

ORDINANCE NO. 13-779

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED "AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA RELATED TO MEDICAL MARIJUANA FACILITIES, DATED DECEMBER 10, 2013" AS A PUBLIC RECORD; ADOPTING THE "AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA RELATED TO MEDICAL MARIJUANA FACILITIES, DATED DECEMBER 10, 2013" BY REFERENCE; AMENDING THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE, AS FOLLOWS: (1) CHAPTER 2 DEFINITIONS, BY AMENDING SECTION 2.1 MEANING OF WORDS AND TERMS TO ADD DEFINITIONS RELATED TO MEDICAL MARIJUANA AND TO AMEND THE DEFINITION OF "GREENHOUSE, COMMERCIAL" (2) CHAPTER 3 ZONING DISTRICTS, BY AMENDING SECTIONS 3.5.2 PERMITTED USES ("AR-36" – AGRICULTURAL/RESIDENTIAL (36 ACRE MINIMUM)), 3.5.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("AR-36" – AGRICULTURAL/RESIDENTIAL (36 ACRE MINIMUM)), 3.6.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("AR-5" – AGRICULTURAL/RESIDENTIAL (5 ACRE MINIMUM)), 3.7.2 PERMITTED USES ("AR-4" – AGRICULTURAL/RESIDENTIAL (4 ACRE MINIMUM)), 3.15.2 PERMITTED USES ("CL", COMMERCIAL LIGHT), 3.16.2 PERMITTED USES ("CH", COMMERCIAL HEAVY), 3.17.2 ("I" – INDUSTRIAL) TO PERMIT MEDICAL MARIJUANA DISPENSARIES, CULTIVATION AND INFUSION FACILITIES, SUBJECT TO REGULATIONS; AND (3) BY AMENDING CHAPTER 4 GENERAL REGULATIONS, SECTION 4.30 COMMERCIAL GREENHOUSE STANDARDS (AMENDED WITH ORD. 09-424/RES. 09-921) RELATED TO DELETING CERTAIN DEVELOPMENT STANDARDS; AND ADDING NEW SECTION 4.31 MEDICAL MARIJUANA DISPENSARIES, OFF-SITE CULTIVATION SITES, AND INFUSION FACILITIES; RELATED TO REGULATING THE LOCATION OF MEDICAL MARIJUANA FACILITIES, INCLUDING SEPARATION REQUIREMENTS, REQUIRING CERTAIN SECURITY MEASURES AND COMPLIANCE WITH STATE AND LOCAL LAWS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, that certain document entitled "Amendments to the Unified Development Ordinance of the Town of Chino Valley, Arizona related to Medical Marijuana Facilities, dated December 10, 2013", three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk; and

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

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

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

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

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

WHEREAS, at the direction of Town Council, staff prepared an ordinance consideration at a public hearing of the Planning and Zoning Commission on November 19, 2013 regarding this matter; and

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

WHEREAS, the Town Council finds that the proposed amendments are reasonable regulations related to the location and operation of medical marijuana facilities and commercial greenhouses at which medical marijuana may be grown and it is in the best interests of the public health, safety, and general welfare to adopt the proposed amendments,

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

Section 1. In General.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, is hereby amended by amending (a) Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms; (b) Chapter 3 Zoning District, Sections 3.5.2 Permitted Uses ("AR-36" – Agricultural/ Residential (36 Acre Minimum), 3.5.3 Conditional Uses ("AR-36" – Agricultural/Residential (36 Acre Minimum), 3.6.2 Permitted Uses ("AR-5" – Agricultural/Residential (5 Acre Minimum), 3.6.3 Conditional Uses ("AR-5" – Agricultural/Residential (5 Acre Minimum)), 3.7.2 Permitted Uses ("AR-4" – Agricultural/Residential (4 Acre Minimum), 3.7.3 Conditional Uses ("AR-4" – Agricultural/Residential (4 Acre Minimum), 3.15.2 Permitted Uses ("CL", Commercial Light), 3.16.2 Permitted Uses ("CH", Commercial Heavy), 3.17.2 Permitted Uses ("I" – Industrial); (c) Chapter 4 General Regulations, Section 4.30 Commercial Greenhouse Standards (Amended with Ord. 09-424/ Res. 09-921); (d) Chapter 4 General Regulations, to add new Section 4.31 Medical Marijuana Dispensaries, Off-Site Cultivation Sites, and Infusion Facilities, all as set forth in that document entitled "Amendments to the Unified Development Ordinance of the Town of Chino Valley, Arizona related to Medical Marijuana Facilities, dated December 10, 2013", which document is hereby adopted and incorporated into this ordinance by reference.

Section 2. Providing for Repeal of Conflicting Ordinances.

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

Section 3. Providing for Severability.

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

Section 4. Providing for Penalties

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

Section V. Declaring an Emergency.

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

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 10th day of December, 2013 by the following vote:

AYES: 6

NAYS: 0

EXCUSED: _____

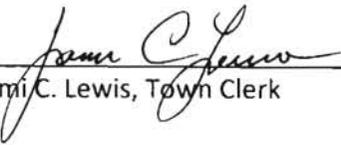
ABSENT: 0

ABSTAINED: 1

APPROVED this 10th day of December, 2013.

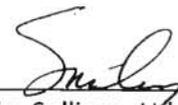

Chris Marley, Mayor

ATTEST:



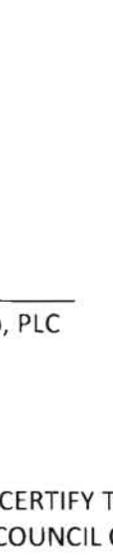
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



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

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 13-779 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 10th DAY OF DECEMBER, 2013, WAS POSTED IN THREE PLACES ON THE 12TH DAY OF DECEMBER, 2013.



Jami C. Lewis, Town Clerk

**Amendments to the Town of Chino Valley Unified Development Ordinance
Related to Medical Marijuana Facilities
December 10, 2013**

The following Sections of the Town of Chino Valley Unified Development Ordinance are amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~, * * * indicate intervening provisions remain unchanged):

Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms:

2.1 Meanings of Words and Terms

* * *

Greenhouse, Commercial. A COMMERCIAL greenhouse ~~enterprise~~ is a commercial enterprise that grows plants or parts of plants by the application of water to plants that reside within movable containers, raised BEDS or lined beds that are disconnected from the lands ~~beneath them~~ and are not ~~defined as~~ DEEMED TO BE "irrigated lands" as ~~defined~~ SET FORTH in Arizona Revised Statutes. ~~A commercial greenhouse is considered a water intensive enterprise and requires a legally perfected water right that is supported by the Arizona Department of Water Resources.~~

* * *

MEDICAL MARIJUANA. ALL PARTS OF THE GENUS CANNABIS WHETHER GROWING OR NOT, AND THE SEED OF SUCH PLANTS 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.

MEDICAL MARIJUANA CULTIVATION. THE PROCESS BY WHICH A PERSON[S] GROWS A MARIJUANA PLANT FOR USE AS MEDICAL MARIJUANA.

MEDICAL MARIJUANA CULTIVATION FACILITY, OFF-SITE. A BUILDING, STRUCTURE, OR OTHER ENCLOSED, LOCKED FACILITY USED FOR THE CULTIVATION OR STORAGE OF MEDICAL MARIJUANA THAT IS PHYSICALLY SEPARATE AND NOT LOCATED ON THE SAME REAL PROPERTY AS THE MEDICAL MARIJUANA DISPENSARY WITH WHICH IT IS AFFILIATED PURSUANT TO ARS § 36-2806(E).

MEDICAL MARIJUANA CULTIVATION FACILITY, ON-SITE. A MEDICAL MARIJUANA FACILITY THAT IS LOCATED ON THE SAME PROPERTY AS THE MEDICAL MARIJUANA DISPENSARY WITH WHICH IT IS AFFILIATED PURSUANT TO A.R.S. § 36-2806(E), WHETHER ATTACHED OR NOT.

MEDICAL MARIJUANA DISPENSARY. A NOT-FOR-PROFIT FACILITY THAT, PURSUANT TO A.R.S. § 36-2801(11), IS REGISTERED WITH AND CERTIFIED BY THE ARIZONA DEPARTMENT OF HEALTH SERVICES TO ACQUIRE, POSSES, CULTIVATE, MANUFACTURE OR INFUSE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, SELL, OR DISPENSE MEDICAL

MARIJUANA TO QUALIFYING PATIENTS AND CARDHOLDERS, AS THAT TERM IS DEFINED IN A.R.S. § 36-2801.

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

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

* * *

Chapter 3 Zoning District, Sections 3.5.2 Permitted Uses ("AR-36" – Agricultural/Residential (36 Acre Minimum), 3.5.3 Conditional Uses ("AR-36" – Agricultural/Residential (36 Acre Minimum), 3.6.2 Permitted Uses ("AR-5" – Agricultural/Residential (5 Acre Minimum), 3.6.3 Conditional Uses ("AR-5" – Agricultural/Residential (5 Acre Minimum)), 3.7.2 Permitted Uses ("AR-4" – Agricultural/Residential (4 Acre Minimum), 3.7.3 Conditional Uses ("AR-4" – Agricultural/Residential (4 Acre Minimum), 3.15.2 Permitted Uses ("CL", Commercial Light), 3.16.2 Permitted Uses ("CH", Commercial Heavy), 3.17.2 Permitted Uses ("I" – Industrial):

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

* * *

3.5.2 Permitted Uses

* * *

J. Commercial greenhouses AND ACCESSORY USES. See Subsection 4.30 Commercial Greenhouse Development Standards.

* * *

3.5.3 Conditional Uses (Conditional Use Permit Required)

* * *

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

* * *

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

* * *

3.6.2 Permitted Uses

* * *

I. Commercial greenhouses ~~may be permitted~~ with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards.

3.6.3 Conditional Uses (Conditional Use Permit Required)

* * *

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

* * *

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

* * *

3.7.2 Permitted Uses

* * *

I. Commercial greenhouses ~~may be permitted~~ with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards.

3.7.3 Conditional Uses (Conditional Use Permit Required)

* * *

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

* * *

3.15 "CL" – Commercial Light

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

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

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

* * *

3.16 "CH" – Commercial Heavy

* * *

3.16.2 Permitted Uses

* * *

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

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

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

* * *

3.17 "I" – Industrial

* * *

3.17.2 Permitted Uses

* * *

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

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

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

Chapter 4 General Regulations, Section 4.30 Commercial Greenhouse Standards (Amended with Ord. 09-424/ Res. 09-921):

4.30 Commercial Greenhouse Standards ~~(Amended with Ord. 09-424/ Res. 09-921)~~

Commercial Greenhouse Development Standards:				
Allowed in the following zoning districts. Greenhouse shall be setback a	AR 10-acre	CL 10-acre	CH 10-acre	† 10-acre

minimum of 500 feet from the State route 89 right of way.	minimum	minimum	minimum	minimum
Property Development Standards:				
Minimum Lot Area				10 acres
Minimum Linear Street Frontage				300 feet
Minimum Front Yard Setback (Except for properties adjacent to SR 89)				50 feet
Minimum side Yard Setback				50 feet
Maximum Building Height				35 feet
Minimum Distance Between the Structures				20 feet
Maximum Lot Coverage Standards				50%
In Commercial or Industrial zoning, the maximum % of the building used for retail outlet/restaurant				10%
In Commercial or Industrial zoning, the maximum % of the Lot Area Used for Entertainment (this area shall conform to building setback requirements)				20%
Agricultural zoning, the maximum % of the building used for the sale of farm produce when primarily grown on site				10%
Outdoor Storage Standards				Screening required
Accessory Building Setbacks from the Side and Rear Property Lines				20 feet
Accessory Building Setbacks from Street Side				See Section 4.28
Off Street parking and Loading Standards				See Section 4.22
Shall have Access on an Arterial or Collector Street				

A. IN COMMERCIAL OR INDUSTRIAL ZONING DISTRICTS:

1. NO GREATER THAN 10% OF THE FLOOR AREA SHALL BE USED FOR RETAIL SALES OR RESTAURANTS WHICH SHALL BE AN ACCESSORY USE TO THE GREENHOUSE USE.

2. NO GREATER THAN 20% OF THE FLOOR AREA SHALL BE USED FOR ENTERTAINMENT PURPOSES, WHICH SHALL BE AN ACCESSORY USE TO THE GREENHOUSE USE.

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

Chapter 4 General Regulations, to add new Section 4.31 Medical Marijuana Dispensaries, Off-Site Cultivation Sites, and Infusion Facilities:

4.31 MEDICAL MARIJUANA 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 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 DISPENSARY SHALL PROVIDE:
 - a. A COMPLETE LIST OF THE CULTIVATION AND INFUSION FACILITIES FROM WHICH THE DISPENSARY WILL RECEIVE MEDICAL MARIJUANA OR MEDICAL MARIJUANA INFUSED PRODUCTS. SAID LIST SHALL INCLUDE: (i) THE NAME AND PHYSICAL LOCATION OF THE CULTIVATION OR INFUSION FACILITY; (ii) THE NUMBER OF ANY STATE LICENSE GRANTED BY THE STATE REGULATING AGENCY TO THE CULTIVATION OR INFUSION FACILITY; (iii) THE NAME AND CONTACT INFORMATION FOR EACH AND EVERY MEMBER OF THE BOARD OF DIRECTORS OF THE CULTIVATION AND/OR INFUSION FACILITY.
 - b. A COPY OF THE OPERATING PROCEDURES SUBMITTED TO AND APPROVED BY THE STATE REGULATORY AGENCY.
5. IN ADDITION TO THE DOCUMENTS REQUIRED IN SUBSECTIONS C.1 AND C.2, ABOVE, AN APPLICANT FOR A CULTIVATION FACILITY SHALL PROVIDE A COMPLETE LIST OF ALL DISPENSARIES FOR WHICH THE CULTIVATION FACILITY WILL CULTIVATE MEDICAL MARIJUANA, INCLUDING (i) THE NAME AND PHYSICAL LOCATION OF THE 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
DISPENSARY.

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

1. FIVE HUNDRED FEET (500') FROM ANY SCHOOL, PUBLIC OR PRIVATE.
2. FIVE HUNDRED FEET (500') FROM ANY PUBLIC PARK, PUBLIC BUILDING,
OR PUBLIC COMMUNITY CENTER.
3. FIVE HUNDRED FEET (500') FROM ANY DRUG OR ALCOHOL
REHABILITATION FACILITY OR CORRECTIONAL TRANSITIONAL HOUSING
FACILITY.
4. FIVE HUNDRED (500') FROM ANY RESIDENTIAL ZONING DISTRICT,
EXCEPT THAT FOR CULTIVATION AND/OR INFUSION FACILITIES IN AN AR
(AGRICULTURAL/RESIDENTIAL) ZONING DISTRICT, THE SEPARATION
SHALL BE FIVE HUNDRED (500') FROM ANY EXISTING RESIDENTIAL USE.

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

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

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

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

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

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

K. MEDICAL MARIJUANA INFUSION FACILITIES SHALL:

1. BE LOCATED ON THE SAME SITE AS A DISPENSARY OR A
CULTIVATION FACILITY.

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