Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
February 1, 2022, 6:00 p.m.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. CONSENT CALENDAR – All items listed under the Consent Calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item. In which case, the Chair will pull the item from the Consent Calendar to be heard.

C.1 APPROVAL OF MINUTES –JANUARY 4, 2022 REGULAR MEETING

C.2 WITHDRAWLS BY APPLICANT – NONE

C.3 TIME EXTENSIONS – NONE

C.4 CONTINUANCES – NONE

C.5 APPROVALS – NONE

D. PUBLIC HEARINGS - THREE

D.1 **Z-21-18:** - This is a request by Glenn Daiutolo on behalf of O Jogo Bonito FF1, LLC, for a rezone of approximately 6.86 acres of real property from Commercial Heavy with a Planned Area Development Overlay (CH/PAD) to Commercial Light (CL), for the property located north of 2625 S State Route 89, Chino Valley, Arizona, APN 102-01-219M.

D.2 **T-2022-01** - This is a request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Chapter 3 Zoning Districts, by creating a Single Family Residential 12,000 square-foot lot District and a Single Family Residential 24, 000 square-foot lot District.

D.3 **T-2022-02** - This is a request to amend the Town of Chino Valley Unified Development Ordinance Chapter 154, by amending Chapter 2 Definitions, Chapter 3 Zoning Districts, and Chapter 4 General Regulations, as they relate to Recreational and Medical Marijuana..

E. ACTION ITEMS – NONE

F. INFORMATION ITEMS

F.1 Staff

- Council Action on prior P&Z Cases

F.2 Commission

F.3 Public

G. ADJOURN

Zoom Instructions: Please use the link to join the webinar: https://us02web.zoom.us/j/83054705626, or by phone: 1 877 853 5247 (Toll Free) or 1 888 788 0099 (Toll Free) - Webinar ID: 830 5470 5626

A copy of the agenda packet is available for viewing 12 days prior to the Planning Commission Public Hearing date, at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

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) or use 711 (Telecommunications Arizona Relay Service) to request accommodation to participate in this meeting.

Planning and Zoning Commission Meeting Minutes
January 4, 2022

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, January 4, 2022, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were; Chair Chuck Merritt; Vice-Chair Gary Pasciak, Commissioner Teena Meadors; Commissioner Ron Penn; Commissioner David Somerville; Commissioner Robert Switzer and Commissioner William Welker

STAFF MEMBERS present were Laurie Lineberry, Development Services Director; Frank Marbury, Public Works Director; Will Dingee, Senior Planner; Bethan Heng, Planner: Dee Dee Moore, Customer Service Supervisor; Lawrence Digges, Audio/Video Technician.

CALL TO ORDER: Chair Merritt called the meeting to order at 6:02 p.m., delayed because of Zoom connection issues, and noted there was a quorum present. Commission began with the Pledge of Allegiance.

CONSENT CALENDAR – A motion was made by Commissioner Meadors and seconded by Commissioner Switzer to approve the items on the Consent Calendar. This motion passed unanimously by a 7-0 vote.

Meadors declared a conflict of interest and recused herself from the Council Chambers at 6:05pm. for Case# C-21-02.

CASE # C-21-02: *This is a request by Craig Helsing (Brown Homes) on behalf of CGX Life Sciences, for approval of a condition use permit for a Temporary Model Home Complex for property located at the northeast corner of the intersection of East Perkinsville Road and North Road 1 East*

Bethan Heng, Planner, presented the staff report and shared that the Applicant was in attendance for this meeting. Staff is recommending **APPROVAL** with stipulations as stated in Attachment A. **Dingee** continued the presentation and explained that of the 7 stipulations, the applicant has proposed modifications of 1, 2 & 3. It was requested that the sewer line restriction in Item 1 be removed and incorporated into Item 2 identifying that the Certificate of Occupancy will not be issued until the sewer lines are approved. This will allow the applicant to begin construction prior to starting on the sewer lines. Item 3 was modified to include the wording of all "required emergency" access roads to be approved by CAFMA. This will be used during construction and before the streets are constructed for emergency access. Staff is recommending **APPROVAL with the modified stipulations.**

Applicant **Ashley Galgano** addressed the commission and stated that they are excited to move forwarded with this project and they accepted the modified stipulations.

There were no comments from the public and no further questions for staff.

A motion was made by Commissioner Pasciak and seconded by Commissioner Somerville to approve C-21-02, as presented with stipulations noted in the staff report. The motion carried 6-0 with 1 recused.

Meadors rejoined the meeting at 6:13 pm

ACTION ITEMS: THERE WERE NO ACTION ITEMS

INFORMATION ITEMS – FROM STAFF: Town Council has not met since the last Planning and Zoning meeting. Staff will have an update at the February 4, 2022 meeting regarding Town Councils' January 2022 Meeting decisions.

DISCUSSION REGARDING THE CREATION OF ½ AND ¼ ACRE ZONING DISTRICTS: **Lineberry** reiterated that the SR-0.16 zoning was being eliminated and that these proposed ¼ and ½ acre districts will be available to use as new tools during the update to the General Plan, which will provide a better roadmap as to density, districts and location of varying lot sizes within the community.

Dingee presented various scenarios, including neighborhood photos regarding the ¼ & ½ acre lot sizes in square feet and the possible property frontages associated with those lots. Additionally, Section 5.3.7c of the Unified Development Code relates to a 3:1 ratio of frontage width to lot depth.

Dingee began discussion with the ¼ acre lot size first. **Merritt** asked if both zoning districts needed to have the same frontage width requirements. **Dingee** stated no, each district can have their own frontage width. **Pasciak** felt that these drawings resembled a subdivision and if 10,000 sq ft then an acre could be split into 4 lots. **Dingee** explained that a split of more than 3 lots becomes a subdivision and would include road requirements as determined by Public Works.

Meadors brought up the use of flag lots and cul-de-sac lots not having the required frontage. **Dingee** explained that the flag portion of a lot will not count towards the usable acreage. The general width of access on a flag lot is 50'. He also explained how the frontage for a cul-de-sac (which is only in a subdivision) is measured from 20' behind the setback and measured in a arc. Flagpole lots are not allowed in a subdivision.

Dingee shared that lots under an acre could need to connect to town utilities. **Switzer** stated he felt that a largest dimension for the lot size and maximum lot frontage should be in place. **Somerville** also stated his preference for the 12,000 sq ft and the 80 foot frontage per lot. **Welker, Penn** and **Meadors** also concurred with those dimensions. **Merritt** stated that the general consensus of the commission is for a 12,000 sq ft lot with an 80' frontage. **Pasciak** remained silent. **Switzer** also shared that he felt the wider frontage is more in line with Chino Valley.

Dingee proceeded to shared the scenarios regarding the ½ acre zoning district. **Somerville** asked whether there could be a mixture of these frontages. **Dingee** stated that individual lots could be wider but not less than the agreed upon lot frontage width. Any rezone application would need to go through the Planning and Zoning Commission and the Town Council.

Merritt once again polled each commissioner. All agreed to the 24,000 sq ft lot with the 100' lot frontage.

Lineberry shared that with the direction staff received tonight the proposed new ordinance would be drafted and brought forward to the commission.

INFORMATION ITEMS – FROM COMMISSION: None

INFORMATION ITEMS – FROM THE PUBLIC: None

ADJOURN – A motion and second were made to adjourn the meeting at 6:53 p.m.

_____ _____

Charles Merritt
Chair

Dee Dee Moore
Prepared By

TOWN OF CHINO VALLEY
Planning Commission Staff Report
February 1, 2022
File Number Z-21-18
Rezone

PROJECT DESCRIPTION Request by Glenn Daiutolo on behalf of O Jogo Bonito FF1, LLC, for a rezone of approximately 6.86 acres of real property from Commercial Heavy with a Planned Area Development Overlay (CH/PAD) to Commercial Light (CL), for the property located north of 2625 S State Route 89, Chino Valley, Arizona, APN 102-01-219M.

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Commercial Heavy w/ PAD	Vacant	Commercial/Multi-Family Residential
North	Commercial Light	Vacant	Commercial/Multi-Family Residential
South	Commercial Light	Non-functioning golf driving range.	Commercial/Multi-Family Residential
East	State – Public Land	Public Land	Future Growth Areas: Industrial/Agri-business, contained, planned community
West	Commercial Light	Vacant	Commercial/Multi-Family Residential

LOCATION MAP

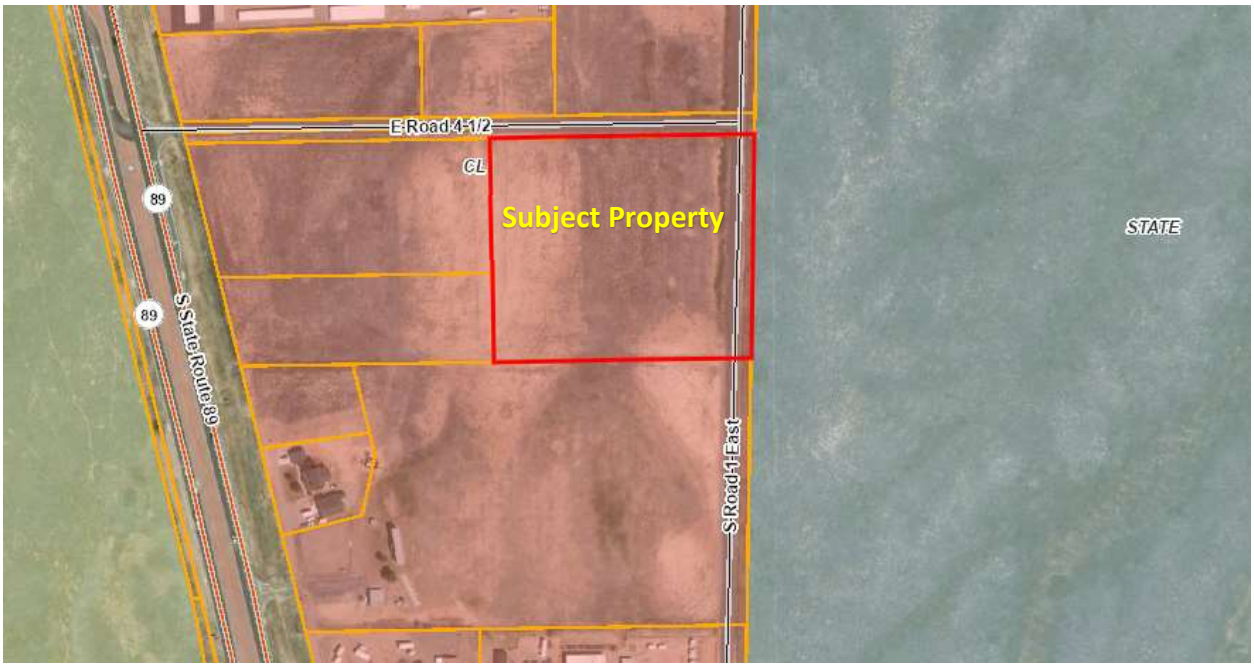

IMAGE 1. LOCATION MAP

Prior site actions: June 29, 2021 – This property was previously rezoned from CL (Commercial Light) to CH/PAD (Commercial Heavy with a Planned Area Development). The applicant had proposed to develop the property as an upscale RV Park with RV Storage, and required a rezone to accommodate this use. The tie to a PAD was to restrict future uses under this rezone as per Ordinance No. 2021-902.

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Commercial Heavy with a Planned Area Development Overlay (CH/PAD) District to the Commercial Light (CL) District, subject to the conditions shown in Attachment A.

SUGGESTED MOTION: Move to **APPROVE** Rezone Z-21-18 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommended approval to City Council for the request to rezone of approximately 6.86 acres of real property from Commercial Heavy with a Planned Area Development Overlay (CH/PAD) to Commercial Light (CL) for the property located north of 2625 S State Route 89, Chino Valley, Arizona, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the Town of Chino Valley General Plan.

Background:

The subject property was previously rezoned (along with APN 102-01-219K) from Commercial Light (CL) to Commercial Heavy with a Planned Area Development (CH/PAD). The applicant of the previous rezoning intended to develop the property as an upscale RV Park with RV Storage, with associated RV services such as maintenance and an RV wash. The rezone was tied to a Planned Area Development because Town Council did not want to have the more intense uses of Commercial Heavy, such as petroleum storage, bottling plants, outdoor commercial kennels, etc. in this area. Although receiving approval for rezoning, this development did not process because the applicant was not able to meet water and sewer requirements.

Staff Analysis:

The subject property is located at the Southwest corner of E Road 4 ½ South and S Road 1 East. O Jogo Bonito is a soccer facility proposed to be developed on the subject property and the property directly to

the south (APN 102-01-223E). The applicant is proposing an outdoor soccer complex, gym, clubhouse, and several fields. Several of the fields will be using artificial turf to conserve water consumption. The applicant believes that having a recreational facility in the Town of Chino Valley will be a positive environment for current and future generations of students. They propose using the facility to train student athletes and provide a facility for college preparation. The applicant also believes, the recreational facility will garner increased economic opportunity and revenue for the Town, with games and tournaments potentially inviting visitors into the Town.

Anticipated hours of operation for the soccer facility will be after school hours during the weekdays to 8pm, and mornings to evenings over the weekend. The applicant anticipates that the facility will serve student athletes from Prescott, Prescott Valley, Chino Valley, Dewey Humboldt, and Paulden. Down lighting will be specific to each field, and will only be used when the field is in use. Netting will be placed on the receiving ends of the fields to catch stray balls. The netting will be black, with hole diameters of 4.5 inches. The applicant believes that because the netting will be pulled taut, the visual impact on the surrounding environment will be reduced. The fields will use FIFA-grade artificial turf, and will not require irrigation to maintain natural turf.

Current access to the property from SR-89 (the access is to APN 102-01-223E, which will be used with the subject property for the soccer facility) will be closed. The project proposes two access points from North Road 1 East, one which is located on the eastern property line of APN 102-01-219M and the other located on the eastern property line of APN 102-01-223E.

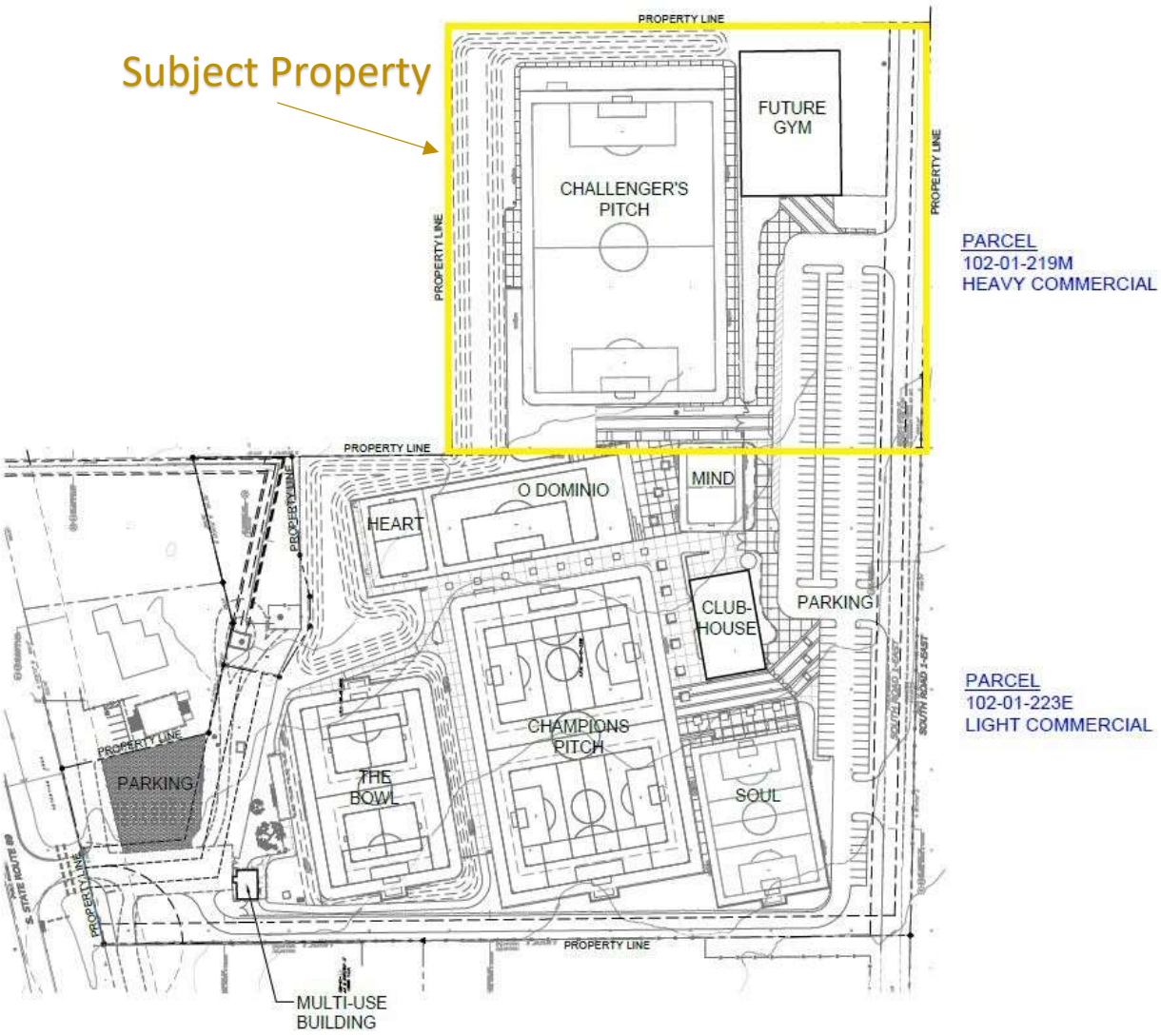

IMAGE 2. PROPOSED SITE PLAN

IMAGE 3. ARTIST RENDERING OF SITE PLAN

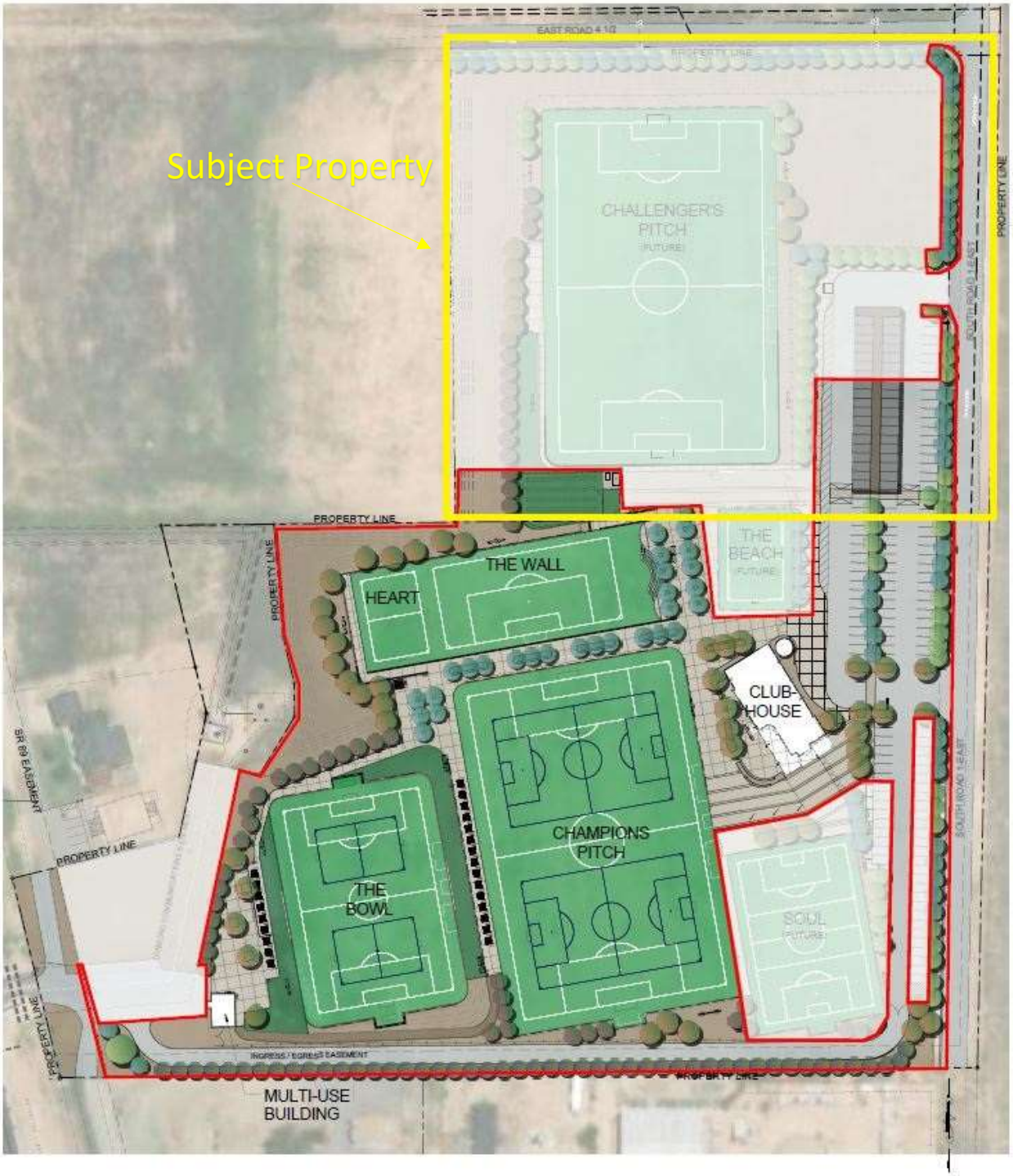

IMAGE 4. PROPOSED PHASE 1 OF PROJECT

Zoning - Section 3.15.B.27 of the Unified Development Ordinance lists "outdoor commercial recreation establishments" as a permitted use in the Commercial Light zoning district. The resulting rezone will be the same zoning designation as the property to the south (APN 102-01-223E).

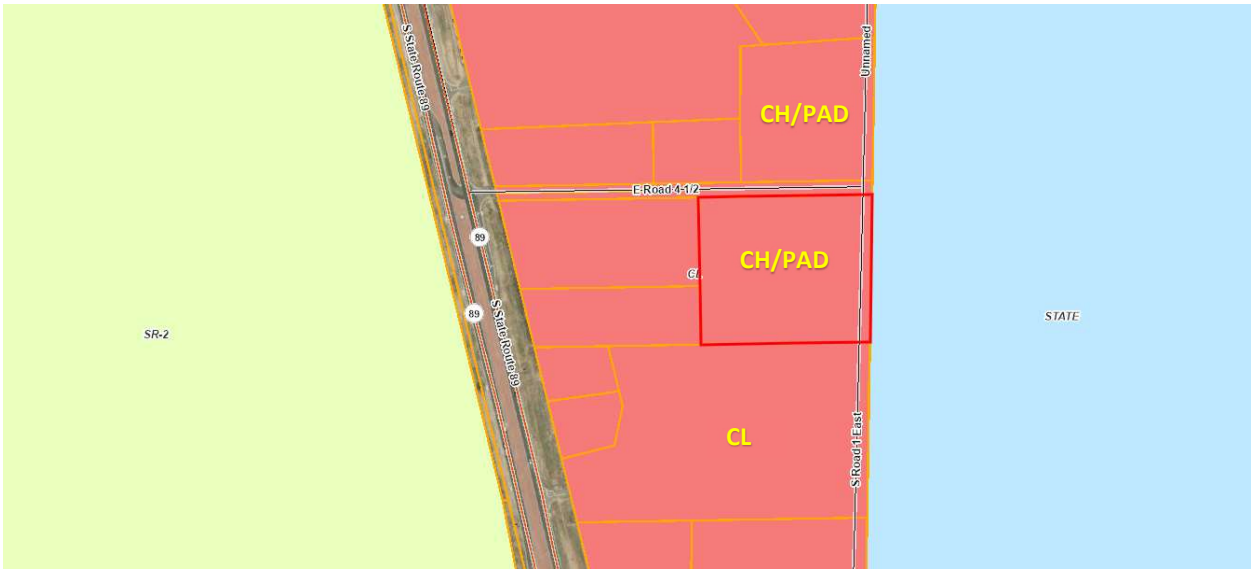

IMAGE 5. CURRENT ZONING

Does the proposed zoning district conform to the Land Use Element?
The zoning request of CL (Commercial Light) will be in conformance with the property's Commercial/ Multi- Family Residential General Plan land use designation. The Commercial/ Multi- Family Residential designation will continue to focus on the Land Use Goals and Strategies promoting local commercial businesses.

IMAGE 6. GENERAL PLAN LAND USE

Does the proposed rezoning of the property conform to the remaining elements of the general plan?
The proposed rezoning of the property will conform to the Economic Development Element of the General Plan. Rezoning the property to facilitate a soccer complex and outdoor recreation facility will invite tourists into the Town of Chino Valley, and increasing the customer activity of local and current businesses located within the Town.

Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?
The applicant's proposal to rezone to Commercial Light (CL) reverts the subject property to it's previous zoning.

Public Comments Received: None Received.

External Agency Comments: See Attachment **E**

Neighborhood Meeting Comments: See Attachment B

Proposed conditions delivered to applicant on: January 10, 2022

Final staff report delivered to applicant on: January 1, 2022

X	Applicant agreed with all of the conditions of approval on: January 10, 2022
	Applicant did not agree with the following conditions of approval:
	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D	E
Conditions of Approval	Neighborhood Meeting Comments	Aerial Photo	Staff Research	External Agency Comments

Prepared By: **Date:**

Bethan Heng
Planner bheng@chinoaz.net (928)636-4427, x1295

Approved By:
Laurie Lineberry
Development Services Director

ATTACHMENT A

CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Development Services Comments: Laurie Lineberry, Development Services Director, (928) 636-4427 x1217.

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

Planning, Bethan Heng, Planner, (928) 636-4427 x1295.

3. If the property is developed as proposed by the applicant, the improvements as required by Town of Chino Valley Public Works shall apply. Please see their comments in Attachment E.
4. If the property is developed other than what is currently proposed, these conditions will be subject to change.

Public Works and Engineering, Steve Sullivan, Assistant Engineer, 928-636-7140 x1308

5. Coordinate with Arizona Department of Transportation (ADOT) for any necessary driveway / SR89 improvements / requirements.

6. Coordinate with Central Arizona Fire and Medical Authority (CAFMA) for fire protection, access and maneuvering requirements.

7. The Town does not have nearby water or sewer service. The developer shall satisfy Yavapai County for sewer and ADWR for water.

8. UDO 4.22.4 (B)(2) All required parking and loading spaces, maneuvering areas, driveways, and fire lanes shall be paved with asphaltic concrete over A.B. base, concrete or masonry to a thickness and structure that will support the type and intensity of vehicular traffic generated by the proposed use. As the requirements may vary the paving cross section will require approval by the Town Engineer.

9. The applicant shall provide grading plans and a drainage report by an Arizona Registered Civil Engineer in accordance with Town code and all other applicable rules and regulations. The project shall detain to historic rates and discharge at the same location. Off-site flows on-site need to be accommodated. Ultimate buildout to be considered.

10. UDO 4.22.3(A) Commercial and industrial driveways shall have a minimum separation of two hundred (200) feet centerline to centerline (shared driveways and cross access are encouraged).

11. UDO 4.29 (B)(1)(d) Strive to minimize driveway cuts on State Route 89 and arterial streets by providing vehicular cross-access easements and shared access driveways between adjacent commercial projects.

12. UDO 4.22.5(C) Off-street parking space shall be connected with a public street by a paved driveway that affords safe and reasonably convenient ingress and egress. The minimum width of

driveways shall be forty (40) feet if ingress and egress are the same. If ingress and egress are by separate drives, then the minimum width of each drive shall be twenty (20) feet.

13. UDO 4.22.2(A) For all uses except single-family residential uses, vehicular parking for a standard vehicle shall be in the form of a rectangle not less than ten (10) feet by twenty (20) feet, excluding driveways or aisles, with access to a public thoroughfare. Drive aisles/backup areas shall be a minimum of twenty-four (24) feet. All such spaces shall be connected with a public or private street by an improved driveway not less than twenty (20) feet in length.

14. UDO 4.22.8 (M) Handicapped Parking Space(s) dimensions: 11' x 20' with a 5' aisle. Necessary quantity per town code. Stall improvements shall conform to federal ADA standards which includes, but is not limited to, striping and signage.

15. UDO 5.3.2 Road 1 East shall be improved per modified combination Urban Arterial / Commercial standards as shown in Table 5-1 as follows:
    a. 50’ minimum dedication West of East property line.
    b. 14’ minimum roadway half-width
    c. 6” vertical curb and gutter
    d. 5’ minimum attached sidewalk

16. UDO 5.3.2 Road 4 ½ South shall be improved per Commercial standards as shown in Table 5-1 as follows:
    a. 30’ minimum dedication from centerline
    b. 14’ minimum roadway half-width
    c. 6” vertical curb and gutter
    d. 6’ minimum detached sidewalk

17. Street improvements to include a concrete accessibility corner ramp(s) at the intersection of Road 1 East and Road 4 ½ South.

18. UDO 5.3.2 (D)(8) At street intersections, property line corners shall be rounded by circular arc having a minimum chamfer length of thirty-five (35) feet for collector and arterial streets and twenty-five (25) feet for local streets.

19. A Traffic Impact Analysis / Statement incorporating plans for the entire development will be required.

20. UDO 150.081 Except as exempted in § 150.082, all existing and new utility and telephone lines, electric utility distribution lines, cable television lines and all other communication and utility lines adjacent to or within new residential, commercial or industrial subdivisions or other areas to be developed within the town shall be installed underground at the time of development of the property as part of the required off-site and on-site improvements. The developer of the property shall be responsible for the costs of the underground construction in accordance with the underground policy of the serving utility.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B

NEIGHBORHOOD MEETING COMMENTS

Date Held: (01/03/2022) Location: Town Hall

Attendees:
Glenn Daiutolo, John McCafferty, Scott Daiutolo, and Jane Theobald – Applicants, Will Dingee – Senior Planner, Bethan Heng – Planner, and 4 neighbors were in attendance.

SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

- Representatives from Horses with Heart, the neighbor south of the subject property, voiced concerns regarding the project's water consumption level. Glenn Daiutolo informed the neighbor that the project planned to use FIFA-quality football turf that would not require irrigation for maintenance.
- Neighbors also raised concern over potential noise disturbance impacting their horses, particularly sound intensity from games and practices.
- There raised concerns over potential visual impact, specifically field lighting and the visual impact of the netting that would be placed around the fields. The applicant responded that the lighting will be specific to each field, and would be on only when a field is operational. Lighting will also be downcast and turned off after operational hours, which are anticipated to be no later than 10pm. The netting used to catch stray balls will be black, premium grade material with hole diameters of 4.5 inch. The applicant stated that the netting will be pulled taut and will not be a visual disturbance to the neighboring Horses with Heart. The applicant further stated that the soccer facility will be situated at a lower elevation from Horses with Heart, and with ample landscaping, minimized potential visual impact.
- The applicant addressed concerns about potential unattended children, stating that the elevation difference and constant supervision from coaches will prevent this.
- Concerns resulting by increased traffic were addressed by a discussion of Horses with Heart and the soccer facility's proposed operational hours, which overlapped for a few hours during the late afternoon hours of the weekday.
- Questions about security and access to the property were discussed. There will be no overnight security, but the facility will be locked. Access from State Route 89 will be closed, and the soccer complex will be accessed from South Road 1 East.

ATTACHMENT C

AERIAL PHOTO

ATTACHMENT D

STAFF RESEARCH

SEE FOLLOWING PAGES.

STAFF RESEARCH – REZONE

CASE #: Z-21-18
CASE PLANNER: BETHAN HENG

I. PROJECT DATA

Project Location:	2625 S State Route 89					
Parcel Number(s):	102-01-219M					
Parcel Size(s):	6.86 Acres					
Total Acreage:	6.86 Acres					
Proposed Dwelling Units:	N/A					
Address:	2625 S State Route 89					
Applicant:	Glenn Daiutolo, (602-819-3006), gdaiutolo@bascomaz.com					
Applicant's Agent:	Glenn Daiutolo, (602-819-3006), gdaiutolo@bascomaz.com					
Land Use Conformity Matrix:	Conforms:	Yes	X	No		
Zoning Overlay	PAD	X				

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Commercial Heavy w/ PAD	Vacant	Commercial/Multi-Family Residential
North	Commercial Light	Vacant	Commercial/Multi-Family Residential
South	Commercial Light	Non-functioning golf driving range.	Commercial/Multi-Family Residential
East	State – Public Land	Public Land	Future Growth Areas: Industrial/Agri-business, contained, planned community
West	Commercial Light	Vacant	Commercial/Multi-Family Residential

Prior Cases or Related Actions:

Type	Conforms				Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No		
Annexation	Yes	X	No		March 30, 2000; Annexation of Windy Valley Area
General Plan Amendment	Yes		No	X	
Development Agreement	Yes		No	X	
Rezone	Yes		No		
Subdivision	Yes	X	No		Previously split January 5, 2021 from parent parcel APN# 800-13-033B.
Conditional Use Permit	Yes		No	X	
Pre-Application Meeting	Yes	X	No		December 8th, 2021; In conjunction to Lot Split of APN# 102-01-223E (LC-21-15).
Enforcement Actions	Yes		No	X	
Land Division Status:	Yes		No	X	This project is in conjunction to Project (LC-021-15), which is undergoing a Lot Split.
Irrigation District:	Not in CVID.				

II. TOWN OF CHINO VALLEY GENERAL PLAN

Land Use Element:		
Land Use Designation:		Commercial/Multi-Family Residential
Issues:		None.
Public Services Element:		
Water Facility Plan:	Source:	
Sewer Facility Plan:	Treatment:	
Issues:		
Safety Element:		
Flood Plain Designation:		
Issues:		
Transportation Element:		
Road Classification		
Issues:		ADOT included comments concerning right-of-way dedication and road improvements. Please refer to the attached document.
Parks and Rec Element:		
Closest Park:		Peavine Trail Trailhead.
Within 1 mile of the Peavine Trail?		No.

NOTIFICATION

- **Legal Ad Published: The Sun** (01/02/2022)
- **300' Vicinity Mailing:** (12/13/2021)
- **34 Commenting/Reviewing Agencies noticed:** (12/16/2021)
- **Neighborhood Meeting:** (01/03/2022)
- **Hearing Dates:** (02/01/2022)
- **Comments Due:** (12/27/2021)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Chuck Dowdy – CAFMA	N/A	N/A			Not in Fire District
Monica Holiday – APS	N/A				
Richard Perez - A.D.O.T.	Yes	12/6/2021		Yes	Yes
Ralph Baker – C.V.I.D.	N/A	N/A			Not in CVID.
Suzann E. – YC ENV	N/A				
Jon Groulx – YC Health	N/A				
SparkLite Cable	N/A				
Century Link Cable	NR				
Unisource Gas	NR				
CVUSD	NR				
United States Postal Service	NR				

Town of Chino Valley Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Bethan Heng – Planner (DS)	Yes	12/8/2021		Yes	Yes
Will Dingee – Senior Planner (DS)	Yes	12/8/2021		Yes	Yes
Laurie Lineberry – DS Director	N/A				
Frank Marbury – PW Director	N/A				
Steve Sullivan – Assistant Engineer (PW)	Yes	12/8/2021		Yes	Yes
Jim Shinost – Plans Examiner (DS)	Yes	12/8/2021		Yes	Yes
Dan Trout – CBO (DS)	N/A				
David Jamie – Code Enforcement	N/A				
Damon Stanley – Code Enforcement	N/A				
Chuck Winn – Chief of Police (Police)	N/A				

DATE:	12/21/2021	NAME:	Mark Holmes	TITLE:	Water Advisor
AGENCY:	Mark Holmes LLC		PHONE:	928-277-5253	
Comments:					
The developer for this project has indicated that artificial turf will be utilized for the proposed fields thus minimizing any water usage. There was a future proposed field that may have turf grass of which would potentially have State water use restrictions and reporting requirements. Also, if the total overall landscaping area and water budget for this project i.e. along the State Route and within and between the fields exceed 2 acres there could be some restrictions and requirements required by the State of Arizona Department of Water Resources for the use of an exempt well. Recommend that the developer meet and confer with the State of Arizona Department of Water Resources with the proposed plans and total overall landscaped area(s) future field with live turf, and other water domestic needs be determined in a water budget for the project and include any requirements and/or regulations proposed or required by the Arizona Department of Water Resources. While anything proposed or required by ADWR are not required to be implemented at the Rezone process, the developer should be aware of any potential requirements or restrictions imposed by the State before the project starts construction should anything further be needed.					

DATE:	12/23/2021	NAME:	Rhonda Inamine	TITLE:	Planner III
AGENCY:	Arizona State Land Department		PHONE:	602-542-3126	
Comments:					
ASLD is commenting as there is a section of State Trust Land located along the Eastern boundary of S Road 1 East and it appears that the road exists entirely on the neighboring fee land in Section 2. Should approval of this rezoning and/or subsequent development application be conditional upon the acquisition of ROW from ASLD, it is suggested that the applicant consult with our Right-of-Way Section at RWS@azland.gov to verify that the anticipated alignment is acceptable, understand the process, timeline, and cost.					

DATE:	12/06/2021	NAME:	Richard Perez	TITLE:	Northwest District Permits Supervisor
AGENCY:	ADOT – Northwest District Permits		EMAIL:	PrescottPermits@azdot.gov	
Comments:					
1. ADOT has no concerns with the rezoning but the developer will have to provide a TIS for review. This will help to determine the anticipated traffic that will be generated by this proposed development. ADOT will need Saturday counts as well. A NR right turn lane will be required. ADOT would like to see the main frontage road adjusted to have SR-89 as the main access with the elimination of the first access that is just north of the Kalinich roundabout thus all the properties along SR-89 in this area should have a joint use agreement and should use the soccer field access with the right turn lane. The access just north of Kalinich is a permitted driveway so the property owner would have to agree to this.					

2. A more detailed site plan would be helpful in determining the overall plan of the project and the access issues off of SR-89. The site plan should show the correct layout along SR-89 from the Kalinich roundabout to Road 4 ½ South and include circulation of the site.
3. An encroachment permit would be required for the change of ownership of the existing access off of SR-89 with a shared use agreement of the existing access with all other property owners that will be sharing this access. An encroachment permit would be required for any improvements within the ADOT right-of-way. All work within ADOP right-of-way shall be constructed according to ADOT standards and specifications. All construction plans shall be signed, sealed, and dated by a professional engineer licensed in the State of Arizona. This can be discussed further if this project moves forward.
4. Any and all work within the ADOT Right of Way shall be constructed according to ADOT Standards and Specifications. The current owner shall submit an encroachment permit with all supporting documentation to ADOT Northwest District Prescott Permits to Prescottpermits@azdot.gov for processing, review, and approval. The encroachment permit would also be for the change of ownership and bring the existing access into the current owner's name according to Arizona Administrative Code R17-3-502(D).
5. No advertising of any kind are permitted in the ADOT Right of Way. Signs, banners, sandwich boards etc. are prohibited in the ADOT Right of Way.
6. ADOT respectfully requests that the Town of Chino Valley not grant approval of the rezoning unless the applicant provides the TIS for review or issue a building permit until an encroachment permit has been submitted to ADOT and approved for the change of ownership that shows legal egress and ingress to State Route 89 and for any improvements for the driveway along SR-89 to bring the access into current ADOT standards and specifications for the intended use.
7. This list may not be all inclusive. ADOT reserves the right to comment further upon receipt the encroachment permit application with all supporting documents or further review meetings are required. Please contact the Northwest District Prescott Permits department at PrescottPermits@azdot.gov if you have any questions or concerns.

TOWN OF CHINO VALLEY
Planning Commission Staff Report
February 1, 2022
File Number T-2022-01
Text Amendment

PROJECT DESCRIPTION: Request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Chapter 3 Zoning Districts, by creating a Single Family Residential 12,000 square-foot lot District and Single Family Residential 24,000 square-foot lot District.

STAFF ANALYSIS:

The Unified Development Ordinance (UDO) states that it "may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town." This current text amendment request from staff, through direction of Town Council, is deemed necessary to best serve the public interest. The proposal is to modify Chapter 3 of the UDO by creating two new zoning districts that fall under the one acre size.

Within the Target Strategies found in Land Use Element of the Town's current General Plan it states:

> "*2. Protect existing residences in large-lot neighborhoods as new lifestyle choices develop:*
>
> ***Revise UDO to create flexibility in zoning districts allowing small ranges of lot sizes, e.g. ¼ ac to ½ ac…*** "

The General Plan was adopted May 13, 2014 and before this proposal, there had been no attempt to create a zoning district within this quarter-acre and half-acre range.

This proposal has gone before the Planning and Zoning Commission as a discussion item twice, once during the December 7th 2021 regular meeting and most recently during the January 3rd 2022 regular meeting. Based on these discussions with the Commission, Staff is proposing two Single Family zoning districts one at 12,000 square foot minimum and another at a 24,000 square foot minimum.

Following the Commission's vote on this proposal, it is staffs intention to bring the language before the Town Council at a study session for additional discussion before Council holds a public hearing.

The proposed text amendment is reflected in Attachment A

Staff Recommendation: Staff recommends **APPROVAL** of the text amendment to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Chapter 3 Zoning Districts, by creating a Single Family Residential 12,000 square foot lot District and Single Family Residential 24,000 square foot lot District.

SUGGESTED COMMISSION MOTION: Move to **APPROVE** Text Amendment T-2022-01 as reflected in Attachment A, subject to the staff report and information provided during this hearing.

Effect of the Approval: By approving the Text Amendment, the Planning and Zoning Commission is recommending that the Town Council approve the text amendment to amend Chapter 3 of the UDO and create two new Single Family Zoning Districts, one at a 12,000 square foot minimum and the other at a 24,000 square foot minimum.

Attachments

A
Text Amendment Language

Prepared By: **Date:** January 19, 2021

Will Dingee
Senior Planner
wdingee@chinoaz.net
(928)636-4427, x1233

Approved By: **Date:** January 19, 2021

Laurie Lineberry, AICP
Development Services Director
llineberry@chinoaz.net
(928)636-4427, x1217

Attachment A

Text Amendment Language

3.11A "SR-24,000" - SINGLE-**FAMILY** RESIDENTIAL District

A. PURPOSE

This district is intended to promote and preserve medium-density single-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities.

B. **PERMITTED USES**

1. One (1) **single-family dwelling**.

2. One (1) **guest house**, with a livable square footage that does not exceed one thousand two hundred (1,200) square feet or fifty (50) percent of the total square footage under roof of the primary residence, whichever is greater.

3. **Churches** or other similar places of worship.

4. **Home occupation**s.

5. **School**s and **public**/governmental facilities.

6. Customary **accessory buildings** provided such uses are incidental to the principal use. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence.

C. **CONDITIONAL USES** (Conditional Use Permit Required)

1. **Temporary home and land sale office**s, provided they are located within the same subdivision as that land and homes which are offered for sale.

2. **Public utility building**s, structures, or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.

3. **Residential facilities for the developmentally disabled** as described in A.R.S. §§ 36-581 and 36-582, which are licensed by the Department of Economic Security.

4. **Bed and Breakfast** operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.

5. **Recovery residences**.

6. **Assisted living homes**.

7. **Farming/Agriculture** for non-commercial purposes and the keeping of **animals** limited to sheep, goats, and fowl.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a conditional use or, where discretion is allowed, a permitted use shall be rendered by the **Zoning Administrator** with appeal to the Board of Adjustment.

D. PROPERTY DEVELOPMENT STANDARDS

1. Minimum **Lot Area**:	24,000 square feet
2. Minimum **Lot Frontage**:	100 feet
3. Minimum Front **Yard** Setback:	See Section 4.28
4. Minimum Side **Yard** Setback:	10 feet

5. Minimum **Street** Side **Yard** Setback: See Section 4.28
6. Minimum Rear **Yard** Setback: 20 feet
7. Maximum **Building** Height: 35 feet
8. **Accessory Building** Setback 10 feet from side and rear **property lines,** and must conform to the front **yard** and **street** side **yard** setback.
9. Maximum **Lot Coverage**: 40%

3.11B "SR-12,000" - SINGLE-**FAMILY** RESIDENTIAL District

A. PURPOSE

This district is intended to promote and preserve medium-density single-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities.

B. **PERMITTED USES**

1. One (1) **single-family dwelling**.

2. One (1) **guest house**, with a livable square footage that does not exceed one thousand two hundred (1,200) square feet or fifty (50) percent of the total square footage under roof of the primary residence, whichever is greater.

3. **Churches** or other similar places of worship.

4. **Home occupation**s.

5. **School**s and **public**/governmental facilities.

6. Customary **accessory buildings** provided such uses are incidental to the principal use. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence.

C. **CONDITIONAL USES** (Conditional Use Permit Required)

1. **Temporary home and land sale office**s, provided they are located within the same subdivision as that land and homes which are offered for sale.

2. **Public utility building**s, structures, or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.

3. **Residential facilities for the developmentally disabled** as described in A.R.S. §§ 36-581 and 36-582, which are licensed by the Department of Economic Security.

4. **Bed and Breakfast** operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.

5. **Recovery residences**.

6. **Assisted living homes**.

7. **Farming/Agriculture** for non-commercial purposes and the keeping of **animals** limited to sheep, goats, and fowl.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a conditional use or, where discretion is allowed, a permitted use shall be rendered by the **Zoning Administrator** with appeal to the Board of Adjustment.

D. PROPERTY DEVELOPMENT STANDARDS

1. Minimum **Lot Area**:	12,000 square feet
2. Minimum **Lot Frontage**:	80 feet
3. Minimum Front **Yard** Setback:	See Section 4.28
4. Minimum Side **Yard** Setback:	10 feet
5. Minimum **Street** Side **Yard** Setback:	See Section 4.28

Attachment A Continued

6. Minimum Rear **Yard** Setback: 20 feet

7. Maximum **Building** Height: 35 feet

8. **Accessory Building** Setback 10 feet from side and rear **property lines,** and must conform to the front **yard** and **street** side **yard** setback.

9. Maximum **Lot Coverage**: 35%

TOWN OF CHINO VALLEY
Planning Commission Staff Report
February 1, 2022
File Number T-2022-02
Text Amendment

PROJECT DESCRIPTION: Request to amend the Town of Chino Valley Unified Development Ordinance Chapter 154, by amending Chapter 2 Definitions, Chapter 3 Zoning Districts, and Chapter 4 General Regulations, as they relate to Recreational and Medical Marijuana

STAFF ANALYSIS:

This is a request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, as pertaining to marijuana facility mitigation by amending certain provisions of **C**hapter 2 related to the meaning of words and terms, certain provisions of Chapter 3 related to industrial and commercial park zoning districts, certain provisions of **C**hapter 4 related to landscaping, and certain provisions of **C**hapter 4 related to medical marijuana; providing for repeal of conflicting ordinances; and providing for severability.

The Unified Development Ordinance (UDO) states that it "may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town." This current text amendment request from staff, through direction of Town Council, is deemed necessary to best serve the public interest. The proposal is to modify Chapters 2, 3 and 4 of the UDO as it pertains to medical marijuana and recreational marijuana. The primary purposes of the modifications are:

- Reconciling the UDO and Town Code provisions with respect to recreational and medical marijuana establishments and
- Making clarifying changes relating to measuring setbacks related to marijuana establishments along the Peavine Trail.

On January 19, 2021 the Town Council adopted an ordinance to regulate recreational marijuana, following its legalization by the State of Arizona through proposition 207, by adding language within the Town Code but not the UDO. This unfortunately resulted in variations between medical and recreational marijuana in regards to separation requirements from a marijuana establishment to facilities such as schools or parks. In addition to this, changes were needed in regards to developments of marijuana establishments adjacent to the Peavine Trail relating to setback and landscaping requirements. Finally, staff is proposing a consolidation of terminology between recreational and medical marijuana in an effort to make it easier to understand and enforce.

The proposed text amendment is reflected in Attachments A and B – Attachment A represents the language by itself and Attachment B is the proposed ordinance

Staff Recommendation: Staff recommends **APPROVAL** of the text amendment to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, as pertaining to marijuana facility mitigation by amending certain provisions of **C**hapter 2 related to the meaning of words and terms, certain provisions of Chapter 3 related to industrial and commercial park zoning districts, certain provisions of **C**hapter 4 related to landscaping, and certain provisions of **C**hapter 4 related to medical marijuana; providing for repeal of conflicting ordinances; and providing for severability.

SUGGESTED COMMISSION MOTION: Move to **APPROVE** Text Amendment T-2022-02 as reflected in Attachment A and B, subject to the staff report and information provided during this hearing.

Effect of the Approval: By approving the Text Amendment, the Planning and Zoning Commission is recommending that the Town Council approve the text amendment to amend Chapters 2, 3 & 4 of the UDO as it relates to recreational and medical marijuana two reconcile the two codes and modify provisions relating to the Peavine Trail.

Attachments

A	B
Text Amendment Language	Text Amendment Ordinance

Prepared By: **Date:** January 18, 2021

Will Dingee
Senior Planner
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(928)636-4427, x1233

Approved By: **Date:** January 18, 2021

Laurie Lineberry, AICP
Development Services Director
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ORDINANCE NO. ~~2021~~2022-___

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ADOPTING THE AMENDMENTS TO THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE REGARDING MARIJUANA FACILITY MITIGATION (FEBRUARY XX, 2022) BY REFERENCE; AMENDING THE CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING CERTAIN PROVISIONS OF CHAPTER 2 RELATED TO THE MEANING OF WORDS AND TERMS, CERTAIN PROVISIONS OF CHAPTER 3 RELATED TO INDUSTRIAL AND COMMERCIAL PARK ZONING DISTRICTS, CERTAIN PROVISIONS OF CHAPTER 4 RELATED TO LANDSCAPING, AND CERTAIN PROVISIONS OF CHAPTER 4 RELATED TO MEDICAL MARIJUANA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Arizona Medical Marijuana Act, A.R.S. § 36-2801 *et seq.*, Title 9, Chapter 17 of the Arizona Administrative Code, and the statewide ballot measure known as the "Smart and Safe Arizona Act," which was certified as Proposition 207 and approved by voters ~~in~~at the November 3, 2020, general election ~~ballot~~, each authorize certain practices related to marijuana; and

WHEREAS, possession and use of marijuana remain prohibited under federal law pursuant to 21 U.S.C. § 841 *et seq.*, and the Mayor and Town Council of the Town of Chino Valley (the "Town Council") has found that certain practices related to marijuana pose a threat to the health, safety, and security of the community and increase the responsibilities of law enforcement and other Town of Chino Valley departments to respond to violations of state and local laws, including building, electrical, and fire codes; and

WHEREAS, the Town Council has sought to protect public health, safety, and welfare by enacting reasonable zoning regulations related to marijuana establishments, and by prohibiting the operation of marijuana establishments by any person other than a dual licensee who operates both a medical marijuana dispensary and a marijuana establishment cooperatively in a shared location (Town Code Section 117.04(A)); and

WHEREAS, certain provisions of Chapter 117 of the Town Code (Recreational Marijuana Regulations) do not align in all places with related provisions of Chapter 154 of the Town Code (Unified Development Ordinance or "UDO"), particularly including those UDO provisions that address medical marijuana dispensaries without addressing recreational marijuana facilities; and

WHEREAS, the ~~Mayor and~~ Town Council ~~have~~has determined that zoning regulations relating to medical and recreational marijuana should be harmonized in order to clarify the legal requirements applicable to a dual-licensee who holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license, such dual-licensees being the only persons authorized to operate a marijuana establishment in the Town of Chino Valley; and

WHEREAS, that certain document entitled "Amendments to the Town of Chino Valley Unified Development Ordinance Regarding Marijuana Facility Mitigation (~~December~~February XX, ~~2021~~2022)" (the "Marijuana Facility Amendments"), one paper copy and one electronic copy maintained in compliance with A.R.S. § 44-7041 of which are on file in the office of the Town Clerk as required by A.R.S. § 9-802 and are available for public use and inspection during normal business hours, which Marijuana Facility Amendments are hereby declared to be public records, which public records are hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance and which are hereby ordered to remain on file with the Town Clerk; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent, and found none.

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

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The Chino Valley Town Code, Title XV (Land Usage) Chapter 154 (Unified Development Ordinance) is hereby amended as set forth in the Marijuana Facility Amendments, which document is hereby adopted by reference and incorporated herein by reference as if fully set forth in this Ordinance.

Section 3. Any person who violates any provision of the ~~"Amendments to the Town of Chino Valley Unified Development Ordinance Regarding~~ Marijuana Facility ~~Mitigation (December XX, 2021)"~~Amendments is guilty of a civil infraction punishable as set forth in Section 1.11 of the UDO, unless such violation causes such person to meet the definition of a "Habitual Offender" set forth in the UDO, in which case the person shall be guilty of a criminal misdemeanor punishable as set forth in the UDO. Any continuing violation of the ~~"Amendments to the Town of Chino Valley Unified Development Ordinance Regarding~~ Marijuana Facility ~~Mitigation (December XX, 2021)"~~Amendments may be abated by the Town as set forth in the UDO. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the Town for abatement.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, 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 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

[Signatures on following page]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this XX day of ~~December~~February, ~~2021~~2022.

_____
Jack W. Miller, Mayor

ATTEST:

_____
Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

_____
Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. ~~2021~~2022-*** was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on ~~December~~February XX, ~~2021~~2022, and that quorum was present, and that the vote thereon was _____ ayes and _____ nays and _____abstentions. _____ Council members were absent or excused.

_____
Erin N. Deskins, Town Clerk

Amendments to the Town of Chino Valley
Unified Development Ordinance
Regarding
Marijuana Facility Mitigation

~~**December , 2021**~~
February , 2022

Section 1. The Town of Chino Valley Unified Development Ordinance, Chapter 2 (Definitions) is hereby amended, by adding new definitions for Dual Licensee, Marijuana Establishment, and Marijuana Manufacturing Facility, and amending other definitions therein, with remaining definitions subsequently reordered as necessary, to read as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

DUAL LICENSEE. AN ENTITY THAT HOLDS BOTH A NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION AND A MARIJUANA ESTABLISHMENT LICENSE.

~~Medical m~~arijuana. All parts of the PLANT OF THE genus cannabis whether growing or not, ~~and~~ AS WELL AS the seedS of such plant, THE RESIN EXTRACTED FROM ANY PART OF SUCH PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF SUCH PLANT OR ITS SEEDS OR RESIN, AND INCLUDES CANNABIS AS DEFINED IN A.R.S. § 13-3401, BUT DOES NOT INCLUDE INDUSTRIAL HEMP, THE FIBER PRODUCED FROM THE STALKS OF THE PLANT OF THE GENUS CANNABIS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, OR STERILIZED SEEDS OF THE PLANT THAT ARE INCAPABLE OF GERMINATION. FOR THIS ORDINANCE, THIS DEFINITION APPLIES EQUALLY TO MARIJUANA that may be administered and used by a registered qualifying patient, as that term is defined in A.R.S. § 36-2801, solely to treat or alleviate the patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition, AND TO MARIJUANA THAT MAY BE ADMINISTERED OR USED PURSUANT TO A.R.S. § 36-2852 and 2858.

~~Medical m~~arijuana cultivation. The process by which a person grows a marijuana plant for ANY use, INCLUDING USE as medical marijuana.

~~Medical m~~arijuana 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 A.R.S. § 36-2806(e),~~ OR MARIJUANA ESTABLISHMENT WITH WHICH IT IS AFFILIATED.

~~Medical m~~arijuana cultivation facility, on-site. A ~~medical m~~arijuana facility that is located on the same REAL property as the medical marijuana dispensary ~~with which it is affiliated pursuant to A.R.S. § 36-2806(e),~~ OR MARIJUANA FACILITY WITH WHICH IT IS AFFILIATED, whether attached or not.

MARIJUANA ESTABLISHMENT: AN ENTITY LICENSED BY THE ARIZONA DEPARTMENT OF HEALTH AND HUMAN SERVICES OR ITS SUCCESSOR AGENCY TO OPERATE A SINGLE RETAIL LOCATION AT WHICH THE LICENSEE MAY SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS, CULTIVATE MARIJUANA, AND MANUFACTURE MARIJUANA PRODUCTS.

~~Medical marijuana facilities. Medical marijuana dispensaries, medical marijuana cultivation facilities (on or off-site~~MARIJUANA FACILITIES. MEDICAL MARIJUANA DISPENSARIES, MARIJUANA DISPENSARIES, MARIJUANA CULTIVATION FACILITIES (ON OR OFF-SITE), MARIJUANA ESTABLISHMENTS, ~~and medical marijuana infusion facilities~~MARIJUANA INFUSION FACILITIES, MARIJUANA MANUFACTURING FACILITIES, AND MARIJUANA TESTING FACILITIES.

~~Medical m~~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.

MARIJUANA MANUFACTURING FACILITY. A FACILITY THAT COMPOUNDS, BLENDS, EXTRACTS, INFUSES, OR OTHERWISE MAKES OR PREPARES A MARIJUANA PRODUCT, OR THAT PACKAGES OR STORES MARIJUANA PRODUCTS.

Medical marijuana facilities. NONPROFIT medical marijuana dispensaries, AS DEFINED IN A.R.S § 36-2801 ET SEQ., AS AMENDED, INCLUDING medical RELATED marijuana cultivation facilities (on or off-site), and medical marijuana infusion facilities.

***

Section 2. The Town of Chino Valley Unified Development Ordinance, Chapter 3 (Zoning Districts), Section 3.17 ("I" – Industrial), Subsection (B) is hereby amended to read as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

B. Permitted Uses

1. Manufacturing.
2. Quarries.
3. Mines and associates batch plants, concrete plants and similar uses.
4. Feed lots.
5. Automobile salvage yards.

6. Commercial outdoor kennels.

7. Customary accessory buildings and structures provided they are incidental to a permitted use.

8. Commercial greenhouses and accessory uses.

9. Medical marijuana FACILITIES ~~dispensary~~ AND MARIJUANA FACILITIES OWNED AND OPERATED BY DUAL LICENSEES, EACH AS subject to the regulations set forth in Section 4.31.

~~10. Medical marijuana off-site cultivation and infusion facilities, subject to the regulations set forth in Section 4.31.~~

***

Section 3. The Town of Chino Valley Unified Development Ordinance, Chapter 3 (Zoning Districts), Section 3.19 ("BP" – Business Park), Subsection (D) is hereby amended to read as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

D. PROHIBITED USES

1. Quarries and mines.

2. Feed lots.

3. Automobile salvage yards/junkyards/storage yards.

4. Commercial outdoor kennels.

5. M~~edical m~~arijuana FACILITIES ~~dispensary~~.

~~6. Medical marijuana off-site cultivation and infusion facilities.~~

~~7.~~ 6. Heavy Manufacturing such as automobile manufacturing plants.

***

Section 4. The Town of Chino Valley Unified Development Ordinance, Chapter 4 (General Regulations), Section 4.26 (Landscape Requirements) is hereby amended to read as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

***

4.26.4 Determination of Requirements Unless Modified by the Zoning Administrator

1. Residential Subdivisions
    a. Arterial/Collector Street Trees

    . . .

    e. WHEN A RESIDENTIAL DEVELOPMENT IS ADJACENT TO THE PEAVINE TRAIL, A TWENTY (20) FOOT WIDE LANDSCAPING STRIP IS REQUIRED FOR THE PORTION OF THE LOT THAT IS ADJACENT TO THE PEAVINE TRAIL.

2. Multiple-family, Office, Commercial and Industrial Districts

All lots improved with multi-family residential, office, commercial and industrial development shall be required to provide landscaping as set forth herein. (See paragraph 4. c. for a reduction to this requirement).

a. Front yard landscaping. A ten (10) foot wide landscape strip is required along the propert~~ie~~Y's street frontage. For properties adjacent to SR 89, a twenty (20) foot wide landscape strip is required along the property's street frontage.

b. Side and rear yard landscaping: when adjacent to zoning other than multi - single family residential zoning, a five (5) foot wide landscape strip is required along the property's street frontage. WHEN ADJACENT TO THE PEAVINE TRAIL, A TWENTY (20) FOOT WIDE LANDSCAPING STRIP IS REQUIRED ABUTTING THE PEAVINE TRAIL FOR THE FULL LENGTH OF THE PORTION OF THE LOT BEING DEVELOPED. IN CASES WHERE THE WIDTH OF THE PEAVINE TRAIL RIGHT-OF-WAY NEXT TO THE PARCEL IS LESS THAN 200 FEET, AN EIGHT (8) FOOT TALL SCREENING FENCE OR WALL SHALL BE CONSTRUCTED BETWEEN THE NEWLY CREATED LANDSCAPING STRIP AND DEVELOPMENT.

***

Section 5. The Town of Chino Valley Unified Development Ordinance, Chapter 4 (General Regulations) Section 4.31 (Medical marijuana dispensaries, off-site cultivation sites, and infusion facilities) is hereby retitled and amended to read as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

4.31 M~~edical m~~arijuana ~~dispensaries, off-site cultivation sites and infusion~~ facilities

A. 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 shall provide written evidence of the following from the appropriate state regulatory agency:

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~~ OTHER MARIJUANA ~~f~~Facility, shall provide certified copies of all approved permits and licenses required by Local Health Department.

4. In addition to the documents required in Subsections C.1. and C.2., above, an applicant for a MARIJUANA ESTABLISHMENT OR MEDICAL MARIJUANA dispensary shall provide:

    a. A complete list of the cultivation, ~~and~~ infusion, AND MANUFACTURING facilities from which the MARIJUANA FACILITY ~~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, OR MANUFACTURING facility;

        (ii) The number of any state license granted by the state regulating agency to the cultivation, ~~or~~ infusion, OR MANUFACTURING facility;

        (iii) The name and contact information for each and every member of the board of directors of the cultivation, ~~and/or~~ infusion, OR MANUFACTURING 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 MARIJUANA cultivation, INFUSION, OR MANUFACTURING facility shall provide a complete list of all MARIJUANA ESTABLISHMENTS OR MEDICAL MARIJUANA ~~dispensaries~~ for which the cultivation facility will cultivate ~~medical~~ marijuana, including:

(i) The name and physical location of the FACILITY ~~dispensary~~;
(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 FACILITY ~~dispensary~~.

D. The following separation requirements, AS MEASURED FROM THE LOT LINE OF THE PROPERTY BOUNDARY OF THE MARIJUANA FACILITY TO THE PROPERTY BOUNDARY LINE OF THE RELEVANT PROPERTY, shall apply to all ~~medical~~ marijuana facilities:

1. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any school, public or private.

2. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any public park EXCEPT THE PEAVINE TRAIL, public building, or public community center.

3. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any drug or alcohol rehabilitation facility or correctional transitional housing facility.

4. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any residential zoning district, UNLESS THE PROPERTY WITHIN THE RESIDENTIAL ZONING DISTRICT IS PERMANENTLY USED BY A PUBLIC UTILITY FOR NON-RESIDENTIAL PURPOSES.

5. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from the nearest edge of the right-of-way of State Route 89.

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, OR MANUFACTURING 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~~ MARIJUANA facility shall be allowed to locate in a trailer, cargo container, or motorized vehicle.

H. The total square footage of a ~~medical~~ THE DISPENSARY PORTION OF A 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 any ~~medical~~ marijuana facility.

J. Entry into limited access areas within a ~~medical~~ marijuana facility is restricted to ~~medical marijuana dispensary~~ agents OF THE FACILITY or persons accompanied by ~~a medical marijuana dispensary~~ agentS OF THE FACILITY. IN THIS SECTION, "AGENT" HAS THE MEANING SET FORTH IN A.R.S. § 36-2801(13) AND § 36-2850(17).

K. M~~edical m~~arijuana infusion facilities shall:

1. Be located on the same site as a MEDICAL MARIJUANA dispensary, A MARIJUANA ESTABLISHMENT, or a MARIJUANA cultivation facility.

2. On-site infusion facilities, whether attached or free standing, shall not occupy greater than twenty (20) percent of the gross floor area of the respective MEDICAL MARIJUANA dispensary, MARIJUANA ESTABLISHMENT, or cultivation facility.

3. There shall be no retail sales, restaurant, food service, or entertainment activities within a ~~medical~~ marijuana infusion facility.

L. 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 cultivation of ~~medical~~ marijuana within the corporate boundaries of the Town.

Document comparison by Workshare 10.0 on Monday, November 22, 2021 5:21:21 PM

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Description	#4245694v4<Phoenix> - ORD - 2021-XXX - Recreational Marijuana UDO Amendments (004)(10.31.21)
Document 2 ID	iManage://GRWORK01/Phoenix/4245694/5
Description	#4245694v5<Phoenix> - ORD - 2022-XXX - Recreational Marijuana UDO Amendments (005)(11.22.21)
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ORDINANCE NO. 2022-___

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ADOPTING THE AMENDMENTS TO THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE REGARDING MARIJUANA FACILITY MITIGATION (FEBRUARY XX, 2022) BY REFERENCE; AMENDING THE CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING CERTAIN PROVISIONS OF CHAPTER 2 RELATED TO THE MEANING OF WORDS AND TERMS, CERTAIN PROVISIONS OF CHAPTER 3 RELATED TO INDUSTRIAL AND COMMERCIAL PARK ZONING DISTRICTS, CERTAIN PROVISIONS OF CHAPTER 4 RELATED TO LANDSCAPING, AND CERTAIN PROVISIONS OF CHAPTER 4 RELATED TO MEDICAL MARIJUANA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Arizona Medical Marijuana Act, A.R.S. § 36-2801 *et seq.*, Title 9, Chapter 17 of the Arizona Administrative Code, and the statewide ballot measure known as the "Smart and Safe Arizona Act," which was certified as Proposition 207 and approved by voters at the November 3, 2020, general election, each authorize certain practices related to marijuana; and

WHEREAS, possession and use of marijuana remain prohibited under federal law pursuant to 21 U.S.C. § 841 *et seq.*, and the Mayor and Town Council of the Town of Chino Valley (the "Town Council") has found that certain practices related to marijuana pose a threat to the health, safety, and security of the community and increase the responsibilities of law enforcement and other Town of Chino Valley departments to respond to violations of state and local laws, including building, electrical, and fire codes; and

WHEREAS, the Town Council has sought to protect public health, safety, and welfare by enacting reasonable zoning regulations related to marijuana establishments, and by prohibiting the operation of marijuana establishments by any person other than a dual licensee who operates both a medical marijuana dispensary and a marijuana establishment cooperatively in a shared location (Town Code Section 117.04(A)); and

WHEREAS, certain provisions of Chapter 117 of the Town Code (Recreational Marijuana Regulations) do not align in all places with related provisions of Chapter 154 of the Town Code (Unified Development Ordinance or "UDO"), particularly including those UDO provisions that address medical marijuana dispensaries without addressing recreational marijuana facilities; and

WHEREAS, the Town Council has determined that zoning regulations relating to medical and recreational marijuana should be harmonized in order to clarify the legal requirements applicable to a dual-licensee who holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license, such dual-licensees being the only persons authorized to operate a marijuana establishment in the Town of Chino Valley; and

WHEREAS, that certain document entitled "Amendments to the Town of Chino Valley Unified Development Ordinance Regarding Marijuana Facility Mitigation (February XX, 2022)" (the "Marijuana Facility Amendments"), one paper copy and one electronic copy maintained in compliance with A.R.S. § 44-7041 of which are on file in the office of the Town Clerk as required by A.R.S. § 9-802 and are available for public use and inspection during normal business hours,

which Marijuana Facility Amendments are hereby declared to be public records, which public records are hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance and which are hereby ordered to remain on file with the Town Clerk; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent, and found none.

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

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The Chino Valley Town Code, Title XV (Land Usage) Chapter 154 (Unified Development Ordinance) is hereby amended as set forth in the Marijuana Facility Amendments, which document is hereby adopted by reference and incorporated herein by reference as if fully set forth in this Ordinance.

Section 3. Any person who violates any provision of the Marijuana Facility Amendments is guilty of a civil infraction punishable as set forth in Section 1.11 of the UDO, unless such violation causes such person to meet the definition of a "Habitual Offender" set forth in the UDO, in which case the person shall be guilty of a criminal misdemeanor punishable as set forth in the UDO. Any continuing violation of the Marijuana Facility Amendments may be abated by the Town as set forth in the UDO. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the Town for abatement.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, 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 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

[Signatures on following page]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this XX day of February, 2022.

_____
Jack W. Miller, Mayor

ATTEST:

_____
Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

_____
Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. 2022-*** was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on February XX, 2022, and that quorum was present, and that the vote thereon was _____ ayes and _____ nays and _____abstentions. Council members were absent or excused.

_____
Erin N. Deskins, Town Clerk

Amendments to the Town of Chino Valley
Unified Development Ordinance
Regarding
Marijuana Facility Mitigation

February ___, 2022

Section 1. The Town of Chino Valley Unified Development Ordinance, Chapter 2 (Definitions) is hereby amended, by adding new definitions for Dual Licensee, Marijuana Establishment, and Marijuana Manufacturing Facility, and amending other definitions therein, with remaining definitions subsequently reordered as necessary, to read as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

DUAL LICENSEE. AN ENTITY THAT HOLDS BOTH A NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION AND A MARIJUANA ESTABLISHMENT LICENSE.

~~Medical m~~arijuana. All parts of the PLANT OF THE genus cannabis whether growing or not, ~~and~~ AS WELL AS the seedS of such plant, THE RESIN EXTRACTED FROM ANY PART OF SUCH PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF SUCH PLANT OR ITS SEEDS OR RESIN, AND INCLUDES CANNABIS AS DEFINED IN A.R.S. § 13-3401, BUT DOES NOT INCLUDE INDUSTRIAL HEMP, THE FIBER PRODUCED FROM THE STALKS OF THE PLANT OF THE GENUS CANNABIS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, OR STERILIZED SEEDS OF THE PLANT THAT ARE INCAPABLE OF GERMINATION. FOR THIS ORDINANCE, THIS DEFINITION APPLIES EQUALLY TO MARIJUANA that may be administered and used by a registered qualifying patient, as that term is defined in A.R.S. § 36-2801, solely to treat or alleviate the patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition, AND TO MARIJUANA THAT MAY BE ADMINISTERED OR USED PURSUANT TO A.R.S. § 36-2852 and 2858.

~~Medical m~~arijuana cultivation. The process by which a person grows a marijuana plant for ANY use, INCLUDING USE as medical marijuana.

~~Medical m~~arijuana 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 A.R.S. § 36-2806(e),~~ OR MARIJUANA ESTABLISHMENT WITH WHICH IT IS AFFILIATED.

~~Medical m~~arijuana cultivation facility, on-site. A ~~medical m~~arijuana facility that is located on the same REAL property as the medical marijuana dispensary ~~with which it is affiliated pursuant to A.R.S. § 36-2806(e),~~ OR MARIJUANA FACILITY WITH WHICH IT IS AFFILIATED, whether attached or not.

MARIJUANA ESTABLISHMENT: AN ENTITY LICENSED BY THE ARIZONA DEPARTMENT OF HEALTH AND HUMAN SERVICES OR ITS SUCCESSOR AGENCY TO OPERATE A SINGLE RETAIL LOCATION AT WHICH THE LICENSEE MAY SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS, CULTIVATE MARIJUANA, AND MANUFACTURE MARIJUANA PRODUCTS.

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

MARIJUANA MANUFACTURING FACILITY. A FACILITY THAT COMPOUNDS, BLENDS, EXTRACTS, INFUSES, OR OTHERWISE MAKES OR PREPARES A MARIJUANA PRODUCT, OR THAT PACKAGES OR STORES MARIJUANA PRODUCTS.

Medical marijuana facilities. NONPROFIT medical marijuana dispensaries, AS DEFINED IN A.R.S § 36-2801 ET SEQ., AS AMENDED, INCLUDING medical RELATED marijuana cultivation facilities (on or off-site), and medical marijuana infusion facilities.

***

Section 2. The Town of Chino Valley Unified Development Ordinance, Chapter 3 (Zoning Districts), Section 3.17 ("I" – Industrial), Subsection (B) is hereby amended to read as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

B. Permitted Uses

1. Manufacturing.
2. Quarries.
3. Mines and associates batch plants, concrete plants and similar uses.
4. Feed lots.
5. Automobile salvage yards.
6. Commercial outdoor kennels.
7. Customary accessory buildings and structures provided they are incidental to a permitted use.

8. Commercial greenhouses and accessory uses.

9. Medical marijuana FACILITIES ~~dispensary~~ AND MARIJUANA FACILITIES OWNED AND OPERATED BY DUAL LICENSEES, EACH AS subject to the regulations set forth in Section 4.31.

~~10. Medical marijuana off-site cultivation and infusion facilities, subject to the regulations set forth in Section 4.31.~~

***

Section 3. The Town of Chino Valley Unified Development Ordinance, Chapter 3 (Zoning Districts), Section 3.19 ("BP" – Business Park), Subsection (D) is hereby amended to read as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

D. PROHIBITED USES

1. Quarries and mines.

2. Feed lots.

3. Automobile salvage yards/junkyards/storage yards.

4. Commercial outdoor kennels.

5. M~~edical m~~arijuana FACILITIES ~~dispensary~~.

~~6. Medical marijuana off-site cultivation and infusion facilities.~~

~~7.~~ 6. Heavy Manufacturing such as automobile manufacturing plants.

***

Section 4. The Town of Chino Valley Unified Development Ordinance, Chapter 4 (General Regulations), Section 4.26 (Landscape Requirements) is hereby amended to read as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

***

4.26.4 Determination of Requirements Unless Modified by the Zoning Administrator

1. Residential Subdivisions
    a. Arterial/Collector Street Trees
    . . .
    e. WHEN A RESIDENTIAL DEVELOPMENT IS ADJACENT TO THE PEAVINE TRAIL, A TWENTY (20) FOOT WIDE LANDSCAPING STRIP IS

REQUIRED FOR THE PORTION OF THE LOT THAT IS ADJACENT TO THE PEAVINE TRAIL.

2. Multiple-family, Office, Commercial and Industrial Districts

All lots improved with multi-family residential, office, commercial and industrial development shall be required to provide landscaping as set forth herein. (See paragraph 4. c. for a reduction to this requirement).

a. Front yard landscaping. A ten (10) foot wide landscape strip is required along the propert~~ie~~Y's street frontage. For properties adjacent to SR 89, a twenty (20) foot wide landscape strip is required along the property's street frontage.

b. Side and rear yard landscaping: when adjacent to zoning other than multi - single family residential zoning, a five (5) foot wide landscape strip is required along the property's street frontage. WHEN ADJACENT TO THE PEAVINE TRAIL, A TWENTY (20) FOOT WIDE LANDSCAPING STRIP IS REQUIRED ABUTTING THE PEAVINE TRAIL FOR THE FULL LENGTH OF THE PORTION OF THE LOT BEING DEVELOPED. IN CASES WHERE THE WIDTH OF THE PEAVINE TRAIL RIGHT-OF-WAY NEXT TO THE PARCEL IS LESS THAN 200 FEET, AN EIGHT (8) FOOT TALL SCREENING FENCE OR WALL SHALL BE CONSTRUCTED BETWEEN THE NEWLY CREATED LANDSCAPING STRIP AND DEVELOPMENT.

***

Section 5. The Town of Chino Valley Unified Development Ordinance, Chapter 4 (General Regulations) Section 4.31 (Medical marijuana dispensaries, off-site cultivation sites, and infusion facilities) is hereby retitled and amended to read as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

4.31 M~~edical m~~arijuana ~~dispensaries, off-site cultivation sites and infusion~~ facilities

A. 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 shall provide written evidence of the following from the appropriate state regulatory agency:

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~~ OTHER MARIJUANA ~~f~~Facility, shall provide certified copies of all approved permits and licenses required by Local Health Department.

4. In addition to the documents required in Subsections C.1. and C.2., above, an applicant for a MARIJUANA ESTABLISHMENT OR MEDICAL MARIJUANA dispensary shall provide:

    a. A complete list of the cultivation, ~~and~~ infusion, AND MANUFACTURING facilities from which the MARIJUANA FACILITY ~~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, OR MANUFACTURING facility;

        (ii) The number of any state license granted by the state regulating agency to the cultivation, ~~or~~ infusion, OR MANUFACTURING facility;

        (iii) The name and contact information for each and every member of the board of directors of the cultivation, ~~and/or~~ infusion, OR MANUFACTURING 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 MARIJUANA cultivation, INFUSION, OR MANUFACTURING facility shall provide a complete list of all MARIJUANA ESTABLISHMENTS OR MEDICAL MARIJUANA ~~dispensaries~~ for which the cultivation facility will cultivate ~~medical~~ marijuana, including:

    (i) The name and physical location of the FACILITY ~~dispensary~~;
    (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 FACILITY ~~dispensary~~.

D. The following separation requirements, AS MEASURED FROM THE LOT LINE OF THE PROPERTY BOUNDARY OF THE MARIJUANA FACILITY TO THE

PROPERTY BOUNDARY LINE OF THE RELEVANT PROPERTY, shall apply to all ~~medical~~ marijuana facilities:

1. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any school, public or private.

2. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any public park EXCEPT THE PEAVINE TRAIL, public building, or public community center.

3. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any drug or alcohol rehabilitation facility or correctional transitional housing facility.

4. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any residential zoning district, UNLESS THE PROPERTY WITHIN THE RESIDENTIAL ZONING DISTRICT IS PERMANENTLY USED BY A PUBLIC UTILITY FOR NON-RESIDENTIAL PURPOSES.

5. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from the nearest edge of the right-of-way of State Route 89.

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, OR MANUFACTURING 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~~ MARIJUANA facility shall be allowed to locate in a trailer, cargo container, or motorized vehicle.

H. The total square footage of a ~~medical~~ THE DISPENSARY PORTION OF A 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 any ~~medical~~ marijuana facility.

J. Entry into limited access areas within a ~~medical~~ marijuana facility is restricted to ~~medical marijuana dispensary~~ agents OF THE FACILITY or persons accompanied by ~~a medical marijuana dispensary~~ agentS OF THE FACILITY. IN THIS SECTION, "AGENT" HAS THE MEANING SET FORTH IN A.R.S. § 36-2801(13) AND § 36-2850(17).

K. M~~edical m~~arijuana infusion facilities shall:

1. Be located on the same site as a MEDICAL MARIJUANA dispensary, A MARIJUANA ESTABLISHMENT, or a MARIJUANA cultivation facility.

2. On-site infusion facilities, whether attached or free standing, shall not occupy greater than twenty (20) percent of the gross floor area of the respective MEDICAL MARIJUANA dispensary, MARIJUANA ESTABLISHMENT, or cultivation facility.

3. There shall be no retail sales, restaurant, food service, or entertainment activities within a ~~medical~~ marijuana infusion facility.

L. 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 cultivation of ~~medical~~ marijuana within the corporate boundaries of the Town.