



CITY OF SURPRISE
Regular City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, October 20, 2020 @ 4:00 PM
COUNCIL CHAMBERS

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Proclamation and Community Acknowledgements
- E. City Manager Report
- F. City Clerk Report
- G. Call To The Public

NOTICE: In an effort to protect health and safety of city employees, residents, and visitors, the Council Chambers will be partially open to the public with limited seating. The public may access the meeting by viewing a live stream or broadcast of the meeting. To watch live, please visit www.surpriseaz.gov/surprisetv, the Surprise City Gov Facebook page at www.facebook.com/cityofsurprise. Cox channel 11 and Century Link channel 8513 will also carry the meeting live. For instructions on how to comment on agenda items and public hearings, please go to <https://bit.ly/3k2NIV1>

H. Regular City Council Work Session Agenda

CONSENT AGENDA:

REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|--|--|--|
| 1. | Internal | Presentation and introduction of the new Fiscal Year 2020-2021 Surprise Youth Council. | None |
| | | | Joseph Gladieux
Human Svcs and
Comm Vitality |
| 2. | Citywide | Presentation and discussion regarding procedures and permitted land uses within the Land Development Ordinances compared to the Surprise Unified Development Code (SUDC). | None |
| | | | Joshua Mike
Community
Development |
| 3. | Citywide | Presentation and discussion pertaining to the anticipated adoption of an ordinance to address the potential passage of Proposition 207, also known as the Smart and Safe Arizona Act, which will legalize recreational marijuana in Arizona. | None |
| | | | Hobart Wingard
Community
Development |
| I. | Other Business and Future Agenda Items | | |
| J. | City Council Reports | | |
| K. | Executive Session | | |

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));

L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: October 15, 2020 12:05 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Regular City Council Work Session

Council Meeting Date: October 20, 2020

Contact Person: Joseph Gladieux, SENIOR SVCS
PRG SUPV

Submitting Department: Human Svcs and Comm Vitality District: Internal

Staff Recommendations: None

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Presentation and introduction of the new Fiscal Year 2020-2021 Surprise Youth Council.

Motion:

Discussion only

Background:

HSCV Youth Services staff and members of the Surprise Youth Council (SYC) will be providing a brief programmatic update and introducing the new SYC members for program year 2020-2021.

Objective Analysis:

N/A

Policy Compliant:

This presentation is compliant with City and Council policies.

Financial Impact:

None

Budget Impact:

None

FTE Impact:

None

ATTACHMENTS:

1. Slideshow for CCMeeting
-



Surprise Youth Services Update & Introduction to FY21 Surprise Youth Council

Surprise Youth Services, October 2020

2019-20 Youth Services Wrap Up

- **Surprise Youth Council** - 29 Members
- **Surprise Youth Justice Project** - 16 Youth Members. 22 juvenile criminal cases facilitated in Teen Court
- **Literacy Challenge** - 2,100 students from 9 local elementary schools
- **Surprise City Court Academy** - 18 local high school student participants. 108 hours of skill building
- **Youth Services Impact**
 - **7,549** hours of leadership/team-building/technical skills training
 - **832** Community service hours
 - **3,045** Youth program participants (all activities)



Introducing the 2020-2021 Surprise Youth Council

Surprise Youth Services, October 2020



Council Snapshot

OUR 29 MEMBERS REPRESENT

- Grades 8 – 12
 - Four Dysart District High Schools
 - Two Charter High Schools
 - Homeschool
- Musicians, Athletes, Academics, Thespians, Artists, Activists and more

Abby Merrill



- Senior at Shadow Ridge High School
- Second year on SYC
- Clubs:
 - National Honors Society
 - Concert Band
 - Marching Band
 - Spokesmodel Photography Group
- Interests:
 - Music
 - Baking
 - Painting

"After high school, I want to go to ASU to become a Women's Health Nurse Practitioner. I can't wait for another year of SYC!"

Alysa Fletcher



- Senior at Paradise Honors High School
- Second year on SYC
- Clubs and Activities:
 - Drama
 - Choir
 - Various student leadership clubs

"In my free time I love to arrange photoshoots with my friends to work on my photography skills."

Alyssa Blandford



- Sophomore at Dysart High School
- Third year on SYC
- Clubs and Sports:
 - Marching and Concert Band
 - Girls Golf Team
- Interests:
 - Playing Instruments
 - Photography
 - Cooking/Baking

"In the future I want to keep a focus on positively impacting the community through a career in the medical field."

Andi Soliz



- Senior at Dysart High School
- Fourth year on SYC
- Clubs:
 - National Honors Society
 - National Officer for Skills USA
- Interests:
 - Film
 - Playing Instruments

"I plan on attending university next year, major in Political Science, and then go straight into law school. In my free time, I like to roller skate and read."



Arianna Dixon



- Junior at Paradise Honors High School
- First year on SYC
- Clubs:
 - National Honor Society
- Interests:
 - Singing
 - Painting
 - Interior Design
 - Fashion

"I love to travel and experience new cultures. In the future I'd like to be an occupational therapist."

Ashlee Dirks



- Junior at Paradise Honors High School
- First year on SYC
- Clubs and Sports:
 - Soccer
 - Figure Skating
 - Theatre
 - Choir

"I love to hang out with friends. I have two dogs and I love them so much!"

Ava Pavone



- Freshman at Willow Canyon High School
- First year on SYC
- Interests:
 - Cooking
 - Volleyball
 - Baseball
 - Photography
 - Music

"I love Harry Potter, my favorite character is Draco Malfoy and my house is Gryffindor. I am eager to be a positive influence on the SYC by contributing my creativity and ideas."

Bryan Main



- Junior - Homeschooled
- Third year on SYC
- Clubs and Interests:
 - Surprise Youth Justice Project (SYJP)
 - Politics
 - Music
 - Travel
 - Aviation

"I plan to earn my private pilot certification on my 17th birthday. I enjoy competitively solving Rubik's cubes and spending time with friends and family."

Carlie Hess



- Junior at Imagine Prep
- Third year on SYC
- Clubs:
 - National Honor Society
 - Photography Club
- Interests:
 - Photography
 - Film
 - Art

"I enjoy all forms of art, but my strongest skill is photography. In my free time I love to talk and hangout with my friends."

Chris Stoica



- Senior at Shadow Ridge High School
- First year on SYC
- Clubs and Sports:
 - Key Club
 - National Honor Society
 - Football
 - Track and Field

"I am planning on going into an Engineering/Architecture field for College. I am Bilingual, my first language is Romanian. I am the only one in my family born in the U.S."

Courtney Bird



- Junior at Valley Vista High School
- Second year on SYC
- Clubs and Activities:
 - Marching Band, Drum Major
 - Yearbook, Editor in Chief
 - Badminton

"I love poetry and am addicted to dark academia movies."

Daniela Ortiz



- Junior at Paradise Honors High School
- First year on SYC
- Clubs:
 - BSU – Black Student Union

“I plan on going into the medical field for college. I am bilingual, Spanish was my first language, and my parents are from Colombia. I love creative arts such as photography and ceramics, and my guilty pleasure is skincare.”

Daryian Matthews



- Senior at Dysart High School
- Fourth year on SYC
- Clubs and Sports:
 - Student Council
 - Class of 2021 Club
 - Basketball Team

"In my free time, I like to read, play video games, and watch Hulu."

Esteban Salazar



- Senior at Shadow Ridge High School
- Second year on SYC
- Clubs and Sports:
 - Cross Country Team
 - Spanish Club
 - Math Club

"I am bilingual, very athletic, skilled at chess and engineering. I'm planning on being a firefighter and a material science engineer."

Favour Alino



- Senior at Paradise Honors High School
- Second year on SYC
- Clubs:
 - Black Student Union
 - National Honors Society
 - Gospel Choir
 - Surprise Youth Justice Project (SYJP)

"I enjoy singing, spending quality time with my friends and family, and 'photoshopping' pictures of myself with Michael B. Jordan."

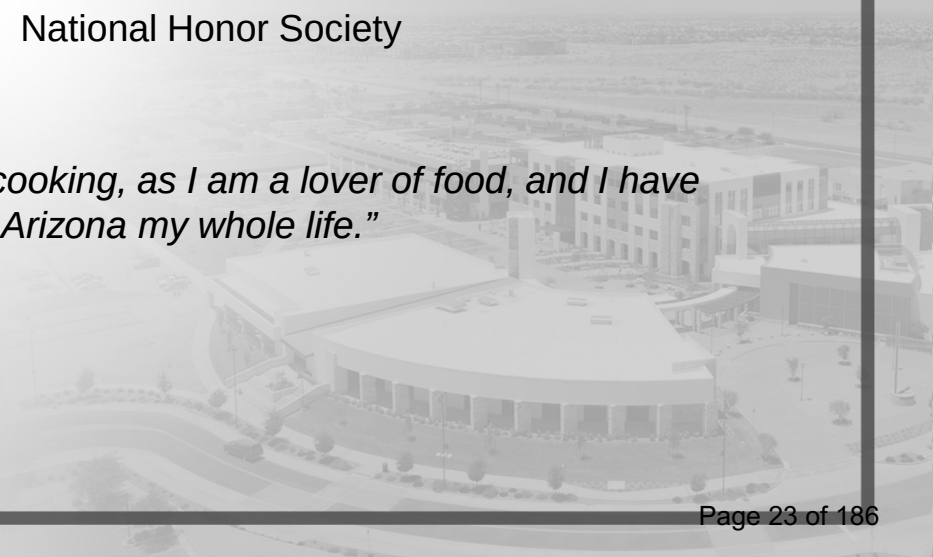


Hannah Burca



- Junior at Paradise Honors High School
- First year on SYC
- Clubs:
 - National Honor Society

"I love cooking, as I am a lover of food, and I have lived in Arizona my whole life."



Katherine (Kat) Ramos



- Senior at Willow Canyon High School
- First year on SYC
- Clubs:
 - National Honor Society
 - Health Occupations Students of America (HOSA)
 - Marching Band
- Interests:
 - Working at Red Robin
 - Playing and Listening to music
 - Community Work

"I am interested in medicine, more specifically, becoming a nurse."

Layla Nguyen



- Sophomore at Paradise Honors High School
- First year on SYC
- Clubs:
 - Student Council
 - DECA
 - Key Club

"I enjoy volunteering, especially with my friends. In my free time, I like watching movies."

Liana Ilya



- Senior at Paradise Honors High School
- First year on SYC
- Clubs and Activities:
 - Student Council
 - Make-A-Wish Youth Leadership Program
 - National Honor Society
 - Church Activities

"I am Assyrian and am bilingual. I enjoy spending my days with family and friends. We watch old shows and movies and enjoy each other's company doing anything at all."

Makenna Breading-Goodrich



- Senior at Paradise Honors High School
- Sixth year on SYC
- Clubs:
 - Student Council
 - National Honor Society

"I plan on attending the University of Alabama next fall, with a major in Political Science. I can't wait to see what my last year in Arizona brings me!"

Miguel Rosas



- Junior at Paradise Honors High School
- First year on SYC
- Clubs and Activities:
 - Junior Class President
 - National Honor Society

"I am Mexican American and have been taught the value of hard work from a very young age. My hobbies include keeping up with technology, politics, and music."

Nate Gura



- Senior at Shadow Ridge High School
- First year on SYC
- Clubs and Activities:
 - President of Computer Animation SkillsUSA SRHS
 - Board Officer of Theatre Club
 - National Honor Society

"I am excited to be an active participant in my community and to get to know the wonderful people of this city!"

Nolan Duzy



- Junior at Paradise Honors High School
- First year on SYC
- Clubs and Activities:
 - Student Council
 - Drama Club

“Fun fact: I love to play volleyball!”

Peyton Reeder



- Sophomore at Dysart High School
- First year on SYC
- Clubs and Activities:
 - Marching and Concert Band
 - Theater

"My interests are psychology, music, and forensic sciences."

Shane Nguyen



- Junior at Paradise Honors High School
- First year on SYC
- Clubs:
 - Robotics Club
 - Student Council
 - National Honor Society
- Interests:
 - Drawing
 - Playing guitar
 - Programming

"I'm very passionate about engineering, technology, and the environment so I'm very excited that I was able to join SYC and be able to make a difference in the community."

Sydney Main



- 8th grade - Homeschooled
- First year on SYC
- Interests:
 - Painting
 - Drawing
 - Skateboarding
 - Reading

"I enjoy serving others and wish to use my talents to make a lasting impact on my community."

Tatumn Anderson



- Senior at Willow Canyon High School
- Fifth year on SYC
- Clubs:
 - National Honor Society

"I currently work at the Northwest Regional Library and at TEAM 4 Kids. Some of my hobbies include painting, skateboarding and listening to music."

Tyrah Davis



- Sophomore at Willow Canyon High School
- Fourth year on SYC
- Clubs and Activities:
 - Student Council
 - Fellowship of Christian Athletes (FCA)
 - Health Occupations Students of America (HOSA)
 - Tennis
 - Worship Team

"I love meeting people and learning new things about the world we live in!"

Zach Huskisson



- Senior at Paradise Honors High School
- Second year on SYC
- Interests:
 - Music
 - Theater
 - Piano

"I work my hardest to make sure everyone around me is safe, happy, and healthy."



2020-21 Looking Ahead

- **Surprise Youth Council (SYC)**
 - Welcomed 15 new members (14 returning members)
 - Meeting virtually 2x a month since August
 - In the process of planning and selecting projects for the year
 - Participate/Volunteer in City Events (Community Service)
 - Ongoing Leadership/Team-Building/Technical Skills Training
- **Teen Court – Surprise Youth Justice Project (SYJP)**
 - Plans are underway to continue Teen Court virtually in collaboration with Maricopa County Juvenile Probation Department
- **Summer Youth Employment Program 2021(SYEP)**
 - Plans to expand opportunity to more youth are underway (May-July)



2020-21 Looking Ahead

- **Surprise Literacy Challenge**
 - Plans for an Online platform are under way
- **Annual Student Job Fair**
- **New Inter-generation programming**
 - There are plans for programs that will engage members of Senior Center, Youth Services Program Teens, and the Surprise Kids Club



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

- Welcomed 15 new members.
- Completed projects that focused on civic engagement, mental health awareness, and community engagement.
- Civically engaged in local and national conferences including National League of Cities, AZ League of Cities and Towns, and City Council Meetings.
- Youth Council members volunteered at 8 major City events.
- Tunnel of Terror at G.A.I.N. Night was planned by 20 teen volunteers and served 1,100 community members.
- COVID-19 response: In-person projects and meetings were adapted and modified into virtual formats.
- 21 SYC applicants were evaluated virtually during recruitment period.

- **Youth Services Division**

- Relocated to Senior Center
- Youth Services reports to Joe Gladieux HSCV Manger
- Hired new Youth Services Coordinator to fill vacancy



CITY OF SURPRISE Regular City Council Work Session

Council Meeting Date: October 20, 2020 Contact Person: Joshua Mike
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

Consent: No Regular: No Public Hearing: No Report/Discussion: Yes

Agenda Wording:

Presentation and discussion regarding procedures and permitted land uses within the Land Development Ordinances compared to the Surprise Unified Development Code (SUDC).

Motion:

Presentation and discussion only.

Background:

Staff has prepared changes to the Land Development Ordinances that will implement the General Plan 2035. This code update has included across-the-board teamwork from all disciplines of the development community; home builders, architects, engineers, landscape architects, planners, etc. Since April 2020, after the stay-at-home order was put in place, staff continued to revise the drafts based on those meetings and other feedback such as phone calls and emailed suggestions. The newest draft is a comprehensive version, incorporating revisions that attempt to follow the direction set by City leaders and address the needs of developers in the City. This presentation will include feedback from the industry regarding provisions for residential zoning focusing upon permitted uses and related development standards.

Objective Analysis:

The Land Development Ordinances (LDO) and Planning and Engineering Design Standards (PEDS) will incorporate changes to the whole development code, replacing the current SUDC, and clarifying the standards for site, open space, and general development regulations.

Policy Compliant:

This development code update will implement the General Plan 2035.

Financial Impact:

There is no direct financial impact. Any financial impact will be determined during the budget process.

Budget Impact:

There is no direct budget impact. Any financial impact will be determined during the budget process.

FTE Impact:

There will be no impact on FTE.

ATTACHMENTS:

1. 00 20.10.08 EVR LDO Code Update Memo-10.20.2020
 2. 01 FS18-296 Overview Comparison SUDCvLDO
 3. 02 FS18-296 LDO Primary and Accessory Land Use Matrix
 4. 03 FS18-296 LDO Land Use Matrix Comparison
 5. 04 20.10.08 EVR Code Update Presentation 10.20.2020
-

Case:	FS18-296
Project Name:	Land Development Ordinances Update – Land Uses
Council Districts:	Citywide
Meeting Date:	October 20, 2020
Planner:	Joshua Mike
Attachments:	Overview Comparison SUDC v LDO
	Primary and Accessory Land Matrix
	Land Use Comparison Table

Introduction:

This memo presents the provisions in the Land Development Ordinances (LDO) as it relates to the permitted land uses compared to the Surprise Unified Development Code (SUDC). Instead of focusing solely on a chapter of the LDO or the PEDS separately, the discussion will approach a typical development situation, such as the review procedure types, outreach process, and approvals needed for certain land uses. It will explore how it is addressed within sections of different chapters of the LDO. It will also show the draft language presented to stakeholders. Direction will be sought from the Planning and Zoning Commission and City Council on how to finalize standards.

CHAPTER 102 – Review Process and Applications:

Chapter 102 of the LDO regulates the review process and approvals needed. The discussion below outline some highlights of the Procedure Types, Public Outreach Process, and Conditional Use Permits.

Procedure Types

Type 1. This procedure is for interpretative and administrative applications without a public outreach process, public meeting, or public hearing required, with decisions by the Community Development Director.

Type 2. This procedure is for applications that only require a public meeting and therefore only require the limited public outreach of posting the meeting agenda, where the approval authority lies with the Planning and Zoning Commission

Type 3. This procedure is for applications that generally are legislative in nature requiring a public hearing per A.R.S § 9-462.04 and require Public Notice in the form of “Agenda Posting”, “Newspaper Publication”, “Letter by 1st Class Mail”, and “Site Posting” according to this Chapter. The approval authority is subject to the Application Type and may be the Planning and Zoning Commission, Board of Adjustment, or City Council.

The following **Table 102-2a** describes the level of public outreach required, decision-making authority, and the appeal authority for the applications processed and the approvals that may be granted under this Ordinance.

Table 102-2a: Application Type, Procedure, and Decision Authority Summary

	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
Type 1 Applications								
Zoning Interpretation					D			A
Site Plan Amendment (minor)					D	A		
Minor land division / Parcel assemblage					D		A	
Administrative Use Permits					D			A
Temporary Use Permits					D	A		
Home Product Review					D	A		
Corrective Plat					D		A	
PEDS Deviation/Waiver					D	A		
Slope Category Analysis Waiver					D	A		
Administrative Waiver/Extension					D	A		
Type 2 Applications								
Site Plan Review	X				R	D	A	
Site Plan Amendment (major)	X				R	D	A	
Protected Development Rights Plans	X				R	R	D	
Final plats	X				R		D	
Original Townsite Incentive	X				R		D	
Development Agreement	X				R		D	
Hillside Cut & Fill Waiver	X			X	R	D		
Type 3 Applications								
General Plan Amendments	X	X	X	X	R	R	D	
Specific Area Plan Requests	X	X	X	X	R	R	D	
Rezoning Requests	X	X	X	X	R	R	D	
LDO Text Amendments	X	X ⁽¹⁾	X		R	R	D	
Conditional Use Permits	X	X	X	X	R	D	A	
Comprehensive Sign Program	X	X	X	X	R	R	D	
Preliminary plats	X		X	X	R	R	D	
Variances Requests	X	X		X	R			D
Annexation	X	X	X	X	R		D	
Key: X = Required (1) = 1 st Class Letter not required R = Reviews and recommends action to decision-making body D = Decision-making body A = Appeal authority								

Public Outreach

When public outreach is required, one (1) or more of the following methods may be required depending on the procedure type or complexity of a project. The typical notice must be published, distributed, or displayed at least 15 days prior to the meeting or public hearing.

1. Legal ad, published in a local paper.
2. Mail-out, sent by 1st Class mail to property owners within a 300-ft radius of a subject parcel.
3. Site Posting, on or near subject parcel
4. Neighborhood Meeting, held by the applicant

Conditional Use Permits

Conditional Use Permits (CUP) are required for certain land uses that may not be fully compatible with the other uses permitted by right in a zoning district. It is an individual review of design and configuration in order to ensure the appropriateness of the use at a particular location within a given zoning district based on the following criteria.

- Location and character of the use shall not burden or conflict with the established uses of the surrounding area;
- The proposed use shall not impair the integrity or character of the community nor shall it be detrimental to the public health, safety, or general welfare of the city;
- The proposed use shall conform to the goals and policies of the General Plan and any specific district or plans for the area;
- The proposed use shall conform to any applicable Use Specific Standards
- The proposed use shall conform to the development standards of the zoning district and shall take into account the following factors:
 - Site and building design;
 - Sensitivity to existing natural features;
 - Volume or character of traffic;
 - Circulation patterns;
 - Connectivity;
 - Parking and loading;
 - Screening and buffering of uses;
 - Landscaping;
 - Exterior lighting;
 - Signage;
 - Storm water retention and drainage;
 - Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
 - A demonstrated need for such use.
- Necessary facilities and utilities will not overburden municipal services.

The burden of proof for satisfying the CUP requirements shall rest with the applicant. The approval or denial of a CUP is an administrative decision with the final approval authority lying with the Surprise Planning and Zoning Commission. A decision to deny a proposed CUP shall not in any way be construed as a diminution of property values or a restraint of development rights.

CHAPTER 106-ZONING AND USE STANDARDS:

The topics below from Chapter 106 of the LDO relate to discussions about converting zoning districts from the SUDC to the LDO and the allowed uses. The attachments show the Primary Land Use and Accessory Land Use Matrix as well as a supplemental comparison table.

Table 106-1b Conversion Table of Zoning Districts Nomenclature					
Title 17 and 1986 Code		Surprise Unified Development Code (SUDC)		Land Development Ordinance (LDO)	
Symbol	District Name	Symbol	District Name	Symbol	District Name
R1-43	Single-family Residential	RR or RE	Residential Ranch or Residential Estate	RR	Rural Residential
R1-18	Single-family Residential	RL-2	Residential Low Density	RR	Residential Low Density
		RL-3	Residential Low Density		
R1-8	Single-family Residential	RL-4	Residential Low Density		
R1-5	Single-family Residential	RL-5	Residential Low Density		
R-2	Multi-family Residential	RM	Residential Medium Density	R-2	Residential Medium Density
R-3	Multi-family Residential	RH	Residential High Density	R-3	Residential High Density
		RC	Residential Cluster		(district eliminated)
		CS	Countryside Center		(district eliminated)
		PUD	Planned Unit Development	PUD	Planned Unit Development
PAD	Planned Area Development	PAD	Planned Area Development	PAD	(district eliminated)
		MU	Mixed use	MU-1	Mixed use Medium Density
				MU-2	Mixed used High Density
C-1	Neighborhood Commercial	CN	Neighborhood Commercial	C-1	Neighborhood Commercial
C-2	Community Commercial	CC	Community Commercial	C-2	Community Commercial
C-3	General Commercial	CR	Regional Commercial	C-3	Regional Commercial
		C-RS	Resort Commercial	MU-3	Mixed use Resort
		BP	Business Park	BP	Business Park
I-1	Light Industrial	IP	Industrial Performance	I-1	Light Industrial
I-2	Heavy Industrial	IG	Industrial General	I-2	General Industrial
I-3	Landfill and Mineral Extraction	ILM	Industrial Land Mineral Extraction	I-3	Heavy Industrial
GU	Governmental use	PF	Public Facilities	PF	Public Facilities

Land Use Comparison

Some land uses are being consolidated or added to allow easier interpretation by the City and more flexibility for future land use ideas. In other land uses situations, the size requirements within the SUDC matrix is removed because the LDO of the zoning districts will manage size requirements. Below is a sample of certain land uses from the SUDC as interpreted in the LDO.

SUDC	LDO
Convention Facilities	Places of Assembly
Bingo Parlor, Bowling Alley, Dance Hall, Pool Hall, Dinner Theatre, Movie Theater, Video Games—Commercial Skating Rink—Ice or Roller Skating	Entertainment Establishment – Indoor
Skateboard Track—Outdoor Commercial, Go-Cart Track, Driver Training Theater—Outdoor including Drive-In and Amphitheaters	Entertainment Establishment- Outdoor
Alcohol—Beverage Retail Sales Ammunition and Firearms Sales Home Improvement Center (Typically home, lawn, and garden supplies, brick, lumber, and other similar building materials) Pawn Shop/Resale Stores Retail—Industrial (Retail 10% or less of Gross Floor Area) Retail—Industrial (Retail 20% or less of Gross Floor Area) Retail—Office Retail—Residential/Office—Residential/Retail—Office—Residential	Retail Shopping Establishment
Ambulance Service Taxi/Limo Service—Parking and Dispatch Moving Company	Fleet-Based Services
Biotechnical—Manufacturing, Processing Cabinet or Carpenter Shop, Millwork and Wood Products Computer and Electronic—Manufacturing Metal Products—Manufacturing and Fabrication	Manufacturing

Some new land uses have been added as more general terms to allow flexibility for new commercial uses that would otherwise need to be itemized or have not previously been considered.

- Repair Service Establishment. Represents businesses such as cell phone or computer repair, small appliance repair, or similar conducted within the building.

- Service Call Establishment. An establishment that provides off-site professional services at the customer's location such as but not limited to pest control, catering services, electrician, personal services, or plumbing.
- Outdoor uses, such as dining, sales and display, and storage areas have been moved to the accessory use matrix since each is a dependent on a primary use on the property.

DIRECTION NEEDED:

In order to prepare the next set of revisions for the LDO and the PEDS, direction from the City Leaders is needed on the concepts discussed in this memo.

CONCLUSION:

Feedback from this meeting will be discussed and revisions to the LDO and PEDS will be made. Updated drafts will be published and distributed to the stakeholder and discussed at future stakeholder meetings, Planning and Zoning Commission meetings, and City Council Work Sessions.

PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

Overview Comparison Table SUDC vs LDO												
Surprise Unified Development Code (SUDC)		Land Development Ordinance (LDO)		Change in Land Uses		Dwelling Unit Ratios		Change in Required Open Space		Change in Setbacks	Max Height	
Symbol	District Name	Symbol	District Name	Added	Removed	SUDC	LDO	SUDC	LDO		SUDC	LDO
RR or RE	Residential Ranch or Residential Estate	RR	Rural Residential	Manufactured Homes Community Garden Fairground/Stadium (CUP) Library Places of Worship RV Park (CUP) Utility Service Yard (CUP) Feed and Tack (CUP) Plant Nursery (Growing Facility & Wholesale) (CUP) Aquafer Recharge (CUP)	Animal Hospital	max 1 du / ac	min 1 du / ac	None	min 10% for new subdivisions	No change	40	40'
RL	Residential Low Density	R-1	Residential Low Density	Community Garden Places of Worship	Athletic or Fitness Club (less than 5000sf)	2-5 du / ac	min 4,950 sf / du	Min of 20% for new RL subdivisions	min of 10-20% new subdivisions (dependent on density)	Increase: garage face setbacks Decrease: front, rear, and side setbacks	30	30'
RM	Residential Medium Density	R-2	Residential Medium Density	Community Garden Places of Worship	Athletic or Fitness Club (less than 5000sf)	6-12 du / ac	min 4,00 sf / du	Min of 20% for new RM subdivisions	min of 20-25% new subdivisions (dependent of density)	Increase: garage face and side setbacks Decrease: front and rear	35	30'
RH	Residential High Density	R-3	Residential High Density	Places of Worship	Assisted Living Home Live/Work Dwelling (CUP) Model Home Complex Athletic or Fitness Club	15-21 du / ac	min 8 du / ac	30-45% of rec space / du (dependent on character pattern standards)	150sf/du of open space	No change	35-72' (6 stories max)	45-60'
SHD-RO	Surprise Heritage District-Residential Overlay	SHD-RO	Surprise Heritage District-Residential Overlay	Community Facility Community Garden Places of Assembly (CUP) Private Club Repair Service Est. (AUP) Service Call Est. (CUP)		max 8 du / ac	min 5000 sf / du			No change		30-35'
SHD-CO	Surprise Heritage District-Commercial Overlay	SHD-CO	Surprise Heritage District-Commercial Overlay	Dormitory (CUP) Animal Grooming Bar/Nightclub (CUP) Catering Services Community Facility Community Garden Entertainment Est. – Indoor Microbrewery, Distillery, & Winery (CUP) Park and Ride (CUP removed) Places of Assembly (CUP removed) Plant Nursery Repair Service Est. Service Call Est. Showroom/Sales Office Minor Vehicle Repair(CUP)		max 10 du / ac	min 4000 sf / du	Unlisted in SUDC	Open space based on either DU in multi-family projects or in setbacks of non-residential procects	No change		35-45'
MU	Mixed Use	MU-1	Mixed Use Medium Density		Assisted Living Home Funeral Home, Mortuary	TBD at Rezone	min 5,500 sf / du		Open space based on either DU in multi-family projects or in setbacks of non-residential procects	Unlisted in SUDC Now defined in LDO		45'
		MU-2	Mixed Used High Density	Assisted Living Center Entertainment Est. – Indoor Microbrewery, Distillery, & Winery (CUP) Nursing Care Institution Park and Ride Personal Services Places of Assembly Places of Worship Repair Service Est. Restaurant, Convenience/Take Out Retail Shopping (CUP removed) Service Call Est. Showroom/Sales Office	Hotels, Timeshares	TBD at Rezone	2,000-5,500 sf / du		Open space based on either DU in multi-family projects or in setbacks of non-residential procects	Unlisted in SUDC Now defined in LDO		50-60'
C-RS	Resort Commercial	MU-3	Mixed Use Resort	Entertainment Est. – Indoor Entertainment Est.-Outdoor (CUP removed) Microbrewery, Distillery, & Winery (CUP) Personal Services Places of Assembly Repair Service Restaurant, Convenience/Take Out Repair Service Est. Retail Shopping (CUP removed) Service Call Est. Showroom/Sales Office Equestrian Center		TBD at Rezone	8-20 du / ac		30% net area	Unlisted in SUDC Now defined in LDO		30-50'

PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

Overview Comparison Table SUDC vs LDO												
Surprise Unified Development Code (SUDC)		Land Development Ordinance (LDO)		Change in Land Uses		Dwelling Unit Ratios		Change in Required Open Space		Change in Setbacks	Max Height	
Symbol	District Name	Symbol	District Name	Added	Removed	SUDC	LDO	SUDC	LDO		SUDC	LDO
CN	Neighborhood Commercial	C-1	Neighborhood Commercial	Dormitory (CUP) Animal Grooming Athletic or Fitness Club (Commercial) Bank (CUP removed) Bar/Nightclub (CUP) Catering Services Day Care (CUP Removed) Entertainment Est. – Indoor Feed and Tack Galleries, Museums Personal Services Places of Assembly Places of Worship Private Club Repair Service Est. Restaurant, Convenience/Take Out Retail Shopping Service Call Est. Showroom/Sales Office Vehicle Fueling Stations	Live/Work Dwelling (CUP) Model Home Complex					Redifne setback in relation to ROW or residential property lines	30'	35'
CC	Community Commercial	C-2	Community Commercial	Dormitory (CUP) Animal Grooming Bar/Nightclub (CUP) Catering Services Day Care (CUP Removed) Entertainment Est. – Indoor Feed and Tack Nursing Care Institution Parking Lot/Structure (CUP) Personal Services Places of Assembly Places of Worship Repair Service Est. Self-Storage (CUP) Service Call Est. Showroom/Sales Office Vehicle Rental Facilities Vehicle Washing	Live/Work Dwelling (CUP) Model Home Complex Golf Course					Redifne setback in relation to ROW or residential property lines	35'	40'
CR	Regional Commercial	C-3	Regional Commercial	Dormitory (CUP) Bar/Nightclub (CUP) Catering Services Day Care (CUP Removed) Entertainment Est. – Indoor Entertainment Est. Outdoor (CUP removed) Feed and Tack Overnight Surgical Park and Ride (CUP removed) Parking Lot/Structure (CUP) Places of Assembly Places of Worship RV Park (CUP) Repair Service Est. Service Call Est. Showroom/Sales Office Vehicle Rental Facilities OHV, Motorcycle, Boats Sales(CUP) Personal Vehicle Sales(CUP) Fleet-Based Services Wholesale Shopping Est	Live/Work Dwelling (CUP) Model Home Complex Animal Grooming Community Facility Golf Course Zoos, Exotic Animal Keeping					Redifne setback in relation to ROW or residential property lines	35-45'	45'

PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

Overview Comparison Table SUDC vs LDO												
Surprise Unified Development Code (SUDC)		Land Development Ordinance (LDO)		Change in Land Uses		Dwelling Unit Ratios		Change in Required Open Space		Change in Setbacks	Max Height	
Symbol	District Name	Symbol	District Name	Added	Removed	SUDC	LDO	SUDC	LDO		SUDC	LDO
BP	Business Park	BP	Business Park	Dormitory (CUP) Medical Hospital or Overnight Surgical Personal Services Places of Assembly Restaurant, Convenience/Take Out Repair Service Est. Retail Shopping (CUP removed) School-Uni. or College Service Call Est. Showroom/Sales Office Business Incubator Vehicle Fueling Stations OHV, Motorcycle, Boat Sales(CUP) Data Center Food Manufacturing & Processing (CUP) Freight Depot (CUP) Research Facility Wholesale Shopping Est	Places of Worship Contractor Yard					Unlisted in SUDC Now defined in LDO	Unlisted in SUDC	45'
IP	Industrial Performance	I-1	Light Industrial	Dormitory (CUP) Animal Boarding Facility Catering Services Entertainment Est.-Outdoor (CUP removed) Parking Lot/Structure (CUP) Places of Assembly Repair Service Est. Retail Shopping (CUP removed) RV Storage (CUP removed) Service Call Est. Showroom/Sales Office Business Incubator Vehicle Rental Facilities Commercial Vehicle Sales (CUP removed) OHV, Motorcycle Sales (CUP removed) Personal Vehicle Sales (CUP removed) Auction – Vehicle (CUP removed) Data Center Fleet-Based Services Food Manufacturing & Processing Freight Depot (CUP) Research Facility Manufactured Home Sales (CUP removed) Plant Nursery (Growing Facility & Wholesale) Truck Stop (CUP removed)	Animal Grooming Archery Range—Outdoor Places of Worship Wrecker Service					Redifne setback in relation to ROW or residential property lines	40'	40'
IG	Industrial General	I-2	General Industrial	Catering Services Parking Lot/Structure (CUP) Repair Service Est. Retail Shopping (CUP removed) RV Storage (CUP removed) Service Call Est. Showroom/Sales Office Utility Service Yard Vehicle Rental Facilities Commercial Vehicle Sales (CUP removed) OHV, Motorcycle Sales (CUP removed) Personal Vehicle Sales (CUP removed) Minor Vehicle Repair Fleet-Based Services Food Manufacturing & Processing Manufactured Home Sales (CUP removed) Research Facility Plant Nursery (Growing Facility & Wholesale) Vehicle Towing & Impound Lot (CUP removed) Aquafer Recharge Reclamation or Wastewater Facility Wholesale Shopping Est	Archery Range—Outdoor "Potentially Incompatible Use"					Redifne setback in relation to ROW or residential property lines	85'	85' *Extra setbacks when adjacent to residential
ILM	Industrial Land Mineral Extraction	I-3	Heavy Industrial	Aquafer Recharge Contractor Yard Reclamation or Wastewater Facility	Archery Range—Outdoor Junkyard or Salvage Yard "Potentially Incompatible Use"					Redifne setback in relation to ROW or residential property lines	40'	40'

PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

Overview Comparison Table SUDC vs LDO												
Surprise Unified Development Code (SUDC)		Land Development Ordinance (LDO)		Change in Land Uses		Dwelling Unit Ratios		Change in Required Open Space		Change in Setbacks	Max Height	
Symbol	District Name	Symbol	District Name	Added	Removed	SUDC	LDO	SUDC	LDO		SUDC	LDO
OS	Open Space	OS-1	Open Space Conservation	Aquafer Recharge (CUP)						Unlisted in SUDC Now defined in LDO		15'
		OS-2	Open Space Recreation	Community Facility Community Garden Golf Course Aquafer Recharge (CUP) Zoos, Exotic Animal Keeping (CUP)						Unlisted in SUDC Now defined in LDO		35'
PF	Public Facilities	PF	Public Facilities	Bus Terminal Community Garden Park and Ride Parking Lot/Structure (CUP) Places of Assembly School-Uni. or College Utility Service Yard Aquafer Recharge Reclamation or Wastewater Facility						Unlisted in SUDC Now defined in LDO		

PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

Table No. 106-1c - Primary Land Use Matrix for All Zoning Districts																										
“P” = Permitted; “AUP” = Administrative Use Permit; “CUP” = Council Use Permit; “(blank space)” = Prohibited																										
	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment				Open Space/Public Uses			Use Specific Standards	
Zoning Districts	RR	R-1	R-2	R-3	SHD-RO	SHD-CO	TND-R	TND-C	TND-MU	TND-OS	MU-1	MU-2	MU-3	CO	C-1	C-2	C-3	BP	I-1	I-2	I-3	OS-1	OS-2	PF	Specific regulations can be found in Sections listed below	
Uses																										
Residential																										
Assisted Living Center (more than 10 residents)			P	P	AUP	P	AUP		P			P														
Assisted Living Home (10 or less residents)	P	P	P		P		P																		Sec. 106-10.10	
Dormitory						CUP						CUP				CUP	CUP	CUP	CUP							
Dwelling, Live/Work									P		P	P	P												Sec. 106-10.25	
Dwelling, Multi-family (4 or more)				P	CUP	P	P		P		P	P	P													
Dwelling, Single-family	P	P	P		P		P																			
Dwelling, Two-family (Duplex)			P	P	AUP		P						P													
Dwelling, Three-family (triplex)			P	P	AUP		P						P													
Group Home	P	P	P	P	P		P																		Sec. 106-10.21	
Manufactured Homes	P				P																				Sec. 106-10.26	
Model Home Complex	P	P	P				P						P												Sec. 106-10.29	
Commercial																										
Airport or Private Airstrip	CUP																	CUP	CUP	CUP					Sec. 106-10.6	
Amusement and/or Theme Park													CUP				CUP		CUP						Sec. 106-10.8	
Animal Boarding Facility						P										P	P		P						Sec. 106-10.9	
Animal Clinic	CUP					P		P							P	P	P		P						Sec. 106-10.9	
Animal Grooming						P		P			P			P	P	P	P		P						Sec. 106-10.9	
Animal Hospital						P										P	P		P						Sec. 106-10.9	
Animal Shelter	CUP																CUP	CUP		CUP				P	Sec. 106-10.9	
Athletic or Fitness Club (Commercial)						P		P	P		P	P	P		P	P	P	P	P	P						
Bank						P		P	P		P	P		P	P	P	P	P								
Bar/Nightclub						CUP		CUP	CUP		CUP	CUP	CUP		CUP	CUP	CUP									
Bus Terminal																	P		P	P				P		
Campground													CUP													
Catering Services						P		P	P					P	P	P	P		P	P						
Cemetery and Mausoleum	CUP	CUP	CUP	CUP													CUP	CUP							Sec. 106-10.13	
Cemetery, Pet (Limited to small animals)																	CUP	CUP		CUP					Sec. 106-10.13	
Community Facility	P	P	P	P	AUP	P	P	P	P	P	P	P	P										P	P		
Community Garden	P	P	P		P	P	P		P	P	P												P	P	Sec. 106-10.14	
Daycare Center (Child or Adult)		CUP	CUP	CUP	AUP	P	AUP	P	P		P	P		P	P	P	P	P							Sec. 106-10.16	
Entertainment Establishment - Indoor						P		P	P		P	P	P		P	P	P	P	P	P						
Entertainment Establishment - Outdoor													P				P		P							
Fairground/Stadium	CUP												CUP				CUP		CUP					CUP		
Funeral Home, Mortuary						P										P	P						P			
Galleries, Museums (including display & production space)						P		P	P		P	P	P		P	P	P									
Golf Course (public or private)										P			P										P		PEDS	
Hotels, Motels, Resort, Timeshares						P		P	P			P	P			P	P									
Library	P	P	P	P	P	P	P		P	P	P	P			P	P	P						P	P		
Medical Hospital, Overnight Surgical Facility																	P	P							Sec. 106-10.24	
Medical Marijuana Dispensary																	CUP	CUP		CUP					Sec. 106-10.27	
Medical Marijuana Offsite Cultivation Facility																	CUP	CUP		CUP	CUP				Sec. 106-10.27	
Medical Marijuana Infusion Facility																		CUP	CUP						Sec. 106-10.27	
Medical Office (Health Care Facility)						P		P	P		P	P	P	P	P	P	P	P								
Microbrewery, Distillery, Winery						CUP		P	CUP			CUP	CUP		P	P	P									
Nursing Care Facility			P	P	CUP	P	P					P				P	P									
Office, General						P		P	P		P	P		P	P	P	P	P	P	P	P			P		
Park, Recreation, and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Park and Ride						AUP	AUP	AUP	AUP		P	P							P	P				P		
Parking Lot, Parking Structure					CUP	P	AUP	AUP	AUP		CUP	CUP	CUP				CUP	CUP		CUP	CUP			P		
Personal Service Establishment					AUP	P	AUP	P	P		P	P	P	P	P	P	P	P								
Places of Assembly					CUP	P		P	P		P	P	P		P	P	P	P	P	P				P		
Places of Worship	P	P	P	P	P	P	P	P	P		P	P			P	P	P	P								
Plant Nursery					AUP	P		P									P		P					P	Sec. 106-10.29	
Post Office					P	P		P	P						P	P	P	P	P					P	Sec. 106-10.30	

PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

Table No. 106-1c - Primary Land Use Matrix for All Zoning Districts																									
“P” = Permitted; “AUP” = Administrative Use Permit; “CUP” = Council Use Permit; “(blank space)” = Prohibited																									
	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment				Open Space/Public Uses			Use Specific Standards
Zoning Districts	RR	R-1	R-2	R-3	SHD-RO	SHD-CO	TND-R	TND-C	TND-MU	TND-OS	MU-1	MU-2	MU-3	CO	C-1	C-2	C-3	BP	I-1	I-2	I-3	OS-1	OS-2	PF	Specific regulations can be found in Sections listed below
Uses																									
Private Club						P		P	P		P	P		P	P	P	P		P	P	P				
Public Facility	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P					P	P	P	
Racetrack													CUP						CUP	CUP					Sec. 106-10.36
Recreational Vehicle (RV) Park	CUP												CUP				CUP								Sec. 106-10.37
Recreational Vehicle (RV) Storage																	CUP		P	P					
Repair Service Establishment					AUP	P	AUP	P	P		P	P	P	P	P	P	P	P	P	P					
Restaurant					AUP	P		P	P		P	P	P		P	P	P		P	P					
Restaurant, Convenience/Take Out						P	AUP	P	P		P	P	P	P	P	P	P	P	P					P	
Retail Shopping Establishment					AUP	P	AUP	P	P		P	P	P	P	P	P	P	P	P	P					
Schools: Pre-K through 12 (Private)		CUP	CUP	CUP			CUP				CUP	CUP			CUP	CUP									Sec. 106-10.39
Schools: Universities or Colleges (Public or Private)						CUP						CUP			CUP	CUP	CUP	P	CUP					P	Sec. 106-10.39
Schools: Vocational (Technical or Trade)						CUP										CUP	CUP	P	CUP	CUP					Sec. 106-10.39
Self-Storage Facility						CUP										CUP	CUP	CUP	CUP	CUP					Sec. 106-10.40
Service Call Establishment					AUP	P	AUP	P	P		P	P	P	P	P	P	P	P	P	P					
Sexually Oriented Business																				CUP	CUP				Sec. 106-10.41
Shooting Range-Indoor Only																	P		P	P					
Showroom/Sales Office						P		P	P		P	P	P	P	P	P	P	P	P						
State and County Vehicle Inspection Station						P										P	P		P	P				P	
Tattoo and Body Piercing																CUP	P								Sec. 106-10.44
Technology/Business Incubator Space						P												P	P						
Utility Equipment Infrastructure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	
Utility Service Yard	CUP																	P						P	
Vehicle Fueling Station						P									P	P	P	P	P	P	P				Sec. 106-10.47
Vehicle Rental Facilities																P	P		P	P					Sec. 106-10.48
Vehicle Sales & Leasing: New or Used (Commercial, including Equipment)																			P	P					Sec. 106-10.49
Vehicle Sales & Leasing: New or Used (OHV, motorcycles, boats, or similar)																	CUP	P	P	P					Sec. 106-10.49
Vehicle Sales & Leasing: New or Used (Personal)																	CUP		P	P					Sec. 106-10.49
Vehicle Service: Major Repair																	CUP		P	P					Sec. 106-10.50
Vehicle Service: Minor Repair						CUP										CUP	CUP	P	P	P					Sec. 106-10.50
Vehicle Washing Facilities																P	P		P						Sec. 106-10.51
Wireless Telecommunication Facilities	P	P	P	P	P	P	P	P	P		P	P		P	P	P		P	P	P	P			P	Chapter 107
Zoo & Exotic Animal Keeping	CUP																		CUP				CUP	CUP	Sec. 106-10.49
Employment/Industrial																									
Agricultural Operations	P																		P	P					Sec. 106-10.5
Auction–Vehicle (passenger, commercial) & heavy equipment																			P	P					
Batch Plant, Paving Material Mixing Plant																					CUP				
Brick, Clay, Concrete, or Similar Product—Manufacturing																				P	P				
Contractor Yard																			P		P				
Correctional Institutions/Facilities																					CUP			CUP	
Data Center																		P	P						
Equestrian Center, Commercial Stables	CUP												P			P	P								Sec. 106-10.19
Farm and Heavy Equipment Rental, Sales, Service or Storage	CUP																			P					
Feed and Tack Sales	CUP														P	P	P		P						
Fleet-Based Services																			P	P					
Food Manufacturing & Processing						CUP												CUP	P	P					Sec. 106-10.20
Freight Depot/Distribution Center																		CUP	CUP	P					
Grain Processing; including Milling, Drying, Storage	CUP																		P	P					
Laundry, Dry Cleaning: Bulk Operation (Pick-Up & Delivery)																			P	P					
Machine Shop, Welding Shop																		P	P	P					
Manufacturing and Fabrication																		P	P	P					
Manufactured Home, Portable Building, Oversized and Recreational (RV) Vehicle Sales and Service																	CUP		P	P					
Mining and Mineral Extraction																					CUP				Sec. 106.10.28
Plant Nursery (Growing Facility & Wholesale)	CUP																		P	P				P	Sec. 106-10.30
Printing Plant (commercial scale)																		P	P	P					
Recycling, Collection Facility																	CUP		P	P	P			P	Sec. 106-10.38

PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

Table No. 106-1c - Primary Land Use Matrix for All Zoning Districts																									
“P” = Permitted; “AUP” = Administrative Use Permit; “CUP” = Council Use Permit; “(blank space)” = Prohibited																									
	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment				Open Space/Public Uses			Use Specific Standards
Zoning Districts	RR	R-1	R-2	R-3	SHD-RO	SHD-CO	TND-R	TND-C	TND-MU	TND-OS	MU-1	MU-2	MU-3	CO	C-1	C-2	C-3	BP	I-1	I-2	I-3	OS-1	OS-2	PF	Specific regulations can be found in Sections listed below
Uses																									
Recycling, Processing Facility																				P	P			P	Sec. 106-10.38
Research Facility — Laboratory and Testing																		P	P	P					
Sand and Gravel Operation																				P					
Sanitary Landfill, Solid Waste Facility																				CUP					
Stone Product Curing, Fabrication																				P	P				
Taxidermist																			P	P					
Tile, Roofing & Waterproofing Production																				P					
Truck Stop (full service & repair permitted)																			P	P					Sec. 106-10.46
Vehicle Towing & Impound Lot																				P					
Warehouse/Distribution																			P	P					
Water Aquafer Recharge/Storage Facility	CUP																			P	P	CUP	CUP	P	
Water Reclamation or Wastewater Facility																				P	P			P	
Wholesale Shopping Establishment																	P	P	P	P					

PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

Table No. 106-1d - Accessory Land Use Matrix for All Zoning Districts																											
“P” = Permitted; “AUP” = Administrative Use Permit; “CUP” = Council Use Permit; “(blank space)” = Prohibited																											
	Residential				Surprise Heritage District		Traditional Neighborhood Development				Mixed Use			Commercial				Employment				Open Space/Publiƥ Uses			Use Specific Standards		
Zoning Districts	RR	R-1	R-2	R-3	SHD-RO	SHD-CO	TND-R	TND-C	TND- MU	TND-OS	MU-1	MU-2	MU-3	CO	C-1	C-2	C-3	BP	I-1	I-2	I-3	OS-1	OS-2	PF	Specific regulations can be found in Sections listed below		
Uses																											
Accessory Uses/Structures/Buildings																											
Accessory Dwelling Unit (ADU)	P	P	P		P		P																		Sec. 106-10.2		
Accessory Uses and Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 106-10.3		
Bed and Breakfast Establishments	AUP	AUP	AUP		AUP	P	AUP																		Sec. 106-10.12		
Common Area Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Community Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P										P	P	Sec. 106-10.14		
Drive-Through Facilities						P										P	P		P						Sec. 106-10.18		
Farm Stand	P																										
Heliport, Helipad	CUP																CUP	CUP	CUP						Sec. 106-10.22		
Home Occupation	P	P	P	P	P	P	P		P		P	P	P												Sec. 106-10.23		
Outdoor Dining Area						P		P	P		P	P		P	P	P	P	P							Sec. 106-10.31		
Outdoor Display, Sales Area																	P		P	P					Sec. 106-10.32		
Outdoor Play for Animal Boarding Facility						CUP										CUP	P		P						Sec. 106-10.9		
Outdoor Storage and Use Area																	CUP		P	P					Sec. 106-10.33		
Portable Carports	P	P	P	P																					Sec. 106-10.34		
Recycling, Reverse Vending Machines																P	P							P	Sec. 106-10.38		
Sport Courts	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 106-10.43		
Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P						P	P	Sec. 106-10.44		
Cottage Industry																											
Galleries, Studio (including display & production space)					AUP		AUP																		Sec. 106-10.15		
Office					AUP		AUP																		Sec. 106-10.15		
Personal Service Establishment					AUP		AUP																		Sec. 106-10.15		
Restaurant					AUP		AUP																		Sec. 106-10.15		
Retail Shopping Establishment					AUP		AUP																		Sec. 106-10.15		
Service Call Establishment					AUP		AUP																		Sec. 106-10.15		
Welding Shop in association with art gallery					AUP		AUP																		Sec. 106-10.15		
Temporary Uses																											
Construction trailers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 106-10.35		
Donation Bins	P	P	P	P	P	P		P						P	P	P	P	P	P	P	P			P	Sec. 106-10.17		
Mobile Vending	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Portable Storage Containers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 106-10.42		
Seasonal Sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 106-10.42		
Special Events	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 106-10.42		

Primary Land Use Matrix

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Residential Uses								
Assisted Living Center (more than 10 residents)	RM, RH, MU			R-2, R-3, SHD-CO , TND-MU , MU-2	SHD-RO, TND-R		0.5 per sleeping room	1 per room
Assisted Living Home (10 or less residents)	RE, RR, RL, RM, RH, RC, CS, MU			RR, R-1, R-2, SHD-RO , TND-R , R-3 , MU			2 per <i>dwelling unit</i> plus 0.5 per sleeping room	2 per <i>dwelling unit</i> plus 1 per sleeping room
Dormitory *added to Use Matrix and aligns with						SHD-CO , MU-2 , C-2 , C-3 , BP , I-1	0.5 per sleeping room	2 per sleeping room
Dwelling , Live/Work/ Work-Live	RH, CS, MU		CN, CC, CR	TND-MU , MU-1 , MU-2 , MU-3 , R-3 , CS , MU		C-1 , C-2 , C-3	2 per DU	

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
<u>Dwelling, Multi-family</u> High Density Dwellings	RH, RC, MU			R-3, SHD-CO, <u>TND-R,</u> <u>TND-MU,</u> <u>MU-1, MU-2,</u> <u>MU-3</u> MU		SHD-RO	Studio-1B=1/unit, 2+B=2.0/unit plus 1 per 250 sf of <i>office</i> <i>uses</i>	
Dwelling, Single-Family Low Density Dwellings	RR, RE, RL, RC, CS, MU			RR, R-1, R-2, SHD-RO, <u>TND-R, MU-3</u> MU			2 per DU	
<u>Dwelling, Three-family</u> Medium Density Dwellings	RM, RC, MU			R-2, <u>R-3,</u> <u>TND-R,</u> <u>MU-3</u> MU	SHD-RO		2 per DU	

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
<u>Dwelling, Two-family</u> Medium Density Dwellings	RM, RC, MU			R-2, <u>R-3</u> , <u>TND-R</u> , <u>MU-3</u> , MU	SHD-RO		2 per DU	
Group Home	RE, RR, RL, RM, RH, RC, CS, MU			RR, R-1, R-2, R-3, SHD-RO <u>TND-R</u> , MU			Same as Residence	
Manufactured Homes	CC			<u>RR</u> , SHD-RO C-2			2 per DU	
Model Home Complex	RE, RL, RM, RH, RC, MU, CS, CN, CC, CR			RR, R-1, R-2, <u>TND-R</u> , <u>MU-3</u> R-3, MU, C-1, C-2, C-3				
Commercial								
Airport — or Private <u>Airstrip</u>			RR, IP, IG			RR, <u>BP</u> , I-1, I-2	1 per 100 sf GFA of waiting room space or 2 spaces per craft staging/tie down pad	
General Aviation Airstrips			IP, IG			I-1, I-2		
Amusement and/or Theme Park, Circus (permanent)			CR, C-RS			C-3, MU-3	1 per 600 sf outdoor public activity area	1 per 500 sf outdoor public activity area
Animal <u>Boarding Facility</u> Hotel/Overnight stay	SHD-CO, CC, CR			SHD-CO, C-2, C-3, <u>I-1</u>			1 per 375 sf GFA	
Animal Hospitals, Clinic, and Boarding Facilities	SHD-CO, CS, CC, CR, IP		RR, RE	SHD-CO, <u>TND-C</u> , <u>C-1</u> , C-2, C-3, I-1		RR, RE	1 per 200 sf GFA	
<u>Animal Grooming</u> <u>*added to use matrix</u>				<u>SHD-CO</u> , <u>TND-C</u> , <u>MU-1</u> , <u>CO</u> , C-1, C-2, <u>C-3</u> , <u>I-1</u>			1 per 200 sf GFA	
Animal Hospitals, Clinic, and Boarding Facilities	SHD-CO, CS, CC, CR, IP		RR, RE	SHD-CO, C-2, C-3, I-1		RR, RE	1 per 200 sf GFA	
Animal Shelter			RR, CS, CC, CR, PF, IP			RR, C-2, C-3, PF, I-1	1 per 300 sf GFA	

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Athletic or Fitness Club, Commercial Recreation Facilities	RH, MU, CC, CR, C-RS, BP, IP			R-3, SHD-CO, TND-C, TND-MU, MU-1, MU-2, MU-3, C-1, C-2, C-3, BP, I-1			1 per 250 sf GFA	1 per 100 sf GFA
<u>*size limitations are built into the zoning district</u> Athletic or Fitness Club, Commercial Recreation Facilities (Less than 5,000 gross sq. ft. and Indoor Activities Only)	RL, RM, RH, CS, MU, CN, CC, CR, C-RS, BP, IP, IG			R-1, R-2, R-3, MU, C-1, C-2, C-3, MU-3, BP, I-1, I-2				
Banks	SHD-CO, CC, CR, MU, BP		CN	SHD-CO, TND-C, TND-MU, MU-1, MU-2, C-1, C-2, C-3, BP		C-1	1 per 250 sf GFA	
<u>Bar/Nightclub</u> <u>(microbrewery listed as</u> <u>separate use)</u> <u>*CUP for potential</u> <u>location conflicts when</u> <u>adjacent to residential,</u> <u>tied to series 6 & 7 liquor</u> <u>license</u> Alcohol—Bar and/or Tavern, Microbrewery	MU, CN, CC, CR, C-RS			MU, C-1, C-2, C-3, MU-3		SHD-CO, TND-C, TND-MU, C-1, C-2, C-3, MU-1, MU-2, MU-3	1 per 100 sf GFA	
Bus Terminal	CR, IP, IG			C-3, I-1, I-2, PF			Determined by <i>Site Plan</i>	
Campground			C-RS			MU-3	1 per 4 camp sites, plus 2 per laundry and shower facility	1 per 1 camp site

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
<u>Catering Services</u> <u>*added to use matrix</u>				<u>SHD-CO,</u> <u>TND-C,</u> <u>TND-MU,</u> <u>CO, C-1, C-2,</u> <u>C-3</u>			1 per 500 sf GFA	
Cemetery or Mausoleum			RE, RL, RM, RH, CC, CR			<u>RR,</u> R-1, R-2, R-3, C-2, C-3	Determined by Site Plan	
Cemetery—Pets (limited to small animals)			CC, CR, IP			C-2, C-3, I-1	Determined by Site plan	
Community Facilities or Public Meeting Hall	RE, RL, RM, RH, RC, CS, MU, CN, CC, CR. PF			RR, R-1, R-2, R-3, <u>SHD-CO,</u> <u>TND-R,</u> <u>TND-MU,</u> <u>TND-OS,</u> <u>MU-1, MU-2,</u> MU-3, C-1, C-2, C-3, <u>OS-2,</u> PF	<u>SHD-RO,</u> <u>SHD-CO</u>		3 spaces when on-street parking is prohibited or 1 per 500 sf GFA	
<u>*interpreted as</u> <u>Entertainment</u> <u>Establishment-Indoor</u> Library	RL, RM, RH, CS, MU, CN, CC, CR, PF			R-1, R-2, R- 3, MU, C-1, C- 2, C-3, PF				
<u>Community Garden</u> <u>*added to use matrix</u>				<u>RR, R-1, R-2,</u> <u>SHD-RO,</u> <u>SHD-CO,</u> <u>TND-R,</u> <u>TND-MU,</u> <u>TND-OS,</u> <u>MU-1, OS-2,</u> <u>PF</u>			2 spaces when on-street parking is prohibited or 1 per 500 sf GFA	
Day Care Center—Child and/or Adult Care			RE, RL, RM, RH, MU, CS, CN, CC, CR	SHD-CO, <u>TND-C,</u> <u>TND-MU,</u> <u>MU-1, MU-2,</u> <u>CO, C-1, C-2,</u> C-3	<u>SHD-RO,</u> <u>TND-R</u>	R-1, R-2, R-3, MU, C-1, C-2, C-3	1 per 375 sf GFA	1.5 per 375 sf GFA

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Entertainment Establishment – Indoor (previously listed separately as Bingo Parlor Bowling Alley, Dance Hall, Pool Hall)	MU, CC, CR, C-RS			SHD-CO, TND-C, TND-MU, C-1, C-2, C-3, MU-2, MU-3, BP, I-1			1 per 4 seats or 1 per 50 sf GFA if no permanent seats Skating rinks-1 per 200 sf GFA Bowling, billiards, pool, etc. 2 per lane or gaming table Miniature golf establishment-1 per hole Theater (movie and performance)-1 per 4 seats	1 per 2 seats or 1 per 25 sf GFA if no permanent seats 2 per hole 1.5 per 200 sf GFA
*interpreted as Entertainment Establishment-Indoor Theater—Indoor including Dinner Theatres	MU, CC, CR, C-RS			MU, C-2, C-3, MU-3				
*interpreted as Entertainment Establishment-Indoor Video Games—Commercial	MU, CN, CC, CR, C-RS			MU, C-1, C-2, C-3, MU-3				
*interpreted as Entertainment Establishment-Outdoor Skating Rink—Ice or Roller Skating	CC, CR, IP			C-2, C-3, I-1				
Entertainment Establishment – Outdoor (previously listed as Driving Range, and Miniature Golf Facilities, Batting Cages)				MU-3, C-3, I-1			1 per 4 seats or 1 per 50 sf of activity area if no permanent seats Miniature golf -1 per hole Driving Range - 2 per tee	1 per 2 seats or 1 per 30 sf GFA if no permanent seats 2 per hole

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
*interpreted as Entertainment Establishment-Outdoor Golf Course , Driving Range, and Miniature Golf Facilities, Batting Cages	MU, CC, CR, C-RS			MU, C-2, C-3, MU-3				
*interpreted as Entertainment Establishment-Outdoor Skateboard Track—Outdoor Commercial, Go-Cart Track, Driver Training	IP		CC, CR	I-1		C-2, C-3		
*interpreted as Entertainment Establishment-Outdoor Theater—Outdoor including Drive-In and Amphitheaters	IP		CR, C-RS	I-1		C-3, MU-3		
*interpreted as Entertainment Establishment-Outdoor Archery Range—Outdoor			IP, IG, ILM			I-1, I-2, I-3		
Fairground and/or Stadium			CR, C-RS, IP, PF			RR , C-3, MU-3, I-1, PF	TBD by Parking Study with Site Plan	
Funeral Home, Mortuary	CC, CR		MU	SHD-CO, C-2, C-3		MU	1 per 4 seats	1 per 2 seats
Galleries, Auditoriums , Museums or similar facility	MU, CC, CR, C-RS			SHD-CO, TND-C, TND-MU, MU-1, MU-2, MU-3, C-1, C-2, C-3			1 per 1,000 sf GFA	1.5 per 1,000 sf GFA

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Golf Course, Driving Range, and Miniature Golf Facilities, Batting Cages	MU, CC, CR, C-RS			MU, C-2, C-3, <u>TND-OS,</u> <u>MU-3, OS-2</u>			2 per hole plus ancillary uses	
Hotels, <u>Motels, Resorts,</u> Timeshares	MU, CC, CR, C-RS			SHD-CO, <u>TND-C,</u> <u>TND-MU,</u> C-2, C-3, <u>MU-2, MU-3</u>			0.8 per room plus 1 per 800 sf GFA of public meeting area and restaurant space	1 per room plus 1 per 400 sf GFA of public meeting area and restaurant space
Medical Hospital or Outpatient Overnight <u>Surgical Facility</u>	CR			C-3, <u>BP</u>			1 per 400 sf GFA	1 per 100 sf GFA
Medical Marijuana Dispensary			CC, CR, IP, IG, ILM			C-2, C-3, I-1, I-2, I-3	1 per 1000 sf GFA of activity area	
Medical Marijuana Offsite Cultivation Facility			CC, CR, IP, IG, ILM			C-2, C-3, I-1, I-2, I-3	1 per 400 sf GFA	
Medical <u>Office (Health Care Facility) Clinic or</u> Laboratory	MU, CS, CN, CC, CR, BP			<u>SHD-CO,</u> <u>TND-C,</u> <u>TND-MU,</u> <u>MU-1, MU-2,</u> <u>MU-3, CO</u> C-1, C-2, C-3, BP			1 per 200 sf GFA	1 per 100 sf GFA
Medical Office	MU, CS, CN, CC, CR			MU, C-1, C-2, C-3				
Alcohol Bar and/or Tavern, Microbrewery, <u>Distillery, Winery</u> <u>*CUP for potential conflict with the residential nature of the certain zoning district</u>	MU, CN, CC, CR, C-RS			MU, <u>TND-C,</u> C-1, C-2, C-3		<u>SHD-CO,</u> <u>TND-MU,</u> <u>MU-1, MU-2,</u> <u>MU-3</u>	1 per 100 sf GFA	

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Nursing Care Institution	RM, RH, MU, CR			R-2, R-3, SHD-CO, TND-R, <u>MU-2</u> , <u>C-2</u> , C-3		SHD-RO	0.5 per room	1 per room
Office	CS, MU, CN, CC, CR, BP, IP, IG, ILM			SHD-CO, <u>TND-C</u> , <u>TND-MU</u> , <u>MU-1</u> , <u>MU-2</u> , <u>CO</u> , C-1, C-2, C-3, BP, I-1, I-2, I-3, <u>PF</u>			1 per 250 sf GFA	1 per 140 sf GFA
<u>*interpreted as Office</u> Call Center	<u>MU, CR, BP</u>			<u>MU, C-3, BP</u>				
<u>Office/Warehouse—</u> <u>(Front Office Flex Space)</u>	<u>CR, BP, IP,</u> <u>IG, ILM</u>			<u>C-3, BP, I-1,</u> <u>I-2, I-3</u>				
Park, Recreation, and Open <u>Space</u> Lands	All Districts			All Districts			1 per 1000 sf GFA of activity area	
<u>*interpreted as Park,</u> <u>Recreation, and Open</u> <u>Lands</u> Athletic Fields—Non- commercial	<u>RL, RM, RH,</u> <u>CS, MU, CN,</u> <u>CC, CR</u>			<u>R-1, R-2, R-3,</u> <u>MU, C-1, C-2,</u> <u>C-3</u>				
<u>Park and Ride</u> <u>Passenger Depot</u>	IP, IG		SHD-CO, CR	<u>MU-1, MU-2,</u> <u>I-1, I-2, PF</u>	<u>SHD-CO,</u> <u>TND-R,</u> <u>TND-C,</u> <u>TND-MU</u>	<u>SHD-CO, C-3</u>	TBD by Parking Study with Site Plan	
Parking <u>Lot, Parking</u> <u>Structure and/or</u> <u>Storage—Long Term</u>	IP, IG			<u>SHD-CO,</u> <u>I-1, I-2</u>	<u>TND-R,</u> <u>TND-C,</u> <u>TND-MU</u>	<u>SHD-RO,</u> <u>MU-1, MU-2,</u> <u>MU-3,</u> <u>C-2, C-3, BP,</u> <u>I-1, I-2, PF</u>	TBD by Parking Study with Site Plan	

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Personal Services Establishment	MU, CC, CR	SHD-RO		SHD-CO, <u>TND-C,</u> <u>TND-MU,</u> <u>MU-1, MU-2,</u> <u>MU-3,</u> <u>CO, C-1, C-2,</u> <u>C-3, BP</u>	SHD-RO, <u>TND-R</u>		1 per 400 sf GFA	
<u>*size limitations are built into the zoning district</u> Personal Services Establishment (Uses Listed Above)—Less than 5,000 sq. ft.	CS, MU, CN, CC, CR, C-RS			, MU, C-1, C-2, C-3, MU-3				
<u>Places of Assembly</u> Convention Facilities	CR, C-RS, PF		SHD-RO, SHD-CO	<u>SHD-CO,</u> <u>TND-C,</u> <u>TND-MU,</u> <u>MU-1, MU-2,</u> MU-3, <u>C-1, C-2, C-3,</u> <u>BP, I-1, PF</u>		SHD-RO, SHD-CO	1 per 4 seats or 1 per 50 sf GFA of if no permanent seats	1 per 2 seats or 1 per 30 sf GFA of
Places of Worship	RL, RM, RH, CR, IP, BP			<u>RR, R-1, R-2,</u> R-3, <u>SHD-RO,</u> <u>SHD-CO,</u> <u>MU-1, MU-2,</u> <u>C-1, C-2, C-3,</u> I-1, BP			1 per 4 seats or 1 per 50 sf GFA of if no permanent seats	1 per 2 seats
<u>*size limitations are built into the zoning district</u> Places of Worship (Less than 5,000 sq. ft.)	RR, RE, RL, RM, RH, CS, MU, CN, CR			RR, R-1, R-2, R-3, MU, C-1, C-3				
<u>Plant Nursery</u> (Growing, display, or sale of plant stock, seeds, or other horticultural items)	CC, CR, IP		SHD-RO	<u>SHD-CO,</u> <u>TND-C,</u> C-2, C-3, I-1	<u>SHD-RO</u>	SHD-RO	1 per 400 sf GFA of sales areas and service building	1.5 per 375 sf GFA of sales and service building

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Post Office	CS, MU, CN, CC, CR, BP, PF			SHD-RO, SHD-CO, <u>TND-C,</u> <u>TND-MU,</u> C-1, C-2, C-3, BP, PF			TBD by Parking Study with Site Plan	
Private Clubhouse, including Lodges	CS, MU, CC, CR			SHD-CO, <u>TND-C,</u> <u>TND-MU,</u> <u>MU-1, MU-2,</u> <u>C-1,</u> C-2, C-3	SHD-CO		1 per 300 sf GFA	
<u>Public Facility</u> <u>*added to use matrix</u>	<u>All Districts</u>			<u>All Districts</u>			TBD by Parking Study with Site Plan	
Racetrack			C-RS, IP, IG			MU-3, I-1, I-2	1 per 4 seats or 1 per 50 sf GFA of if no permanent seats	1 per 2 seats or 1 per 30 sf GFA of
Recreational Vehicle (RV) Park			C-RS			<u>RR,</u> MU-3, <u>C-3</u>	1 per 4 camp sites, plus 2 per laundry and shower facility (camping related establishments) and 1 space adjacent to each lot	
Vehicle Storage for Recreational Vehicle <u>Storage</u>			CR, IP, IG	<u>I-1,</u> <u>I-2</u>		C-3, I-1, I-2	1 per 20 RV parking space	
<u>Repair Service</u> <u>Establishment</u> <u>*added to use matrix</u>				<u>SHD-CO,</u> <u>TND-C,</u> <u>TND-MU,</u> <u>MU-1, MU-2,</u> <u>MU-3,</u> <u>CO, C-1, C-2,</u> <u>C-3,</u> <u>BP, I-1, I-2</u>	<u>SHD-RO,</u> <u>TND-R</u>		1 per 400 sf GFA	1 per 200 sf GFA
<u>*interpreted as Repair</u> <u>service</u> Gunsmith	IP		CR	I-1		C-3		

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Restaurant— Sit-down (Principally for the sale and consumption of food on the premises)	CS, MU, CN, CC, CR, C-RS, IP, IG			SHD-CO, <u>TND-C,</u> <u>TND-MU,</u> <u>MU-1, MU-2,</u> <u>MU-3,</u> C-1, C-2, C-3, I-1, I-2	SHD-RO		1 per 100 sf GFA	1 per 50 sf GFA
Restaurant, Convenience/ <u>Take Out</u> (Sale and consumption of food which has direct window service allowing customers to pick up food for off-premise consumption)	CC, CR, IP			<u>SHD-CO,</u> <u>TND-C,</u> <u>TND-MU,</u> <u>MU-1, MU-2,</u> <u>MU-3,</u> <u>CO, C-1,</u> C-2, C-3, <u>BP,</u> I-1	<u>TND-R</u>		1 per 150 sf GFA	1 per 75 sf GFA
Retail Shopping Establishment	CC, CR		MU	SHD-CO, <u>TND-C,</u> <u>TND-MU,</u> <u>MU-1, MU-2,</u> <u>MU-3,</u> <u>CO, C-1,</u> C-2, C-3, <u>BP, I-1, I-2</u>	<u>SHD-RO,</u> <u>TND-R</u>	MU	1 per 400 sf GFA	1 per 200 sf GFA
<u>*size limitations are built into the zoning district</u> Retail Shopping Establishment—Less than 5,000 sq. ft. (Uses Listed Above in Retail Shopping Establishment)	CS, MU, CN, CC, CR			, MU, C-1, C- 2, C-3				
<u>*interpreted as Retail</u> Alcohol—Beverage Retail Sales	MU, CC, CR, C-RS							
<u>*interpreted as Retail</u> Ammunition and Firearms Sales	CC, CR, IP, IG							

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
<u>*interpreted as Retail</u> Home Improvement Center (Typically home, lawn, and garden supplies, brick, lumber, and other similar building materials)	CR, IP, IG			C-3, I-1, I-2				
<u>*Interpreted at Retail Sales</u> Pawn Shop/Resale Stores	CC, CR			C-2, C-3				
<u>*size limitations are built into the zoning district</u> Retail—Industrial (Retail 10% or less of Gross Floor Area)			BP			BP		
<u>*size limitations are built into the zoning district</u> Retail—Industrial (Retail 20% or less of Gross Floor Area)			IP, IG			I-1, I-2		
<u>*size limitations are built into the zoning district</u> Retail—Office	CS, MU, CC, CR, IP			, MU, C-2, C-3, I-1				
<u>*size limitations are built into the zoning district</u> Retail—Residential/Office—Residential/Retail—Office—Residential	RH, CS, MU		CN, CC, CR	R-3, MU		C-1, C-2, C-3		
School—Pre-K through 12			RC, RE, RL, RM, RH, CS, MU, CN, CC			R-1, R-2, R-3, TND-C , MU-1, MU-2, C-1, C-2	2 per classroom, 1 per 6 students for grades 10-12	3 per classroom 1 per 2 students for grades 10-12
School—University or College			MU, CN, CC, CR, IP, PF	BP, PF		SHD-CO , MU-2, C-1, C-2, C-3, I-1, PF	1 per 4 students	1 per 2 students

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
School— Vocation (Technical Specialty or Trade)			CC, CR, IP, IG	<u>BP</u>		<u>SHD-CO</u> , C-2, C-3, I-1, I-2	1 per 200 sf GFA	1 per 150 sf GFA
<u>Self-storage</u> Warehouse ing—Mini			BP, IP, IG, CR			SHD-CO, <u>C-2</u> , C-3, BP, I-1, I-2	Drive-up Storage-1 per 300 sf GFA of office/retail space Multi-story/climate controlled-1 per 50 storage unit	1 per 35 storage spaces
<u>Service Call</u> <u>Establishment</u>				<u>SHD-CO</u> , <u>TND-C</u> , <u>TND-MU</u> , <u>MU-1</u> , <u>MU-2</u> , <u>MU-3</u> , <u>CO</u> , <u>C-1</u> , <u>C-2</u> , <u>C-3</u> , <u>BP</u>	<u>SHD-RO</u> , <u>TND-R</u>		1 per 400 sf GFA	
Sexually Oriented Businesses			IG, ILM			I-2, I-3	1 per 400 sf GFA	
Rifle and Pistol <u>Shooting</u> Range—Indoor Only	CR, IP, IG			C-3, I-1, I-2			2 per stall	
<u>*interpreted as Shooting</u> <u>Range-Indoor</u> Archery Range—Indoor	IG, CR, IP			I-2, C-3, I-1				
<u>Showroom/Sales Office</u>				<u>SHD-CO</u> , <u>TND-C</u> , <u>TND-MU</u> , <u>MU-1</u> , <u>MU-2</u> , <u>CO</u> , <u>C-1</u> , <u>C-2</u> , <u>C-3</u> , <u>BP</u> , <u>I-1</u> , <u>I-2</u>			1 per 400 sf GFA	
State Vehicle Inspection Station	CC, CR, IP, IG, PF			SHD-CO, C-2, C-3, I-1, I-2, PF			TBD by Parking Study with Site Plan	

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
*interpreted as retail or wholesale sales Stone Monument—Retail and Wholesale	IP, IG, ILM			I-1, I-2, I-3				
Tattoo and/or Body Piercing Establishment	CR		CC	C-3		C-2	1 per 400 sf GFA	1 per 200 sf GFA
Technology/Business Incubator Space	SHD-CO			SHD-CO, BP, I-1			1 per 300 sf GFA	
Utility Equipment Infrastructure	All Districts			All Districts			1 space when on-street parking is prohibited	
Utility Service Yard				I-2, PF		RR	TBD by Parking Study with Site Plan	
Vehicle Fueling Stations	CC, CR, IP, IG, ILM		CS, MU	SHD-CO, C-1, C-2, C-3, BP, I-1, I-2, I-3		MU	1 per 300 sf GFA retail areas	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas
Vehicle Rental Facilities				C-2, C-3, I-1, I-2			1 per 500 sf GFA retail areas	1 per 200 sf GFA
Vehicle Sales & Leasing: New or Used (Commercial, including Equipment)				I-1, I-2			1 per 300 sf GFA of office and covered sales areas	1.5 per 375 sf GFA of sales and service building
Vehicle Sales & Leasing: New or Used (OHV, motorcycles, boats, or similar)				BP, I-1, I-2		C-3	1 per 300 sf GFA of office and covered sales areas	1.5 per 375 sf GFA of sales and service building
Vehicle Sales & Leasing: New or Used (Personal) Vehicle Sales—Large Scale (Uses Listed Above in Vehicle Sales: Less than 15 vehicles)			CR, IP	I-1, I-2		C-3, I-1	1 per 300 sf GFA of office and covered sales areas	1.5 per 375 sf GFA of sales and service building
Vehicle Service—Major Repair	IP, IG		CR	I-1, I-2		C-3	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Vehicle Service—Minor Repair	IP		CC, CR	I-1, I-2		SHD-CO , C-2, C-3	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas
Vehicle Washing Facilities	CR, IP, IG		CN, CC	C-2 , C-3, I-1, I-2		C-1, C-2	1 per 300 sf GFA office and retail areas OR Self-serve car washes-3 per property	
Wireless Communication Systems Regulated by Chapter 107			RE, RL, RM, RH, RC, CS, MU, CN, CC, CR, C-RS, BP, IG, ILM IP	All Zoning Districts per Chapter 107		, R-1, R-2, R-3, MU, C-1, C-2, C-3, MU-3, BP, I-2, I-3 I-1		
Zoos, Exotic Animal Keeping			RR, OS, PF, CR, IP			RR, OS 2 , PF, C-3 , I-1	TBD by Parking Study with Site Plan	
Employment/Industrial								
Agricultural Related Operations	RR			RR			1 per 1,500 sf GFA	
*interpreted as Agricultural Operations Farm Animal Keeping (Commercial)			RR			RR		
Farm Animal Keeping (Non-Commercial)	RR			RR				
*interpreted as Agricultural Operations Soil Crops (Commercial)	RR			RR				
Auction – Vehicle (Passenger, Commercial) Truck and Heavy Equipment—Auction	IG		IP	I-1 , I-2		I-1	TBD by Parking Study with Site Plan	
Vehicle Auction	IP, IG			I-1, I-2				
Batch Plant, Paving Material Mixing Plant			ILM			I-3	TBD by Parking Study with Site Plan	

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Brick, Clay, Concrete, or Similar Production — Manufacturing	IG, ILM			I-2, I-3			TBD by Parking Study with Site Plan	
Contractor Yard Facility, including Storage	BP, IP, IG			BP, I-1, I-2, I-3			1 per 1,000 sf GFA plus 1 per 400 sf GFA of sales and service building	
<u>*separated and interpreted as Contractor Yard retail or wholesale sales, outdoor sales areas moved to Accessory Use Matrix</u> Landscaping Materials— Sales and Storage	IP, IG, ILM			I-1, I-2, I-3				
Correction Institution <u>or Facility</u>			ILM			I-3, <u>PF</u>	TBD by Parking Study with Site Plan	
<u>Data Center</u>				<u>BP, I-1</u>			TBD by Parking Study with Site Plan	
Equestrian Center, Stables, and Riding Academies	CS, CC, CR		RR, RC,	<u>MU-3,</u> C-2, C-3		RR	1 per 3 stalls	
Farm and Landscaping <u>Heavy</u> Equipment Sales, Service, or Storage	IP		RR	I-1		RR	1 per 300 sf GFA of office and covered sales areas	
<u>Feed and Tack Sales</u>				<u>C-1, C-2, C-3,</u> <u>I-1</u>		<u>RR</u>	1 per 400 sf GFA	
<u>Fleet-Based Services</u>				<u>I-1, I-2</u>			TBD by Parking Study with Site Plan	
<u>*interpreted as Light-Fleet Based Services</u> Ambulance Service	CC, CR, IP							

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
<u>*interpreted as fleet services</u> Taxi/Limo Service— Parking and Dispatch	IP, IG			I-1, I-2				
<u>*interpreted as fleet services</u> Moving Company	IP, IG			I-1, I-2				
<u>Food Manufacturing & Processing</u>				I-1, I-2		SHD-CO, BP	1 per 1,500 sf GFA	
Freight Depot	IG			I-2		BP, I-1	1 per 1,500 sf GFA	
Graining, Milling, Drying, Storage	IP, IG		RR	I-1, I-2		RR	1 per 1,500 sf GFA	
<u>*prohibited use</u> Junkyard or Salvage Yard			ILM			I-3		
Laundry or Dry Cleaning—Bulk Operation	IP, IG			I-1, I-2			1 per 1,500 sf GFA	
<u>*interpreted as Laundry, Bulk</u> Linen/Uniform/Diaper Service (Pickup and Supply Only)	MU, CR, IP, IG			MU, C-3, I-1, I-2				
Machine, <u>Welding</u> Shop	BP, IP, IG			BP, I-1, I-2			1 per 1,000 sf GFA	

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Inside Manufacturing and Fabrication (All processing, fabricating, assembly, or disassembly takes place wholly within an enclosed building. Inside manufacturing use does not include other uses in this article that are specifically listed)	BP, IP, IG			BP, I-1, I-2			1 per 1,500 sf GFA	
<u>*interpreted as Manufacturing</u> Biotechnical— Manufacturing, Processing	IG		BP, IP	<u>BP, I-1, I-2</u>		BP, I-1		
<u>*interpreted as Manufacturing</u> Cabinet or Carpenter Shop, Millwork and Wood Products	BP, IP, IG			BP, I-1, I-2				
<u>*interpreted as Manufacturing</u> Computer and Electronic— Manufacturing	BP, IP, IG			BP, I-1, I-2				
<u>*interpreted as Manufacturing</u> Metal Products— Manufacturing and Fabrication	BP, IP, IG			BP, I-1, I-2				
Manufactured Home, <u>Portable</u> , Oversized, and Recreational (RV) Vehicle Sales, Service, or Storage			CR, IP, IG	<u>I-1, I-2</u>		C-3, I-1, I-2	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building
Mining and Mineral Extraction			ILM			I-3	1 per 300 sf GFA of office and covered sales areas plus ancillary uses	

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Plant Nursery (Growing Facility & Wholesale)				I-1, I-2, PF		RR	1 per 1,000 sf growing area plus 1 per 400 sf GFA of sales and service building	
*interpreted as Manufacturing Paper Products— Manufacturing	BP, IG			BP, I-2				
Portable Building, Oversized and Recreational (RV) Vehicle Sales	IG			I-1, I-2		C-3		
Potentially Incompatible Use			IG, ILM			I-2, I-3		
Printer— Large Commercial Scale	BP, IP, IG			BP, I-1, I-2			TBD by Parking Study with Site Plan	
Recycling— Indoor Collection Facility	IP, IG, ILM, PF		CR	I-1, I-2, I-3, PF		C-3	TBD by Parking Study with Site Plan	
Recycling—Outdoor Collection Facility	IP, IG, ILM, PF			I-1, I-2, I-3, PF			TBD by Parking Study with Site Plan	
Recycling—Processing Facility	IG, ILM, PF			I-2, I-3, PF			1 per 1,500 sf GFA	
Research Facility — Laboratory and Testing	BP, IP, IG			BP, I-1, I-2			1 per 300 sf GFA of office and covered sales areas plus ancillary uses	
Sand and Gravel Operation	ILM			I-3			TBD by Parking Study with Site Plan	
Sanitary Landfill, Solid Waste Facility			ILM			I-3	TBD by Parking Study with Site Plan	
Stone Product Curing, Fabrication Curing, Monument—Manufacturing	IG, ILM			I-2, I-3			TBD by Parking Study with Site Plan	
Taxidermist	IP, IG			I-1, I-2			TBD by Parking Study with Site Plan	

LAND USE GROUP	SUDC			LDO				
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Tile, Roofing, and Waterproofing Product Manufacturing	IG			I-2			1 per 500 sf GFA, including service bays and retail areas	
Truck Stop—Full Service and Repair Permitted	IG		IP	<u>I-1, I-2</u>		I-1	1 per 300 sf GFA of sales and service building	
<u>Vehicle Towing & Impound Lot</u> Wrecker Service			IP, IG	<u>I-2</u>		I-1, I-2	1 per 600 sf GFA	
Warehousing, <u>Distribution</u>	IP, IG			I-1, I-2			TBD by Parking Study with Site Plan	
<u>Water Aquifer Recharge/Storage Facility</u>				<u>I-2, I-3, PF</u>		<u>RR, OS-1, O-2</u>	TBD by Parking Study with Site Plan	
<u>Water Reclamation or Wastewater Facility</u>				<u>I-2, I-3, PF</u>				
Welding Shop	IP, IG			I-1, I-2				
Wholesale Shopping Establishment (Uses Listed Above in Retail Shopping Establishment)	CR			C-3, <u>BP</u> , <u>I-1, I-2</u>			1 per 400 sf GFA	

Accessory Land Use Matrix

LAND USE GROUP	SUDC	LDO						
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
<u>Accessory Dwelling Unit (ADU)</u>	<u>RR, RE, RL, RM, CS, MU</u>			<u>RR, R-1, R-2, SHD-RO, TND-R</u>			1 per ADU plus spaces for primary residence	
<u>Accessory Uses and Structure</u>				<u>All Zoning Districts</u>				
<u>Amateur Radio Antenna</u>				<u>RR, R-1, R-2, R-3, SHD-RO, TND-R</u>				

LAND USE GROUP	SUDC	LDO						
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
<u>Animal Keeping (non-commercial, per Ch 10)</u>				<u>All residential zoning districts</u>				
Bed and Breakfast Establishments			RR, RE, RL, RM, RH, RC, CS, MU		<u>RR, R-1, R-2, SHD-RO, TND-R</u>	RR, R-1, R-2		
<u>Common Area Open Space</u>				<u>All Zoning Districts</u>				
<u>Community Facility</u>				<u>All Zoning Districts</u>				
Community Garden				<u>RR, R-1, R-2, R-3, SHD-RO, SHD-CO, TND-R, TND-C, TND-MU, MU-1, MU-2, MU-3, OS-2, PE</u>				
<u>Cottage Industry – Galleries, Studio (including display & production space)</u>					<u>SHD-RO, TND-R</u>		2 plus spaces for primary residence	
<u>Cottage Industry – Office</u>					<u>SHD-RO, TND-R</u>		2 plus spaces for primary residence	
<u>Cottage Industry – Personal Service Establishment</u>					<u>SHD-RO, TND-R</u>		2 plus spaces for primary residence	
<u>Cottage Industry – Restaurant</u>					<u>SHD-RO, TND-R</u>		2 plus spaces for primary residence	
<u>Cottage Industry – Retail Shopping Establishment</u>					<u>SHD-RO, TND-R</u>		2 plus spaces for primary residence	

LAND USE GROUP	SUDC	LDO						
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Cottage Industry – Service Call Establishment					SHD-RO, TND-R		2 plus spaces for primary residence	
Cottage Industry – Welding Shop in association with art gallery					SHD-RO, TND-R		2 plus spaces for primary residence	
Drive-Through Facilities	CR, IP		CC	C-2, C-3, I-1		C-2		
Farm Stand	RR			RR				
Heliport			CR, IP			RR, C-3, BP, I-1		
Home Occupation				RR, R-1, R-2, R-3, SHD-RO, SHD-CO, TND-R, TND-MU, MU-1, MU-2, MU-3				
Outdoor Dining				SHD-CO, TND-C, TND-MU, MU-1, MU-2, MU-3, CO, C-1, C-2, C-3, BP				
Outdoor Display, Sales Area Landscaping Materials—Sales and Storage	IP, IG, ILM			C-3, I-1, I-2, I-3				
Outdoor Play Area for Animal Boarding Facility				C-2, C-3, I-1		SHD-CO		
Outdoor Storage, Use Area				I-1, I-2, I-3		C-3		
Portable Carports				RR, R-1, R-2, R-3				

LAND USE GROUP	SUDC	LDO						
	Permitted	AUP	CUP	Permitted	AUP	CUP	Min Parking	Max Parking
Recycle, Reverse-Vending Machine				C-2, C-3				
Sport Courts				All Zoning Districts				
Swimming Pool				All Zoning Districts				
Temporary Use – Construction Trailer				All Zoning Districts				
Temporary Use – Donation Bins				All Zoning Districts with TUP				
Temporary Use – Mobile Vending (per Ch. 26)	CC, CR, BP, IP, IG			C-2, C-3, BP, I-1, I-2 All Zoning Districts				
Temporary Use – Portable Storage Containers				All Zoning Districts with TUP				
Temporary Use – Seasonal Sales-Single Event Indoor				All Zoning Districts with TUP				
Temporary Use – Special Events				All Zoning Districts with TUP				



Presentation: Updating the Development Code

City Council Work Session
October 20, 2020

Today's Discussion

- Planned Unit Development (PUD) Overlay
 - Update on stakeholder feedback
- Review Process and Applications
 - Procedure Types
 - Public Outreach
 - Conditional Use Permits
- Zoning Districts and Permitted Uses
 - Converting Zoning Districts from SUDC to LDO
 - Primary and Accessory Land Use Matrix
 - Comparison of SUDC vs LDO

Planned Unit Development (PUD) Overlay

- Re-established, last draft of LDO removed this tool
 - Tool used to request deviations from the some regulations
 - New proposed language
 - Provide desired flexibility for developers
 - Address unique constraints facing a project
- Permitted in any zoning district except
 - SHD, TND, or individual residential dwellings
- Permitted uses in underlying zoning apply (can't change uses)
- Permits deviations to Ch 106-Zoning and Ch 109-Signs

Feedback?

- Does the proposed PUD Overlay meet the needs of applicants?
 - Discussed with stakeholders
 - Agreeable in general, need more time for review
 - Waiting for more feedback

Review Process & Applications

- Procedure Types
- Public Outreach
- Conditional Use Permits

Review Process & Applications

Procedure Types

Type 1. Interpretative and administrative applications

- Does not require public outreach process, public meeting, or public hearing
- Community Development Director.

Table 102-2a

- Level of public outreach required
- Decision-making authority
- Appeal authority

	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
Type 1 Applications								
Zoning Interpretation					D			A
Site Plan Amendment (minor)					D	A		
Minor land division / Parcel assemblage					D		A	
Administrative Use Permits					D			A
Temporary Use Permits					D	A		
Home Product Review					D	A		
Corrective Plat					D		A	
PEDS Deviation/Waiver					D	A		
Slope Category Analysis Waiver					D	A		
Administrative Waiver/Extension					D	A		
Key: X = Required (1) = 1 st Class Letter not required R = Reviews and recommends action to decision-making body D = Decision-making body A = Appeal authority								

Review Process & Applications

Procedure Types

Type 2. Requires a public meeting

- Limited public outreach of posting the meeting agenda
- Planning and Zoning Commission

Table 102-2a

- Level of public outreach required
- Decision-making authority
- Appeal authority

Table 102-2a: Application Type, Procedure, and Decision Authority Summary

	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
Type 2 Applications								
Site Plan Review	X				R	D	A	
Site Plan Amendment (major)	X				R	D	A	
Protected Development Rights Plans	X				R	R	D	
Final plats	X				R		D	
Original Townsite Incentive	X				R		D	
Development Agreement	X				R		D	
Hillside Cut & Fill Waiver	X			X	R	D		
Key: X = Required (1) = 1 st Class Letter not required R = Reviews and recommends action to decision-making body D = Decision-making body A = Appeal authority								

Review Process & Applications

Procedure Types

Type 3. Generally legislative in nature requiring a public hearing

- Agenda Posting, Newspaper Publication, Letter by 1st Class Mail, and Site Posting
- Subject to the Application Type
 - Planning and Zoning Commission, Board of Adjustment, or City Council

Table 102-2a

- Level of public outreach required
- Decision-making authority
- Appeal authority

Table 102-2a: Application Type, Procedure, and Decision Authority Summary

	Public Outreach				Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting				
Type 3 Applications								
General Plan Amendments	X	X	X	X	R	R	D	
Specific Area Plan Requests	X	X	X	X	R	R	D	
Rezoning Requests	X	X	X	X	R	R	D	
LDO Text Amendments	X	X ⁽¹⁾	X		R	R	D	
Conditional Use Permits	X	X	X	X	R	D	A	
Comprehensive Sign Program	X	X	X	X	R	R	D	
Preliminary plats	X		X	X	R	R	D	
Variances Requests	X	X		X	R			D
Annexation	X	X	X	X	R		D	

Key:

X = Required

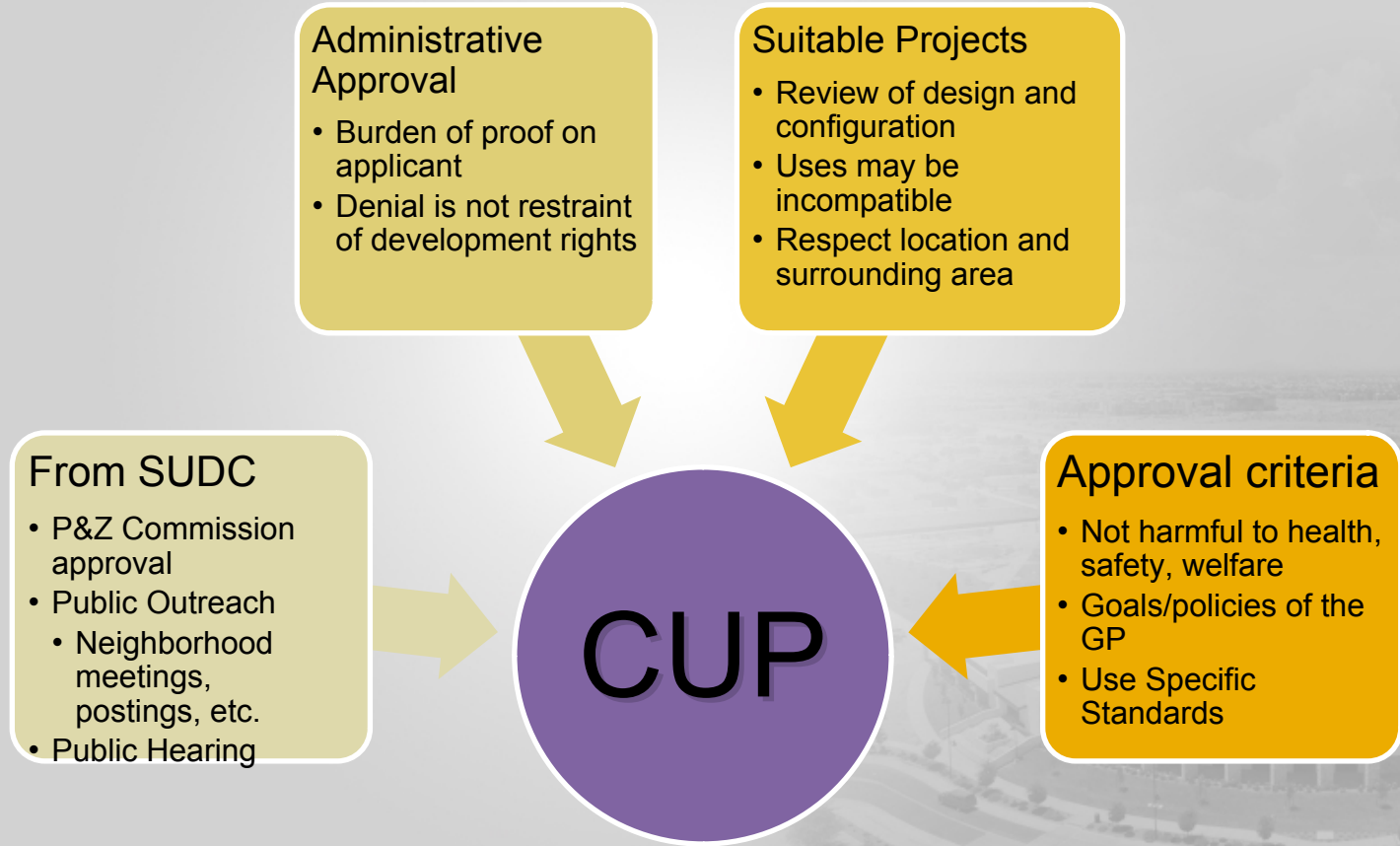
(1) = 1st Class Letter not required

R = Reviews and recommends action to decision-making body

D = Decision-making body

A = Appeal authority

Conditional Use Permits



Zoning Districts & Permitted Uses

- Converting Zoning Districts from SUDC to LDO
- Primary and Accessory Land Use Matrix
- Comparison of SUDC vs LDO

SUDC vs LDO

Compare Development Codes

- Change in Land Uses
 - Some are being consolidated
 - Easier interpretation by the City
 - More flexibility for future ideas
- New uses being added
 - General terms to allow flexibility
 - Repair Service Establishment
 - Service Call Establishment
 - Outdoor uses moved to the accessory use matrix
 - Dining
 - Sales and display
 - Storage areas

SUDC	LDO
Convention Facilities	Places of Assembly
Bingo Parlor, Bowling Alley, Dance Hall, Pool Hall, Dinner Theatre, Movie Theater, Video Games/Arcade, Skating Rink, Axe Throwing	Entertainment Establishment – Indoor
Skateboard Track—Outdoor Commercial, Go-Cart Track, Driver Training Theater—Outdoor including Drive-In and Amphitheaters	Entertainment Establishment-Outdoor
Alcohol—Beverage Retail Sales Ammunition and Firearms Sales Home Improvement Center (Typically home, lawn, and garden supplies, brick, lumber, and other similar building materials) Pawn Shop/Resale Stores Retail—Industrial (Retail 10% or less of Gross Floor Area) Retail—Industrial (Retail 20% or less of Gross Floor Area) Retail—Office Retail—Residential/Office—Residential/Retail—Office—Residential	Retail Shopping Establishment
Ambulance Service Taxi/Limo Service—Parking and Dispatch Moving Company	Fleet-Based Services
Biotechnical—Manufacturing, Processing Cabinet or Carpenter Shop, Millwork and Wood Products Computer and Electronic—Manufacturing Metal Products—Manufacturing and Fabrication	Manufacturing

SUDC vs LDO

Compare Development Codes

- New symbols
- Permitted Land Uses
 - Shows only the changes
 - Other permitted use still allowed (full use matrix available online)
 - Removed uses are incompatible with zoning district
 - Uses previously defined by size will be regulated by zoning district
- Conditional Use Permits (CUP)
 - review of design and configuration to ensure the appropriateness
 - not burden or conflict with the established uses

Surprise Unified Development Code (SUDC)		Land Development Ordinance (LDO)		Change in Land Uses	
Symbol	District Name	Symbol	District Name	Added	Removed
RR RE	Residential Ranch or Residential Estate	RR	Rural Residential	Manufactured Homes Community Garden Fairground/Stadium (CUP) Places of Worship RV Park (CUP) Utility Service Yard (CUP) Feed and Tack (CUP) Plant Nursery (CUP) (Growing Facility & Wholesale) Aquafer Recharge (CUP)	Animal Hospital
RL	Residential Low Density	R-1	Residential Low Density	Community Garden Places of Worship	Athletic or Fitness Club (less than 5000sf)
RM	Residential Medium Density	R-2	Residential Medium Density	Community Garden Places of Worship	Athletic or Fitness Club (less than 5000sf)
RH	Residential High Density	R-3	Residential High Density	Places of Worship	Assisted Living Home Work-Live Athletic or Fitness Club

SUDC vs LDO

Compare Development Codes

- New symbols
- Permitted Land Uses
 - Shows only the changes
 - Other permitted use still allowed (full use matrix available online)
 - Removed uses are incompatible with zoning district
 - Uses previously defined by size will be regulated by zoning district
- Conditional Use Permits (CUP)
 - review of design and configuration to ensure the appropriateness
 - not burden or conflict with the established uses

LDO	Dwelling Unit Ratios		Change in Required Open Space	
Symbol	SUDC	LDO	SUDC	LDO
RR	max 1 du/ac	min 1 du/ac	None	min 10% for new subdivisions
R-1	2-5 du/ac	min 4,950 sf/du	Min of 20% for new RL subdivisions	min of 10-20% new subdivisions (dependent on density)
R-2	6-12 du/ac	min 4,00 sf/du	Min of 20% for new RM subdivisions	min of 20-25% new subdivisions (dependent of density)
R-3	15-21 du/ac	min 8 du/ac	30-45% of rec space/du (dependent on character pattern standards)	150sf/du of open space

SUDC vs LDO

Compare Development Codes

- New symbols
- Permitted Land Uses
 - Shows only the changes
 - Other permitted use still allowed (full use matrix available online)
 - Removed uses are incompatible with zoning district
 - Uses previously defined by size will be regulated by zoning district
- Conditional Use Permits (CUP)
 - review of design and configuration to ensure the appropriateness
 - not burden or conflict with the established uses

LDO	Change in Setbacks	Max Height	
Symbol		SUDC	LDO
RR	No change	40	40'
R-1	Increase: garage face setbacks Decrease: front, rear, and side setbacks	30	30'
R-2	Increase: garage face and side setbacks Decrease: front and rear	35	30'
R-3	No change	35-72' (6 stories max)	45-60'



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE
Regular City Council Work Session

Council Meeting Date: October 20, 2020 Contact Person: Hobart Wingard, PLANNER II
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Presentation and discussion pertaining to the anticipated adoption of an ordinance to address the potential passage of Proposition 207, also known as the Smart and Safe Arizona Act, which will legalize recreational marijuana in Arizona.

Motion:

Presentation and discussion only.

Background:

Proposition 207, which proposes allowing recreational marijuana facilities and marijuana-testing facilities is to be voted upon by the citizens of Arizona on November 3, 2020. In anticipation of the possible passage, the city is preparing an ordinance to address the potential adoption of the proposition.

Objective Analysis:

Staff seeks direction on the implementation of an ordinance to regulate recreational marijuana facilities and marijuana-testing facilities. These include allowing for recreational marijuana facilities and marijuana-testing facilities, allowable zoning, buffering from other uses, and conditions.

Policy Compliant:

An ordinance will create a policy on recreational marijuana facilities and marijuana-testing facilities.

Financial Impact:

The subject ordinance has the potential, depending on City Councils' direction to staff, to provide additional revenues based on the sales of recreational marijuana in the corporate boundaries of Surprise.

Budget Impact:

There is no direct financial impact. Any financial impact will be determined during the budget process.

FTE Impact:

There will be no impact on FTE.

ATTACHMENTS:

1. 00 - FS20-619 - Recreational Marijuana ZTA - Workshop Memo - 102020

2. 02 Prop 207 Certification & Text
 3. 02 - FS20-619 - Recreational Marijuana ZTA - Model RM Ordinance - 102020
 4. 03 - FS20-619 - Recreational Marijuana ZTA - Current MM Ordinance - 102020
 5. 04 - FS20-619 - Recreational Marijuana ZTA - Zoning Maps - 102020
 6. 20.10.13 EVR PP Recreational Marijuana PowerPoint - 102020
-

RECREATIONAL MARIJUANA

WORKSHOP REPORT TO THE MAYOR AND CITY COUNCIL

Case:	FS20-619
Project Name:	Recreational Marijuana
Council Districts:	Citywide
Meeting Date:	October 20, 2020
Planner:	Hobart Wingard
Attachments:	01 – House Bill 2871 – Proposition 207, Smart and Safe Arizona 02 - League of Arizona Cities and Towns Model Ordinance 03 – Current Ordinance regarding Medical Marijuana Facilities 04 - Map Illustrating Zoning Districts that Conditionally Permit Dispensaries

Background:

On February 8, 2011, the City of Surprise approved Ordinance 2011-05 allowing for Medical Marijuana dispensaries as required by State Statute. Since that time, the city approved a single dispensary, which has since relocated operations to a facility in unincorporated Maricopa County.

Proposition 207, which proposes allowing Recreational Marijuana, is to be voted upon by the citizens of Arizona on November 3, 2020. In anticipation of the possible passage, the city is preparing an ordinance to address the potential adoption of the proposition.

Introduction:

Staff is seeking direction from the Mayor and City Council regarding several aspects of the proposed proposition. These include allowing for recreational marijuana facilities and marijuana-testing facilities, allowable zoning, buffering from other uses, and conditions.

The attachments to this memo include The Model Ordinance developed by the League of Arizona Cities and Towns, a map illustrating zoning districts that currently conditionally permit medical marijuana facilities, and the current ordinance regarding medical marijuana facilities.

Allowance of Recreational Marijuana Facilities:

Proposition 207 provides for options in regards to the allowance of recreational marijuana facilities and marijuana-testing facilities. The options include:

- Prohibit recreational marijuana establishments and/or marijuana testing facilities; or

- Only allow “dual licensees”; businesses that are both a nonprofit medical marijuana dispensary and a recreational marijuana establishment and/or marijuana testing facility; or
- Allow recreational marijuana establishments and/or marijuana testing facilities independently of medical marijuana dispensaries.

Staff is seeking direction as to which option would be preferred.

Zoning Districts:

Currently in the City of Surprise, medical marijuana dispensaries are conditionally permitted in the following zoning districts:

- Community Commercial (CC)
- Regional Commercial (CR)
- Industrial Performance (IP)
- Industrial General (IG)
- Industrial Land and Mineral Extraction (ILM)
- Planned Area Developments (PAD) with no residential component
- Nonresidential PADs require a PAD amendment to allow for the medical marijuana use

If it is determined recreational marijuana facilities and marijuana-testing facilities are allowed within the City of Surprise, staff seeks direction regarding allowable zoning districts:

- Maintain the current conditionally permitted zoning districts for recreational marijuana facilities and marijuana-testing facilities
- Modify conditionally permitted zoning districts for recreational marijuana facilities and marijuana-testing facilities
- Currently, the City of Surprise does not allow for medical marijuana facilities within PADs that have a residential component
 - Maintain existing language for recreational marijuana and marijuana-testing facilities regarding PADs with a residential component
 - Allow facilities within commercial or industrial portions of PADs that contain a residential component for recreational marijuana facilities and marijuana-testing facilities
- Currently, the City of Surprise requires a PAD amendment to allow for medical marijuana facilities in PADs without a residential component
 - Maintain existing language for recreational marijuana and marijuana-testing facilities regarding PADs without a residential component
 - Do not require a PAD amendment for PADs without a residential component for recreational marijuana facilities and marijuana-testing facilities

Staff is seeking direction as to which zoning districts are appropriate for recreational marijuana facilities and marijuana-testing facilities, if allowed.

Buffering:

Currently City of Surprise code provides the following buffer distances for medical marijuana facilities:

- Medical marijuana dispensaries will not be located within 500 feet of:
 - Any residentially zoned property
 - Any church or worship facility
 - Any dwelling unit
- Medical marijuana dispensaries will not be located within 1,500 feet of:
 - Any public or private charter, primary, or secondary school
 - Any public or private day care, preschool, nursery, or kindergarten facility
 - Any park or playground
- Medical marijuana dispensaries will not be located within 3,000 feet of:
 - Any other medical marijuana dispensary or medical marijuana offsite cultivation facility
 - Any sexually oriented business or similar use.

If it is determined recreational marijuana facilities and marijuana-testing facilities are allowed within the City of Surprise, staff seeks direction regarding buffering from other uses:

- Maintain current buffering distances from other uses for recreational marijuana facilities and marijuana-testing facilities
- Modify the current conditions for recreational marijuana facilities and marijuana-testing facilities

Staff is seeking direction as to buffering distanced from other uses for recreational marijuana facilities and marijuana-testing facilities, if allowed.

Conditions:

Currently, city code has the following conditions regarding medical marijuana facilities:

- A medical marijuana dispensary facility will be a maximum size of 2,500 gross square feet
- A medical marijuana dispensary will be located in a permanent building and may not locate in a trailer, cargo container, storage unit, or motor vehicle
- Drive-through medical marijuana dispensary services are prohibited
- Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers

- For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries
- A medical marijuana dispensary lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the buffer zones outlined in section 122-89.1(a)—(c) for a medical marijuana dispensary

If it is determined recreational marijuana facilities and marijuana-testing facilities are allowed within the City of Surprise, staff seeks direction regarding conditions:

- Maintain current conditions for recreational marijuana facilities and marijuana-testing facilities
- Modify the current buffering distances for recreational marijuana facilities and marijuana-testing facilities

Staff is seeking direction as to conditions for recreational marijuana facilities and marijuana-testing facilities, if allowed.

Conclusion:

Feedback from this meeting will be discussed and revisions to the current ordinance will be made. Updated drafts will be provided at a future Citizen Participation meeting, Planning and Zoning Commission, and City Council meetings.

Smart and Safe Arizona
Chad Campbell
2303 N. 44th Street, Suite 14
Box 1192
Phoenix, AZ 85008
info@smartandsafeaz.com

Having completed the requirements of A.R.S. § 19-121.04, I hereby certify that:

674 signature pages bearing 6,093 signatures for initiative petition serial number I-23-2020 have been refused for filing in this office as provided by law. A total of 12,894 signatures included on the remaining petition sheets were found to be ineligible. Of the total random sample of 20,780 signatures, a total of 8,026 signatures were invalidated by the county recorders resulting in a failure rate of 38.62% percent. The actual number of remaining signatures for such initiative petition number I-23-2020 are equal to or in excess of the minimum required by the constitution to place a measure on the general election ballot. The number of valid signatures filed with this petition, based on the random sample, appears to be at least one hundred percent of the minimum required or through examination of each signature has been certified to be greater than the minimum required by the constitution.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Arizona. Done at the Capitol in Phoenix, this 10th day of August 2020.

A blue ink signature, appearing to read "Katie Hobbs", is written over a horizontal line.

KATIE HOBBS
Secretary of State

OFFICIAL TITLE
AN INITIATIVE MEASURE

AMENDING SECTION 36-2817, ARIZONA REVISED STATUTES; AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28.2; AMENDING TITLE 42, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 10; AMENDING TITLE 43, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 43-108; RELATING TO THE RESPONSIBLE ADULT USE, REGULATION AND TAXATION OF MARIJUANA.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Section 1. Short title

This act may be cited as the "Smart and Safe Arizona Act".

Section 2. Findings and declaration of purpose

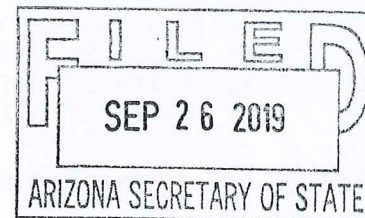
The People of the State of Arizona find and declare as follows:

1. In the interest of the efficient use of law enforcement resources, enhancing revenue for public purposes, and individual freedom, the responsible adult use of marijuana should be legal for persons twenty-one years of age or older, subject to state regulation, taxation, and local ordinance.
2. In the interest of the health and public safety of our citizenry, the legal adult use of marijuana should be regulated so that:
 - (a) Legitimate, taxpaying business people, and not criminal actors, conduct sales of marijuana.
 - (b) Marijuana sold in this state is tested, labeled and subject to additional regulations to ensure that consumers are informed and protected.
 - (c) Employers retain their rights to maintain drug-and-alcohol-free places of employment.
 - (d) The health and safety of employees in the marijuana industry are protected.
 - (e) Individuals must show proof of age before purchasing marijuana.
 - (f) Selling, transferring, or providing marijuana to minors and other individuals under the age of twenty-one remains illegal.
 - (g) Driving, flying or boating while impaired to the slightest degree by marijuana remains illegal.

Section 3. Section 36-2817, Arizona Revised Statutes, is amended to read:

36-2817. Medical marijuana fund; private donations

- A. The medical marijuana fund is established consisting of fees collected, civil penalties imposed and private donations received under this chapter. The department shall administer the fund. Monies in the fund are continuously appropriated.
- B. The director of the department may accept and spend private grants, gifts, donations, contributions and devises to assist in carrying out the provisions of this chapter.
- C. Monies in the medical marijuana fund do not revert to the state general fund at the end of a fiscal year.
- D. ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, THE DIRECTOR OF THE DEPARTMENT SHALL TRANSFER THE FOLLOWING SUMS FROM THE MEDICAL MARIJUANA FUND FOR THE FOLLOWING PURPOSES:
 1. \$15,000,000 TO THE ARIZONA TEACHERS ACADEMY FUND ESTABLISHED BY SECTION 15-1655.
 2. \$10,000,000 TO THE DEPARTMENT TO FUND THE FORMATION AND OPERATION OF COUNCILS, COMMISSIONS AND PROGRAMS DEDICATED TO IMPROVING PUBLIC HEALTH, INCLUDING TEEN SUICIDE PREVENTION, THE MATERNAL MORTALITY REVIEW PROGRAM, IMPROVING YOUTH HEALTH, SUBSTANCE ABUSE PREVENTION, ADDRESSING ADVERSE CHILDHOOD EXPERIENCES, THE ARIZONA POISON CONTROL SYSTEM ESTABLISHED PURSUANT TO SECTION 36-1161, THE ARIZONA HEALTH IMPROVEMENT PLAN, THE CHILD FATALITY REVIEW TEAM ESTABLISHED PURSUANT TO SECTION 36-3501 AND THE CHRONIC PAIN SELF MANAGEMENT PROGRAM.
 3. \$10,000,000 TO THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY TO DISTRIBUTE GRANTS FOR THE FOLLOWING PURPOSES:
 - (a) REDUCING IMPAIRED DRIVING, INCLUDING CONDUCTING TRAINING PROGRAMS AND PURCHASING EQUIPMENT FOR DETECTING, TESTING AND ENFORCING LAWS AGAINST DRIVING, FLYING OR BOATING WHILE IMPAIRED.
 - (b) EQUIPMENT, TRAINING AND PERSONNEL COSTS FOR DEDICATED TRAFFIC ENFORCEMENT.
 4. \$2,000,000 TO THE DEPARTMENT TO IMPLEMENT, CARRY OUT AND ENFORCE CHAPTER 28.2 OF THIS TITLE.



5. \$4,000,000 TO THE DEPARTMENT TO DISTRIBUTE GRANTS TO QUALIFIED NONPROFIT ENTITIES THAT WILL PROVIDE OUTREACH TO INDIVIDUALS WHO MAY BE ELIGIBLE TO FILE PETITIONS FOR EXPUNGEMENT PURSUANT TO SECTION 36-2862 AND WILL ASSIST WITH THE EXPUNGEMENT PETITION PROCESS. THE DEPARTMENT SHALL DISTRIBUTE GRANTS PURSUANT TO THIS PARAGRAPH ON OR BEFORE JUNE 30, 2021.

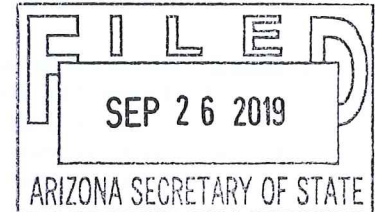
6. \$2,000,000 TO THE DEPARTMENT TO DEVELOP AND IMPLEMENT, IN CONJUNCTION WITH THE DEPARTMENT OF ECONOMIC SECURITY AND OTHER STATE AGENCIES, A SOCIAL EQUITY OWNERSHIP PROGRAM TO PROMOTE THE OWNERSHIP AND OPERATION OF MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES BY INDIVIDUALS FROM COMMUNITIES DISPROPORTIONATELY IMPACTED BY THE ENFORCEMENT OF PREVIOUS MARIJUANA LAWS. FOR THE PURPOSES OF THIS PARAGRAPH, "MARIJUANA ESTABLISHMENT" AND "MARIJUANA TESTING FACILITY" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 36-2850.

7. \$1,000,000 TO THE DEPARTMENT TO FUND PROGRAMS AND GRANTS TO QUALIFIED NONPROFIT ORGANIZATIONS FOR EDUCATION AND COMMUNITY OUTREACH RELATED TO CHAPTER 28.2 OF THIS TITLE.

8. \$1,000,000 TO THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856.

Section 4. Title 36, Arizona Revised Statutes, is amended by adding chapter 28.2, to read:

CHAPTER 28.2
RESPONSIBLE ADULT USE OF MARIJUANA



36-2850. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT REQUIRES OTHERWISE:

1. "ADVERTISE," "ADVERTISEMENT" AND "ADVERTISING" MEAN ANY PUBLIC COMMUNICATION IN ANY MEDIUM THAT OFFERS OR SOLICITS A COMMERCIAL TRANSACTION INVOLVING THE SALE, PURCHASE OR DELIVERY OF MARIJUANA OR MARIJUANA PRODUCTS.

2. "CHILD-RESISTANT" MEANS DESIGNED OR CONSTRUCTED TO BE SIGNIFICANTLY DIFFICULT FOR CHILDREN UNDER FIVE YEARS OF AGE TO OPEN, AND NOT DIFFICULT FOR NORMAL ADULTS TO USE PROPERLY.

3. "CONSUME," "CONSUMING" AND "CONSUMPTION" MEAN THE ACT OF INGESTING, INHALING OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

4. "CONSUMER" MEANS AN INDIVIDUAL WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO PURCHASES MARIJUANA OR MARIJUANA PRODUCTS.

5. "CULTIVATE" AND "CULTIVATION" MEAN TO PROPAGATE, BREED, GROW, PREPARE AND PACKAGE MARIJUANA.

6. "DELIVER" AND "DELIVERY" MEAN THE TRANSPORTATION, TRANSFER OR PROVISION OF MARIJUANA OR MARIJUANA PRODUCTS TO A CONSUMER AT A LOCATION OTHER THAN THE DESIGNATED RETAIL LOCATION OF A MARIJUANA ESTABLISHMENT.

7. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES OR ITS SUCCESSOR AGENCY.

8. "DESIGNATED CAREGIVER," "EXCLUDED FELONY OFFENSE," "INDEPENDENT THIRD-PARTY LABORATORY," "NONPROFIT MEDICAL MARIJUANA DISPENSARY," "NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT," AND "QUALIFYING PATIENT" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 36-2801.

9. "DUAL LICENSEE" MEANS AN ENTITY THAT HOLDS BOTH A NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION AND A MARIJUANA ESTABLISHMENT LICENSE.

10. "EARLY APPLICANT" MEANS EITHER OF THE FOLLOWING:

(a) AN ENTITY SEEKING TO OPERATE A MARIJUANA ESTABLISHMENT IN A COUNTY WITH FEWER THAN TWO REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

(b) A NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT IS REGISTERED AND IN GOOD STANDING WITH THE DEPARTMENT.

11. "EMPLOYEE," "EMPLOYER," "HEALTH CARE FACILITY," AND "PLACES OF EMPLOYMENT" HAVE THE SAME MEANINGS PRESCRIBED IN THE SMOKE-FREE ARIZONA ACT, SECTION 36-601.01.

12. "GOOD STANDING" MEANS THAT A NONPROFIT MEDICAL MARIJUANA DISPENSARY IS NOT THE SUBJECT OF A PENDING NOTICE OF INTENT TO REVOKE ISSUED BY THE DEPARTMENT.

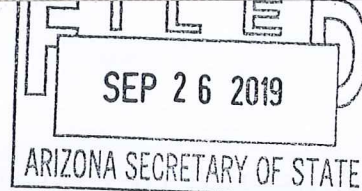
13. "INDUSTRIAL HEMP" HAS THE SAME MEANING PRESCRIBED IN SECTION 3-311.

14. "LOCALITY" MEANS A CITY, TOWN OR COUNTY.

15. "MANUFACTURE" AND "MANUFACTURING" MEAN TO COMPOUND, BLEND, EXTRACT, INFUSE OR OTHERWISE MAKE OR PREPARE A MARIJUANA PRODUCT.

16. "MARIJUANA":

(a) MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS, WHETHER GROWING OR NOT, AS WELL AS THE SEEDS FROM THE PLANT, THE RESIN EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF THE PLANT OR ITS SEEDS OR RESIN.



- (b) INCLUDES CANNABIS AS DEFINED IN SECTION 13-3401.
- (c) DOES NOT INCLUDE INDUSTRIAL HEMP, THE FIBER PRODUCED FROM THE STALKS OF THE PLANT OF THE GENUS CANNABIS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, STERILIZED SEEDS OF THE PLANT THAT ARE INCAPABLE OF GERMINATION, OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK OR OTHER PRODUCTS.
17. "MARIJUANA CONCENTRATE":
- (a) MEANS RESIN EXTRACTED FROM ANY PART OF A PLANT OF THE GENUS CANNABIS AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF THAT RESIN OR TETRAHYDROCANNABINOL.
- (b) DOES NOT INCLUDE INDUSTRIAL HEMP OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH CANNABIS TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK OR OTHER PRODUCTS.
18. "MARIJUANA ESTABLISHMENT" MEANS AN ENTITY LICENSED BY THE DEPARTMENT TO OPERATE ALL OF THE FOLLOWING:
- (a) A SINGLE RETAIL LOCATION AT WHICH THE LICENSEE MAY SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS, CULTIVATE MARIJUANA AND MANUFACTURE MARIJUANA PRODUCTS.
- (b) A SINGLE OFF-SITE CULTIVATION LOCATION AT WHICH THE LICENSEE MAY CULTIVATE MARIJUANA, PROCESS MARIJUANA AND MANUFACTURE MARIJUANA PRODUCTS, BUT FROM WHICH MARIJUANA AND MARIJUANA PRODUCTS MAY NOT BE TRANSFERRED OR SOLD TO CONSUMERS.
- (c) A SINGLE OFF-SITE LOCATION AT WHICH THE LICENSEE MAY MANUFACTURE MARIJUANA PRODUCTS AND PACKAGE AND STORE MARIJUANA AND MARIJUANA PRODUCTS, BUT FROM WHICH MARIJUANA AND MARIJUANA PRODUCTS MAY NOT BE TRANSFERRED OR SOLD TO CONSUMERS.
19. "MARIJUANA FACILITY AGENT" MEANS A PRINCIPAL OFFICER, BOARD MEMBER OR EMPLOYEE OF A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND HAS NOT BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.
20. "MARIJUANA PRODUCTS" MEANS MARIJUANA CONCENTRATE AND PRODUCTS THAT ARE COMPOSED OF MARIJUANA AND OTHER INGREDIENTS AND THAT ARE INTENDED FOR USE OR CONSUMPTION, INCLUDING EDIBLE PRODUCTS, OINTMENTS AND TINCTURES.
21. "MARIJUANA TESTING FACILITY" MEANS THE DEPARTMENT OR ANOTHER ENTITY THAT IS LICENSED BY THE DEPARTMENT TO ANALYZE THE POTENCY OF MARIJUANA AND TEST MARIJUANA FOR HARMFUL CONTAMINANTS.
22. "OPEN SPACE" MEANS A PUBLIC PARK, PUBLIC SIDEWALK, PUBLIC WALKWAY OR PUBLIC PEDESTRIAN THOROUGHFARE.
23. "PROCESS" AND "PROCESSING" MEAN TO HARVEST, DRY, CURE, TRIM OR SEPARATE PARTS OF THE MARIJUANA PLANT.
24. "PUBLIC PLACE" HAS THE SAME MEANING PRESCRIBED IN THE SMOKE-FREE ARIZONA ACT, SECTION 36-601.01.
25. "SMOKE" MEANS TO INHALE, EXHALE, BURN, CARRY OR POSSESS ANY LIGHTED MARIJUANA OR LIGHTED MARIJUANA PRODUCTS, WHETHER NATURAL OR SYNTHETIC.

36-2851. Employers; driving; minors; control of property; smoking in public places and open spaces
THIS CHAPTER:

1. DOES NOT RESTRICT THE RIGHTS OF EMPLOYERS TO MAINTAIN A DRUG-AND-ALCOHOL-FREE WORKPLACE OR AFFECT THE ABILITY OF EMPLOYERS TO HAVE WORKPLACE POLICIES RESTRICTING THE USE OF MARIJUANA BY EMPLOYEES OR PROSPECTIVE EMPLOYEES.
2. DOES NOT REQUIRE AN EMPLOYER TO ALLOW OR ACCOMMODATE THE USE, CONSUMPTION, POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, SALE OR CULTIVATION OF MARIJUANA IN A PLACE OF EMPLOYMENT.
3. DOES NOT ALLOW DRIVING, FLYING OR BOATING WHILE IMPAIRED TO EVEN THE SLIGHTEST DEGREE BY MARIJUANA OR PREVENT THIS STATE FROM ENACTING AND IMPOSING PENALTIES FOR DRIVING, FLYING OR BOATING WHILE IMPAIRED TO EVEN THE SLIGHTEST DEGREE BY MARIJUANA.
4. DOES NOT ALLOW AN INDIVIDUAL WHO IS UNDER TWENTY-ONE YEARS OF AGE TO PURCHASE, POSSESS, TRANSPORT OR CONSUME MARIJUANA OR MARIJUANA PRODUCTS.
5. DOES NOT ALLOW THE SALE, TRANSFER OR PROVISION OF MARIJUANA OR MARIJUANA PRODUCTS TO AN INDIVIDUAL WHO IS UNDER TWENTY-ONE YEARS OF AGE.
6. DOES NOT RESTRICT THE RIGHTS OF EMPLOYERS, SCHOOLS, DAY CARE CENTERS, ADULT DAY CARE FACILITIES, HEALTH CARE FACILITIES OR CORRECTIONS FACILITIES TO PROHIBIT OR REGULATE CONDUCT OTHERWISE ALLOWED BY THIS CHAPTER WHEN SUCH CONDUCT OCCURS ON OR IN THEIR PROPERTIES.
7. DOES NOT RESTRICT THE ABILITY OF AN INDIVIDUAL, PARTNERSHIP, LIMITED LIABILITY COMPANY, PRIVATE CORPORATION, PRIVATE ENTITY OR PRIVATE ORGANIZATION OF ANY CHARACTER THAT

OCCUPIES, OWNS OR CONTROLS PROPERTY TO PROHIBIT OR REGULATE CONDUCT OTHERWISE ALLOWED BY THIS CHAPTER ON OR IN SUCH PROPERTY.

8. DOES NOT ALLOW ANY PERSON TO:

(a) SMOKE MARIJUANA IN A PUBLIC PLACE OR OPEN SPACE.

(b) CONSUME MARIJUANA OR MARIJUANA PRODUCTS WHILE DRIVING, OPERATING OR RIDING IN THE PASSENGER SEAT OR COMPARTMENT OF AN OPERATING MOTOR VEHICLE, BOAT, VESSEL, AIRCRAFT OR ANOTHER VEHICLE USED FOR TRANSPORTATION.

9. DOES NOT PROHIBIT THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE FROM PROHIBITING OR REGULATING CONDUCT OTHERWISE ALLOWED BY THIS CHAPTER WHEN SUCH CONDUCT OCCURS ON OR IN PROPERTY THAT IS OCCUPIED, OWNED, CONTROLLED OR OPERATED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

10. DOES NOT AUTHORIZE A PERSON TO PROCESS OR MANUFACTURE MARIJUANA BY MEANS OF ANY LIQUID OR GAS, OTHER THAN ALCOHOL, THAT HAS A FLASHPOINT BELOW ONE HUNDRED DEGREES FAHRENHEIT, UNLESS PERFORMED BY A MARIJUANA ESTABLISHMENT.

11. DOES NOT REQUIRE A PERSON TO VIOLATE FEDERAL LAW OR TO IMPLEMENT OR FAIL TO IMPLEMENT A RESTRICTION ON THE POSSESSION, CONSUMPTION, DISPLAY, TRANSFER, PROCESSING, MANUFACTURING OR CULTIVATION OF MARIJUANA IF BY SO DOING THE PERSON WILL LOSE A MONETARY OR LICENSING-RELATED BENEFIT UNDER FEDERAL LAW.

12. DOES NOT SUPERSEDE OR ELIMINATE ANY EXISTING RIGHTS OR PRIVILEGES OF ANY PERSON EXCEPT AS SPECIFICALLY SET FORTH IN THIS CHAPTER.

13. DOES NOT LIMIT ANY PRIVILEGE OR RIGHT OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY UNDER CHAPTER 28.1 OF THIS TITLE EXCEPT AS EXPRESSLY SET FORTH IN THIS CHAPTER.

14. DOES NOT LIMIT ANY PRIVILEGE OR RIGHT OF A QUALIFYING PATIENT OR DESIGNATED CAREGIVER UNDER CHAPTER 28.1 OF THIS TITLE.

36-2852. Allowable possession and personal use of marijuana, marijuana products and marijuana paraphernalia

A. EXCEPT AS SPECIFICALLY AND EXPRESSLY PROVIDED IN SECTIONS 36-2851 AND 36-2853 AND NOTWITHSTANDING ANY OTHER LAW, THE FOLLOWING ACTS BY AN INDIVIDUAL WHO IS AT LEAST TWENTY-ONE YEARS OF AGE ARE LAWFUL, ARE NOT AN OFFENSE UNDER THE LAWS OF THIS STATE OR ANY LOCALITY, MAY NOT CONSTITUTE THE BASIS FOR DETENTION, SEARCH OR ARREST, AND CANNOT SERVE AS THE SOLE BASIS FOR SEIZURE OR FORFEITURE OF ASSETS, FOR IMPOSING PENALTIES OF ANY KIND UNDER THE LAWS OF THIS STATE OR ANY LOCALITY OR FOR ABROGATING OR LIMITING ANY RIGHT OR PRIVILEGE CONFERRED OR PROTECTED BY THE LAWS OF THIS STATE OR ANY LOCALITY:

1. POSSESSING, CONSUMING, PURCHASING, PROCESSING, MANUFACTURING BY MANUAL OR MECHANICAL MEANS, INCLUDING SIEVING OR ICE WATER SEPARATION BUT EXCLUDING CHEMICAL EXTRACTION OR CHEMICAL SYNTHESIS, OR TRANSPORTING ONE OUNCE OR LESS OF MARIJUANA, EXCEPT THAT NOT MORE THAN FIVE GRAMS OF MARIJUANA MAY BE IN THE FORM OF MARIJUANA CONCENTRATE.

2. POSSESSING, TRANSPORTING, CULTIVATING OR PROCESSING NOT MORE THAN SIX MARIJUANA PLANTS FOR PERSONAL USE AT THE INDIVIDUAL'S PRIMARY RESIDENCE, AND POSSESSING, PROCESSING AND MANUFACTURING BY MANUAL OR MECHANICAL MEANS, INCLUDING SIEVING OR ICE WATER SEPARATION BUT EXCLUDING CHEMICAL EXTRACTION OR CHEMICAL SYNTHESIS, THE MARIJUANA PRODUCED BY THE PLANTS ON THE PREMISES WHERE THE MARIJUANA PLANTS WERE GROWN IF ALL OF THE FOLLOWING APPLY:

(a) NOT MORE THAN TWELVE PLANTS ARE PRODUCED AT A SINGLE RESIDENCE WHERE TWO OR MORE INDIVIDUALS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE RESIDE AT ONE TIME.

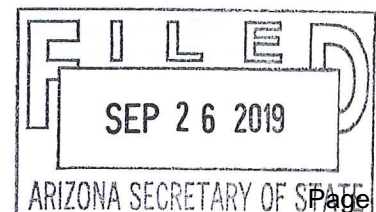
(b) CULTIVATION TAKES PLACE WITHIN A CLOSET, ROOM, GREENHOUSE OR OTHER ENCLOSED AREA ON THE GROUNDS OF THE RESIDENCE EQUIPPED WITH A LOCK OR OTHER SECURITY DEVICE THAT PREVENTS ACCESS BY MINORS.

(c) CULTIVATION TAKES PLACE IN AN AREA WHERE THE MARIJUANA PLANTS ARE NOT VISIBLE FROM PUBLIC VIEW WITHOUT USING BINOCULARS, AIRCRAFT OR OTHER OPTICAL AIDS.

3. TRANSFERRING ONE OUNCE OR LESS OF MARIJUANA, OF WHICH NOT MORE THAN FIVE GRAMS MAY BE IN THE FORM OF MARIJUANA CONCENTRATE, TO AN INDIVIDUAL WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IF THE TRANSFER IS WITHOUT REMUNERATION AND IS NOT ADVERTISED OR PROMOTED TO THE PUBLIC.

4. TRANSFERRING UP TO SIX MARIJUANA PLANTS TO AN INDIVIDUAL WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IF THE TRANSFER IS WITHOUT REMUNERATION AND IS NOT ADVERTISED OR PROMOTED TO THE PUBLIC.

5. ACQUIRING, POSSESSING, MANUFACTURING, USING, PURCHASING, SELLING OR TRANSPORTING PARAPHERNALIA RELATING TO THE CULTIVATION, MANUFACTURE, PROCESSING OR CONSUMPTION OF MARIJUANA OR MARIJUANA PRODUCTS.



6. ASSISTING ANOTHER INDIVIDUAL WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IN ANY OF THE ACTS DESCRIBED IN THIS SUBSECTION.

B. NOTWITHSTANDING ANY OTHER LAW, A PERSON WITH METABOLITES OR COMPONENTS OF MARIJUANA IN THE PERSON'S BODY IS GUILTY OF VIOLATING SECTION 28-1381, SUBSECTION A, PARAGRAPH 3 ONLY IF THE PERSON IS ALSO IMPAIRED TO THE SLIGHTEST DEGREE.

C. NOTWITHSTANDING ANY OTHER LAW, THE ODOR OF MARIJUANA OR BURNT MARIJUANA DOES NOT BY ITSELF CONSTITUTE REASONABLE ARTICULABLE SUSPICION OF A CRIME. THIS SUBSECTION DOES NOT APPLY WHEN A LAW ENFORCEMENT OFFICER IS INVESTIGATING WHETHER A PERSON HAS VIOLATED SECTION 28-1381.

36-2853. Violations; classification; civil penalty; additional fine; enforcement

A. NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, A PERSON WHO POSSESSES AN AMOUNT OF MARIJUANA GREATER THAN THE AMOUNT ALLOWED PURSUANT TO SECTION 36-2852, BUT NOT MORE THAN TWO AND ONE-HALF OUNCES OF MARIJUANA, OF WHICH NOT MORE THAN TWELVE AND ONE-HALF GRAMS IS IN THE FORM OF MARIJUANA CONCENTRATE, IS GUILTY OF A PETTY OFFENSE.

B. NOTWITHSTANDING ANY OTHER LAW, A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO POSSESSES, CONSUMES, TRANSPORTS OR TRANSFERS WITHOUT REMUNERATION ONE OUNCE OR LESS OF MARIJUANA, OF WHICH NOT MORE THAN FIVE GRAMS IS IN THE FORM OF MARIJUANA CONCENTRATE, OR PARAPHERNALIA RELATING TO THE CONSUMPTION OF MARIJUANA OR MARIJUANA PRODUCTS:

1. FOR A FIRST VIOLATION, SHALL PAY A CIVIL PENALTY OF NOT MORE THAN \$100 TO THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856 AND IN THE COURT'S DISCRETION MAY BE ORDERED TO ATTEND UP TO FOUR HOURS OF DRUG EDUCATION OR COUNSELING.

2. FOR A SECOND VIOLATION, IS GUILTY OF A PETTY OFFENSE, AND IN THE COURT'S DISCRETION MAY BE ORDERED TO ATTEND UP TO EIGHT HOURS OF DRUG EDUCATION OR COUNSELING.

3. FOR A THIRD OR SUBSEQUENT VIOLATION, IS GUILTY OF A CLASS 1 MISDEMEANOR.

C. A PERSON WHO SMOKES MARIJUANA IN A PUBLIC PLACE OR OPEN SPACE IS GUILTY OF A PETTY OFFENSE.

D. EXCEPT AS OTHERWISE PROVIDED IN CHAPTER 28.1 OF THIS TITLE AND NOTWITHSTANDING ANY OTHER LAW, ANY UNLICENSED PERSON WHO CULTIVATES MARIJUANA PLANTS PURSUANT TO SECTION 36-2852 WHERE THEY ARE VISIBLE FROM PUBLIC VIEW WITHOUT USING BINOCULARS, AIRCRAFT OR OTHER OPTICAL AIDS OR OUTSIDE OF AN ENCLOSED AREA THAT IS EQUIPPED WITH A LOCK OR OTHER SECURITY DEVICE THAT PREVENTS ACCESS BY MINORS IS GUILTY OF:

1. FOR A FIRST VIOLATION, A PETTY OFFENSE.

2. FOR A SECOND OR SUBSEQUENT VIOLATION, A CLASS 3 MISDEMEANOR.

E. A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO MISREPRESENTS THE PERSON'S AGE TO ANY OTHER PERSON BY MEANS OF A WRITTEN INSTRUMENT OF IDENTIFICATION OR WHO USES A FRAUDULENT OR FALSE WRITTEN INSTRUMENT OF IDENTIFICATION WITH THE INTENT TO INDUCE A PERSON TO SELL OR OTHERWISE TRANSFER MARIJUANA OR A MARIJUANA PRODUCT TO THE PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE IS GUILTY OF:

1. FOR A FIRST VIOLATION, A PETTY OFFENSE.

2. FOR A SECOND OR SUBSEQUENT VIOLATION, A CLASS 1 MISDEMEANOR.

F. A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO SOLICITS ANOTHER PERSON TO PURCHASE MARIJUANA OR A MARIJUANA PRODUCT IN VIOLATION OF THIS CHAPTER IS GUILTY OF:

1. FOR A FIRST VIOLATION, A PETTY OFFENSE.

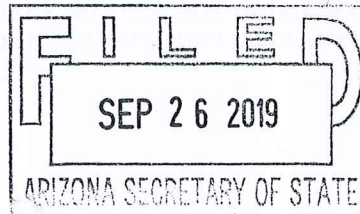
2. FOR A SECOND OR SUBSEQUENT VIOLATION, A CLASS 3 MISDEMEANOR.

36-2854. Rules; licensing; early applicants; fees; civil penalty; legal counsel

A. THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT AND ENFORCE THIS CHAPTER AND REGULATE MARIJUANA, MARIJUANA PRODUCTS, MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES. THOSE RULES SHALL INCLUDE REQUIREMENTS FOR:

1. LICENSING MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES, INCLUDING CONDUCTING INVESTIGATIONS AND BACKGROUND CHECKS TO DETERMINE ELIGIBILITY FOR LICENSING FOR MARIJUANA ESTABLISHMENT AND MARIJUANA TESTING FACILITY APPLICANTS, EXCEPT THAT:

(a) AN APPLICATION FOR A MARIJUANA ESTABLISHMENT LICENSE OR MARIJUANA TESTING FACILITY LICENSE MAY NOT REQUIRE THE DISCLOSURE OF THE IDENTITY OF ANY PERSON WHO IS ENTITLED TO A SHARE OF LESS THAN TEN PERCENT OF THE PROFITS OF AN APPLICANT THAT IS A PUBLICLY TRADED CORPORATION.



(b) THE DEPARTMENT MAY NOT ISSUE MORE THAN ONE MARIJUANA ESTABLISHMENT LICENSE FOR EVERY TEN PHARMACIES THAT HAVE REGISTERED UNDER SECTION 32-1929, THAT HAVE OBTAINED A PHARMACY PERMIT FROM THE ARIZONA BOARD OF PHARMACY AND THAT OPERATE WITHIN THIS STATE.

(c) NOTWITHSTANDING SUBDIVISION (b) OF THIS PARAGRAPH, THE DEPARTMENT MAY ISSUE A MARIJUANA ESTABLISHMENT LICENSE TO NOT MORE THAN TWO MARIJUANA ESTABLISHMENTS PER COUNTY THAT CONTAINS NO REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES, OR ONE MARIJUANA ESTABLISHMENT LICENSE PER COUNTY THAT CONTAINS ONE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY. ANY LICENSE ISSUED PURSUANT TO THIS SUBDIVISION SHALL BE FOR A FIXED COUNTY AND MAY NOT BE RELOCATED OUTSIDE OF THAT COUNTY.

(d) THE DEPARTMENT SHALL ACCEPT APPLICATIONS FOR MARIJUANA ESTABLISHMENT LICENSES FROM EARLY APPLICANTS BEGINNING JANUARY 19, 2021 THROUGH MARCH 9, 2021. NOT LATER THAN SIXTY DAYS AFTER RECEIVING AN APPLICATION PURSUANT TO THIS SUBDIVISION, THE DEPARTMENT SHALL ISSUE A MARIJUANA ESTABLISHMENT LICENSE TO EACH QUALIFIED EARLY APPLICANT. IF THE DEPARTMENT HAS NOT ADOPTED FINAL RULES PURSUANT TO THIS SECTION AT THE TIME MARIJUANA ESTABLISHMENT LICENSES ARE ISSUED PURSUANT TO THIS SUBDIVISION, LICENSEES SHALL COMPLY WITH THE RULES ADOPTED BY THE DEPARTMENT TO IMPLEMENT CHAPTER 28.1 OF THIS TITLE EXCEPT THOSE THAT ARE INCONSISTENT WITH THIS CHAPTER.

(e) AFTER ISSUING MARIJUANA ESTABLISHMENT LICENSES TO QUALIFIED EARLY APPLICANTS, THE DEPARTMENT SHALL ISSUE MARIJUANA ESTABLISHMENT LICENSES AVAILABLE UNDER SUBDIVISIONS (b) AND (c) OF THIS PARAGRAPH BY RANDOM SELECTION AND ACCORDING TO RULES ADOPTED PURSUANT TO THIS SECTION. AT LEAST SIXTY DAYS PRIOR TO ANY RANDOM SELECTION, THE DEPARTMENT SHALL PROMINENTLY PUBLICIZE THE RANDOM SELECTION ON ITS WEBSITE AND THROUGH OTHER MEANS OF GENERAL DISTRIBUTION INTENDED TO REACH AS MANY INTERESTED PARTIES AS POSSIBLE AND SHALL PROVIDE NOTICE THROUGH AN EMAIL NOTIFICATION SYSTEM TO WHICH INTERESTED PARTIES CAN SUBSCRIBE.

(f) NOTWITHSTANDING SUBDIVISIONS (b) AND (c) OF THIS PARAGRAPH, AND NO LATER THAN SIX MONTHS AFTER THE DEPARTMENT ADOPTS FINAL RULES TO IMPLEMENT A SOCIAL EQUITY OWNERSHIP PROGRAM PURSUANT TO PARAGRAPH 9 OF THIS SUBSECTION, THE DEPARTMENT SHALL ISSUE TWENTY-SIX ADDITIONAL MARIJUANA ESTABLISHMENT LICENSES TO ENTITIES THAT ARE QUALIFIED PURSUANT TO THE SOCIAL EQUITY OWNERSHIP PROGRAM.

(g) LICENSES ISSUED BY THE DEPARTMENT TO MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES SHALL BE VALID FOR A PERIOD OF TWO YEARS.

2. LICENSING FEES AND RENEWAL FEES FOR MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES IN AMOUNTS THAT ARE REASONABLE AND RELATED TO THE ACTUAL COST OF PROCESSING APPLICATIONS FOR LICENSES AND RENEWALS AND THAT DO NOT EXCEED FIVE TIMES THE FEES PRESCRIBED BY THE DEPARTMENT TO REGISTER OR RENEW A NONPROFIT MEDICAL MARIJUANA DISPENSARY.

3. THE SECURITY OF MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES.

4. MARIJUANA ESTABLISHMENTS TO SAFELY CULTIVATE, PROCESS AND MANUFACTURE MARIJUANA AND MARIJUANA PRODUCTS.

5. TRACKING, TESTING, LABELING AND PACKAGING MARIJUANA AND MARIJUANA PRODUCTS, INCLUDING REQUIREMENTS THAT MARIJUANA AND MARIJUANA PRODUCTS BE:

(a) SOLD TO CONSUMERS IN CLEARLY AND CONSPICUOUSLY LABELED CONTAINERS THAT CONTAIN ACCURATE WARNINGS REGARDING THE USE OF MARIJUANA OR MARIJUANA PRODUCTS.

(b) PLACED IN CHILD-RESISTANT PACKAGING ON EXIT FROM A MARIJUANA ESTABLISHMENT.

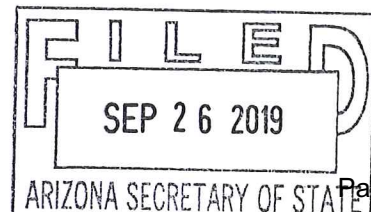
6. FORMS OF GOVERNMENT-ISSUED IDENTIFICATION THAT ARE ACCEPTABLE BY A MARIJUANA ESTABLISHMENT VERIFYING A CONSUMER'S AGE AND PROCEDURES RELATED TO VERIFYING A CONSUMER'S AGE CONSISTENT WITH SECTION 4-241. UNTIL THE DEPARTMENT ADOPTS FINAL RULES RELATED TO VERIFYING A CONSUMER'S AGE, MARIJUANA ESTABLISHMENTS SHALL COMPLY WITH THE PROOF OF LEGAL AGE REQUIREMENTS PRESCRIBED IN SECTION 4-241.

7. THE POTENCY OF EDIBLE MARIJUANA PRODUCTS THAT MAY BE SOLD TO CONSUMERS BY MARIJUANA ESTABLISHMENTS AT REASONABLE LEVELS UPON CONSIDERATION OF INDUSTRY STANDARDS, EXCEPT THAT THE RULES:

(a) SHALL LIMIT THE STRENGTH OF EDIBLE MARIJUANA PRODUCTS TO NO MORE THAN TEN MILLIGRAMS OF TETRAHYDROCANNABINOL PER SERVING OR ONE HUNDRED MILLIGRAMS OF TETRAHYDROCANNABINOL PER PACKAGE.

(b) SHALL REQUIRE THAT IF A MARIJUANA PRODUCT CONTAINS MORE THAN ONE SERVING, IT MUST BE DELINEATED OR SCORED INTO STANDARD SERVING SIZES AND HOMOGENIZED TO ENSURE UNIFORM DISBURSEMENT THROUGHOUT THE MARIJUANA PRODUCT.

8. ENSURING THE HEALTH, SAFETY AND TRAINING OF EMPLOYEES OF MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES.



9. THE CREATION AND IMPLEMENTATION OF A SOCIAL EQUITY OWNERSHIP PROGRAM TO PROMOTE THE OWNERSHIP AND OPERATION OF MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES BY INDIVIDUALS FROM COMMUNITIES DISPROPORTIONATELY IMPACTED BY THE ENFORCEMENT OF PREVIOUS MARIJUANA LAWS.

B. THE DEPARTMENT MAY:

1. SUBJECT TO TITLE 41, CHAPTER 6, ARTICLE 10, DENY ANY APPLICATION SUBMITTED OR DENY, SUSPEND OR REVOKE, IN WHOLE OR IN PART, ANY REGISTRATION OR LICENSE ISSUED UNDER THIS CHAPTER IF THE REGISTERED OR LICENSED PARTY OR AN OFFICER, AGENT OR EMPLOYEE OF THE REGISTERED OR LICENSED PARTY DOES ANY OF THE FOLLOWING:

(a) VIOLATES THIS CHAPTER OR ANY RULE ADOPTED PURSUANT TO THIS CHAPTER.

(b) HAS BEEN, IS OR MAY CONTINUE TO BE IN SUBSTANTIAL VIOLATION OF THE REQUIREMENTS FOR LICENSING OR REGISTRATION AND, AS A RESULT, THE HEALTH OR SAFETY OF THE GENERAL PUBLIC IS IN IMMEDIATE DANGER.

2. SUBJECT TO TITLE 41, CHAPTER 6, ARTICLE 10, AND UNLESS ANOTHER PENALTY IS PROVIDED ELSEWHERE IN THIS CHAPTER, ASSESS A CIVIL PENALTY AGAINST A PERSON THAT VIOLATES THIS CHAPTER OR ANY RULE ADOPTED PURSUANT TO THIS CHAPTER IN AN AMOUNT NOT TO EXCEED \$1,000 FOR EACH VIOLATION. EACH DAY A VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION. THE MAXIMUM AMOUNT OF ANY ASSESSMENT IS \$25,000 FOR ANY THIRTY-DAY PERIOD. IN DETERMINING THE AMOUNT OF A CIVIL PENALTY ASSESSED AGAINST A PERSON, THE DEPARTMENT SHALL CONSIDER ALL OF THE FACTORS SET FORTH IN SECTION 36-2816, SUBSECTION H. ALL CIVIL PENALTIES COLLECTED BY THE DEPARTMENT PURSUANT TO THIS PARAGRAPH SHALL BE DEPOSITED IN THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856.

3. AT ANY TIME DURING REGULAR HOURS OF OPERATION, VISIT AND INSPECT A MARIJUANA ESTABLISHMENT, MARIJUANA TESTING FACILITY OR DUAL LICENSEE TO DETERMINE IF IT COMPLIES WITH THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER. THE DEPARTMENT SHALL MAKE AT LEAST ONE UNANNOUNCED VISIT ANNUALLY TO EACH FACILITY LICENSED PURSUANT TO THIS CHAPTER.

4. ADOPT ANY OTHER RULES NOT EXPRESSLY STATED IN THIS SECTION THAT ARE NECESSARY TO ENSURE THE SAFE AND RESPONSIBLE CULTIVATION, SALE, PROCESSING, MANUFACTURE, TESTING AND TRANSPORT OF MARIJUANA AND MARIJUANA PRODUCTS.

C. UNTIL THE DEPARTMENT ADOPTS RULES PERMITTING AND REGULATING DELIVERY BY MARIJUANA ESTABLISHMENTS PURSUANT TO SUBSECTION D OF THIS SECTION, DELIVERY IS UNLAWFUL UNDER THIS CHAPTER.

D. ON OR AFTER JANUARY 1, 2023, THE DEPARTMENT MAY, AND NO LATER THAN JANUARY 1, 2025 THE DEPARTMENT SHALL, ADOPT RULES TO PERMIT AND REGULATE DELIVERY BY MARIJUANA ESTABLISHMENTS. THE RULES SHALL:

1. REQUIRE THAT DELIVERY AND THE MARIJUANA AND MARIJUANA PRODUCTS TO BE DELIVERED ORIGINATE FROM A DESIGNATED RETAIL LOCATION OF A MARIJUANA ESTABLISHMENT AND ONLY AFTER AN ORDER IS MADE WITH THE MARIJUANA ESTABLISHMENT BY A CONSUMER.

2. PROHIBIT DELIVERY TO ANY PROPERTY OWNED OR LEASED BY THE UNITED STATES, THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR THE ARIZONA BOARD OF REGENTS.

3. LIMIT THE AMOUNT OF MARIJUANA AND MARIJUANA PRODUCTS BASED ON RETAIL PRICE THAT MAY BE IN A DELIVERY VEHICLE DURING A SINGLE TRIP FROM THE DESIGNATED RETAIL LOCATION OF A MARIJUANA ESTABLISHMENT.

4. PROHIBIT EXTRA OR UNALLOCATED MARIJUANA OR MARIJUANA PRODUCTS IN DELIVERY VEHICLES.

5. REQUIRE THAT DELIVERIES BE MADE ONLY BY MARIJUANA FACILITY AGENTS IN UNMARKED VEHICLES THAT ARE EQUIPPED WITH A GLOBAL POSITIONING SYSTEM OR SIMILAR LOCATION TRACKING SYSTEM AND VIDEO SURVEILLANCE AND RECORDING EQUIPMENT, AND THAT CONTAIN A LOCKED COMPARTMENT IN WHICH MARIJUANA AND MARIJUANA PRODUCTS MUST BE STORED.

6. REQUIRE DELIVERY LOGS NECESSARY TO ENSURE COMPLIANCE WITH THIS SUBSECTION AND RULES ADOPTED PURSUANT TO THIS SUBSECTION.

7. REQUIRE INSPECTIONS TO ENSURE COMPLIANCE WITH THIS SUBSECTION AND RULES ADOPTED PURSUANT TO THIS SUBSECTION.

8. INCLUDE ANY OTHER PROVISIONS NECESSARY TO ENSURE SAFE AND RESTRICTED DELIVERY.

9. REQUIRE DUAL LICENSEES TO COMPLY WITH THE RULES ADOPTED PURSUANT TO THIS SUBSECTION.

E. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, THE DEPARTMENT MAY NOT PERMIT DELIVERY OF MARIJUANA OR MARIJUANA PRODUCTS UNDER THIS CHAPTER BY ANY INDIVIDUAL OR ENTITY. IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW, AN INDIVIDUAL OR ENTITY THAT DELIVERS MARIJUANA OR MARIJUANA PRODUCTS IN A MANNER THAT IS NOT AUTHORIZED BY THIS CHAPTER SHALL PAY

A CIVIL PENALTY OF \$20,000 PER VIOLATION TO THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856. THIS SUBSECTION MAY BE ENFORCED BY THE ATTORNEY GENERAL.

F. ALL RULES ADOPTED BY THE DEPARTMENT PURSUANT TO THIS SECTION SHALL BE CONSISTENT WITH THE PURPOSE OF THIS CHAPTER.

G. THE DEPARTMENT MAY NOT ADOPT ANY RULE THAT:

1. PROHIBITS THE OPERATION OF MARIJUANA ESTABLISHMENTS, EITHER EXPRESSLY OR THROUGH REQUIREMENTS THAT MAKE THE OPERATION OF A MARIJUANA ESTABLISHMENT UNDULY BURDENSOME.

2. PROHIBITS OR INTERFERES WITH THE ABILITY OF A DUAL LICENSEE TO OPERATE A MARIJUANA ESTABLISHMENT AND A NONPROFIT MEDICAL MARIJUANA DISPENSARY AT SHARED LOCATIONS.

H. NOTWITHSTANDING SECTION 41-192, THE DEPARTMENT MAY EMPLOY LEGAL COUNSEL AND MAKE AN EXPENDITURE OR INCUR AN INDEBTEDNESS FOR LEGAL SERVICES FOR THE PURPOSES OF:

1. DEFENDING THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER.

2. DEFENDING CHAPTER 28.1 OF THIS TITLE OR RULES ADOPTED PURSUANT TO CHAPTER 28.1 OF THIS TITLE.

I. THE DEPARTMENT SHALL DEPOSIT ALL LICENSE FEES, APPLICATION FEES AND RENEWAL FEES PAID TO THE DEPARTMENT PURSUANT TO THIS CHAPTER IN THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856.

J. ON REQUEST, THE DEPARTMENT SHALL SHARE WITH THE DEPARTMENT OF REVENUE INFORMATION REGARDING A MARIJUANA ESTABLISHMENT, MARIJUANA TESTING FACILITY OR DUAL LICENSEE, INCLUDING ITS NAME, PHYSICAL ADDRESS, CULTIVATION SITE AND TRANSACTION PRIVILEGE TAX LICENSE NUMBER.

K. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY:

1. LICENSE AN INDEPENDENT THIRD-PARTY LABORATORY TO ALSO OPERATE AS A MARIJUANA TESTING FACILITY.

2. OPERATE A MARIJUANA TESTING FACILITY.

L. THE DEPARTMENT SHALL MAINTAIN AND PUBLISH A CURRENT LIST OF ALL MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES BY NAME AND LICENSE NUMBER.

M. NOTWITHSTANDING ANY OTHER LAW, THE ISSUANCE OF AN OCCUPATIONAL, PROFESSIONAL OR OTHER REGULATORY LICENSE OR CERTIFICATION TO A PERSON BY A JURISDICTION OR REGULATORY AUTHORITY OUTSIDE THIS STATE DOES NOT ENTITLE THAT PERSON TO BE ISSUED A MARIJUANA ESTABLISHMENT LICENSE, A MARIJUANA TESTING FACILITY LICENSE, OR ANY OTHER LICENSE, REGISTRATION OR CERTIFICATION UNDER THIS CHAPTER.

36-2855. Marijuana facility agents; registration; card; rules

A. A MARIJUANA FACILITY AGENT SHALL BE REGISTERED WITH THE DEPARTMENT BEFORE WORKING AT A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY.

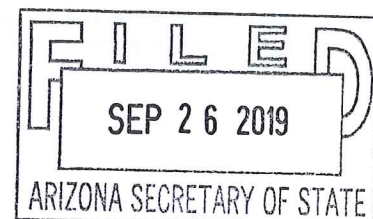
B. A PERSON WHO WISHES TO BE REGISTERED AS A MARIJUANA FACILITY AGENT OR RENEW THE PERSON'S REGISTRATION AS A MARIJUANA FACILITY AGENT SHALL:

1. SUBMIT A COMPLETED APPLICATION ON A FORM PRESCRIBED BY THE DEPARTMENT AND PAY A NONREFUNDABLE FEE THAT IS REASONABLE AND RELATED TO THE ACTUAL COST OF PROCESSING APPLICATIONS SUBMITTED PURSUANT TO THIS SECTION.

2. SUBMIT EVIDENCE THAT THE APPLICANT HOLDS A CURRENT LEVEL I FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.07, OR SUBMIT A FULL SET OF THE APPLICANT'S FINGERPRINTS FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION WITHOUT DISCLOSING THAT THE RECORDS CHECK IS RELATED TO THIS CHAPTER AND ACTS ALLOWED BY THIS CHAPTER. THE DEPARTMENT OF PUBLIC SAFETY SHALL DESTROY EACH SET OF FINGERPRINTS AFTER THE CRIMINAL RECORDS CHECK IS COMPLETED.

C. IF THE DEPARTMENT DETERMINES THAT AN APPLICANT MEETS THE CRITERIA FOR REGISTRATION UNDER THIS CHAPTER AND RULES PURSUANT TO THIS CHAPTER, THE DEPARTMENT SHALL ISSUE THE APPLICANT A MARIJUANA FACILITY AGENT CARD THAT IS VALID FOR TWO YEARS.

D. A REGISTERED MARIJUANA FACILITY AGENT MAY BE EMPLOYED BY OR ASSOCIATED WITH ANY MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY. A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY SHALL PROMPTLY NOTIFY THE DEPARTMENT WHEN IT EMPLOYS OR BECOMES ASSOCIATED WITH A NEW MARIJUANA FACILITY AGENT. A MARIJUANA FACILITY AGENT SHALL PROMPTLY NOTIFY THE DEPARTMENT WHEN THE MARIJUANA FACILITY AGENT IS EMPLOYED BY OR BECOMES ASSOCIATED WITH A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY AND WHEN THE MARIJUANA FACILITY AGENT IS NO LONGER EMPLOYED BY OR ASSOCIATED WITH A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY.



E. A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT OF A DUAL LICENSEE WHO HAS APPLIED TO BE REGISTERED AS A MARIJUANA FACILITY AGENT MAY SERVE AS A MARIJUANA FACILITY AGENT OF THAT DUAL LICENSEE UNTIL THE DEPARTMENT HAS APPROVED OR REJECTED THE AGENT'S APPLICATION.

F. THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT THIS SECTION.

36-2856. Smart and safe Arizona fund; disposition; exemption

A. THE SMART AND SAFE ARIZONA FUND IS ESTABLISHED CONSISTING OF ALL MONIES DEPOSITED PURSUANT TO SECTIONS 36-2854, 42-5452 AND 42-5503, PRIVATE DONATIONS AND INTEREST EARNED ON THOSE MONIES. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. MONIES IN THE FUND AND ITS ACCOUNTS MAY NOT BE TRANSFERRED TO ANY OTHER FUND EXCEPT AS PROVIDED IN THIS SECTION, DO NOT REVERT TO THE STATE GENERAL FUND AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF APPROPRIATIONS. THE STATE TREASURER SHALL ADMINISTER THE FUND.

B. ALL MONIES IN THE SMART AND SAFE ARIZONA FUND MUST FIRST BE SPENT, AND THE STATE TREASURER SHALL TRANSFER MONIES FROM THE FUND, TO PAY:

1. THE ACTUAL REASONABLE COSTS INCURRED BY THE DEPARTMENT TO IMPLEMENT, CARRY OUT AND ENFORCE THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.

2. THE ACTUAL REASONABLE COSTS INCURRED BY THE DEPARTMENT OF REVENUE TO IMPOSE AND ENFORCE THE TAX AUTHORIZED AND LEVIED BY SECTION 42-5452.

3. THE ACTUAL REASONABLE COSTS INCURRED BY THE SUPREME COURT AND THE DEPARTMENT OF PUBLIC SAFETY TO PROCESS PETITIONS FOR EXPUNGEMENT AND EXPUNGEMENT ORDERS PURSUANT TO SECTION 36-2862 AND TO OTHERWISE IMPLEMENT SECTION 36-2862.

4. THE ACTUAL REASONABLE COSTS INCURRED BY THE STATE TREASURER TO ADMINISTER THE FUND.

5. ANY OTHER MANDATORY EXPENDITURE OF STATE REVENUES REQUIRED BY THIS CHAPTER TO IMPLEMENT OR ENFORCE THE PROVISIONS OF THIS CHAPTER.

C. THE STATE TREASURER MAY PRESCRIBE FORMS NECESSARY TO MAKE TRANSFERS FROM THE SMART AND SAFE ARIZONA FUND PURSUANT TO SUBSECTION B OF THIS SECTION.

D. ON OR BEFORE JUNE 30 AND DECEMBER 31 OF EACH YEAR, THE STATE TREASURER SHALL TRANSFER ALL MONIES IN THE SMART AND SAFE ARIZONA FUND IN EXCESS OF THE AMOUNTS PAID PURSUANT TO SUBSECTION B OF THIS SECTION AS FOLLOWS:

1. 33 PERCENT TO COMMUNITY COLLEGE DISTRICTS AND PROVISIONAL COMMUNITY COLLEGE DISTRICTS, BUT NOT TO COMMUNITY COLLEGE TUITION FINANCING DISTRICTS ESTABLISHED PURSUANT TO SECTION 15-1409, FOR THE PURPOSES OF INVESTING IN AND PROVIDING WORKFORCE DEVELOPMENT PROGRAMS, JOB TRAINING, CAREER AND TECHNICAL EDUCATION, AND SCIENCE, TECHNOLOGY, ENGINEERING AND MATH PROGRAMS, AS FOLLOWS:

(a) 15 PERCENT OF THE 33 PERCENT DIVIDED EQUALLY BETWEEN EACH COMMUNITY COLLEGE DISTRICT.

(b) 0.5 PERCENT OF THE 33 PERCENT DIVIDED EQUALLY BETWEEN EACH PROVISIONAL COMMUNITY COLLEGE DISTRICT, IF ONE OR MORE PROVISIONAL COMMUNITY COLLEGE DISTRICTS EXIST.

(c) THE REMAINDER TO COMMUNITY COLLEGE DISTRICTS AND PROVISIONAL COMMUNITY COLLEGES DISTRICTS IN PROPORTION TO EACH DISTRICT'S FULL-TIME EQUIVALENT STUDENT ENROLLMENT PERCENTAGE OF THE TOTAL STATEWIDE AUDITED FULL-TIME EQUIVALENT STUDENT ENROLLMENT IN THE PRECEDING FISCAL YEAR PRESCRIBED IN SECTION 15-1466.01.

2. 31.4 PERCENT TO MUNICIPAL POLICE DEPARTMENTS, MUNICIPAL FIRE DEPARTMENTS, FIRE DISTRICTS ESTABLISHED PURSUANT TO TITLE 48, CHAPTER 5 AND COUNTY SHERIFFS' DEPARTMENTS IN PROPORTION TO THE NUMBER OF ENROLLED MEMBERS FOR EACH SUCH AGENCY IN THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM ESTABLISHED BY TITLE 38, CHAPTER 5, ARTICLE 4 AND THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION PLAN ESTABLISHED BY TITLE 38, CHAPTER 5, ARTICLE 4.1, FOR PERSONNEL COSTS.

3. 25.4 PERCENT TO THE ARIZONA HIGHWAY USER REVENUE FUND ESTABLISHED BY SECTION 28-6533.

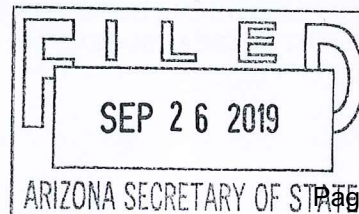
4. 10 PERCENT TO THE JUSTICE REINVESTMENT FUND ESTABLISHED BY SECTION 36-2863.

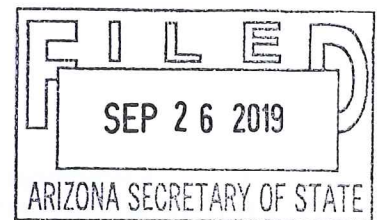
5. 0.2 PERCENT TO THE ATTORNEY GENERAL TO USE TO ENFORCE THIS CHAPTER, OR TO GRANT TO LOCALITIES TO ENFORCE THIS CHAPTER.

E. THE MONIES TRANSFERRED AND RECEIVED PURSUANT TO THIS SECTION:

1. ARE IN ADDITION TO ANY OTHER APPROPRIATION, TRANSFER OR OTHER ALLOCATION OF MONIES AND MAY NOT SUPPLANT, REPLACE OR CAUSE A REDUCTION IN OTHER FUNDING SOURCES.

2. ARE NOT CONSIDERED LOCAL REVENUES FOR THE PURPOSES OF ARTICLE IX, SECTIONS 20 AND 21, CONSTITUTION OF ARIZONA.





36-2857. Localities; marijuana establishments and marijuana testing facilities

- A. A LOCALITY MAY:
1. ENACT REASONABLE ZONING REGULATIONS THAT LIMIT THE USE OF LAND FOR MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES TO SPECIFIED AREAS.
 2. LIMIT THE NUMBER OF MARIJUANA ESTABLISHMENTS OR MARIJUANA TESTING FACILITIES, OR BOTH.
 3. PROHIBIT MARIJUANA ESTABLISHMENTS OR MARIJUANA TESTING FACILITIES, OR BOTH.
 4. REGULATE THE TIME, PLACE AND MANNER OF MARIJUANA ESTABLISHMENT AND MARIJUANA TESTING FACILITY OPERATIONS.
 5. ESTABLISH REASONABLE RESTRICTIONS ON PUBLIC SIGNAGE REGARDING MARIJUANA, MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES.
 6. PROHIBIT OR RESTRICT DELIVERY WITHIN ITS JURISDICTION.
- B. A COUNTY MAY EXERCISE ITS AUTHORITY PURSUANT TO SUBSECTION A OF THIS SECTION ONLY IN UNINCORPORATED AREAS OF THE COUNTY.
- C. A LOCALITY MAY NOT ENACT ANY ORDINANCE, REGULATION OR RULE THAT:
1. IS MORE RESTRICTIVE THAN A COMPARABLE ORDINANCE, REGULATION OR RULE THAT APPLIES TO NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
 2. MAKES THE OPERATION OF A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY UNDULY BURDENSOME IF THE LOCALITY HAS NOT PROHIBITED MARIJUANA ESTABLISHMENTS OR MARIJUANA TESTING FACILITIES.
 3. CONFLICTS WITH THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER.
 4. PROHIBITS THE TRANSPORTATION OF MARIJUANA BY A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY ON PUBLIC ROADS.
 5. RESTRICTS OR INTERFERES WITH THE ABILITY OF A DUAL LICENSEE OR AN ENTITY ELIGIBLE TO BECOME A DUAL LICENSEE TO OPERATE A NONPROFIT MEDICAL MARIJUANA DISPENSARY AND A MARIJUANA ESTABLISHMENT COOPERATIVELY AT SHARED LOCATIONS.
 6. EXCEPT AS EXPRESSLY AUTHORIZED BY THIS SECTION OR SECTION 36-2851, PROHIBITS OR RESTRICTS ANY CONDUCT OR TRANSACTION ALLOWED BY THIS CHAPTER, OR IMPOSES ANY LIABILITY OR PENALTY IN ADDITION TO THAT PRESCRIBED BY THIS CHAPTER FOR ANY CONDUCT OR TRANSACTION CONSTITUTING A VIOLATION OF THIS CHAPTER.

36-2858. Lawful operation of marijuana establishments and marijuana testing facilities

- A. EXCEPT AS SPECIFICALLY AND EXPRESSLY PROVIDED IN SECTION 36-2857 AND NOTWITHSTANDING ANY OTHER LAW, IT IS LAWFUL AND IS NOT AN OFFENSE UNDER THE LAWS OF THIS STATE OR ANY LOCALITY, MAY NOT CONSTITUTE THE BASIS FOR DETENTION, SEARCH OR ARREST, AND MAY NOT CONSTITUTE THE SOLE BASIS FOR SEIZURE OR FORFEITURE OF ASSETS OR THE BASIS FOR IMPOSING PENALTIES UNDER THE LAWS OF THIS STATE OR ANY LOCALITY FOR:
1. A MARIJUANA ESTABLISHMENT, OR AN AGENT ACTING ON BEHALF OF A MARIJUANA ESTABLISHMENT, TO:
 - (a) POSSESS MARIJUANA OR MARIJUANA PRODUCTS.
 - (b) PURCHASE, SELL OR TRANSPORT MARIJUANA AND MARIJUANA PRODUCTS TO OR FROM A MARIJUANA ESTABLISHMENT.
 - (c) SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS, EXCEPT THAT A MARIJUANA ESTABLISHMENT MAY NOT SELL MORE THAN ONE OUNCE OF MARIJUANA TO A CONSUMER IN A SINGLE TRANSACTION, NOT MORE THAN FIVE GRAMS OF WHICH MAY BE IN THE FORM OF MARIJUANA CONCENTRATE.
 - (d) CULTIVATE, PRODUCE, TEST OR PROCESS MARIJUANA OR MANUFACTURE MARIJUANA OR MARIJUANA PRODUCTS BY ANY MEANS INCLUDING CHEMICAL EXTRACTION OR CHEMICAL SYNTHESIS.
 2. AN AGENT ACTING ON BEHALF OF A MARIJUANA ESTABLISHMENT TO SELL OR OTHERWISE TRANSFER MARIJUANA TO AN INDIVIDUAL UNDER TWENTY-ONE YEARS OF AGE, IF THE AGENT REASONABLY VERIFIED THAT THE INDIVIDUAL APPEARED TO BE TWENTY-ONE YEARS OF AGE OR OLDER BY MEANS OF A GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION IN COMPLIANCE WITH RULES ADOPTED PURSUANT TO SECTION 36-2854, SUBSECTION A, PARAGRAPH 6.
 3. A MARIJUANA TESTING FACILITY, OR AN AGENT ACTING ON BEHALF OF A MARIJUANA TESTING FACILITY, TO OBTAIN, POSSESS, PROCESS, REPACKAGE, TRANSFER, TRANSPORT OR TEST MARIJUANA AND MARIJUANA PRODUCTS.
 4. A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MARIJUANA ESTABLISHMENT, OR AN AGENT ACTING ON BEHALF OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MARIJUANA ESTABLISHMENT, TO SELL OR OTHERWISE TRANSFER MARIJUANA OR MARIJUANA PRODUCTS TO A NONPROFIT MEDICAL MARIJUANA DISPENSARY, A MARIJUANA ESTABLISHMENT OR AN AGENT ACTING ON BEHALF OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MARIJUANA ESTABLISHMENT.

5. ANY INDIVIDUAL, CORPORATION OR OTHER ENTITY TO SELL, LEASE OR OTHERWISE ALLOW PROPERTY OR GOODS THAT ARE OWNED, MANAGED OR CONTROLLED BY THE INDIVIDUAL, CORPORATION OR OTHER ENTITY TO BE USED FOR ANY ACTIVITY AUTHORIZED BY THIS CHAPTER, OR TO PROVIDE SERVICES TO A MARIJUANA ESTABLISHMENT, OR MARIJUANA TESTING FACILITY OR AGENT ACTING ON BEHALF OF A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY IN CONNECTION WITH ANY ACTIVITY AUTHORIZED BY THIS CHAPTER.

B. THIS SECTION DOES NOT PRECLUDE THE DEPARTMENT FROM IMPOSING PENALTIES AGAINST A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY FOR FAILING TO COMPLY WITH THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER.

C. A MARIJUANA ESTABLISHMENT MAY BE OWNED OR OPERATED BY A PUBLICLY TRADED COMPANY.

D. NOTWITHSTANDING ANY OTHER LAW, A DUAL LICENSEE:

1. MAY HOLD A MARIJUANA ESTABLISHMENT LICENSE AND OPERATE A MARIJUANA ESTABLISHMENT PURSUANT TO THIS CHAPTER.

2. MAY OPERATE ON A FOR-PROFIT BASIS IF THE DUAL LICENSEE PROMPTLY NOTIFIES THE DEPARTMENT AND DEPARTMENT OF REVENUE AND TAKES ANY ACTIONS NECESSARY TO ENABLE ITS FOR-PROFIT OPERATION, INCLUDING CONVERTING ITS CORPORATE FORM AND AMENDING ITS ORGANIZATIONAL AND OPERATING DOCUMENTS.

3. MUST CONTINUE TO HOLD BOTH ITS MARIJUANA ESTABLISHMENT LICENSE AND NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION, REGARDLESS OF ANY CHANGE IN OWNERSHIP OF THE DUAL LICENSEE, UNLESS IT TERMINATES ITS STATUS AS A DUAL LICENSEE AND FORFEITS EITHER ITS MARIJUANA ESTABLISHMENT LICENSE OR NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION BY NOTIFYING THE DEPARTMENT OF SUCH A TERMINATION AND FORFEITURE.

4. MAY NOT BE REQUIRED TO:

(a) EMPLOY OR CONTRACT WITH A MEDICAL DIRECTOR.

(b) OBTAIN NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT OR MARIJUANA FACILITY AGENT REGISTRATIONS FOR OUTSIDE VENDORS THAT DO NOT HAVE REGULAR, UNSUPERVISED ACCESS TO THE INTERIOR OF THE DUAL LICENSEE.

(c) HAVE A SINGLE SECURE ENTRANCE AS REQUIRED BY SECTION 36-2806, SUBSECTION C, BUT MAY BE REQUIRED TO IMPLEMENT APPROPRIATE SECURITY MEASURES TO DETER AND PREVENT THE THEFT OF MARIJUANA AND TO REASONABLY REGULATE CUSTOMER ACCESS TO THE PREMISES.

(d) COMPLY WITH ANY OTHER PROVISION OF CHAPTER 28.1 OF THIS TITLE OR ANY RULE ADOPTED PURSUANT TO CHAPTER 28.1 OF THIS TITLE THAT MAKES ITS OPERATION AS A DUAL LICENSEE UNDULY BURDENSOME.

E. NOTWITHSTANDING ANY OTHER LAW, A DUAL LICENSEE THAT ELECTS TO OPERATE ON A FOR-PROFIT BASIS PURSUANT TO SUBSECTION D, PARAGRAPH 2 OF THIS SECTION:

1. IS SUBJECT TO THE TAXES IMPOSED PURSUANT TO TITLE 43.

2. IS NOT REQUIRED TO SUBMIT ITS ANNUAL FINANCIAL STATEMENTS OR AN AUDIT REPORT TO THE DEPARTMENT FOR PURPOSES OF RENEWING ITS NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION.

F. NOTWITHSTANDING ANY OTHER LAW, A DUAL LICENSEE MUST CONDUCT BOTH OF THE FOLLOWING OPERATIONS AT A SHARED LOCATION:

1. SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS PURSUANT TO THIS CHAPTER.

2. DISPENSE MARIJUANA TO REGISTERED QUALIFYING PATIENTS AND REGISTERED DESIGNATED CAREGIVERS PURSUANT TO CHAPTER 28.1 OF THIS TITLE.

G. NOTWITHSTANDING CHAPTER 28.1 OF THIS TITLE OR ANY RULE ADOPTED PURSUANT TO CHAPTER 28.1 OF THIS TITLE, A DUAL LICENSEE MAY ENGAGE IN ANY ACT, PRACTICE, CONDUCT OR TRANSACTION ALLOWED FOR A MARIJUANA ESTABLISHMENT BY THIS CHAPTER.

H. NOTWITHSTANDING ANY OTHER LAW:

1. AN INDIVIDUAL MAY BE AN APPLICANT, PRINCIPAL OFFICER OR BOARD MEMBER OF MORE THAN ONE MARIJUANA ESTABLISHMENT OR MORE THAN ONE DUAL LICENSEE REGARDLESS OF THE ESTABLISHMENT'S LOCATION.

2. TWO OR MORE MARIJUANA ESTABLISHMENTS OR DUAL LICENSEES MAY DESIGNATE A SINGLE OFF-SITE LOCATION AS PRESCRIBED IN SECTION 36-2850, PARAGRAPH 18, SUBDIVISION (c) TO BE JOINTLY USED BY THOSE DUAL LICENSEES OR MARIJUANA ESTABLISHMENTS.

I. MARIJUANA ESTABLISHMENTS, MARIJUANA TESTING FACILITIES AND DUAL LICENSEES THAT ARE SUBJECT TO APPLICABLE FEDERAL OR STATE ANTIDISCRIMINATION LAWS MAY NOT PAY THEIR EMPLOYEES DIFFERENTLY BASED SOLELY ON A PROTECTED CLASS STATUS SUCH AS SEX, RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE OR DISABILITY. THIS SUBSECTION DOES NOT EXPAND OR MODIFY THE JURISDICTIONAL REACH, PROVISIONS OR REQUIREMENTS OF ANY APPLICABLE ANTI-DISCRIMINATION LAW.

36-2859. Advertising restrictions; enforcement; civil penalty

- A. A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY ENGAGE IN ADVERTISING.
- B. AN ADVERTISING PLATFORM MAY HOST ADVERTISING ONLY IF ALL OF THE FOLLOWING APPLY:
1. THE ADVERTISING IS AUTHORIZED BY A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA DISPENSARY.
 2. THE ADVERTISING ACCURATELY AND LEGIBLY IDENTIFIES THE MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA DISPENSARY RESPONSIBLE FOR THE CONTENT OF THE ADVERTISING BY NAME AND LICENSE NUMBER OR REGISTRATION NUMBER.
- C. ANY ADVERTISING UNDER THIS CHAPTER INVOLVING DIRECT, INDIVIDUALIZED COMMUNICATION OR DIALOGUE SHALL USE A METHOD OF AGE AFFIRMATION TO VERIFY THAT THE RECIPIENT IS TWENTY-ONE YEARS OF AGE OR OLDER BEFORE ENGAGING IN THAT COMMUNICATION OR DIALOGUE. FOR THE PURPOSES OF THIS SUBSECTION, THAT METHOD OF AGE AFFIRMATION MAY INCLUDE USER CONFIRMATION, BIRTH DATE DISCLOSURE OR OTHER SIMILAR REGISTRATION METHODS.
- D. IT IS UNLAWFUL FOR AN INDIVIDUAL OR ENTITY OTHER THAN A MARIJUANA ESTABLISHMENT OR DUAL LICENSEE TO DO ANY OF THE FOLLOWING IN A MANNER THAT IS NOT AUTHORIZED BY THIS CHAPTER OR RULES ADOPTED BY THE DEPARTMENT PURSUANT TO THIS CHAPTER:
1. FACILITATE THE DELIVERY OF MARIJUANA OR MARIJUANA PRODUCTS.
 2. SOLICIT OR ACCEPT ORDERS FOR MARIJUANA OR MARIJUANA PRODUCTS OR OPERATE A PLATFORM THAT SOLICITS OR ACCEPTS ORDERS FOR MARIJUANA OR MARIJUANA PRODUCTS.
 3. OPERATE A LISTING SERVICE RELATED TO THE SALE OR DELIVERY OF MARIJUANA OR MARIJUANA PRODUCTS.
- E. A MARIJUANA ESTABLISHMENT THAT VIOLATES THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION BY THE DEPARTMENT PURSUANT TO SECTION 36-2854, SUBSECTION B. A NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT VIOLATES THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION BY THE DEPARTMENT PURSUANT TO SECTION 36-2816.
- F. IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW, AN INDIVIDUAL OR ENTITY OTHER THAN A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT ADVERTISES MARIJUANA OR MARIJUANA PRODUCTS IN VIOLATION OF THIS SECTION OR OTHERWISE VIOLATES THIS SECTION SHALL PAY A CIVIL PENALTY OF \$20,000 PER VIOLATION TO THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856. THIS SUBSECTION MAY BE ENFORCED BY THE ATTORNEY GENERAL.

36-2860. Packaging; restrictions on particular marijuana products

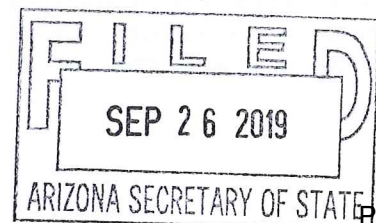
- A. A MARIJUANA ESTABLISHMENT MAY NOT:
1. PACKAGE OR LABEL MARIJUANA OR MARIJUANA PRODUCTS IN A FALSE OR MISLEADING MANNER.
 2. MANUFACTURE OR SELL MARIJUANA PRODUCTS THAT RESEMBLE THE FORM OF A HUMAN, ANIMAL, INSECT, FRUIT, TOY OR CARTOON.
 3. SELL OR ADVERTISE MARIJUANA OR MARIJUANA PRODUCTS WITH NAMES THAT RESEMBLE OR IMITATE FOOD OR DRINK BRANDS MARKETED TO CHILDREN, OR OTHERWISE ADVERTISE MARIJUANA OR MARIJUANA PRODUCTS TO CHILDREN.
- B. A MARIJUANA ESTABLISHMENT THAT VIOLATES THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION BY THE DEPARTMENT PURSUANT TO SECTION 36-2854, SUBSECTION B.

36-2861. Contracts; professional services

- A. IT IS THE PUBLIC POLICY OF THIS STATE THAT CONTRACTS RELATED TO MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES ARE ENFORCEABLE.
- B. A PERSON THAT IS LICENSED, CERTIFIED OR REGISTERED BY ANY DEPARTMENT, AGENCY OR REGULATORY BOARD OF THIS STATE IS NOT SUBJECT TO DISCIPLINARY ACTION BY THAT ENTITY FOR PROVIDING PROFESSIONAL ASSISTANCE TO A PROSPECTIVE OR REGISTERED MARIJUANA ESTABLISHMENT, MARIJUANA TESTING FACILITY OR OTHER PERSON FOR ANY LAWFUL ACTIVITY UNDER THIS CHAPTER.

36-2862. Expungement; petition; appeal; dismissal of complaints; rules

- A. BEGINNING JULY 12, 2021, AN INDIVIDUAL WHO WAS ARRESTED FOR, CHARGED WITH, ADJUDICATED OR CONVICTED BY TRIAL OR PLEA OF, OR SENTENCED FOR, ANY OF THE FOLLOWING OFFENSES BASED ON OR ARISING OUT OF CONDUCT OCCURRING BEFORE THE EFFECTIVE DATE OF THIS SECTION MAY PETITION THE COURT TO HAVE THE RECORD OF THAT ARREST, CHARGE, ADJUDICATION, CONVICTION OR SENTENCE EXPUNGED:



1. POSSESSING, CONSUMING OR TRANSPORTING TWO AND ONE-HALF OUNCES OR LESS OF MARIJUANA, OF WHICH NOT MORE THAN TWELVE AND ONE-HALF GRAMS WAS IN THE FORM OF MARIJUANA CONCENTRATE.
2. POSSESSING, TRANSPORTING, CULTIVATING OR PROCESSING NOT MORE THAN SIX MARIJUANA PLANTS AT THE INDIVIDUAL'S PRIMARY RESIDENCE FOR PERSONAL USE.
3. POSSESSING, USING OR TRANSPORTING PARAPHERNALIA RELATING TO THE CULTIVATION, MANUFACTURE, PROCESSING OR CONSUMPTION OF MARIJUANA.
 - B. IF THE COURT RECEIVES A PETITION FOR EXPUNGEMENT PURSUANT TO THIS SECTION:
 1. THE COURT SHALL NOTIFY THE PROSECUTING AGENCY OF THE FILING OF THE PETITION, AND ALLOW THE PROSECUTING AGENCY TO RESPOND TO THE PETITION WITHIN THIRTY DAYS.
 2. THE COURT MAY HOLD A HEARING:
 - (a) ON THE REQUEST OF EITHER THE PETITIONER OR THE PROSECUTING AGENCY.
 - (b) IF THE COURT CONCLUDES THERE ARE GENUINE DISPUTES OF FACT REGARDING WHETHER THE PETITION SHOULD BE GRANTED.
 3. THE COURT SHALL GRANT THE PETITION UNLESS THE PROSECUTING AGENCY ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT THE PETITIONER IS NOT ELIGIBLE FOR EXPUNGEMENT.
 4. THE COURT SHALL ISSUE A SIGNED ORDER OR MINUTE ENTRY GRANTING OR DENYING THE PETITION IN WHICH IT MAKES FINDINGS OF FACT AND CONCLUSIONS OF LAW.
 - C. IF THE COURT GRANTS A PETITION FOR EXPUNGEMENT:
 1. THE SIGNED ORDER OR MINUTE ENTRY REQUIRED PURSUANT TO SUBSECTION B, PARAGRAPH 4 OF THIS SECTION SHALL DO ALL OF THE FOLLOWING:
 - (a) IF THE PETITIONER WAS ADJUDICATED OR CONVICTED OF AN OFFENSE SET FORTH IN SUBSECTION A OF THIS SECTION, VACATE THE JUDGMENT OF ADJUDICATION OR CONVICTION.
 - (b) STATE THAT IT EXPUNGES ANY RECORD OF THE PETITIONER'S ARREST, CHARGE, CONVICTION, ADJUDICATION AND SENTENCE.
 - (c) IF THE PETITIONER WAS CONVICTED OR ADJUDICATED OF AN OFFENSE SET FORTH IN SUBSECTION A OF THIS SECTION, STATE THAT THE PETITIONER'S CIVIL RIGHTS, INCLUDING THE RIGHT TO POSSESS FIREARMS, ARE RESTORED, UNLESS THE PETITIONER IS OTHERWISE NOT ELIGIBLE FOR THE RESTORATION OF CIVIL RIGHTS ON GROUNDS OTHER THAN A CONVICTION FOR AN OFFENSE SET FORTH IN SUBSECTION A OF THIS SECTION.
 - (d) REQUIRE THE CLERK OF THE COURT TO NOTIFY THE DEPARTMENT OF PUBLIC SAFETY, THE PROSECUTING AGENCY AND THE ARRESTING LAW ENFORCEMENT AGENCY, IF APPLICABLE, OF THE EXPUNGEMENT ORDER.
 - (e) REQUIRE THE CLERK OF THE COURT TO SEAL ALL RECORDS RELATING TO THE EXPUNGED ARREST, CHARGE, ADJUDICATION, CONVICTION OR SENTENCE AND ALLOW THE RECORDS TO BE ACCESSED ONLY BY THE INDIVIDUAL WHOSE RECORD WAS EXPUNGED OR THE INDIVIDUAL'S ATTORNEY.
 2. THE DEPARTMENT OF PUBLIC SAFETY SHALL SEAL AND SEPARATE THE EXPUNGED RECORD FROM ITS RECORDS AND INFORM ALL APPROPRIATE STATE AND FEDERAL LAW ENFORCEMENT AGENCIES OF THE EXPUNGEMENT. UNLESS THE PETITIONER IS INDIGENT, THE DEPARTMENT OF PUBLIC SAFETY MAY CHARGE THE SUCCESSFUL PETITIONER A REASONABLE FEE DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY TO RESEARCH AND CORRECT THE PETITIONER'S CRIMINAL HISTORY RECORD.
 3. THE ARRESTING AND PROSECUTING AGENCIES SHALL CLEARLY IDENTIFY IN EACH AGENCY'S FILES AND ELECTRONIC RECORDS THAT THE PETITIONER'S ARREST, CHARGE, CONVICTION, ADJUDICATION AND SENTENCE ARE EXPUNGED AND SHALL NOT MAKE ANY RECORDS OF THE EXPUNGED ARREST, CHARGE, CONVICTION, ADJUDICATION OR SENTENCE AVAILABLE AS A PUBLIC RECORD TO ANY PERSON EXCEPT TO THE INDIVIDUAL WHOSE RECORD WAS EXPUNGED OR THAT INDIVIDUAL'S ATTORNEY.
 - D. AN ARREST, CHARGE, ADJUDICATION, CONVICTION OR SENTENCE THAT IS EXPUNGED PURSUANT TO THIS SECTION MAY NOT BE USED IN A SUBSEQUENT PROSECUTION BY A PROSECUTING AGENCY OR COURT FOR ANY PURPOSE.
 - E. AN INDIVIDUAL WHOSE RECORD OF ARREST, CHARGE, ADJUDICATION, CONVICTION OR SENTENCE IS EXPUNGED PURSUANT TO THIS SECTION MAY STATE THAT THE INDIVIDUAL HAS NEVER BEEN ARRESTED FOR, CHARGED WITH, ADJUDICATED OR CONVICTED OF, OR SENTENCED FOR THE CRIME THAT IS THE SUBJECT OF THE EXPUNGEMENT.
 - F. IF THE COURT DENIES A PETITION FOR EXPUNGEMENT, THE PETITIONER MAY FILE A DIRECT APPEAL PURSUANT TO SECTION 13-4033, SUBSECTION A, PARAGRAPH 3.
 - G. ON MOTION, THE COURT SHALL DISMISS WITH PREJUDICE ANY PENDING COMPLAINT, INFORMATION OR INDICTMENT BASED ON ANY OFFENSE SET FORTH IN SUBSECTION A OF THIS SECTION, TO INCLUDE CHARGES OR ALLEGATIONS BASED ON OR ARISING OUT OF CONDUCT OCCURRING BEFORE THE EFFECTIVE DATE OF THIS CHAPTER. THE INDIVIDUAL CHARGED MAY THEREAFTER PETITION THE COURT TO

EXPUNGE RECORDS OF THE ARREST AND CHARGE OR ALLEGATION AS PROVIDED IN THIS SECTION. A MOTION BROUGHT PURSUANT TO THIS SUBSECTION MAY BE FILED WITH THE COURT BEFORE JULY 12, 2021.

H. THE SUPREME COURT MAY ADOPT RULES NECESSARY TO IMPLEMENT THIS SECTION, AND MAY ALSO SPONSOR PUBLIC SERVICE ANNOUNCEMENTS OR OTHER NOTIFICATIONS INTENDED TO PROVIDE NOTICE TO INDIVIDUALS WHO MAY BE ELIGIBLE TO FILE PETITIONS FOR EXPUNGEMENT PURSUANT TO THIS SECTION.

I. A PROSECUTING AGENCY MAY FILE A PETITION FOR EXPUNGEMENT PURSUANT TO THIS SECTION ON BEHALF OF ANY INDIVIDUAL WHO WAS PROSECUTED BY THAT PROSECUTING AGENCY, AND THE ATTORNEY GENERAL MAY FILE A PETITION FOR EXPUNGEMENT PURSUANT TO THIS SECTION ON BEHALF OF ANY INDIVIDUAL.

36-2863. Justice reinvestment fund; exemption; distribution; definition

A. THE JUSTICE REINVESTMENT FUND IS ESTABLISHED CONSISTING OF ALL MONIES DEPOSITED PURSUANT TO SECTION 36-2856 AND INTEREST EARNED ON THOSE MONIES. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. MONIES IN THE FUND AND ITS ACCOUNTS MAY NOT BE TRANSFERRED TO ANY OTHER FUND EXCEPT AS PROVIDED IN THIS SECTION, DO NOT REVERT TO THE STATE GENERAL FUND, AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF APPROPRIATIONS. THE STATE TREASURER SHALL ADMINISTER THE FUND.

B. ALL MONIES IN THE JUSTICE REINVESTMENT FUND MUST FIRST BE SPENT, AND THE STATE TREASURER SHALL TRANSFER MONIES FROM THE FUND, TO PAY:

1. THE REASONABLE COSTS INCURRED BY THE STATE TREASURER TO ADMINISTER THE FUND.
2. THE REASONABLE ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT TO CARRY OUT ITS DUTIES PURSUANT TO THIS SECTION.

C. ON OR BEFORE JUNE 30 AND DECEMBER 31 OF EACH YEAR, THE STATE TREASURER SHALL TRANSFER ALL MONIES IN THE JUSTICE REINVESTMENT FUND IN EXCESS OF THE AMOUNTS PAID PURSUANT TO SUBSECTION B OF THIS SECTION AS FOLLOWS:

1. THIRTY-FIVE PERCENT TO COUNTY PUBLIC HEALTH DEPARTMENTS, IN PROPORTION TO THE POPULATION OF EACH COUNTY ACCORDING TO THE MOST RECENT UNITED STATES DECENNIAL CENSUS, FOR THE PURPOSE OF PROVIDING JUSTICE REINVESTMENT PROGRAMS OR DISTRIBUTING GRANTS TO QUALIFIED NONPROFIT ORGANIZATIONS TO PROVIDE JUSTICE REINVESTMENT PROGRAMS IN THAT COUNTY.
2. THIRTY-FIVE PERCENT TO THE DEPARTMENT FOR THE PURPOSE OF DISTRIBUTING GRANTS TO QUALIFIED NONPROFIT ORGANIZATIONS THAT PROVIDE JUSTICE REINVESTMENT PROGRAMS IN THIS STATE.
3. THIRTY PERCENT TO THE DEPARTMENT FOR THE PURPOSE OF ADDRESSING IMPORTANT PUBLIC HEALTH ISSUES THAT AFFECT THIS STATE.

D. GRANTS MADE PURSUANT TO THIS SECTION ARE EXEMPT FROM TITLE 41, CHAPTER 23, AND EACH GRANTEE SHALL PROVIDE THE GRANTING AGENCY WITH AN ANNUAL REPORT DETAILING THE USE OF GRANTED MONIES.

E. MONIES TRANSFERRED AND RECEIVED PURSUANT TO SUBSECTION C OF THIS SECTION ARE NOT CONSIDERED LOCAL REVENUES FOR THE PURPOSES OF ARTICLE IX, SECTION 20, CONSTITUTION OF ARIZONA.

F. THE STATE TREASURER MAY PRESCRIBE FORMS NECESSARY TO MAKE TRANSFERS PURSUANT TO SUBSECTION B OF THIS SECTION.

G. FOR THE PURPOSES OF THIS SECTION, "JUSTICE REINVESTMENT PROGRAMS" MEANS INITIATIVES OR PROGRAMS THAT FOCUS ON ANY OF THE FOLLOWING:

1. PUBLIC AND BEHAVIORAL HEALTH, INCLUDING EVIDENCE-BASED AND EVIDENCE-INFORMED SUBSTANCE USE PREVENTION AND TREATMENT AND SUBSTANCE USE EARLY INTERVENTION SERVICES.
2. RESTORATIVE JUSTICE, JAIL DIVERSION, WORKFORCE DEVELOPMENT, INDUSTRY-SPECIFIC TECHNICAL ASSISTANCE OR MENTORING SERVICES FOR ECONOMICALLY DISADVANTAGED PERSONS IN COMMUNITIES DISPROPORTIONATELY IMPACTED BY HIGH RATES OF ARREST AND INCARCERATION.
3. ADDRESSING THE UNDERLYING CAUSES OF CRIME, REDUCING DRUG-RELATED ARRESTS AND REDUCING THE PRISON POPULATION IN THIS STATE.
4. CREATING OR DEVELOPING TECHNOLOGY AND PROGRAMS TO ASSIST WITH THE RESTORATION OF CIVIL RIGHTS AND THE EXPUNGEMENT OF CRIMINAL RECORDS.

36-2864. Transaction privilege tax; use tax; additional taxes prohibited; exception

A. FOR PURPOSES OF THE TRANSACTION PRIVILEGE TAX AND USE TAX LEVIED AND COLLECTED PURSUANT TO TITLE 42, CHAPTERS 5 AND 6, MARIJUANA AND MARIJUANA PRODUCTS ARE TANGIBLE PERSONAL PROPERTY DEFINED IN SECTION 42-5001 AND ARE SUBJECT TO THE TRANSACTION PRIVILEGE TAX IN THE RETAIL CLASSIFICATION AND USE TAX.

B. EXCEPT AS PROVIDED IN SUBSECTION A OF THIS SECTION AND SECTION 42-5452, THIS STATE AND LOCALITIES MAY NOT LEVY OR COLLECT ADDITIONAL TAXES OF ANY KIND ON THE SALE OF MARIJUANA OR MARIJUANA PRODUCTS AND MAY NOT LEVY OR COLLECT ANY FEES OR ASSESSMENTS OF ANY KIND ON THE

SALE OF MARIJUANA OR MARIJUANA PRODUCTS OR ON THE LICENSING, OPERATIONS OR ACTIVITIES OF MARIJUANA ESTABLISHMENTS OR MARIJUANA TESTING FACILITIES, UNLESS THE FEE OR ASSESSMENT IS OF GENERAL APPLICABILITY TO INDIVIDUALS OR BUSINESSES THAT ARE NOT ENGAGED IN THE SALE OF MARIJUANA OR MARIJUANA PRODUCTS.

C. THE PROHIBITION IMPOSED BY SUBSECTION B OF THIS SECTION DOES NOT APPLY TO UNIFORM INCREASES TO THE TRANSACTION PRIVILEGE TAX RATE FOR THE RETAIL CLASSIFICATION OR USE TAX RATE BY THIS STATE OR A LOCALITY OR TO UNIFORM INCREASES TO FEES OR ASSESSMENTS ALLOWED BY SUBSECTION B OF THIS SECTION.

36-2865. Enforcement of this chapter; special action

A. IF THE DEPARTMENT FAILS TO ADOPT RULES NECESSARY TO IMPLEMENT THIS CHAPTER ON OR BEFORE JUNE 1, 2021, OR FAILS TO BEGIN ACCEPTING APPLICATIONS AS PROVIDED IN SECTION 36-2854, SUBSECTION A, PARAGRAPH 1, SUBDIVISION (d), ANY CITIZEN MAY COMMENCE A SPECIAL ACTION IN SUPERIOR COURT TO COMPEL THE DEPARTMENT TO PERFORM THE ACTIONS MANDATED UNDER THIS CHAPTER.

B. IF THE DEPARTMENT FAILS TO ISSUE A LICENSE OR SEND A NOTICE OF DENIAL WITHIN SIXTY DAYS AFTER RECEIVING A COMPLETE MARIJUANA ESTABLISHMENT APPLICATION PURSUANT TO SECTION 36-2854, SUBSECTION A, PARAGRAPH 1, SUBDIVISION (d), THE APPLICANT MAY COMMENCE A SPECIAL ACTION IN SUPERIOR COURT TO COMPEL THE DEPARTMENT TO PERFORM THE ACTIONS MANDATED UNDER THIS CHAPTER.

C. NOTWITHSTANDING CHAPTER 28.1 OF THIS TITLE, IF THE DEPARTMENT FAILS TO ISSUE ANY MARIJUANA ESTABLISHMENT LICENSES PURSUANT TO SECTION 36-2854, SUBSECTION A, PARAGRAPH 1, SUBDIVISION D ON OR BEFORE APRIL 5, 2021, EACH NONPROFIT MEDICAL MARIJUANA DISPENSARY IN GOOD STANDING MAY BEGIN TO CULTIVATE, PRODUCE, PROCESS, MANUFACTURE, TRANSPORT AND TEST MARIJUANA AND MARIJUANA PRODUCTS AND MAY SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS UNTIL THE DEPARTMENT ISSUES LICENSES TO OPERATE MARIJUANA ESTABLISHMENTS. IF THIS OCCURS, NONPROFIT MEDICAL MARIJUANA DISPENSARIES IN GOOD STANDING SHALL:

1. BE TREATED AS MARIJUANA ESTABLISHMENTS FOR ALL PURPOSES UNDER THIS CHAPTER, AND THEIR NONPROFIT MEDICAL MARIJUANA ESTABLISHMENT AGENTS SHALL BE TREATED AS MARIJUANA FACILITY AGENTS FOR ALL PURPOSES UNDER THIS CHAPTER.

2. COMPLY WITH THE RULES ADOPTED BY THE DEPARTMENT TO IMPLEMENT CHAPTER 28.1 OF THIS TITLE, EXCEPT THOSE THAT ARE INCONSISTENT WITH THIS CHAPTER.

Section 5. Title 42, Chapter 5, Arizona Revised Statutes, is amended by adding article 10 to read:

ARTICLE 10.
MARIJUANA AND MARIJUANA PRODUCTS

42-5451. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CONSUMER," "DUAL LICENSEE," "MARIJUANA," "MARIJUANA ESTABLISHMENT" AND "MARIJUANA PRODUCTS" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 36-2850.
2. "DESIGNATED CAREGIVER," "NONPROFIT MEDICAL MARIJUANA DISPENSARY" AND "QUALIFYING PATIENT" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 36-2801.

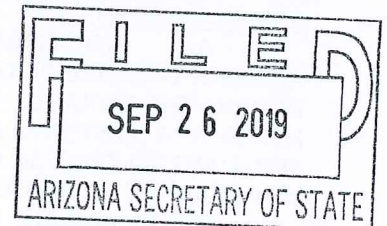
42-5452. Levy and rate of tax; effect of federal excise tax

A. THERE IS LEVIED AND THE DEPARTMENT SHALL COLLECT AN EXCISE TAX ON ALL MARIJUANA AND MARIJUANA PRODUCTS SOLD TO A CONSUMER BY A MARIJUANA ESTABLISHMENT AT A RATE OF SIXTEEN PERCENT OF THE PRICE OF THE MARIJUANA OR MARIJUANA PRODUCT SOLD. THIS SUBSECTION DOES NOT APPLY TO MARIJUANA DISPENSED TO A REGISTERED QUALIFYING PATIENT OR REGISTERED DESIGNATED CAREGIVER PURSUANT TO TITLE 36, CHAPTER 28.1 BY A DUAL LICENSEE OR NONPROFIT MEDICAL MARIJUANA DISPENSARY.

B. IF THE UNITED STATES LEVIES AND COLLECTS AN EXCISE TAX ON MARIJUANA AND MARIJUANA PRODUCTS, THE AGGREGATE OF FEDERAL AND STATE EXCISE TAXES MAY NOT EXCEED A RATE OF THIRTY PERCENT OF THE PRICE OF THE MARIJUANA OR MARIJUANA PRODUCT SOLD, AND THE TAX LEVIED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE LOWERED ACCORDINGLY AND AUTOMATICALLY ON THE EFFECTIVE DATE OF THE FEDERAL EXCISE TAX.

C. A PRODUCT SUBJECT TO THE TAX IMPOSED BY THIS SECTION MAY NOT BE BUNDLED WITH A PRODUCT OR SERVICE THAT IS NOT SUBJECT TO THE TAX IMPOSED BY THIS SECTION.

D. THE TAX LEVIED AND COLLECTED PURSUANT TO THIS SECTION SHALL NOT BE INCLUDED IN COMPUTING THE TAX BASE, GROSS PROCEEDS OF SALES OR GROSS INCOME OF A MARIJUANA ESTABLISHMENT



FOR PURPOSES OF TITLE 42, CHAPTERS 5 AND 6, AND IS NOT SUBJECT TO ANY TRANSACTION PRIVILEGE, SALES, USE OR OTHER SIMILAR TAX LEVIED BY A COUNTY, CITY, TOWN OR SPECIAL TAXING DISTRICT.

E. NOTWITHSTANDING SECTION 42-3102, THE DEPARTMENT SHALL DEPOSIT ALL MONIES LEVIED AND COLLECTED PURSUANT TO THIS SECTION IN THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856.

42-5453. Return statement and payment by marijuana establishment; penalty; interest; rules; confidential information

A. THE TAX IMPOSED BY THIS ARTICLE IS DUE AND PAYABLE, TOGETHER WITH A RETURN STATEMENT PRESCRIBED BY THE DEPARTMENT, FOR EACH MONTH ON OR BEFORE THE TWENTIETH DAY OF THE SUCCEEDING MONTH.

B. A MARIJUANA ESTABLISHMENT THAT FAILS TO PAY THE TAX IMPOSED BY THIS ARTICLE WITHIN TEN DAYS AFTER THE DATE THE PAYMENT IS DUE IS SUBJECT TO AND SHALL PAY A PENALTY DETERMINED UNDER SECTION 42-1125, PLUS INTEREST AT THE RATE DETERMINED PURSUANT TO SECTION 42-1123, FROM THE TIME THE TAX WAS DUE AND PAYABLE UNTIL PAID. THE DEPARTMENT MAY WAIVE ANY PENALTY OR INTEREST IF IT DETERMINES THAT THE MARIJUANA ESTABLISHMENT HAS MADE A GOOD FAITH ATTEMPT TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE.

C. THE MONTHLY RETURN STATEMENT PRESCRIBED BY THE DEPARTMENT SHALL INCLUDE AN ACCOUNTING OF THE QUANTITY OF MARIJUANA THAT IS SOLD BY A MARIJUANA ESTABLISHMENT THAT IS SUBJECT TO THE TAX IMPOSED BY THIS ARTICLE DURING THE TAX MONTH.

D. ALL PENALTIES AND INTEREST COLLECTED PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856.

E. THE DEPARTMENT MAY ADOPT RULES THAT ARE NECESSARY OR CONVENIENT TO ENFORCE THIS ARTICLE, EXCEPT THAT THOSE RULES MAY NOT CONFLICT WITH TITLE 36, CHAPTER 28.2.

F. THE DEPARTMENT MAY SHARE CONFIDENTIAL INFORMATION AS DEFINED IN SECTION 42-2001 WITH THE DEPARTMENT OF HEALTH SERVICES FOR ITS USE IN DETERMINING WHETHER A MARIJUANA ESTABLISHMENT, MARIJUANA TESTING FACILITY OR DUAL LICENSEE IS IN COMPLIANCE WITH TAX OBLIGATIONS UNDER THIS TITLE OR TITLE 43.

Section 6. Title 43, Chapter 1, article 1, Arizona Revised Statutes, is amended by adding Section 43-108 to read:

43-108. Subtraction from gross income; ordinary and necessary expenses; marijuana establishments and marijuana testing facilities; definitions

A. NOTWITHSTANDING ANY OTHER LAW, IN COMPUTING ARIZONA ADJUSTED GROSS INCOME OR ARIZONA TAXABLE INCOME FOR A TAXPAYER, ALL ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A TRADE OR BUSINESS AS A MARIJUANA ESTABLISHMENT, MARIJUANA TESTING FACILITY, OR DUAL LICENSEE THAT ELECTS TO OPERATE ON A FOR-PROFIT BASIS PURSUANT TO TITLE 36, CHAPTER 28.2 SHALL BE SUBTRACTED FROM ARIZONA GROSS INCOME TO THE EXTENT NOT ALREADY EXCLUDED FROM ARIZONA GROSS INCOME.

B. FOR THE PURPOSES OF THIS SECTION, "DUAL LICENSEE," "MARIJUANA ESTABLISHMENT," AND "MARIJUANA TESTING FACILITY" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 36-2850.

Section 7. Voter Protection Act

For the purposes of the Voter Protection Act, Ariz. Const. art. IV, pt. 1, § 1(6)(C), the People of the State of Arizona declare that the following acts of the Legislature would further the purpose of this act:

1. Enacting a per se law for the presumption of marijuana impairment based on the concentration of delta-9 tetrahydrocannabinol in a person's body when scientific research on the subject is conclusive and the National Highway Traffic Safety Administration recommends the adoption of such a law.

2. Reducing or eliminating any offense, offense level or penalty provided for in this act.

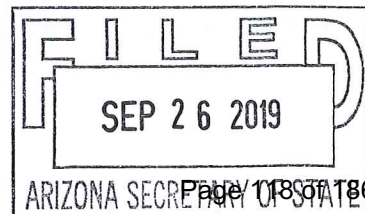
3. Increasing the amount of marijuana that a person may lawfully possess.

4. Amending the provisions of this act to align more closely with federal laws and regulations if marijuana is legalized or decriminalized by the federal government, but only if and to the extent that such federal laws and regulations are not more restrictive than the provisions of this act.

5. Amending the provisions of this act to align more closely with federal laws and regulations governing the possession, processing, cultivation, transport, or transfer of industrial hemp, but only if and to the extent that such federal laws and regulations are not more restrictive than the provisions of this act.

6. Increasing the number of marijuana establishment licenses by up to 10 percent in furtherance of the social equity ownership program established by this act.

7. Facilitating the expungement and sealing of records of arrests, charges, convictions, adjudications and sentences that were predicated on conduct made lawful by this act, including by automatic means, and otherwise preventing or mitigating prejudice to individuals whose arrests, charges, convictions, adjudications or sentences are expunged.



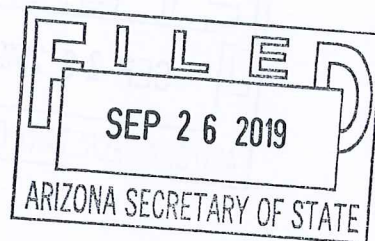
8. Amending the definition of "smoking" in this act to conform with the Smoke-Free Arizona Act if that act is amended to include the use of an electronic smoking device that creates an aerosol or vapor.

Section 8. Exemption from rulemaking

For the purposes of this act, and for sixty months after the effective date of this act, the department of revenue and the department of health services are exempt from (a) any executive order or other directive purporting to limit or restrict their ability to adopt new rules, and (b) the rulemaking requirements of title 41, chapters 6 and 6.1, Arizona Revised Statutes, except that each department shall provide the public with a reasonable opportunity to comment on proposed rules and shall publish otherwise exempted rules.

Section 9. Severability

If any provision of this act or its application to any person or circumstance is declared invalid by a court of competent jurisdiction, such invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application. The invalidated provision or provisions shall be deemed reformed to the extent necessary to conform to applicable law and to give the maximum effect to the intent of this act and, to the fullest extent possible, the provisions of this act, including each portion of any section of this act containing any invalidated provision that is not itself invalid, shall be construed so as to give effect to the intent thereof.



League of Arizona Cities and Towns
Model Ordinance Relating to Recreational Marijuana
(September 29, 2020)

Options are highlighted in yellow.

Notes are in red.

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE [CITY/TOWN] OF _____, ARIZONA, AMENDING THE CODE OF _____, ARIZONA BY ADOPTING A NEW ARTICLE ___ RELATING TO THE REGULATION OF RECREATIONAL MARIJUANA; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA ON PUBLIC PROPERTY; [PROHIBITING MARIJUANA ESTABLISHMENTS AND/OR MARIJUANA TESTING FACILITIES OR REGULATING MARIJUANA ESTABLISHMENTS AND/OR MARIJUANA TESTING FACILITIES]; ESTABLISHING REGULATIONS FOR PERSONAL USE AT AN INDIVIDUAL’S PRIMARY RESIDENCE; AUTHORIZING RETAIL SALES FROM MARIJUANA AND MARIJUANA PRODUCTS; IMPOSING FEES; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, marijuana contains tetrahydrocannabinol (“THC”), which remains on Schedule I of the Controlled Substances Act pursuant to 21 U.S.C. § 811 et al. and any possession and use is a violation of federal law pursuant to 21 U.S.C. § 841 et. al.;

WHEREAS, the Arizona Medical Marijuana Act, Arizona Revised Statutes Sections § 36-2801 et al., and Title 9, Chapter 17 of the Arizona Administrative Code allow the establishment and operation of nonprofit medical marijuana dispensaries in [City/Town] according to a prescribed statutory and regulatory process;

WHEREAS, the statewide ballot measure I-23-2020, known as “Smart and Safe Arizona Act” has been certified as Proposition 207 and placed on the November 3, 2020 general election ballot and contains provisions authorizing the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least twenty-one (21) years of age; authorizing possession, transport, cultivation or processing of marijuana plants in a primary residence by adults over 21 years of older; allowing a nonprofit medical marijuana dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allowing the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants;

WHEREAS, the [City/Town] finds that Proposition 207 authorizes marijuana establishments to use chemical extraction or chemical synthesis, including butane and other flammable gases, to extract marijuana concentrate, which poses a threat to the health, safety and security of the community and increases the responsibilities of law enforcement and other [City/Town] departments to respond to violations of state and local laws, including building, electrical and fire codes;

[OPTION: If Prohibiting establishments/facilities]

WHEREAS, the [City/Town] seeks to protect public health, safety, and welfare by prohibiting marijuana establishments and/or marijuana testing facilities in the [City/Town];

[OPTION: If Allowing/Regulating establishments/facilities]

WHEREAS, the [City/Town] seeks to protect public health, safety, and welfare by enacting reasonable zoning regulations to limit the number of marijuana establishments and/or marijuana testing facilities in [City/Town];

NOW THEREFORE, BE IT ORDAINED by the Common Council of the [City/Town] of _____, Arizona, as follows:

Section I. In General.

The Code of _____, Arizona, is hereby amended by adding a new Article __, Recreational Marijuana to read as follows:

Article X-X

Sec. X-X-1 Purpose

Sec. X-X-2 Definitions

Sec. X-X-3 Marijuana Prohibited on Public Property

Option A: Prohibits Marijuana Establishments and Marijuana Testing Facilities

Sec. X-X-4(A) Marijuana Establishment Prohibited

Sec. X-X-5(A) Marijuana Testing Facility Prohibited

Option B: Prohibits Marijuana Establishments Except for Dual Licensees; Prohibits Marijuana Testing Facilities

Sec. X-X-4(B) Marijuana Establishment Prohibited; Dual Licensee Exception.

Sec. X-X-5(B) Marijuana Testing Facility Prohibited

Option C: Prohibits Marijuana Establishments (with or without exception for dual licensees); Permits Marijuana Testing Facilities

Sec. X-X-4(C) INSERT Sec. X-X-4(A) or Sec. X-X-4(B)

Sec. X-X-4(C) Marijuana Testing Facility Permitted

Option D: Permits Marijuana Establishments; Prohibits or Permits Marijuana Testing Facilities

Sec. X-X-4(D) Marijuana Establishments Permitted; Nonresidential

Sec. X-X-5(D) INSERT Sec. X-X-5(A) or X-X-5(C)

Sec. X-X-6 Individual's Primary Residence for Personal Use

Sec. X-X-7 Retail Sales from Marijuana and Marijuana Products

Sec. X-X-8 Fees

Sec. X-X-9 Violations

Sec. X-X-10 Enforcement; Penalties

Sec. X-X-1 Purpose.

[OPTION: If prohibiting marijuana.]

This article is adopted to protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the [City/Town] prohibits the retail sale, cultivation, and manufacturing of marijuana or marijuana products in [City/Town]. Nothing in this article is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

OR

[OPTION: If regulating marijuana.]

This article is adopted to protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the [City/Town] enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment or marijuana testing facility and the cultivation, processing and manufacturing of marijuana in a primary residence. Nothing in this article is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

Sec. X-X-2 Definitions.

The below words and phrases, wherever used in this article, shall be construed as defined in this section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

- A. “*Chemical Extraction*” means the process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.
- B. “*Chemical Synthesis*” means production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.
- C. “*Consume*,” “*Consuming*,” and “*Consumption*” mean the act of ingesting, inhaling or otherwise introducing marijuana into the human body.

- D. “*Consumer*” means an individual who is at least twenty-one years of age and who purchases marijuana or marijuana products.
- E. “*Cultivate*” and “*Cultivation*” mean to propagate, breed, grow, prepare and package marijuana.
- F. “*Deliver*” and “*Delivery*” mean the transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment.
- G. “*Department*” means the State of Arizona Department of Health Services or its successor agency.
- H. “*Dual Licensee*” means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.
- I. “*Enclosed Area*” means a building, greenhouse, or other structure that has:
 - 1. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
 - 2. Is secure against unauthorized entry;
 - 3. Has a foundation, slab or equivalent base to which the floor is securely attached; and
 - 4. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.
- J. “*Extraction*” means the process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.
- K. “*Manufacture*” and “*Manufacturing*” mean to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.
- L. “*Marijuana*”
 - 1. Means all parts of the plant of the genus *cannabis*, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound,

- manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.
2. Includes cannabis as defined in A.R.S. § 13-3401.
 3. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
- M. *“Marijuana Concentrate:”*
1. Means resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.
 2. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.
- N. *“Marijuana Establishment”* means an entity licensed by the Department to operate all of the following:
1. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
 2. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
 3. A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
- O. *“Marijuana Products”* means marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.
- P. *“Marijuana Testing Facility”* means the Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.
- Q. *“Nonprofit Medical Marijuana Dispensary”* means a nonprofit entity as defined in A.R.S. § 36-2801(12).
- R. *“Open Space”* means a public park, public sidewalk, public walkway or public pedestrian thoroughfare.

- S. “Person” means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.
- T. “Process” and “Processing” means to harvest, dry, cure, trim or separate parts of the marijuana plant.
- U. “Public Place” has the same meaning prescribed in the Smoke-Free-Arizona Act, A.R.S. § 36-601.01.
- V. “Smoke” means to inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

Sec. X-X-3 Marijuana Prohibited on Public Property.

- A. The use, sale, cultivation, manufacture, production or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled or operated by [City/Town].
- B. It is unlawful for an individual to smoke marijuana in a public place or open space in [City/Town].

[OPTION A: Sec. X-X-4(A) and X-X-5(A) prohibits a marijuana establishment and marijuana testing facility – a municipality may prohibit either or both.]

Sec. X-X-4(A) Marijuana Establishment Prohibited.

- A. To the fullest extent allowable by law, the operation of a marijuana establishment is prohibited in [City/Town].
- B. To the fullest extent allowable by law, the operation of a marijuana establishment by a dual licensee is prohibited in [City/Town].

Sec. X-X-5(A) Marijuana Testing Facility Prohibited.

- A. To the fullest extent allowable by law, the operation of a marijuana testing facility is prohibited in [City/Town].

[OPTION B: Sec. X-X-4(B) and X-X-5(B) prohibits a marijuana establishment with the exception of dual licensees who operate both medical dispensaries and marijuana establishments at a shared location; prohibits a marijuana testing facility].

Sec. X-X-4(B) Marijuana Establishment Prohibited; Dual Licensee Exception.

- A. To the fullest extent allowable by law, the operation of a marijuana establishment is prohibited in [City/Town], except where authorized for a dual licensee who:
 - 1. Operates both a nonprofit medical marijuana dispensary and marijuana establishment cooperatively in a shared location; and
 - 2. Has not forfeited or terminated the nonprofit medical marijuana dispensary registration from the Department.

Sec. X-X-5(B) Marijuana Testing Facility Prohibited.

- B. To the fullest extent allowable by law, the operation of a marijuana testing facility is prohibited in [City/Town].

[OPTION C: Sec. X-X-4(C) and X-X-5(C) prohibits a marijuana establishment but allows a marijuana testing facility].

Sec. X-X-4(C)

[INSERT Sec. X-X-4(A) prohibition of all Marijuana Establishments or Sec. X-X-4(B) prohibition of Marijuana Establishment with dual licensee exception].

Sec. X-X-5(C) Marijuana Testing Facility Permitted.

- A. It shall be unlawful for a person to operate a marijuana testing facility at any location within the [City/Town] without obtaining a _____ permit from the [City/Town] clerk in accordance with [City/Town] Zoning Code Section _____, including any application and review procedures pursuant to _____.
- B. A marijuana testing facility is permitted in [City/Town] subject to the following conditions:
 - 1. There are no more than ____ number of marijuana testing facilities operating in [City/Town].
 - 2. Shall ensure that access to the area of the facility where marijuana or marijuana products are being tested or stored for testing is limited to a facility's owners or authorized agents.
 - 3. Shall ensure that transportation of marijuana or marijuana products is in compliance with applicable law.
 - 4. Shall comply with all testing processes, protocols, standards, and criteria adopted by the Department for testing marijuana and marijuana products.
 - 5. Shall maintain records, equipment and instrumentation as required by the Department.

6. Shall submit a written security plan to the [City/Town] that specifies the measures that will be taken to deter and prevent unauthorized entrance into limited access areas including the use of security equipment to detect unauthorized intrusion, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras that provide coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building and has sufficient recording resolution.

OR

Shall comply with all security protocols required by the Department.

[OPTION D: Sec. X-X-4(D) and X-X-5(D) permits a Marijuana Establishment and has an option for prohibiting or permitting a Marijuana Testing Facility].

[NOTE: The following provisions are provided as examples to include in your ordinance to regulate a Marijuana Establishment. However, if your city or town has existing medical marijuana regulations it may be simpler to reference back to those provisions since the Act prohibits a city or town from enacting an ordinance, regulation or rule that is unduly burdensome or more restrictive than a comparable ordinance, regulation, or rule that applies to nonprofit medical marijuana dispensaries.]

Sec. X-X-4(D) Marijuana Establishments Permitted; Nonresidential.

Marijuana establishments shall be regulated as outlined in Section ____ of the [City/Town] Code (reference to nonprofit medical marijuana dispensary regulations instead of including the following provisions).

OR

- A. It shall be unlawful for a person to operate a marijuana establishment at any location within the [City/Town] without obtaining a _____ permit from the [City/Town] clerk in accordance with [City/Town] Zoning Code Section _____, including any application and review procedures pursuant to _____.
- B. If authorized by state law and a valid permit has been obtained from the [City/Town], a marijuana establishment is permitted in [City/Town] subject to the following conditions and limitations:

[OPTION: Dual licensee only]

1. To the fullest extent allowable by law, shall be authorized for a dual licensee who operates both a nonprofit medical marijuana dispensary and marijuana establishment cooperatively in a

shared location and has not forfeited or terminated the nonprofit medical marijuana dispensary registration from the Department.

OR

[OPTION: Dual licensee (who is not limited to a shared location or maintaining dispensary registration) or any other licensed applicant; the Act allows the Department to issue social equity ownership program licenses that will be authorized to operate as marijuana establishments].

1. To the fullest extent allowable by law, shall be authorized in [City/Town] for:
 - a. A dual licensee who operates both a nonprofit medical marijuana dispensary and marijuana establishment.
 - b. Any other entity licensed by the Department to provide marijuana or marijuana products to consumers.
2. Shall not be more than ____ marijuana establishments operating in [City/Town].
3. Shall be authorized in _____ zoning districts.
4. Shall not be located within _____ hundred feet of the same type of use or a nonprofit medical marijuana dispensary. This distance shall be measured from the lot line of the property in which the businesses are conducted or proposed to be conducted.
5. Shall not be located within _____ hundred feet of a residentially zoned property. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property boundary line of the residentially zoned property.
6. Shall not be located within _____ feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public cemetery or community center. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property line of the protected use.
7. Shall be located in a permanent building on an established foundation adhering to [City/Town] building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.

8. Shall be a total maximum _____ square feet. Maximum square footage may be expanded subject to Use Permit application and hearing procedures set forth under [City/Town Code].
9. The secure storage area for the marijuana stored at the location shall not exceed _____square feet of the total _____ square foot maximum floor area of the facility. Maximum square footage may be expanded subject to Use Permit application and hearing procedures set forth under [City/Town Code].
10. Shall have operating hours not earlier than ____ a.m. and not later than ____ p.m.
11. Shall not provide drive-thru services or offsite deliveries of marijuana or marijuana products.
12. Shall not allow a person to consume marijuana or marijuana products on the premises or provide outdoor seating areas.
13. Shall provide for proper disposal of marijuana remnants or by-products. The remnants or by-products shall not to be placed within the facility's exterior refuse containers, [City/Town] trash can, bin or other [City/Town] facility, or in any park refuse container unless authorized by the [City/Town].
14. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of [City/Town].
15. Shall not sell marijuana or marijuana products, except as permitted by state law to consumers.
16. Shall not display or keep marijuana or marijuana products that are visible from outside the premises.
17. Shall comply with applicable county health regulations for food preparation and handling.
18. Shall comply with applicable laws to safely and securely engage in extraction processes.
19. Shall submit a written security plan to the [City/Town] that describes the actions taken to deter and prevent unauthorized

entrance into limited access areas including use of security equipment, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras.

20. For a marijuana establishment that engages in cultivation or manufacturing, shall submit a written operations plan to the [City/Town] that describes the following:
- i. Procedures showing that the marijuana cultivation will be conducted in accordance with state and local laws and regulations regarding use and disposal of pesticides and fertilizers.
 - ii. The legal water source, irrigation plan, wastewater systems to be used, and projected water use.
 - iii. The plan for addressing odor and other public nuisances that may derive from the establishment.

Sec. X-X-5(D)

[INSERT Sec. X-X-5(A) to prohibit a Marijuana Testing Facility or Sec. X-X-5(C) to permit a Marijuana Testing Facility]

Sec. X-X-6 INDIVIDUAL’S PRIMARY RESIDENCE FOR PERSONAL USE

[NOTE: Your city or town may want to reference or incorporate any existing regulations for medical marijuana use and cultivation in residential areas.]

- A. To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation, and cultivation is permitted in a residential zoning district in [City/Town] and is subject to the following conditions and limitation:
1. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants.
 2. It shall be unlawful for two or more individuals who are at least twenty-one (21) year of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals’ primary residence.
 3. Except as provided by A.R.S. § 36-2801 et al. and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a residential zoning district within the [City/Town] limits.
 4. Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol, that has a flashpoint below one hundred (100) degrees Fahrenheit.

5. Kitchen, bathrooms, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.
6. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of [City/Town].
7. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.
8. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.

[NOTE: Cities and towns are not allowed to impose any tax rate above or below their regular retail tax rate on sales or purchases of marijuana or marijuana products.]

Sec. X-X-7 Retail Sales from Marijuana and Marijuana Products.

To the fullest extent allowable by law, the sale of marijuana and marijuana products is authorized within the [City/Town] from a marijuana establishment and is tangible personal property as defined in A.R.S. § 42-5001 and subject to the transaction privilege tax in the retail classification and use tax.

[OPTIONAL: If marijuana establishments and/or marijuana testing facilities are permitted in your city or town].

Sec. X-X-8 Fees.

- A. [FOR PERMITS] The fee for the permit shall be established by [RESOLUTION OF THE CITY/TOWN COUNCIL/FEE SCHEDULE].

OR

The permit fee for a marijuana establishment pursuant to Sec. X-X-__ is (\$_____) annually.

The permit fee for a marijuana testing facility pursuant to Sec. X-X-__ is (\$_____) annually.

Sec. X-X-9 Violations.

- A. It is unlawful and a violation of this article for a person to sell, cultivate, process, manufacture or transport marijuana or marijuana products if the person fails to meet all the requirements in this article or state law, including the Department's rules.
- B. It is a violation of this article for any person to provide false information on any permit application.
- C. Each day any violation of any provision of this article shall continue shall constitute a separate offense.

Sec. X-X-10 Enforcement; Penalties.

- A. The _____ permit may be revoked by the [City/Town] for violation of any provision of this article, for any violation of the requirements of the permit, or if the Department revokes the license for a marijuana establishment or marijuana testing facility. If a permit is revoked, the permittee shall have the right to appeal the decision of the [City/Town] to _____ as outlined in Section _____ of the [City/Town] Code.
- B. Violations of this article are in addition to any other violation enumerated within the [City/Town] ordinances or the [City/Town] Code and in no way limits the penalties, actions or abatement procedures which may be taken by the [City/Town] for any violation of this article, which is also a violation of any other ordinance or Code provision of the [City/Town] or federal or state law. Conviction and punishment of judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
- C. Civil Penalty: Violations of any provision of this article shall be civil code offenses which may be adjudicated and enforced by the [City/Town] civil hearing process set forth in subsection _____ or [City/Town] Court under Section ____ of the [City/Town Code].

Section II. 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 III. Recitals.

The recitals above are fully incorporated in this Ordinance by reference.

Section IV. Effective Date.

[OPTION: Conditional Effective Date]

This Ordinance does not become effective unless the Smart and Safety Act (Proposition 207) becomes law when approved by a majority of the votes cast at the November 3, 2020 general election and on proclamation of the governor. Upon the governor's proclamation, the effective date of this Ordinance shall be ____ days following adoption by the [City/Town] Council.

OR

[OPTION: Emergency Act]

Emergency.

Because of the urgent need for the implementation of the [City/Town]'s regulations concerning recreational marijuana, the immediate operation of this Ordinance is necessary for the preservation of the health, safety, and general welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and Council as required by law.

Section V. Zoning Considerations.

In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the [City/Town] Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

Section VI. Preservation of Rights and Duties.

This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section VII. 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.

PASSED AND ADOPTED by the Common Council of the [City/Town] of _____, Arizona, this ____ day of _____, 202_, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 202_.

_____, Mayor

ATTEST:

_____, [City/Town] Clerk

APPROVED AS TO FORM:

[City/Town] Attorney

I, _____, [CITY/TOWN] CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE [CITY/TOWN] OF _____ ON THE ____ DAY OF _____, 202_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 202_.

_____, [City/Town] Clerk

Current City of Surprise Medical Marijuana Ordinance

Sec. 122-89.1. - Medical marijuana dispensary.

When conditionally permitted, medical marijuana dispensaries, as defined in article XV of this chapter, are subject to all rules adopted by the Arizona Department of Health Services and the following requirements:

- (a) Medical marijuana dispensaries will not be located within 500 feet of:
 - (1) Any residentially zoned property.
 - (2) Any church or worship facility.
 - (3) Any dwelling unit.
- (b) Medical marijuana dispensaries will not be located within 1,500 feet of:
 - (1) Any public or private charter, primary, or secondary school.
 - (2) Any public or private day care, preschool, nursery, or kindergarten facility.
 - (3) Any park or playground.
- (c) Medical marijuana dispensaries will not be located within 3,000 feet of:
 - (1) Any other medical marijuana dispensary or medical marijuana offsite cultivation facility.
 - (2) Any sexually oriented business or similar use.
- (d) A medical marijuana dispensary facility will be a maximum size of 2,500 gross square feet.
- (e) A medical marijuana dispensary will be located in a permanent building and may not locate in a trailer, cargo container, storage unit, or motor vehicle.
- (f) Drive-through medical marijuana dispensary services are prohibited.
- (g) Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers.
- (h) For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.
- (i) A medical marijuana dispensary lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the buffer zones outlined in section 122-89.1(a)—(c) for a medical marijuana dispensary.

- (j) This provision will not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

(Ord. No. 2011-05, § 1(122-120), 2-8-2011)

Sec. 122-89.2. - Medical marijuana dispensary offsite cultivation facility.

When conditionally permitted, medical marijuana offsite cultivation facilities, as defined in article XV of this chapter, are subject to all rules adopted by the Arizona Department of Health Services and the following requirements:

- (a) Medical marijuana offsite cultivation facilities will not be located within 500 feet of:
 - (1) Any residentially zoned property.
 - (2) Any church or worship facility.
 - (3) Any dwelling unit.
- (b) Medical marijuana offsite cultivation facilities will not be located within 1,500 feet of:
 - (1) Any public or private charter, primary, or secondary school.
 - (2) Any public or private day care, preschool, nursery, or kindergarten facility.
 - (3) Any public park or playground.
- (c) Medical marijuana offsite cultivation facilities will not be located within 3,000 feet of:
 - (1) Any other medical marijuana dispensary or medical marijuana offsite cultivation facility.
 - (2) Any sexually oriented business or similar use.
- (d) A medical marijuana offsite cultivation facility will be a maximum size of 2,500 gross square feet.
- (e) Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers.
- (f) For purposes of measuring separation distances as it relates to section 122-89.2(a)(1), the measurements will be taken in a straight line from the closest structure designed for residential occupancy without regard to intervening structures or objects or political boundaries.
- (g) For purposes of measuring separation distances as it relates to section 122-89.2(a)(2)—(c)(2), the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries.
- (h) A medical marijuana offsite cultivation facility lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the

buffer zones outlined in section 122-89.2(a)—(c) for a medical marijuana dispensary offsite cultivation facility.

- (i) This provision will not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

(Ord. No. 2011-05, § 1(122-121), 2-8-2011)

Sec. 122-89.3. - Medical marijuana designated caregiver cultivation location.

When permitted, medical marijuana designated caregiver cultivation locations as defined in article XV of this chapter are subject to all rules adopted by the Arizona Department of Health Services and the following requirements:

- (a) Cultivation locations will be an enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space.
- (b) Cultivation locations will not be visible from beyond the boundaries of the property on which the cultivation location is situated.

(Ord. No. 2011-05, § 1(122-122), 2-8-2011)

Sec. 122-89.4. - Medical marijuana qualifying patient cultivation location.

When permitted, medical marijuana qualifying patient cultivation locations, as defined in article XV of this chapter, are subject to all rules adopted by the Arizona Department of Health Services and the following requirements:

- (a) Cultivation locations will be an enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space.
- (b) Cultivation locations will not be visible from beyond the boundaries of the property on which the cultivation location is situated.
- (c) Medical marijuana cultivation as an accessory use to the qualifying patient primary residence will only be permitted if the residence is located at least 25 miles from a medical marijuana dispensary.

(Ord. No. 2011-05, § 1(122-123), 2-8-2011)

Sec. 122-89.5. - Medical marijuana infusion facility.

- (a) Facilities, not affiliated with a medical marijuana dispensaries, which incorporate marijuana by the means of cooking, blending, or incorporation into consumable/edible goods are prohibited.

(Ord. No. 2011-05, § 1(122-124), 2-8-2011)

Sec. 122-89.6. - Medical marijuana dispensary and/or medical marijuana dispensary offsite cultivation facility within an existing non-residential PAD (Planned Area Development) zoning district.

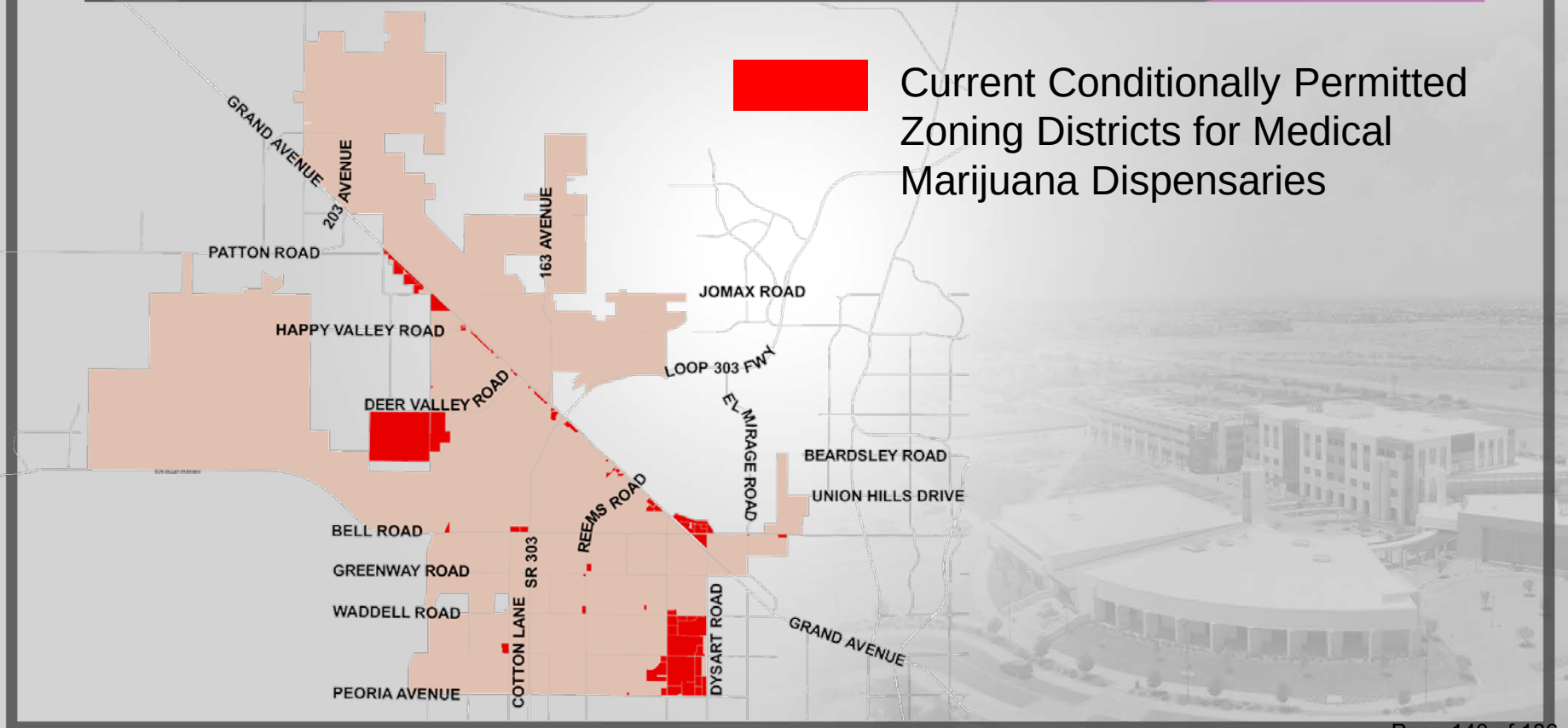
- (a) Medical marijuana dispensary and/or medical marijuana dispensary offsite cultivation facilities can only locate within existing PAD zoning districts that have no residential component. The facility will be required to apply for a zoning amendment to allow said uses within the PAD zoning district. Buffer distances as outlined in this chapter will be maintained.

(Ord. No. 2011-05, § 1(122-125), 2-8-2011)

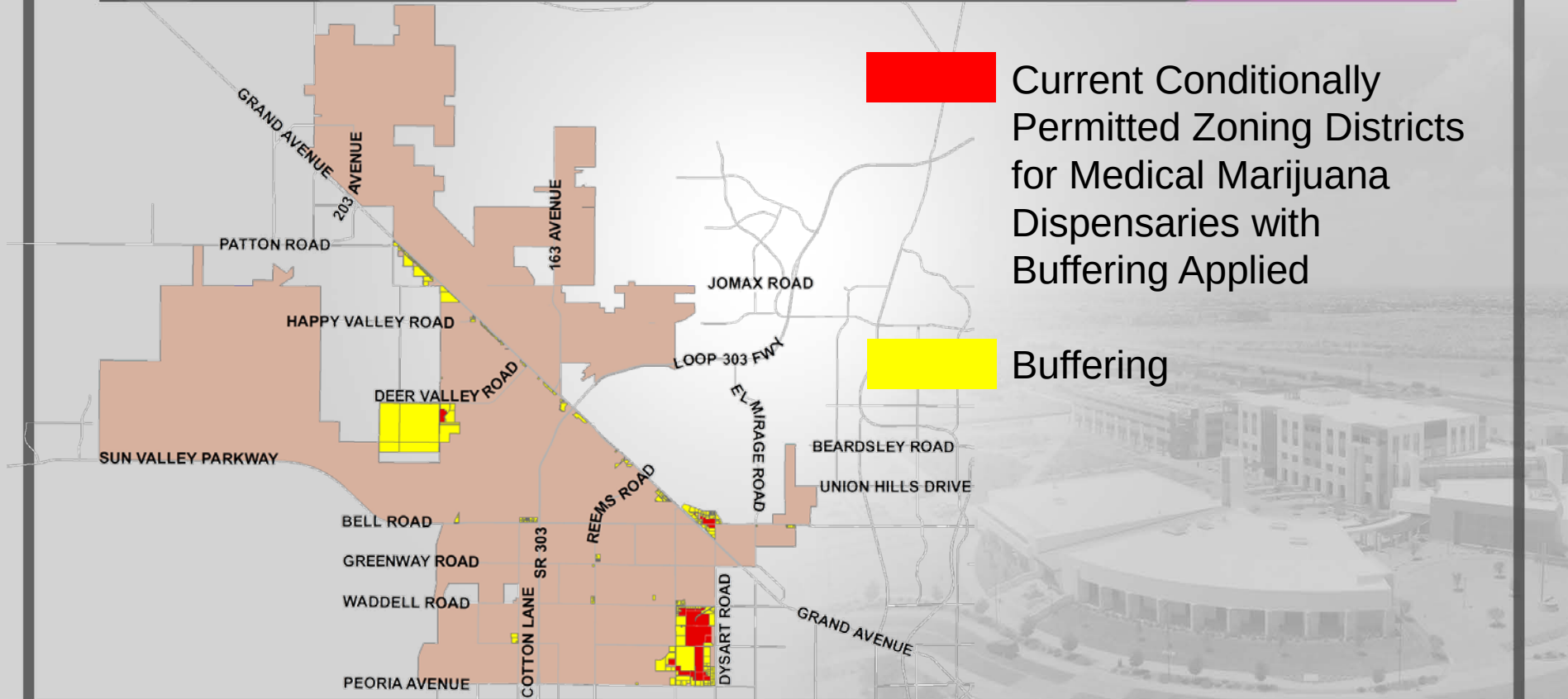
CURRENT ZONING MAP



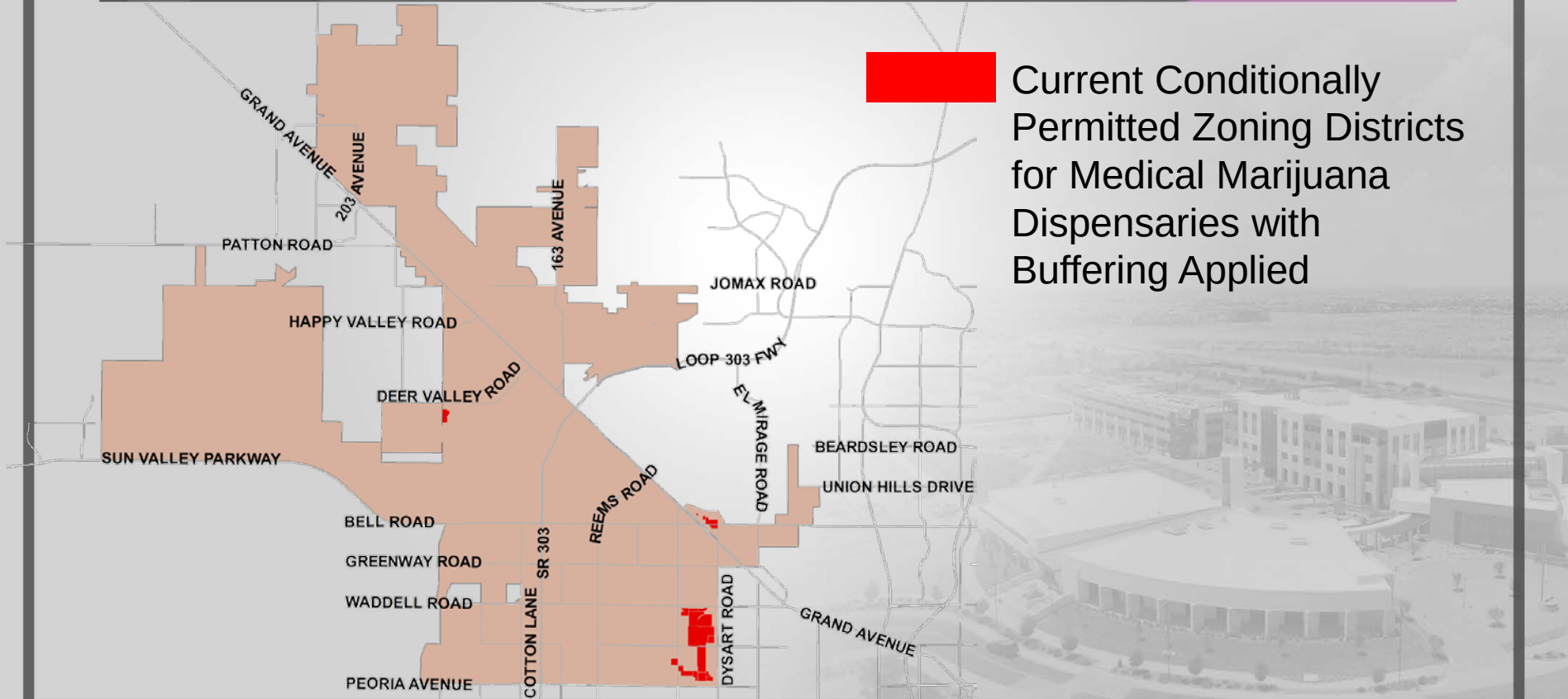
Current Conditionally Permitted
Zoning Districts for Medical
Marijuana Dispensaries



CURRENT ZONING MAP



CURRENT ZONING MAP



PROPOSITION 207

November 3, 2020 Election

The Smart and Safe Act
(Legalization of Recreational Marijuana)

PROPOSITION 207

- Would allow those 21 and older to use, possess, and transfer (but not sell) up to one ounce of marijuana and cultivate up to 6 plants for personal use
- 11 states and DC have legalized recreational use (AK, CA, CO, MA, ME, MI, NE, OR, VE, WA, DC, IL) (CBS News, 01/01/2020)
- Prop 207 has been endorsed by the *Arizona Republic* (October 6, 2020 article by Editorial Board)
- Statewide 57% of voters favor; 38% oppose (September 24 -29, 2020 poll by *Strategies 360*)

PROPOSITION 207 would

- Ban smoking marijuana in public places and open spaces
- Allow retail sale of marijuana at AZ DHS licensed “marijuana retail establishments”
 - *Would be in addition to “Medical Marijuana Dispensaries”*
- Allow “marijuana cultivation establishments” and “marijuana testing facilities”
- Allow for “dual licensees” who hold both Medical Marijuana license and license under Smart & Safe Act

PROPOSITION 207 would

- Authorize state and local regulation of sale and production of marijuana by capped number of AZ DHS licensees
- Allow courts to vacate and expunge certain marijuana arrests, charges, adjudications, convictions, or sentences

ROLE OF AZ DHS UNDER PROP 207

- Issue limited number licenses for marijuana retail establishments, marijuana cultivation establishments, and marijuana testing facilities
- Issue “dual licenses” for those licensed under AZ Medical Marijuana Act and Smart and Safe Act
- Make rules and oversee safe sale of marijuana, including testing and inspecting products, and enforce laws and regulations

LOCAL CONTROL

- Cities decide whether to allow “marijuana establishments” within their jurisdiction (proposed ARS 36-2857)
- “Marijuana establishment” = licensed retail location for the sale of marijuana
 - Stand alone operation
 - “dual licensee” – co-locate with medical marijuana dispensary
- If allow, may tax as tangible personal property subject to transaction privilege tax in retail classification

EMPLOYERS AND PROP 207

- May continue maintain drug-and-alcohol free workplace and enforce policies restricting use of marijuana
- Not required to allow or accommodate use, consumption, possession, etc. of marijuana in workplace

PROP 207 TIMELINE

- November 3, 2020 election
- Each County canvasses election results and reports to Secretary of State
- Canvass by Secretary of State – November 30th
 - ARS 16-648 (4th Monday following election)
- Certified results to the Governor who issues proclamation whether approved
 - ARS 16-651
- If approved, AZ DHS would begin issuing licenses January 19, 2021.

NEXT STEPS IF VOTER APPROVED

- Policy decision – allow “marijuana establishments”?
- If “yes,” amend Zoning Ordinance to regulate the same as medical marijuana dispensaries
- If “no,” adopt ordinance prohibiting within Surprise

Additional Information

- Police Department and Public Safety
- Community Development
- Finance



RECREATIONAL MARIJUANA (MJ)

Smart and Safe Arizona Act

OVERVIEW

- Summary of Initiative 207
- Areas where City has authority
- Benefit or impact that has been experienced in other states who have passed similar law

ENFORCEMENT PARADIGM



Drafters want MJ treated same as alcohol



WHO CAN POSSESS?



21 OR OLDER



UNDER 21 USAGE



- Same ID requirements as for alcohol
- Offenses for underage purchase, fake ID, etc.

Smoking, Possession, Consumption

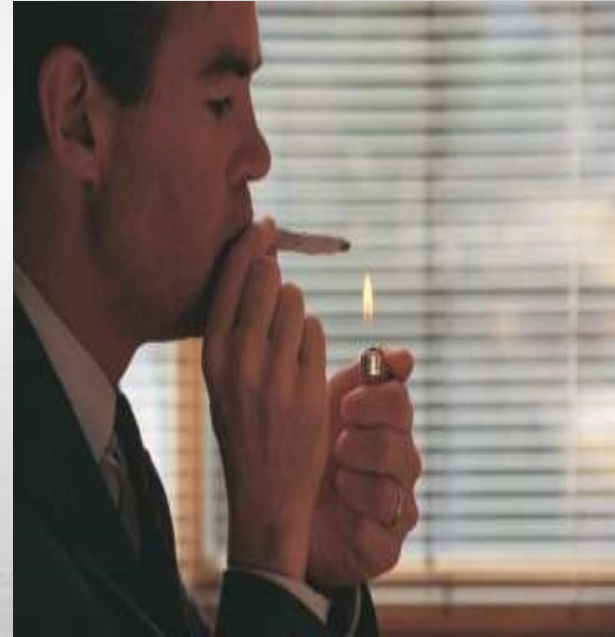
- Different conditions cover each of these 3 activities
- Let's look at the activities and then note the City's authority relative to



WHERE IS SMOKING PROHIBITED?



- **Employer premises**
- **Public buildings**
- **Public Place**
- **Where Property Owner Objects**



How Much Can you Possess?



- Up to 1 Ounce (5 grams concentrate) and/or
- 6 plants
 - No more than 12 plants at any one residence, if 2 or more residents



HOME CULTIVATION/POSSESSION

- Cultivation within enclosed area, but only if the area has a lock
- Cultivation in an area not subject to public view



WHERE CAN YOU POSSESS OR CONSUME?

- Anywhere at which the property owner does not object
 - Property owner can prohibit smoking, production, processing, manufacture, transfer or sale



WHERE IS CITY'S/BUSINESS/PROPERTY OWNER'S AUTHORITY?

- Where employer, school, day care center, adult care facility, health care facility, correction facility or public or private entity (on property it controls) can prohibit the possession, smoking, cultivation, transfer or consumption
- Consumption only is prohibited (possession is OK) in transportation while operating or passenger (includes vehicles, planes and boats)



CITY'S AUTHORITY



- The initiative provides one of its purposes is the “efficient use of law enforcement resources”
- Consequently, the bill deals with most of the enforcement issues and does not give Council any authority to act relative to enforcement

Impact: Minors

- Legalization will increase use by minors
 - Legalization leads kids to believe use is not harmful
 - Hopefully will lead to less crimes by minors
- Today's higher potency MJ hurts adolescent and minor brains
- MJ comes in form of candies, cookies, drinks and ice cream



Impact: Revenue



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- Promised huge amounts of revenue for the state and local budgets is unlikely to materialize based upon other states
- It is likely there will be more expenses as there will be more impaired driving arrests as well as more serious and fatal accidents and no test that correlates to the extent of impairment



Comments & Questions

Thank you!



FS20-619

Recreational Marijuana

Zoning Text Amendment

City Council Workshop – October 20, 2020



BACKGROUND

- **February 8, 2011** – The City of Surprise adopted Ordinance 2011-05 allowing for Medical Marijuana Dispensaries.
- **November 3, 2020** – Arizona Voters will determine if Recreational Marijuana Facilities and Marijuana-Testing Facilities will be allowed within the State
- The City must provide regulations for Recreational Marijuana Facilities and Marijuana-Testing Facilities. The League of Arizona Cities and Towns has provided a Model Ordinance for Municipalities to Utilize as a base



ALLOWANCE

Proposition 207 provides for options in regards to the allowance of recreational marijuana facilities and marijuana-testing facilities. The options include:

- ☐ Prohibit recreational marijuana establishments and/or marijuana testing facilities; or
- ☐ Only allow “dual licensees”; businesses that are both a nonprofit medical marijuana dispensary and a recreational marijuana establishment and/or marijuana testing facility; or
- ☐ Allow recreational marijuana establishments and/or marijuana testing facilities independently of medical marijuana dispensaries.

DISCUSSION



ZONING DISTRICTS

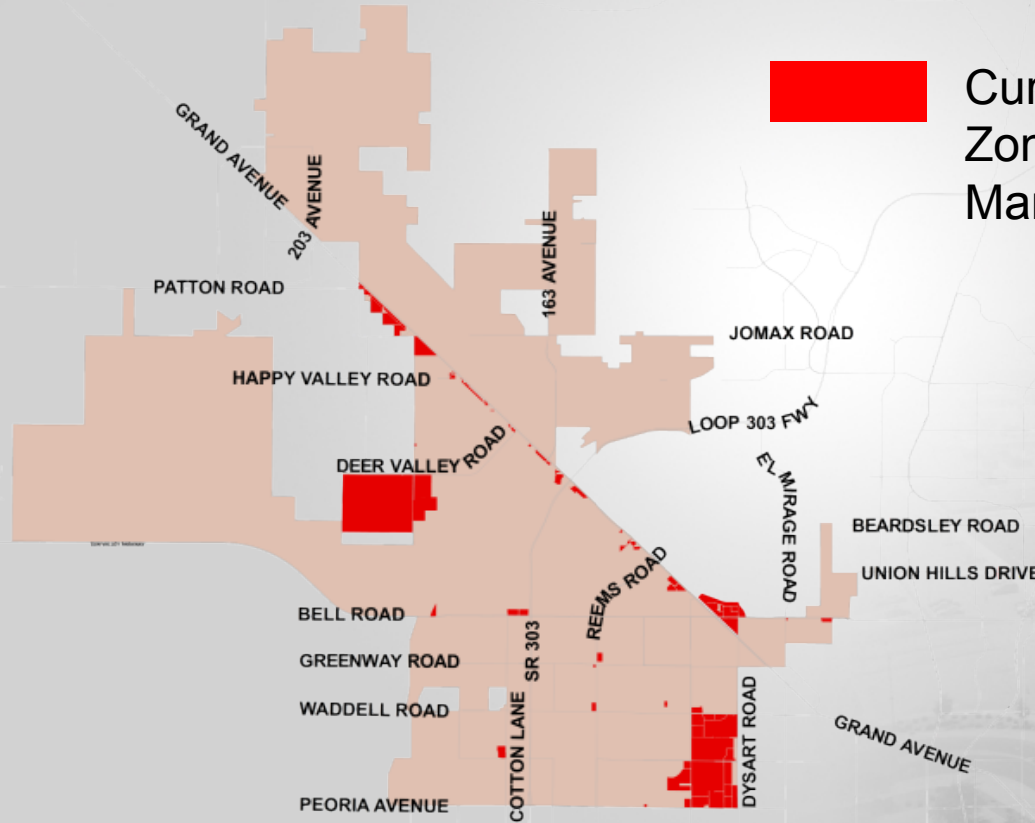
Currently in the City of Surprise, medical marijuana dispensaries are conditionally permitted in the following zoning districts:

- Community Commercial (CC)
- Regional Commercial (CR)
- Industrial Performance (IP)
- Industrial General (IG)
- Industrial Land and Mineral Extraction (ILM)
- Planned Area Developments (PAD) with no residential component
- Nonresidential PADs require a PAD amendment to allow for the medical marijuana use

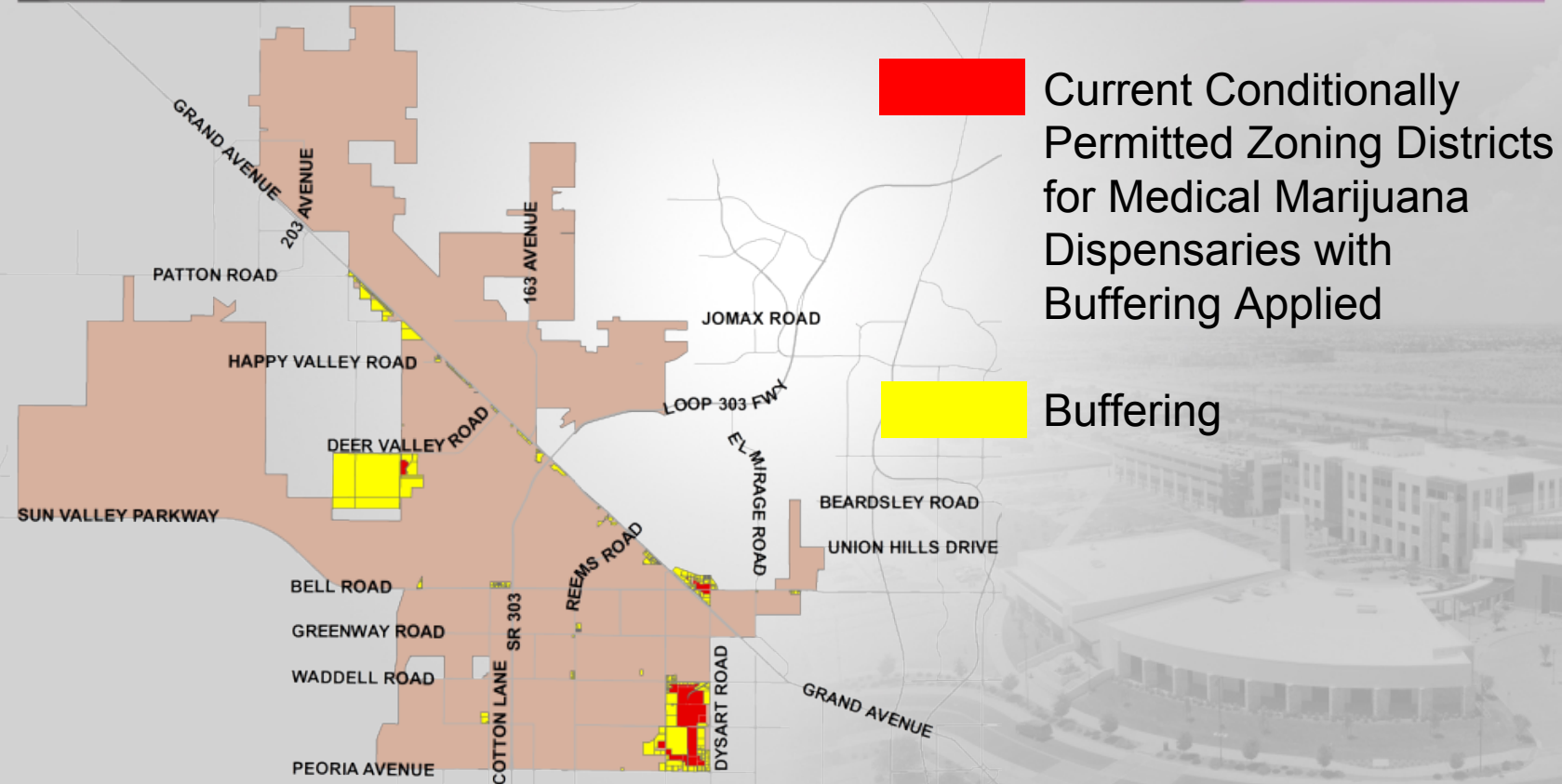
CURRENT ZONING MAP



Current Conditionally Permitted
Zoning Districts for Medical
Marijuana Dispensaries

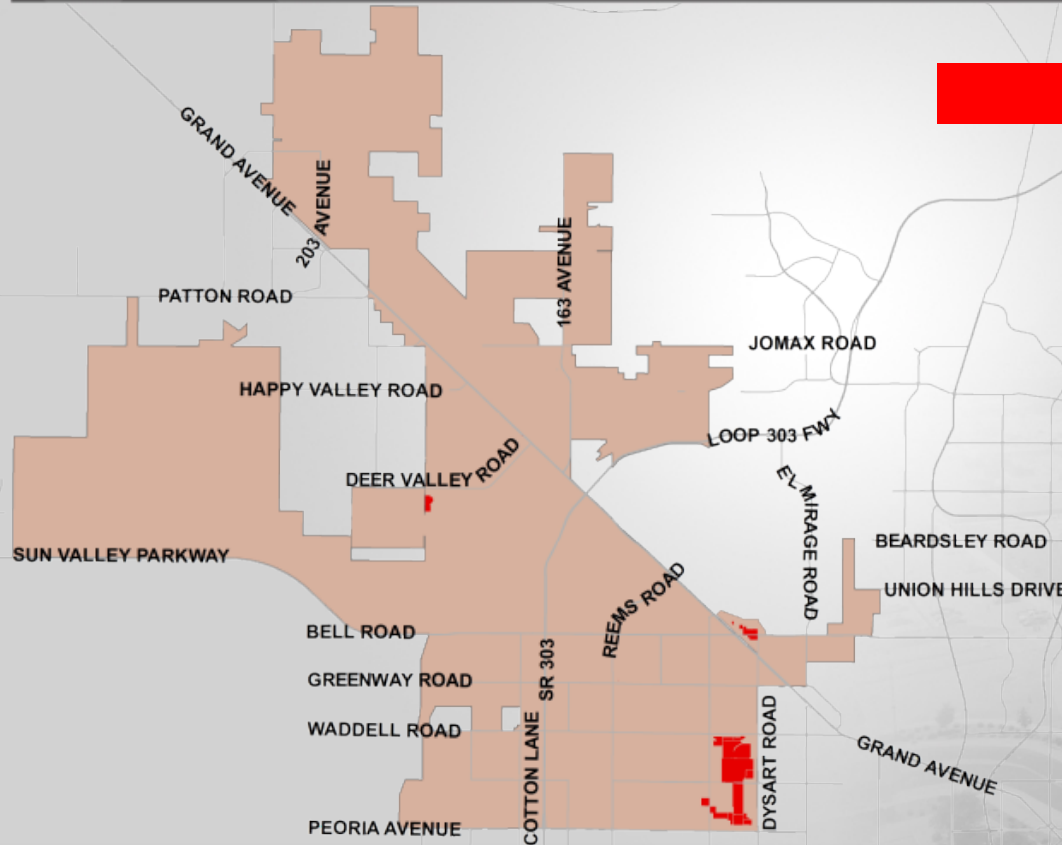


CURRENT ZONING MAP



CURRENT ZONING MAP

 Current Conditionally Permitted Zoning Districts for Medical Marijuana Dispensaries with Buffering Applied





ZONING DISTRICTS

If it is determined recreational marijuana facilities and marijuana-testing facilities are allowed within the City of Surprise, staff seeks direction regarding allowable zoning districts:

- ☐ Maintain the current conditionally permitted zoning districts for recreational marijuana facilities and marijuana-testing facilities
- ☐ Modify conditionally permitted zoning districts for recreational marijuana facilities and marijuana-testing facilities

DISCUSSION



ZONING DISTRICTS

- ❑ **Currently, the City of Surprise does not allow for medical marijuana facilities within PADs that have a residential component**
- ❑ Maintain existing language for recreational marijuana and marijuana-testing facilities regarding PADs with a residential component
- ❑ Allow facilities within commercial or industrial portions of PADs that contain a residential component for recreational marijuana facilities and marijuana-testing facilities

DISCUSSION



ZONING DISTRICTS

- ❑ **Currently, the City of Surprise requires a PAD amendment to allow for medical marijuana facilities in PADs without a residential component**
 - ❑ Maintain existing language for recreational marijuana and marijuana-testing facilities regarding PADs without a residential component
 - ❑ Do not require a PAD amendment for PADs without a residential component for recreational marijuana facilities and marijuana-testing facilities

DISCUSSION



BUFFERING

Currently, the City of Surprise provides buffer distances for medical marijuana facilities:

- Medical marijuana dispensaries will not be located within 500 feet of:
 - Any residentially zoned property
 - Any church or worship facility
 - Any dwelling unit
- Medical marijuana dispensaries will not be located within 1,500 feet of:
 - Any public or private charter, primary, or secondary school
 - Any public or private day care, preschool, nursery, or kindergarten facility
 - Any park or playground



BUFFERING

Currently, the following buffer distances are provided for medical marijuana facilities:

- Medical marijuana dispensaries will not be located within 3,000 feet of:
 - Any other medical marijuana dispensary or medical marijuana offsite cultivation facility
 - Any sexually oriented business or similar use.



BUFFERING

If it is determined recreational marijuana facilities and marijuana-testing facilities are allowed within the City of Surprise, staff seeks direction regarding buffering from other uses:

- ☐ Maintain current buffering distances from other uses for recreational marijuana facilities and marijuana-testing facilities
- ☐ Modify the current conditions for recreational marijuana facilities and marijuana-testing facilities

DISCUSSION



BUFFERING

- ☐ In the past, sites were deemed not eligible for a dispensary location because of the proximity to residentially zoned properties that are unable to develop residentially because they were located near railroad tracks zoned residential or located within the Luke contours
 - ☐ Maintain current buffering requirements for residentially zoned property
 - ☐ Allow properties that are zoned residential but are unable to develop residentially an exemption from the buffering requirements

DISCUSSION



CONDITIONS

Currently, the City of Surprise requires the following conditions regarding medical marijuana facilities:

- A medical marijuana dispensary facility will be a maximum size of 2,500 gross square feet
- A medical marijuana dispensary will be located in a permanent building and may not locate in a trailer, cargo container, storage unit, or motor vehicle
- Drive-through medical marijuana dispensary services are prohibited
- Marijuana remnants, by-products, and/or infused products will not be placed within the facility's exterior refuse containers



CONDITIONS

- For purposes of measuring separation distances required in this section, the measurements will be taken in a straight line from the closest property line of any affected property without regard to intervening structures or objects or political boundaries
- A medical marijuana dispensary lawfully operating is not rendered in violation of these provisions by the subsequent location of a church or worship facility, public or private primary or secondary school, public or private day care, preschool, nursery, kindergarten facility, public park, or playground within the buffer zones outlined in section 122-89.1(a)—(c) for a medical marijuana dispensary



CONDITIONS

If it is determined recreational marijuana facilities and marijuana-testing facilities are allowed within the City of Surprise, staff seeks direction regarding conditions:

- ☐ Maintain current conditions for recreational marijuana facilities and marijuana-testing facilities
- ☐ Modify the current buffering distances for recreational marijuana facilities and marijuana-testing facilities

DISCUSSION



**QUESTIONS OR
COMMENTS?**

Thank You



SALES TAX ESTIMATES

- **Researched California, Colorado, Nevada, Oregon, Washington**
 - Recreational Marijuana sales tax data
 - Number of dispensaries
 - Adult Population
- **Surprise sales tax estimate**
 - \$100-\$300K annually, per dispensary