



**CITY OF COTTONWOOD
PLANNING & ZONING COMMISSION
COUNCIL CHAMBERS**

826 N. Main St.
Cottonwood, AZ 86326

REGULAR MEETING

Monday, September 21, 2015
6:00 pm.

I. CALL TO ORDER

A. Roll Call

B. Approval of Minutes: August 17, 2015, regular meeting

II. CALL TO THE PUBLIC

This is the time for the public to comment on any matter that does not appear on the agenda. Commission members may not discuss items not identified on the agenda. Pursuant to A.R.S. §38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for consideration at a later date. Comments are limited to five minutes for each person.

III. UNFINISHED BUSINESS:

1. ZO 15-002- CERTIFICATE OF ZONING COMPLIANCE - Consideration of a Zoning Ordinance text amendment adding a new Section 311. "Certificate of Zoning Compliance" providing a method to document completion of conditions required for development applications.

IV. NEW BUSINESS:

1. ZO 15-003- AMENDMENT TO SECTION 422 "I-2" ZONE (HEAVY INDUSTRIAL)- Consideration of a Zoning Ordinance text amendment to Section 422 deleting multi-unit residential and manufactured home parks as apotential Conditional Uses in the I-2 (Heavy Industrial) Zone.

2. ZO 15-004- AMENDMENT TO SECTION 308 "MEDICAL MARIJUANA FACILITIES" – Consideration of a Zoning Ordinance text amendment to Section 308

A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.

Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.

The Cottonwood Council Chambers is accessible to the handicapped in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.

regarding the maximum area of cultivation, distance between facilities and options for infusion kitchen processing.

V. DISCUSSION ITEM:

VI. INFORMATIONAL REPORTS AND UPDATES:

A brief summary of current events by Chairperson, Commission members, and/or Community Development Director. (The public body does not propose, discuss, deliberate, or take legal action on any matter brought up during this summary unless the matter is properly noticed for legal action).

VII. ADJOURNMENT

A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.

Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.

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Official Minutes of the City of Cottonwood
Planning & Zoning Commission Regular Meeting
Held, August 17, 2015, at 6:00 P.M. at the City Council Chambers
826 N. Main St. – Cottonwood, Arizona

CALL TO ORDER & ROLL CALL

Chairman Kiyler called the meeting to order at 5:59 p. m. Roll call was taken as follows:

Planning & Zoning Commission Members Present

Chairman Ed Kiyler Robert Williams Ray Cox
Judd Wasden Suzanne Poslaiko

Planning & Zoning Commission Members Absent

Philip Rosen Jean Wilder

Staff Members Present

Berrin Nejad, Community Development Director
Scott Ellis, Community Development Planner
Charlie Scully, Community Development Planner
Tyler Roberts, Community Development Assistant Planner/Code Enforcement Coordinator
Christina Papa, Administrative Coordinator, Recorder

APPROVAL OF MINUTES OF JUNE 15, 2015-REGULAR MEETING

Motion: ***To approve the minutes of 6/15/2015-regular meeting***

Made by: ***Commissioner Williams***

Second: ***Commissioner Poslaiko***

Vote: ***Unanimous***

CALL TO THE PUBLIC (NONE)

NEW BUSINESS

1. **DR 15-006- RIDGECREST APARTMENTS:** Design Review approval to further develop land for apartments. The proposed site is located between 12th Street and 16th Street, and is zoned R-2 (Single Family/Multiple Family

Residential). APN: 406-06-456Y, 406-06-456Z and 406-016-605. Owner: Jackson Investment Properties LLC. Agent: Bill Jackson. Below is Ellis’s report:

The applicant is requesting approval of a Design Review application to further develop land for apartments. The proposed site is located between 12th Street and 16th Street, and is zoned R-2 (Single Family/Multiple Family Residential). Currently the site consists of three parcels, with construction to be completed in phases.

PROJECT DATA AND FACTS:

Applicant/Owner	Jackson Investment Properties
Project Manager	Bill Jackson
Location of Property	Between 12 th Street and 16 th Street, South of 89A, North of Fir Street.
Present Zoning and Land Use	R-2 (Single Family/Multiple Family Residential)
Description of Applicant’s Request	Phased development of a lot to provide duplex “townhome” style apartments.

LAND USE:

Description and Character of Surrounding Area
The site is east of 12 th Street and west of 16 th Street. North: C-2 (Heavy Commercial) Retail Store/large unused yard. East: R-2 (Single Family/Multiple Family Residential) Assisted Living Housing. South: R-2 (Single Family/Multiple Family Residential) Assisted Living Housing. West (Across 12th Street): AR-43 (Agricultural/Residential) Single Family Homes.

PROJECT PROPOSAL:

Background
The site is mostly vacant and undeveloped. In October 2013 the applicant was given Design Review approval to construct the first 4 units (2 buildings), with a requirement that any additional development be given Design Review approval. The project will be built in phases as demand warrants. The structures will be built in a “townhome” style and will be 2 bed/2 bath, with a two car attached garage. The proposed development is in accordance with the intent and goals of the General Plan, consisting of High Density Residential Development. It also meets the requirements of the R-2 (Single Family/Multiple Family) zoning designation as described in Section 414 of the Cottonwood Zoning Ordinance.

STRUCTURE DESIGN:

Number and Proposed Use of Building (Complete Project)	19 Buildings for a total of 38 Residential units.
Number of Stories	1(for all buildings)
Square Footage	1,100 sq.ft. Livable Unit Area (per residence) 478 sq.ft. Garage (per residence) 1,652 sq. ft. Total Footprint (per residence)

Parking:

Each residence will have a two-car garage and a concrete driveway for parking. Additional parking will not be included in the development.

Lighting:

Lighting will comply with Dark Sky regulations. Recessed can lighting will be installed in the entry way and above the garage of each residence. There will be 1 fully shielded wall mounted fixture on the rear of the units.

Signage:

The applicant does not propose to have any signage at this time.

Access:

Access for the first phase will be from Skyline Dr. west of 16th Street. The applicant will construct the street continuing Skyline Dr. into the proposed development. New “streets” will be constructed within the development, however, since they are not going to be dedicated to the City as public streets, the applicant will only need to meet parking lot standards for this development. If in the future the streets are dedicated to the City, they will be required to be constructed to City standards. Future phases will include access to 12th Street. The Fire Department is currently working with the applicant regarding emergency access to the center of the project, along S. 14th Street. Depending on what is agreed to and Fire Department requirements, the applicant may need to adjust the location of some of the buildings from where they are currently shown on the site plan.

Landscape Plan:

A full landscaping plan has not been submitted for the entire site. Most of the site is not yet developed and has been graded to allow for construction. The submitted plan incorporates landscaping along the new street and additional landscaping to be placed in front of, and surrounding the buildings as they are constructed. Landscaping will include Ash Modesto trees, shrubs & groundcovers, and various sized rocks. One inch layer of crushed flagstone or degraded gravel will be placed over a layer of commercial grade filter fabric in landscaped areas. All landscaping will adhere to requirements/recommended plants as per the Cottonwood Landscaping Ordinance.

Utilities:

All utility plans will be submitted to Public Works/Streets for approval and requirements prior to continued site improvements/development.

Architecture, Materials, Colors:

The buildings will be constructed of typical structural grade lumber and concrete masonry where applicable. All structures and materials will meet International Building Code requirements. Olive colored architectural grade asphalt shingles will be used on the roof. A 2x6 moss-green wood fascia will surround the building, and garage doors will be deep recessed mocha color. Buildings will have an exterior finish using Western-1-Kote stucco with a leather-tan color. HVAC units will be roof mounted. The applicant will use different color combinations (as seen on the color samples) throughout the project to eliminate a monotonous look.

CRB Review:

This project was reviewed by the Code Review Board on August 20, 2013 for the initial approval and applicant has already met most of the requirements from staff. A second code review was done on June 30, 2015 with comments provided. The applicant is currently working with staff to address all comments from both code review meetings. All requirements will be met before certificates of occupancy are issued.

RECOMMENDATION:

Staff has reviewed this project and finds it fits within the Cottonwood General Plan Land Use and Zoning requirements, therefore recommends approval of DR 15-006 subject to the following stipulations.

1. The applicant submit full, detailed site plans, including street/driveway layout, landscaping, and lighting calculations for each phase, before building permits are issued. These plans must conform to the general site plan submitted on August 5, 2015 for Design Review approval.
2. That the project conforms to Design Review stipulations dated October 21, 2013, Code Review Board requirements from each City department, dated August 23, 2013, July 8, 2015, August 5, 2015, and changes that may be dictated by the Cottonwood Fire Department for emergency access for future phases.

Any other stipulations the Design Review Board deems necessary.

Chairman Kiyler asked if a full landscaping plan needed to be submitted. Staff mentioned that it is typical landscaping and that what is submitted is fine. Commissioner Cox asked why Fire Department issues are being brought up now. Staff mentioned that they wanted the commission to be aware that the applicant and the Fire Department are working together to address the issues, along with neighboring property owners. Applicant responded that he has talked with the Fire Department and that at this time he has not set up a meeting with the neighboring property owners. Commissioner Wasden asked the applicant where the access on 12th street was. Applicant mentioned that he hasn't made a decision on whether that will be a gated entrance or not, he also mentioned that he wanted to have flexibility with the plants for the landscaping plan and would use only what was on the approved list in the City

Zoning Ordinance, plants that are depicted on the plan are not always readily available, leaving the plan open for other options allows landscaping to be complete. Commissioner Poslaiko thought that was a good idea, as long as it is on the approved list. Commissioner Williams asked the applicant if he would have any issues with the stipulations. Applicant replied that he would not, there are not going to be any drastic changes than the two duplexes that were approved before. Chairman Kiyler asked if the streets will be designated to the City. Applicant responded that they will never be City designated streets.

Motion: *Approval of DR 15-006 Ridgecrest Apartments subject to the following two stipulations, the applicant submit full, detailed site plans, including street/driveway layout, landscaping, and lighting calculations for each phase, before building permits are issued, these plans must conform to the general site plan submitted on August 5, 2015 for Design Review approval, and that the project conforms to Design Review stipulations dated October 21, 2013, Code Review Board requirements from each City department, dated August 23, 2013, July 8, 2015, August 5, 2015, and changes that may be dictated by the Cottonwood Fire Department for emergency access for future phases.*

Made by: *Commissioner Williams*
Second: *Commissioner Wasden*
Vote: *Unanimous*

2. **PCU 15-001- COYOTE TRAILS GOLF COURSE SIGN:** Request of a Conditional Use Permit approval to allow the off-site placement of a special directional sign for Coyote Trails Golf Course which is located at 696 W. On the Greens Blvd. APN: 406-23-036W. Owner: Aultman Land & Cattle LLC. Agent: Ken Inchausti. Below is Ellis's report:

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow placement of a Special Directional Sign for their golf course facility and subdivision. The sign will be placed on private property, located north of Groseta Ranch Road and east of State Route 89A. The property is currently vacant land zoned PAD.

Applicant:
Ken Inchausti
PO Box 2423.
Cottonwood, AZ 86326

Property Owner :
Aultman Land & Cattle LLC
PO Box 1619
Cottonwood, AZ 86326

BACKGROUND:

An existing manufactured home park and golf course, known as On the Greens, which will be changed to Coyote Trails, is located approximately 750 feet north/east of State Route

89A and Groseta Ranch Road. The golf course is open to the public and provides recreational activities to local residents and visitors.

The property was recently acquired by new owners who have contacted the City regarding signage that would be visible from State Route 89A. City of Cottonwood zoning allows for off-premise Special Directional Signs if they meet certain criteria, and provide significant recreational facilities to residents and visitors of Cottonwood.

Section 405. G.

9. *Special Directional Signs may be permitted as conditional uses in Commercial and Industrial Zones or on public rights of way for the purpose of directing the public to any public facility or subdivision within the city limits of Cottonwood that provides significant recreational facilities to the general public. Such sign can be placed on either the property to which the public is directed or an off-site property along the route to the public facility or subdivision. Special directional signs must comply with all applicable sections of the ordinance and the following requirements:*
 - a. *Conditional use permits shall be required for all special directional signs.*
 - b. *Only one special directional sign may be allowed per subdivision. All conditional use permits for a subdivision special directional sign shall be granted for a specific period of time.*
 - c. *A special directional sign shall be constructed of materials intended to be of a substantial nature.*
 - d. *The total allowable size of the sign area shall be forty (40) square feet, and no sign shall exceed ten (10) feet in height.*
 - c. *All A. D. O. T. and City permits, including right of way permits shall be obtained for a special directional sign.*

SIGN DETAILS:

The sign will be a monument style, with all lettering and logo a dark brown color and composed of 1/4" aluminum, which will not be illuminated. The face of the sign will be 4' x 10' (40 sq.ft., max allowed by ordinance). There will be 9' tall columns made with cinder blocks, wrapped in a faux stone. A compacted fill berm will be constructed above the existing grade to allow visibility of the sign. This will be covered with geotextile fabric and native 3" to 6" stone. The overall height of the sign, including the footings in the ground, will be 14 feet, however, the visible part of the sign sitting above ground will only be 10'. The overall size of the monument will be 9' x 14' (126 square feet).

RECOMMENDATION:

Staff has reviewed the submitted sign proposal and finds it fits the requirements relating to Special Directional Signs in Section 405 of the zoning ordinance.

Commissioner Cox asked why there is a timeline on the sign regarding the golf course home wording on the sign. Staff wanted to make sure that the commission is aware of the ordinance. Commissioner Wasden asked what the sign height is from street grade. Staff mentioned that they were unsure, but the applicant is present at the meeting to answer those questions. Commissioner Poslaiko asked why there were differences in the submittal regarding the wording on the sign. Staff mentioned that they had different layouts, and were submitted at different times. Applicant mentioned that the intent of the sign is to get the word out to the public about the Golf Course. Commissioner Cox asked for a better description of the berm. Applicant mentioned that it will be compacted fill, and thought about landscaping it, however, cattle are placed on that lot for grazing and there would be no point to invest in landscaping. Commissioner Wasden asked what the road height was. Applicant mentioned that the berm is to the height of the sidewalk. Commission overall thought the sign looked good, and was designed well.

Motion: ***Approval of PCU 15-001 Coyote Trails Golf Course Sign as presented and submitted.***

Made by: ***Commissioner Williams***

Second: ***Commissioner Poslaiko***

Vote: ***Unanimous***

3. **ZO 15-001 CONDITIONAL USE PERMITS:** Consideration of a Zoning Ordinance text amendment deleting Section 302. "Conditional Use Permits" in its entirety and replacing with new Section 302. "Conditional Use Permits" with amended procedures for review, approval, appeal and revocation of Conditional Use Permits. Below is Scully's report:

BACKGROUND

The Planning and Zoning Commission has expressed concern regarding the enforcement and timing of conditions for Conditional Use Permits. The following review of the Cottonwood Zoning Ordinance, Section 302. "Conditional Use Permits" is intended to provide greater understanding of the overall process. The intended outcome is to ensure the CUP process is effective, as well as fair and up-to-date. The entire Section 302 is reviewed from start to finish. Several structural changes are proposed for consideration.

REVIEW OF CONDITIONAL USE PERMIT (CUP) PROCEDURES:

1. **AUTOMATIC REVIEW vs. NO TIME LIMITS.**

CUPs in Cottonwood have typically been subject to automatic review at recurring cycles. Sometimes the review has been set at 1 or 2 years. In other cases the review of the CUP has been as much as 5 or 10 year intervals. The amendment considers the CUP as a Permitted Conditional Use. The process would not assume an automatic review of every CUP. However, if a violation or a pattern of violations is identified, then review and revocation is possible at any time.

In some cases where the impact of a use on surrounding properties may be in question, it would still be possible to require a review after a set time period. The specific reason for requiring a CUP to be reviewed by the Commission after a time period should be stated in the findings of fact when the condition is established. The option to have a case come back for review would still be there – it should be limited to cases where there are specific questions or concerns about certain impacts. For example, if it was unclear whether a use might produce excess noise or there was uncertainty regarding activities, then the Commission could stipulate a review period in the conditions of approval based on those specific concerns.

2. APPLICABLE TO A PERSON vs. RUN WITH THE LAND.

Section 302. B. General Regulations. The ordinance has conflicting information regarding when the permit is applicable to a person (“*shall be personal*”) and when and how it is classified to “*run with the land*” and otherwise be transferable. Amendments to this Section are intended to clear up these procedures.

A key point is that a CUP would typically be approved to run with the land for an indefinite period of time. The permit is applicable to the “use” and not the “person.” It essentially functions as a permanent decision to allow establishment of a use. Where the conditions of approval are not established or maintained as required, then the use would be subject to review.

3. ADDING NEW CONDITIONS TO EXISTING CUPs.

Once a Conditional Use Permit has been issued, the primary expectation is to maintain the use according to the conditions of approval. With few exceptions, properties are not expected to upgrade to new standards once they are legally established. New conditions would not be applied retroactively. A statement to such effect could be included for clarification and consistency.

4. FINDINGS OF FACT.

The proposed amendment expands on the existing process by referencing the specific authority or basis for required conditions. The references to the criteria or legal authority for applying condition is reorganized. “Findings” are used to identify the reasons for applying conditions required to obtain a permit. The findings help support a legally enforceable process.

A. Existing Criteria for CUP: Currently, the ordinance provides references to criteria for the approval of a CUP in the following two sections:

Existing Section 302. D. 1.

“The Commission shall consider not only the nature of the use and the special conditions influencing its location in the particular district, but also the proposed location of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated and the influence that such factors are likely to exert on adjoining properties.”

Existing Section 302. D. 4.

“In order to grant any Use Permit, the findings of the Commission must be that the establishment, maintenance, or operation of the use or building applied for will not be detrimental to the public health, safety, peace, convenience, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.”

B. Proposed Criteria - New Section with Required Findings: The findings are intended to provide a legally supportable process for review and decision. A proposed new section would expand and categorize the criteria for consideration of a CUP, as follows:

5. Required Findings. A Conditional Use Permit shall only be granted if the approving body determines that the project conforms to all the required findings in this Section. If it is determined that it is not possible to affirmatively confirm the required findings for the proposed CUP, whether as submitted or through conditions that may be required, the application shall be denied. The specific basis for any decision shall be established in the record as findings of fact. The following criteria shall be considered as the basis for the findings to approve, approve with conditions or deny the CUP:

- a. Compatibility with Surrounding Uses: (*see expanded sections in draft ordinance.*)
- b. Traffic and Circulation:
- c. Infrastructure Capacity:
- d. Environmental Impacts:
- e. Nuisance Activities:
- f. Buffering and Screening; and
- g. Consistency with General Plan and other Plans and Policies.

5. REVOCATION.

A. Existing Procedure: Section 302. G. Revocation indicates the Zoning Administrator shall determine if a CUP is in violation of its conditions and if so

determined, shall revoke a CUP through an administrative process that involves sending a letter to the property owner. The current procedures are problematic on a number of levels. Revised procedures are recommended.

B. Proposed Revocation Procedures:

- 1) The Planning and Zoning Commission would be identified as the public body responsible for the review and potential revocation of CUPs.
- 2) Standard Findings are included for the review of any revocation. Is the use in violation of conditions? Is the use operating as an ongoing public nuisance? Has the use failed to be established? Has an established use ceased to operate?

Commissioner Wasden complimented Staff on the good work, and then mentioned that this amendment would apply to certain situations and will not have to come back before the commission. Staff mentioned that is correct. Commissioner Wasden thought that this cleared up the section in the Zoning Ordinance. Commissioner Poslaiko had some questions regarding the language, not the content of the text amendment. Chairman Kiyler asked if this would be reviewed by the City Attorney, and he can make changes with the language if need be. Staff mentioned that a summary was sent to the City Attorney prior to the meeting tonight and he thought that it looked good. Commissioner Wasden said that it looked good and to move it forward. Staff mentioned that the City Attorney will review it prior to it going to City Council.

Motion: *To recommend ZO 15-001 Conditional Use Permit Section 302 to the City Council.*

Made by: *Commissioner Williams*

Second: *Commissioner Wasden*

Vote: *Unanimous*

4. **ZO 15-002 CERTIFICATE OF ZONING COMPLIANCE:** Consideration of a Zoning Ordinance text amendment adding a new Section 311. "Certificate of Zoning Compliance" providing a method to document completion of conditions required for certain development applications. Below is Scully's report:

BACKGROUND

The Certificate of Zoning Compliance would provide a standard method to review conditions and provide a status update to the Planning and Zoning Commission in a timely manner. Yavapai County and a number of other jurisdictions use a Certificate of Compliance as a method to document stipulations or conditions of approval within a specified time frame.

REQUESTED ACTION

Consider the amendment to the Zoning Ordinance adding a new Section 311 for “Certificate of Zoning Compliance” and provide a recommendation to the City Council.

REVIEW OF ISSUES

Applicability

The Certificate of Compliance could be used by the Planning and Zoning Commission for Conditional Use Permits, Design Review, and any other cases where the Commission has final decision-making authority. This process would also be applicable to Planning applications decided on by the City Council, such as rezoning cases or appeals of CUPs. The Board of Adjustment could also use the Certificate process to ensure any stipulations related to variances were met within a specified time frame.

Procedures

If the conditions are not met within a specified time frame, there is a method to revoke the Certificate. There is also a process to request an extension of time with a reason. An Appeal process also has to be included. The proposed Certificate of Zoning Compliance would be authorized by an amendment to the Zoning Ordinance adding new Section 311. “Certificate of Zoning Compliance,” which requires approval by the City Council.

Other Approvals

A Certificate of Occupancy is a separate document that is issued by the Building Official based primarily on completion of construction requirements. Completion of certain development requirements, such as landscaping and parking, may be required before issuance of Certificate of Occupancy – but the C of O is not as specialized or adaptable to cover the range of potential Zoning stipulations that may be applied. The Certificate of Zoning Compliance would directly address P&Z conditions of approval and a time frame for completion. The C of O is a separate document that would continue to be applied based on its own requirements and timing.

Commissioner Cox asked if this ties to the occupancy of current zoning, or is this more attached to the person or property. Staff mentioned that this would tie into the case that comes to the commission whether it is a PCU, DR, or Zoning etc. Commissioner Wasden clarified that this is a way to track. Commissioner Cox asked if this is function of the owner or business. Staff is working on a process that tracks businesses that are going into existing spaces, like a Zoning Clearance. Commissioner Wasden mentioned that there was no ordinance in the packet to review.

Motion: *To table ZO 15-002 Certificate of Zoning Compliance.*

Made by: *Commissioner Williams*

Second: *Commissioner Wasden*

Vote: *Unanimous*

DISCUSSION ITEMS

There was a brief update/discussion in regards to the following, no action was taken, these were only for informational purposes.

1. I-2 Zone Amendment.

INFORMATIONAL REPORTS AND UPDATES

1. New Assistant Planner/Code Enforcement Coordinator- Introduced Tyler Roberts
2. 18 N Main Street Update on Just Cause

ADJOURNMENT

Meeting adjourned at 7:45p.m.

DRAFT



STAFF MEMO

TO: Planning and Zoning Commission
FROM: Charlie Scully, Planner
THROUGH: Berrin Nejad, Community Development Manager
MEETING: August 17, 2015
SUBJECT: **ZO 15-002. CERTIFICATE OF ZONING COMPLIANCE.**
Consideration of a Zoning Ordinance text amendment adding a new Section 311. "Certificate of Zoning Compliance" providing a method to document completion of conditions required for certain development applications.

BACKGROUND

The Certificate of Zoning Compliance would provide a standard method to review conditions and provide a status update to the Planning and Zoning Commission in a timely manner. Yavapai County and a number of other jurisdictions use a Certificate of Compliance as a method to document stipulations or conditions of approval within a specified time frame.

REQUESTED ACTION

Consider the amendment to the Zoning Ordinance adding a new Section 311 for "Certificate of Zoning Compliance" and provide a recommendation to the City Council.

REVIEW OF ISSUES

Applicability

The Certificate of Compliance could be used by the Planning and Zoning Commission for Conditional Use Permits, Design Review, and any other cases where the Commission has final decision-making authority. This process would also be applicable to Planning applications decided on by the City Council, such as rezoning cases or appeals of CUPs. The Board of Adjustment could also use the Certificate process to ensure any stipulations related to variances were met within a specified time frame.

Procedures

If the conditions are not met within a specified time frame, there is a method to revoke the Certificate. There is also a process to request an extension of time with a reason. An Appeal process also has to be included. The proposed Certificate of Zoning Compliance would be authorized by an amendment to the Zoning Ordinance adding new Section 311. "Certificate of Zoning Compliance," which requires approval by the City Council.

Other Approvals

A Certificate of Occupancy is a separate document that is issued by the Building Official based primarily on completion of construction requirements. Completion of development requirements, such as landscaping and parking, may be required before issuance of Certificate of Occupancy – but the C of O is not as specialized or adaptable to cover the range of potential Zoning stipulations that may be applied. The Certificate of Zoning Compliance would directly address conditions of approval and a time frame for completion. The Certificate of Occupancy (CofO) is a separate document that would continue to be applied based on building requirements.

ATTACHMENTS

- **Proposed Zoning Ordinance, Section 311. “Certificate of Zoning Compliance.”**

SECTION 311. CERTIFICATE OF ZONING COMPLIANCE.

A. PURPOSE AND SCOPE.

The purpose of the Certificate of Zoning Compliance is to ensure that all conditions of approval as stipulated by the Planning and Zoning Commission, Board of Adjustment, and/or City Council, or as administratively approved by the Community Development Director, are completed prior to use or occupancy, and as per a time frame for establishment that may be specified.

B. APPLICABILITY.

A Certificate of Zoning Compliance shall be required for development applications as stipulated by the Planning and Zoning Commission, Board of Adjustment and/or City Council, or as required for applications administratively approved by the Community Development Director. Such applications shall include, but not be limited to, Conditional Use Permits, Rezonings, Design Review and Subdivisions.

C. PROCEDURES.

1. **Inspection:** Prior to issuance of a Certificate of Zoning Compliance, the Community Development Director, or designee, shall schedule an on-site inspection of the property to review conditions for compliance with requirements. If all conditions are met, the Director shall issue a Certificate of Zoning Compliance.
2. **Issuance of Certificate:** The Certificate of Zoning Compliance shall provide documentation of compliance with conditions of approval for development applications. The Certificate shall indicate the property location and provide a project description. In addition, it shall indicate what use or occupancy is permissible and specify that the applicable conditions of approval have been met. A Certificate of Zoning Compliance may be issued for a phase of a project where such phased development is approved through the development approval process.
3. **Time Frame:** The Certificate of Zoning Compliance shall be subject to meeting a time frame for completion of conditions, as specified by the approving authority. If the conditions have not been met after the required time frame for completion, the Certificate of Zoning Compliance shall not be issued and the continued use of the property shall be deemed to be in violation of City regulations subject to enforcement by applicable procedures, including revocation of a Conditional Use Permit or other zoning approvals.
4. **Extension of Time:** The Community Development Director may administratively approve an extension of time for up to six (6) months to complete the required conditions provided the property owner or authorized representative submits a written request within fifteen (15) days of the end of such time frame specifying the reason for delay. If the request for extension of time is administratively denied, the applicant may appeal such decision to the Planning and Zoning Commission upon receipt of a written request within fifteen (15) days of such decision specifying the reasons for such additional time. A request for any additional extension of time beyond the six (6) month

period shall require approval by the Planning and Zoning Commission according to the procedures described above.

5. **Findings:** If a Certificate of Zoning Compliance cannot be issued, a statement of the specific points of noncompliance, described as the findings of fact, shall be issued by the City stating the reasons the Certificate cannot be issued and the conditions necessary to achieve compliance, including the time frame for completion, alternate methods of remedy and rights of appeal.
6. **Limitations:** A Certificate of Zoning Compliance issued in conformance with this Ordinance does not imply approval for any other permits or actions that may be required by other departments, agencies or parties, and which are otherwise the responsibility of the property owner, developer or applicable representative to obtain.

D. REVOCATION.

1. In addition to any other enforcement procedures which may be applicable, a Certificate of Zoning Compliance granted in accordance with the provisions of this Ordinance may be revoked if the conditions or terms of the Certificate are violated.
2. The Community Development Director shall notify the property owner or authorized representative of a violation of the Certificate of Zoning Compliance by contacting such owner or representative in the proscribed manner and shall allow at least thirty (30) days to correct the violation. Upon completion of all necessary actions to correct any possible violation, the Community Development Director shall re-inspect the property and if satisfactory, shall confirm the approved status of the Certificate of Zoning Compliance.
3. If such use is not in compliance with the required conditions within the time frame specified for completion, or if no attempt is made to comply with required conditions, a letter of revocation for the Certificate of Zoning Compliance shall be issued by the Community Development Director. A Certificate of Zoning Compliance that has been revoked shall be considered null and void and the continued use of the property for the uses indicated shall be deemed a violation of City regulations subject to enforcement by applicable procedures.

E. APPEAL.

For matters concerning the administration of this Ordinance, the applicant may appeal any such decision of the Community Development Director to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of issuance of said Certificate of Zoning Compliance or Revocation letter.



STAFF MEMO

TO: Planning and Zoning Commission
FROM: Charlie Scully, Planner
THROUGH: Berrin Nejad, Community Development Manager
MEETING: September 21, 2015
SUBJECT: **ZO 15-003 AMENDMENTS TO SECTION 422 “I-2” ZONE (HEAVY INDUSTRIAL)** - Consideration of a Zoning Ordinance text amendment to Section 422 deleting multi-unit residential and manufactured home parks as potential Conditional Uses in the I-2 (Heavy Industrial) Zone.

BACKGROUND

I-2 (Heavy Industrial) Zoning is primarily located in three sub-areas of Cottonwood. The largest area is in proximity to the Cottonwood Municipal Airport west of State Route 89A. The airport industrial area has the most undeveloped property. Development around the airport has been progressing in several areas as roads and infrastructure have been extended. The second area is located along South 6th Street north of SR 89A from Cherry Street to South 7th Street. The 6th Street area has a few undeveloped or underdeveloped properties but properties are mostly built out. A third area includes mostly undeveloped property at the south “gateway” entrance to Cottonwood along State Route 260 north of Coury Drive.

Section 422 “I-2” Zone (Heavy Industrial) lists multi-unit residential development (subject to R-3 Zone standards) and manufactured home parks (subject to MH Zone standards) as potential Conditional Uses, (subject to obtaining a Conditional Use Permit (CUP) from the Planning and Zoning Commission.)

Existing Zoning: I-2 Zone, Section 422. C. (Conditional Uses)

2. Residences as allowed in the “R-3” Zone, subject to the property development standards of the “R-3” Zone.
3. Manufactured Home Parks, subject to the property development standards of the “MH” Zone.

REQUESTED ACTION

Amend the Cottonwood Zoning Ordinance, Section 422 “I-2” Zone by removing R-3 multi-unit residential projects and manufactured home parks from consideration as “Conditional Uses” in the I-2 (Heavy Industrial) Zone.

STAFF ANALYSIS

R-3 Zone potentially allows up to 29 dwelling units per acre on larger properties, subject to meeting property development standards. This is considered high density residential in Cottonwood. A manufactured home park requires a self-contained, 5-acre minimum project size where units have direct access from an interior private access-way.

The Purpose section for the I-2 Zone states the following:

“This district is intended to provide for and encourage commercial, industrial and manufacturing development within the City, while insuring that such activities will in no manner affect in a detrimental way any of the surrounding districts.”

General Plan Analysis: The Cottonwood General Plan 2025, approved by the voters in November 2014, indicates the I-2 zoned areas as both Industrial (IND) and Performance Commercial/Industrial (PCI) Land Use Classifications. The PCI land use classification supports mixed use business park type development with some amount of residential, subject to obtaining PAD (Planned Area Development) Zoning. The General Plan Land Use Map shows the PCI classification for some properties immediately west of SR89A, in the Cherry Street area west of S. 6th Street, and in the South 260 Gateway area. Mixed-use, commercial/residential rezoning could be supported in those areas based on the General Plan land use classification.

INDUSTRIAL: Intended to accommodate industrial uses, including manufacturing, outdoor processing and storage, and research and development facilities. Encourages planned industrial park development where most activity takes place within buildings, as well as uses that may include outdoor activity where appropriate. (I-2, I-1 Zone)

PERFORMANCE COMMERCIAL / INDUSTRIAL: Indicates areas that can accommodate mixed use development with emphasis on commercial and/or industrial uses with innovative design, quality architecture and integrated comprehensive site planning through a master development planning process. Appropriate for business and office parks, light industrial centers, auto malls or similar development. Could include some residential or other non-commercial use. (PAD Zone)

Rezoning Option: Consideration of residential development in I-2 Zone areas is best served through the Rezoning process. The Rezoning process can better consider the appropriateness of residential development within and near certain Industrial areas in terms of the General Plan land use classifications and related goals and objectives.

RECOMMENDATION

Consider the proposed amendment to the Zoning Ordinance to delete multi-unit residential and manufactured home park residential uses from consideration as Conditional Uses in the I-2 (Heavy Industrial) zone and provide a recommendation for the City Council.

ATTACHMENTS

- **Amended Zoning Ordinance, Section 422. I-2 (Heavy Industrial) Zone.**

SECTION 422. "I-2" ZONE, HEAVY INDUSTRIAL.

A. PURPOSE.

This district is intended to provide for and encourage commercial, industrial and manufacturing development within the City, while insuring that such activities will in no manner affect in a detrimental way any of the surrounding districts.

B. PERMITTED USES.

1. Any permitted or conditional use in the C-2 Zone, except residences and manufactured homes.
2. Warehouses.
3. Outdoor storage yards and junk yards.
4. Automobile wrecking yards.
5. Heavy construction equipment yards.
6. Industrial and manufacturing establishments.
7. Accessory buildings, structures and uses customarily incidental to a permitted use.

C. CONDITIONAL USES.

1. Adult Uses (as defined in Section 201)
 - a. An adult use shall meet the following separation criteria whereas the exterior building wall of adult uses shall not be located within five hundred (500) feet of the exterior property lines of:
 - (1) A nursery school, elementary school, secondary school or high school.
 - (2) Public libraries, service clubs, neighborhood or community public recreation facilities, and publicly owned and operated swimming or aquatic facilities.
 - (3) A state designated Local Alcohol Reception Center.
 - (4) A church.
 - (5) Bar or Cocktail Lounge.
 - b. Any adult use lawfully operating is not rendered in violation of these provisions by the subsequent location of a nursery school, elementary school, secondary school, high school, public library, service club, neighborhood or community public recreation facility, publicly owned and operated swimming or aquatic facility, state designated local alcohol reception center, church, bar or cocktail lounge.

- c. For the purpose of calculating the separation requirements, the distance shall be measured from the exterior surface of the walls of the buildings or portions thereof, in which the businesses are conducted.
 - d. An adult use shall not be located within five hundred (500) feet of any other adult use, measured from exterior building wall to exterior building wall.
 - e. The exterior building wall of an adult use shall not be located within five hundred (500) feet of an existing residential district boundary. A residential district for the purposes of this section shall include the following zoning districts: GA, AR-70, AR-43, AR-20, R-1, R-2, R-3, R-4, MH, or residentially designated areas within a PAD zoning district.
 - f. Any adult use will be required to obtain any and all required licenses for such business including a Cottonwood Business Registration.
- ~~2. Residences as allowed in the "R 3" Zone, subject to the property development standards of the "R 3" Zone.~~
 - ~~3. Manufactured Home Parks, subject to the property development standards of the "MH" Zone.~~
- 2. 4. Sand and gravel plants, mines, batch plants, concrete plants and similar uses.
 - 3. 5. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS.

- 1. Minimum Lot Area: 5,000 Sq. Ft.
- 2. Minimum Average Lot Width: 50 Ft.
- 3. Minimum Front Yard: 20 Ft.
- 4. Minimum Side Yard:
 - a. None required.
 - b. Where a lot adjoins a lot in a residential district along its side lot line, there shall be a 15 Ft. side yard.
 - c. Where a lot line abuts a street there shall be a 10 Ft. side yard.
- 5. Minimum Rear Yard: 5 Ft., except that if the lot adjoins a lot in a residential district along its rear lot line, there shall be a rear yard equal to the rear yard required in the residential zone.

6. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., unless otherwise permitted under a Conditional Use Permit.
7. Screening: Where the lot adjoins or is adjacent to a residential district, an industrial, as listed under the Permitted Uses of I-2 Zone shall be screened from the residential property by a solid masonry fence, a minimum of six (6) Ft. in height; the height of such fence shall be subject to the provisions as set forth:
 - a. The Zoning Administrator shall submit a recommendation as to the appropriate screening which includes findings of fact. This recommendation shall be presented to the Planning and Zoning Commission and/or City Council for their review, revision and approval. Such findings of fact must be forwarded to the applicant and maintained as public record. Such findings of fact shall be based on but not limited to the following considerations:
 - (1) Compatibility of land uses.
 - (2) Environmental effects of commercial or industrial use.
 - (3) Potential nuisance created by commercial or industrial use.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. ZONING CLEARANCE.

The provisions of Section 303 shall apply.

I. DESIGN REVIEW.

The provisions of Section 304 shall apply to all uses other than single-family residences and individual manufactured homes.

J. CODE REVIEW.

The provisions of Section 305 shall apply to all uses other than single-family residences.

K. LANDSCAPING REQUIREMENTS.

The provisions of Section 407 shall apply to all uses other than single-family residences.



STAFF MEMO

TO: Planning and Zoning Commission
FROM: Charlie Scully, Planner
THROUGH: Berrin Nejad, Community Development Manager
MEETING: September 21, 2015
SUBJECT: **ZO 15-004. PROPOSED AMENDMENTS TO THE COTTONWOOD ZONING ORDINANCE, SECTION 308. "MEDICAL MARIJUANA FACILITIES"**- Regarding the maximum area of cultivation, distance between facilities and options for infusion kitchen processing.

BACKGROUND

The City Council considered this item at their September 8, 2015, work session as a Discussion item. The Ordinance amendment is expected to be brought back to the City Council soon. The Planning and Zoning Commission has been asked to review the proposed Ordinance amendment and provide recommendations for the City Council.

REQUESTED ACTION

Discuss and provide recommendations to the City Council regarding possible amendments to Zoning Ordinance, Section 308 "Medical Marijuana Facilities" pertaining to the maximum area of cultivation, distance between facilities and revised options for infusion kitchen processing.

STAFF ANALYSIS

The Arizona Medical Marijuana Act was approved by the voters of Arizona in 2010. In response, the Cottonwood Zoning Ordinance was amended in March 2011, by adding Section 308 "Medical Marijuana Facilities," pertaining to Dispensaries, Cultivation and Infusion facilities, which involves processing into edible products.

The existing MMJ ordinance placed a limit of 10,000 square feet, gross floor area, for cultivation facilities with a separation of 1,000 feet between such facilities. Infusion kitchens are limited to 5,000 square feet, gross floor area, also with 1,000 feet between facilities. The ordinance currently describes infusion processing in association with cultivation facilities.

There has been interest expressed from the existing cultivation facility operator in Cottonwood to expand the size of the cultivation grow facility. Additionally, other potential operators have expressed interest in establishing similar new cultivation facilities in Cottonwood.

Summary of Proposed Changes:

A summary of possible changes to the Zoning Ordinance includes the following:

1. Hours of operation for dispensary extended to 10:00 PM. (from current 7:00 AM to 7:00 PM)
2. Delete size limit for cultivation facility. (Current 10,000 sq.ft. limit)
3. Delete size limit for infusion facility. (Current 5,000 sq.ft. limit)
4. Allow infusion facility as Permitted Use in I-2 Zone. (Currently not addressed as stand-alone facility.)
5. Allow infusion as accessory use with dispensary. (Currently not addressed.)
6. Delete separation requirement for cultivation or infusion from other/same. (Current 1,000 feet.)

Cultivation remains a Conditional Use in I-2 zone as there are unique issues with infrastructure and context of manufacturing activity. Infusion/manufacturing facilities would be considered as Permitted Use in I-2 industrial zone as this use is similar to other indoor manufacturing and processing uses.

RECOMMENDATION

Consider the proposed amendment to the Zoning Ordinance to and provide a recommendation for the City Council.

ATTACHMENTS

- **Amended Zoning Ordinance, Section 308. Medical Marijuana Facilities.**

SECTION 308. MEDICAL MARIJUANA FACILITIES

- A. **PURPOSE.** The purpose of this Section is to implement the Arizona Medical Marijuana Act (A.R.S. § 36-2801, *et seq.*) and to regulate the locations and operations of medical marijuana dispensaries and related cultivation and processing uses in the City of Cottonwood so as to promote and protect the public health, safety and welfare of the residents of Cottonwood. It is neither the intent nor the effect of this chapter to condone or legitimize the use or possession of marijuana except as allowed by Arizona law. Further, the purpose of this section is to:
1. Provide for the safe sale and distribution of medical marijuana to patients who qualify to obtain, possess and use marijuana for medical purposes under the Arizona Medical Marijuana Act and as managed through the Arizona Department of Health Services.
 2. Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, food safety, building safety, neighborhood and patient safety, security for the business and its personnel and other health and safety concerns.
 3. Adopt a mechanism for monitoring compliance with the provisions of this Section.
 4. Create regulations that address the particular needs of the patients and residents of the City and coordinate with rules and regulations that may be enacted by the state regarding the issue.
 5. Facilitate the implementation of the Arizona Medical Marijuana Act without going beyond the authority granted by it.
- B. **DEFINITIONS.** The definitions contained in the Arizona Medical Marijuana Act (A.R.S. § 36-2801, *et seq.*) shall serve as the primary guide for the enforcement and practices of all such related activities. In addition, definitions contained herein are intended to further assist with the enforcement of this Ordinance, as follows:
1. **DHS** - The Arizona Department of Health Services or its successor agency.
 2. **DISPENSARY AGENT** - A medical marijuana dispensary director, officer, employee or volunteer who has been issued a valid registry identification card by the DHS.
 3. **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 patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.
 4. **MEDICAL MARIJUANA CULTIVATION FACILITY**- A building or structure and the associated premises used to grow the marijuana plant, which may include accessory storage and processing of medical marijuana grown on premises.

5. **MEDICAL MARIJUANA DISPENSARY**- A non-profit entity defined in Arizona Revised Statutes § 36-2801, *et seq.*, that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.
6. **MEDICAL MARIJUANA FACILITY** - A medical marijuana dispensary, cultivation facility, qualified patient or designated patient or caregiver cultivation facility, infusion or manufacturing facility, or similar operations or any combination thereof, as authorized by law.
7. **MEDICAL MARIJUANA INFUSION (MANUFACTURING) FACILITY** - A facility that incorporates medical marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods or similar products.
8. **MEDICAL MARIJUANA QUALIFYING PATIENT** - A person who has been diagnosed by a physician as having a debilitating medical condition as defined in Arizona Revised Statutes; and who has been issued a Registry Identification Card by DHS authorizing him/her to use marijuana to treat his/her debilitating medical condition or symptoms associated with the debilitating medical condition.
9. **MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION FACILITY** - Enclosed, locked facilities approved for the cultivation of medical marijuana plants by registered qualifying patients or their designated caregivers where a registered nonprofit medical marijuana dispensary is not operating within twenty-five miles of the qualifying patient's home.
10. **OPERATOR** - The chief executive officer of the medical marijuana dispensary, whether referred to as the principal officers, board members, designated agents, executive director, president, CEO or other designation.
11. **SCHOOL** – Public and private educational and child development facilities certified by the State of Arizona, including a daycare facility, preschool, kindergarten, elementary school, middle school or high school.

C. REQUIREMENTS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA FACILITIES.

1. **General Requirements.** The establishment of medical marijuana dispensaries, cultivation sites and other related facilities shall be subject to the provisions of the Arizona Medical Marijuana Act as described in Arizona Revised Statutes, Title 36 and any associated rules subsequently enacted by the Arizona Department of Health Services or the City of Cottonwood for the implementation the Act, including, but not limited to, authorization of and registration of dispensaries and cultivation facilities, registration of qualifying patients and designated caregivers, review and inspection of facilities and security measures, and other standards and procedures expressed in the Act for similar purposes. The regulations in this Ordinance are intended to allow the uses authorized under state law to the extent permissible while ensuring such uses are established in a reasonable manner to protect the health, safety and general welfare of the residents of the City of Cottonwood.

2. Medical Marijuana Dispensary.

- a. Registration with the City of Cottonwood is required for a Medical Marijuana Dispensary, as described in this Ordinance.
- b. A medical marijuana dispensary facility shall be a Permitted Use in the C-1 (Light Commercial), C-2 (Heavy Commercial), and I-2 (Heavy Industrial) Zoning Districts, subject to meeting required development standards.
- c. A dispensary may be located in association with a cultivation facility in the I-2 Zoning District subject to obtaining a Conditional Use Permit, as per Section 302 of this Ordinance.
- d. The dispensary sales area that may be accessed by the patients or the public shall be limited to the distribution and sales of medical marijuana and related information and products for qualifying patients. There shall be no other retail or health care services provided from the dispensary sales area nor shall access to such services be provided from the dispensary sales area.
- e. The dispensary shall be located in a permanent building and may not be located in a temporary structure, trailer, cargo container, motor vehicle or other similar non-permanent enclosure.
- f. **Dispensary Entrance.** A dispensary may have more than one means of egress from the interior so as to meet building codes and public safety concerns; however, it shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana. The dispensary entrance shall be located and maintained clear of any barriers, landscaping and similar obstructions that may block the view so that the entrance and pedestrian access is clearly visible from the public street, sidewalk and parking area.
- g. **Parking.** A dispensary shall provide on-site parking or parking immediately adjacent to the building used as the dispensary.
- h. **Minimum Separation Requirements.** Medical marijuana dispensary and cultivation facilities shall not be located within five-hundred (500) feet of the exterior property lines of a public or private school, including a daycare facility or preschool, kindergarten, elementary school, middle school or high school.
- i. **Method for Computing Measurement.** For the purposes of calculating the separation requirements, the distance shall be measured from the closest portion of the exterior surface of the wall of the building in which the medical marijuana is to be dispensed, cultivated or processed to the nearest point of the property line of the use requiring a minimum separation.
- j. **Operating hours** shall not be earlier than 7:00 a.m. and not later than ~~7:00~~ **10:00** p.m.

- k. Drive-through services are prohibited.
3. Medical Marijuana Cultivation Facilities and Medical Marijuana Infusion Facilities.
- a. Registration with the City of Cottonwood is required for Medical Marijuana Cultivation Facilities and Medical Marijuana Infusion Facilities, as described in this Ordinance.
 - b. A medical marijuana cultivation facility, whether separate or combined with an authorized medical marijuana dispensary and/or infusion facility, shall be allowed in the I-2 (Heavy Industrial) Zoning District subject to obtaining a Conditional Use Permit, as per Section 302 of this Ordinance.
 - e. ~~Medical marijuana cultivation facilities located in the I-2 Zone shall be limited to no more than 10,000 square feet of gross floor area, including growing area, storage and office uses.~~
 - c. ~~Medical marijuana infusion facilities located in the I-2 Zone shall be limited to no more than 5,000 square feet of gross floor area, including processing, storage and office uses.~~ **shall be allowed as a Permitted Use in the I-2 (Heavy Industrial) Zoning Districts, subject to meeting required development standards.**
 - d. **Medical marijuana infusion facilities shall be permitted as an accessory use with an approved medical marijuana dispensary.**
 - e. Minimum Separation Requirements. Medical marijuana cultivation facilities or infusion facilities shall not be located within five-hundred (500) feet of the exterior property lines of a school, including a daycare facility, preschool, kindergarten, elementary, middle school or high school.
 - 2) ~~Medical marijuana cultivation facilities or infusion facilities shall not be located within one thousand (1,000) feet of the exterior property lines of another medical marijuana cultivation facility or infusion facility.~~
 - f. Method for Computing Measurement. For the purposes of calculating the separation requirements, the distance shall be measured from the closest portion of the exterior surface of the wall of the building in which the medical marijuana is to be dispensed, cultivated or processed to the nearest point of the property line of the use requiring a minimum separation
 - g. Retail sales of medical marijuana shall be prohibited from a medical marijuana cultivation facility or infusion facility; however, a separate authorized dispensary may be located at the same site subject to the development standards described in this Ordinance.
 - h. There shall be no emission of dust, fumes, vapors, smoke or odors into the environment from the facility.

4. Medical Marijuana Qualifying Patient Cultivation and Medical Marijuana Designated Caregiver Cultivation.

- a. Qualifying Patients or their Designated Caregivers may be authorized by the Arizona Department of Health Services to cultivate marijuana plants for the qualifying patient's medical use if a registered nonprofit medical marijuana dispensary is not operating within twenty-five (25) miles of the qualifying patient or designated caregiver's home. Such facilities within the City of Cottonwood shall be considered a permitted accessory use in all residential zoning districts provided the primary residence of the qualifying patient or designated caregiver is more than twenty-five (25) miles from an operating medical marijuana dispensary, as per the standards contained herein.
- b. If the qualifying patient or designated caregiver is authorized to cultivate marijuana, there shall be no more than twelve (12) marijuana plants per patient contained in an enclosed, locked facility that permits access by the cardholder, as per the applicable sections of Arizona Revised Statutes and related rules established by DHS.
- c. The cultivation facility may be in a closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by the cardholder.

D. FACILITY REGISTRATION REQUIREMENTS. Medical Marijuana Dispensary, Cultivation and Infusion Facilities; and Qualifying Patient or Designated Caregiver Home Grow Cultivation operations shall register the location of the facility with the City of Cottonwood and provide the following information:

1. Registration for Medical Marijuana Dispensary, Cultivation Facility and/or Infusion Facility. A medical marijuana dispensary, cultivation facility or infusion facility, or combined use; is required to register the location with the City of Cottonwood Community Development Department. The following information shall be provided with the registration:
 - a. The name, address, phone number, e-mail address and contact information for the property owner, operator, applicant and non-profit organization operating the facility;
 - b. The name, location, address and contact information for the operator of any off-site cultivation facility or facilities related to the dispensary;
 - c. A written narrative describing the use and facilities and how the location and improvements associated with the proposed facility comply with the requirements of this Ordinance;
 - d. A copy of the operating procedures submitted to and approved by DHS prepared in accordance with A.R.S. § 36-2804(B)(1)(c), including the required security plan for medical marijuana facilities;

- e. An accurate vicinity map drawn to scale showing the location of the proposed medical marijuana dispensary, cultivation facility or infusion facility in relation to any school property boundary or cultivation and/or infusion facility boundary so as to document the required minimum separation requirement;
 - f. An accurate dimensioned site plan indicating buildings, building entrances, parking, sidewalks, adjacent streets and immediately surrounding uses;
 - g. A floor plan of the interior of the facility indicating public areas and secured areas. The floor plan for a dispensary should have a waiting area at the entrance to receive patients and as required by the Arizona Medical Marijuana Act, must have a separate enclosed, locked and secure area for dispensing medical marijuana to qualified patients or designated caregivers. Indicate the principal uses on the floor plan, including areas where non-patients will be permitted, private consulting areas, storage areas, retail areas and areas where medical marijuana will be dispensed, processed, cultivated and stored; and
 - h. An exterior refuse control plan providing for proper disposal of marijuana remnants or byproducts, which shall not be placed within the facility's exterior refuse containers.
2. Registration for Qualifying Patient or Designated Caregiver Home Grow Cultivation. A qualifying patient or designated caregiver authorized by DHS to cultivate medical marijuana at their primary residence shall register the location with the City of Cottonwood and provide the following information:
- a. The name, address, phone number, e-mail address and contact information for the qualifying patient or designated caregiver; and
 - b. A accurate vicinity map drawn to scale showing a twenty-five mile radius from the qualifying patient or designated caregiver cultivation location to ensure there are no registered dispensaries within such area, as per current data available from DHS; Medical marijuana qualifying patient or designated caregiver cultivation are prohibited in all zoning districts if located within 25 miles of a medical marijuana dispensary.

E. OPERATING REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES.

- 1. Consumption of Marijuana. Marijuana in any form shall not be consumed by patients or others on the premises of a medical marijuana dispensary, cultivation facility, infusion facility or any type of medical marijuana facility. Nor shall it be consumed via smoking or vaporization form in any public place within the City. The term "premises" includes the actual building, as well as any accessory structures, outdoor areas, vehicles, parking lot or parking areas which are part of the approved location.
- 2. Retail Sales of Other Products and Services by a Dispensary. The retail sales of marijuana use items and other health care services to registered patients shall be subject to the following limitations:

- a. Marijuana Paraphernalia. No retail sales of marijuana paraphernalia are permitted at a medical marijuana dispensary, except as permitted by law to qualifying patients and/or designated caregivers.
 - b. Product Display: No medical marijuana or paraphernalia shall be displayed or kept in a medical marijuana dispensary so as to be visible from outside the premises.
 - c. Other Health Care Services: The dispensary may provide consultation regarding medical marijuana to qualifying patients and designated caregivers as per the rules and regulations established by DHS. The dispensary shall not provide other health care services or products unrelated to medical marijuana as part of the dispensary operations for the general public or qualifying patients.
3. Business Registration. A Medical Marijuana Dispensary, Cultivation Facility or Infusion Facility shall be required to obtain and maintain a valid Business Registration from the City of Cottonwood.
4. Suspension or Revocation of Business Registration. The City of Cottonwood business registration for a medical marijuana use may be suspended or revoked for any of the following violations:
 - a. Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the City related to the medical marijuana business;
 - b. The business registration shall be considered automatically revoked by the revocation, expiration or suspension of any required Conditional Use Permit for the medical marijuana facility and all such operations shall cease immediately.
5. Additional Licenses and Permits. The facility registration and business registration requirement set forth in this Section shall be in addition to, and not in lieu of, any other licensing, permitting or registration requirements imposed by any other federal, state or local jurisdiction, including, but not limited to, DHS approval, building permits, fire alarm permits, zoning approval, a state retail sales and use tax license, a retail food establishment license or any applicable health, safety, building or development license or permit.
6. Infusion (Manufacturing) facilities must obtain any and all permits and licenses from Yavapai County Health Department for all food handling and preparation in connection with infusion operations.
7. Security Plans. Pursuant to the Arizona Medical Marijuana Act, the DHS is responsible for promulgating regulations pertaining to dispensary security. A dispensary shall comply with DHS security requirements provided for adequate lighting, alarms, security cameras and locks in order to ensure the safety of persons and to protect the premises from theft. All security and alarm systems shall be installed and operated in compliance with applicable City of Cottonwood codes, ordinances, and regulations.

8. Security Lighting. During all night time hours, dispensaries shall illuminate exterior areas of the premises, including related parking areas, sidewalks and building entrances so that all areas are readily visible. During all hours, the medical marijuana dispensary shall illuminate those areas of the interior of the building where the public has access, including the public entry, reception area, and counter area, as well as the interior hallways, other building ingress/egress locations and locations where medical marijuana may be located, stored or processed. All outdoor lighting shall be in compliance with City of Cottonwood Zoning Ordinance, Section 408. Outdoor Lighting Code.

F. FEES.

A facility registration for a medical marijuana facility shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the City Council and filed in the office of the City Clerk. No part of the filing fee shall be refundable.

G. APPEAL

Any registrant for a medical marijuana facility who is dissatisfied or aggrieved by an official decision of the Community Development Director/Zoning Administrator may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Community Development Director/Zoning Administrator's decision.