

1. Agenda

Documents: [AGENDA NOVEMBER 19.PDF](#)

2. Packet

Documents: [PACKET NOVEMBER 19.PDF](#)



Town of Chino Valley

**MEETING NOTICE
PLANNING AND ZONING COMMISSION**

REGULAR MEETING
Tuesday, November 19, 2013
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES**
 - A.** Consideration and possible action to approve the October 15, 2013 regular meeting minutes.
 - B.** Consideration and possible action to approve the October 15, 2013 joint work study session minutes.
 - C.** Consideration and possible action to approve the November 5, 2013 joint work study session minutes.
- 5. STAFF REPORTS**
- 6. PUBLIC HEARING**
 - A.** Amendments to Section 2: Definitions of the Unified Development Ordinance (UDO) to provide for the addition and deletion of, as well as the modification of terms related to the regulation of medical marijuana dispensaries, infusion facilities, and cultivation sites, as well as Commercial Greenhouses.
 - B.** Amendments to Section 4.30: Commercial Greenhouse Regulations of the Unified Development Ordinance, to regulate the manner and placement of Commercial Greenhouses in the AR-4, AR-5, AR-36, CL, CH, and I zoning districts.
 - C.** Amendments to Chapter 4, General Regulations of the Unified Development Ordinance (UDO) by adding Subsection 4.31 Medical Marijuana Dispensaries, Off-Site Cultivation Sites, and Infusion Facilities related to the standards for Medical Marijuana Dispensaries and Medical Marijuana Off-Site Cultivation Sites
 - D.** Proposed amendments to Section 3.7: Agricultural/Residential (4 Acre Minimum), Subsections 3.7.2 Permitted Uses and 3.7.3 Conditional Uses, of the Unified Development Ordinance (UDO) to provide for the manner and placement of Commercial Greenhouses and Medical Marijuana Cultivation Facilities (with or without infusion facilities)

- E. Amendments to Section 3.6: Agricultural/Residential (5 Acre Minimum) of the Unified Development Ordinance (UDO) to allow for Commercial Greenhouses as a Permitted Use subject to additional requirements, and allowing Medical Marijuana Cultivation Facilities (with or without infusion facilities) as a Conditional Use.
- F. Amendments to Section 3.5: Agricultural/Residential (36 Acre Minimum) of the Unified Development Ordinance (UDO) to provide for the manner and placement of medical marijuana dispensaries, infusion facilities, and cultivation facilities as a Conditional Use; remove the ten (10) acre minimum required for Commercial Greenhouses; and allow for accessory uses to Commercial Greenhouses.
- G. Amendments to Section 3.15: Commercial Light of the Unified Development Ordinance (UDO) to allow for Commercial Greenhouses as a Permitted Use, and to add Medical Marijuana Dispensaries and Cultivation Facilities (with or without infusion facilities) as a Permitted Use.
- H. Amendments to Section 3.16: Commercial Heavy of the Unified Development Ordinance (UDO) to allow for Commercial Greenhouses as a Permitted Use, and adding Medical Marijuana Dispensaries and Cultivation Facilities (with or without infusion facilities) as a Permitted Use.
- I. Amendments to Section 3.17: Industrial of the Unified Development Ordinance (UDO) to allow for Commercial Greenhouses as a Permitted Use, and to allow Medical Marijuana Dispensaries and Cultivation Facilities (with or without infusion facilities) as a Permitted Use in the I:Industrial Zoning District.

7. **DISCUSSION ITEMS**

8. **PUBLIC COMMENTS**

9. **ADJOURN**

Dated this 13 day of November, 2013.

By: *Mary Brasher, Administrative Technician*

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427. The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice), 636-1787 (TDD) or use the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.

In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.



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- I. Amendments to Section 3.17: Industrial of the Unified Development Ordinance (UDO) to allow for Commercial Greenhouses as a Permitted Use, and to allow Medical Marijuana Dispensaries and Cultivation Facilities (with or without infusion facilities) as a Permitted Use in the I:Industrial Zoning District.

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P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Approval of Minutes

CASE DESCRIPTION:

Consideration and possible action to approve the October 15, 2013 regular meeting minutes.

ANALYSIS:

RECOMMENDATION

Attachments

Minutes

DRAFT

MINUTES OF THE REGULAR PLANNING AND ZONING MEETING OF THE TOWN OF CHINO VALLEY

**TUESDAY, October 15, 2013
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, October 15, 2013.

Present: Gwen Rowitsch, Chair; Garland Miner, Vice-Chair; Robert McCaullay, Commissioner; Michael Edmonds, Commissioner; Florence Sloan, Commissioner; Chuck Merritt, Commissioner

Attendees: Planner Ruth Mayday

Town Clerk Assistant Liz Hart (Recorder)

1) CALL TO ORDER

Commissioner Gwen Rowitsch called the meeting to order at 6:01 p.m.

2) PLEDGE OF ALLEGIANCE

3) ROLL CALL

4) MINUTES

A) August 20, 2013 and September 17, 2013

MOVED by Commissioner Chuck Merritt, seconded by Commissioner Robert McCaullay to approve the August 20, 2013 minutes.

Vote: 5 - 0 PASSED

MOVED by Vice-Chair Garland Miner, seconded by Commissioner Chuck Merritt to approve the September 17, 2013 minutes.

Vote: 6 - 0 PASSED - Unanimously

5) STAFF REPORTS

6) PUBLIC HEARING

A) Text Amendments to 4.21 Signs, Political

Planner Ruth Mayday requested the Commission to open a public hearing to consider public comment on the proposed changing the text in 4.2.17c to bring into compliance with ARS.

No questions from the Commissioners.

No public hearing comments.

Closed.

MOVED by Commissioner Chuck Merritt, seconded by Commissioner Florence Sloan to accept a revised text ordinance wordage 4.21 as presented by the Town staff.

Vote: 6 - 0 PASSED - Unanimously

B) Hold Public Hearing to take comment on proposed text amendments to 4.8 Fences and Walls

Planner Ruth Mayday advised the amendment is regarding fence and wall heights in the Town. Maximum fence height in a residential district to be six (6) feet except in front yards, which will be five (5) feet and the maximum fence height will be raised to eight (8) feet in a commercial district.

Commissioner Chuck Merritt proposed to avoid conflict with the building department a change in section 4.8 section "D" on swimming pools "and the most recently adopted International Residential Code (IRC)) that include regulation for pools, spas, etc. " to "the most recently adopted building code of the Town".

No public hearing comments.

Closed.

MOVED by Commissioner Robert McCaullay, seconded by Commissioner Florence Sloan to forward the proposed text amendments to the Town Council with a recommendation of approval as amended.

Vote: 6 - 0 PASSED - Unanimously

C) The Planning & Zoning Commission reviewed text amendments to UDO Section 5.5 Subdivision Requirements; Modifications, Appeals, and Enforcement during its work/study session on August 20, 2012.

Planner Ruth Mayday advised the text amendment is to clarify some language in the subdivision ordinance regarding who can make amendments to approve plats and to strikes a section that refers appeals to the Town Manager, which is in conflict with the State law.

Commissioner Robert McCaullay asked about requests for splitting acreage by going to the Town's planning department vs. the County's tax department. Planner Ruth Mayday reported that issue will need addressing in the future.

Planner Ruth Mayday advised the changes for appeals the Unified Development Ordinance (UDO) allowing appeal of decision to the Town Manager, the correct venue is the Board of Adjustment and then Superior Court.

No public hearing comments.
Closed.

MOVED by Vice-Chair Garland Miner, seconded by Commissioner Michael Edmonds to recommend to Council to approve the modifications in the appeals enforcement language UDO section 5.5.

Vote: 6 - 0 PASSED - Unanimously

7) **DISCUSSION ITEMS**

8) **PUBLIC COMMENTS**

9) **ADJOURN**

MOVED by Commissioner Robert McCaullay, seconded by Vice-Chair Garland Miner to adjourn the meeting at 6:10 p.m.

Vote: 6 - 0 PASSED - Unanimously

Chair Gwen Rowitsch

Date

P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Joint Minutes

CASE DESCRIPTION:

Consideration and possible action to approve the October 15, 2013 joint work study session minutes.

ANALYSIS:

RECOMMENDATION

Attachments

Minutes

**MINUTES OF THE WORKSTUDY SESSION
OF THE PLANNING AND ZONING COMMISSION
OF THE TOWN OF CHINO VALLEY**

**Tuesday, August 20, 2013
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, convened for a work study session in the Chino Valley Council Chambers located at 202 N. State Route 89, Chino Valley, Arizona.

Commissioner Gwen Rowitsch called the meeting to order at 6:02 P.M.

Members present: Commissioner Gwen Rowitsch (Chair), Commissioner Michael Edmonds, Commissioner Charles Merritt, Commissioner Robert McCaullay

Members absent: Commissioner Garland Miner, Commissioner Florence Sloan

Staff present: Planner Ruth Mayday, Town Clerk Jami Lewis, Town Clerk Assistant Liz Hart (recorder)

3. APPROVAL OF MINUTES – No minutes to approve.

4. RESERVATIONS FOR AGENDA ITEMS

4A. Planning and Zoning Boot Camp PowerPoint

Ruth Mayday presented a Boot Camp PowerPoint explaining the duties of the Planning and Zoning Commission. She explained the following items:

- Legal standing of the Planning & Zoning Commission
- The difference between a planning agency vs. Planning and Zoning Commission
- Functions of the Planning & Zoning Commission
- Responsibilities of the Planning & Zoning Commission
- Planning & Zoning Commission rules of governing, state law and Unified Development Ordinance (UDO)
- Conditional Use Permit (CUP) vs. Variance
- Variance is purview of Board of Adjustment (BOA)
- BOA functions
- Definition of self-imposed harm
- Projects of Planning & Zoning Commission
- UDO revisions to reorganize document, resolve conflicting codes, and remove portions that contradict state law

Commission discussed the validity of past decisions. Ruth Mayday spoke about Planned Area Development (PAD) Overlays as exceptions to variances.

4B. Text Amendments

The Commission discussed amendments to the text of UDO sections 4.8 Walls and Fences, and 5.5 Modifications, Appeals, and Enforcement.

1) 4.8 Walls and Fences.

Ruth Mayday presented proposed revisions to portions of UDO sections 4.8. The Commission discussed the following modifications:

- Allowance for fence type, clearance, and height
- CUPs are not applicable to fence height and material
- Swimming pool fencing material
- Definition of section 4.2 Non-Conforming Uses and Structures

2) 5.5 Modifications, Appeals, and Enforcement.

The Commission discussed the following modification to the UDO 5.5

- Modification standard for subdivision final plats
- Appeals by Board of Adjustment
- Deleting section 5.5.2 appeals
- Enforcement of division of “real” property

4C. Rules of Order.

Ruth Mayday presented proposed changes, additions, and deletions to the Commission’s Rules of Order.

The Commission discussed and suggested changes on the following topics:

- Section 1, Code of Ethics
- Section 11, meeting time
- Section 13, Zoning Code change to Unified Development Ordinance
- Section 10, Commission agenda format
- Adding Technical Review minutes in the staff report.

5. PUBLIC HEARING – No public hearing.

6. PETITIONS AND COMMUNICATIONS – no petitions and communications.

7. OLD BUSINESS – No old business.

8. NEW BUSINESS

8A. Joint Session with Town Council regarding Open Meetings Act, September 17, 2013.

The Commission proposed having the Town attorney present Open Meeting Law acts allowable at the September 17, 2013 meeting.

9. STAFF REPORTS – No staff reports.

10. TOWN COUNCIL LIAISON REPORT – No town council liaison report.

11. PUBLIC COMMENTS – No public comments.

12. ADJOURN

Commissioner McCaullay moved seconded by Commissioner Edmonds to adjourn, passed at 6:48 P.M.

Dated this 22nd day of August 2013.

By: *Liz Hart, Town Clerk Assistant*

P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Minutes

CASE DESCRIPTION:

Consideration and possible action to approve the November 5, 2013 joint work study session minutes.

ANALYSIS:

RECOMMENDATION

Attachments

Minutes

**MINUTES OF THE JOINT WORK STUDY SESSION
OF THE PLANNING AND ZONING COMMISSION
AND THE GENERAL PLAN COMMITTEE
OF THE TOWN OF CHINO VALLEY**

**Tuesday, November 5, 2013
6:00 P.M.**

The Planning and Zoning Commission and the General Plan Committee of the Town of Chino Valley, Arizona, convened for a joint workstudy session in the Chino Valley Council Chambers located at 202 N. State Route 89, Chino Valley, Arizona.

Commissioner Gwen Rowitsch called the meeting to order at 6:01 P.M.

Planning & Zoning Commission Present: Commissioner Gwen Rowitsch (chair), Commissioner Garland Miner (Vice-Chair), Commissioner Michael Edmonds, Commissioner Robert McCaullay, Commissioner Corey Mendoza, Commissioner Chuck Merritt

Planning & Zoning Commission absent: Commissioner Florence Sloan

General Plan Committee Members Present:, Michael Edmonds, Dava Hoffman, Patricia (Trish) Lamb, Robert McCaullay, Tom Payne, Frank Perkins, Cheri Romley, Ron Romley, Edward Steinback, Celia Vander-Molen

General Plan Committee Members absent: Nancy Best, Norm Freeman, Dan McGuire, John Morgan

Staff present: Planner Ruth Mayday, Utility Supervisor Chris Bartels, Town Clerk Assistant Liz Hart (recorder)

3. MINUTES

3A. October 15, 2013

Minutes cannot be approved minutes at a work-study session approval postponed until regular meeting.

4. DISCUSSION ITEMS

4A. Review of Working Draft of the Circulation/Transportation Element of the General Plan.

Dava Hoffman explained Chino Valley General Plan Committee's circulation and transportation plan. She reported that State statute required addressing circulation elements in the general plan. Other topic presentations were:

- Circulation is the conditions and locations of all types of transportation circulation systems.
- Circulation is a system of passage and transportation is the means of passage.
- Dava Hoffman advised the different types of transportation in Chino Valley and nearby areas personal vehicles, transit bus, biking, and pedestrian, airport & railway.
- Future potential within and outside the Town limits in the form of road expansions and extensions, commuting and recreational trails, and proposed roundabouts. Presented were current plans, 10-year plans, and Central Yavapai Metropolitan Regional Planning Organization's (CYMPO) 2030 circulation long range planning.
- Encourage circulation improvement for alternative transportation lifestyle choices.
 1. New connection roadways
 2. Support regional cooperation for continued widening of State Route 89 to State Route 89a

3. Encourage regional transportation planning for major regional connector from State Route 89A south to Road 5 South. Chino Valley's small area transportation plan needs updating.
4. Promote usage of Yavapai Regional Transit Authority (YRTA)
5. Encourage all modes of alternative transportation.
6. Green street techniques.
7. Coordinate all presents and proposed roadway construction with the vision and goals of the general plan.

Ed Steinback advised of an update from YRTA to Yavapai Regional Transit Inc. (YRTI). He mentioned that ADOT has an American Recovery and Reinvestment Act (ARRA), which is an alternative destination origin study for towns based on alternative means of transportation. "Origin destination study" - Where people want to go to and from where how to better plan road improvement.

Dava Hoffman stated state laws say the Planning Commission should be involved in infrastructure and planning improvement should tie to the general plan.

A Capital Improvement Plan (CIP) would include sidewalks and trails for review by the planning commission for recommendation to Council.

Commissioner Rowitsch asked about a tie back to economic development element along with land use and transportation, which are core elements of to the general plan.

The committees discussed the need for long range planning and development, the need to lay some foundation for plans and to strengthen the language to get a CIP for economic development. A CIP would help in getting stimulus money and matching fund grants as they become available. It was suggested to modify the wording to institute a 5-year CIP for roadway construction that will tie in with land use, etc.

No public comments.

4B. Review of Working Draft of the Open Space/Recreation Element of the General Plan.

Dava Hoffman advised statutes require that open space element provides an inventory of all the open space and recreational resources within the community, how it coordinates with other regional open spaces, and create policies promoting a regional system looking at future needs for recreational facilities.

Discussion on

- What is open space, not private land or state land.
- Open space are dedicating or reserved for public uses.
- The Town's open spaces are dedicated parks and trails system.
- National Recreation Park Association (NRPA) recommended 10 acres per 1,000 population.

Dava Hoffman presented a chart of the Town's open spaces, which included the high school. The schools' qualifications are in question due to public access. Currently there is not an IGA between school district and the Town for shared use.

- Other types of recreation trail system.
- Wildlife trail corridor on east side from Road 5 North to Road 5 South.
- Off road vehicle trails.
- Future parks and open space.
- Budgetary constraints, building at community center park, other senior center uses.
- Private sector to provide open space through Planned Area Development (PAD).

Ron Romley asked if there currently is an ordinance to provide open space. Suggestions made to update the Uniformed Development Ordinance (UDO).

Goal: Enhance quality of life and healthful living through dedicated open spaces, parks, and trails.

1. Plan for comprehensive recreation, parks, and trails commensurate with the Town's growth.
2. Provide short-term recreation and parks enhancements.
3. Provide long-term development of parks and recreation coordinated with the Parks/Trails/Recreation Master plan and with regional agencies.
4. Create partnerships for the development of new recreational assets and expanded facilities. The Over the Hill Gang help in creating trails.
5. Add Open Space, private or public, by zoning regulations and by conservation easements.
6. Motivate healthfulness through stimulating activity and ease of use in mobility alternatives.

The committees discussed the NRPA open space standard and the Town's standard. The difference between open views and recreational use. A PAD would provide flexibility of land development in exchange for open space.

Also discussed were:

- The lack of an IGA with the schools but use of the high school's basketball and tennis courts.
- Highlands Ranch having Town dedicated open space, which is not shown on the open space map.
- Paul Katan advised a trail on Road 1 West between the Senior Center and Heritage Middle school. Is it an official town trail with a dedication? Chris Bartels will investigate further.

Eric Smith advised that the Town has enjoyed success with grants, which came out of master plan process, seeing the language for a new parks and recreation master plan will take us into the future and help identify our needs.

4C. Review of Working Draft of the Land use Element of the General Plan.

Dava Hoffman presented a history of Chino Valley and its incorporation. Chino Valley is 62 square miles 82%, which is undeveloped private or State land. The major developed areas are along State Route 89 showing Road 3 North to Road 2 North with the greatest concentration of diverse uses.

She discussed influences of future development, land use patterns, and the need for a land use pattern to accommodate the needs of multi generation and ageing populations as well as promoting the economy.

Aspects of a Community core – concentrated uses of land

General Plan Committee identified six core locations, three current and three for future development within 10 years. Old Home Manor was presented as another growth area in the land use concept.

Goal for land use development of community cores and on lifestyle choice in land use.

1. Encourage new variety of residential and compatible development in Community Cores for sustainable lifestyle choices.
2. Protect existing residences in large-lot neighborhoods as new lifestyle choices develop.
3. Avoid proximity of incompatible land uses.

Create a new zoning district or update the existing UDO in commercial and industrial districts. State law need to add policy we will preserve the identified aggregate areas in order to buffer existing areas.

4. Strive for developments that fulfill the Community Vision while allowing flexibility and encouraging innovation.

The committees asked for clarification of current sewer connection, lot subdivisions, and zone buffering. It was determined that zoning classifications need to be addressed with more language tied to the community core.

Dava Hoffman advised there are two elements to discuss, water resources and environment, and cost of development, which are scheduled for November 19. The implementation section may be finished at that time. If not, it will be discussed on December 3. After finishing the Working draft, there is a review draft, 60-day review period, and a Planning Commission public hearing in the March-April period.

5. PUBLIC COMMENTS

6. ADJOURN

Commissioner Robert McCaullay moved, seconded by Commissioner Garland Miner to adjourn, passed at 8:06 P.M.

Dated this 7th day of November 2013.

By: *Liz Hart, Town Clerk Assistant*

P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Section 2 Definitions

CASE DESCRIPTION:

Amendments to Section 2: Definitions of the Unified Development Ordinance (UDO) to provide for the addition and deletion of, as well as the modification of terms related to the regulation of medical marijuana dispensaries, infusion facilities, and cultivation sites, as well as Commercial Greenhouses.

FACTS:

The proposed changes, additions, and deletions from Section 2.2: Definitions of the UDO must be incorporated as they provide the basis upon which the amendments to the UDO related to the regulation of medical marijuana dispensaries, infusion facilities, and cultivation sites are structured.

On October 3, 2013, Town Council held a Work/Study at which proposed language was reviewed. Staff further refined the proposed ordinance verbiage, and presented a final draft to Town Council during its November 12, 2013 meeting. A Public Hearing was initiated for the regular meeting of the Planning and Zoning Commission November 19, 2013 after proper notice in accordance with A.R.S. §4-462.04.

ANALYSIS:

In 2010, the voters of the state of Arizona approved the use of marijuana for medical uses. Town staff, the Planning and Zoning Commission, and the Town Council reviewed different proposals for the regulation of siting dispensaries, infusion facilities, and cultivation sites throughout the Town. After due consideration, Town Council decided not to impose additional regulations on said uses, but rather default to the standards set forth by the Arizona Department of Health Services (DHS).

The Town's climate, elevation, availability of agricultural land, and minimal zoning restrictions have made Chino Valley attractive to cultivators of medical marijuana. In order to better protect the health, safety, and welfare of the community, Town Council directed staff to revisit the issue and develop an ordinance to regulate the manner and placement of said facilities.

In amending this portion of the UDO, staff adopted definitions as set forth by both the State Legislature (A.R.S. §36-2801) and DHS Title 9, Chapter 17: Medical Marijuana Program. Staff also modified the definition set forth for "Greenhouse, Commercial", and struck the duplicate definition for "Commercial, Greenhouse" found on p. 37 of the UDO.

RECOMMENDATION

As the proposed changes, additions, and deletions from Section 2.2: Definitions of the UDO are the foundation for the subsequent proposed amendments to the UDO related to the regulation of medical marijuana dispensaries, infusion facilities, and cultivation sites, staff recommends that the Planning and Zoning Commission forward the Ordinance to Town Council with a recommendation for approval.

Attachments

Definitions

DEFINITIONS ORDINANCE NO.

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 2, DEFINITIONS, BY AMENDING SUBSECTION 2.1 MEANINGS OF WORDS AND TERMS, RELATED TO THE STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES.

WHEREAS, on November 2, 2010, the voters of Arizona approved Proposition 203, the "Arizona Medical Marijuana Act" (AMMA), codified in A.R.S §36-2801 *et seq.*; and

WHEREAS, the AMMA authorizes municipalities to adopt reasonable zoning restrictions that regulate the manner and placement of registered dispensaries as well as associated infusion facilities and cultivation sites to specific areas; and

WHEREAS, the Town of Chino Valley has relied upon the regulations promulgated by the State of Arizona, which have proved to be inadequate in regulating the manner and placement of medical marijuana cultivation sites, infusion facilities, and dispensaries; and

WHEREAS, The Town desires to minimize the impact that medical marijuana cultivation, infusion, and dispensing activities and facilities may have on the town, and provide for the orderly regulation thereof, as set forth in A.R.S. §9-462.01; and

WHEREAS, during the September 10, 2013 regular meeting of Town Council, staff was directed by council to further research regulation of the cultivation and dispensing of medical marijuana within the corporate boundaries of the Town of Chino Valley; and

WHEREAS, during the October 3, 2013 study session of the Town Council, staff was directed to draft an ordinance for the Town and present it to the Planning and Zoning Commission on November 19, 2013 regarding this matter; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, a public meeting was held on November 19, 2013 in the Town of Chino Valley Council Chambers at 6pm, during which the Commission took comment from the public; and

WHEREAS, during the November 19, 2013 regular Planning and Zoning Commission meeting Commissioners voted (?-?) to forward Ordinance Number 13- to the Town Council with a recommendation for approval; and

WHEREAS, the regulation of the manner and placement of greenhouses and indoor cultivation of plants and medical marijuana cultivation, infusion, and dispensaries is in the interest of the public's health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, to amend the Unified Development Ordinance, Chapter 2, DEFINITIONS, subsection 2.1 Meaning of words and terms as follows (~~deletions in~~ ~~strikeout~~ and additions in CAPS):

Chapter 2 DEFINITIONS

The Town of Chino Valley, Arizona, Unified Development Ordinance, Chapter 2, DEFINITIONS, Subsection 2.1 Meanings of Words and Terms, is hereby amended to include the of the following words and terms:

2.1 Meanings of Words and Terms

GREENHOUSE, COMMERCIAL. A COMMERCIAL GREENHOUSE ENTERPRISE IS A COMMERCIAL ENTERPRISE THAT GROWS PLANTS OR PARTS OF PLANTS BY THE APPLICATION OF WATER TO PLANTS OR SEEDS THAT RESIDE WITHIN MOVABLE CONTAINERS, RAISED BEDS, OR LINED BEDS THAT ARE DISCONNECTED FROM THE LANDS ~~BENEATH THEM~~ AND ARE NOT ~~DEFINED AS~~ DEEMED TO BE "IRRIGATED LANDS" AS ~~DEFINED SET FORTH IN ARIZONA REVISED STATUTES. A COMMERCIAL GREENHOUSE IS CONSIDERED A WATER INTENSIVE ENTERPRISE AND REQUIRES A LEGALLY PERFECTED WATER RIGHT THAT IS SUPPORTED BY THE ARIZONA DEPARTMENT OF WATER RESOURCES (AMENDED WITH ORD. 09-424/ RES. 09-921).~~

~~COMMERCIAL, GREENHOUSE. A GREENHOUSE ENTERPRISE IS A COMMERCIAL ENTERPRISE THAT GROWS PLANTS OR PARTS OF PLANTS BY THE APPLICATION OF WATER TO PLANTS THAT RESIDE WITHIN MOVABLE CONTAINERS, RAISED OR LINED BEDS THAT ARE DISCONNECTED FROM THE LANDS BENEATH THEM AND ARE NOT DEFINED AS IRRIGATED LANDS AS DEFINED IN ARIZONA REVISED STATUTES. A COMMERCIAL GREENHOUSE IS CONSIDERED A WATER INTENSIVE ENTERPRISE AND REQUIRES A LEGALLY PERFECTED WATER RIGHT THAT IS SUPPORTED BY THE ARIZONA DEPARTMENT OF WATER RESOURCES (AMENDED WITH ORD. 09-424/ RES. 09-921).~~

MEDICAL MARIJUANA: ALL PARTS OF THE GENUS CANNABIS WHETHER GROWING OR NOT, AND THE SEED OF SUCH PLANTS THAT MAY BE ADMINISTERED TO TREAT OR ALLEVIATE A QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE PATIENT'S DEBILITATING MEDICAL CONDITION.

MEDICAL MARIJUANA CULTIVATION: THE PROCESS BY WHICH A PERSON OR PERSONS GROWS A MARIJUANA PLANT.

MEDICAL MARIJUANA CULTIVATION FACILITY, OFF-SITE: A BUILDING, STRUCTURE, OR PREMISES USED FOR THE CULTIVATION OR STORAGE OF MEDICAL MARIJUANA THAT IS PHYSICALLY SEPARATE AND OFF-SITE FROM A MEDICAL MARIJUANA DISPENSARY.

MEDICAL MARIJUANA CULTIVATION FACILITY, ON-SITE: A MEDICAL MARIJUANA FACILITY THAT IS LOCATED ON THE SAME PROPERTY AS A DISPENSARY, WHETHER ATTACHED OR NOT.

MEDICAL MARIJUANA DISPENSARY: A NON-PROFIT ENTITY DEFINED IN A.R.S. § 36-2801(11) THAT SELLS, DISTRIBUTES, TRANSMITS, GIVES, DISPENSES, OR OTHERWISE PROVIDES MEDICAL MARIJUANA TO QUALIFYING PATIENTS.

MEDICAL MARIJUANA FACILITIES: MEDICAL MARIJUANA DISPENSARIES, MEDICAL MARIJUANA CULTIVATION FACILITIES (ON OR OFF-SITE), AND MEDICAL MARIJUANA INFUSION FACILITIES.

MEDICAL MARIJUANA INFUSION FACILITY: A FACILITY THAT INCORPORATES MEDICAL MARIJUANA BY THE MEANS OF COOKING, BLENDING, INFUSING, OR OTHERWISE COMBINING MEDICAL MARIJUANA INTO CONSUMABLE, INGESTIBLE, OR EDIBLE GOODS.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties.

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 20__ by the following vote:

AYES:

NAYES: _____ ABSENT:

EXCUSED: _____ ABSTAINED:

APPROVED this ____ day of _____, 20__.

Chris Marley, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE
COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE _____
DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON
THE _____ DAY OF _____, 20__.

Jami Lewis, Town Clerk

P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Section 4.30 Commercial Greenhouse Regulations

CASE DESCRIPTION:

Amendments to Section 4.30: Commercial Greenhouse Regulations of the Unified Development Ordinance, to regulate the manner and placement of Commercial Greenhouses in the AR-4, AR-5, AR-36, CL, CH, and I zoning districts.

FACTS:

The UDO currently regulates the manner and placement of Commercial Greenhouses in Section 4.30 of the Unified Development Ordinance by imposing additional maximum lot coverage, setbacks, and minimum acreage requirements, among other things.

On October 3, 2013, Town Council held a Work/Study to discuss amendments to the UDO that would regulate the manner and placement of Commercial Greenhouses used to cultivate medical marijuana. As a result, changes were made to the proposed amendments; Staff further refined the proposed ordinance verbiage, and presented a final draft to Town Council during its November 12, 2013 meeting. A Public Hearing was initiated for the regular meeting of the Planning and Zoning Commission November 19, 2013 after proper notice in accordance with A.R.S. §4-462.04.

ANALYSIS:

In the course of reviewing the UDO, it became apparent that certain portions of the Commercial Greenhouse Regulations set forth in Section 4.30 imposed additional regulations that prevented the use of certain locations for cultivation of medical marijuana that, for all intents and purposes, would not jeopardize the health, safety, and general welfare of the community. Staff suggests deleting the table found in Section 4.30, and adding text that would retain the floor area restrictions for retail sales, restaurants, entertainment purposes, or the sale of farm produce.

In eliminating the balance of the regulations set forth in Section 4.30, the standards for Commercial Greenhouses would then be the same as any other use in the CL, CH, or I zoning classification in terms of minimum lot size, building height, and setbacks, among other things. The addition of Section 4.31: Medical Marijuana Dispensaries, Off-site Cultivation Sites, and Infusion Facilities would provide additional regulations for that specific use, to which any site zoned CL, CH, or I would be subject.

RECOMMENDATION

The proposed additions to and deletions from Section 4.30 Commercial Greenhouse Regulations will enable the use of all commercial and industrial zoned property for Commercial Greenhouse purposes. Amendments to other portions of the UDO will regulate the manner and placement of Medical Marijuana Dispensaries, Cultivation Sites, and Infusion Facilities that may be associated with a Commercial Greenhouse use. Therefore, Staff recommends the Commission forward the proposed amendments to the Town Council with a recommendation for approval.

Attachments

Section 4.30

ORDINANCE NO. 13-

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 4, General Regulations BY AMENDING SUBSECTION 4.30 Commercial Greenhouse Standards, RELATED TO THE STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES.

WHEREAS, on November 2, 2010, the voters of Arizona approved Proposition 203, the “Arizona Medical Marijuana Act” (AMMA), codified in A.R.S §36-2801 *et seq.*; and

WHEREAS, the AMMA authorizes municipalities to adopt reasonable zoning restrictions that regulate the manner and placement of registered dispensaries as well as associated infusion facilities and cultivation sites to specific areas; and

WHEREAS, the Town of Chino Valley has relied upon the regulations promulgated by the State of Arizona, which have proved to be inadequate in regulating the manner and placement of medical marijuana cultivation sites, infusion facilities, and dispensaries; and

WHEREAS, The Town desires to minimize the impact that medical marijuana cultivation, infusion, and dispensing activities and facilities may have on the town, and provide for the orderly regulation thereof, as set forth in A.R.S. §9-462.01; and

WHEREAS, during the September 10, 2013 regular meeting of Town Council, staff was directed by council to further research regulation of the cultivation and dispensing of medical marijuana within the corporate boundaries of the Town of Chino Valley; and

WHEREAS, during the October 3, 2013 study session of the Town Council, staff was directed to draft an ordinance for the Town and present it to the Planning and Zoning Commission on November 19, 2013 regarding this matter; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, a public meeting was held on November 19, 2013 in the Town of Chino Valley Council Chambers at 6pm, during which the Commission took comment from the public; and

WHEREAS, during the November 19, 2013 regular Planning and Zoning Commission meeting Commissioners voted (?-?) to forward Ordinance Number 13- to the Town Council with a recommendation for approval;

WHEREAS, the regulation of the manner and placement of greenhouses and indoor cultivation of plants and medical marijuana cultivation, infusion, and dispensaries is in the interest of the public's health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, to amend the Unified Development Ordinance, Chapter 4, General Regulations, Subsection 4.30 Commercial Greenhouse Standards as follows (deletions in strikeout and additions in CAPS):

Section 1. GENERAL

The Town Chino Valley, Arizona, Unified Development Ordinance, Chapter 4 General Regulations, Subsection 4.30 Commercial Greenhouse Standards, is hereby amended as follows:

A. IN COMMERCIAL OR INDUSTRIAL ZONING DISTRICTS:

1. NO GREATER THAN 10% OF THE FLOOR AREA SHALL BE USED FOR RETAIL SALES OR RESTAURANTS, AS AN ACCESSORY USE TO THE GREENHOUSE USE.
2. NO GREATER THAN 20% FO THE FLOOR AREA SHALL BE USED FOR ENTERTAINMENT PURPOSES, AS AN ACCESSORY USE TO THE GREENHOUSE USE.

B. IN AGRICULTURAL/RESIDENTIAL ZONING DISTRICTS, NO GREATER THAN 10% OF THE FLOOR AREA SHALL BE USED FOR THE SALE OF FARM PRODUCE THAT IS PRIMARILY GROWN ON SITE OR OTHER ACCESSORY USES.

DELETE TABLE RE: GREENHOUSES.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section3. Providing for Severability.

If any section, subsection , sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties.

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 20__ by the following vote:

AYES:

NAYES: _____ ABSENT:

EXCUSED: _____ ABSTAINED:

APPROVED this ____ day of _____, 20__.

Chris Marley, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami Lewis, Town Clerk

P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Chapter 4, Subsection 4.31

CASE DESCRIPTION:

Amendments to Chapter 4, General Regulations of the Unified Development Ordinance (UDO) by adding Subsection 4.31 Medical Marijuana Dispensaries, Off-Site Cultivation Sites, and Infusion Facilities related to the standards for Medical Marijuana Dispensaries and Medical Marijuana Off-Site Cultivation Sites

FACTS:

The UDO does not currently regulate the manner and placement of medical marijuana dispensaries or cultivation facilities (with or without infusion facilities); rather, policy has been to rely upon the laws set forth in A.R.S. §36-2801 et. seq. and the regulations set forth by the Arizona Department of Health Services.

On October 3, 2013, Town Council held a Work/Study at which proposed language was reviewed. Staff further refined the proposed ordinance verbiage, and presented a final draft to Town Council during its November 12, 2013 meeting. A Public Hearing was initiated for the regular meeting of the Planning and Zoning Commission November 19, 2013 after proper notice in accordance with A.R.S. §4-462.04.

ANALYSIS:

In 2010, the voters of the state of Arizona approved the use of marijuana for medical uses. Town staff, the Planning and Zoning Commission, and the Town Council reviewed different proposals for the regulation of siting dispensaries, infusion facilities, and cultivation sites throughout the Town. After due consideration, Town Council decided not to impose additional regulations on said uses, but rather default to the standards set forth by the Arizona Department of Health Services (DHS).

The Town's climate, elevation, availability of agricultural land, and minimal zoning restrictions have made Chino Valley attractive to cultivators of medical marijuana. In order to better protect the health, safety, and welfare of the community, Town Council directed staff to revisit the issue and develop an ordinance to regulate the manner and placement of said facilities.

The addition of subsection 4.31 Medical Marijuana Dispensaries, Off-site Cultivation Sites, and Infusion Facilities will codify standards for regulating the manner and placement of uses related to the cultivation, infusion, and dispensing of medical marijuana. The proposed language sets forth 200' separation requirements for public parks, rehabilitation, and residential zoning districts; requires the submittal of specific documents related to state approvals; and requires mitigation of dust, fumes, and vapors produced by said use, among other things.

RECOMMENDATION

The proposed addition of Section 4.31: Medical Marijuana Dispensaries, Off-Site Cultivation Sites, and Infusion Facilities to the UDO create regulations that will protect the health, safety, and general welfare of the community by setting forth standards describing the manner and placement of uses related to Medical Marijuana. Therefore, staff recommends that the Planning and Zoning Commission forward the Ordinance to Town Council with a recommendation for approval.

Attachments

Section 4.31

ORDINANCE NO. 13-

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 4, General Regulations BY ADDING SUBSECTION 4.31 Medical Marijuana Dispensaries, Off-Site Cultivation Sites, and Infusion Facilities RELATED TO THE STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA OFF-SITE CULTIVATION SITES.

WHEREAS, on November 2, 2010, the voters of Arizona approved Proposition 203, the “Arizona Medical Marijuana Act” (AMMA), codified in A.R.S §36-2801 *et seq.*; and

WHEREAS, the AMMA authorizes municipalities to adopt reasonable zoning restrictions that regulate the manner and placement of registered dispensaries as well as associated infusion facilities and cultivation sites to specific areas; and

WHEREAS, the Town of Chino Valley has relied upon the regulations promulgated by the State of Arizona, which have proved to be inadequate in regulating the manner and placement of medical marijuana cultivation sites, infusion facilities, and dispensaries; and

WHEREAS, The Town desires to minimize the impact that medical marijuana cultivation, infusion, and dispensing activities and facilities may have on the town, and provide for the orderly regulation thereof, as set forth in A.R.S. §9-462.01; and

WHEREAS, during the September 10, 2013 regular meeting of Town Council, staff was directed by council to further research regulation of the cultivation and dispensing of medical marijuana within the corporate boundaries of the Town of Chino Valley; and

WHEREAS, during the October 3, 2013 study session of the Town Council, staff was directed to draft an ordinance for the Town and present it to the Planning and Zoning Commission on November 19, 2013 regarding this matter; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, a public meeting was held on November 19, 2013 in the Town of Chino Valley Council Chambers at 6pm, during which the Commission took comment from the public; and

WHEREAS, during the November 19, 2013 regular Planning and Zoning Commission meeting Commissioners voted (?-?) to forward Ordinance Number 13- to the Town Council with a recommendation for approval;

WHEREAS, the regulation of the manner and placement of greenhouses and indoor cultivation of plants and medical marijuana cultivation, infusion, and dispensaries is in the interest of the public's health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, to amend the Unified Development Ordinance, Chapter 4, General Regulations, by adding Subsection 4.31 Medical Marijuana Dispensaries, Off-Site Cultivation Sites, and Infusion Facilities as follows (~~deletions in~~ ~~strikeout~~ and additions in CAPS):

Section 1. GENERAL

The Town Chino Valley, Arizona, Unified Development Ordinance, Chapter 4 General Regulations, Subsection 4.31 MEDICAL MARIJUANA DISPENSARIES, OFF-SITE CULTIVATION SITES, AND INFUSION FACILITIES, is hereby added as follows:

A. WHERE PERMITTED, ALL MEDICAL MARIJUANA FACILITIES SHALL COMPLY WITH THE REGULATIONS SET FORTH IN THIS SECTION.

B. ALL MEDICAL MARIJUANA CULTIVATION FACILITIES SHALL BE WHOLLY CONTAINED WITHIN AN ENCLOSED, LOCKED FACILITY AS DEFINED IN A.R.S. §36-2801 (6).

C. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, A MEDICAL MARIJUANA FACILITY MUST PROVIDE WRITTEN EVIDENCE OF THE FOLLOWING FROM THE APPROPRIATE STATE REGULATORY AGENCY STATING:

1. THE PROPOSED FACILITY IS IN COMPLIANCE WITH ALL APPLICABLE STATE REGULATORY AGENCY AND STATE LAW REQUIREMENTS.

2. ANY APPLICATION SUBMITTED TO AND APPROVAL GRANTED BY A STATE REGULATORY AGENCY..

3. IN ADDITION TO THE DOCUMENTS REQUIRED IN SUBSECTIONS C.1 AND C.2, ABOVE, AN APPLICANT FOR AN INFUSION FACILITY, WHETHER LOCATED WITHIN A DISPENSARY OR CULTIVATION FACILITY, SHALL PROVIDE:

a. CERTIFIED COPIES OF ALL APPROVED PERMITS AND LICENSES REQUIRED BY LOCAL HEATH DEPARTMENT.

4. IN ADDITION TO THE DOCUMENTS REQUIRED IN SUBSECTIONS C.1 AND C.2, ABOVE, AN APPLICANT FOR A DISPENSARY SHALL PROVIDE:

a. A COMPLETE LIST OF THE CULTIVATION AND INFUSION FACILITIES FROM WHICH THE DISPENSARY WILL RECEIVE MEDICAL MARIJUANA OR MEDICAL MARIJUANA INFUSED PRODUCTS. SAID LIST SHALL INCLUDE: (i) THE NAME AND PHYSICAL LOCATION OF THE CULTIVATION OR INFUSION FACILITY; (ii) THE

NUMBER OF ANY STATE LICENSE GRANTED BY THE STATE REGULATING AGENCY TO THE CULTIVATION OR INFUSION FACILITY; (iii) THE NAME AND CONTACT INFORMATION FOR EACH AND EVERY MEMBER OF THE BOARD OF DIRECTORS OF THE CULTIVATION AND/OR INFUSION FACILITY.

b. A COPY OF THE OPERATING PROCEDURES SUBMITTED TO AND APPROVED BY THE STATE REGULATORY AGENCY

5. IN ADDITION TO THE DOCUMENTS REQUIRED IN SUBSECTIONS C.1 AND C.2, ABOVE, AN APPLICANT FOR A CULTIVATION FACILITY SHALL PROVIDE:

a. A COMPLETE LIST OF ALL DISPENSARIES FOR WHICH THE CULTIVATION FACILITY WILL CULTIVATE MEDICAL MARIJUANA, INCLUDING:

i. THE NAME AND PHYSICAL LOCATION OF THE DISPENSARY; AND

ii. THE NUMBER OF ANY LICENSE GRANTED BY THE REGULATORY AGENCY; AND

iii. THE NAME AND CONTACT INFORMATION FOR EACH AND EVERY MEMBER OF THE BOARD OF DIRECTORS OF THE DISPENSARY.

D. THE FOLLOWING SEPARATION REQUIREMENTS SHALL APPLY TO ALL DISPENSARY FACILITIES:

1. FIVE HUNDRED FEET (500') FROM ANY SCHOOL, PUBLIC OR PRIVATE.

2. TWO HUNDRED FEET (200') FROM ANY PUBLIC PARK, PUBLIC BUILDING, OR PUBLIC COMMUNITY CENTER.

3. TWO HUNDRED FEET (200') FROM ANY DRUG OR ALCOHOL REHABILITATION FACILITY OR CORRECTIONAL TRANSITIONAL HOUSING FACILITY.

4. TWO HUNDRED (200') FROM ANY RESIDENTIAL ZONING CLASSIFICATION, EXCEPT THAT FOR CULTIVATION AND/OR INFUSION FACILITIES IN A MIXED AR (AGRICULTURAL – RESIDENTIAL) ZONING CLASSIFICATION, THE SEPARATION SHALL BE TWO HUNDRED (200') FROM ANY EXISTING RESIDENTIAL USE.

E. THERE SHALL BE NO RETAIL SALES, RESTAURANT, FOOD SERVICE, OR ENTERTAINMENT ACTIVITIES WITHIN A MEDICAL MARIJUANA CULTIVATION FACILITY.

F. DUST, FUMES, ODOR, OR VAPORS EMITTING FROM ANY CULTIVATION OR INFUSION FACILITY SHALL BE MITIGATED TO MINIMIZE IMPACT ON SURROUNDING PROPERTIES. MITIGATION INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING: VENTILATION OF BUILDINGS, DUST CONTROL, AND/OR INSTALLATION AND USE OF DEVICES DESIGNED TO MINIMIZE DUST, FUMES, ODORS, OR VAPORS.

G. ALL MEDICAL MARIJUANA FACILITIES SHALL BE LOCATED IN A PERMANENT BUILDING OR STRUCTURE. NO SUCH FACILITY SHALL BE ALLOWED TO LOCATE IN A TRAILER, CARGO CONTAINER, OR MOTORIZED VEHICLE.

H. THE TOTAL SQUARE FOOTAGE OF A MEDICAL MARIJUANA DISPENSARY FACILITY SHALL NOT EXCEED TWO THOUSAND (2,000) SQUARE FEET.

I. THERE SHALL BE NO CONSUMPTION OF MEDICAL MARIJUANA ON THE PREMISES OF A MEDICAL MARIJUANA FACILITY.

J. ENTRY INTO LIMITED ACCESS AREAS WITHIN A MEDICAL MARIJUANA FACILITY IS RESTRICTED TO MEDICAL MARIJUANA DISPENSARY AGENTS OR PERSONS ACCOMPANIED BY A MEDICAL MARIJUANA DISPENSARY AGENT.

K. MEDICAL MARIJUANA INFUSION FACILITIES SHALL:

1. BE LOCATED ON THE SAME SITE AS A DISPENSARY OR A CULTIVATION FACILITY.
2. ON-SITE INFUSION FACILITIES, WHETHER ATTACHED OR FREE STANDING, SHALL NOT OCCUPY GREATER THAN 20% OF THE GROSS FLOOR AREA OF THE RESPECTIVE DISPENSARY OR CULTIVATION FACILITY.
3. THERE SHALL BE NO RETAIL SALES, RESTAURANT, FOOD SERVICE, OR ENTERTAINMENT ACTIVITIES WITHIN A MEDICAL MARIJUANA CULTIVATION FACILITY.

L. ALL CULTIVATION OF MEDICAL MARIJUANA SHALL TAKE PLACE WITHIN A STRUCTURE COMPRISED OF A ROOF AND WALLS THAT FULLY OBSCURE ALL PLANTS AND CULTIVATION ACTIVITIES FROM PUBLIC VIEW AND IN COMPLIANCE WITH THE PROVISIONS OF THIS CODE AND ARIZONA STATE LAW. THERE SHALL BE NO OUTDOOR CULTIVATION OF MEDICAL MARIJUANA WITHIN THE CORPORATE BOUNDARIES OF THE TOWN.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties.

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 20__ by the following vote:

AYES:

NAYES: _____ ABSENT:

EXCUSED: _____ ABSTAINED:

APPROVED this ____ day of _____, 20__.

Chris Marley, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami Lewis, Town Clerk

P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Section 3.7: Agricultural/Residential (4 Acre Minimum)

CASE DESCRIPTION:

Proposed amendments to Section 3.7: Agricultural/Residential (4 Acre Minimum), Subsections 3.7.2 Permitted Uses and 3.7.3 Conditional Uses, of the Unified Development Ordinance (UDO) to provide for the manner and placement of Commercial Greenhouses and Medical Marijuana Cultivation Facilities (with or without infusion facilities)

FACTS:

The UDO does not currently regulate the manner and placement of medical marijuana cultivation facilities (with or without infusion facilities).

On October 3, 2013, Town Council held a Work/Study at which proposed language was reviewed. Staff further refined the proposed ordinance verbiage, and presented a final draft to Town Council during its November 12, 2013 meeting. A Public Hearing was initiated for the regular meeting of the Planning and Zoning Commission November 19, 2013 after proper notice in accordance with A.R.S. §4-462.04.

ANALYSIS:

In 2010, the voters of the state of Arizona approved the use of marijuana for medical uses. Town staff, the Planning and Zoning Commission, and the Town Council reviewed different proposals for the regulation of siting dispensaries, infusion facilities, and cultivation sites throughout the Town. After due consideration, Town Council decided not to impose additional regulations on said uses, but rather default to the standards set forth by the Arizona Department of Health Services (DHS).

The Town's climate, elevation, availability of agricultural land, and minimal zoning restrictions have made Chino Valley attractive to cultivators of medical marijuana. In order to better protect the health, safety, and welfare of the community, Town Council directed staff to revisit the issue and develop an ordinance to regulate the manner and placement of said facilities.

The proposed changes will allow Commercial Greenhouses as a Permitted Use when located on a minimum of ten (10) acres, and allow Medical Marijuana Cultivation Facilities (with or without infusion facilities) as a Conditional Use. Dispensaries are not allowed in the AR-4 zoning district.

RECOMMENDATION

The proposed amendments to subsections 3.7.2 Permitted Uses and 3.7.3 Conditional Uses (AR-4: Agricultural/Residential, 4 acre minimum) of the UDO related to the regulation of cultivation facilities (with or without infusion facilities) as well as the regulation of Commercial Greenhouses as a Conditional Use will provide for the health, safety, and general welfare of the community; therefore, staff recommends that the Planning and Zoning Commission forward the Ordinance to Town Council with a recommendation for approval.

Attachments

AR-4

ORDINANCE NO. 13-

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 3, Zoning Districts, Agricultural Residential, (4 acre minimum) BY AMENDING SUBSECTION 3.7.2 Permitted Uses, 3.7.3 CONDITIONAL USES RELATED TO THE STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES.

WHEREAS, on November 2, 2010, the voters of Arizona approved Proposition 203, the “Arizona Medical Marijuana Act” (AMMA), codified in A.R.S §36-2801 *et seq.*; and

WHEREAS, the AMMA authorizes municipalities to adopt reasonable zoning restrictions that regulate the manner and placement of registered dispensaries as well as associated infusion facilities and cultivation sites to specific areas; and

WHEREAS, the Town of Chino Valley has relied upon the regulations promulgated by the State of Arizona, which have proved to be inadequate in regulating the manner and placement of medical marijuana cultivation sites, infusion facilities, and dispensaries; and

WHEREAS, The Town desires to minimize the impact that medical marijuana cultivation, infusion, and dispensing activities and facilities may have on the town, and provide for the orderly regulation thereof, as set forth in A.R.S. §9-462.01; and

WHEREAS, during the September 10, 2013 regular meeting of Town Council, staff was directed by council to further research regulation of the cultivation and dispensing of medical marijuana within the corporate boundaries of the Town of Chino Valley; and

WHEREAS, during the October 3, 2013 study session of the Town Council, staff was directed to draft an ordinance for the Town and present it to the Planning and Zoning Commission on November 19, 2013 regarding this matter; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, a public meeting was held on November 19, 2013 in the Town of Chino Valley Council Chambers at 6pm, during which the Commission took comment from the public; and

WHEREAS, during the November 19, 2013 regular Planning and Zoning Commission meeting Commissioners voted (?-?) to forward Ordinance Number 13- to the Town Council with a recommendation for approval;

WHEREAS, the regulation of the manner and placement of greenhouses and indoor cultivation of plants and medical marijuana cultivation, infusion, and dispensaries is in the interest of the public's health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, to amend the Unified Development Ordinance, Chapter 3, Zoning Districts, Agricultural Residential (4 acre minimum), Subsection 3.7.2 Permitted Uses, Subsection 3.7.3 Conditional Uses as follows (deletions in strikeout and additions in CAPS):

Section 1. GENERAL

The Town Chino Valley, Arizona, Unified Development Ordinance, Chapter 3, Zoning Districts, Agricultural Residential (4 acre minimum), Subsection 3.7.2 Permitted Uses, Subsection 3.7.3 Conditional Uses is hereby amended as follows:

I. Commercial greenhouses ~~may be permitted~~ with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards (~~Amended with Ord. 09-424/Res. 09-921~~).

UDO Section 3.7.3 AR-5 (Agricultural/Residential 4 acre minimum) Conditional Uses:

O. MEDICAL MARIJUANA CULTIVATION FACILITIES, WITH OR WITHOUT INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FOR IN SECTION 4.31.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section3. Providing for Severability.

If any section, subsection , sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties.

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 20__ by the following vote:

AYES:

NAYES: _____ ABSENT:

EXCUSED: _____ ABSTAINED:

APPROVED this ____ day of _____, 20__.

Chris Marley, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami Lewis, Town Clerk

P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Section 3.6: Agricultural/Residential (5 Acre Minimum)

CASE DESCRIPTION:

Amendments to Section 3.6: Agricultural/Residential (5 Acre Minimum) of the Unified Development Ordinance (UDO) to allow for Commercial Greenhouses as a Permitted Use subject to additional requirements, and allowing Medical Marijuana Cultivation Facilities (with or without infusion facilities) as a Conditional Use.

FACTS:

The UDO does not currently regulate the manner and placement of medical marijuana dispensaries, infusion facilities, or cultivation sites.

On October 3, 2013, Town Council held a Work/Study at which proposed language was reviewed. Staff further refined the proposed ordinance verbiage, and presented a final draft to Town Council during its November 12, 2013 meeting. A Public Hearing was initiated for the regular meeting of the Planning and Zoning Commission November 19, 2013 after proper notice in accordance with A.R.S. §4-462.04.

ANALYSIS:

In 2010, the voters of the state of Arizona approved the use of marijuana for medical uses. Town staff, the Planning and Zoning Commission, and the Town Council reviewed different proposals for the regulation of siting dispensaries, infusion facilities, and cultivation sites throughout the Town. After due consideration, Town Council decided not to impose additional regulations on said uses, but rather default to the standards set forth by the Arizona Department of Health Services (DHS).

The Town's climate, elevation, availability of agricultural land, and minimal zoning restrictions have made Chino Valley attractive to cultivators of medical marijuana. In order to better protect the health, safety, and welfare of the community, Town Council directed staff to revisit the issue and develop an ordinance to regulate the manner and placement of said facilities.

The proposed changes will allow Commercial Greenhouses as a Permitted Use when located on a minimum of ten (10) acres, and allow Medical Marijuana Cultivation Facilities (with or without infusion facilities) as a Conditional Use. Dispensaries are not allowed in the AR-5 zoning district.

RECOMMENDATION

The proposed amendments to subsections 3.6.2 Permitted Uses and 3.6.3 Conditional Uses (AR-5: Agricultural/Residential, 5 acre minimum) of the UDO related to the regulation of cultivation facilities (with or without infusion facilities) as well as the regulation of Commercial Greenhouses as a Conditional Use will provide for the health, safety, and general welfare of the community; therefore, staff recommends that the Planning and Zoning Commission forward the Ordinance to Town Council with a recommendation for approval.

Attachments

AR-5

ORDINANCE NO. 13-

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 3, Zoning Districts, Agricultural Residential (5 acre minimum). BY AMENDING SUBSECTION 3.6.2 Permitted Uses, 3.6.3 CONDITIONAL USES RELATED TO THE STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES.

WHEREAS, on November 2, 2010, the voters of Arizona approved Proposition 203, the “Arizona Medical Marijuana Act” (AMMA), codified in A.R.S §36-2801 *et seq.*; and

WHEREAS, the AMMA authorizes municipalities to adopt reasonable zoning restrictions that regulate the manner and placement of registered dispensaries as well as associated infusion facilities and cultivation sites to specific areas; and

WHEREAS, the Town of Chino Valley has relied upon the regulations promulgated by the State of Arizona, which have proved to be inadequate in regulating the manner and placement of medical marijuana cultivation sites, infusion facilities, and dispensaries; and

WHEREAS, The Town desires to minimize the impact that medical marijuana cultivation, infusion, and dispensing activities and facilities may have on the town, and provide for the orderly regulation thereof, as set forth in A.R.S. §9-462.01; and

WHEREAS, during the September 10, 2013 regular meeting of Town Council, staff was directed by council to further research regulation of the cultivation and dispensing of medical marijuana within the corporate boundaries of the Town of Chino Valley; and

WHEREAS, during the October 3, 2013 study session of the Town Council, staff was directed to draft an ordinance for the Town and present it to the Planning and Zoning Commission on November 19, 2013 regarding this matter; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, a public meeting was held on November 19, 2013 in the Town of Chino Valley Council Chambers at 6pm, during which the Commission took comment from the public; and

WHEREAS, during the November 19, 2013 regular Planning and Zoning Commission meeting Commissioners voted (?-?) to forward Ordinance Number 13- to the Town Council with a recommendation for approval;

WHEREAS, the regulation of the manner and placement of greenhouses and indoor cultivation of plants and medical marijuana cultivation, infusion, and dispensaries is in the interest of the public's health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, to amend the Unified Development Ordinance, Chapter 3, Zoning Districts, Agricultural Residential (5 acre minimum), Subsection 3.6.2 Permitted Uses, Subsection 3.6.3 Conditional Uses as follows (deletions in strikeout and additions in CAPS):

Section 1. GENERAL

The Town Chino Valley, Arizona, Unified Development Ordinance, Chapter 3, Zoning Districts, Agricultural Residential (5 acre minimum), Subsection 3.6.2 Permitted Uses, is hereby amended as follows:

I. Commercial greenhouses ~~may be permitted~~ with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards (~~Amended with Ord. 09-424/Res. 09-921~~).

UDO Section 3.6.3 AR-5 (Agricultural/Residential 5 acre minimum) Conditional Uses:

O. MEDICAL MARIJUANA CULTIVATION FACILITIES, WITH OR WITHOUT INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FOR IN SECTION 4.31.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section3. Providing for Severability.

If any section, subsection , sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties.

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 20__ by the following vote:

AYES:

NAYES: _____ ABSENT:

EXCUSED: _____ ABSTAINED:

APPROVED this ____ day of _____, 20__.

Chris Marley, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami Lewis, Town Clerk

P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Section 3.5: Agricultural/Residential (36 Acre Minimum)

CASE DESCRIPTION:

Amendments to Section 3.5: Agricultural/Residential (36 Acre Minimum) of the Unified Development Ordinance (UDO) to provide for the manner and placement of medical marijuana dispensaries, infusion facilities, and cultivation facilities as a Conditional Use; remove the ten (10) acre minimum required for Commercial Greenhouses; and allow for accessory uses to Commercial Greenhouses.

FACTS:

Currently, the UDO does not regulate location and siting of medical marijuana dispensaries, infusion facilities, or cultivation facilities within the Town of Chino Valley.

On October 3, 2013, Town Council held a Work/Study at which proposed language was reviewed. Staff further refined the proposed ordinance verbiage, and presented a final draft to Town Council during its November 12, 2013 meeting. A Public Hearing was initiated for the regular meeting of the Planning and Zoning Commission November 19, 2013 after proper notice in accordance with A.R.S. §4-462.04.

ANALYSIS:

In 2010, the voters of the state of Arizona approved the use of marijuana for medical uses. Town staff, the Planning and Zoning Commission, and the Town Council reviewed different proposals for the regulation of siting dispensaries, infusion facilities, and cultivation sites throughout the Town. After due consideration, Town Council decided not to impose additional regulations on said uses, but rather default to the standards set forth by the Arizona Department of Health Services (DHS).

The Town's climate, elevation, availability of agricultural land, and minimal zoning restrictions have made Chino Valley attractive to cultivators of medical marijuana. In order to better protect the health, safety, and welfare of the community, Town Council directed staff to revisit the issue and develop an ordinance to regulate the manner and placement of said facilities.

In amending this portion of the UDO, staff considered the minimum acreage required for the AR-36 zoning district and determined that the area requirement alone would likely provide adequate separation from other incompatible uses; no land in the Town currently carries this classification. Therefore, staff finds that the addition of the above medical marijuana uses as a conditional use in the AR-36 zoning district will have no immediate impact and limited impact in the future.

Furthermore, the inclusion of a ten (10) contiguous acre requirement is not necessary as this zoning district by definition requires a minimum of thirty-six (36) acres. Finally, most of the Commercial Greenhouse Development Standards have been deleted; therefore, language addressing those regulations would no longer be necessary.

RECOMMENDATION

The proposed addition of medical marijuana dispensaries, infusion facilities, and cultivation facilities as a conditional use in the AR-36 zoning district will have a minimal impact on the community, the additional modifications will remove redundant and unnecessary language and allow Commercial Greenhouses as a Permitted Use. Therefore, staff recommends that the Planning and Zoning Commission forward the A/R 36 Ordinance to Town Council with a recommendation for approval.

Attachments

AR-36

ORDINANCE NO. 13-

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 3, Zoning Districts, Agricultural Residential, (36 acre minimum). BY AMENDING SUBSECTION 3.5.2 Permitted Uses, SUBSECTION 3.5.3 Conditional Uses RELATED TO THE STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES.

WHEREAS, on November 2, 2010, the voters of Arizona approved Proposition 203, the “Arizona Medical Marijuana Act” (AMMA), codified in A.R.S §36-2801 *et seq.*; and

WHEREAS, the AMMA authorizes municipalities to adopt reasonable zoning restrictions that regulate the manner and placement of registered dispensaries as well as associated infusion facilities and cultivation sites to specific areas; and

WHEREAS, the Town of Chino Valley has relied upon the regulations promulgated by the State of Arizona, which have proved to be inadequate in regulating the manner and placement of medical marijuana cultivation sites, infusion facilities, and dispensaries; and

WHEREAS, The Town desires to minimize the impact that medical marijuana cultivation, infusion, and dispensing activities and facilities may have on the town, and provide for the orderly regulation thereof, as set forth in A.R.S. §9-462.01; and

WHEREAS, during the September 10, 2013 regular meeting of Town Council, staff was directed by council to further research regulation of the cultivation and dispensing of medical marijuana within the corporate boundaries of the Town of Chino Valley; and

WHEREAS, during the October 3, 2013 study session of the Town Council, staff was directed to draft an ordinance for the Town and present it to the Planning and Zoning Commission on November 19, 2013 regarding this matter; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, a public meeting was held on November 19, 2013 in the Town of Chino Valley Council Chambers at 6pm, during which the Commission took comment from the public; and

WHEREAS, during the November 19, 2013 regular Planning and Zoning Commission meeting Commissioners voted (?-?) to forward Ordinance Number 13- to the Town Council with a recommendation for approval;

WHEREAS, the regulation of the manner and placement of greenhouses and indoor cultivation of plants and medical marijuana cultivation, infusion, and dispensaries is in the interest of the public's health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, to amend the Unified Development Ordinance, Chapter 3, Zoning Districts, Agricultural Residential (36 acre minimum), Subsection 3.5.2 Permitted Uses, Subsection 3.5.3 Conditional Uses as follows (~~deletions in~~ ~~strikeout~~ and additions in CAPS):

Section 1. GENERAL

The Town Chino Valley, Arizona, Unified Development Ordinance, Chapter 3, Zoning Districts, Agricultural Residential (36 acre minimum), Subsection 3.5.2 Permitted Uses, Subsection 3.5.3 Conditional Uses is hereby amended as follows:

J. Commercial greenhouses ~~may be permitted with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards (Amended with Ord. 09-424/Res. 09-921),~~ AND ACCESSORY USES. see subsection 4.30 Commercial Greenhouse Development Standards.

UDO Section 3.5.3 Conditional Uses (Conditional Use Permit Required):

O. MEDICAL MARIJUANA CULTIVATION FACILITIES, WITH OR WITHOUT INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FOR IN SECTION 4.31 of the UDO.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section3. Providing for Severability.

If any section, subsection , sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties.

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 20__ by the following vote:

AYES:

NAYES: _____ ABSENT:

EXCUSED: _____ ABSTAINED:

APPROVED this ____ day of _____, 20__.

Chris Marley, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami Lewis, Town Clerk

P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Section 3.15 Commercial Light

CASE DESCRIPTION:

Amendments to Section 3.15: Commercial Light of the Unified Development Ordinance (UDO) to allow for Commercial Greenhouses as a Permitted Use, and to add Medical Marijuana Dispensaries and Cultivation Facilities (with or without infusion facilities) as a Permitted Use.

FACTS:

The UDO does not currently regulate the manner and placement of medical marijuana dispensaries or cultivation facilities (with or without infusion facilities).

On October 3, 2013, Town Council held a Work/Study at which proposed language was reviewed. Staff further refined the proposed ordinance verbiage, and presented a final draft to Town Council during its November 12, 2013 meeting. A Public Hearing was initiated for the regular meeting of the Planning and Zoning Commission November 19, 2013 after proper notice in accordance with A.R.S. §4-462.04.

ANALYSIS:

In 2010, the voters of the state of Arizona approved the use of marijuana for medical uses. Shortly thereafter, Town staff, the Planning and Zoning Commission, and the Town Council reviewed different proposals for the regulation of siting dispensaries, infusion facilities, and cultivation sites throughout the Town. After due consideration, Town Council decided not to impose additional regulations on said uses, but rather default to the standards set forth by the Arizona Department of Health Services (DHS).

The Town's climate, elevation, availability of agricultural land, and minimal zoning restrictions have made Chino Valley attractive to cultivators of medical marijuana. In order to better protect the health, safety, and welfare of the community, Town Council directed staff to revisit the issue and develop an ordinance to regulate the manner and placement of said facilities.

With the amendments to Section 4.30: Commercial Greenhouse Regulations, Commercial Greenhouses will now be a Permitted Use in the CL zoning district with no minimum acreage requirement, among other changes. Medical marijuana dispensaries and cultivation facilities (with or without infusion facilities) would also be a Permitted Use in the same district, subject to the additional requirements in Section 4.31.

RECOMMENDATION

The proposed additions to and deletions from Section 3.15 Commercial Light, Subsection 3.15.2 Permitted Uses of the UDO related to the manner and placement of medical marijuana dispensaries and cultivation sites (with or without infusion facilities) create regulations that will protect the health, safety, and general welfare of the community. Additionally, the proposed amendments also allow Commercial Greenhouses as a Permitted Use, and provide regulations as to manner and placement of said use. Therefore, staff recommends that the Planning and Zoning Commission forward the Ordinance to Town Council with a recommendation for approval.

Attachments

Commercial Light Ord.

ORDINANCE NO. 13-002

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 3, Zoning Districts, Commercial Light, BY AMENDING SUBSECTION 3.15.2 Permitted Uses, RELATED TO THE STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES.

WHEREAS, on November 2, 2010, the voters of Arizona approved Proposition 203, the “Arizona Medical Marijuana Act” (AMMA), codified in A.R.S §36-2801 *et seq.*; and

WHEREAS, the AMMA authorizes municipalities to adopt reasonable zoning restrictions that regulate the manner and placement of registered dispensaries as well as associated infusion facilities and cultivation sites to specific areas; and

WHEREAS, the Town of Chino Valley has relied upon the regulations promulgated by the State of Arizona, which have proved to be inadequate in regulating the manner and placement of medical marijuana cultivation sites, infusion facilities, and dispensaries; and

WHEREAS, The Town desires to minimize the impact that medical marijuana cultivation, infusion, and dispensing activities and facilities may have on the town, and provide for the orderly regulation thereof, as set forth in A.R.S. §9-462.01; and

WHEREAS, during the September 10, 2013 regular meeting of Town Council, staff was directed by council to further research regulation of the cultivation and dispensing of medical marijuana within the corporate boundaries of the Town of Chino Valley; and

WHEREAS, during the October 3, 2013 study session of the Town Council, staff was directed to draft an ordinance; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, a public meeting was held on November 19, 2013 in the Town of Chino Valley Council Chambers at 6pm, during which the Commission took comment from the public; and

WHEREAS, during the November 19, 2013 regular Planning and Zoning Commission meeting Commissioners voted (?) to forward Ordinance Number 13- to the Town Council with a recommendation for approval;

WHEREAS, the regulation of the manner and placement of greenhouses and indoor cultivation of plants and medical marijuana cultivation, infusion, and dispensaries is in the interest of the public’s health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, to amend the Unified Development Ordinance, Chapter 3, Zoning Districts, Commercial Light, Subsection 3.15.2, Permitted Uses as follows(~~deletions in~~ ~~strikeout~~ and additions in CAPS):

Section 1. GENERAL

The Town Chino Valley, Arizona, Unified Development Ordinance, Chapter 3, Zoning Districts, Commercial Light, Subsection 3.15.2 Permitted Uses, is hereby amended as follows:

AD. Commercial greenhouses ~~may be permitted with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards (Amended with Ord. 09-424/Res. 09-921),~~ AND ACCESSORY USES.

AE. MEDICAL MARIJUANA DISPENSARY, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.

AF. MEDICAL MARIJUANA OFF-SITE CULTIVATION AND INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section3. Providing for Severability.

If any section, subsection , sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties.

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 20__ by the following vote:

AYES:

NAYES: _____ ABSENT:

EXCUSED: _____ ABSTAINED:

APPROVED this ____ day of _____, 20__.

Chris Marley, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami Lewis, Town Clerk

P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Section 3.16 Commercial Heavy

CASE DESCRIPTION:

Amendments to Section 3.16: Commercial Heavy of the Unified Development Ordinance (UDO) to allow for Commercial Greenhouses as a Permitted Use, and adding Medical Marijuana Dispensaries and Cultivation Facilities (with or without infusion facilities) as a Permitted Use.

FACTS:

The UDO does not currently regulate the manner and placement of medical marijuana dispensaries, infusion facilities, or cultivation facilities.

On October 3, 2013, Town Council held a Work/Study at which proposed language was reviewed. Staff further refined the proposed ordinance verbiage, and presented a final draft to Town Council during its November 12, 2013 meeting. A Public Hearing was initiated for the regular meeting of the Planning and Zoning Commission November 19, 2013 after proper notice in accordance with A.R.S. §4-462.04.

ANALYSIS:

In 2010, the voters of the state of Arizona approved the use of marijuana for medical uses. At that time, Town staff, the Planning and Zoning Commission, and the Town Council reviewed different proposals for the regulation of siting dispensaries, infusion facilities, and cultivation sites throughout the Town. After due consideration, Town Council decided not to impose additional regulations on said uses, but rather default to the standards set forth by the Arizona Department of Health Services (DHS).

The Town's climate, elevation, availability of agricultural land, and minimal zoning restrictions have made Chino Valley attractive to cultivators of medical marijuana. In order to better protect the health, safety, and welfare of the community, Town Council directed staff to revisit the issue and develop an ordinance to regulate the manner and placement of said facilities.

With the amendments to Section 4.30: Commercial Greenhouse Regulations, Commercial Greenhouses will now be a Permitted Use in the CH zoning district, with no minimum acreage requirement, among other changes. Medical marijuana dispensaries and cultivation facilities (with or without infusion facilities) would also be a Permitted Use in the CH zoning district, subject to the additional requirements in Section 4.31.

RECOMMENDATION

The proposed additions to and deletions from Section 3.16 Commercial Heavy, Subsection 3.16.2 Permitted Uses of the UDO related to the manner and placement of medical marijuana dispensaries and cultivation sites (with or without infusion facilities) create regulations that will protect the health, safety, and general welfare of the community. Additionally, the proposed amendments also allow Commercial Greenhouses as a Permitted Use in the Commercial Heavy zoning district, providing regulations as to manner and placement of said use. Therefore, staff recommends that the Planning and Zoning Commission forward the Ordinance to Town Council with a recommendation for approval.

Attachments

Commercial Heavy Ord

ORDINANCE NO. 13-

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 3, Zoning Districts, Commercial Heavy, BY AMENDING SUBSECTION 3.16.2 Permitted Uses, RELATED TO THE STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES.

WHEREAS, on November 2, 2010, the voters of Arizona approved Proposition 203, the “Arizona Medical Marijuana Act” (AMMA), codified in A.R.S §36-2801 *et seq.*; and

WHEREAS, the AMMA authorizes municipalities to adopt reasonable zoning restrictions that regulate the manner and placement of registered dispensaries as well as associated infusion facilities and cultivation sites to specific areas; and

WHEREAS, the Town of Chino Valley has relied upon the regulations promulgated by the State of Arizona, which have proved to be inadequate in regulating the manner and placement of medical marijuana cultivation sites, infusion facilities, and dispensaries; and

WHEREAS, The Town desires to minimize the impact that medical marijuana cultivation, infusion, and dispensing activities and facilities may have on the town, and provide for the orderly regulation thereof, as set forth in A.R.S. §9-462.01; and

WHEREAS, during the September 10, 2013 regular meeting of Town Council, staff was directed by council to further research regulation of the cultivation and dispensing of medical marijuana within the corporate boundaries of the Town of Chino Valley; and

WHEREAS, during the October 3, 2013 study session of the Town Council, staff was directed to draft an ordinance; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, a public meeting was held on November 19, 2013 in the Town of Chino Valley Council Chambers at 6pm, during which the Commission took comment from the public; and

WHEREAS, during the November 19, 2013 regular Planning and Zoning Commission meeting Commissioners voted (2-2) to forward Ordinance Number 13- to the Town Council with a recommendation for approval;

WHEREAS, the regulation of the manner and placement of greenhouses and indoor cultivation of plants and medical marijuana cultivation, infusion, and dispensaries is in the interest of the public’s health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, to amend the Unified Development Ordinance, Chapter 3, Zoning Districts, Commercial Heavy, Subsection 3.16.2 Permitted Uses as follows (~~deletions in~~ ~~strikeout~~ and additions in CAPS):

Section 1. GENERAL

The Town Chino Valley, Arizona, Unified Development Ordinance, Chapter 3, Zoning Districts, Commercial Heavy, Subsection 3.16.2 Permitted Uses, is hereby amended as follows:

O. Commercial greenhouses ~~may be permitted with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards (Amended with Ord. 09-424/Res. 09-921),~~ AND ACCESSORY USES.

P. MEDICAL MARIJUANA DISPENSARY, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.

Q. MEDICAL MARIJUANA OFF-SITE CULTIVATION AND INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section3. Providing for Severability.

If any section, subsection , sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties.

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 20__ by the following vote:

AYES:

NAYES: _____ ABSENT:

EXCUSED: _____ ABSTAINED:

APPROVED this ____ day of _____, 20__.

Chris Marley, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami Lewis, Town Clerk

P&Z Planning Commission Regular

Meeting Date: 11/19/2013

Section 3.17 Industrial

CASE DESCRIPTION:

Amendments to Section 3.17: Industrial of the Unified Development Ordinance (UDO) to allow for Commercial Greenhouses as a Permitted Use, and to allow Medical Marijuana Dispensaries and Cultivation Facilities (with or without infusion facilities) as a Permitted Use in the I:Industrial Zoning District.

FACTS:

The UDO does not currently regulate the manner and placement of medical marijuana dispensaries or cultivation facilities (with or without infusion facilities).

On October 3, 2013, Town Council held a Work/Study at which proposed language was reviewed. Staff further refined the proposed ordinance verbiage, and presented a final draft to Town Council during its November 12, 2013 meeting. A Public Hearing was initiated for the regular meeting of the Planning and Zoning Commission November 19, 2013 after proper notice in accordance with A.R.S. §4-462.04.

ANALYSIS:

In 2010, the voters of the state of Arizona approved the use of marijuana for medical uses. Shortly thereafter, Town staff, the Planning and Zoning Commission, and the Town Council reviewed different proposals for the regulation of siting dispensaries, infusion facilities, and cultivation sites throughout the Town. After due consideration, Town Council decided not to impose additional regulations on said uses, but rather default to the standards set forth by the Arizona Department of Health Services (DHS).

The Town's climate, elevation, availability of agricultural land, and minimal zoning restrictions have made Chino Valley attractive to cultivators of medical marijuana. In order to better protect the health, safety, and welfare of the community, Town Council directed staff to revisit the issue and develop an ordinance to regulate the manner and placement of said facilities.

With the amendments to Section 4.30: Commercial Greenhouse Regulations, Commercial Greenhouses will now be a Permitted Use in the Industrial zoning district with no minimum acreage requirement, among other changes. Medical marijuana dispensaries and cultivation facilities (with or without infusion facilities) would also be a Permitted Use in the same zoning district, subject to the additional requirements in Section 4.31.

RECOMMENDATION

The proposed additions to and deletions from Section 3.17 Industrial, Subsection 3.17.2 Permitted Uses of the UDO related to the manner and placement of medical marijuana dispensaries and cultivation sites (with or without infusion facilities) create regulations that will protect the health, safety, and general welfare of the community. Additionally, the proposed amendments also allow Commercial Greenhouses as a Permitted Use in the Industrial zoning district, providing regulations as to manner and placement of said use in the same zoning district. Therefore, staff recommends that the Planning and Zoning Commission forward the Ordinance to Town Council with a recommendation for approval.

Attachments

Industrial Ord

ORDINANCE NO. 13-

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 3, Zoning Districts, Industrial. BY AMENDING SUBSECTION 3.17.2 Permitted Uses, RELATED TO THE STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION FACILITIES.

WHEREAS, on November 2, 2010, the voters of Arizona approved Proposition 203, the “Arizona Medical Marijuana Act” (AMMA), codified in A.R.S §36-2801 *et seq.*; and

WHEREAS, the AMMA authorizes municipalities to adopt reasonable zoning restrictions that regulate the manner and placement of registered dispensaries as well as associated infusion facilities and cultivation sites to specific areas; and

WHEREAS, the Town of Chino Valley has relied upon the regulations promulgated by the State of Arizona, which have proved to be inadequate in regulating the manner and placement of medical marijuana cultivation sites, infusion facilities, and dispensaries; and

WHEREAS, The Town desires to minimize the impact that medical marijuana cultivation, infusion, and dispensing activities and facilities may have on the town, and provide for the orderly regulation thereof, as set forth in A.R.S. §9-462.01; and

WHEREAS, during the September 10, 2013 regular meeting of Town Council, staff was directed by council to further research regulation of the cultivation and dispensing of medical marijuana within the corporate boundaries of the Town of Chino Valley; and

WHEREAS, during the October 3, 2013 study session of the Town Council, staff was directed to draft an ordinance; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, a public meeting was held on November 19, 2013 in the Town of Chino Valley Council Chambers at 6pm, during which the Commission took comment from the public; and

WHEREAS, during the November 19, 2013 regular Planning and Zoning Commission meeting Commissioners voted (??) to forward Ordinance Number 13- to the Town Council with a recommendation for approval;

WHEREAS, the regulation of the manner and placement of greenhouses and indoor cultivation of plants and medical marijuana cultivation, infusion, and dispensaries is in the interest of the public’s health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, to amend the Unified Development Ordinance, Chapter 3, Zoning Districts, Industrial, Subsection 3.17.2, Permitted Uses as follows (~~deletions in~~ ~~strikeout~~ and additions in CAPS):

Section 1. GENERAL

The Town Chino Valley, Arizona, Unified Development Ordinance, Chapter 3, Zoning Districts, Industrial, Subsection 3.17.2 Permitted Uses, is hereby amended as follows:

H. Commercial greenhouses ~~may be permitted with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards (Amended with Ord. 09-424/Res. 09-921),~~ AND ACCESSORY USES.

I. MEDICAL MARIJUANA DISPENSARY, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.

J. MEDICAL MARIJUANA OFF-SITE CULTIVATION AND INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section3. Providing for Severability.

If any section, subsection , sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties.

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 20__ by the following vote:

AYES:

NAYES: _____ ABSENT:

EXCUSED: _____ ABSTAINED:

APPROVED this ____ day of _____, 20__.

Chris Marley, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami Lewis, Town Clerk