

NONPROFIT MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION

SECTION ONE. That Section 13-14-020 "Use Regulations" in Article 13-14 "C2 (COMMERCIAL; GENERAL SALES AND SERVICES)" in Chapter 13 "ZONING" of the Town Code of the Town of Prescott Valley, Arizona, be hereby amended to read as follows:

13-14-020 Use Regulations.

A. Permitted Uses: The following uses are permitted in C2 district as conditioned in Subparagraph (A)(~~5~~6) below.

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5. Medical Marijuana Dispensaries (no onsite cultivation/infusion facilities), subject to the regulations in Subsection 13-14-080(B) herein and subject to the following definitions:

- a. Cultivation: The process by which a person grows a marijuana plant(s) as allowed by A.R.S. §36-2801 et seq., and the Department rules and regulations.
- b. Cultivation Facility: A building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.
- c. Department: The Arizona Department of Health Services or its successor agency.
- d. Department rules and regulations: The adopted regulations of the Department relating to the provisions of A.R.S. §36-2801 et seq. currently in existence and as adopted in the future.
- e. Designated Caregiver: A person, other than the qualifying patient, who, pursuant to A.R.S. §36-2801 et seq. and the Department rules and regulations, assists no more than five (5) registered qualifying patients with the medical use of marijuana.
- f. Designated Caregiver Cultivation Location: Location where a designated caregiver, having been expressly authorized by the Department, cultivates medical marijuana plants for a qualifying patient(s)' medical use pursuant to A.R.S. §36-2804.02(A)(3)(f).
- g. Infusion Facility: A facility within a medical marijuana dispensary that incorporates medical marijuana by the means of cooking, blending, or incorporation into consumable/edible goods.
- h. Medical Marijuana: All parts of the genus cannabis whether growing or not, and the seeds of such plant, approved under state law for treatment of persons suffering from debilitating medical conditions as designated

in A.R.S. §36-2801 et seq., the Department rules and regulations, and other laws and regulations of the State of Arizona.

- i. Medical Marijuana Dispensary: A not-for-profit entity that acquires, possesses, cultivates, manufactures, transfers, supplies, sells or dispenses marijuana or related supplies and educational materials to qualifying patients.
- j. Medical Marijuana Dispensary Agent: A principal officer, board member, employee or volunteer of a medical marijuana dispensary who is at least twenty-one (21) years of age and has not been convicted of an excluded felony offense.
- k. Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. §36-2801.13 (as amended).
- l. Qualifying Patient Cultivation Location: Location where a qualifying patient, having been expressly authorized by the Department, cultivates medical marijuana plants for his/her medical use pursuant to A.R.S. §36-2804.02(A)(3)(f).

56. Conditions:

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(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 37, Rep&ReEn, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 226, Amended, 05/10/90; Ord. No. 240, Amended, 09/27/90; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 392, Amended, 06/27/96; Ord. No. 434, Amended, 01/22/98; Ord. No. 439, Amended, 06/25/98; Ord. No. 521, Amended, 05/09/02; Ord. No. 552, Amended, 03/13/03; Ord. No. 648, Amended, 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 753, Amended, 02/10/11)

SECTION TWO. That Section 13-14-080 "Performance Standards" in Article 13-14 "C2 (COMMERCIAL; GENERAL SALES AND SERVICES)" in Chapter 13 "ZONING" of the Town Code, be hereby enacted to read as follows:

13-14-080 Performance Standards.

- A. No use shall be established, maintained or conducted in any C2 District which does not comply with all of the prohibitions against nuisances and hazards in Article 13-26 of this Chapter.
- B. In addition to the prohibitions set forth in Subsection 13-14-080(A) above, all medical marijuana dispensaries in the district shall be subject to the following conditions:
 - 1. Applicant shall provide:
 - a. the name and location of the offsite cultivation facility, if applicable.

- b. a copy of the operating procedures submitted to and approved by the Department in accordance with A.R.S. §36-2804(B)(1)(c), including without limitation a security plan for all medical marijuana operations.
2. No medical marijuana dispensary may be operated or maintained within a five hundred (500) foot radius of another medical marijuana dispensary or offsite cultivation facility.
 3. No medical marijuana dispensary may be located within a five hundred (500) foot radius of the district boundaries of the following residential zoning districts (or their successors): R1M, R1L, R1MH, R2 and RS.
 4. No medical marijuana dispensary may be located within a 500 foot radius of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public building, college, licensed drug or alcohol rehabilitation facility, correctional transitional housing facility, or public community center.
 5. Measurements for purposes of Subparagraphs 13-14-080(B)(2)-(4) above shall be the shortest horizontal line from the exterior walls of the medical marijuana dispensary building to the property line of the protected use.
 6. A medical marijuana dispensary shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
 7. The total maximum floor area of a medical marijuana dispensary shall not exceed one thousand (1,000) square feet. Maximum dispensary square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.2
 8. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 500 square feet of the total 1,000 square foot maximum floor area of a medical marijuana dispensary. Maximum storage area square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.
 9. The permitted hours of operation of a medical marijuana dispensary shall be from 9:00 am to 6:00 pm.
 10. A medical marijuana dispensary shall not have a drive-through service.
 11. A medical marijuana dispensary shall not have outdoor seating areas.
 12. Offsite delivery of medical marijuana is prohibited.
 13. Consumption of marijuana on the premises of a medical marijuana dispensary is prohibited.

- 14. No retail sales of marijuana paraphernalia are permitted at a medical marijuana dispensary, except as permitted by law to qualifying patients and/or designated caregivers.
- 15. No medical marijuana or paraphernalia shall be displayed or kept in a medical marijuana dispensary so as to be visible from outside the premises.

(Ord. No. 753, Enacted, 02/10/11)

SECTION THREE. That Section 13-15-020 "Use Regulations" in Article 13-15 "C3 (COMMERCIAL; MINOR INDUSTRIAL)" in Chapter 13 "ZONING" of the Town Code, be hereby amended to read as follows:

13-15-020 Use Regulations.

A. Permitted Uses: The following uses are permitted in C3 district as conditioned in Subparagraph (A)(~~59~~) below.

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- 5. Medical Marijuana Dispensaries (with onsite cultivation/infusion facilities), subject to the regulations in Subsection 13-15-070(B) herein.
- 6. Medical Marijuana Cultivation Facility, subject to the regulations in Subsection 13-15-070(C) herein.
- 7. Medical Marijuana Designated Caregiver Cultivation Location, subject to the regulations in Subsection 13-15-070(D) herein.
- 8. Medical Marijuana Qualifying Patient Cultivation Location, subject to the regulations in Subsection 13-15-070(E) herein.

59. Conditions

(Ord. No. 9, Enacted, 06/28/79; Ord. No. 16, Amended, 11/08/79; Ord. No. 23, Amended, 02/13/80; Ord. No. 37, Ren&Amd, 09/04/80, 13-15-020, 13-15-030; Ord. No. 162, Amended, 11/12/87; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 206, Amended, 05/25/89; Ord. No. 269, Amended, 01/09/92; Ord. No. 282, Amended, 10/22/92; Ord. No. 295, Amended, 07/22/93; Ord. No. 341, Amended, 11/03/94; Ord. No. 392, Amended, 06/27/96; Ord. No. 434, Amended, 01/22/98; Ord. No. 439, Amended, 06/25/98; Ord. No. 648, Amended, 01/26/06; Ord. No. 705, Amended, 12/20/07; Ord. No. 753, Amended, 02/10/11)

SECTION FOUR. That Section 13-15-070 "Performance Standards" in Article 13-15 "C3 (COMMERCIAL; MINOR INDUSTRIAL)" in Chapter 13 "ZONING" of the Town Code, be hereby repealed and reenacted to read as follows:

13-15-070 ~~Repealed.~~ Performance Standards.

A. No use shall be established, maintained or conducted in any C3 District which does not comply with all of the prohibitions against nuisances and hazards in Article 13-26 of this Chapter.

B. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana dispensaries (with onsite cultivation/infusion facilities) in the C3 district shall be subject to the following conditions:

1. Medical marijuana dispensaries (with onsite cultivation/infusion facilities) shall be subject to the regulations set forth in Subsection 13-14-080(B) and the definitions set forth in Subsection 13-14-020(A)(5).
2. Cultivation of medical marijuana within a medical marijuana dispensary shall be confined to a secure indoor area of the dispensary and must not be detectable from the public area of the dispensary or the exterior of the building in which the cultivation takes place.
3. The indoor area of the medical marijuana dispensary where medical marijuana is cultivated shall be completely separated and secured from the public area of the medical marijuana dispensary.
4. There shall be no emission of dust, fumes, vapors, or odors into the environment from the medical marijuana dispensary or onsite infusion and/or cultivation areas.
5. Medical marijuana dispensaries with onsite infusion facilities must obtain any and all permits and licenses from the local health department for all food handling/preparation in connection with infusion operations.

C. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana cultivation facilities in the C3 district shall be subject to the following conditions:

1. Medical marijuana cultivation facilities shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).
2. Applicant shall provide:
 - a. the name and location of the offsite medical marijuana dispensary associated with the cultivation facility.
 - b. a copy of the operating procedures submitted to and approved by the Department in accordance with A.R.S. §36-2804(B)(1)(c), including without limitation a security plan for all medical marijuana operations.
3. Retail sales of medical marijuana from offsite cultivation facilities are prohibited.
4. Only medical marijuana dispensary agents registered with the Department may lawfully enter the cultivation facility. Entry by others who are not registered medical marijuana dispensary agents is strictly prohibited.
5. No cultivation facility may be operated or maintained within a five hundred (500) foot radius of another medical marijuana dispensary or cultivation facility.

6. No cultivation facility may be located within a 500 foot radius of the district boundaries of the following residential zoning districts (or their successors): R1M, R1L, R1MH, R2 and RS.
 7. No cultivation facility may be located within a 500 foot radius of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public building, college, licensed drug or alcohol rehabilitation facility, correctional transitional housing facility or public community center.
 8. Measurements for purposes of Subparagraphs 13-15-070(C)(5)-(7) above shall be the shortest horizontal line from the exterior walls of the cultivation facility building to the property line of the protected use.
 9. A cultivation facility shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
 10. The total maximum floor area of a cultivation facility shall not exceed three thousand (3,000) square feet. Maximum cultivation facility square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.
 11. The secure storage area for the medical marijuana stored at the cultivation facility shall not exceed one thousand (1,000) square feet of the 3,000 square foot total maximum floor area of a cultivation facility. Maximum storage area square footage may be expanded subject to Use Permit application and hearing procedures set forth under Section 13-21-110.
 12. Consumption of marijuana on the premises of a cultivation facility is prohibited.
- D. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana designated caregiver cultivation locations in the C3 district shall be subject to the following conditions:
1. Medical marijuana designated caregiver cultivation locations shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).
 2. A designated caregiver may cultivate medical marijuana only in the event the designated caregiver meets the requirements of A.R.S. §36-2804.02(A)(3)(f).
 3. All conditions and restrictions for medical marijuana dispensary offsite cultivation facilities apply except that the designated caregiver cultivation location is limited to a total of two hundred fifty (250) square feet maximum, including any storage areas.
 4. A designated caregiver may cultivate medical marijuana at their residence for a single qualifying patient subject to the requirements of A.R.S. §36-2801(1)(b) and Department rules and regulations.

5. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet maximum, including storage areas.
- E. In addition to the prohibitions set forth in Subsection 13-15-070(A) above, medical marijuana qualifying patient cultivation locations in the C3 district shall be subject to the following conditions:
1. Medical marijuana qualifying patient cultivation locations shall be subject to the definitions set forth in Subsection 13-14-020(A)(5).
 2. A qualifying patient may cultivate medical marijuana only in the event the qualifying patient meets the requirements of A.R.S. §36-2804.02(A)(3)(f).
 3. The qualifying patient cultivation location must be located in the C3 district as a permitted use or as an ancillary use to the qualifying patient's primary residence.
 4. Medical marijuana cultivation as an ancillary use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which cultivation occurs.
 5. The qualifying patient cultivation location must comply with the security requirements of A.R.S. §36-2801(1)(a)(ii) and Department rules and regulations.

(Ord. No. 37, Enacted, 09/04/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 392, Repealed, 06/27/96; Ord. No. 753, Rep&ReEn, 02/10/11)