

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING THE PEORIA CITY CODE, CHAPTER 21 BY AMENDING SECTION 21-505 "LIMITATIONS ON USES"; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in accordance with Arizona Revised Statute 9-462.01.E, the Mayor and Council of the City of Peoria finds that the subject ordinance would not have a direct impact on the cost to construct housing for sale or rent within the City of Peoria.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on May 18, 2023, to consider proposed amendments to the Peoria City Code (1992 edition), regarding Qualifying Marijuana Dispensary regulations, after notice in the manner provided by law; 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 13, 2023 and the Arizona Republic on July 28, 2023; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of May 18, 2023 voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1992 edition) regarding Qualifying Marijuana Dispensary regulations; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have 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 21-505 ("Limitations on Uses") of the Peoria City Code (1992 edition):

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 A of this Ordinance.

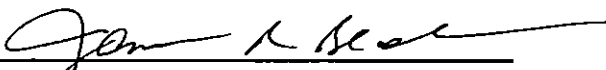
SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

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.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 15 day of August, 2023.

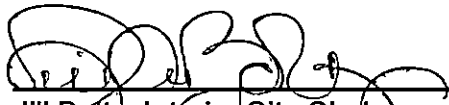


Jason Beck, Mayor

8/17/23

Date Signed

ATTEST:



Jill Boltz, Interim City Clerk



APPROVED AS TO FORM:



Emily Jurmu, City Attorney

Published in: Peoria Times

Publication Date: 8/24/23 8/31/23

Effective Date: 9/17/23

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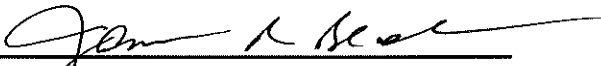
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1 **Exhibit A**
2 **City Code Amendment**

3
4 Amendment for Adoption to the Peoria City Code, Chapter 21

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6 **HOW TO READ THIS DOCUMENT**

7 Unless otherwise stated, provisions that are being deleted are shown in bold red strikethrough text, like
8 this: ~~Provisions that are being deleted are shown with a bold red strikethrough text.~~

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10 Provisions that are being added are shown in double-underlined bold blue text, like this: Provisions that
11 are being added are shown in double-underlined bold blue text.

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

16
17 Section 1. Amend Chapter 21 – Zoning, Non-Residential Districts, Section 21-505 – Limitations on
18 Uses, subsection M. Qualifying Marijuana Dispensaries and Marijuana Manufacturing or
19 Cultivation, and Testing Facilities, as follows:

20
21 M. *Qualifying Marijuana Dispensaries and Marijuana Manufacturing or Cultivation, and Testing*
22 *Facilities.*

23 1. *General Requirements.*

- 24 a. For the purposes of measuring separation distances, the measurements will be taken in
25 a straight line from the exterior wall of the building, suite, or premises housing the use
26 without regard to intervening buildings or political boundaries.
- 27 b. ~~Medical~~ Marijuana remnants or by-products shall be disposed of according to an
28 approved plan and not placed within the facility's exterior refuse containers.
- 29 c. There shall be no inordinate emission of dust, fumes, vapors or odors into the
30 environment from the premises.
- 31 d. Signage for Qualifying Marijuana Dispensaries and/or Marijuana Manufacturing,
32 Cultivation, and Testing facilities shall be limited to the name of the business only, and
33 no advertising of the goods and/or services shall be permitted.
- 34 e. Qualifying Marijuana Dispensaries and/or Manufacturing, Cultivation, and Testing
35 Facilities shall be located in a permanent building on an established foundation adhering
36 to Peoria building codes and shall not include any temporary, portable, or self-powered
37 mobile facilities.
- 38 f. An active Security Management Plan shall be approved by the Police Department. The
39 Plan shall include, but is not limited to, the following:

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- 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 a new or updated security management plan from the Police Department addressing its marijuana delivery procedures.**

- g. For the purposes of this section, qualifying zoning districts for Qualifying Marijuana Dispensaries, Manufacturing, Cultivation, and Testing Facilities does not include 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.
- 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 Qualifying Marijuana Dispensary or Marijuana Manufacturing, 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 retail 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.
- h. The Dispensary shall have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m.
- i. The manufacturing, cultivation, and testing of Marijuana is prohibited.
- ~~j. Delivery services are prohibited.~~

- 80 ~~h.~~ i. Drive-through services and sales are prohibited.
- 81 ~~h.~~ k. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.
- 82 ~~m.~~ l. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor
83 seating to prevent outside loitering.
- 84 ~~n.~~ m. The business entrance and all window areas shall be illuminated during evening hours
85 and shall comply with the City's lighting standards regarding fixture type, wattage,
86 illumination levels, shielding etc.
- 87 ~~o.~~ n. The windows and/or entrances shall not be obstructed and must maintain a clear view
88 into the premises during business hours.
- 89 ~~p.~~ o. No consumption of Marijuana or any product containing Marijuana shall occur on the
90 premises of a Qualifying Marijuana Dispensary.
- 91 ~~q.~~ p. The Tenant improvement Plan shall ensure that ventilation, air filtration, building and
92 design standards are compatible with adjacent uses and the requirements of adopted
93 building codes.
- 94 3. *Marijuana Manufacturing, Cultivation, or Testing Facility.*
- 95 a. Other than for delivery to an authorized Qualifying Marijuana Dispensary, distributing,
96 transmitting, dispensing, giving, selling, or providing Marijuana is prohibited.
- 97 b. All cultivation, manufacturing, testing and storage of Marijuana and Marijuana plants
98 shall occur within secured, enclosed buildings and structures.
- 99 c. The use shall not be located within 2,640-feet of another Marijuana Manufacturing,
100 Cultivation, or Testing Facility.
- 101 d. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities,
102 Pre-Schools, Public/Charter or Private Schools.
- 103 e. The use shall not be located within 500-feet of the property line of a residentially-zoned
104 property.
- 105 f. There shall be no signage advertising the location of Qualifying Marijuana Dispensaries
106 or retail sales of Marijuana on the premises.
- 107 g. The Zoning Administrator may require additional ventilation and air filtration necessary
108 to ensure compatibility with adjacent uses.