

DRAFT

NOTICE AND AGENDA

ATTENTION

IN-PERSON AUDIENCES AT PLANNING & ZONING COMMISSION MEETINGS HAVE BEEN SUSPENDED UNTIL FURTHER NOTICE

The meetings will continue to be live streamed on the city's website (<https://www.flagstaff.az.gov/1461/Streaming-City-Council-Meetings>)

To participate in the meeting click the following link:
[Join Microsoft Teams Meeting](#)

The public can submit comments that will be read at the dais by a staff member to CDPandZCommission@flagstaffaz.gov.

PLANNING & ZONING COMMISSION
WEDNESDAY
May 25, 2022

COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M.

1. **Call to Order**
2. **Roll Call**

NOTE: One or more Commission Members may be in attendance telephonically or by other technological means.

MARIE JONES, CHAIR
CAROLE MANDINO, VICE CHAIR
DR. RICARDO GUTHRIE
MARY NORTON

DR. ALEX MARTINEZ
DR. ERIC NOLAN
LLOYD PAUL

3. **Public Comment**

At this time, any member of the public may address the Commission on any subject within their jurisdiction that is not scheduled before the Commission on that day. Due to Open Meeting Laws, the Commission cannot discuss or act on items presented during this portion of the agenda. To address the Commission on an item that is on the agenda, please wait for the Chair to call for Public Comment at the time the item is heard.

4. **APPROVAL OF MINUTES**

Approval of the minutes from the regular meeting on Wednesday, May 11, 2022.

5. **GENERAL BUSINESS**

0. **Case No. PZ-22-00074:** Request for a work session with the Planning and Zoning Commission to discuss the Noble Herb's proposed amendment to the Zoning Code to revise the existing hours of operation for Marijuana Dispensaries (Section 10-40.60.220.C).

Case No. PZ-22-00089: Request for a work session with the Planning and Zoning Commission to discuss the City's proposed amendment to the Zoning Code to address Marijuana Operations in the City of Flagstaff by updating terms and definitions to include single recreational sales

establishments (Section 10-80.20.130) and potentially revise the separation requirements for all Marijuana Operations (Section 10-40.60.220.F)

STAFF RECOMMENDED ACTION:

The work session with the Planning and Zoning Commission is required as a “Citizen Review Session” in compliance with Section 10-20.50.040 (Procedures) of the Zoning Code and applicable state law. The purpose of the work session is for staff to present an overview of the proposed amendment, to allow interested residents to provide their ideas, suggestions, and concerns, and for the Commission to ask questions, seek clarification, and discuss the amendment, as well as offer alternate suggestions and ideas. The Commission will take no action at this work session.

6. MISCELLANEOUS ITEMS TO/FROM COMMISSION MEMBERS

7. ADJOURNMENT

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on 5/20/2022, at 4:00 p.m. This notice has been posted on the City's website and can be downloaded at www.flagstaff.az.gov.

Dated this 20 day of May, 2022.

Tammy Bishop, Administrative Specialist



Planning & Zoning Commission

5. 0.

Meeting Date: 05/25/2022

From: Tiffany Antol, Senior Planner

Information

TITLE

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Attachments

Staff Memo

Noble Herb Narrative

Zoning Code Hours in Arizona

Proposed City Amendments



**Community Development Department
Planning and Development Services**

Date: May 18, 2022
TO: Planning and Zoning Commission
FROM: Tiffany Antol, AICP, Zoning Code Manager
Through: Alexandra Pucciarelli, Current Planning Manager
RE: Planning and Zoning Commission Work Session

I. **Requests:**

Case No. PZ-22-00074: Request for a work session with the Planning and Zoning Commission to discuss the Noble Herb's proposed amendment to the Zoning Code to revise the existing hours of operation for Marijuana Dispensaries (Section 10-40.60.220.C).

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II. **Purpose of the Work Session:**

The work session with the Planning and Zoning Commission is required as a "Citizen Review Session" in compliance with Section 10-20.50.040 (Procedures) of the Zoning Code and applicable state law. The purpose of the work session is for staff to present an overview of the proposed amendment, to allow interested residents to provide their ideas, suggestions, and concerns, and for the Commission to ask questions, seek clarification, and discuss the amendment, as well as offer alternate suggestions and ideas. The Commission will take no action at this work session. After the work session, staff will revise the proposed amendment. The amendment will then be presented to the Commission at a public hearing for consideration and action. Once a recommendation is received, a public hearing will be scheduled with the City Council. The anticipated timeline for the amendments is as follows:

- May 25, 2022 – Planning and Zoning Commission Work Session
- May 31, 2022 – City Council Work Session
- Public Hearings to be determined

III. **Planning and Zoning Commission Questions:**

For your reference, below is the question on which staff is seeking the Planning and Zoning Commission's comments and direction.

- Should the City of Flagstaff expand the hours of operation for Marijuana Dispensaries?

- Should the City of Flagstaff provide for Recreational-Only Marijuana Dispensaries to accommodate for social equity licenses?
- Should the City of Flagstaff increase the separation distance for Marijuana Dispensaries to ensure public health, safety, and welfare is maintained?

IV. **Overview of Proposed Amendments:**

There are two separate requests presented together in this work session regarding Marijuana Dispensaries. Each of these requests will be approved separately when presented at a public hearing and will require separate Ordinance.

PZ-22-00074

The first request is from Noble Herb who currently runs a permitted Marijuana Dispensary in Flagstaff. Their request is to modify Section 10-40.60.220.C which sets the operation hours for Marijuana Dispensaries as follows:

Current Text

A Marijuana Dispensary shall have operating hours not earlier than 8:00 a.m. and not later than **7:00** p.m.

Proposed Text

A Marijuana Dispensary shall have operating hours not earlier than 8:00 a.m. and not later than **10:00** p.m.

The applicant's narrative describing this request is attached for the Commission's review.

PZ-22-00089

The second request is in response to a work session with the City Council on April 12, 2022 to discuss allowing social equity licensees to operate in Flagstaff.

The "Smart and Safe Arizona Act" (the "Act"), certified as Proposition 207, was passed by Arizona voter at the November 3, 2020, general election and became effective on December 1, 2020. The Act declared that "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."

The Act allows for Marijuana Establishments, which are entities licensed by the Arizona Department of Health Services to operate a retail location for the sale of recreational marijuana, an off-site marijuana cultivation facility, and an off-site manufacturing facility. Pursuant to the licensing rules in the Act, the vast majority of the marijuana establishment licenses were given to entities that were already operating medical marijuana dispensaries. However, the Act also directed the Arizona Department of Health Services to issue twenty-six additional marijuana establishment licenses across the State of Arizona for the purpose of encouraging social equity in marijuana establishment ownership. Social equity licenses were issued to applicants who qualified under the Social Equity Ownership Program at random drawing on April 8, 2022.

On March 16, 2021, the Flagstaff City Council adopted Ordinance 2021-03, which enacted certain regulations regarding the use and sale of recreational marijuana in Flagstaff. One of the regulations adopted by Council prohibits the operation of recreational marijuana establishments in Flagstaff, except where authorized by a dual licensee that is permitted by the State of Arizona to operate both a nonprofit medical marijuana dispensary and a marijuana establishment at a shared location. Under the current rules, social equity licenses are not dual licenses—they are recreation only. In order to

allow recreational only retail establishments, the Marijuana Dispensary definition would need to be amended as follows:

A. Definitions

Current Text

Marijuana Dispensary: A medical or dual licensee (as defined in A.R.S. 36-2850, as amended) Marijuana Dispensary certified by the State of Arizona to sell Marijuana and Marijuana products to consumers, which may include the cultivation, manufacturing, processing, packaging, or storage of Marijuana products as an accessory use to the dispensary

Proposed Text

Marijuana Retail Establishment: A Non-Profit Medical Marijuana Dispensary, a Dual-Licensed establishment (as defined in A.R.S. 36-2850, as amended), or a single recreational retail establishment certified by the State of Arizona to sell Marijuana and Marijuana products to consumers, which may include the cultivation, manufacturing, processing, packaging, or storage of Marijuana products as an accessory use to the dispensary.

Staff is recommending the revision to a few other definitions in the code to better align the Zoning Code with Arizona Revised Statutes. The recommendations are attached for the Commission's review.

B. Separation

Marijuana Establishments (to be renamed Marijuana Operation) which include retail establishments, cultivation establishments, manufacturing establishments and testing facilities are regulated by Section 10-40.60.220 of the Zoning Code to protect the public health, life, and safety. Marijuana Dispensaries (as currently defined – proposed to be called Marijuana Retail Establishment) are only permitted in the Highway Commercial (HC) zone. This Section includes minimum separations from a Marijuana Establishment, measured in a straight line from the boundary of the lot or parcel containing any of the existing uses listed below:

1. Two thousand feet from another Marijuana Establishment;
2. Five hundred feet from a residential substance abuse treatment facility or other residential drug or alcohol rehabilitation facility licensed by the State of Arizona;
3. Five hundred feet from a community college, university, or from any public, private, parochial, charter, dramatic, dancing, music learning center, or other similar school or education facility that caters to children;
4. Five hundred feet from a daycare home or daycare center;
5. Five hundred feet from a public library or public park; and
6. Five hundred feet from a facility devoted to family recreation or entertainment.

Staff does not have any specific recommendations for modifying the minimum separation requirements at this time.

V. Findings:

The Planning and Zoning Commission will be requested in a future public hearing to make a formal recommendation to the City Council on the proposed amendments. For your reference and discussion purposes, the required findings for a Zoning Text Amendment are listed below:

1. The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

VI. **Community Involvement**

In accordance with Arizona Revised Statutes and the Zoning Code, the work session before the Planning and Zoning Commission was advertised in the Arizona Daily Sun on Saturday, March 7, 2022, which is 18 days before the scheduled meeting date. Mailings were sent directly to those who have signed up for the “Interested Parties” list. The request is also published on the city website.

As of the date of this memorandum, staff has not received any public comments on the proposed amendment.

Conclusion:

As indicated above, the purpose of the work session is for staff to present an overview of the Zoning Code’s proposed amendment and allow interested individuals, residents, and business owners to provide comments. The work session also allows the Commission to ask questions, seek clarification, have discussions, and offer comments on the proposed amendment. No formal recommendation or action by the Commission to the City Council is to occur at the work session. Additional opportunities for discussion, public comment, and action by the Commission will occur at a future public hearing.

ZONING CODE AMENDMENT APPLICATION

Title: XXXXXXXXXXXXXXXX - Hours of Operation for Marijuana Dispensaries.

Date: April 12, 2022

NARRATIVE

PROPOSED AMENDMENT:

The proposed amendment (Exhibit A to the Resolution No. XXXX) modifies the existing marijuana establishment hours of operation provision of the Flagstaff Zoning Code, 10-40.60.220 Marijuana Establishments.

Reason for the Request:

The purpose of the amendment is to extend the allowed hours a marijuana establishment may operate. The reason for the proposed amendment is to increase the accessibility of marijuana to patients and consumers, decrease the burden in obtaining marijuana for patients and consumers, and create more jobs in a thriving and high desired for employment industry.

CRITERIA #1: The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan. A change in operational hours still maintains and upholds council and staff's original stipulations for marijuana establishment operations except for an extension of operational hours. The extension of operational hours is consistent with other similarly situated businesses and the community character of the Plan.

Furthermore, the proposed amendment expanding the operating hours of marijuana establishments is consistent and conforms with many of the City's Economic Development policies and goals. Expanding the operating hours for marijuana establishments will align Flagstaff's hours with those permitted in other major cities in Arizona. Expanding the permitted hours of operation for marijuana dispensaries will allow for dispensaries to increase the hours for current employees and create demand to hire new employees. The demand for marijuana products will continue to grow with the population, and the expanded hours of operation will attract marijuana brands to sell their products at Flagstaff marijuana establishments.

CRITERIA #2

The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City as a result of extending the hours a marijuana dispensary may operate. The Arizona Department of Health Services regulated the Medical and Adult Use Marijuana programs in Arizona. State statute and rules regulate the security of marijuana dispensaries. All security requirements must be strictly adhered to. Please see R9-17-318 and R9-18-312 attached.

Furthermore, allowing for additional operating hours is important in mitigating and preventing the spread of COVID-19 or other comparable communicable / contagious diseases. Currently, there is a large rush of customers around closing. Extending the operational hours will allow for additional hours which should spread out customer visits allowing for less rushes, more social distancing, and a better flow of customers visits, etc.

CRITERIA #3

The proposed amendment is internally consistent with other applicable provisions of this Zoning Code and does not conflict with any other Zoning Code provision. The amendment maintains the contemporary set of land uses and requirements of the purpose of the Zoning Code and is usable, straightforward, and easily understood.

Benefit to the Community:

The proposed amendment will benefit the community and the overall quality of life in the City of Flagstaff. The amendment will have a positive impact on the well-being of the community by expanding patient and consumer access and promoting patients' right to choose alternative treatment and therapeutics. The current hours limit the ability of those individual with schedule constraints or those that work outside typical business hours to obtain marijuana.

Although delivery currently does help serve some patients in these groups, delivery is only available to medical patients by law at this time. A large portion of consumers under the adult-use program use marijuana for medicinal reasons but decline to obtain a medical card due to resource barriers or privacy concerns. Expanding the hours of operation will expand patient and consumers' access to powerful pain and inflammation treatment.

The proposed amendment will benefit the City of Flagstaff from an economic standpoint. Jobs in the cannabis industry are in high demand and expanding the permitted hours of operation will create more jobs at marijuana establishments. Flagstaff's population has been quickly growing and the expanded hours of operation will help businesses better serve patients in a timely manner.

Furthermore, the increasing demand for marijuana products and expanded hours of operation will attract marijuana brands and businesses to work with the marijuana establishment licensees in Flagstaff. This will create jobs at cultivation, processing, and retail sites, and increase the variety of marijuana products available to patients in Flagstaff. The proposed amendment to expand the permitted operating hours of dispensaries will further benefit the community and promote the tourism and events industry in Flagstaff by making marijuana accessible to those who want to visit and contribute to the tourism industry.

Prescott

<https://www.codepublishing.com/AZ/Prescott/#!/Prescott04/Prescott0420.html#4-20>

- Prescott City Code 4-20-4
- 6. Shall have operating hours not earlier than 9:00 a.m. and not later than 8:00 p.m.
- 15. Shall submit a written security plan to the Prescott Police Department 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. (Ord. 2020-1735, 11-17-2020)

Phoenix

<https://phoenix.municipal.codes/ZO/623>

- Phoenix City Code 623(D)(124)(a): Shall have operating hours not earlier than 8:00 a.m. and not later than 10:00 p.m.
- A use permit shall be obtained in accordance with standards and procedures of Section 307 and the following:
 - (3) Include a copy of the operating procedures adopted in compliance with Section 36-2804(B)(1)(c), Arizona Revised Statutes. ((c) Operating procedures consistent with department rules for oversight of the nonprofit medical marijuana dispensary, including procedures to ensure accurate record-keeping and adequate security measures.)

Peoria

<https://www.peoriaaz.gov/home/showpublisheddocument/11282/637643567102930000>

- Zoning Code 21-505(M)(2)(g) (See Ordinance 2021-06): The Dispensary shall have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m.
- Zoning Code 21-505(M)(1)(f): An active Security Management Plan shall be approved by the Police Department. The Plan shall include, but is not limited to, the following:
 - o 1) Security cameras shall be installed and maintained in good condition, and used in an on-going manner. Recordings shall be retained for a minimum of 60 days and comply with any additional standards defined by the Security Management Plan.
 - o 2) The business space shall be alarmed with an alarm system that is operated and maintained by a recognized security company.
 - o 3) A security guard shall be provided at the main entrance during all hours of operation. For the purposes of this Section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. §32-601.

Scottsdale

https://library.municode.com/az/scottsdale/codes/code_of_ordinances?nodeld=VOLII APXBBA Z0OR ARTIADPR S1.403ADCOSPCOUS

- Scottsdale Code of Ordinances, Appendix B, Article 1, Sec. 1.403(M)(2):
 - (h) The hours of operation for a marijuana use that provides, shares, exchanges, sells, or dispenses marijuana are no earlier than 6:00 a.m. and no later than 10:00 p.m.
 - (f) The property owner has provided a written public safety plan, subject to City approval
 - (i) There is no drive-through service, take-out window, or drive-in service.

Tucson

https://codelibrary.amlegal.com/codes/tucson/latest/tucson_az_udc/0-0-0-2774

- Tucson City Code 4.9.9(E)(1)(ii)(c): The permitted hours of operation of a marijuana dispensary are from 7:00 a.m. to 10:00 p.m..

Gilbert

<https://www.gilbertaz.gov/home/showpublisheddocument/42419/637716250998330000>

- Gilbert Land Development Code 5.1.15:
 - B. Hours of Operation: A Marijuana Facility shall have operating hours not earlier than 8:00 am and not later than 8:00 pm.
 - C. Security Plan Requirements: A Medical Marijuana Facility shall implement appropriate security measures to deter and prevent the theft of marijuana and medical marijuana, reasonably regulate customer access to the premises, and be in compliance with A.R.S. Title 36 Chapter 28.1 and 28.2. A sworn statement certifying a current approved security plan is on file with the State Department of Health Services shall be submitted to the Town upon request.

Tempe

https://library.municode.com/az/tempe/codes/zoning_and_development_code?nodeId=ZONING_DEVELOPMENT_CODE_PT3_LAUS_CH4_SPUSST_S3-426MA

- Tempe Zoning Code 3-426(C):
 - 5. The medical marijuana dispensary or marijuana establishment is limited to the hours of operation not earlier than 8:00 a.m. and not later than 10:00 p.m
 - 8. A security plan is required, which shall include, but is not limited to, the following:
 - a. All exterior doorways for the facility shall provide a security vision panel pursuant to Section 4-406, Employee Service Entrances and Exits, or a one hundred eighty (180) degree rotatable viewer. If doorway is transparent, the door shall be designed with a material that is either impact resistant or restricts entry by means of a wrought iron gate;
 - b. Closed circuit television cameras, operating twenty-four (24) hours a day, shall be provided at the building's exterior entrances and inside the building at a designated service area;
 - c. All lighting for the site shall be brought into conformance with the current lighting standards identified in Part 4, Chapter 8, Lighting. The building entrance of the business shall be illuminated from dusk till dawn activated by photocell relay to the lighting controller;
 - d. No one under the age of eighteen (18) shall enter the medical marijuana dispensary; and
 - e. Any person, prior to entering the establishment, shall remove all hats, sunglasses or other similar objects, to avoid obstruction of physical identification.

Bullhead City

- Zoning Code: Removed permitted hours of operation for marijuana dispensaries in 2018.

Sedona

<https://sedona.municipal.codes/SLDC/3.3.C>

- Sedona Zoning Code C(19)c.:
 4. A medical marijuana dispensary or dual licensee shall have operating hours not earlier than 8:00 a.m. and not later than 8:00 p.m.
 1. Medical marijuana dispensary and cultivation locations shall comply with all building safety requirements and be secured in compliance with A.R.S. § 36-2806(C) and (E).

Casa Grande

https://codelibrary.amlegal.com/codes/casagrande/latest/casagrande_az/0-0-0-13784

- Casa Grande City Code 17.52.580: A marijuana dispensary shall only be allowed to operate between the hours of 7:00 a.m. and 10:00 p.m.

Mesa

https://library.municode.com/az/mesa/codes/code_of_ordinances?nodeId=COOR_TIT11ZOOOR_ART4DERE_CH31STSPUSAC_11-31-34MAFA

- Mesa Zoning Ordinance 11-31-34: A medical marijuana dispensary and a dual licensee facility shall only be open to the public between 8:00 a.m. and 9:00 p.m. of the same calendar day.

Chandler

https://library.municode.com/az/chandler/codes/code_of_ordinances?nodeId=PTVIPL_CH35LA_USZO_ARTXXIADHEARRE_35-2213MEMAFAMEMACUSIINFOES

- Chandler City Code 35-2213(3)(E)(5)(vi): Have operating hours not earlier than 9:00 a.m. and not later than 10:00 p.m.

Glendale

https://library.municode.com/az/glendale/codes/code_of_ordinances?nodeId=PTIICOOR_ART7_GEDEST_S7.800MEMA

- Glendale Code of Ordinances Section 7.800
 - I. Shall have operating hours not earlier than 8:00 a.m. and not later than 10:00 p.m.
 - N. The dispensary must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.
 - O. A prominent and permitted sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be located in a place that is clearly visible to patrons of the dispensary. As depicted by the signage, no loitering is allowed on or in front of the premises of the Medical Marijuana Dispensary.
 - o P. Additionally, a security plan shall be submitted by the applicant in conjunction with design review approval. The security plan shall include provisions for the following:
 - 1. An alarm system with a redundant power supply and circuitry to prevent deactivation.
 - 2. A video surveillance system that at all times records all interior areas and the exterior perimeter.
 - 3. A lighting system that at all times illuminates the interior areas and the exterior perimeter.
 - 4. A plan for the reprogramming of all security codes and keys in the event an employee resigns or is terminated.

Buckeye

https://library.municode.com/az/buckeye/codes/code_of_ordinances?nodeId=CD_ORD_CH7DE_CO_ART3USRE_3.2UECST

- *Buckeye Development Code Chapter 7, Article 3, Section 3.2*
 - 2. A medical marijuana dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 5:00 p.m., Monday through Friday.
 - b. Install lighting to illuminate the exterior and interior of the building and all entrances and exits to the facility. Exterior lighting shall be five foot candles, measured at ground level, and shall remain on during all hours between sunset and sunrise each day and the medical marijuana dispensary or cultivation location shall illuminate all areas of the premises, including adjacent public sidewalks so that the areas are readily visible by law enforcement personnel. Twenty-four (24) hours each day, the medical marijuana dispensary or cultivation location shall illuminate the entire interior of the building, with particular emphasis on the locations of any counter, safe, storage area and any location where people are prone to congregate. The lighting must be of sufficient brightness to ensure that the interior is readily visible from the exterior of the building from a distance of 100 feet.
 - i. Provide law enforcement and all interested neighbors with the name and phone number of an on-site community relations staff person to notify if there are operational problems with the establishment.
- 8. In addition to the requirements set forth in Paragraph 7 above, and to ensure that the operations of medical marijuana dispensaries are in compliance with Arizona law and to mitigate the adverse secondary effects from operations of dispensaries, medical marijuana dispensaries shall operate in compliance with the following additional standards:
 - a. Security guards shall be provided at the main entrances and exits during all hours of operation. Detailed internal security measures will be identified and maintained after consultation with the Buckeye Police Department. For the purposes of this Section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. § 32-2601 et seq. Prior to opening for business, the medical marijuana dispensary shall provide all property owners with a 500-foot radius of the medical marijuana dispensary location with written notification via first class U.S. mail of the security company responsible for providing its security services.
 - b. If determined necessary by the City Manager at any time, medical marijuana dispensaries shall provide a neighborhood security guard patrol for a two-block radius surrounding the medical marijuana dispensary during all or specified hours of operation.

Surprise

https://library.municode.com/az/surprise/codes/municipal_code?nodeId=PTILADEOR_CH106Z_OUSST_ARTXUSSPST_S106-10.27MAFAUS

- Surprise Land Development Ordinance, Chapter 106, Article X, Sec. 106-10.27
 10. The permitted hours of operation of a marijuana facility operated by a dual licensee shall be limited to 8:00 a.m. to 9:00 p.m.
 11. The operator of a marijuana facility shall provide unrestricted access to city code enforcement officers or police officers who request admission for the purpose of determining compliance with these standards.
 12. Within a marijuana facility there shall be a secure storage area sufficient to deter and prevent theft.
 13. All marijuana and marijuana products shall be securely locked within the secure storage area at any time the medical marijuana dispensary or marijuana facility operated by a dual licensee is not open for business.
 14. A medical marijuana dispensary or marijuana facility operated by a dual licensee shall have only one (1) secure entrance to the building and any other doors required for exiting shall be locked to the outside and have an alarm that sounds when opened from the inside.
 15. A marijuana facility shall have an alarm system with a redundant power supply and circuitry to prevent deactivation.
 16. A marijuana facility shall have a video surveillance system that at all times records all interior areas and the exterior perimeter.
 17. A marijuana facility shall have adequate exterior security light, which also complies with Chapter 107, Article 3 of this ordinance.
 18. The operator of a marijuana facility shall develop and maintain a security plan which demonstrates compliance with all of the minimum standards specified herein.

Payson

https://codelibrary.amlegal.com/codes/payson/latest/payson_az/0-0-0-35124

- Payson Administration Code § 154-15-003: A medical marijuana dispensary or marijuana establishment shall have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.
- § 154-15-004: (L) Provide adequate security measures to ensure that the requirements of A.R.S. §§ 36-2801, et seq., and A.R.S. §§ 36-2850 et seq., all Arizona Department of Health Services Regulations, and this subchapter are met and that theft is discouraged. Such security measures shall include at least the following:
 - (1) A fully functioning security alarm system;
 - (2) Adequate exterior lighting; and
 - (3) Security video monitoring system that retains all video feed for a minimum of 30 days.

Globe

https://library.municode.com/az/globe/codes/code_of_ordinances?nodeId=CD_ORD_CH14ZOC_O_ART14-5ZODI_S14-5-18MEMAREFACOUSPERE

- Globe Zoning Code, Article 14-5, Sec. 14-5-18:
 - (14) Shall have operating hours as determined appropriate and approved as part of the conditional use permit.
 - (d) In addition to the standard conditions of approval as set forth in subsection (b) above, the City may add any other condition of approval appropriate to the

application considering the location, building, surroundings, adjacent land uses, topography, security and safety considerations, best practices as determined from experience, or any other rational and stated basis, as may be necessary to achieve a compatible land use with the surrounding community as authorized by law.

- Sec. 14-5-19: (8) Submit a written security plan to the City 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.

Lake Havasu City

https://codelibrary.amlegal.com/codes/lakehavasucity/latest/lakehavasus_az/0-0-0-32782

- Lake Havasu City Code of Ordinances, Title 14, Article 3, § 14.03.03
 - (C) Operating hours shall be limited to between 7:00 a.m. and 10:00 p.m.

Adult Use/ Dual License Arizona Administration Code Rules - R9-18-312. Security

<https://azdhs.gov/documents/licensing/adult-use-marijuana/9AAC18-Art1-4.pdf?v=20211119>

- A. A marijuana establishment shall ensure that, if the marijuana establishment cultivates marijuana:
 - 1. If cultivation takes place indoors, the marijuana is cultivated in a closed, locked room; and
 - 2. If cultivation takes place outdoors, the location:
 - a. Is surrounded by solid, 10-foot walls that are constructed of metal, concrete, or stone that prevent viewing of the marijuana plants; and
 - b. Has a one-inch thick metal gate.
- B. A marijuana establishment shall ensure that access to the marijuana establishment's cultivation site or manufacturing site or to the portion of the marijuana establishment's retail site where marijuana is cultivated, processed, manufactured, or stored is limited to the marijuana establishment's principal officers, board members, and authorized marijuana facility agents, unless the individual is supervised by a marijuana facility agent associated with the marijuana establishment.
- C. A marijuana facility agent may transport marijuana, marijuana plants, marijuana products, and marijuana paraphernalia between the marijuana establishment and:
 - 1. The marijuana establishment's cultivation site or manufacturing site,
 - 2. Another marijuana establishment,
 - 3. A dispensary, and
 - 4. A marijuana testing facility that has a marijuana testing facility license issued by the Department.
- D. Before transportation, a marijuana facility agent of a marijuana establishment shall:
 - 1. Complete a trip plan that includes:
 - a. The name of the marijuana facility agent in charge of transporting the marijuana;
 - b. The date and start time of the trip;

- c. A description of the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia being transported;
 - d. Any anticipated stops during the trip, including the locations of the stop; and
 - e. The anticipated route of transportation; and
 2. Provide a copy of the trip plan in subsection (D)(1) to the marijuana establishment.
- E. During transportation, a marijuana facility agent shall:
 1. Carry a copy of the trip plan in subsection (D)(1) with the marijuana facility agent for the duration of the trip;
 2. Use a vehicle:
 - a. Without any marijuana identification,
 - b. Equipped with a global positioning system or other means of tracking the location of the vehicle,
 - c. With operational video surveillance and recording equipment that is turned on for the duration of a trip, and
 - d. With a locked compartment in which any marijuana or marijuana products being transported may be stored during a trip;
 3. Have a means of communication with the marijuana establishment;
 4. Note the arrival and departure time for each stop; and
 5. Ensure that the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia are not visible.
- F. After transportation, a marijuana facility agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (D)(1).
- G. A marijuana establishment shall:
 1. Maintain the documents required in subsection (D)(2) and (F) for at least two years after the date of the documentation;
 2. If transporting a sample to a marijuana testing facility for testing, provide a copy of the trip plan in subsection (D)(1) to the marijuana testing facility; and
 3. Provide a copy of the documents required in subsection (D)(2) and (F) to the Department for review upon request.
- H. A marijuana establishment shall not transport marijuana, marijuana plants, marijuana products, or marijuana paraphernalia to a consumer.
- I. To prevent unauthorized access to marijuana or a marijuana product at the marijuana establishment's retail site and, if applicable, the marijuana establishment's cultivation site or manufacturing site, the marijuana establishment shall have the following:
 1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
 - a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
 - b. Exterior lighting to facilitate surveillance;
 - c. Electronic monitoring including:
 - i. At least one 19-inch or greater call-up monitor;
 - ii. A printer capable of immediately producing a clear still photo from any video camera image;
 - iii. Video cameras:
 - (1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building,

capable of identifying any activity occurring in or adjacent to the building; and

(2) Having a recording resolution of at least 704 x 480 or the equivalent;

iv. A video camera at each point of sale location allowing for the identification of any consumer purchasing marijuana or a marijuana product;

v. A video camera in each grow room capable of identifying any activity occurring within the grow room in low light conditions;

vi. Storage of video recordings from the video cameras for at least 30 calendar days;

vii. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

viii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and

d. Panic buttons in the interior of each building; and

2. Policies and procedures:

a. That deter unauthorized removal of marijuana or marijuana products from the premises, including:

i. Restricting access to the areas of the marijuana establishment's retail site where marijuana is cultivated, processed or stored and, if applicable, the marijuana establishment's cultivation site or manufacturing site; and

ii. Ensuring that an individual other than a principal officer, board member, or marijuana facility agent associated with the marijuana facility is supervised by a marijuana facility agent associated with the marijuana establishment when in an area specified in subsection (1)(2)(a)(i);

b. That provide for the identification of authorized individuals;

c. That prevent loitering;

d. For conducting electronic monitoring; and

e. For the use of a panic button.

Medical Dispensary Arizona Administration Code Rules- R9-17-318. Security

<https://azdhs.gov/documents/licensing/medical-marijuana/az-medical-marijuana-rules.pdf?v090821>

A. Except as provided in R9-17-310(A)(7) or R9-17-324(C), a dispensary shall ensure that access into areas of the dispensary or the dispensary's cultivation site where marijuana is cultivated, processed, manufactured, or stored is limited to the dispensary's principal officers, board members, and authorized dispensary agents.

B. A dispensary agent may transport marijuana, marijuana plants, marijuana products, and marijuana paraphernalia between the dispensary and:

1. The dispensary's cultivation site,
2. A qualifying patient,
3. Another dispensary, and
4. A laboratory that has a laboratory registration certificate issued by the Department.

C. Before transportation, a dispensary agent shall:

1. Complete a trip plan that includes:

- a. The name of the dispensary agent in charge of transporting the marijuana;
 - b. The date and start time of the trip;
 - c. A description of the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia being transported;
 - d. Any anticipated stops during the trip, including the locations of the stop and arrival and departure time from the location; and
 - e. The anticipated route of transportation; and
2. Provide a copy of the trip plan in subsection (C)(1) to the dispensary.
- D. During transportation, a dispensary agent shall:
1. Carry a copy of the trip plan in subsection (C)(1) with the dispensary agent for the duration of the trip;
 2. Use a vehicle without any medical marijuana identification;
 3. Have a means of communication with the dispensary; and
 4. Ensure that the marijuana, marijuana plants, marijuana products, or marijuana paraphernalia are not visible.
- E. After transportation, a dispensary agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection (C)(1).
- F. A dispensary shall:
1. Maintain the documents required in subsection (C)(2) and (E) for at least two years after the date of the documentation;
 2. If transporting a sample to a laboratory for testing, provide a copy of the trip plan to the laboratory; and
 3. Provide a copy of the documents required in subsection (C)(2) and (E) to the Department for review upon request.
- G. To prevent unauthorized access to medical marijuana at the dispensary and, if applicable, the dispensary's site, the dispensary shall have the following:
1. Security equipment to deter and prevent unauthorized entrance into limited access areas that include:
 - a. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular, private radio signals, or other mechanical or electronic device;
 - b. Exterior lighting to facilitate surveillance;
 - c. Electronic monitoring including:
 - i. At least one 19-inch or greater call-up monitor;
 - ii. A printer capable of immediately producing a clear still photo from any video camera image;
 - iii. Video cameras:
 - (1) Providing coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building, capable of identifying any activity occurring in or adjacent to the building; and
 - (2) Having a recording resolution of at least 704 x 480 or the equivalent;
 - iv. A video camera at each point of sale location allowing for the identification of any qualifying patient or designated caregiver purchasing medical marijuana;

- v. A video camera in each grow room capable of identifying any activity occurring within the grow room in low light conditions;
- vi. Storage of video recordings from the video cameras for at least 30 calendar days;
- vii. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and
- viii. Sufficient battery backup for video cameras and recording equipment to support at least five minutes of recording in the event of a power outage; and

d. Panic buttons in the interior of each building; and

2. Policies and procedures:

- a. That restrict access to the areas of the dispensary that contain marijuana and, if applicable, the dispensary's cultivation site to authorized individuals only;
- b. That provide for the identification of authorized individuals;
- c. That prevent loitering;
- d. For conducting electronic monitoring; and
- e. For the use of a panic button.

Case No. PZ-22-00089 Marijuana Operations and Retail Establishments

HOW TO READ THIS DOCUMENT

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

Provisions that are being added are shown in bold blue text, like this: **Provisions that are being added are shown in bold blue text.**

Section 1. Amend Title 10 FLAGSTAFF ZONING CODE, Division 10-40.30 Non-Transect Zones, Section 10-40.30.040 Commercial Zones, Subsection B. Commercial Zones – Allowed Uses., Table 10-40.30.040.B., as follows:

Section 10-40.30.040 Commercial Zones

Table 10-40.30.040.B. Commercial Zones – Allowed Uses						
Primary Land Use ¹	Specific Use Regulations	Commercial Zones				
		SC	CC	HC	CS	CB
Marijuana Dispensary	10-40.60.220	--	--	P	--	--
Marijuana Retail Establishment	10-40.60.220	--	--	P	--	--

Section 2. Amend Title 10 FLAGSTAFF ZONING CODE, Division 10-40.30 Non-Transect Zones, Section 10-40.30.050 Industrial Zones, Subsection B. Industrial Zones – Allowed Uses., Table 10-40.30.050.B., as follows:

Section 10-40.30.050 Industrial Zones

Table 10-40.30.050.B. Industrial Zones – Allowed Uses						
Primary Land Use ¹	Specific Use Regulations	Industrial Zones				
		RD	LI	LI-O	HI	HI-O
Marijuana Off-Site Cultivation Location Establishment	10-40.60.220	--	P	P ⁷	P	P ⁷
Marijuana Off-site Manufacturing Location Establishment	10-40.60.220	--	P	P ⁷	P	P ⁷

Section 3. Amend Title 10 FLAGSTAFF ZONING CODE, Division 10-40.60: Specific to Uses, Section 10-40.60.220 Marijuana Establishments, as follows:

10-40.60.220 Marijuana ~~Establishments~~ Operation

A. **Applicability.** Prior to the submittal of a Building Permit or Business license application, or prior to the occupancy of a structure, for a Marijuana ~~Establishment~~ Operation, the applicant shall complete a Concept Plan in accordance with Section [10-20.30.050](#), Concept Plan Review.

B. The Concept Plan application shall include the following:

1. A notarized authorization executed by the property owner acknowledging and consenting to the use of the property as a Marijuana ~~Establishment~~ Operation;
2. The name of the Marijuana ~~Establishment~~ Operation and the name of the owner(s) of the Marijuana ~~Establishment~~ Operation;
3. The name, address, birth date, and valid registry identification card number of each ~~nonprofit-medical Marijuana Dispensary agent or registered Marijuana facility~~ Marijuana Operation agent;
4. A security plan describing details of alarm systems and exterior lighting in compliance with Division [10-50.70](#), Outdoor Lighting Standards, and including a floor plan showing the location, dimensions, and type of security measures demonstrating that the Marijuana ~~Establishment-~~ Operation will be secured, enclosed, and locked as required by law;
5. A scaled survey sealed by a land surveyor registered in the State of Arizona depicting the property lines of the lot or parcel that is proposed to contain the Marijuana ~~Establishment~~ Operation and the separations from the nearest lot or parcel that contain any of the existing uses listed in subsection F of this section; and
6. An affidavit signed and notarized by the applicant attesting that the lot or parcel proposed to contain the Marijuana ~~Establishment~~ Operation meets the separation requirements from the nearest lot or parcel containing any of the existing uses listed in subsection F of this section.

C. A Marijuana ~~Dispensary~~ Retail Establishment shall have operating hours not earlier than 8:00 a.m. and not later than 7:00 p.m.

D. A Marijuana ~~Establishment~~ Operation shall:

1. Not be located in a temporary building or structure (e.g., shipping container, storage structure, tent, trailer, vehicle, etc., as determined by the ~~Zoning Administrator~~ **Planning Director**);
2. Not emit dust, fumes, vapors, smoke, or odors into the environment;
3. Prohibit consumption of Marijuana on the premises, including the parking area associated with the Marijuana ~~Establishment~~ **Operation**;
4. Display a current City of Flagstaff business license;
5. Include a secure storage area that can be enclosed and locked as required by law;
6. Have a single secure entrance or, if a dual licensee, demonstrate appropriate security measures to deter and prevent the theft of Marijuana and to reasonably regulate customer access to the premises, including equipping all entrances and exits with an alarm system;
7. Provide additional exits in accordance with the Building Code or Fire Code; and
8. Dispose of Marijuana remnants and by-products in accordance with State and local regulations.

E. A Marijuana ~~Dispensary Retail Establishment~~ shall not have a drive-through service or an outdoor seating area for dispensary customers. An outdoor seating area for employees shall be designed in a manner that prohibits access and use by dispensary customers.

F. A Marijuana ~~Establishment~~ **Operation** shall meet the following minimum separations, measured in a straight line from the boundary of the lot or parcel containing the use to the property boundary of the lot or parcel containing any of the existing uses listed below:

1. Two thousand feet from another Marijuana ~~Establishment~~ **Operation**;
2. Five hundred feet from a residential substance abuse treatment facility or other residential drug or alcohol rehabilitation facility licensed by the State of Arizona;
3. Five hundred feet from a community college, university, or from any public, private, parochial, charter, dramatic, dancing, music learning center, or other similar school or educational facility that caters to children;

4. Five hundred feet from a daycare home or daycare center;
5. Five hundred feet from a public library or public park; and
6. Five hundred feet from a facility devoted to family recreation or entertainment.

Section 4. Amend Title 10 FLAGSTAFF ZONING CODE, Division 10-40.60: Definition of Specialized Terms, Phrases, and Building Functions, Section 10-80.20.130 Definitions "M", to modify the following:

10-80.20.130 Definitions "M"

~~Marijuana Dispensary: A medical or dual licensee (as defined in ARS §36-2850, as amended) marijuana dispensary certified by the State of Arizona to sell marijuana and marijuana products to consumers, which may include the cultivation, manufacturing, processing, packaging, or storage of marijuana products as an accessory use to the dispensary.~~

Marijuana ~~Establishment~~ **Operation**: Means any of the following: Marijuana ~~Dispensary~~ **Retail Establishment**, Marijuana Off-Site Cultivation ~~Location Establishment~~, Marijuana Off-Site Manufacturing ~~Location Establishment~~, and Marijuana Testing Facility.

Marijuana Off-Site Cultivation ~~Location Establishment~~: A location used by an entity certified by the State of Arizona to cultivate, manufacture, package, process, and store marijuana and marijuana products, excluding the sale or transfer of marijuana and marijuana products to consumers.

Marijuana Off-site Manufacturing ~~Location Establishment~~: A location used by an entity certified by the State of Arizona to manufacture, package, process, and store marijuana and marijuana products, excluding the sale or transfer of marijuana and marijuana products to consumers.

Marijuana Retail Establishment: A Non-Profit Medical Marijuana Dispensary, Dual-Licensed establishment (as defined in A.R.S. §36-2850, as amended), or a single recreational retail establishment certified by the State of Arizona to sell Marijuana and Marijuana products to consumers, which may include the cultivation, manufacturing, processing, packaging, or storage of Marijuana products as an accessory use to the dispensary.