

ORDINANCE G-6151

AN ORDINANCE AMENDING PORTIONS OF THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX BY AMENDING SECTION 202 (DEFINITIONS), SECTION 603.A (SUBURBAN S-1 DISTRICT – RANCH OR FARM RESIDENCE), SECTION 604.A (SUBURBAN S-2 DISTRICT – RANCH OR FARM COMMERCIAL), SECTION 623.D (COMMERCIAL C-2 DISTRICT - INTERMEDIATE COMMERCIAL, AND SECTION 627.D (INDUSTRIAL A-1 DISTRICT – LIGHT INDUSTRIAL DISTRICT) TO ADD DEFINITIONS FOR YOUTH COMMUNITY CENTERS, HOMELESS SHELTERS AND AMEND DEPENDENT CARE FACILITIES AND TO AMEND THE SEPARATION REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES.

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

follows:

SECTION 1. That Chapter 2, Section 202 (Definitions) is amended to

read:

**Amend Section 202 (Definitions) by adding and amending the following definitions in correct alphabetical order:**

COMMUNITY CENTER, YOUTH: AN 18,000 SQUARE FOOT OR LARGER BUILDING WHERE A NON-PROFIT ENTITY OFFERS STRUCTURED, COMPREHENSIVE EDUCATIONAL AND PERSONAL DEVELOPMENT FOR PERSONS UNDER 18 YEARS OF AGE.

*Dependent Care Facility:* A facility that regularly provides day care for persons for less than ~~24~~ ~~twenty-four~~ hours. Dependent care solely includes childcare LICENSED BY THE STATE OF ARIZONA.

HOMELESS SHELTER: A FACILITY PROVIDING TEMPORARY HOUSING TO INDIGENT, NEEDY, HOMELESS, OR TRANSIENT PERSONS; MAY ALSO PROVIDE

ANCILLARY SERVICES SUCH AS COUNSELING, OR VOCATIONAL TRAINING.

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SECTION 2. That Chapter 6, Section 603.A (Suburban A-1 District – Ranch or Farm Residence), is amended to read:

**Amend Section 603.A (Suburban S-1 District – Ranch or Farm Residence) by amending paragraph 15.a.(4), 15.g, 15.h and adding 15.i to read as follows:**

15. Non-profit medical marijuana cultivation facility, subject to the following conditions and limitations:
- a. 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.~~

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- g. Shall not be located within 1,320 feet of a preschool, kindergarten, elementary, secondary or high school, public park, public community center, DEPENDENT CARE FACILITY, HOMELESS SHELTER, OR YOUTH COMMUNITY CENTER. This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted to the property line of the protected use.
- h. Shall not be located within ~~500~~ 1,320 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 to the property line of the place of worship.
- i. THERE SHALL BE NO EMISSION OF DUST, FUMES, VAPORS OR ODORS INTO THE ENVIRONMENT FROM THE PREMISES.

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SECTION 3. That Chapter 6, Section 604.A (Suburban S-2 District – Ranch or Farm Commercial), is amended to read:

**Amend Section 604.A (Suburban S-2 District – Ranch or Farm Commercial) by amending paragraph 9.a.(4), 9.g and 9.h to read as follows:**

9. Non-profit medical marijuana cultivation facility, subject to the following conditions and limitations:

- a. 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.~~

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- 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 business is conducted or proposed to be conducted to the nearest exterior wall or portion thereof of another medical marijuana dispensary, cultivation, or infusion facility.

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- g. Shall not be located within 1,320 feet of a preschool, kindergarten, elementary, secondary or high school, public park, public community center, **DEPENDENT CARE FACILITY, HOMELESS SHELTER, OR YOUTH COMMUNITY CENTER.** This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted to the property line of the protected use.
- h. Shall not be located within ~~500~~ 1,320 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 to the property line of the place of worship.
- i. **THERE SHALL BE NO EMISSION OF DUST, FUMES, VAPORS OR ODORS INTO THE ENVIRONMENT FROM THE PREMISES.**

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SECTION 4. That Chapter 6, Section 623.D (Commercial C-2 District –

Intermediate Commercial), is amended to read:

**Amend Section 623.D (Commercial C-2 District – Intermediate Commercial) by amending paragraph 122, 122.a.(4), 122.f, 122.g, 122.h and adding 122.k to read as follows:**

122. Nonprofit medical marijuana dispensary facility, subject to the following conditions and limitations; failure to comply with the below regulations and requirements **IS SUBJECT TO REVOCATION PER SECTION 307** ~~shall result in non-compliance and is subject to revocation or denial of the use permit.~~

- a. 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.~~

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- f. Shall not be located within ~~250~~ 500 feet of a residentially zoned districts: S-1, S-2, RE-43, RE-35, R1-18, R1-14, R1-10, R1-8, R1-6, R-2, R-3, R3-A, R-4, R-4A, R-5, and PAD-1 through PAD-15. This distance shall be measured from the exterior walls of the building or portion thereof in which the ~~cultivation~~ dispensary business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned district.
- g. Shall not be located within 1,320 feet of a preschool, kindergarten, elementary, secondary or high school, public park, public community center, DEPENDENT CARE FACILITY, HOMELESS SHELTER, OR YOUTH COMMUNITY CENTER. This distance shall be measured from the exterior walls of the building or portion thereof in which the dispensary business is conducted to the property line of the protected use.
- h. Shall not be located within ~~500~~ 1,320 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 to the property line of the place of worship.

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- k THERE SHALL BE NO EMISSION OF DUST, FUMES, VAPORS OR ODORS INTO THE ENVIRONMENT FROM THE PREMISES.

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SECTION 5. That Chapter 6, Section 627.D (Industrial A-1 District – Light

Industrial District), is amended to read:

**Amend Section 627.D (Industrial A-1 District – Light Industrial District) by amending paragraphs 1, 91, 91.a.(4), 91.e, 91.f, 92, 92.a.(4), 92.e, 92.f, 92.g, 93, 93.a.(4), 93.d, 93.e and adding 91.g, 92.j. and 93.f to read as follows:**

1. Residential uses subject to a use permit. The use permit requirement shall not apply to HOMELESS shelters and dormitories intended to provide temporary shelter if such uses are located on a lot or parcel which is at least thirteen hundred twenty (1,320) feet from a residential district.

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91. Medical marijuana cultivation subject to the following conditions and limitations; FAILURE TO COMPLY WITH THE BELOW REGULATIONS AND REQUIREMENTS IS SUBJECT TO REVOCATION PER SECTION 307:

- a. 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.

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- e. Shall not be located within 1,320 feet of a preschool, kindergarten, elementary, secondary or high school, public park, public community center, DEPENDENT CARE FACILITY, HOMELESS SHELTER, DORMITORY, OR YOUTH COMMUNITY CENTER. This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted to the property line of the protected use.
- f. Shall not be located within 500 1,320 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 to the property line of the place of worship.
- g. THERE SHALL BE NO EMISSION OF DUST, FUMES, VAPORS OR ODORS INTO THE ENVIRONMENT FROM THE PREMISES.

92. Medical marijuana dispensary facility, subject to the following conditions and limitations; failure to comply with the below regulations and requirements IS SUBJECT TO REVOCATION PER SECTION 307 shall result in non-compliance and is subject to revocation or denial of the use permit.

- a. 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.

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- e. Shall not be located within ~~250~~ 500 feet of a residentially zoned districts: S-1, S-2, RE-43, RE-35, R1-18, R1-14, R1-10, R1-8, R1-6, R-2, R-3, R3-A, R-4, R-4A, R-5, and PAD-1 through PAD-15. This distance shall be measured from the exterior walls of the building or portion thereof in which the ~~cultivation~~ dispensary 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, public community center, DEPENDENT CARE FACILITY, HOMELESS SHELTER, OR YOUTH COMMUNITY CENTER. This distance shall be measured from the exterior walls of the building or portion thereof in which the dispensary business is conducted to the property line of the protected use.
- g. Shall not be located within ~~500~~ 1,320 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 to the property line of the place of worship.

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- j. THERE SHALL BE NO EMISSION OF DUST, FUMES, VAPORS OR ODORS INTO THE ENVIRONMENT FROM THE PREMISES.

93. Medical marijuana infusion production facility, subject to the following conditions and limitations; failure to comply with the below regulations and requirements IS SUBJECT TO REVOCATION PER SECTION 307 ~~shall result in non-compliance and is subject to revocation or denial of the use permit.~~

- a. 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.~~

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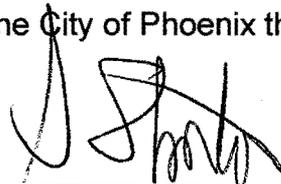
- d. Shall not be located within 1,320 feet of a preschool, kindergarten, elementary, secondary or high school, public park, public community center, DEPENDENT CARE FACILITY, HOMELESS SHELTER, OR YOUTH COMMUNITY CENTER. This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted to the property line of the protected use.

- e. Shall not be located within ~~500~~ 1,320 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 to the property line of the place of worship.
- f. THERE SHALL BE NO EMISSION OF DUST, FUMES, VAPORS OR ODORS INTO THE ENVIRONMENT FROM THE PREMISES.

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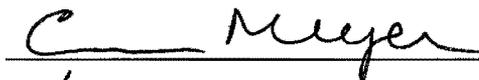
SECTION 6. Whereas, the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council as required by the City Charter and is hereby exempted from the referendum clause of said Charter.

PASSED by the Council of the City of Phoenix this 20th day of April, 2016.



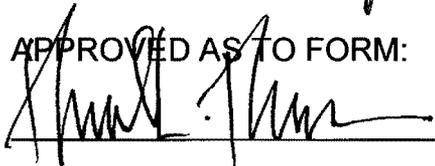
MAYOR

ATTEST:

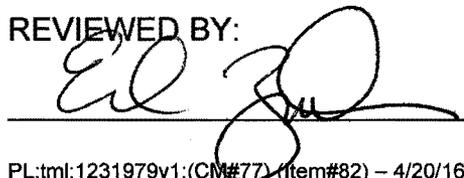
 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney *pml*

REVIEWED BY:

 City Manager

PL:tml:1231979v1:(CM#77) (Item#82) - 4/20/16