

ORDINANCE NO. 4463

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO AMEND ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, FOR THE PURPOSE OF AMENDING ARTICLE I SECTIONS 1.403.M.1.G. AND 1.403.M.2.G OF THE ZONING ORDINANCE, TO CHANGE THE ALLOWED HOURS OF OPERATION FOR MEDICAL MARIJUANA USES FROM 6:00 AM TO 7:00 PM TO 6:00 AM TO 10:00 PM AS PROVIDED IN CASE NO. 1-TA-2020.

WHEREAS, the City of Scottsdale wishes to amend Article I Sections 1.403.M.1.g. AND 1.403.M.2.g of the Zoning Ordinance, to change the allowed hours of operation for medical marijuana uses from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM.; and

WHEREAS, the Planning Commission held public hearings on July 8, 2020; and August 26, 2020; and

WHEREAS, the City Council held a public hearing on September 22, 2020 and considered a text amendment to the Zoning Ordinance of the City of Scottsdale, Case No. 1-TA-2020; and

WHEREAS, the City Council has determined that the subject Zoning Ordinance text amendment is in conformance with the General Plan.

BE IT ORDAINED by the Council of the City of Scottsdale that the following amendments to the Zoning Ordinance are approved:

Section 1. That the Zoning Ordinance of the City of Scottsdale Article I Additional conditions for specific conditional uses is hereby amended as specified in **Exhibit "A"** to this Ordinance with new text represented by grey shading, and deleted text represented by bold strike-through, **Exhibit A** is hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 29 day
of September, 2020.

ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: Carolyn Jagger
Carolyn Jagger, City Clerk

By: W. J. Lane
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

Joe Padilla
Sherry R. Scott, City Attorney
By: Joe Padilla, Deputy City Attorney

Section 1.403. Additional conditions for specific conditional uses.

M. Medical marijuana use.

1. *Active Permitted Uses Existing as of September 30, 2016.* Active Medical marijuana uses legally established and operating under a valid Conditional Use Permit before September 30, 2016, including extensions, renewals, and amendments to existing approvals, shall be subject to the following conditions:

- a. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
- b. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
 - (1) Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and,
 - (2) Any elementary or secondary school or pre-school.
- c. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
 - (1) Medical marijuana caregiver cultivation use, or
 - (2) Another medical marijuana use.

However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.

- d. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
- e. The property owner has provided a written exterior refuse control plan, subject to City approval.
- f. The property owner has provided a written public safety plan, subject to City approval.
- g. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than ~~7:00~~ 10:00 p.m.
- h. There is no drive-through service, take-out window, or drive-in service.

2. *Permits issued after September 30, 2016.* Medical marijuana uses seeking a Conditional Use Permit after September 30, 2016 shall be subject to the following:

- a. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, and regulations issued thereunder as amended
- b. The medical marijuana use is at least one thousand five hundred (1,500) feet from the following Uses within the City limits:
 - (1) Any residential use in a residential district shown in Table 4.100.A, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - (2) Any elementary or secondary school or pre-school.
 - (3) Any Place of worship.
 - (4) Any Day care.
 - (5) Any Public park.
- c. The medical marijuana use is at least two thousand six hundred forty (2,640) feet from the following uses within the City limits:
 - (1) Medical marijuana caregiver cultivation use, or
 - (2) Another medical marijuana use.

However, no separation is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

- d. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
- e. The property owner has provided a written exterior refuse control plan, subject to City approval.
- f. The property owner has provided a written public safety plan, subject to City approval.
- g. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than ~~7:00~~ **10:00** pm.
- h. There is no drive-through service, take-out window, or drive-in service.