

ORDINANCE NO. 16-811

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, AS FOLLOWS: (1) AMENDING CHAPTER 3 ZONING DISTRICTS, BY AMENDING SECTIONS 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)), 3.7.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) (“AR-4”-AGRICULTURAL /RESIDENTIAL (4 ACRE MINIMUM)), 3.15.2 PERMITTED USES (“CL”-COMMERCIAL LIGHT), AND 3.16.2 PERMITTED USES (“CH”-COMMERCIAL HEAVY), ALL RELATED TO DISALLOWING MEDICAL MARIJUANA DISPENSARIES, CULTIVATION, AND INFUSION FACILITIES AS A PERMITTED USE IN ALL ZONING DISTRICTS EXCEPT INDUSTRIAL; AND (2) BY AMENDING SECTION 4.31 MEDICAL MARIJUANA DISPENSARIES, OFF-SITE CULTIVATION SITES, AND INFUSION FACILITIES RELATED TO REGULATING THE LOCATION OF MEDICAL MARIJUANA FACILITIES, INCLUDING SEPARATION REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

**WHEREAS**, after proper notice required by law and in accordance with ARS 9-462.04, the Planning and Zoning Commission held a citizen review meeting on November 3, 2015 and held public hearings on November 3, 2015, November 17, 2015, and December 1, 2015 during which the Commission took comment from the public and, after consideration and discussion, recommended seven optional amendments for approval by the Town Council; and

**WHEREAS**, the Town Council finds that reasonable regulations related to the location and operation of medical marijuana facilities is in the best interest of protecting the public's health, safety, and general welfare and consistent with the principles set forth in the Arizona Medical Marijuana Act;

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

Section 1. In General.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 3 Zoning Districts, Sections 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)), 3.7.3 Conditional Uses (Conditional Use Permit Required) (“AR-4” – Agricultural/ Residential (4 Acre Minimum)), 3.15.2 Permitted Uses (“CL”-

Commercial Light), and 3.16.2 Permitted Uses (“CH” - Commercial Heavy) are hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

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

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**3.5.3 Conditional Uses (Conditional Use Permit Required)**

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~~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)**

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**3.6.3 Conditional Uses (Conditional Use Permit Required)**

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~~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)**

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**3.7.3 Conditional Uses (Conditional Use Permit Required)**

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~~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**

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**3.15.2 Permitted Uses**

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~~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**

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### 3.16.2 Permitted Uses

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~~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.~~

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

### 4.31 Medical marijuana dispensaries, cultivation, and infusion facilities

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D. The following separation requirements shall apply to all dispensary MEDICAL MARIJUANA facilities:

1. Five hundred feed (500') from any school, public or private.
2. Five hundred feet (500') from any public park, public building, or public community center.
3. Five hundred feet (500') from any drug or alcohol rehabilitation facility or correctional transitional housing facility.
4. Five hundred feet (500') from any residential zoning district ~~except that for cultivation and/or infusion facilities in an AR (Agricultural/Residential) zoning district, the separation shall be five hundred (500')feet.~~

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#### 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.

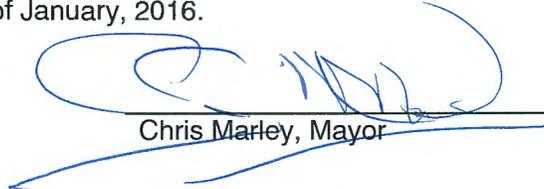
**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26<sup>th</sup> day of January, 2016 by the following vote:

AYES: 7

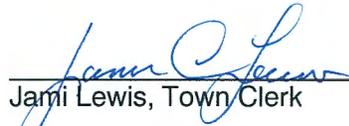
NAYES: 0 ABSENT: 0

EXCUSED: 0 ABSTAINED: 0

APPROVED this 26<sup>th</sup> day of January, 2016.

  
Chris Marley, Mayor

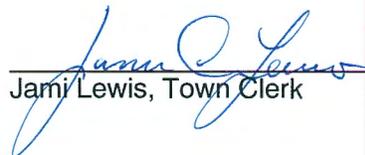
ATTEST:

  
Jami Lewis, Town Clerk

APPROVED AS TO FORM:

  
Phyllis L.N. Smiley, Town Attorney

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-811 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 26<sup>th</sup> DAY OF JANUARY, 2016, WAS POSTED IN THREE PLACES ON THE 28<sup>th</sup> DAY OF JANUARY, 2016.

  
Jami Lewis, Town Clerk