan 20

City Council Hearing: Feb 8

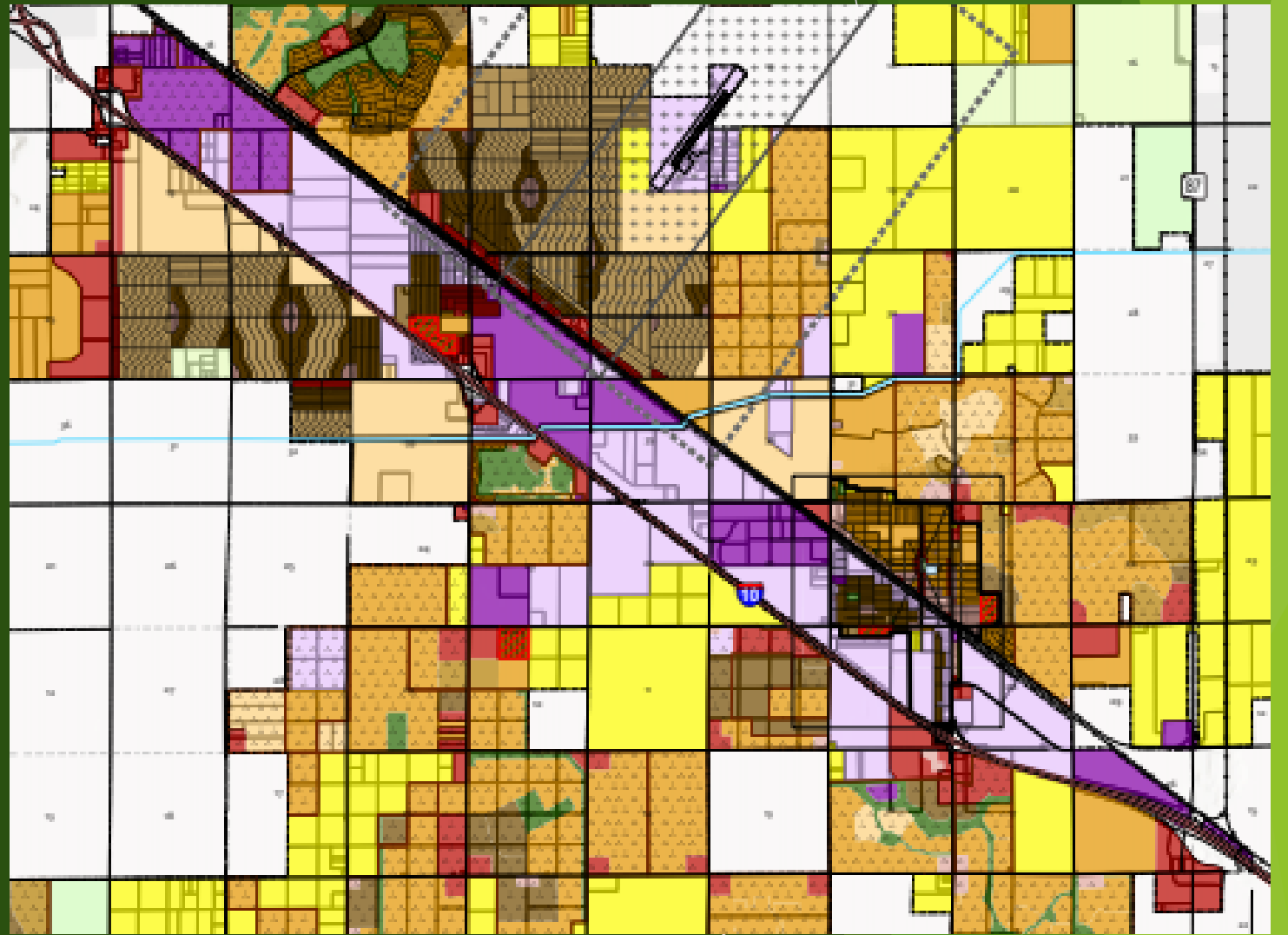
Questions?

Recreational Marijuana

Community Development

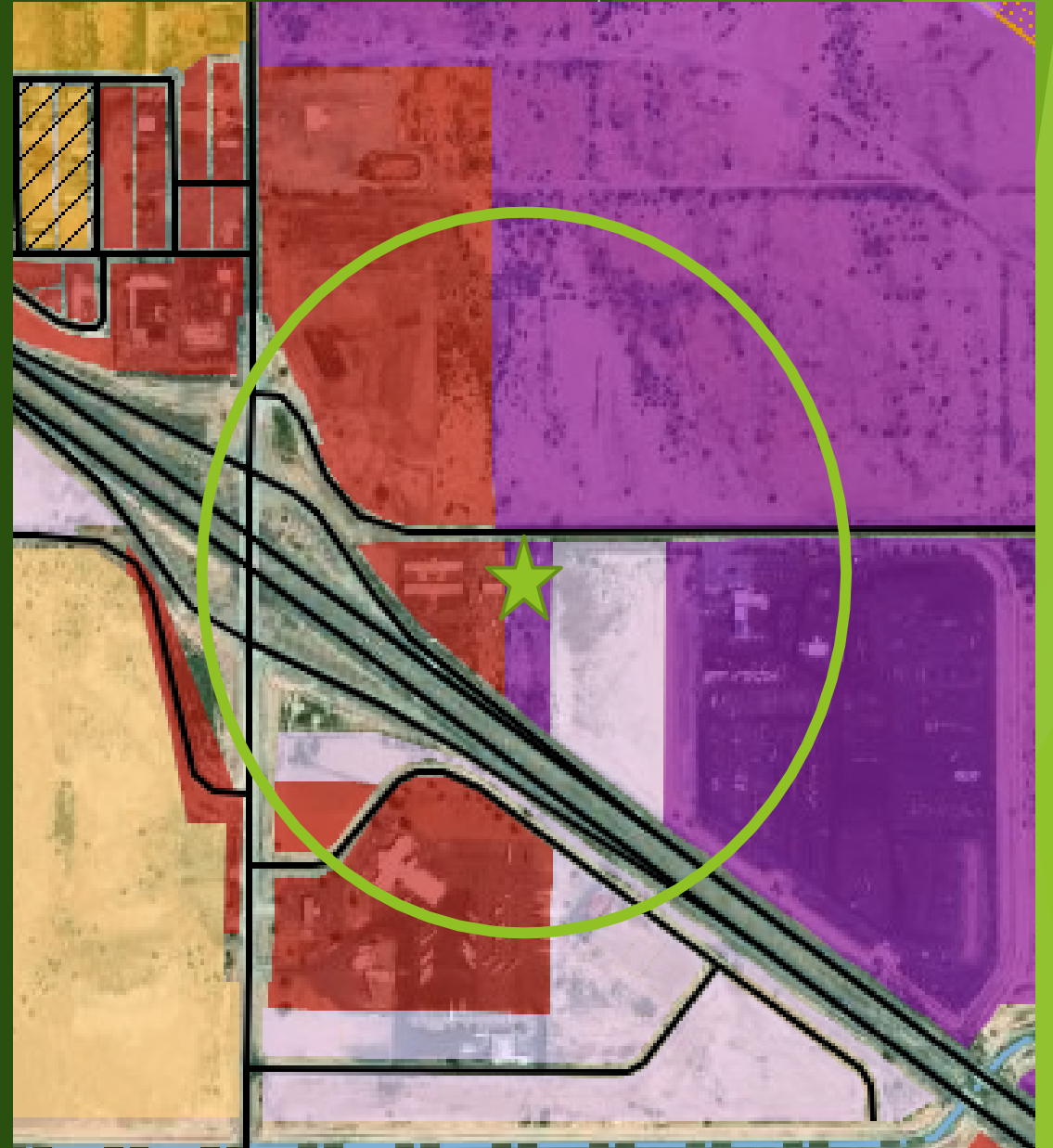


Zoning Map



Existing Medical Cultivation Facility

Houser Road,
east of Toltec Road



Revenues

- City can collect regular sales tax on sales made to consumers
- Will receive regular share of state shared transaction privilege tax
- City cannot impose an excise tax

Crime: Recreational Marijuana

John Jay College of Criminal Justice

Study of Denver CO

3 Years before Recreational was Legalized (2011-2013)
and 3 Years after (2014-2016)

Street segments where Rec. Dispensaries were set up:

- ◆ 18% Increase in Property Crime (Burglary and Theft)
- ◆ 28% Increase in Drug Crimes
- ◆ 17% Increase in Disorder Crimes (Criminal Mischief and Graffiti)

Crime: Liquor Stores

Johns Hopkins University
Study of Baltimore MD

Every 10% Increase in Access to Carryouts =
4.2% Increase in Violent Crimes

One store in neighborhood, it increases amount of
carryout space from 50% to 55% = 4.2% Increase in Violent
Crimes

Studies from Humboldt State Univ. and UNC show
correlation between alcohol sales and violent crime

Liquor Stores: Current City Code

Requires a Conditional Use Permit:

- ◆ Neighborhood Commercial District (C-1)
- ◆ No spacing criteria

Allowed use in:

- ◆ General Commercial District (C-2)
- ◆ Mixed-Use District (MU)

TA2020-028 Recreational Marijuana

Eloy City Code

Chapter 13: Offenses and Miscellaneous Law Enforcement Provisions

Chapter 21: Zoning Ordinance

Add the following sections:

13-28: MARIJUANA:

13-28.1: DEFINITIONS:

CONSUME MARIJUANA: The act of ingesting, inhaling or otherwise introducing marijuana into the human body.

MARIJUANA: All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin. Includes cannabis as defined in A.R.S. § 13-3401.

Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

OPEN SPACE: A public park, public sidewalk, public walkway or public pedestrian thoroughfare.

PUBLIC PLACE: Any enclosed area to which the public is invited or in which the public is permitted, including airports, banks, bars, common areas of apartment buildings, condominiums or other multifamily housing facilities, educational facilities, entertainment facilities or venues, health care facilities, hotel and motel common areas, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

13-28.2: CONSUMPTION OF MARIJUANA:

- A. The consumption of marijuana on City owned property, in a public place or open space is prohibited.
- B. **Penalty Imposed:** Any person found guilty of violating any provisions of this Code, except as otherwise provided in this Code, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Amend the following sections:

21-2-3.3: COMMERCIAL AND MIXED-USE STANDARDS:

TABLE 2.3-1

TABLE OF ALLOWED USES FOR COMMERCIAL AND MIXED-USE DISTRICTS

P = Permitted use C = Conditional use NP = Not permitted

Use Category	Specific Use Type	Commercial And Mixed-Use Zoning Districts				
		C-1	C-2	MU	PF	Supplemental Use Regulations
Commercial	Medical marijuana dispensary	NP	C	NP	NP	21-3-1.25
	Medical marijuana infusion	NP	C	NP	NP	21-3-1.26
	Microbrewery, craft distillery or tasting room	NP	P	P	NP	21-3-1.27
	Movie theater	NP	P	P	NP	
	Nightclub	NP	C	C	NP	
	Non-chartered financial institution (payday loan/check cashing)	NP	C	NP	NP	
	Nursery, commercial	NP	C	C	NP	
	Office, business or professional	P	P	P	NP	
	Outdoor/mobile vending	C	C	C	NP	21-3-1.31
	Parking lots and parking structure	NP	P	P	P	
	Recreational marijuana establishments and dual licensee facilities	C	C	NP	NP	21-3-1.33
	Restaurant	P	P	P	NP	
	Restaurant, with drive through	C	C	C	NP	21-3-1.18
	Restaurant, with off track betting	NP	C	C	NP	

21-2-5.3: INDUSTRIAL USE STANDARDS:**TABLE 2.5-1****TABLE OF ALLOWED USES FOR BUSINESS, INDUSTRIAL AND PUBLIC FACILITY DISTRICTS**

P = Permitted use C = Conditional use NP = Not permitted

Medical marijuana dispensary, infusion, or cultivation	C	C	C	NP	21-3-1.24, 21-3-1.25, 21-3-1.26
Use Category and Specific Use Type	Industrial Zoning Districts				
	BP	I-1	I-2	PF	Supplemental Use Regulations
Microbrewery, craft distillery	C	C	NP	NP	21-3-1.27
Non-chartered financial institution (payday loan/check cashing)	NP	C	NP	NP	
Nursery, commercial	NP	P	P	NP	
Office, business or professional	P	P	P	NP	
Outdoor/mobile vending	NP	C	NP	NP	21-3-1.31
Parking lots and parking structure	P	P	P	P	
Recreational marijuana: establishments, testing facilities and dual licensee facilities	C	C	C	NP	21-3-1.33
Restaurant	P	P	C	NP	
Restaurant, with drive through	P	P	C	NP	21-3-1.18
Restaurant, with off track betting	C	C	C	NP	

Create a new Section 21-3-1.33: Recreational Marijuana: Establishments, Testing and Dual License Facilities

Change the numbering and references for: Religious Assembly, Resident Care Home, Schools, Self Service Storage, Service Stations, Solar Generation Facility and Tiny Houses

21-3-1.33: RECREATIONAL MARIJUANA: ESTABLISHMENTS, TESTING AND DUAL LICENSEE FACILITIES

A. Applicant shall provide:

1. A copy of the operating procedures adopted in compliance with Arizona Revised Statutes (ARS).

2. A survey sealed by a registrant of the State of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location or recreational marijuana: establishment, testing facility and dual licensee if within five thousand two hundred eighty feet (5,280') of the subject parcel property boundary.

3. Site plan, floor plan, building permits for occupancy change, and a security plan.

4. Procedures for proper disposal of marijuana remnants or by-products.

5. A plan to prohibit the emission of odors from the facility into the environment.

B. Shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.

C. Shall comply with the Building Code as adopted and amended from time to time by the City.

- D. Shall not be located within twenty-five feet (25') of a residence. This distance shall be measured in a straight line from the closest exterior wall of the building in which the business is conducted, or proposed to be conducted, to the closest exterior wall of the residence.
- E. Shall not be located within one hundred fifty feet (150') of a high school. This distance shall be measured in a straight line from the closest property line where the business is conducted, or proposed to be conducted to the closest property line of the high school building.
- F. Shall not be located within one hundred feet (100') of a preschool, kindergarten, elementary, secondary school, public park, or public community center. This distance shall be measured in a straight line from the exterior wall of the building or portion thereof in which the business is conducted, or proposed to be conducted, to the closest exterior wall of the protected use or the boundary line of the public park.
- G. Retail locations shall have operating hours not earlier than eight o'clock (8:00) A.M. and not later than six o'clock (6:00) P.M.
- H. Drive-through services are prohibited.
- I. Shall provide for proper disposal of marijuana remnants or byproducts, and not to be placed within the facility's exterior refuse containers.
- J. Marijuana shall not be consumed on the premises, including any accessory structures, parking lot or parking areas.

Add the following definitions:

21-9-1: DEFINITIONS:

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- A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
- A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

MARIJUANA PRODUCTS: Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

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