

ORDINANCE NO. 022-71

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE ZONING ORDINANCE OF THE CITY OF GLENDALE, ARIZONA, BY APPROVING ZONING TEXT AMENDMENT ZTA22-01, AMENDING THE ZONING ORDINANCE, ARTICLE 7, SECTION 7.800 (MEDICAL MARIJUANA); PROVIDING FOR SEVERABILITY, SETTING FORTH AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE IS RECORDED.

WHEREAS, the City of Glendale Planning Commission held a public hearing on September 22, 2022 in zoning text amendment case ZTA22-01 in the manner prescribed by law for the purpose of amending various sections of the Zoning Ordinance; and

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner provided by law including publication of such notice in *The Arizona Republic* on August 31, 2022; and

WHEREAS, the City of Glendale Planning Commission has recommended to the mayor and the council approval of the zoning text amendment. The mayor and the council desire to accept such recommendation and amend various sections of the zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the Zoning Ordinance of the City of Glendale, Arizona, Article 7, Section 7.800 (Medical Marijuana) is amended to read as follows (text has been deleted; underlined text has been added):

Section 7.800 Medical Marijuana.

7.801 Medical Marijuana Dispensary ~~Offsite~~ Cultivation Location.

A Medical Marijuana Dispensary ~~Offsite~~ Cultivation Location shall be permitted only in the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts, subject to the following conditions and limitations:

A. Applicant shall provide:

1. Name(s) and location(s) of the affiliated offsite medical marijuana dispensary associated with the cultivation operation.

2. A copy of the operating procedures adopted in compliance with A.R.S. § 36-2804(B)(1)(c).
 3. A survey sealed by a registrant of the State of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within 10,560 feet.
 4. Site plan, floor plan, building permits for occupancy change, and a security plan.
 5. If the application is by an agent for the owner of the property, the owner's authorization must include an explicit acknowledgement from the owner that the owner knows that the proposed use of the property is as a medical marijuana offsite cultivation location.
 6. Submittal and approval of a plan for containment of related dust, fumes, vapors and odors.
- B. Shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
 - C. Shall not permit on-premise consumption.
 - D. Shall not be located within 5,280 feet of ~~any other Medical Marijuana Dispensary, Medical Marijuana Dispensary Offsite Cultivation Location, Medical Marijuana Infusion (or Manufacturing) Facility, or Medical Marijuana Designated Caregiver Cultivation Location.~~ This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
 - E. Shall not be located within 1,320 feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
 - F. Shall not be located within 1,320 feet of an elementary, secondary or high school. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
 - G. Shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.
 - H. There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.
 - I. There shall be no retail sales at the facility.
 - J. The offsite cultivation location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.
 - K. Shall be a maximum 25,000 gross square feet.

7.802 Medical Marijuana Dispensary.

Medical Marijuana Dispensary shall be permitted only in the General Office (G-O), General Commercial (C-2), and Heavy Commercial (C-3), Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts subject to the following conditions and limitations:

- A. Applicant shall provide:
 - 1. Name and location of the offsite cultivation location, if applicable.
 - 2. A copy of the operating procedures adopted in compliance with A.R.S. § 36-2804(B)(1)(c).
 - 3. A survey sealed by a registrant of the State of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within 10,560 feet.
 - 4. Site plan, floor plan, building permits for occupancy change, and a security plan.
 - 5. If the application is by an agent for the owner of the property the owner's authorization must include an explicit acknowledgement from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary.
 - 6. Submittal and approval of a plan for containment of related dust, fumes, vapors and odors.
- B. Shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
- C. Shall not provide outdoor seating.
- D. Shall not permit on-premise consumption.
- E. Shall be a maximum 6,000 gross square feet.
- F. Shall not be located within 5,280 feet of any other Medical Marijuana Dispensary, ~~Medical Marijuana Dispensary Offsite Cultivation Location, Medical Marijuana Infusion (or Manufacturing) Facility,~~ or Medical Marijuana Designated Caregiver Cultivation Location. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
- G. Shall not be located within 500 feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
- H. Shall not be located within 1,320 feet of an elementary, secondary or high school. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
- I. Shall have operating hours not earlier than 8:00 a.m. and not later than 10:00 p.m.

- J. Off-site delivery is permissible only if the dispensary maintains and accurately practices procedures and policies that fully comply with A.R.S. Title 36, Chapter 28.1 and Arizona Administrative Code Title 9, Chapter 17, or their successor statutes and rules, if any.
- K. Drive-through services are prohibited.
- L. Shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the dispensary's exterior refuse containers.
- M. There shall be no emission of dust, fumes, vapors, or odors into the environment from the dispensary.
- 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.
- 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.

7.803 Medical Marijuana Infusion (or Manufacturing) Facility.

Medical Marijuana Infusion (or Manufacturing) Facility shall be permitted only in the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts, subject to the following conditions and limitations:

- A. Applicant shall provide:
 - 1. Name(s) and location(s) of the affiliated offsite Medical Marijuana Dispensary associated with the infusion (or manufacturing) facility.
 - 2. A copy of the operating procedures adopted in compliance with A.R.S. §36-2804(B) (1) (c).
 - 3. A survey sealed by a registrant of the State of Arizona showing the location of the nearest Medical Marijuana Dispensary, Medical Marijuana Dispensary (No

Cultivation), Medical Marijuana Dispensary Offsite Cultivation Location, or Medical Marijuana Infusion (or Manufacturing) Facility if within 10,560 feet.

4. Site plan, floor plan, building permits for occupancy change, and a security plan.
 5. If the application is by an agent for the owner of the property, the owner's authorization must include an explicit acknowledgement from the owner that the owner knows that the proposed use of the property is for a medical marijuana infusion (or manufacturing) facility.
 6. Submittal and approval of a plan for containment of related dust, fumes, vapors and odors.
- B. The Facility shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
 - C. The Facility shall not be located within 5,280 feet of any ~~other Medical Marijuana Cultivation, Medical Marijuana Dispensary, Medical Marijuana Dispensary Offsite Cultivation Location, Medical Marijuana Infusion (or Manufacturing) Facility, or~~ Medical Marijuana Designated Caregiver Cultivation Location. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
 - D. The facility shall not be located within 1,320 feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
 - E. The Facility shall not be located within 1,320 feet of an elementary, secondary or high school. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
 - F. The Facility shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.
 - G. There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.
 - H. There shall be no retail sales at the facility.
 - I. Shall not permit on-premise consumption.
 - J. The Facility must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.
 - K. Shall be a maximum 10,000 gross square feet.

7.804 Medical Marijuana Designated Caregiver Cultivation Location.

Medical Marijuana Designated Caregiver Cultivation location shall be permitted only in the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts, subject to all rules adopted by the Arizona Department of Health Services and the following conditions and limitations:

- A. Shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
- B. Shall not permit on-premise consumption.
- C. The location shall provide for proper disposal of marijuana remnants or by-products, and not placed within the location's exterior refuse containers.
- D. There shall be no emission of dust, fumes, vapors, or odors into the environment from the location.
- E. There shall be no retail sales at the location.
- F. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet.
- G. The designated caregiver location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.
- H. If the application is by an agent for the owner of the property, the owner's authorization must include an explicit acknowledgement from the owner that the owner knows that the proposed use of the property is for a medical marijuana designated caregiver cultivation location.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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.

SECTION 3. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

SECTION 4. The City Clerk is instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

(Signatures on following page.)

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 25th day of October, 2022.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, City Manager