

Sec. 86-268. - Special exception uses.

The following uses shall be permitted in the B-2 general business district, subject to the conditions imposed in this section for each use, and subject further to the review and approval of the zoning administrator for compliance with the health, safety and welfare objectives of the city pursuant to this chapter:

- (7) Medical Marihuana Facilities licensed as a Secure Transporter, Medical Marihuana Provisioning Center or Safety Compliance Facility, as established by Ordinance Chapter 50, Section 50-2(e), subject to the following conditions:
  - a. The Medical Marihuana Facility shall not be within a 500-foot radius from any parcel within the City with a school, church or public library located on it. Measurement of the 500-foot radius shall be made from the lot line of the lot upon which the proposed Medical Marihuana Facility will be situated to the lot line of the lot upon which the school, church or public library is situated and shall be the shortest distance between the respective lot lines.
  - b. The applicant for a Special Exception Use must have received prior approval from the City administration as established by Ordinance Chapter 50, Section 50-2(e).
  - c. Acceptance of a Special Exception Use permit hereunder constitutes consent by permit holder to reasonable inspection by City personnel without prior notice, including police, for purposes of ensuring compliance with laws and regulations.
  - d. The applicant for a Special Exception Use must provide evidence of compliance with all State statutes related to the requested Medical Marihuana Facility.
  - e. A medical marihuana facility issued a permit under this chapter and operating in this City, shall comply with the following operational requirements which shall be reviewed and amended, from time to time. Whenever any operational requirements contained in this section directly conflict with state law, state law shall control:
    1. Permit holder shall maintain, at all times, a centrally-monitored security and alarm system.
    2. Permit holder shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
    3. No person under the age of eighteen (18) shall be allowed to enter into the premises without a parent or legal guardian.
    4. No pictures or drawings depicting marihuana or any marihuana paraphernalia shall appear on the outside of the premises, or shall be visible from outside of the premises. The words "marihuana", "cannabis" and any words used or intended to be used to convey the presence of marihuana shall not appear on the outside of the premises per state law.
    5. All marihuana in whatever form stored at the premises shall be kept in a secure manner and shall not be visible from outside the premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the premises.
    6. No marihuana may be consumed or ingested on the premises except as otherwise permitted by applicable state law.
    7. For all marijuana establishments, the odor of marijuana must not be perceptible at the exterior of the building at the licensed premises or at any adjoining use of the property. Marijuana growing and processing facilities must implement appropriate ventilation and filtration systems to satisfy the odor nuisance standard described above. Provisioning Centers and safety compliance facilities are not required to install filtration equipment on the licensed premises but must satisfy the same odor threshold. While the city does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments are strongly encouraged to adopt best management

practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.