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# DEVELOPMENT APPLICATION REVIEW CRITERIA

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## 7.3.205: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES:

M. Medical Marijuana Facility (MMJ Facility): A medical marijuana facility shall be subject to the following additional standards:

1. The MMJ facility is prohibited within a residential zone district or dwelling unit, to the extent the facility is not subject to an exception pursuant to subsection [7.3.105P](#) of this article.
2. The MMJ facility must hold valid local and State medical marijuana business licenses and local and State sales tax licenses, as applicable.
3. On premises use, consumption, ingestion, or inhalation within an MMJ facility is prohibited.
4. The MMJ facility shall install, maintain and operate an adequate ventilation and filtration system that ensures odors are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right of way, building unit or residential unit.
5. A medical marijuana center (MMC) shall be located no less than one thousand feet (1,000') from any public or private elementary, middle, junior high or high school, or a residential childcare facility or a drug or alcohol treatment facility. This minimum distance shall be measured from the nearest portion of the building used for the medical marijuana center to the nearest property line of the school, residential childcare facility or drug or alcohol treatment facility using a route of direct pedestrian access.
6. City Council specifically finds and determines that it is in the best interests of the public health, safety and welfare to forego zoning enforcement action against those MMJ facilities located within the office residential (OR) or office complex (OC) zone districts that: a) otherwise complied with the City's application procedure found in chapter 2, article 2, part 1 of this Code, and b) are subsequently granted State and local medical marijuana business licenses. So long as these qualified MMJ facilities obtain and maintain State and local medical marijuana business licenses at the locations identified in the application, the City will forgo any adverse zoning enforcement action related to that MMJ facility use in the OR or OC zone.

This zoning enforcement forbearance only applies to the identified and qualified MMJ facilities owned or operated by the person or entity identified in the preapplication and shall not run with the land. Should these identified MMJ facilities cease operations for any period of time in the facilities' current OR or OC zone, the City shall enforce zoning restrictions against the reestablishment of, or any expansion of any existing MMJ facility, or any proposed new MMJ facility seeking to locate in any OR or OC zone. No MMJ facility located in an OR or OC zone district shall be declared a legal nonconforming use or be granted any "grandfathered" land use rights.