



PUBLIC NOTICE
HUACHUCA CITY PLANNING & ZONING COMMISSION
MEETS
WEDNESDAY, OCTOBER 2, 2019, AT 7:00PM
HUACHUCA CITY TOWN HALL-500 N. GONZALES BLVD. HUACHUCA CITY,
AZ 85616

AGENDA

- A. Call to Order** Chair
- Pledge of Allegiance
 - Roll Call and Ascertain Quorum

- B. Call to the Public** Chair

P&Z Commission may make and open call to the public during a public meeting. Individual P&Z Commissioners may respond to criticism made by those who have addressed the Commission, they may ask staff to review a matter or they may ask that the matter be put on a future agenda. Commissioners shall not discuss or take legal action on matters raised during an open call to the public unless the matters have been properly noticed on the agenda for discussion and legal action A.R.S. 39-731.01 (G). In order to speak during Call to the Public, please specify what you wish to discuss when completing the call to the Public form but can be scheduled under future unfinished business.

- C. Consent Agenda** Chair

All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Commission. There will be no separate discussion of these items unless a Member of the Planning & Zoning Commission requests that an item or items be removed for discussion. Commission Members may ask questions without the removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence.

- C.1 Consider approval of the minutes of the regular P&Z commission meeting held on August 7, 2019.
- C.2 Consider approval of the minutes of the P&Z Commission work session held on August 7, 2019.
- C.3 Consider approval of the minutes of the regular P&Z Commission meeting held on September 4, 2019.

- D. Zoning Administrator Report** Zoning Administrator

E. Unfinished Business before the Commission

Chair

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Chair and explained by staff. Any citizen who wishes, may speak one time for five minutes on each agenda item before or after Committee discussion. Questions from Committee Members, however, may be directed to staff or a member of the public through the Chair at any time.

- E.1 Discussion only (Chair): Planning & Zoning Commissioner Duties Training by Zoning Administrator Dr. Jim Johnson
- E.2 Discussion and/ or action: [Chair Chavez]: Allowable uses in the business districts

F. New Business before the Commission

Chair

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Chair and explained by staff. Any citizen who wishes, may speak one time for five minutes on each agenda item before or after Committee discussion. Questions from Committee Members, however, may be directed to staff or a member of the public through the Chair at any time.

- F.1 Discussion and/or action: [Chair Chavez]: Regulations for Industrial Hemp
- F.2 Discussion and/or action: [Chair Chavez]: Rescheduling of the Jan 1, 2020 meeting

G. Reports of Current Events by Committee Members

H. Items to be placed on future agendas

I. Adjournment

Posted on 9/30/2019 at the following locations:

Town Hall Bulletin Board 500 N. Gonzales Blvd. Huachuca City, AZ 85616	Town Hall Lobby 500 N. Gonzales Blvd. Huachuca City, AZ 85616	Town Website https://huachucacityaz.gov
Huachuca City U.S. Post Office 690 N. Gonzales Blvd. Huachuca City, AZ 85616	Huachuca City Library 506 N. Gonzales Blvd. Huachuca City, AZ 85616	Huachuca City Police Department 500 N. Gonzales Blvd. Huachuca City, AZ 85616

Janine Collins

Town Clerk

Note: This meeting is open to the public. All interested people are welcome to attend. A copy of agenda background material provided to the Councilmembers, with the exception of material relating to possible executive session, are available for public inspection at the Town Clerk’s Office, 500 N. Gonzales Blvd., Huachuca City, AZ 85616, Monday through Friday from 8:00 a.m. to 5:00 p.m. or online at www.huachucacityaz.gov

Individuals with disabilities who need a reasonable accommodation to attend or communicate at a town meeting, or who require this information in alternate format, may contact the Town at 456-1354 (TTY 456-1353) to make their needs known. Requests should be made as early as possible so there is sufficient time to respond.



**MINUTES OF THE
 HUACHUCA CITY TOWN PLANNING AND ZONING
 MEETING HELD
 THURSDAY, AUGUST 7, 2019 AT 7:00PM
 HUACHUCA CITY TOWN HALL-500 N. GONZALES BLVD.
 HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order

Chair

- Pledge of Allegiance
- Roll Call and Ascertain Quorum

The meeting was called to order at: 7:00pm
The Pledge of Allegiance was led by: Tiffany Chavez

Roll Call: Joy Banks- Town Liaison

<i>Present:</i>		<i>Absent:</i>
Tiffany Chavez- Chair	Dr. Jim Johnson- Building Official	Mary Charlton- Committee Member
Jeffrey Ferro- Committee Member	Joy Banks- Town Liaison	
Jean Post- Committee Member		

B. Call to the Public

Chair

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C. Consent Agenda

Chair

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C.1 Consider approval of the minutes of the regular P&Z commission meeting held on June 5, 2019.

Motion C.1 : Open Item for discussion and/or action		Action: Open
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

Chair Chavez: P&Z June Minutes have to be moved to next month due to Mary Charlton being absent

Motion C.1:		Action: Approved
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

C.2 Consider approval of the minutes of the P&Z Commission work session held on July 3, 2019.

Motion C.2: Open Item for discussion and/or action		Action: open
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

Motion C.2:		Action: Approved
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

C.3 Consider approval of the minutes of the regular meeting and public hearing held on July 3, 2019.

Motion C.3: Open Item for discussion and/or action		Action: open
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

Motion C.3:		Action: Approved
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

D. Zoning Administrator Report

Zoning Administrator

Motion D.1: Open Item for discussion and/or action		Action: open
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

Dr. Jim Johnson: Busy summer. Multiple for sale signs, which is not a bad thing, it actually shows a hot real estate market. A big thank you from the Army for including them in the recent CUP project.

E. Unfinished Business before the Commission

Chair

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

E.1 Discussion and/ or action: [Chair Chavez]: Allowable uses in the business districts

Motion E.1: Open item for discussion and/or action		Action: open
Moved by: Chair Chavez	Seconded by: Committee	

Dr. Jim Johnson: New Guidelines coming to the Planning Code.

Committee Member Ferro: Is the community garden considered farming?

Dr. Jim Johnson: No.

Discussion of Matrix of Use Permissions by Zoning District. No Industrial in Huachuca City. These Zones are not set in stone, they can change. Explanation of the charts and businesses. We need to make sure we have guidelines set for businesses who come in or who are looking to come in.

Chair Chavez: We need to take advantage of people having to drive through Huachuca City to get to other towns.

Dr. Jim Johnson: This discussion will continue for months, it will not be finished tonight. Tonight is just the start, this will take months.

Committee Member Ferro: Could I get a high resolution zoning map?

Dr. Jim Johnson: Yes we have a PDF we can send you. We also use google often. We will get together some

Motion E.1: E.1. moved to Sept meeting		Action: Approved
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

F. New Business before the Commission

Chair

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None

G. Reports of Current Events by Committee Members

H. Items to be placed on Future agendas

I. Adjournment : 7:58 pm

Motion: to Adjourn		Action: Approved
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

Meeting was adjourned at pm August 7, 2019.

Approved by Tiffany Chavez October 2, 2019

Tiffany Chavez, Chair

Attest: _____
Janine Collins, Town Clerk

Seal:

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on August 7th, 2019. I further certify that the meeting was duly called and a quorum was present.

Janine Collins, Town Clerk



**MINUTES OF THE
 HUACHUCA CITY TOWN PLANNING AND ZONING
 WORK SESSION HELD
 THURSDAY, AUGUST 7, 2019 AT 6:00 PM
 HUACHUCA CITY TOWN HALL-500 N. GONZALES BLVD.
 HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order

Chair

- Pledge of Allegiance
- Roll Call and Ascertain Quorum

The meeting was called to order at: 6:00 pm
The Pledge of Allegiance was led by: Tiffany Chavez

Roll Call: Town Liaison Banks

<i>Present:</i>		<i>Absent:</i>
Tiffany Chavez- Chair	Dr. Jim Johnson- Building Official	Mary Charlton- Committee Member
Jeffrey Ferro- Committee Member	Joy Banks- Town Liaison	
	Town Manager- Matthew Williams	
Jean Post- Committee Member		

B. Call to the Public

Chair

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C. Business before the Commission

Chair

C.1 Discussion only (Chair): Open Meeting Law Training by City Manager Matthew Williams

Motion C: Open Item for discussion and/or action		Action: Open
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

Matthew Williams: Open meeting law discussion. All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting. All public bodies shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions. For meetings other than executive sessions, the minutes or recording shall include: 1. The date, time and place of the meeting. 2. The members of the public body recorded as either present or absent. 3. A general description of the matters considered. 4. An accurate description of all legal actions proposed, discussed or taken, including a record of how each member voted. The minutes shall also include the names of the members who propose each motion and the names of the persons, as given, who make statements or present material to the public body and a reference to the legal action about which they made statements or presented material. The minutes or a recording of a meeting shall be available for public inspection three working days after the meeting. The public bodies of the counties shall conspicuously post a statement on their website stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.

Open Meeting laws can be found on: <https://www.azoca.gov/open-meeting-and-public-records-law/open-meetings/>

Jeffrey Ferro: Can we get a copy of the presentation? What funding does this committee get?

Matthew Williams: I will email the presentation. The committee gets facility use, employee time, agendas.

C.2 Discussion only (Chair): Planning & Zoning Commissioner Duties Training by Zoning Administrator Dr. Jim Johnson

Motion C: Open item for discussion and/or action		Action: Open
Moved by: Chair Chavez	Seconded by: Committee member Ferro	

Dr. Johnson: What is the purpose of Planning and Zoning? To create and maintain a desirable environment for business and residents. To work to meet the aims, goals and ambitions of the businesses and residents of the Town. Community members working together to ensure the town reaches its vision. What is zoning? It is the way government controls physical use of the land. The Committee is there to advise the Council. Committee members need to be unbiased.

Motion C: Training continued to next month		Action: Approved
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

I. Adjournment: 7:00 pm

Motion: to Adjourn		Action: Approved
Moved by: Chair Chavez	Seconded by: Committee Member Ferro	

Meeting was adjourned at 7:00 pm August 7, 2019.

Approved by Tiffany Chavez October 2, 2019

Tiffany Chavez, Chair

Attest: _____
Janine Collins, Town Clerk

Seal:



**MINUTES OF THE
 HUACHUCA CITY TOWN PLANNING AND ZONING
 REGULAR MEETING
 WEDNESDAY, SEPTEMBER 4, 2019 AT 7:00 PM
 HUACHUCA CITY TOWN HALL-500 N. GONZALES BLVD.
 HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order

Mary Charlton

- Pledge of Allegiance
- Roll Call and Ascertain Quorum

The meeting was called to order at: 7:00 pm
The Pledge of Allegiance was led by: Vice Chair Mary Charlton

Roll Call: Town Liaison Banks

<i>Present:</i>		<i>Absent:</i>
	Dr. Jim Johnson- Building Official	Tiffany Chavez- Chair
Jeffrey Ferro- Committee Member	Joy Banks- Town Liaison	
Mary Charlton- Committee Member		
Jean Post- Committee Member		

B. Call to the Public

Vice Chair

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C. Consent Agenda

Vice Chair

All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Commission. There will be no separate discussion of these items unless a Member of the Planning & Zoning Commission requests that an item or items be removed for discussion. Commission Members may ask questions without the removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence.

- C.1 Consider approval of the minutes of the regular P&Z commission meeting held on June 5, 2019.
- C.2 Consider approval of the minutes of the P&Z Commission work session held on August 7, 2019.
- C.3 Consider approval of the minutes of the regular meeting and public hearing held on August 7, 2019.

Motion C: Open item for discussion and/or action		Action: Open
Moved by: Vice Chair Charlton	Seconded by: Committee Member Ferro	

Motion C: continued to next month for correction		Action: Approved
Moved by: Vice Chair Charlton	Seconded by: Committee Member Ferro	

D. Zoning Administrator Report

Zoning Administrator

Dr. Johnson: Industrial Hemp discussions will start next month. Medical marijuana, infusion kitchens and industrial hemp is an industry that is booming and we will need to start looking at those. We did complete the electrical upgrade on Southwest Motors in accordance to the CUP.

E. Unfinished Business before the Commission

Vice Chair

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Chair and explained by staff. Any citizen who wishes, may speak one time for five minutes on each agenda item before or after Committee discussion. Questions from Committee Members, however, may be directed to staff or a member of the public through the Chair at any time.

E.1 Discussion only (Dr. Johnson): Planning & Zoning Commissioner Duties Training by Zoning Administrator Dr. Jim Johnson

Motion C: Open item for discussion and/or action		Action: Open
Moved by: Vice Chair Charlton	Seconded by: Committee Member Ferro	

Committee Member Ferro: Could we move training to next month when Chair Chavez is here?

Dr. Johnson: Yes we can if you all agree that is what you want to do.

Motion C: Moved to next month		Action: Approved
Moved by: Vice Chair Charlton	Seconded by: Committee Member Ferro	

E.2 Discussion and/ or action: [D. Johnson]: Allowable uses in the business districts

Motion C: Open item for discussion and/or action		Action: Open
Moved by: Vice Chair Charlton	Seconded by: Committee Member Ferro	

Dr. Johnson: The yellow highlighted areas are the areas from last month that you wanted addressed.

Under adult businesses you wanted to add the C2.

Agriculture: more defined, open and with green house. There is no farming allowed in city limits. Does not include Medical marijuana cultivation.

Under Veterinarians, Animal Hospitals and Clinics: No large animal added

Livestock: horses, burros, donkeys, mules, not permitted except in the R1. Must have over 4 acres to have one, then for every acre over one more.

Livestock: cattle, sheep, hogs, rabbits, poultry not permitted at all

Antennas and Towers: C3 got added

Satellite dishes and smaller antenna: No primary use

Eating and drinking establishments: Mobile Food Vendor added to C3 zone

Education and Religious: Daycare centers and group homes added to BC with CUP

Medical Marijuana Cultivation/Infusion Facility, Infusion kitchens? In C2? More discussion

We have had people come and ask about medicinal marijuana, infusion kitchens and cultivation.

I recommend we leave the Infusion kitchen to next month and discuss it more.

More discussion will be needed on the medical marijuana, infusion kitchens and hemp cultivation

Cemeteries/Columbarium: All zones CUP

Golf Courses: in residential but not in industrial/business zones, they consume large areas and tax revenues, we do not want to give up large areas of land where businesses can go into because we don't have much

Hospitals: not permitted unless in a C2 or BC under a CUP, because of the helicopters

Recycling Centers: that one is a mistake and will be fixed

Solid waste transfer stations: will also get fixed

Residential: Hotel/Motel: added to light industry

Storage and Warehouse: We need to clarify this one, reword it

Vehicle sales: was fine

Jeffrey Ferro: I have many questions but will wait until Chair Chavez is back.

Dr. Johnson: Get me a copy of all your questions and I will make sure I have answers for you.

Jeffrey Ferro: Should I CC Chair Chavez?

Dr. Johnson: Yes.

Microbrewery/Micro-Distillery: only in C2, these are distilleries/ factories that's why it's in C2, do you want to allow it in a C3?

Councilmembers: leave it

Dr. Johnson: Ok

F. New Business before the Commission

Chair

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F.1 None

G. Reports of Current Events by Committee Members

Joy Banks: SVMPO, We are looking at getting an emergency signal to be installed in front of Town Hall/ Fire station on School Drive. The process has already started and we won't be paying for it.

H. Items to be placed on future agendas: The training session and discussion on hemp.

I. Adjournment: 7:45 pm

Motion: to Adjourn			Action: Approved
Moved by: Vice Chair Charlton	Seconded by: Committee Member Ferro		

Meeting was adjourned at 7:45 pm September 4, 2019.

Approved by Tiffany Chavez, October 2, 2019

Tiffany Chavez, Chair

Attest: _____
Janine Collins, Town Clerk

Seal:

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on August 7th, 2019. I further certify that the meeting was duly called and a quorum was present.

Janine Collins, Town Clerk

Matrix of Use Permissions by Zoning District

A = Accessory Use Only

P = Permitted Principal Use

NP = Not Permitted Use

CU = Permitted Use by Conditional Use Permit only

*** = Written regulations required**

USE CLASSIFICATIONS	ZONING DISTRICTS						
	R-1	R-2	R-3	R-4	BC	C-2	C-3
RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY (Activities Conducted Primarily Indoors)							
Bowling Alleys, Skating Rinks, Pool Halls	NP	NP	NP	NP	P	NP	NP
Indoor Racquet Sports Clubs, Spas, Athletic, Exercise & Health Clubs and Similar Facilities	NP	NP	NP	NP	P	NP	NP
Youth Clubs, Senior Centers, Community Centers	NP	NP	NP	NP	P	NP	NP
Theaters and Cinemas	NP	NP	NP	NP	P	NP	NP
Playhouses/Performing Arts Theaters	NP	NP	NP	NP	P	NP	NP
Games, Amusements, Arcades	NP	NP	NP	NP	P	NP	NP
Indoor Gun Clubs, Archery Ranges, Axe Throwing Activities and Paintball Facilities	NP	NP	NP	NP	P	NP	NP
RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY (Activities Conducted Primarily Outdoors)							
Miniature Golf and Skateboard Parks	NP	NP	NP	NP	P	NP	NP
RESIDENTIAL							
Bed and Breakfast Facilities for short stays with meal service restricted to registered guests only.	CU*	CU*	CU*	CU*	CU*	NP	NP
Hotels/Motels	NP	NP	NP	NP	P	P	NP
Manufactured Home Parks	NP	NP	NP	NC	P	NP	NP
Recreational Vehicle Parks	NP	NP	NP	NC	P	NP	NP
SALES, RENTAL & SERVICE BUSINESSES							
Retail Sales	NP	NP	NP	NP	P	NP	NP
Miscellaneous Rental Merchandise & Equipment	NP	NP	NP	NP	P	NP	NP
Servicing of Goods, Merchandise & Equipment	NP	NP	NP	NP	P	NP	NP
Personal Services	NP	NP	NP	NP	P	NP	NP
Servicing of Appliances, Furniture, Lawn and Garden, Mechanical and Heating/Cooling Equipment or Merchandise	NP	NP	NP	NP	P	NP	NP
Services Offered Primarily Offsite	NP	NP	NP	NP	P	NP	NP
STORAGE AND WAREHOUSING							
All Storage Located Within Completely Enclosed Structures	A	A	A	A	A	A	A
Outdoor Storage or Combination of Indoor & Outdoor Storage	NP	NP	NP	NP	P*	P*	NP
Mini-Warehouses and Self-Storage Facilities	NP	NP	NP	NP	P	P	NP
TRANSPORTATION							
Taxi Service, Trolleys, Horse-Drawn Carriages or Similar Transportation Services	NP	NP	NP	NP	P	P	NP

USE CLASSIFICATIONS	ZONING DISTRICTS						
	R-1	R-2	R-3	R-4	BC	C-2	C-3
VEHICLE SALES, RENTAL & SERVICING OF GOODS, MERCHANDISE & EQUIPMENT							
New & Used Sales and Rentals	NP	NP	NP	NP	P	NP	NP
Parts and Accessories Sales, which may include installation services	NP	NP	NP	NP	P	NP	NP
Service, Minor Repair & Detail Shops	NP	NP	NP	NP	CU	NP	NP
Automobile-oriented Fuel Sales and Accessory Convenience Sales, With Accessory Service Bays	NP	NP	NP	NP	CU	NP	NP
Automobile-oriented Fuel Sales and Accessory Convenience Sales, Without Accessory Service Bays	NP	NP	NP	NP	P	NP	NP
Car Washes	NP	NP	NP	NP	P	P	NP
Paint and Body Work	NP	NP	NP	NP	P*	NP	NP

USE CLASSIFICATIONS	ZONING DISTRICTS						
	R-1	R-2	R-3	R-4	BC	C-2	C-3
ADULT BUSINESSES							
Adult Oriented Businesses	NP	NP	NP	NP	P*	P*	NP
AGRICULTURE/NATURAL RESOURCES							
1 Farming (Open and Greenhouse). Does not include Medical Marijuana Cultivation	NP	NP	NP	NP	NP	NP	NP
Onsite retail sales of offsite produced seasonal goods	NP	NP	NP	NP	P*	P*	NP
Plant Nurseries and Greenhouses	NP	NP	NP	NP	P	P	NP
ANIMAL RELATED SERVICES/ESTABLISHMENTS							
Feed Stores	NP	NP	NP	NP	NP	P	NP
Pet Stores	NP	NP	NP	NP	P	NP	NP
Animal Arenas, Commercial Stables, Equestrian Centers	NP	NP	NP	NP	NP	P	NP
2 Veterinarians, Animal Hospitals and Clinics (no large animals)	NP	NP	NP	NP	P	NP	NP
Pet Resorts and Pet Grooming Services	NP	NP	NP	NP	P	NP	NP
Kennels	NP	NP	NP	NP	NP	P	NP
Livestock (Horses, burros, donkeys, mules)	P*	NP	NP	NP	NP	NP	NP
3 Livestock (Cattle, sheep, hogs, rabbits, poultry)	NP	NP	NP	NP	NP	NP	NP
ANTENNAS AND TOWERS							
Public and Commercial Sending or Receiving Towers for Radio, Television or Communications	NP	NP	NP	NP	CU*	CU*	CU*
Antennas, Owned and Operated by FCC Licensed Member of Amateur Radio Service	P*	P*	P*	P*	P*	P*	P*
Satellite Dish and All Other Small Antennas	A	A	A	A	A	A	A
EATING/DRINKING ESTABLISHMENTS							
Delicatessen, Bakery, Candy Store and Sales of Other Prepared Food Products	NP	NP	NP	NP	P	NP	NP
All Other Restaurants and Eating Establishments	NP	NP	NP	NP	P	NP	NP
Bars, Taverns and Nightclubs	NP	NP	NP	NP	P	NP	NP
Mobile Food Vendor	NP	NP	NP	NP	P*	P*	P*
EDUCATIONAL AND RELIGIOUS							
Public Schools, Primary, Elementary & Secondary	CU*	CU*	CU*	CU*	CU*	CU*	NP
Private Schools of General or Special Education	CU*	CU*	CU*	CU*	CU*	CU*	NP
Higher Education Facilities	CU*	CU*	CU*	CU*	CU*	CU*	NP
Day Care Center & Day Care Group Homes	CU*	CU*	CU*	CU*	CU*	NP	NP
Trade Schools	NP	NP	NP	NP	CU	CU	NP
Business or Vocational Schools	NP	NP	NP	NP	CU	CU	NP
Places of Worship	CU*	CU*	CU*	CU*	CU*	CU*	NP
Art Studios, Galleries & Centers; Fine Arts Conservatories, Music Schools, Dance Studios and Similar Cultural Uses	NP	NP	NP	NP	P	P	NP
Libraries	NP	NP	NP	NP	P	P	NP
Museums	NP	NP	NP	NP	P	P	NP
Fraternal, Sorority Clubs, Private Clubs & Lodges; Union Halls	CU*	CU*	CU*	CU*	CU*	CU*	NP

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USE CLASSIFICATIONS	ZONING DISTRICTS						
	R-1	R-2	R-3	R-4	BC	C-2	C-3
MANUFACTURING/INDUSTRIAL							
Construction Material Establishment	NP	NP	NP	NP	P*	P	NP
Construction Service Establishment	NP	NP	NP	NP	P*	P	NP
Distribution Center	NP	NP	NP	NP	NP	P	NP
Impound Yards	NP	NP	NP	NP	NP	P	NP
Industrial Workshops and Services	NP	NP	NP	NP	NP	P	NP
Junk Yard and Auto Salvage Yard	NP	NP	NP	NP	NC	P	NP
Landscape Service Establishments	NP	NP	NP	NP	NP	P	NP
Manufacturing -- Heavy	NP	NP	NP	NP	NP	NP	P
Manufacturing - Light	NP	NP	NP	NP	NP	P	NP
Medical Marijuana Cultivation/Infusion Facility INFUSION KITCHENS?	NP	NP	NP	NP	NP	P*	NP
Microbrewery/Micro-Distillery	NP	NP	NP	NP	NP	P	NP
Mineral Extraction	NP	NP	NP	NP	NP	NP	P
Motor Freight Terminal	NP	NP	NP	NP	NP	P	NP
Motor Pool Facility	NP	NP	NP	NP	NP	P	NP
Wholesale Trade	NP	NP	NP	NP	NP	P	NP
PROFESSIONAL OFFICES, SERVICES AND RESEARCH							
Offices Intended to Attract and Serve Customers or Clients on Premises	NP	NP	NP	NP	P	NP	NP
Financial Institution	NP	NP	NP	NP	P	NP	NP
Healthcare Offices	NP	NP	NP	NP	P	NP	NP
Personal Service Establishment	NP	NP	NP	NP	P	NP	NP
Research and Development	NP	NP	NP	NP	P	P	NP
Services Offered Primarily Offsite	NP	NP	NP	NP	P	NP	NP
State Licensed Medical Marijuana Dispensaries	NP	NP	NP	NP	P	P	NP
PARKING AREAS							
Offsite Parking Lots for Commercial Uses	NP	NP	NP	NP	P	P	NP
PUBLIC AND QUASI-PUBLIC USES							
Airport and Related Services	NP	NP	NP	NP	NP	CU	CU
Alternative Energy Systems	NP	NP	NP	NP	NP	CU	CU
Cemeteries/Columbarium	CU	CU	CU	CU	CU	CU	CU
Community Gardens	CU	CU	CU	CU	CU	CU	NP
Emergency Service Facilities or other Public Service Facilities needing locations in the area to permit effective service within the area	CU*	CU*	CU*	CU*	CU*	CU*	CU*
Funeral Homes/Mortuary	NP	NP	NP	NP	CU	NP	NP
Golf Courses, Public or Private	P	P	P	P	NP	NP	NP
Governmental Offices	NP	NP	NP	NP	P	NP	NP
Hospitals	NP	NP	NP	NP	CU*	CU*	NP
Recycling Centers	CU*	CU*	CU*	CU*	CU*	CU*	CU*
Sewage Facilities, to include pump stations, sewage or storm water treatment plants	CU*	CU*	CU*	CU*	CU*	CU*	CU*
Solid Waste Transfer Stations and Solid Waste Landfills	CU*	CU*	CU*	CU*	CU*	CU*	CU*
Utility Structures, to include substations, telephone switching stations, electrical generation facilities and other facilities required for the transmission of power or communications	CU*	CU*	CU*	CU*	CU*	CU*	CU*
Water Systems, to include treatment plants, storage reservoirs, pump stations or other major facilities associated with the supply or distribution of water	CU*	CU*	CU*	CU*	CU*	CU*	CU*

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7

USE CLASSIFICATIONS	ZONING DISTRICTS						
	R-1	R-2	R-3	R-4	BC	C-2	C-3
RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY (Activities Conducted Primarily Indoors)							
Bowling Alleys, Skating Rinks, Pool Halls	NP	NP	NP	NP	P	NP	NP
Indoor Racquet Sports Clubs, Spas, Athletics, Exercise & Health Clubs and Similar Facilities	NP	NP	NP	NP	P	NP	NP
Youth Clubs, Senior Centers, Community Centers	NP	NP	NP	NP	P	NP	NP
Theaters and Cinemas	NP	NP	NP	NP	P	NP	NP
Playhouses/Performing Arts Theaters	NP	NP	NP	NP	P	NP	NP
Games, Amusements, Arcades	NP	NP	NP	NP	P	NP	NP
Indoor Gun Clubs, Archery Ranges, Axe Throwing Activities and Paintball Facilities	NP	NP	NP	NP	P	NP	NP
RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY (Activities Conducted Primarily Outdoors)							
Miniature Golf and Skateboard Parks	NP	NP	NP	NP	P	NP	NP
RESIDENTIAL							
Bed and Breakfast Facilities for short stays with meal service restricted to registered guests only.	CU*	CU*	CU*	CU*	CU*	NP	NP
Hotels/Motels	NP	NP	NP	NP	P	P	NP
Manufactured Home Parks	NP	NP	NP	NC	P	NP	NP
Recreational Vehicle Parks	NP	NP	NP	NC	P	NP	NP
SALES, RENTAL & SERVICE BUSINESSES							
Retail Sales	NP	NP	NP	NP	P	NP	NP
Miscellaneous Rental Merchandise & Equipment	NP	NP	NP	NP	P	NP	NP
Servicing of Goods, Merchandise & Equipment	NP	NP	NP	NP	P	NP	NP
Personal Services	NP	NP	NP	NP	P	NP	NP
Servicing of Appliances, Furniture, Lawn and Garden, Mechanical and Heating/Cooling Equipment or Merchandise	NP	NP	NP	NP	P	NP	NP
Services Offered Primarily Offsite	NP	NP	NP	NP	P	NP	NP
STORAGE AND WAREHOUSING							
All Storage Located Within Completely Enclosed Structures	A	A	A	A	A	A	A
Outdoor Storage or Combination of Indoor & Outdoor Storage	NP	NP	NP	NP	P*	P*	NP
Mini-Warehouses and Self-Storage Facilities	NP	NP	NP	NP	P	P	NP
TRANSPORTATION							
Taxi Service, Trolleys, Horse-Drawn Carriages or Similar Transportation Services	NP	NP	NP	NP	P	P	NP

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USE CLASSIFICATIONS	ZONING DISTRICTS						
	R-1	R-2	R-3	R-4	BC	C-2	C-3
VEHICLE SALES, RENTAL & SERVICING OF GOODS, MERCHANDISE & EQUIPMENT							
New & Used Sales and Rentals	NP	NP	NP	NP	P	NP	NP
Parts and Accessories Sales, which may include installation services	NP	NP	NP	NP	P	NP	NP
Service, Minor Repair & Detail Shops	NP	NP	NP	NP	CU	NP	NP
Automobile-oriented Fuel Sales and Accessory Convenience Sales, With Accessory Service Bays	NP	NP	NP	NP	CU	NP	NP
Automobile-oriented Fuel Sales and Accessory Convenience Sales, Without Accessory Service Bays	NP	NP	NP	NP	P	NP	NP
Car Washes	NP	NP	NP	NP	P	P	NP
Paint and Body Work	NP	NP	NP	NP	P*	NP	NP

9

QUESTIONS FOR TOWN ZONING ADMINISTRATOR

1. I still feel that we need to define specifically what constitutes “farming” as opposed to “community gardening” or a backyard vegetable plot. What guidelines exist in ARS, County, or other municipal zoning codes that could help us?
2. Define “large animals” - size/weight guidelines, species, etc?
3. What is the threshold for pets vice smaller “livestock”? If I have 3 rabbits in an outdoor hutch, are they legally pets or livestock?
4. We have put a lot of allowed / conditional uses in C-2 (light industrial). Is this normal? Is this to open up developable land in non-residential areas? Given that the zones map (Fig. 7, pg 34 of General Development Plan Update, May 2017) shows no C-2 (or C-3, which is interesting since we have a gravel pit operating here) in Huachuca City, do we need to rezone some areas as C-2 (or C-3) or rework the Allowed Uses chart to delete C-2 (and/or C-3)(I doubt this is a good idea)?
5. No Construction Material Establishment in C-3? Why not?
6. No Medical Marijuana Cultivation / Infusion Facility in B/C? Other types of nurseries/greenhouses are permitted, as well as State Licensed Medical Marijuana Dispensaries? Why is one type of cultivation being singled out?
7. See 1. above. How specifically is a “community garden” not a farm? Our existing community garden is growing food for the express purpose of distributing it to needy families... is the intended recipient the difference? If so, how is this regulated / adjudicated?
8. As mentioned during the September 4 meeting, this wording is too vague. If this is intended to mean ‘detached sheds and garages,’ then just say that.
9. I assume the Conditional Use Permits are due to noise / odor / light issues. Otherwise, why?

League of Arizona Cities and Towns
Model Ordinance Relating to Industrial Hemp

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE [CITY/TOWN] OF _____, ARIZONA, AMENDING THE CODE OF _____, ARIZONA BY ADOPTING A NEW ARTICLE ___ RELATING TO THE REGULATION OF INDUSTRIAL HEMP; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; REQUIRING COMPLIANCE WITH STATE LICENSING REQUIREMENTS; PROVIDING FOR PERMIT REQUIREMENTS; ESTABLISHING INDUSTRIAL HEMP SITE REGULATIONS; AUTHORIZING RETAIL SALES FROM INDUSTRIAL HEMP; IMPOSING FEES; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, the Agricultural Improvement Act of 2018, Pub. L. No 115-334, 132 Stat 4490 authorizes the growth or cultivation of industrial hemp with a tetrahydrocannabinol (“THC”) concentration of not more than three-tenths percent (0.300%) on a dry-weight basis and removes industrial hemp from Schedule I of the Controlled Substances Act;

WHEREAS, the federal law did not preempt or limit a state from regulating the production of hemp in a more stringent manner (7 U.S.C. § 1639p) and state law allows the commercial growth, cultivation, and marketing of industrial hemp with a THC concentration of not more than 0.300% percent on a dry-weight basis pursuant to Arizona Revised Statutes § 3-312;

WHEREAS, industrial hemp is an agricultural product subject to regulation by the Department of Agriculture and Arizona Revised Statutes § 3-313 directs the Department to adopt rules pursuant to Title 41, Chapter 6 of the Arizona Revised Statutes to oversee the licensing, production, and management of industrial hemp and hemp seed in Arizona;

WHEREAS, the [City/Town] is authorized to enact and enforce reasonable zoning regulations on the production of industrial hemp pursuant to applicable state law, including Arizona Revised Statutes Sections 3-313 and 9-462.01, and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code;

WHEREAS, the [City/Town] recognizes that the cultivation of industrial hemp creates opportunities for economic development and agricultural vitality;

WHEREAS, industrial hemp and cannabis are derivatives of the same plant, cannabis sativa L., and the appearance of industrial hemp and cannabis cannot be distinguished under their legal definitions without a laboratory performed chemical analysis for THC content;

WHEREAS, the [City/Town] seeks to protect public health, safety, and welfare through a reasonable regulatory program of industrial hemp that does not interfere with the unlawful use of marijuana or the strict regulation of medical marijuana in Arizona;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the [City/Town] of _____, Arizona, as follows:

Section I. In General.

The Code of _____, Arizona, is hereby amended by adding a new Article _____, **Industrial Hemp** to read as follows:

Article X-X

- Sec. X-X-1 Purpose**
- Sec. X-X-2 Definitions**
- Sec. X-X-3 Compliance with State Licensing Requirements**
- Sec. X-X-4 Permit Requirements**
- Sec. X-X-5 Industrial Hemp Site Regulations**
- Sec. X-X-6 Retail Sales from Industrial Hemp**
- Sec. X-X-7 Fees**
- Sec. X-X-8 Violations**
- Sec. X-X-9 Enforcement; Penalties**

Sec. X-X-1 Purpose.

This article is adopted to protect the health, safety, and welfare of the community of the [City/Town] by enacting reasonable regulations for the cultivation of industrial hemp by requiring compliance with zoning laws. Nothing in this article is intended to promote or condone the sale, distribution, possession, or use of marijuana in violation of any applicable law.

Sec. X-X-2 Definitions.

The below words and phrases, wherever used in this article, shall be construed as defined in this section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

- A. **"Applicant"** means the person who applies for a permit pursuant to this article.
- B. **"Department"** means the State of Arizona Department of Agriculture.
- C. **"Designated agent"** means the person designated by the applicant to receive notices from the [City/Town] pursuant to this article.

- D. **"Grower"** means an individual, partnership, company, or corporation that propagates industrial hemp under Title 3, Chapter 2, Article 4.1 of the Arizona Revised Statutes and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
- E. **"Harvester"** means an individual, partnership, company, or corporation that is licensed by the State of Arizona Department of Agriculture to harvest industrial hemp for a licensed grower.
- F. **"Hemp Products"** means all products made from industrial hemp, including cloth, cordage, fiber, fuel, grain, paint, paper, construction materials, plastics, and by-products derived from sterile hemp seed or hemp seed oil. Hemp products exclude any product made to be ingested except food made from sterile hemp seed or hemp seed oil.
- G. **"Hemp Seed"** means any viable cannabis sativa L. seed that produces an industrial hemp plant that is subject to Title 3, Chapter 2, Article 4.1 of the Arizona Revised Statutes and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
- H. **"Industrial Hemp"** means any viable cannabis sativa L. and any part of such a plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.300% percent on a dry-weight basis.
- I. **"Industrial Hemp Site"** means the location in which a grower, harvester, transporter, or processor possesses a crop, a harvested crop, or hemp seed.
- J. **"Nursery"** means real property or other premises on or in which industrial hemp stock is propagated, grown, or cultivated and intended for sale, gift, or propagation, either cultivated or collected in the wild, or from which source industrial hemp stock is offered for distribution or sale.
- K. **"Permittee"** means the person who applied for a permit pursuant to this article and in whose name such permit was issued by the [City/Town] pursuant to this article.
- L. **"Person"** means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.
- M. **"Processor"** means an individual, partnership, company or corporation that is licensed by the State of Arizona Department of

Agriculture to receive industrial hemp for processing into hemp products or hemp seed.

- N. *“Transporter”* means an individual, partnership, company or corporation that is licensed by the State of Arizona Department of Agriculture to transport industrial hemp for a state-licensed grower to a processor.

Sec. X-X-3 Compliance with State Licensing Requirements.

- A. It shall be unlawful for any person to grow, harvest, transport or process industrial hemp, or propagate eligible seed and propagative materials for planting in [City/Town] without having first obtained a valid license from the Department pursuant to A.R.S. § 3-314 and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
- B. It shall be unlawful for a person to grow, harvest, process, or store industrial hemp in any residential dwelling pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

[OPTIONAL]

Sec. X-X-4 Permit Requirements.

- A. It shall be unlawful for a person to grow, harvest, transport, or process industrial hemp at any location within the [City/Town] without obtaining a [special/conditional use] permit from the [City/Town] clerk in accordance with [City/Town] Zoning Code Section _____, including any application and review procedures pursuant to _____.
- B. A permit shall not be issued unless the applicant provides a legible copy of the proper valid license issued by the Department authorized under the Industrial Hemp Program. A suspended or revoked license is not a valid license.
- C. [OPTIONAL] A permit shall not be issued unless the applicant provides a legible copy of the valid fingerprint clearance card issued by the Arizona Department of Public Safety pursuant to A.R.S. § 41-1758.07 and required by the Department pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
- D. The applicant shall comply with the requirements of this article.

- E. The applicant shall notify the [City/Town] within _____ hours if the Department imposes a corrective action plan on the applicant or suspends or revokes the applicant's license.
- F. A permit issued pursuant to this article, including a renewal of a permit, is valid for a period of one (1) year from the date of issuance if the permittee is in compliance with this article. The permit is nontransferable.

Sec. X-X-5 Industrial Hemp Site Regulations

- A. Industrial Hemp Sites are subject to the following conditions and limitations:
 - 1. May be permitted [as a special/conditional use] in _____ zoning districts and shall not be authorized to grow, harvest, process, or store industrial hemp in an area zoned for residential use.
 - 2. Shall not be located within five hundred (500) feet of a residentially zoned property. This distance shall be measured from the lot line of the property in which the cultivation is conducted or proposed to be conducted to the property boundary line of the residentially zoned property.
 - 3. Shall not be located within one thousand (1,000) feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public cemetery or community center. This distance shall be measured from the lot line of the property in which the cultivation is conducted or proposed to be conducted to the property line of the protected use.
 - 4. Except as otherwise provided in A.R.S. § 9-462.01, disposal of agricultural composting from industrial hemp shall not be allowed in any [City/Town] trash can, bin or other [City/Town] facility, or in any park refuse container unless authorized by the [City/Town].
 - 5. Must eliminate the smell or odor of industrial hemp, or unusual smells or odors generates by or connected to such storage or processing and not generally found in a residential environment, so that such odors cannot be detected by a person with a normal sense of smell from a minimum distance of ten (10) feet of a building's exterior or at the property's boundaries, whichever distance is less, except during periods

while a door is open for the purpose of transporting industrial hemp not to exceed fifteen (15) minutes per period; and

6. Exterior inspections by the [City/Town] Code Enforcement or a designee may be conducted any time during regular business hours.
7. No vehicle used to transport industrial hemp to or from an industrial hemp site shall park in a residential zone or be left unattended on any public street, sidewalk, alley or other public right-of-way in the [City/Town]. In addition to any penalty provided in this article, any vehicle which is parked in violation of this subsection may be towed and impounded, or the contents of said vehicle may be removed and impounded or destroyed. Reasonable charges may be made for towing, content removal, and impounding.

[OPTIONAL]

Sec. X-X-6 Retail Sales from Industrial Hemp.

- A. The sale of industrial hemp products is authorized within the [City/Town]. Industrial hemp and industrial hemp products are taxable to the end user under the retail classification of the transaction privilege tax.

Sec. X-X-7 Fees.

- A. [FOR PERMITS] The fee for the permit shall be established by [RESOLUTION OF THE CITY/TOWN COUNCIL/FEE SCHEDULE].

OR

The permit fee for each industrial hemp site is (\$ _____) annually.

Sec. X-X-8 Violations.

- A. It is a violation of this article for a person to grow, harvest, process, or transport industrial hemp if the person fails to meet all the requirements in this article or state law, including the Department's rules regulating the Industrial Hemp Program pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

- B. It is a violation of this article for any person to provide false information on any permit application.
- C. Each day any violation of any provision of this article shall continue shall constitute a separate offense.

Sec. X-X-9 Enforcement; Penalties.

- A. The [special/conditional use] permit may be revoked by the [City/Town] for violation of any provision of this article or for any violation of the requirements of the permit. If a permit is revoked, the permittee shall have the right to appeal the decision of the [City/Town] to _____ as outlined in Section _____ of the [City/Town] Code.
- B. Violations of this article are in addition to any other violation enumerated within the [City/Town] ordinances or the [City/Town] Code and in no way limits the penalties, actions or abatement procedures which may be taken by the [City/Town] for any violation of this article, which is also a violation of any other ordinance or Code provision of the [City/Town] or federal or state law. Conviction and punishment of judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
- C. Civil Penalty: Violations of any provision of this article shall be civil code offenses which may be adjudicated and enforced by the [City/Town] civil hearing process set forth in subsection _____ or [City/Town] Court under Section _____ of the [City/Town Code].

[AND/OR]

- D. Criminal Penalty: Among other penalties that may apply, including revocation of a permit (when applicable), any person who violates any provision of this article, whether or not the act is specifically stated as being unlawful, shall be guilty of a class _____ misdemeanor and upon conviction shall be punished as provided in Section _____ of the _____ [City/Town Code.]

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Recitals.

The recitals above are fully incorporated in this Ordinance by reference.

Section IV. Effective Date.

The effective date of this Ordinance shall be ___ days following adoption by the [City/Town] Council.

Section V. Preservation of Rights and Duties.

This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section VI. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 Common Council of the [City/Town] of _____, Arizona, this ____ day of _____, 201_, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 201_.

_____, Mayor

ATTEST:

_____, [City/Town] Clerk

APPROVED AS TO FORM:

[City/Town] Attorney

I, _____, [CITY/TOWN] CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE [CITY/TOWN] OF _____ ON THE _____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 201_.

_____, [City/Town] Clerk

Dr. J, you would have to indicate the zones in which we would allow it as a conditional use. We'd also have to establish a permit fee. We could also indicate that the Town will tax sales of products under our retail TPT. The salient provisions of the model ordinance are below. I highlighted a few. We could make violations *civil* as opposed to criminal, in keeping with our Code changes in that direction.

1. **May be permitted [as a special/conditional use] in ____ zoning districts and shall not be authorized to grow, harvest, process, or store industrial hemp in an area zoned for residential use.**
2. **Shall not be located within five hundred (500) feet of a residentially zoned property. This distance shall be measured from the lot line of the property in which the cultivation is conducted or proposed to be conducted to the property boundary line of the residentially zoned property.**
3. **Shall not be located within one thousand (1,000) feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public cemetery or community center. This distance shall be measured from the lot line of the property in which the cultivation is conducted or proposed to be conducted to the property line of the protected use.**
4. **Except as otherwise provided in A.R.S. § 9-462.01, disposal of agricultural composting from industrial hemp shall not be allowed in any [City/Town] trash can, bin or other [City/Town] facility, or in any park refuse container unless authorized by the [City/Town].**
5. **Must eliminate the smell or odor of industrial hemp, or unusual smells or odors generates by or connected to such storage or processing and not generally found in a residential environment, so that such odors cannot be detected by a person with a normal sense of smell from a minimum distance of ten (10) feet of a building's exterior or at the property's boundaries, whichever distance is less, except during periods while a door is open for the purpose of transporting industrial hemp not to exceed fifteen (15) minutes per period; and**

6. Exterior inspections by the [City/Town] Code Enforcement or a designee may be conducted any time during regular business hours.
7. No vehicle used to transport industrial hemp to or from an industrial hemp site shall park in a residential zone or be left unattended on any public street, sidewalk, alley or other public right-of-way in the [City/Town]. In addition to any penalty provided in this article, any vehicle which is parked in violation of this subsection may be towed and impounded, or the contents of said vehicle may be removed and impounded or destroyed. Reasonable charges may be made for towing, content removal, and impounding.

[OPTIONAL]

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