

Changes are proposed to Peoria's City Code as follows (additions in **ALL CAPS, UNDERLINED AND BOLDED**; deletions in ~~strikeout~~):

CHAPTER 11 — LICENSE, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

Section 11-75 — Marijuana establishments prohibited; dual licensee exception

- (a) ~~The following words, terms, and phrases when used in this Chapter shall have the meanings ascribed to them in A.R.S. § 38-2850: Marijuana Establishment, Dual licensee.~~
- (b) ~~To the fullest extent allowable by law, the operation of a Marijuana Establishment is prohibited in the City, except where authorized for a dual licensee who:~~
- ~~(1) Operates both a licensed nonprofit medical marijuana dispensary and a licensed marijuana establishment cooperatively in a shared location; and~~
 - ~~(2) Has not forfeited or terminated the nonprofit medical marijuana dispensary registration from the Arizona Department of Health Services.~~

CHAPTER 21 — ZONING ORDINANCE

Section 21-202 – Definitions

Qualifying Marijuana Dispensary means:

- 1) A non-profit Marijuana Dispensary defined in A.R.S §36-2801(12) that sells, distributes, transmits, gives, dispenses, or otherwise provides Marijuana for medical use and related supplies to Qualifying Patients. Included is the manufacture and creation of products for individual sale where Marijuana is incorporated into the product for consumption by an individual who is a valid Medical Marijuana Cardholder and the sale of not more than twelve living Marijuana plants to an individual Medical Marijuana Cardholder authorized pursuant to A.R.S. §36-2801, et. seq;~~or~~
- 2) A dispensary operated pursuant to A.R.S. §36-2858 by a Dual Licensee as defined by A.R.S. §36-2850~~and Section 11-75 of the City Code~~ which sells, distributes, transmits, gives, dispenses, or otherwise provides Marijuana and Marijuana Products and related supplies for (1) medical use to Qualifying Patients; and (2) for general non-medicinal use to individuals who are at least twenty-one years of age as permitted by A.R.S. §36-2852; **OR**
- 3) **A MARIJUANA ESTABLISHMENT AS DEFINED AS A SINGLE RETAIL LOCATION IN A.R.S §36-2850 AND OPERATED PURSUANT TO A.R.S. §36-2858 AT WHICH AN ENTITY HOLDING A MARIJUANA ESTABLISHMENT LICENSE FROM THE ARIZONA DEPARTMENT OF HEALTH SERVICES, AND SELLS MARIJUANA AND MARIJUANA PRODUCTS FOR GENERAL NON-MEDICINAL USE TO INDIVIDUALS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE AS PERMITTED BY A.R.S. §36-2852.**

Section 21-505 – Limitations on Uses

(M) *Qualifying Marijuana Dispensaries and Marijuana Manufacturing, Cultivation and Testing Facilities.*

1. *General Requirements.*

- a. For the purposes of measuring separation distances, the measurements will be taken in a straight line from the exterior wall of the building, suite or premises housing the use without regard to intervening buildings or political boundaries.
- b. ~~Medical~~ Marijuana remnants or by-products shall be disposed of according to an approved plan and not placed within the facility's exterior refuse containers.
- c. There shall be no inordinate emission of dust, fumes, vapors or odors from the premises.
- d. Signage for Qualifying Marijuana Dispensaries and/or Marijuana Manufacturing, Cultivation and Testing facilities shall be limited to the name of the business only, and no advertising of the goods and/or services shall be permitted.
- e. Qualifying Marijuana Dispensaries and/or Manufacturing, Cultivation and Testing Facilities shall be located in a permanent building on an established foundation adhering to Peoria building codes and shall not include any temporary, portable, or self-powered mobile facilities.
- f. An active Security Management Plan shall be approved by the Police Department. The Plan shall include, but is not limited to, the following:
 - 1) Security cameras shall be installed and maintained in good condition, and used in an on-going manner. Recordings shall be retained for a minimum of 60 days and comply with any additional standards defined by the Security Management Plan.
 - 2) The business space shall be alarmed with an alarm system that is operated and maintained by a recognized security company.
 - 3) A security guard shall be provided at the main entrance during all hours of operation. For the purposes of this Section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. § 32-601.
 - 4) **BEFORE COMMENCING MARIJUANA DELIVERY OPERATIONS, A QUALIFYING MARIJUANA DISPENSARY SHALL OBTAIN APPROVAL OF AN UPDATED SECURITY MANAGEMENT PLAN FROM THE POLICE DEPARTMENT ADDRESSING ITS MARIJUANA DELIVERY PROCEDURES.**
- g. For the purpose of this section, qualifying zoning districts for Qualifying Marijuana Dispensaries, Manufacturing, Cultivation and Testing Facilities does not include a Planned Area Development (PAD) or Planned Community District (PCD) that points to or references such standard zoning districts identified herein.

~~h. The operation of a licensed Marijuana Establishment for retail sales is prohibited in the City except as a Dual Licensee, pursuant to Section 11-75 of the City Code (1992).~~

2. *Qualifying Marijuana Dispensaries.*

~~a. Operations for the dispensing of Medical Marijuana, and related supplies to qualified patients and the sale of non-medicinal Marijuana and Marijuana products shall be conducted cooperatively in a shared location.~~

ab. Vehicular access into the center or site containing the dispensary shall be from an arterial roadway, as identified on the Peoria General Plan.

be. The use shall not be located within 2,640-feet of another Qualifying Marijuana Dispensary or Marijuana Manufacturing, Cultivation and Testing Facility.

cd. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.

de. The use shall not be located within 1,000-feet of a Retail Liquor Store; Tavern, Bar or Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol Reception Center.

ef. The use shall not be located within 500-feet of the property line of a residentially-zoned property.

fg. The product offered for sales shall be inaccessible to the public entering the Qualifying Marijuana Dispensary. All product provided for retail sales shall be located behind a counter staffed by a Marijuana Dispensary or Facility Agent registered by the State of Arizona.

gh. The Dispensary shall have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m.

hi. The manufacturing, cultivation and testing of Marijuana is prohibited.

~~j. Delivery services are prohibited.~~

ik. Drive-through services and sales are prohibited.

jl. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.

km. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.

ln. The business entrance and all window areas shall be illuminated during evening hours and shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding etc.

me. The windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.

np. No consumption of Marijuana or any product containing Marijuana shall occur on the premises of a Qualifying Marijuana Dispensary.

oq. The Tenant Improvement Plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.

3. *Marijuana Manufacturing, Cultivation or Testing Facility.*
 - a. Other than for delivery to an authorized Qualifying Marijuana Dispensary, distributing, transmitting, dispensing, giving, selling, or providing Marijuana is prohibited.
 - b. All cultivation, manufacturing, testing and storage of Marijuana and Marijuana plants shall occur within secured, enclosed buildings and structures.
 - c. The use shall not be located within 2,640-feet of another Marijuana Manufacturing, Cultivation or Testing Facility.
 - d. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.
 - e. The use shall not be located within 500-feet of the property line of a residentially-zoned property.
 - f. There shall be no signage advertising the location of Qualifying Marijuana Dispensaries or retail sales of Marijuana on the premises.
 - g. The Zoning Administrator may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.