

ARTICLE 16 – ADULT ORIENTED BUSINESS

(Adopted 9/06/05 via BOS Resolution no. 60-05, amended on 2-22-11, via BOS Ordinance No. 02-11))

Section 1601 – Definitions

AOB definitions are found in the separately published Licensing Procedures for Adult Oriented Businesses.

Section 1602– Zoning Locations

AOB facilities shall be permitted only in areas zoned Commercial-Residential, Industrial-1 or Industrial-2.

Section 1603 – Sign Regulations

Permitted signs shall include the following:

1. Advertising signs, subject to the following:
 - a. The maximum number of allowable advertising signs is two.
 - b. Such signs shall not exceed an area of eighteen (18) square feet.
 - c. Such signs may be double faced.
 - d. Such signs may be illuminated but the source of the illumination shall in no way be visible to traffic, be solely downwards facing towards the sign, and no flashing or intermittent illumination shall be employed.
 - e. Such signs may be free-standing or attached to a wall.
 - f. Such signs shall not exceed twelve (12) feet above grade.
 - g. Such signs may be located in or be projected into required yards, but such sign shall not be located in or project into any street, alley, or parking lot.
 - h. Such signs shall not be moving, animated, or audible in any manner.
 - i. Such signs shall be located only on the property to which it pertains.
2. No temporary signs representing the AOB shall be placed on the property.
3. Permitted signs may display the name of the AOB. Permitted signs may not display drawings or pictures of any kind.
4. Permitted signs shall be maintained to applicable standards for structural integrity and safety, and present a professional appearance.
5. Off-premises signs are subject to the same regulations as “on-premise” signs.

Section 1604 – Height Regulations

The height of the building shall not exceed either thirty (30) feet, or two stories, as defined in Sections 3002.13 and 3002.83.

Section 1605 – Setbacks

1. AOB placement is subject to the following setbacks from other uses:
 - a. An AOB shall not be located within 1,500 feet of any other AOB.
 - b. An AOB shall not be located within 1,500 feet of:
 - i. Schools, Educational facilities, or Libraries
 - ii. Boys/Girls Clubs, Parks, Playgrounds, or other Public Recreational Facilities
 - iii. Day Care Centers or Nurseries
 - iv. Churches
 - v. A medical marijuana dispensary or medical marijuana offsite cultivation location
 - c. An AOB surrounded by a 6' opaque fence or wall shall not be located within 800 feet of any residential use.
 - d. An AOB that is not surrounded by a 6' opaque fence shall not be located within 1,500 feet of any residential use.
2. For purposes of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior walls of any affected structures without regard to intervening structures or objects or political boundaries.
3. An adult oriented business lawfully operating is not rendered in violation of these provisions by the subsequent location of any use set forth in paragraph 1 above within 1,500 feet of the adult oriented business.

Section 1606– Intensity of Use Regulations

The Maximum lot coverage shall be fifty percent (50%) of the total lot area.

Section 1607– Parking Regulations

The parking regulations are as provided in Section 2510 hereof. For parking purposes only, an AOB is considered the same as a restaurant.

Section 1608 – Loading and Unloading Regulations

The loading and unloading regulations are as provided in Section 2511 hereof.

Section 1609 – Additional Regulations

The additional regulations are as follows:

1. No AOB Building or premises shall be used for dwellings or other places of domicile, manufactured home parks, recreational vehicle parks, manufactured home subdivisions, hotels, resort hotels, motels, restaurants, night clubs, bars, or dance halls. An AOB shall be used solely as an AOB, and no other use of the premises is permitted.

2. Any use that is not within a completely enclosed building shall be screened from lots in adjoining Rural or Residential Zoning districts by a solid opaque fence or wall at least six (6) feet in height.
3. Exterior building lighting shall be solely downward facing for the lighting of walkways and parking lots for safety. Any lighting shall be placed so as to reflect away from adjoining Rural or Residential zoning districts.
4. The AOB facilities shall be of site-built construction, meeting the proper design for parking, drainage, driveways, utilities, opaque fencing or wall as required herein, and any other design considerations as determined by the Planning & Building staff.
5. No alcoholic beverages shall be sold, served, or consumed on the premises of any AOB.

Section 1610– Applicability

This ordinance shall apply to all persons engaging in activities described in Article 16, whether or not such activities were commenced prior to the effective date of this ordinance. Persons so engaged as of the effective date shall be in full compliance with this ordinance, including receipt of any required permits, licenses, and reviews, within one (1) year after the effective date of this ordinance.

Section 1612 –Compliance with Other Laws

This ordinance shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

ARTICLE 16A – MEDICAL MARIJUANA

(As adopted 2/22/11 via BOS Ordinance #01-11; as Amended 8/23/11 via BOS Ordinance #05-11)

Section 16A-01 – Definitions:

1. **Medical Marijuana Designated Caregiver Cultivation Location:**

An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where a caregiver designated pursuant to A.R.S. §36-2801 cultivates marijuana for one or more patients under the caregiver's care, each of whom resides in Navajo County at a location at least 25 miles distant from a Medical Marijuana Dispensary. The designated caregiver cultivation location must be accessory to the designated caregiver's primary residence. Medical Marijuana cultivation as an accessory use to the designated caregiver's primary residence must not be detectable from the exterior of the building in which the cultivation takes place.

2. **Medical Marijuana Dispensary:**

An entity defined in A.R.S. § 36-2801(11) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials.

3. **Medical Marijuana Dispensary Offsite Cultivation Location facility:**

An offsite location where marijuana is cultivated by a Medical Marijuana Dispensary as referenced in A.R.S. § 36-2804(B)(1)(b)(ii).

4. **Medical Marijuana Qualifying Patient Cultivation Location:**

An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where one or more patients qualified to cultivate marijuana pursuant to A.R.S. § 36-2801 cultivates marijuana.

The Qualifying Patient Cultivation Location must be accessory to the qualifying patient's primary residence. Medical Marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. Medical Marijuana cultivation as an accessory use to the qualifying patient's primary residence shall only be permitted if the residence is located at least 25 miles distant (by straight-line measurement) from a Medical Marijuana Dispensary.

Section 16A-02 – Zoning Locations:

1. Medical Marijuana Qualifying Patient Cultivation Locations and Medical Marijuana Designated Caregiver Cultivation Locations shall be permitted in any zoning district, subject to all rules adopted by the Arizona Department of Health Services.
2. Medical Marijuana Dispensaries shall be allowed in the Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.
3. Medical Marijuana Dispensary Offsite Cultivation Location facilities shall be allowed in the A-General, Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.

Section 16A-03 – Development Standards for Medical Marijuana Dispensary and Medical Marijuana Dispensary Offsite Cultivation Location facilities:

1. Compliance with all rules adopted by the Arizona Department of Health Services.
2. Medical Marijuana Dispensaries or Medical Marijuana Dispensary Offsite Cultivation Locations shall not be located within 1,500 feet of any other Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location. A Medical Marijuana Offsite Cultivation Location shall be associated exclusively with a Medical Marijuana Dispensary (or Dispensaries) located in Navajo County and approved pursuant to this Article 16A.
3. Medical Marijuana Dispensaries and Medical Marijuana Offsite Cultivation Locations shall not be located within 1,500 feet of:
 - a. A church; or
 - b. A public or private elementary or secondary school; or
 - c. A public or private day care center, preschool, nursery, kindergarten, or similar use; or
 - d. A public park, playground, or public recreational facility; or
 - e. An adult oriented business.
4. Medical Marijuana Dispensaries and Medical Marijuana Offsite Cultivation Locations shall require the approval of a Special Use Permit by the Navajo County Board of Supervisors, pursuant to the requirements of this Article and the related provisions of Article 20.

5. For purposes of measuring separation distances required in this Article, the measurements shall be taken in a straight line from the closest exterior walls of any affected structures without regard to intervening structures or objects or political boundaries.
6. A Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location lawfully operating is not rendered in violation of these provisions by the subsequent location of a church, public or private elementary or secondary school, a kindergarten or preschool or similar use, a park or playground, or an adult oriented business within 1,500 feet of the Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location.
7. This Article shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

Section 16A-04 – Additional Application Requirements for a Special Use Permit for a Medical Marijuana Dispensary:

In addition to the application materials typically required for a Special Use Permit, an application for a Special Use Permit for a Medical Marijuana Dispensary shall also include evidence that the applicant has applied to the Arizona Department of Health Services (ADHS) for a dispensary registration certificate. At a minimum, the Special Use Permit application shall include a copy of the application to ADHS and evidence that ADHS has accepted the application. Failure to provide this information will result in rejection of the Special Use Permit application.