

ORDINANCE NO. 16-816

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 4 GENERAL REGULATIONS, SECTION 4.31 MEDICAL MARIJUANA DISPENSARIES, CULTIVATION, AND INFUSION FACILITIES, BY AMENDING SUBSECTION 4.31.D TO REQUIRE A 500 FOOT SEPARATION FROM THE STATE ROUTE 89 RIGHT-OF-WAY; 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 April 13, 2016 and held a public hearing on May 3, 2016; and

WHEREAS, the Commission, after consideration and discussion, requested by a 3-3 vote that the Town Council hold a public hearing on the matter and made no further recommendation to Council; and

WHEREAS, the Town Council finds that the proposed regulation is reasonable and is necessary to protect the public health, safety, and welfare and is 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 4 General Regulations, Section 4.31 Medical Marijuana Dispensaries, Cultivation and Infusion Facilities, is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

4.31 Medical Marijuana Dispensaries, Off-Site Cultivation Sites and Infusion Facilities

* * *

D. The following separation requirements shall apply to all medical marijuana 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 feet (500') from any residential zoning district.

5. FIVE HUNDRED FEET (500') FROM THE NEAREST EDGE OF THE RIGHT-OF-WAY OF STATE ROUTE 89.

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in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.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 14th day of June, 2016 by the following vote:

AYES: 4
NAYS: 0

ABSENT: 3
ABSTAINED: 0

APPROVED this 14th day of June, 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. 16-816 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 14TH DAY OF JUNE, 2016, WAS POSTED IN THREE PLACES ON THE 23RD DAY OF JUNE, 2016.



Jami Lewis, Town Clerk