

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, RESTORING CHANGES TO THE CITY CODE PREVIOUSLY ADOPTED THROUGH ORDINANCE 2021-06, THAT AMENDED CHAPTER 21 OF THE PEORIA CITY CODE, BY AMENDING SECTION 21-202 (DEFINITIONS), SECTION 21-503 (LAND USE MATRIX), AND SECTION 21-505 (LIMITATIONS ON USES); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on January 28, 2021 regarding amendments to the Peoria City Code (1992 edition) regarding Marijuana Establishments, and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on February 18, 2021 to consider proposed amendments to the Peoria City Code (1992 edition) regarding Marijuana Establishments, after notice in the manner provided by law; and

WHEREAS, the City Council of the City of Peoria, Maricopa County, Arizona, held a public hearing on March 2, 2021 to consider proposed amendments to the Peoria City Code (1992 edition) regarding Marijuana Establishments, after notice in the manner provided by law; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Section 21-202 "Definitions", Section 21-503 "Land Use Matrix", And Section 21-505 "Limitations on Uses" of Chapter 21 of the Peoria City Code (1992 edition), and

WHEREAS, the Mayor and City Council of the City of Peoria, Arizona at its regularly convened meeting of March 2, 2021 voted to amend the Peoria City Code (1992 edition), and unanimously voted to adopt *Ordinance 2021-06* regarding regulations for Marijuana Establishments; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on

April 1, 2021 regarding amendments to the Peoria City Code (1992 edition) regarding Mobile Food Vendors, and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on May 6, 2021 to consider proposed amendments to the Peoria City Code (1992 edition) regarding Mobile Food Vendors, after notice in the manner provided by law; and

WHEREAS, the City Council of the City of Peoria, Maricopa County, Arizona, held a public hearing on June 1, 2021 to consider proposed amendments to the Peoria City Code (1992 edition) regarding Mobile Food Vendors, after notice in the manner provided by law; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Section 21-202 "Definitions", Section 21-503 "Land Use Matrix", And Section 21-505 "Limitations on Uses" of Chapter 21 of the Peoria City Code (1992 edition), and

WHEREAS, the Mayor and City Council of the City of Peoria, Arizona at its regularly convened meeting of June 1, 2021 voted to amend the Peoria City Code (1992 edition), and unanimously voted to adopted *Ordinance 2021-17* regarding regulations for Mobile Food Vendors; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, seek to reconcile the language previously adopted through *Ordinance 2021-06*, and *Ordinance 2021-17* to fulfill the legislative intent, and deem it to be in the best interest of the public health, safety, and welfare of the residents of the City of Peoria, Arizona to amend Section 21-202 "Definitions", Section 21-503 "Land Use Matrix", and Section 21-505 "Limitations on Uses" of Chapter 21 of the Peoria City Code (1992 edition); and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. Chapter 21 of the Peoria City Code shall be amended to read as indicated on Exhibit 1.

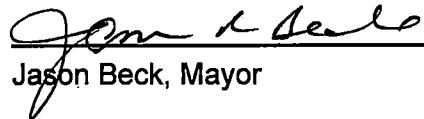
SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

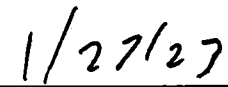
SECTION 4. Clerical Corrections. The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Peoria City Code.

SECTION 5. Emergency Clause: Effective Date. Whereas the immediate operation of the provisions of this Ordinance are necessary to reconcile the codification of the language herein and restore the legislative intent of previously adopted ordinances, and are necessary for the immediate and on-going preservation of the peace, health and safety of the City of Peoria, Arizona, an emergency is declared to exist, and this Ordinance shall be in full force and effect immediately from its adoption by a supermajority of the Mayor and City Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 24th day of January, 2023.

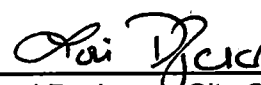


Jason Beck, Mayor




Date Signed


ATTEST:



Lori Dyckman, City Clerk



APPROVED AS TO FORM:



Emily Jurmu, Acting City Attorney

Published in: Peoria Times

Publication Date: February 2, 2023

Effective Date: 1-25-23

Zoning Reconciliation

Amendment for Adoption to the Peoria City Code, Chapter 21 - Zoning

HOW TO READ THIS DOCUMENT

Unless otherwise stated, provisions or graphics that are being deleted are shown in bold red strikethrough text or a line through the graphic, like this: ~~Provisions that are being deleted are shown with a bold red strikethroughs text~~. Graphics containing bold red strikethrough are intended to remove the graphic in its entirety as well as any text that is embedded in the graphic.

Provisions or graphics that are being added are shown in double-underlined bold blue text, like this: Provisions that are being added are shown in double-underlined bold blue text. Graphics containing bold double underline underneath the graphic are intended to add the graphic in its entirety as well as any text that is embedded in the graphic.

Unless otherwise specifically addressing changes to a particular section or subsection of the code through the above referenced methods changes are only intended for those specific sections and subsections of the code that are addressed herein.

Section 1. Amend Chapter 21 - Zoning, Definitions, Section 21-202 – Definitions, as follows:

Cultivate and Cultivation of Marijuana means to propagate, breed, grow, prepare, and package marijuana.

Dual Licensee means an entity that holds both a non-profit medical marijuana dispensary registration and a marijuana establishment license.

Marijuana Manufacturing means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

Marijuana Manufacturing, or Cultivation Facility is a Marijuana Establishment, as defined in A.R.S. §36-2850, licensed by the State of Arizona that is located in a building, structure, or premises where Marijuana is cultivated or stored and which is physically separate from a Qualifying Marijuana Dispensary. Such Marijuana Manufacturing or Cultivation Facility may only provide Marijuana or Marijuana Products to Qualifying Marijuana Dispensaries. Requirements for mixed-use occupancy will be based upon the adopted building codes.*35

Marijuana Testing Facility is an entity licensed by the State of Arizona to analyze the potency of marijuana and test marijuana for harmful contaminants.

Medical Marijuana Cardholder is a natural person who is a Qualifying Patient, Designated Caregiver or Nonprofit Medical Marijuana Dispensary Agent or an independent third-party laboratory agent who has been issued and possesses a valid Registry Identification Card pursuant to A.R.S. § 36-2801, et seq.

~~Medical Marijuana Dispensary is a non-profit entity defined in A.R.S. § 36-2801(11), that sells distributes, transmits, gives, dispenses, or otherwise provides Marijuana for Medical Use and related~~

39 ~~supplies to Qualifying Patients. Included is the manufacture and creation of products for individual~~
 40 ~~sale where Marijuana is incorporated into the product for consumption by an individual who is a valid~~
 41 ~~Medical Marijuana Cardholder. Additionally included is the sale of not more than twelve living~~
 42 ~~Marijuana plants to an individual Medical Marijuana Cardholder authorized pursuant to A.R.S. § 36-~~
 43 ~~2801, et seq. to cultivate not more than twelve Marijuana plants for their personal use in addressing a~~
 44 ~~Debilitating Medical Condition as set forth in A.R.S. § 36-2801, et seq.~~

45 ~~Medical Marijuana Manufacturing or Cultivation Facility is a building, structure, or premises where~~
 46 ~~Marijuana is cultivated or stored and which is physically separate from a Medical Marijuana~~
 47 ~~Dispensary. Such Medical Marijuana Manufacturing or Cultivation Facility may only provide Marijuana~~
 48 ~~or Marijuana plants to Medical Marijuana Dispensaries for retail sales to qualified Medical Marijuana~~
 49 ~~Cardholders. Requirements for Mixed Use Occupancy will be based upon the adopted building codes.~~

50 Personal Cultivation or Processing means cultivating or processing of not more than six marijuana
 51 plants for personal use at an individual’s primary residence, or not more than twelve plants where
 52 two or more individuals reside at one time. In this instance, individual shall mean a person of at least
 53 twenty-one years of age.

54 Qualifying Marijuana Dispensary means:

55 1) A non-profit Marijuana Dispensary defined in A.R.S. §36-2801(12) that sells, distributes,
 56 transmits, gives, dispenses, or otherwise provides Marijuana for medical use and related supplies to
 57 Qualifying Patients. Included in the manufacture and creation of products for individual sale where
 58 Marijuana is incorporated into the product for consumption by an individual who is a valid Medical
 59 Marijuana Cardholder and the sale of not more than twelve living Marijuana plants to an individual
 60 Medical Marijuana Cardholder authorized pursuant to A.R.S. §36-2801, et. seq.; or

61 2) A dispensary operated pursuant to A.R.S. §36-2858 by a Dual License as defined by A.R.S. §36-
 62 2850 and Section 11-75 of the City Code which sells, distributes, transmits, gives, dispenses, or
 63 otherwise provides Marijuana and Marijuana Products and related supplies for (1) medical use to
 64 Qualifying Patients; and (2) for general non-medicinal use to individuals who are at least twenty-one
 65 years of age as permitted by A.R.S. §36-2852.

67 Section 2. Amend Chapter 21 - Zoning, Non-Residential Districts, Section 21-503 Land Use Matrix, a
 68 portion of Table 21-503 Land Use Matrix, as follows:

69 Table 21-503 Land Use Matrix

P = Permitted Use C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322. A = Accessory use ◆ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit # = Subject to special limitations (see the following Section 21-505) - = Not Permitted												
Land Use	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
General Industrial & Manufacturing												

Medical Marijuana Manufacturing or Cultivation Facility #	-	-	-	-	-	-	-	-	-	C	C	C	C
<u>Marijuana Testing Facility</u>	-	-	-	-	-	-	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Intense Retail													
Medical <u>Qualifying</u> Marijuana Dispensary#	-	-	-	-	C	-	C	C	-	-	-	-	-

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Section 3. Amend Chapter 21 - Zoning, Non-Residential Districts, Section 21-505. – Limitations on Uses, subsection M. Qualifying Marijuana Dispensaries and Marijuana Manufacturing or Cultivation, and Testing Facilities, as follows:

- M. ~~Medical~~ Qualifying Marijuana Dispensaries and Marijuana Manufacturing or 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 into the environment from the premises.
 - d. Signage for Qualifying Marijuana Dispensaries ~~Dispensary~~ and/or ~~Medical~~ 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. ~~Medical~~ 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.

- 102 **g. For the purposes of this section, qualifying zoning districts for Qualifying Marijuana**
 103 **Dispensaries, Manufacturing, Cultivation, and Testing Facilities does not include**
 104 **Planned Area Development (PAD) or Planned Community District (PCD) that points to**
 105 **or references such standard zoning districts identified herein.**
- 106 **h. The operation of a licensed Marijuana Establishment for retail sales is prohibited in**
 107 **the City except as a Dual Licensee, pursuant to Section 11-75 of the City Code (1992).**
- 108 2. **Medical Qualifying Marijuana Dispensaries.**
- 109 **a. Operations for the dispensing of Medical Marijuana, and related supplies, to qualified**
 110 **patients and the sale of non-medicinal Marijuana and Marijuana Products shall be**
 111 **conducted cooperatively in a shared location.**
- 112 **b. Vehicular access into the center or site containing the dispensary shall be from an**
 113 **arterial roadway as identified on the Peoria General Plan.**
- 114 **bc. The use shall not be located within 2,640-feet of another Medical Qualifying Marijuana**
 115 **Dispensary or Medical Marijuana Manufacturing, Cultivation, and Testing Facility.**
- 116 **cd. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities,**
 117 **Pre-Schools, Public/Charter or Private Schools.**
- 118 **de. The use shall not be located within 1,000-feet of a Retail Liquor Store; Tavern, Bar or**
 119 **Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol**
 120 **Reception Center.**
- 121 **ef. The use shall not be located within 500-feet of the property line of a residentially-zoned**
 122 **property.**
- 123 **fg. The product offered for retail sales to Medical Marijuana Cardholders shall be**
 124 **inaccessible to the public entering the Medical Qualifying Marijuana Dispensary. All**
 125 **product provided for retail sales shall be located behind a counter staffed by a Nonprofit**
 126 **Medical Marijuana Dispensary or Facility Agent registered by the State of Arizona as**
 127 **defined by A.R.S. 536-2801, et. seq.**
- 128 **gh. The Dispensary shall have operating hours not earlier than 8:007:00 a.m. and not later**
 129 **than 9:0010:00 p.m.**
- 130 **hi. The manufacturing, Cultivation cultivation, and testing of Marijuana is prohibited.**
- 131 **ij. Delivery services are prohibited.**
- 132 **jk. Drive-through services and sales are prohibited.**
- 133 **kl. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.**
- 134 **lm. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor**
 135 **seating to prevent outside loitering.**
- 136 **mn. The business entrance and all window areas shall be illuminated during evening hours**
 137 **and shall comply with the City's lighting standards regarding fixture type, wattage,**
 138 **illumination levels, shielding etc.**
- 139 **no. The windows and/or entrances shall not be obstructed and must maintain a clear view**
 140 **into the premises during business hours.**

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- ~~op.~~ ~~The use shall provide a plan to ensure that n~~No consumption of Marijuana or any product containing Marijuana ~~occurs shall occur~~ on the premises of a **Medical Qualifying** Marijuana Dispensary.
- ~~pg.~~ ~~The~~ Tenant improvement ~~plan~~**Plan** shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.
3. ~~Medical~~**Marijuana Manufacturing, Cultivation, or Testing Facility.**
- a. Other than for delivery to an authorized **Medical-Qualifying** Marijuana Dispensary, distributing, transmitting, dispensing, giving, selling, or providing ~~medical~~-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 **Medical-Qualifying** Marijuana Dispensaries or retail sales of ~~Medical~~-Marijuana on the premises.
 - g. The ~~Community Development Director~~**Zoning Administrator** may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.

**Exhibit 2 - Amendment Text from 2/18/21 PZ Staff Report for
TA21-01**

EXHIBIT A

21-202 Definitions ^{*32}

- A. The word **occupied** and the word **used** shall be considered as meaning the same as the words **intended, arranged, or designed to be used or occupied.**
- B. The word **dwelling** includes the word **residence**; the word **lot** includes the words **plot or parcel.**
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows: ^{*23}

List of Defined Terms

Cultivate and Cultivation of Marijuana means to propagate, breed, grow, prepare and package marijuana.

Dual Licensee means an entity that holds both a non-profit medical marijuana dispensary registration and a marijuana establishment license.

Marijuana Manufacturing means to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

Medical Marijuana Manufacturing or Cultivation Facility is a Marijuana Establishment, as defined in A.R.S. §36-2850, licensed by the State of Arizona that is located in a building, structure, or premises where Marijuana is cultivated or stored and which is physically separate from a Medical Qualifying Marijuana Dispensary. Such Medical Marijuana Manufacturing or Cultivation Facility may only provide Marijuana or Marijuana plants Products to Medical Qualifying Marijuana Dispensaries for retail sales to qualified Medical Marijuana Cardholders. Requirements for mixed-use occupancy will be based upon the adopted building codes. ^{*35}

Marijuana Testing Facility is an entity licensed by the State of Arizona to analyze the potency of marijuana and test marijuana for harmful contaminants.

Medical Marijuana Cardholder is a natural person who is a Qualifying Patient, Designated Caregiver, or Nonprofit Medical Marijuana Dispensary Agent or an independent third-party laboratory agent who has been issued and possesses a valid Registry Identification Card pursuant to A.R.S. §36-2801, et.seq. ^{*35}

Medical Marijuana Dispensary is a non-profit entity defined in A.R.S. §36-2801(11), 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. Additionally included is 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. to cultivate not more than twelve Marijuana plants for their personal

use in addressing a Debilitating Medical Condition as set forth in A.R.S. §36-2801, et.seq.^{*35}

Medical Marijuana Statute is the Arizona Medical Marijuana Act codified at A.R.S. §36-28.1. All definitions set forth in the Medical Marijuana Statute are hereby incorporated by reference into the City of Peoria Zoning Ordinance and City Code (1992), unless specified otherwise.^{*35}

Personal Cultivation or Processing means cultivating or processing of not more than six marijuana plants for personal use at an individual's primary residence, or not more than twelve plants where two or more individuals reside at one time. In this instance, individual shall mean a person of at least twenty-one years of age.

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.

21-503 Land Use Matrix

The following Land Use Matrix (Table 21-503) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The Land Use Matrix is intended to serve as a guide for the convenience of the user of this Zoning Ordinance. Where the text of this Zoning Ordinance differs from the Land Use Matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

Table 21-503 Land Use Matrix

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
GENERAL INDUSTRIAL & MANUFACTURING												
Medical Marijuana Manufacturing or Cultivation Facility # *24	-	-	-	-	-	-	-	-	C	C	C	C
Marijuana Testing Facility #	=	=	=	=	=	=	=	=	C	C	C	C
INTENSE RETAIL												

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78 21-505 Limitations on Uses

79 M. Medical Qualifying Marijuana Dispensaries and Marijuana Manufacturing, Cultivation and Testing
80 Facilities *24

81 1. General Requirements

82 a. For the purposes of measuring separation distances, the measurements will be taken in a
83 straight line from the exterior wall of the building, ~~or suite~~ or premises housing the use
84 without regard to intervening buildings or political boundaries.

85 b. Marijuana remnants or by-products shall be disposed of according to an approved plan and
86 not placed within the facility's exterior refuse containers.

87 c. There shall be no inordinate emission of dust, fumes, vapors or odors ~~into the environment~~
88 from the premises.

89 d. Signage for Qualifying Marijuana Dispensaries ~~Dispensary~~ and/or Medical Marijuana
90 Manufacturing, Cultivation and Testing facilities shall be limited to the name of the business
91 only, and no advertising of the goods and/or services shall be permitted.

92 e. Medical Qualifying Marijuana Dispensaries and/or Manufacturing, Cultivation and Testing
93 Facilities shall be located in a permanent building on an established foundation adhering to
94 Peoria building codes and shall not include any temporary, portable, or self-powered mobile
95 facilities.

96 f. An active Security Management Plan shall be approved by the Police Department. The Plan
97 shall include, but is not limited to, the following:

98 1) Security cameras shall be installed and maintained in good condition, and used in an
99 on-going manner. Recordings shall be retained for a minimum of 60 days and comply
100 with any additional standards defined by the Security Management Plan.

101 2) The business space shall be alarmed with an alarm system that is operated and
102 maintained by a recognized security company.

103 3) A security guard shall be provided at the main entrance during all hours of operation.
104 For the purposes of this Section, "security guard" shall mean licensed and duly bonded
105 security personnel registered pursuant to A.R.S. §32-601.

106 g. For the purposes of this section, qualifying zoning districts for Qualifying Marijuana
107 Dispensaries, Manufacturing, Cultivation and Testing Facilities does not include a Planned
108 Area Development (PAD) or Planned Community District (PCD) that points to or references
109 such standard zoning districts identified herein.

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111 h. The operation of a licensed Marijuana Establishment for retail sales is prohibited in the City
112 except as a Dual Licensee, pursuant to Section 11-75 of the City Code (1992).
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2. Medical 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.
- b. Vehicular access into the center or site containing the dispensary shall be from an arterial roadway, as identified on the Peoria General Plan.
- c. The use shall not be located within 2,640-feet of another Medical Qualifying Marijuana Dispensary or ~~Medical Marijuana Manufacturing, or~~ Cultivation and 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 1,000-feet of a Retail Liquor Store; Tavern, Bar or Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol Reception Center.
- f. The use shall not be located within 500-feet of the property line of a residentially-zoned property.
- g. The product offered for sales to ~~Medical Marijuana~~ cardholders shall be inaccessible to the public entering the Medical Qualifying Marijuana Dispensary. All product provided for retail sales shall be located behind a counter staffed by a ~~Nonprofit Medical Marijuana Dispensary or Facility Agent registered by the State of Arizona as defined by A.R.S. §36-2801 et seq.~~
- h. The Dispensary shall have operating hours not earlier than ~~8:00~~ 7:00 a.m. and not later than ~~9:00~~ 10:00 p.m.
- i. The manufacturing, cultivation and testing of Marijuana is prohibited.
- j. Delivery services are prohibited.
- k. Drive-through services and sales are prohibited.
- l. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.
- m. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.
- n. 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.
- o. The windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.
- p. ~~The use shall provide a plan to ensure that~~ No consumption of Marijuana or any product containing Marijuana shall occur ~~occurs~~ on the premises of a Medical Qualifying Marijuana Dispensary.
- q. 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.

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3. ~~Medical Marijuana Manufacturing, or Cultivation or Testing Facility.~~

- a. Other than for delivery to an authorized ~~Medical~~ Qualifying Marijuana Dispensary, distributing, transmitting, dispensing, giving, selling, or providing ~~medical~~ 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 ~~Medical Marijuana Manufacturing, or Cultivation Facility 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 ~~Medical~~ Qualifying Marijuana Dispensaries or retail sales of ~~Medical~~ Marijuana on the premises.
- g. The ~~Community Development Director~~ Zoning Administrator may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.

171 21-809 Home Occupations

172 B. Standards

173 3. Prohibited Home Occupations.

174 Home occupations expressly prohibited shall include, but not be limited to the following:

175
176
177
178

- g. ~~Medical Marijuana Dispensing, Cultivation or Manufacturing, except as provided in A.R.S. § 36-2801-36-2852.~~

**Exhibit 3 - Amendment Text from 5/6/21 PZ Staff Report for
TA20-02**

Exhibit 2: Proposed Text Changes

TA20-02

1 21-202 Definitions *32

2
3 *List of Defined Terms*

4
5 Food Truck see Mobile Food Unit

6
7 Mobile Food Unit means a food establishment that is licensed by the State of Arizona, that is readily
8 movable and that dispenses food or beverages for immediate service and consumption and other
9 incidental retail items from any vehicle, except as provided in Section 14-107 (a) of the Peoria City
10 Code.

11
12 Mobile Food Vendor means any person who owns, controls, manages or leases a mobile food unit
13 or contracts with a person to prepare foods and vend from, drive or operate a mobile food unit.

14
15 Mobile Merchandise Vendor means any person who sells any type of tangible personal property at
16 or adjacent to the person's mobile sales unit in which such tangible personal property is carried.

17
18 Mobile Merchandise Unit means any vehicle used for carrying tangible personal property for sale at
19 or adjacent to the vehicle in which such tangible personal property is carried.

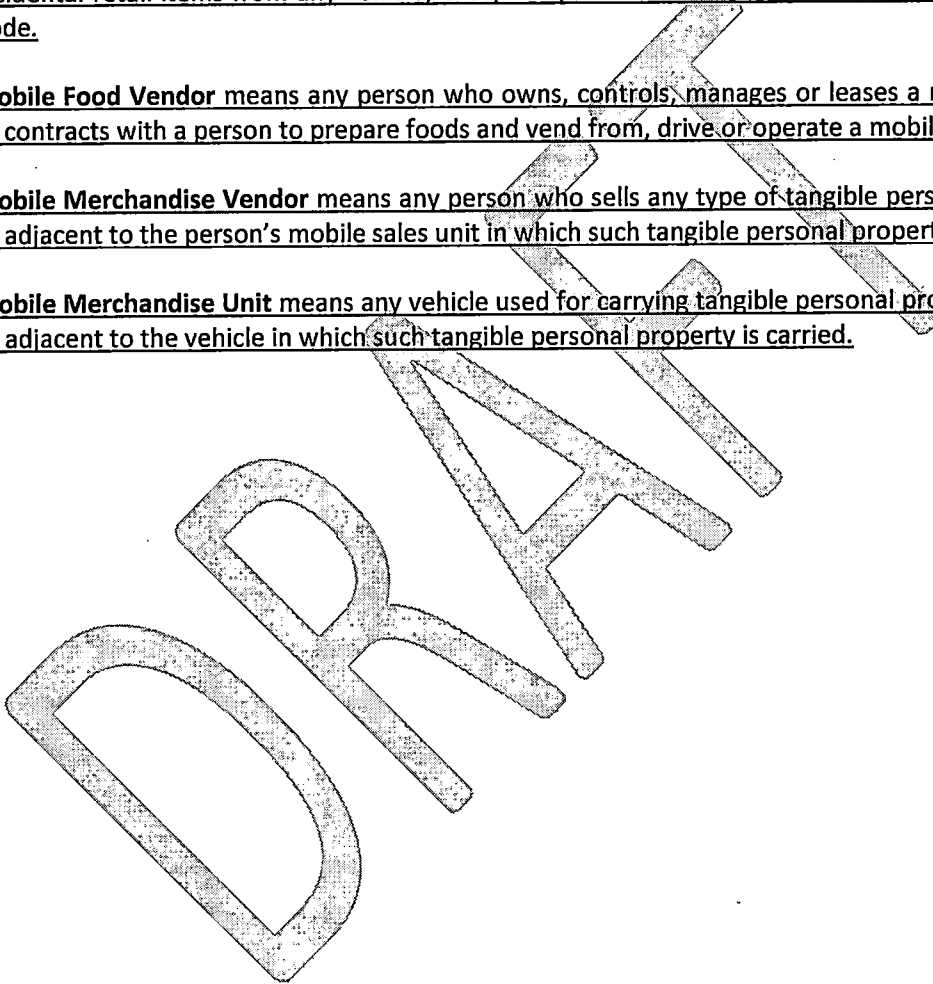
20


Exhibit 2: Proposed Text Changes

TA20-02

1 **21-503 Land Use Matrix**

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
EATING & DRINKING ESTABLISHMENTS												
Catering Establishment * ¹¹	P	P	P	P	P	P	P	P	P	P	P	P
Food and Beverage Vendor Cart Mobile Food Unit #	A	A	A	A	A	A	A	A	A	A	A	A
Outdoor Dining and Seating Areas # * ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C
Restaurants, Drive Through or Drive-Up # * ²²	-	P♦	P♦	P♦	P♦	-	P♦	P♦	-	-	-	-
Restaurants * ¹⁸	P	P	P	P	P	P	P	P	A	A	A	A
Tavern, Bar, Lounge # * ²²	-	-	C	C	C	C	C	C	-	-	-	-

2

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
GENERAL RETAIL												
Antiques, Crafts, and Collectibles Sales	-	-	P	P	P	P	P	P	-	-	-	-
Bait and Tackle Shops	-	-	P	P	P	P	P	-	-	-	-	-
Book, Stationery and Greeting Card Store	P	P	P	P	P	P	P	P	-	-	-	-
Candy and Ice Cream Store	P	P	P	P	P	P	P	P	-	-	-	-
Carpet and Floor Covering Store	-	-	-	-	P	P	P	P	-	-	-	-
Copy Center	P	P	P	P	P	P	P	P	P	P	P	P
Donation Center # * ¹¹	-	-	-	-	C	-	C	C	P	P	P	P
Florist	P	P	P	P	P	P	P	P	-	-	-	-
Gift, Novelty and Souvenir Shop	P	P	P	P	P	P	P	P	-	-	-	-
Hobby, Stamp and Coin Shop	P	P	P	P	P	P	P	P	-	-	-	-
Newsstand * ¹⁷	P	P	P	P	P	P	P	P	P	A	A	A
Pawn Shop #	-	-	-	-	C	-	C	C	-	-	-	-
Permissible Consumer Fireworks Sales # * ²³	-	P	P	P	P	P	P	P	-	-	-	-
Pet Shop # * ¹⁶	-	-	P	P	P	P	P	P	-	-	-	-
Plumbing, Heating, and Air-conditioning Sales and Service	-	-	-	-	-	-	P	-	-	P	P	P
Retail Decorative Rock Sales	-	-	-	-	C	-	P	-	-	P	P	P
Retail Sales of New and Used Merchandise, Indoor. Excludes Sale of Automobile, Boats RVs and Motorcycles * ¹⁵	-	P	P	P	P	P	P	P	A#	-	-	-
Retail Liquor Store #	-	-	-	-	C	-	C	C	-	-	-	-
Small Mobile Merchandise Vendor Carts Unit #	A	A	A	A	A	A	A	A	A	A	A	A
Tobacco Retailer * ²²	-	P	-	-	P	P	P	P	-	-	-	-
Video Rental Store	P	P	P	P	P	P	P	P	-	-	-	-
Water and Ice Store	-	P	P	P	P	P	P	P	-	-	-	-

P = Permitted Use

C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322.

A = Accessory use

♦ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit *¹⁷

= Subject to special limitations (see the following Section 21-505)

3

4

Exhibit 2: Proposed Text Changes

TA20-02

1 21-505 Limitations on Uses

2 A. Eating & Drinking Establishments

- 3 1. ~~Food and Beverage Vendor Cart and Small Merchandise Vendor Cart~~ Mobile
4 Food/Merchandise Unit and all accessory equipment ("use") shall be subject to the following
5 additional requirements:

6 a. Location

- 7 1) The vendor shall obtain written permission from the property owner or an authorized
8 agent.
- 9 2) The use shall not be located within 250 feet of a single-family residentially zoned lot,
10 not including common area tracts.
- 11 3) The use shall not cause the site to fall below minimum required parking for the site.
- 12 4) The use shall be located on a dustproof surface.
- 13 5) The use shall not obstruct pedestrian or vehicle circulation, or be located within drive
14 aisles, fire lanes, loading zones, or any location that may cause hazardous conditions,
15 or constitute a threat to the public health, safety and welfare.
- 16 6) The site shall be restored to its previous condition after each use. Permanent
17 alterations to the site are prohibited.

18 b. Operation

- 19 1) The use shall not be present at the site or center for a period exceeding eight (8)
20 consecutive hours within a 24-hour period. This period includes for set-up, operation
21 and takedown.
- 22 2) Unless a Temporary Use Permit has been issued pursuant to Section 21-322, the
23 operation shall not occur between the hours of 10:00 pm and 7:00 am, unless the
24 mobile food unit is acting as an auxiliary kitchen for an existing bar, tavern, or
25 restaurant, in which case the use shall be limited to the hours of operation for that
26 primary business.
- 27 3) Mobile restrooms are prohibited.
- 28 4) The site shall be properly lit, provided that any temporary lighting be directed
29 downward and shielded in a manner that the illumination source is not be visible from
30 any adjacent property.