

WHEN RECORDED RETURN TO:

City of Buckeye  
ATTN: City Clerk, Lucinda J. Aja  
530 East Monroe Avenue  
Buckeye, Arizona 85326

**ORDINANCE NO. 14-15**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, AMENDING CHAPTER 7, ARTICLES 3 AND 10, AND TABLES RELATED THERETO, OF THE DEVELOPMENT CODE REGULATING LAND USE FOR TOBACCO RELATED RETAIL ESTABLISHMENTS BY LIMITING THE LAND USE CLASSIFICATIONS FOR SUCH RETAIL BUSINESSES AND IMPOSING SPACING REQUIREMENTS FROM OTHER IMPACTED USES.**

**WHEREAS**, protecting minors from exploitation by those promoting the consumption of tobacco and tobacco related products is a goal of the highest priority within the City of Buckeye; and

**WHEREAS**, requiring businesses selling tobacco related products and paraphernalia to be located more than 1000 feet from other similar businesses and schools, playgrounds, parks and preschool facilities, locations frequented by minors and children, fosters the City's goal by regulating exposure of impressionable minors to businesses seeking to expand the use of tobacco, drug paraphernalia associated with tobacco use and vapor (electronic cigarette) use by minors; and

**WHEREAS**, such regulations promote the general welfare and temperance of minors and is intended to help reduce the illegal purchase, use and consumption of tobacco and tobacco related products; and

**WHEREAS**, the concentration of such businesses within a neighborhood has a deleterious effect upon the peace and enjoyment of neighboring properties with the potential of increased crime as well as depreciating real property values to neighboring properties.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA**, as follows:

Section 1. Chapter 7, Article 3, of the Development Code of the City of Buckeye is hereby amended by adding the following section:

**3.2.3 Commercial Uses.**

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- L. Tobacco Oriented Retailers. Applications for tobacco oriented retailers shall comply with and show the method of complying with the following standards:

1. This use shall be at least 1000-feet from another tobacco retailer, public, private or charter school, parks/playgrounds, or licensed day care facilities.

2. The separation distance shall be measured in a straight line from the property line of the tobacco oriented retailer use to the nearest property line of the other listed uses.

Section 2. Chapter 7, Article 10, of the Development Code of the City of Buckeye is hereby amended by adding the following section:

### 10.3.3 Commercial Uses.

10. A Tobacco Oriented Retailer. An establishment engaged in the sale and/or display of tobacco related products, including, but not limited to: cigarettes, electronic cigarettes and vapor products (vaping), chewing and dipping tobacco, cigarette papers, or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco. This includes uses such as, but not limited to, a cigar store, head shop, vapor store or hookah lounge. A tobacco oriented retailer shall not include any establishment over 10,000 square feet in gross floor area, or any establishment devoting less than 15 percent of its floor space to the sale/display of tobacco related products.

Section 3. Chapter 7, Article 3, Table of Allowed Uses, is amended by adding the following section:

**Table 3.1-1 Table of Allowed Uses**

Use Category	Use Type	A G	RESIDENTIAL									MIXED-USE				NON-RESIDENTIAL								Use Standards
			SF 4 3	SF 1 8	SF 1 0	SF 6	SF 3	SF 1	M F 1	M F 2	M H	N M U	C M U	R M U	D C	P O	C 1	C 2	C 3	B P	I 1	I 1	I 2	
...																								
Retail (Sales)	Tobacco Oriented Retailer											C	P	P	C		C	P	P					3.2.3.L
...																								

Section 4. Chapter 7, Appendix C. Obsolete Districts Permissible Uses is amended by adding the following section.

### APPENDIX C: OBSOLETE DISTRICTS PERMISSIBLE USES

PRINCIPAL USE	ZONING DISTRICT						
	RR	PR	MR	PC	CC	GC	SU
...							
Tobacco Oriented Retailer					P	P	

Section 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance

**PASSED AND ADOPTED** by the Mayor and City Council of the City of Buckeye, Arizona, this 7th day of July, 2015.

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Jackie A. Meck, Mayor

ATTEST:

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Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

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Scott W. Ruby, City Attorney