

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~~ **Two thousand five hundred 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.