

March 17, 2021

The Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, shall be amended as follows:

Section 1-5-3 Non-Residential Use Regulations, Table 5-3 Non-Residential Use Regulations, shall be amended with the addition of “Recreational Marijuana Establishments” under use category “Retail Trade”:

Use Category	Specific Use Type ¹	B-1 Gen.	B-2 Old West	B-3 City Cen.	B-4 ⁴ Bus Park	B-5 ⁴ Ind.	PI Pub/Inst.
Retail Trade (NAICS Code 44-45)	Medical Marijuana Facilities	CUP	CUP	CUP	CUP	CUP	NO
	Recreational Marijuana Establishments	CUP	CUP	CUP	CUP	NO	NO
	Swap Meets and Farmers Markets	CUP	CUP	CUP	CUP	NO	CUP

ARTICLE 1-17 DEFINITIONS, shall be amended with the addition of the following:

Recreational Marijuana Uses:

- a. **Chemical Extraction.** The process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.
- b. **Chemical Synthesis.** Production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.
- c. **City.** The City of Apache Junction.
- d. **Consume, Consuming, and Consumption.** The act of ingesting, inhaling or otherwise introducing marijuana into the human body, including the inhaling or exhaling of smoke or vapor from an electronic device that can be used to deliver marijuana or marijuana products to a person, including, but not limited to, an electronic or vaping cigarette, equipment, or pipe.
- e. **Consumer.** An individual who is at least twenty-one years of age and who purchases marijuana or marijuana products.
- f. **Cultivate and Cultivation.** To propagate, breed, grow, prepare and package marijuana.
- g. **Deliver and Delivery.** The transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment.

- h. **Department.** The State of Arizona Department of Health Services or its successor agency.
- i. **Dual Licensee.** An entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.
- j. **Enclosed Area.** A building, greenhouse, or other structure that has:
 - i. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
 - ii. Is secure against unauthorized entry;
 - iii. Has a foundation, slab or equivalent base to which the floor is securely attached; and
 - iv. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors
- k. **Extraction.** The process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.
- l. **Manufacture and Manufacturing.** To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.
- m. **Marijuana.** All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin; and includes cannabis as defined in A.R.S. § 13-3401; but does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
- n. **Marijuana Concentrate:**
 - i. Resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.
 - ii. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.

- o. **Marijuana Establishment.** An entity licensed by the Department to operate a single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
- p. **Marijuana Products.** Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.
- q. **Marijuana Testing Facility.** The Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.
- r. **Nonprofit Medical Marijuana Dispensary.** A nonprofit entity as defined in A.R.S. § 36-2801(12).
- s. **Open Space.** A public park, public sidewalk, public walkway or public pedestrian thoroughfare.
- t. **Person.** An individual, partnership, corporation, association, or any other entity of whatever kind or nature.
- u. **Process and Processing.** To harvest, dry, cure, trim or separate parts of the marijuana plant.
- v. **Public Place.** The same meaning prescribed in the Smoke-Free-Arizona Act, A.R.S. § 36-601.01.
- w. **Smoke.** To inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic