

ORDINANCE G-5573

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING CHAPTER 2, SECTION 202 (DEFINITIONS); CHAPTER 6, SECTION 603 (SUBURBAN S-1 DISTRICT – RANCH OR FARM RESIDENCE), SECTION 604 (SUBURBAN S-2 DISTRICT – RANCH OR FARM COMMERCIAL), SECTION 623 (COMMERCIAL C-2 DISTRICT – INTERMEDIATE COMMERCIAL), AND SECTION 627 (INDUSTRIAL A-1 DISTRICT – LIGHT INDUSTRIAL DISTRICT) RELATED TO THE SALES, CULTIVATION AND INFUSION FACILITIES FOR MEDICAL MARIJUANA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as

follows:

SECTION 1. That Chapter 2 of the Zoning Ordinance, Section 202

(Definitions), is amended by adding the following new definitions in correct alphabetical order to read as follows:

COMMUNITY CENTER, PUBLIC: A BUILDING OWNED BY THE CITY THAT IS OPEN TO THE PUBLIC AND IS USED AS A PLACE FOR MEETINGS, RECREATION, OR SOCIAL ACTIVITIES AND MAY HAVE OUTDOOR RECREATIONAL FACILITIES.

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

SYMPTOMS ASSOCIATED WITH THE PATIENT'S DEBILITATING MEDICAL CONDITION.

NON-PROFIT MEDICAL MARIJUANA CULTIVATION FACILITY: A NOT-FOR-PROFIT ENTITY THAT ACQUIRES, POSSESSES, CULTIVATES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES OR SELLS MEDICAL MARIJUANA.

NON-PROFIT MEDICAL MARIJUANA RETAIL DISPENSARY FACILITY: A NOT-FOR-PROFIT ENTITY THAT ACQUIRES, POSSESSES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES, SELLS OR DISPENSES MEDICAL MARIJUANA.

NON-PROFIT MEDICAL MARIJUANA INFUSION FACILITY: A NOT-FOR-PROFIT ENTITY THAT ACQUIRES, POSSESSES, MANUFACTURES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES OR SELLS MEDICAL MARIJUANA BY THE MEANS OF COOKING, BLENDING, OR INCORPORATION INTO CONSUMABLE OR EDIBLE PRODUCT.

SECTION 2. That Chapter 6 of the Zoning Ordinance, 603.A (Suburban S-1 District – Ranch or Farm Residence), is amended to add a new paragraph 14 to read as follows:

14. ~~RESERVED~~ NON-PROFIT MEDICAL MARIJUANA CULTIVATION FACILITY, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS:
 - a. A USE PERMIT SHALL BE OBTAINED IN ACCORDANCE WITH STANDARDS AND PROCEDURES OF SECTION 307 OF THE ZONING ORDINANCE AND THE FOLLOWING:
 - 1) SHALL BE REVIEWED EVERY 365 CALENDAR DAYS.
 - 2) PROVIDE NAME(S) AND LOCATION(S) OF THE OFFSITE DISPENSARY.
 - 3) INCLUDE A COPY OF THE OPERATING PROCEDURES ADOPTED IN COMPLIANCE WITH A.R.S. § 36-2804(B)(1)(C).
 - 4) A SURVEY SEALED BY A REGISTRANT OF THE STATE OF ARIZONA SHALL BE SUBMITTED TO

SHOW COMPLIANCE WITH THE DISTANCE REQUIREMENTS LISTED BELOW IF THE PROPOSED FACILITY IS WITHIN 110% OF THE MINIMUM DISTANCE FROM THE PROPOSED FACILITY.

- b. RETAIL SALES OF MEDICAL MARIJUANA ARE PROHIBITED.
- c. SHALL BE LOCATED IN A CLOSED BUILDING AND MAY NOT BE LOCATED IN A TRAILER, CARGO CONTAINER, MOTOR VEHICLE OR SIMILAR STRUCTURE OR MOTORIZED OR NON-MOTORIZED VEHICLE.
- d. SHALL NOT BE LOCATED WITHIN 5,280 FEET OF THE SAME TYPE OF USE OR A MEDICAL MARIJUANA DISPENSARY OR INFUSION FACILITY. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALL OF THE BUILDING OR PORTION THEREOF IN WHICH THE BUSINESSE IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE NEAREST EXTERIOR WALL OR PORTION THEREOF OF ANOTHER MEDICAL MARIJUANA DISPENSARY, CULTIVATION, OR INFUSION FACILITY.
- e. SHALL NOT BE LOCATED WITHIN 1,000 FEET OF THE FOLLOWING RESIDENTIALLY ZONED DISTRICTS: RE-43, RE-35, RE-24, R1-18, R1-14, R1-10, R1-8, R1-6, R-2, R-3, R-3A, R-4, R-4A, R-5, PAD-1 through PAD-15. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE CULTIVATION BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE ZONING BOUNDARY LINE OF THE RESIDENTIALLY ZONED DISTRICT.
- f. ALL CLOSED BUILDINGS USED FOR THE CULTIVATION OF MEDICAL MARIJUANA SHALL BE SETBACK 1,000 FEET FROM ALL PROPERTY LINES.
- g. SHALL NOT BE LOCATED WITHIN 1,320 FEET OF A PRESCHOOL, KINDERGARTEN, ELEMENTARY, SECONDARY OR HIGH SCHOOL, PUBLIC PARK OR PUBLIC COMMUNITY CENTER. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE

CULTIVATION BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE PROPERTY LINE OF THE PROTECTED USE.

- h. SHALL NOT BE LOCATED WITHIN 500 FEET OF A PLACE OF WORSHIP. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE CULTIVATION BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE PROPERTY BOUNDARY LINE OF THE PLACE OF WORSHIP.

SECTION 3. That Chapter 6 of the Zoning Ordinance, Section 604.A

(Suburban S-2 District – Ranch or Farm Commercial), is amended to add a new paragraph 9 to read as follows:

- 9. NON-PROFIT MEDICAL MARIJUANA CULTIVATION FACILITY, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS:
 - a. A USE PERMIT SHALL BE OBTAINED IN ACCORDANCE WITH STANDARDS AND PROCEDURES OF SECTION 307 OF THE ZONING ORDINANCE AND THE FOLLOWING:
 - 1) SHALL BE REVIEWED EVERY 365 CALENDAR DAYS.
 - 2) PROVIDE NAME(S) AND LOCATION(S) OF THE OFFSITE DISPENSARY.
 - 3) INCLUDE A COPY OF THE OPERATING PROCEDURES ADOPTED IN COMPLIANCE WITH A.R.S. § 36-2804(B)(1)(C).
 - 4) A SURVEY SEALED BY A REGISTRANT OF THE STATE OF ARIZONA SHALL BE SUBMITTED TO SHOW COMPLIANCE WITH THE DISTANCE REQUIREMENTS LISTED BELOW IF THE PROPOSED FACILITY IS WITHIN 110% OF THE MINIMUM DISTANCE FROM THE PROPOSED FACILITY.

- b. RETAIL SALES OF MEDICAL MARIJUANA ARE PROHIBITED.
- c. SHALL BE LOCATED IN A CLOSED BUILDING AND MAY NOT BE LOCATED IN A TRAILER, CARGO CONTAINER, MOTOR VEHICLE OR SIMILAR STRUCTURE OR MOTORIZED OR NON-MOTORIZED VEHICLE.
- d. SHALL NOT BE LOCATED WITHIN 5,280 FEET OF THE SAME TYPE OF USE OR A MEDICAL MARIJUANA DISPENSARY OR INFUSION FACILITY. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALL OF THE BUILDING OR PORTION THEREOF IN WHICH THE BUSINESSE IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE NEAREST EXTERIOR WALL OR PORTION THEREOF OF ANOTHER MEDICAL MARIJUANA DISPENSARY, CULTIVATION, OR INFUSION FACILITY.
- e. SHALL NOT BE LOCATED WITHIN 1,000 FEET OF THE FOLLOWING RESIDENTIALLY ZONED DISTRICTS: RE-43, RE-35, RE-24, R1-18, R1-14, R1-10, R1-8, R1-6, R-2, R-3, R-3A, R-4, R-4A, R-5, PAD-1 through PAD-15. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE CULTIVATION BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE ZONING BOUNDARY LINE OF THE RESIDENTIALLY ZONED DISTRICT.
- f. ALL CLOSED BUILDINGS USED FOR THE CULTIVATION OF MEDICAL MARIJUANA SHALL BE SETBACK 1,000 FEET FROM ALL PROPERTY LINES.
- g. SHALL NOT BE LOCATED WITHIN 1,320 FEET OF A PRESCHOOL, KINDERGARTEN, ELEMENTARY, SECONDARY OR HIGH SCHOOL, PUBLIC PARK OR PUBLIC COMMUNITY CENTER. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE CULTIVATION BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE PROPERTY LINE OF THE PROTECTED USE.
- h. SHALL NOT BE LOCATED WITHIN 500 FEET OF A PLACE OF WORSHIP. THIS DISTANCE SHALL BE MEASURED

FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE CULTIVATION BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE PROPERTY LINE OF THE PLACE OF WORSHIP.

SECTION 4. That Chapter 6 of the Zoning Ordinance, 623.D (commercial C-2 District – Intermediate Commercial), is amended to add a new paragraph 100 to read as follows and renumber the remaining section accordingly:

Permitted Uses:

99. Merchandise Brokers Office and Display
100. NON-PROFIT MEDICAL MARIJUANA DISPENSARY FACILITY, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS; FAILURE TO COMPLY WITH THE BELOW REGULATIONS AND REQUIREMENTS SHALL RESULT IN NON-COMPLIANCE AND IS SUBJECT TO REVOCATION OR DENIAL OF THE USE PERMIT.
 - a. A USE PERMIT SHALL BE OBTAINED IN ACCORDANCE WITH STANDARDS AND PROCEDURES OF SECTION 307 OF THE ZONING ORDINANCE AND THE FOLLOWING:
 - 1) SHALL BE REVIEWED EVERY 365 CALENDAR DAYS.
 - 2) PROVIDE NAME(S) AND LOCATION(S) OF THE OFFSITE CULTIVATION LOCATION.
 - 3) INCLUDE A COPY OF THE OPERATING PROCEDURES ADOPTED IN COMPLIANCE WITH A.R.S. § 36-2804(B)(1)(C).
 - 4) A SURVEY SEALED BY A REGISTRANT OF THE STATE OF ARIZONA SHALL BE SUBMITTED TO SHOW COMPLIANCE WITH THE DISTANCE REQUIREMENTS LISTED BELOW IF THE PROPOSED FACILITY IS WITHIN 110% OF THE MINIMUM DISTANCE FROM THE PROPOSED FACILITY.

- b. CULTIVATION OF MEDICAL MARIJUANA IS PROHIBITED.
- c. SHALL BE LOCATED IN A CLOSED BUILDING AND MAY NOT BE LOCATED IN A TRAILER, CARGO CONTAINER, MOTOR VEHICLE OR SIMILAR STRUCTURE OR MOTORIZED OR NON-MOTORIZED VEHICLE.
- d. SHALL NOT EXCEED 2,000 SQUARE FEET OF NET FLOOR AREA DEDICATED EXCLUSIVELY TO THE NON-PROFIT MEDICAL MARIJUANA DISPENSARY; THIS SHALL INCLUDE ALL STORAGE AREAS, RETAIL SPACE AND OFFICES FOR THE NON-PROFIT MEDICAL MARIJUANA DISPENSARY.
- e. SHALL NOT BE LOCATED WITHIN 5,280 FEET OF THE SAME TYPE OF USE OR A MEDICAL MARIJUANA CULTIVATION OR INFUSION FACILITY. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALL OF THE BUILDING OR PORTION THEREOF IN WHICH THE BUSINESSE IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE NEAREST EXTERIOR WALL OR PORTION THEREOF OF ANOTHER MEDICAL MARIJUANA DISPENSARY, CULTIVATION, OR INFUSION FACILITY.
- f. SHALL NOT BE LOCATED WITHIN 250 FEET OF THE FOLLOWING RESIDENTIALLY ZONED DISTRICTS: S-1, S-2, RE-43, RE-35, RE-24, R1-18, R1-14, R1-10, R1-8, R1-6, R-2, R-3, R-3A, R-4, R-4A, R-5, PAD-1 through PAD-15. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE CULTIVATION BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE ZONING BOUNDARY LINE OF THE RESIDENTIALLY ZONED DISTRICT. A
- g. SHALL NOT BE LOCATED WITHIN 1,320 FEET OF A PRESCHOOL, KINDERGARTEN, ELEMENTARY, SECONDARY OR HIGH SCHOOL, PUBLIC PARK OR PUBLIC COMMUNITY CENTER. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE DISPENSARY BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE PROPERTY LINE OF THE PROTECTED USE.

- g. SHALL NOT BE LOCATED WITHIN 500 FEET OF A PLACE OF WORSHIP. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE DISPENSARY BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE PROPERTY LINE OF THE PLACE OF WORSHIP.
- i. SHALL HAVE OPERATING HOURS NOT EARLIER THAN 8:00 A.M. AND NOT LATER THAN 7:00 P.M.
- j. DRIVE-THROUGH SERVICES ARE PROHIBITED.

101. Messenger Service

SECTION 5. That Chapter 6 of the Zoning Ordinance, 627.D (Industrial A-1 District – Light Industrial District), is amended to add new paragraphs 91, 92, and 93 to read as follows and renumber the remaining section accordingly:

- 90. Meat Packing and Smoking (no slaughtering except rabbits and poultry)
- 91. MEDICAL MARIJUANA CULTIVATION, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS; FAILURE TO COMPLY WITH THE BELOW REGULATIONS AND REQUIREMENTS SHALL RESULT IN NON-COMPLIANCE AND IS SUBJECT TO REVOCATION OR DENIAL OF THE USE PERMIT.
 - a. A USE PERMIT SHALL BE OBTAINED IN ACCORDANCE WITH STANDARDS AND PROCEDURES OF SECTION 307 OF THE ZONING ORDINANCE AND THE FOLLOWING:
 - 1) SHALL BE REVIEWED EVERY 365 CALENDAR DAYS.
 - 2) PROVIDE NAME(S) AND LOCATION(S) OF THE OFFSITE DISPENSARY.

- 3) INCLUDE A COPY OF THE OPERATING PROCEDURES ADOPTED IN COMPLIANCE WITH A.R.S. § 36-2804(B)(1)(C).
 - 4) A SURVEY SEALED BY A REGISTRANT OF THE STATE OF ARIZONA SHALL BE SUBMITTED TO SHOW COMPLIANCE WITH THE DISTANCE REQUIREMENTS LISTED BELOW IF THE PROPOSED FACILITY IS WITHIN 110% OF THE MINIMUM DISTANCE FROM THE PROPOSED FACILITY.
- b. SHALL BE LOCATED IN A CLOSED BUILDING AND MAY NOT BE LOCATED IN A TRAILER, CARGO CONTAINER, MOTOR VEHICLE OR SIMILAR STRUCTURE OR MOTORIZED OR NON-MOTORIZED VEHICLE.
 - c. SHALL NOT BE LOCATED WITHIN 5,280 FEET OF THE SAME TYPE OF USE OR A MEDICAL MARIJUANA DISPENSARY OR INFUSION FACILITY. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALL OF THE BUILDING OR PORTION THEREOF IN WHICH THE BUSINESSE IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE NEAREST EXTERIOR WALL OR PORTION THEREOF OF ANOTHER MEDICAL MARIJUANA DISPENSARY, CULTIVATION, OR INFUSION FACILITY.
 - d. SHALL NOT BE LOCATED WITHIN 1,000 FEET OF THE FOLLOWING RESIDENTIALLY ZONED DISTRICTS: S-1, S-2, RE-43, RE-35, RE-24, R1-18, R1-14, R1-10, R1-8, R1-6, R-2, R-3, R-3A, R-4, R-4A, R-5, PAD-1 through PAD-15. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE CULTIVATION BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE ZONING BOUNDARY LINE OF THE RESIDENTIALLY ZONED DISTRICT.
 - e. SHALL NOT BE LOCATED WITHIN 1,320 FEET OF A PRESCHOOL, KINDERGARTEN, ELEMENTARY, SECONDARY OR HIGH SCHOOL, PUBLIC PARK OR PUBLIC COMMUNITY CENTER. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE CULTIVATION BUSINESS IS CONDUCTED OR

PROPOSED TO BE CONDUCTED TO THE PROPERTY LINE OF THE PROTECTED USE.

- f. SHALL NOT BE LOCATED WITHIN 500 FEET OF A PLACE OF WORSHIP. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE CULTIVATION BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE PROPERTY LINE OF THE PLACE OF WORSHIP.
92. MEDICAL MARIJUANA DISPENSARY, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS; FAILURE TO COMPLY WITH THE BELOW REGULATIONS AND REQUIREMENTS SHALL RESULT IN NON-COMPLIANCE AND IS SUBJECT TO REVOCATION OR DENIAL OF THE USE PERMIT.
- a. A USE PERMIT SHALL BE OBTAINED IN ACCORDANCE WITH STANDARDS AND PROCEDURES OF SECTION 307 OF THE ZONING ORDINANCE AND THE FOLLOWING:
 - 1) SHALL BE REVIEWED EVERY 365 CALENDAR DAYS.
 - 2) PROVIDE NAME(S) AND LOCATION(S) OF THE OFFSITE CULTIVATION LOCATION, IF APPLICABLE.
 - 3) INCLUDE A COPY OF THE OPERATING PROCEDURES ADOPTED IN COMPLIANCE WITH A.R.S. § 36-2804(B)(1)(C).
 - 4) A SURVEY SEALED BY A REGISTRANT OF THE STATE OF ARIZONA SHALL BE SUBMITTED TO SHOW COMPLIANCE WITH THE DISTANCE REQUIREMENTS LISTED BELOW IF THE PROPOSED FACILITY IS WITHIN 110% OF THE MINIMUM DISTANCE FROM THE PROPOSED FACILITY.
 - b. SHALL BE LOCATED IN A CLOSED BUILDING AND MAY NOT BE LOCATED IN A TRAILER, CARGO CONTAINER, MOTOR VEHICLE OR SIMILAR STRUCTURE OR MOTORIZED OR NON-MOTORIZED VEHICLE.

- c. SHALL NOT EXCEED 2,000 SQUARE FEET OF NET FLOOR AREA DEDICATED EXCLUSIVELY TO THE NON-PROFIT MEDICAL MARIJUANA DISPENSARY; THIS SHALL INCLUDE ALL STORAGE AREAS, RETAIL SPACE AND OFFICES FOR THE NON-PROFIT MEDICAL MARIJUANA DISPENSARY.
- d. SHALL NOT BE LOCATED WITHIN 5,280 FEET OF THE SAME TYPE OF USE OR A MEDICAL MARIJUANA CULTIVATION OR INFUSION FACILITY. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALL OF THE BUILDING OR PORTION THEREOF IN WHICH THE BUSINESSE IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE NEAREST EXTERIOR WALL OR PORTION THEREOF OF ANOTHER MEDICAL MARIJUANA DISPENSARY, CULTIVATION, OR INFUSION FACILITY.
- e. SHALL NOT BE LOCATED WITHIN 250 FEET OF THE FOLLOWING RESIDENTIALLY ZONED DISTRICTS: S-1, S-2, RE-43, RE-35, RE-24, R1-18, R1-14, R1-10, R1-8, R1-6, R-2, R-3, R-3A, R-4, R-4A, R-5, PAD-1 through PAD-15. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE CULTIVATION BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE ZONING BOUNDARY LINE OF THE RESIDENTIALLY ZONED DISTRICT.
- f. SHALL NOT BE LOCATED WITHIN 1,320 FEET OF A PRESCHOOL, KINDERGARTEN, ELEMENTARY, SECONDARY OR HIGH SCHOOL, PUBLIC PARK OR PUBLIC COMMUNITY CENTER. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE DISPENSARY BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE PROPERTY LINE OF THE PROTECTED USE.
- g. SHALL NOT BE LOCATED WITHIN 500 FEET OF A PLACE OF WORSHIP. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE DISPENSARY BUSINESS IS CONDUCTED OR PROPOSED TO BE

CONDUCTED TO THE PROPERTY LINE OF THE PLACE OF WORSHIP.

h. SHALL HAVE OPERATING HOURS NOT EARLIER THAN 8:00 A.M. AND NOT LATER THAN 7:00 P.M.

i. DRIVE-THROUGH SERVICES ARE PROHIBITED.

93. MEDICAL MARIJUANA INFUSION PRODUCTION FACILITY, SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS; FAILURE TO COMPLY WITH THE BELOW REGULATIONS AND REQUIREMENTS SHALL RESULT IN NON-COMPLIANCE AND IS SUBJECT TO REVOCATION OR DENIAL OF THE USE PERMIT.

a. A USE PERMIT SHALL BE OBTAINED IN ACCORDANCE WITH STANDARDS AND PROCEDURES OF SECTION 307 OF THE ZONING ORDINANCE AND THE FOLLOWING:

- 1) SHALL BE REVIEWED EVERY 365 CALENDAR DAYS.
- 2) PROVIDE NAME(S) AND LOCATION(S) OF THE OFFSITE DISPENSARY.
- 3) INCLUDE A COPY OF THE OPERATING PROCEDURES ADOPTED IN COMPLIANCE WITH A.R.S. § 36-2804(B)(1)(C).
- 4) A SURVEY SEALED BY A REGISTRANT OF THE STATE OF ARIZONA SHALL BE SUBMITTED TO SHOW COMPLIANCE WITH THE DISTANCE REQUIREMENTS LISTED BELOW IF THE PROPOSED FACILITY IS WITHIN 110% OF THE MINIMUM DISTANCE FROM THE PROPOSED FACILITY.

b. SHALL NOT BE LOCATED WITHIN 5,280 FEET OF THE SAME TYPE OF USE OR A MEDICAL MARIJUANA DISPENSARY OR CULTIVATION FACILITY. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALL OF THE BUILDING OR PORTION THEREOF IN WHICH THE BUSINESSE IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE NEAREST EXTERIOR WALL OR PORTION THEREOF OF ANOTHER

MEDICAL MARIJUANA DISPENSARY, CULTIVATION, OR INFUSION FACILITY.

- c. SHALL NOT BE LOCATED WITHIN 1,000 FEET OF THE FOLLOWING RESIDENTIALLY ZONED DISTRICTS: S-1, S-2, RE-43, RE-35, RE-24, R1-18, R1-14, R1-10, R1-8, R1-6, R-2, R-3, R-3A, R-4, R-4A, R-5, PAD-1 through PAD-15. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE CULTIVATION BUSINESS IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE ZONING BOUNDARY LINE OF THE RESIDENTIALLY ZONED DISTRICT.
- d. SHALL NOT BE LOCATED WITHIN 1,320 FEET OF A PRESCHOOL, KINDERGARTEN, ELEMENTARY, SECONDARY OR HIGH SCHOOL, PUBLIC PARK OR PUBLIC COMMUNITY CENTER. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE INFUSION FACILITY IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE PROPERTY LINE OF THE PROTECTED USE.
- e. SHALL NOT BE LOCATED WITHIN 500 FEET OF A PLACE OF WORSHIP. THIS DISTANCE SHALL BE MEASURED FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION THEREOF IN WHICH THE INFUSION FACILITY IS CONDUCTED OR PROPOSED TO BE CONDUCTED TO THE PROPERTY LINE OF THE PLACE OF WORSHIP.

PASSED by the Council of the City of Phoenix this 15th day of December,

2010.



MAYOR

ATTEST:



City Clerk

APPROVED AS TO FORM:



CITY CLERK DEPT.

2010 DEC 14 PM 3:32

William Beck Acting City Attorney MLW

REVIEWED BY:

Don May City Manager

MLW:amt:893177v1 (CM 7) (Item 18) 12/15/10