

1. Planning And Zoning Agenda 11/17/15

Documents: [2015_11_17_PZ_SP_AG.PDF](#)

2. Planning And Zoning Agenda Packet 11/17/15

Documents: [2015_11_17_PZ_SP_AG_PK.PDF](#)

3. November 17, 2015 - Planning & Zoning - Action Taken

Documents: [2015_11_17_PZ_SP_AT.PDF](#)



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

SPECIAL MEETING
November 17, 2015
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**
5. **STAFF REPORTS**
6. **PUBLIC HEARING**
0. Consideration and possible action to hold a public hearing on proposed amendments to the text of the Unified Development Ordinance ("UDO") regarding adopting additional limitations on Medical Marijuana land uses in the Town of Chino Valley, including medical marijuana dispensaries, off-site cultivation facilities, and infusion facilities; and continue the item to a Regular Meeting on December 1, 2015 to hold an additional public hearing to provide citizens with another opportunity to provide comments regarding the proposed amendment
7. **NON-PUBLIC HEARING ACTION ITEMS**
8. **DISCUSSION ITEMS**
9. **PUBLIC COMMENTS**
10. **ADJOURN**

Dated this 9th day of NOVEMBER, 2015.

By: **Ruth Mayday, Development Services Director**

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.

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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.

CASE DESCRIPTION:

Consideration and possible action to hold a public hearing on proposed amendments to the text of the Unified Development Ordinance ("UDO") regarding adopting additional limitations on Medical Marijuana land uses in the Town of Chino Valley, including medical marijuana dispensaries, off-site cultivation facilities, and infusion facilities; and continue the item to a Regular Meeting on December 1, 2015 to hold an additional public hearing to provide citizens with another opportunity to provide comments regarding the proposed amendment

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number:.....
4. Site Area:.....
5. Existing zoning:.....
6. Intended Use:.....

ANALYSIS:

The purpose of this public hearing is to discuss proposed amendments to the Chino Valley Unified Development Ordinance (UDO) with regard to medical marijuana. The proposed changes within the UDO consist of changes to several sections, creating more restrictions upon the cultivation, infusion, and dispensing of medical marijuana.

The UDO currently allows for medical marijuana off-site cultivation and infusion facilities as a permitted use (a use that can be permitted administratively) in the following zoning districts: Commercial Light (CL), Commercial Heavy (CH), and Industrial (I); and as a conditional use (a use requiring a Conditional Use Permit), in the following zoning districts: Agricultural Residential, 36-acre minimum (AR 36), Agricultural Residential, 5-acre minimum (AR-5), and Agricultural Residential, 4-acre minimum (AR-4).

The UDO also currently allows for medical marijuana dispensaries as a permitted use in Commercial Light (CL), Commercial Heavy (CH), and Industrial (I) zones. Dispensaries, off-site cultivation facilities and infusion facilities are all required to maintain a 500' (five-hundred foot) buffer from any school, public or private; public parks, public buildings, or public community centers; any drug or alcohol rehabilitation facility or correctional transitional housing facility; and from any residential zoning district.

The proposed changes to the UDO are designed to further restrict the cultivation, infusion, and dispensing of medical marijuana, as directed by the Town Council at the October 27, 2015 Town Council meeting, and as discussed at the November 2, 2015 Citizen Review Meeting and Planning and Zoning meeting.

RECOMMENDATION

Staff recommends:

1. Holding the public hearing; and
 2. Continuing the item to a Regular Meeting of Planning and Zoning Commission on December 1, 2015 to provide notice and hold another public hearing on additional or more restrictive amendments to the UDO related to medical marijuana and to provide citizens with another opportunity to comment on the proposed amendments.
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Attachments

Draft Ordinance



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-

Attachments

Draft Ordinance

ORDINANCE NO. 15-806

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, AS FOLLOWS: (1) BY AMENDING CHAPTER 3 ZONING DISTRICTS, BY AMENDING SECTIONS 3.5.2 PERMITTED USES ("AR-36" – AGRICULTURAL/RESIDENTIAL (36 ACRE MINIMUM)), 3.5.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("AR-36" – AGRICULTURAL /RESIDENTIAL (36 ACRE MINIMUM)), 3.6.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("AR-5" – AGRICULTURAL/RESIDENTIAL (5 ACRE MINIMUM)), 3.7.2 PERMITTED USES ("I" – INDUSTRIAL), 3.15.2 PERMITTED USES ("CL", COMMERCIAL LIGHT), 3.16.2 PERMITTED USES ("CH", COMMERCIAL HEAVY), TO DISALLOW MEDICAL MARIJUANA DISPENSARIES, CULTIVATION, AND INFUSION FACILITIES AS A CONDITIONAL OR PERMITTED USE; (2) TO AMEND 3.7.C CONDITIONAL USES ("I" – INDUSTRIAL) (3) AND BY AND AMENDING SECTION 4.31 MEDICAL MARIJUANA DISPENSARIES, OFF-SITE CULTIVATION SITES, AND INFUSION FACILITIES; RELATED TO REGULATING THE LOCATION OF MEDICAL MARIJUANA FACILITIES, INCLUDING SEPARATION REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

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, at its September 10, 2013 regular meeting, Town Council directed staff to further research regulation of the cultivation and dispensing of medical marijuana within the corporate boundaries of the Town of Chino Valley; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, the Planning and Zoning Commission held a public hearing on November 19, 2013, during which the Commission took comment from the public and, after consideration and discussion, recommended approval of the ordinance to the Town Council; and

WHEREAS, the Town Council considered the recommendation of the Planning and Zoning Commission during its regular meeting on December 10, 2013 and adopted Ordinance No. 13-779; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, the Planning and Zoning Commission held a public hearing on November 3, 2015, and again on November 17, 2015, during which the Commission took comment from the public and, after consideration and discussion, recommended approval of the ordinance to the Town Council; and

WHEREAS, The Town Council again finds that reasonable regulations related to the location and operation of medical marijuana facilities and commercial greenhouses at which medical marijuana may be grown is in the interest of protecting the public's health, safety, and general welfare and consistent with the principles set forth in Proposition 203 and Arizona state law;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 3 Zoning District, Sections 3.5.2 Permitted Uses ("AR-36" – Agricultural/Residential (36 Acre Minimum), 3.5.3 Conditional Uses ("AR-36" – Agricultural/Residential (36 Acre Minimum), 3.6.2 Permitted Uses ("AR-5" – Agricultural/Residential (5 Acre Minimum), 3.6.3 Conditional Uses ("AR-5" – Agricultural/Residential (5 Acre Minimum)), 3.7.2 Permitted Uses ("AR-4" – Agricultural/Residential (4 Acre Minimum), 3.7.3 Conditional Uses ("AR-4" – Agricultural/ Residential (4 Acre Minimum), 3.15.2 Permitted Uses ("CL", Commercial Light), 3.16.2 Permitted Uses ("CH", Commercial Heavy), are hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

2.1 Meanings of Words and Terms

Medical Marijuana Cultivation Facility, Off-Site: A building, structure, or other enclosed, locked facility used for the cultivation or storage of Medical Marijuana that is physically separate and not located on the same real property as the Medical Marijuana Dispensary with which it is affiliated pursuant to ARS §§36-2806(E), whether attached or not.

Medical Marijuana Facilities: Medical Marijuana Dispensaries, Medical Marijuana Cultivation Facilities (on- or off-site), and Medical Marijuana Infusion Facilities.

3.5 “AR-36” – Agricultural/Residential (36 Acre Minimum)

* * *

3.5.3 Conditional Uses (Conditional Use Permit Required)

~~15. MEDICAL MARIJUANA CULTIVATION FACILITIES, WITH OR WITHOUT INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.~~

3.6 “AR-5” – Agricultural/Residential (5 Acre Minimum)

* * *

3.6.3 Conditional Uses (Conditional Use Permit Required)

* * *

~~0. MEDICAL MARIJUANA CULTIVATION FACILITIES, WITH OR WITHOUT INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.~~

* * *

3.7 “AR-4” – Agricultural/Residential (4 Acre Minimum)

* * *

3.7.3 Conditional Uses (Conditional Use Permit Required)

* * *

~~0. MEDICAL MARIJUANA CULTIVATION FACILITIES, WITH OR WITHOUT INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.~~

* * *

3.15 “CL” – Commercial Light

* * *

(C) Conditional Uses (Conditional Use Permit Required)

~~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.~~

3.16 “CH” – Commercial Heavy

* * *

(C) Conditional Uses (Conditional Use Permit Required)

~~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.~~

* * *

3.17 “I” – Industrial

* * *

3.17. B Permitted Uses

~~I. Medical Marijuana dispensary, subject to the regulations set forth in Section 4.31.~~

~~———— J. Medical Marijuana off-site cultivation facilities, subject to the regulations set forth in Section 4.31.~~

3.17. (C) Conditional Uses

~~I. MEDICAL MARIJUANA DISPENSARY AND ON-SITE CULTIVATION FACILITIES, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.~~

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

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 4 General Regulations, is hereby amended to add new Section 4.31 Medical Marijuana Dispensaries, Off-Site Cultivation Sites, and Infusion Facilities to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

4.31 Medical marijuana dispensaries, ~~off-site~~ ON-SITE-cultivation-sites , and infusion facilities

D. The following separation requirements shall apply to all Marijuana cultivation, infusion, or dispensary DISPENSARIES, ON-SITE CULTIVATION, AND INFUSION facilities:

1. Five hundred feet (500') from any school, public or private.
2. Five hundred feet (500') from any public park, public building, or public community center.
3. Five hundred feet (500') from any drug or alcohol rehabilitation facility or correctional transitional housing facility.
4. Five hundred feet (500') from any residential zoning district: ~~except that for cultivation and/or infusion facilities in an AR (Agricultural/Residential) zoning district, the separation shall be five hundred (500') feet.~~
5. SEPARATION DISTANCES SHALL BE MEASURED FROM THE PROPERTY LINE OF THE MEDICAL MARIJUANA FACILITY TO THE PROPERTY LINE OF THE SEPARATED USE, AND SHALL NOT INCLUDE DEDICATED PUBLIC RIGHTS-OF-WAY.

I. THE TOTAL SQUARE FOOTAGE OF A MEDICAL MARIJUANA CULTIVATION FACILITY SHALL NOT EXCEED THREE THOUSAND (3,000) SQUARE FEET.

J There shall be no consumption of marijuana on the premises of any medical marijuana facility.

K. 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.

L. Medical marijuana infusion facilities shall:

1. Be located on the same site as a dispensary ~~or a~~ AND 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 infusion facility.

M. All cultivation of medical marijuana shall take place within an enclosed, locked 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 OR OFF-SITE 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 this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

Section V. Declaring an Emergency.

The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health and safety of the Town of Chino Valley, and an emergency is hereby declared to exist. This Ordinance shall be in full force and effect from and after its passage, adoption and approval by the Common Council of the Town of Chino Valley.

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



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MEETING NOTICE
PLANNING AND ZONING COMMISSION

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AGENDA

ACTION TAKEN

- | | | |
|----|--|----------------------|
| 1. | CALL TO ORDER | |
| 2. | PLEDGE OF ALLEGIANCE | |
| 3. | ROLL CALL | |
| 4. | MINUTES | |
| 5. | STAFF REPORTS | NONE
HELD |
| 6. | PUBLIC HEARING | |
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| 7. | NON-PUBLIC HEARING ACTION ITEMS | NONE
HELD |
| 8. | DISCUSSION ITEMS | NONE
HELD |
| 9. | PUBLIC COMMENTS | NONE
HELD |

10. ADJOURN

Dated this 9th day of NOVEMBER, 2015.
(Action Taken dated November 18, 2015)

By: Ruth Mayday, Development Services Director

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