



CITY OF SURPRISE
Planning and Zoning Commission Agenda
 16000 N. Civic Center Plaza
 Surprise, AZ 85374

Thursday, February 3, 2011 @ 6:00 PM

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CALL TO ORDER.

- A. Roll Call
- B. Pledge of Allegiance
- C. Current Events and Reports – Pursuant to A.R.S. §38-431.02(k) the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing in the agenda the specific matters to be summarized, provided that 1) The summary is listed on the agenda; and 2) The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.
- D. Staff Reports

Planning and Zoning Commission Agenda:

CALL TO THE PUBLIC:

INSTRUCTIONS: In order to address the Board\Commission, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the Secretary before the meeting begins.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address the Board\Commission on any item not on the agenda. At the conclusion of the open call, the Board\Commission may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

- E. Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the Board\Commission. There will be no separate discussion on these items unless a board member or commissioner requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

CONSENT AGENDA:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

STAFF
RECOMMENDATION/

ITEM #	DISTRICT #	ITEM DESCRIPTION
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PRESENTED BY

- | | | | |
|----|-------------------|---|---|
| #1 | District Internal | <u>Consideration and approval of January 11, 2011 Planning and Zoning Commission minutes.</u> | Approve
Deb Perry,
Community &
Economic
Development |
| #2 | District Internal | <u>Consideration and approval of January 18, 2011 Planning and Zoning Commission minutes.</u> | Approve
Deb Perry,
Community &
Economic
Development |

REGULAR AGENDA ITEM - PUBLIC HEARING:

			STAFF RECOMMENDATION/
ITEM #	DISTRICT #	ITEM DESCRIPTION	PRESENTED BY
#3	District Citywide	<u>Consideration and action on FS10-274, a text amendment for the use of marijuana for medicinal purposes.</u>	Approve Chris Boyd, Community & Economic Development

OTHER BUSINESS:

ADJOURNMENT:

SHERRY ANN AGUILAR, CITY CLERK,
CMC

POSTED: January 26, 2011 at 2:45 p.m.

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
Boards and Commissions

February 3, 2011 @ 6:00:00 PM

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Board Meeting Date:	February 3, 2011	Contact Person:	Deb Perry, Community & Economic Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	Approve		

Consent	Regular	x	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and approval of January 11, 2011 Planning and Zoning Commission minutes.

Motion:

I move to approve the January 11, 2011 Planning and Zoning Commission minutes.

Background:

Financial Impact Statement:

ATTACHMENTS:

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☐ [Minutes](#)

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):

CITY OF SURPRISE

PLANNING AND ZONING COMMISSION 16000 North Civic Center Plaza Surprise, Arizona 85374

January 11, 2011

REGULAR MEETING MINUTES

CALL TO ORDER

Chair Jan Blair called the Planning and Zoning Commission Meeting to order at 6 p.m. at the Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on Tuesday, January 11, 2011.

ROLL CALL

In attendance with Chair Blair were Vice Chair Steve Somers and Commissioners Matthew Bieniek, Ken Chapman, John Hallin, Robert Rein, and Dennis Smith.

PLEDGE OF ALLEGIANCE

CURRENT EVENTS REPORT

STAFF REPORT

Director Jeff Mihelich stated that the next Commission Meeting is Tuesday, January 18th.

There have been a series of public input meetings for the Strategic Plan, with the next meeting scheduled for January 12th at 6pm at the Sierra Montana Recreation Center. Residents also have the ability to comment through a survey that was included in the Surprise Progress Magazine and on line at the city website. Next week, staff will gather the data collected and make a presentation to City Council during a February work session.

CALL TO THE PUBLIC

Chair Blair called to the public to discuss any issues not noted on the agenda. Hearing no comments from the public, Chair Blair closed the call to the public.

CONSENT AGENDA

All items listed with an asterisk (*) are considered to be routine by the Planning and Zoning Commission and were approved by one motion. There was no separate discussion of these items during this meeting.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING

- **Item 1: Planning and Zoning Commission Minutes for December 7, 2010.**

Commissioner Chapman made a motion to approve the **Planning and Zoning Commission Minutes for December 7, 2010**. Commissioner Hallin seconded the motion. The motion passed with a vote of 6 ayes and 1 abstain (Smith).

- **Item 2: FS10-266 – Consideration and Action – Rioglass Solar**

Planner Adam Copeland presented the project to the Commission. Staff recommended approval of **FS10-266, a site plan for Rioglass Solar**.

In response to Commissioner Rein, Planner Copeland stated that Solar Technology has not been proposed on the project.

There was some discussion regarding:

- Public access
- Development of roadway to the south of the site

Vice Chair Somers made a motion to approve **FS10-266, a site plan for Rioglass Solar** and adopt staff's findings, subject to conditions 'a' through 'g.' Commissioner Hallin seconded the motion. The motion passed with a vote of 7 ayes.

OTHER BUSINESS

- **Item 3: FS10-274 – Discussion Only – Medical Marijuana Text Amendment**

Assistant Director Chris Boyd presented the proposed text amendment to the Commission.

Vice Chair Somers stated that the proposed Zoning Sections 122-121 (a), (b), (c), and (h) needed the word "dispensary" added.

There were questions and discussion regarding:

- Approval requirements
- Zoning requirements
- Separation requirements
- Facility size
- Enforcement of disposal methods
- Federal laws

The commission requested the following be added to the text amendment:

- Disposal methods of expired infusion products
- Regulation of business hours

Commissioner Rein suggested that the dispensary facility size matrix be changed to 2,500 square feet due to the existing structures available.

ADJOURNMENT

Hearing no further business, Chair Blair adjourned the regular Planning and Zoning Commission meeting at 7:27 p.m.

STAFF PRESENT:

Community and Economic Development Director Jeff Mihelich, Assistant City Attorney Jim Gruber, GIS Division Manager Lloyd Abrams, Assistant Community and Economic Development Director Chris Boyd, Development Services Manager Debbie White, Commander Donald Schneidmiller, Planner Adam Copeland, Planner Bart Wingard, Economic Development Coordinator Mike Hoover, and Planning and Zoning Commission Secretary Deb Perry.

COUNCIL MEMBERS PRESENT: None

Jeffrey J. Mihelich, Director
Community and Economic Development

Jan Blair, Chair
Planning and Zoning Commission



CITY OF SURPRISE
Boards and Commissions

February 3, 2011 @ 6:00:00 PM

Back Print

Board Meeting Date:	February 3, 2011	Contact Person:	Deb Perry, Community & Economic Development
Submitting Department:	CD Boards and Commissions	District:	Internal
Staff Recommendations:	Approve		

Consent	Regular	x	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and approval of January 18, 2011 Planning and Zoning Commission minutes.

Motion:

I move to approve the January 18, 2011 Planning and Zoning Commission minutes.

Background:

Financial Impact Statement:

ATTACHMENTS:

Click to download

☐ [Minutes - January 18, 2011](#)

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):

CITY OF SURPRISE

PLANNING AND ZONING COMMISSION 16000 North Civic Center Plaza Surprise, Arizona 85374

January 18, 2011

REGULAR MEETING MINUTES

CALL TO ORDER

Chair Jan Blair called the Planning and Zoning Commission Meeting to order at 6 p.m. at the Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on Tuesday, January 18, 2011.

ROLL CALL

In attendance with Chair Blair were Vice Chair Steve Somers and Commissioners Matthew Bieniek, John Hallin, Robert Rein, and Dennis Smith. Commissioner Ken Chapman was absent.

PLEDGE OF ALLEGIANCE

CURRENT EVENTS REPORT

STAFF REPORT

Director Jeff Mihelich stated that City Council was unable to review the Commission's recommendations regarding the changes to the Streetscape Design Guidelines, so we are asking for that item to be continued to the next Commission meeting.

Per request of the Commission, additional research was completed on the operation hours of medical marijuana dispensaries. Results were inconclusive to any specific findings. Staff will continue to research the item and bring any other findings forward when the item comes to vote.

CALL TO THE PUBLIC

Chair Blair called to the public to discuss any issues not noted on the agenda. Hearing no comments, Chair Blair closed the call to the public.

CONSENT AGENDA

All items listed with an asterisk (*) are considered to be routine by the Planning and Zoning Commission and were approved by one motion. There was no separate discussion of these items during this meeting.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING

- **Item 1: FS10-162 – Consideration and Action – Surprise Medical Plaza at the City**

Planner Adam Copeland presented the project to the Commission. Staff recommended approval of **FS10-162, a site plan for Surprise Medical Plaza.**

In response to Commissioner Hallin, Planner Copeland stated that, if needed, the parking surface does have the ability to be developed into a parking structure by adding multiple levels.

Commissioner Smith expressed concern for the lack of solar technology used on the project. He stated that the City Center area should be a leader in Sustainability and set the example for the remainder of the city.

Vice Chair Somers made a motion to approve **FS10-162, a site plan for Surprise Medical Plaza** and adopt staff's findings, subject to conditions 'a' through 'd.' Commissioner Hallin seconded the motion. The motion passed with a vote of 5 ayes, 1 abstain (Rein) and 1 absent (Chapman).

- **Item 2: FS10-225 – Consideration and Action – Paradise Education Center**

Planner Hobart Wingard presented the project to the Commission. Staff recommended approval of **FS10-225, a site plan amendment for Paradise Education Center.**

In response to Commissioner Rein, Planner Wingard stated that the fire lane located behind the building is not surrounded by a barrier.

Commissioner Bieniek made a motion to approve **FS10-225, a site plan amendment for Paradise Education Center** and adopt staff's findings, subject to conditions 'a' and 'b.' Commissioner Rein seconded the motion. The motion passed with a vote of 6 ayes and 1 absent (Chapman).

- **Item 3: FS10-236 – Consideration and Action – Shepherd of the Valley Church**

Planner Hobart Wingard presented the project to the Commission. Staff recommended approval of **FS10-236, a site plan amendment for Shepherd of the Valley Church.**

In response to Commissioner Rein, Planner Wingard stated that there is shared easement and access with the project to the west of the site.

Commissioner Rein made a motion to approve **FS10-236, a site plan amendment for Shepherd of the Valley Church** and adopt staff's findings. Commissioner Smith seconded the motion. The motion passed with a vote of 6 ayes and 1 absent (Chapman).

- **Item 4: LPD09-335 – Consideration and Action – Streetscape Design Guidelines**

Commissioner Hallin made a motion to continue **LPD09-335, Streetscape Design Guidelines** to the February 17th meeting. Commissioner Bieniek seconded the motion. The motion passed with a vote of 6 ayes and 1 absent (Chapman).

OTHER BUSINESS

ADJOURNMENT

Hearing no further business, Chair Blair adjourned the regular Planning and Zoning Commission meeting at 6:22 p.m.

STAFF PRESENT:

Community and Economic Development Director Jeff Mihelich, Assistant City Attorney Jim Gruber, Assistant Community and Economic Development Director Chris Boyd, Planner Adam Copeland, Planner Hobart Wingard, Planner Vamshee Kovuru, and Planning and Zoning Commission Secretary Deb Perry.

COUNCIL MEMBERS PRESENT: None

Jeffrey J. Mihelich, Director
Community and Economic Development

Jan Blair, Chair
Planning and Zoning Commission



CITY OF SURPRISE
Boards and Commissions

February 3, 2011 @ 6:00:00 PM

Back Print

Board Meeting Date:	February 3, 2011	Contact Person:	Chris Boyd, Community & Economic Development
Submitting Department:	CD Boards and Commissions	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action on FS10-274, a text amendment for the use of marijuana for medicinal purposes.

Motion:

I move to recommend approval to the Mayor and City Council, FS10-274 a Text Amendment for Medical Marijuana.

Background:

On November 2, 2010 Arizona voters were asked to consider Proposition 203. Although the initiative does allow for medical marijuana, it also provides local jurisdictions the opportunity to enact reasonable zoning regulations.

Financial Impact Statement:

N/A

ATTACHMENTS:

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- ☐ [Staff Report](#)
 - ☐ [Text Amendment](#)
-

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Chris Boyd, Assistant Director, Community & Economic Development



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: February 3, 2011

To: Planning and Zoning Commission

From: Jeffrey J. Mihelich, Community & Economic Development Director
Chris Boyd, Community & Economic Development Assistant Director

Re: **FS10-274, SUDC Text Amendment for Medical Marijuana**

Introduction

Attached is the proposed Text Amendment for the Commission's consideration and action to address the recent passing of Proposition 203, which allows the cultivation, distribution, and use of marijuana for medicinal purposes.

Background

On November 2, 2010 Arizona voters were asked to consider Proposition 203, which would allow the cultivation, distribution, and use of marijuana for medicinal purposes. Although the initiative does allow for medical marijuana, it also provides local jurisdictions the opportunity to enact reasonable zoning regulations.

On January 11, 2011, the proposed Text Amendment was presented to the Planning and Zoning Commission for discussion. During the discussion, the Commission suggested increasing the facility size for dispensaries and dispensary related cultivation to 2500 square feet to accommodate existing building within the proposed zones. The Commission also asked staff to include specific language relating to infused products when addressing waste disposal. Lastly, the Commission requested staff to research the restriction of operational hours of dispensaries and any corresponding data related to hours of operation and crime.

On January 13, 2011, staff presented the proposed Text Amendment to Mayor and Council. The Council did not voice any opposition with respect to increasing the facility size. The Council also did not oppose including infused products when addressing waste disposal. The Council was unable to reach consensus regarding operational hours. One member of the Council supported restriction, while two members stated it should be a business decision of the operator. Lastly, two members of the Council expressed concern about limiting dispensaries to heavy commercial and all industrial zones. The same two members were interested in allowing dispensaries in areas of the city which would be more accessible to prospective patrons.

On January 18, 2011, staff provided a written summary of the additional research with respect to the restriction of operational hours. Additional research by staff was unable to find any conclusive findings that showed a correlation of crime to hours of operation. Staff did note that Los Angeles responded to complaints from neighborhoods and passed an ordinance to restrict the hours of operation for dispensaries. The same ordinance also required future dispensaries to locate in designated zoning districts such as industrial to lessen the impact on neighborhoods.

Staff Comments

Based on recommendations from the Commission and Mayor and Council, staff made the following changes to the text amendment:

- Clarified the language in 122-121 (a),(b),(c),(h) to include Cultivation Facilities
- Increased the maximum facility size from 2000 to 2500 square feet in 122-120(d) and 122-121(d)
- Incorporate infusion products in the waste disposal requirements in 122-120(g) and 122-121(e)

Recommendation

Staff recommends approval of FS10-274, SUDC Text Amendment for Medical Marijuana.

Attachment

1. SUDC Text Amendment for Medical Marijuana.

Article XV, Section 122-178 – Definitions

Medical Marijuana - All parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patients debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

Medical Marijuana Cultivation - The process by which a person grows a marijuana plant.

Medical Marijuana Designated Caregiver Cultivation Location - An enclosed, locked facility, such as a closet, room, greenhouse, or other enclosed area equipped with locks, that does not exceed fifty (50) square feet of cultivation space where a designated caregiver, as defined by ARS 36-2801(5), cultivates marijuana.

Medical Marijuana Dispensary - A not-for-profit entity defined in ARS 36-2801(11), that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, dispenses, or otherwise provides medical marijuana or related supplies and educational materials to cardholders as defined in ARS 36-2801(2).

Medical Marijuana Dispensary Offsite Cultivation Facility - An enclosed, locked facility where marijuana is cultivated by a Medical Marijuana Dispensary as referenced in ARS 36-2804(B)(1)(b)(ii).

Medical Marijuana Infusion Facility - A facility that incorporates medical marijuana by the means of cooking, blending, or incorporation into consumable/edible goods.

Medical Marijuana Qualifying Patient Cultivation Location - An enclosed, locked facility, such as a closet, room, greenhouse, or other enclosed area equipped with locks, that does not exceed fifty (50) square feet of cultivation space where a qualifying patient, as defined by ARS 36-2801(13), cultivates marijuana.

Medical Marijuana Qualifying Patient - A person who has been diagnosed by a physician as having a debilitating medical condition as defined in ARS 36-2801(13).

Article VI - Zoning Districts

Division 1 - General Provisions

Section 122-43(b) – Zoning Use Matrix

Conditionally permit medical marijuana dispensary in CR (Regional Commercial) Zoning Designation.

Conditionally permit medical marijuana dispensary in IP (Industrial Performance) Zoning Designation.

[Conditionally permit medical marijuana dispensary in IG \(Industrial General\) Zoning Designation.](#)

[Conditionally permit medical marijuana dispensary in ILM \(Industrial Land and Mineral Extraction\) Zoning Designation.](#)

Division 2 - Residential Zoning Districts

[Section 122-48\(d\)\(11\) – Residential Ranch \(RR\) Medical marijuana designated caregiver cultivation location.](#)

[Section 122-48\(d\)\(12\) – Residential Ranch \(RR\) Medical marijuana patient cultivation location.](#)

[Section 122-49\(d\)\(9\) – Residential Estate \(RE\) Medical marijuana designated caregiver cultivation location.](#)

[Section 122-49\(d\)\(10\) – Residential Estate \(RE\) Medical marijuana patient cultivation location.](#)

[Section 122-50\(d\)\(9\) – Residential Low Density \(RL-2, RL-3, RL-4, RL-5\) Medical marijuana designated caregiver cultivation location.](#)

[Section 122-50\(d\)\(10\) – Residential Low Density \(RL-2, RL-3, RL-4, RL-5\) Medical marijuana patient cultivation location.](#)

[Section 122-51\(d\)\(7\) – Residential Medium Density \(RM-6, RM-9, RM-12\) Medical marijuana designated caregiver cultivation location.](#)

[Section 122-51\(d\)\(8\) – Residential Medium Density \(RM-6, RM-9, RM-12\) Medical marijuana patient cultivation location.](#)

[Section 122-52\(d\)\(7\) – Residential High Density \(RH-15, RH-18, RH-21, RH-X\) Medical marijuana designated caregiver cultivation location.](#)

[Section 122-53\(e\)\(9\) – Residential High Density \(RH-15, RH-18, RH-21, RH-X\) Medical marijuana patient cultivation location.](#)

[Section 122-52\(d\)\(8\) – Residential Cluster \(RC\) Medical marijuana patient cultivation location.](#)

[Section 122-53\(e\)\(8\) – Residential Cluster \(RC\) Medical marijuana designated caregiver cultivation location.](#)

Division 10 - Use Specific Standards

Section 122-120 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 five hundred \(500\) feet of:](#)

[\(1\) Any residentially zoned property.](#)

- (2) Any church or worship facility.
- (b) Medical marijuana dispensaries will not be located within fifteen hundred (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 three thousand (3,000) feet of:
 - (1) Any other medical marijuana dispensary or cultivation facility.
 - (2) Any sexually oriented business or similar use.
- (d) A medical marijuana dispensary facility will be a maximum size of two thousand (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 122-120(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.

Section 122-121 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 five hundred (500) feet of:
 - (1) Any residentially zoned property.
 - (2) Any church or worship facility.

- (b) Medical marijuana offsite cultivation facilities will not be located within fifteen hundred (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 three thousand (3,000) feet of:
 - (1) Any other medical marijuana dispensary or offsite cultivation facility.
 - (2) Any sexually oriented business or similar use.
- (d) A medical marijuana offsite cultivation facility will be a maximum size of two thousand (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 122-121(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 122-121(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 122-121(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.

Section 122-122 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 fifty (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 caregiver's primary residence will only be permitted if the residence is located at least twenty-five (25) miles from a Medical Marijuana Dispensary.

Section 122-123 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 fifty (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 twenty-five (25) miles from a Medical Marijuana Dispensary.

Section 122-124 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.

Section 122-125 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.