ORDINANCE NO. 487

AN ORDINANCE OF THE CITY OF FARMERSVILLE AMENDING REGULATIONS FOR MEDICINAL AND NON-MEDICINAL CANNABIS USE, CULTIVATION, BUSINESSES, TRANSACTIONS AND LAND USES.

THE CITY COUNCIL OF THE CITY OF FARMERSVILLE DOES ORDAIN AS FOLLOWS:

Section 1. PURPOSE. There are adverse secondary impacts of cannabis/marijuana cultivation, processing, manufacturing, distribution, sales and use which include, without limitation, criminal activity, pungent odors, excess water consumption, toxic mold, excessive energy consumption and indoor electrical fire hazards, loitering at dispensaries and robbery of cannabis businesses which transact business primarily in cash. The provisions of this ordinance are intended to promote the public safety, health, comfort and general welfare, in order to provide a plan for sound and orderly development, and to ensure social and economic stability within the various zones established by the Farmersville Zoning Ordinance.

Section 2. FINDINGS AND PURPOSE. The City Council of the City of Farmersville hereby finds and declares the following:

(a) California Constitution Article 11, Section 7 authorizes the City of Farmersville ("City") to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws;

(b) California Government Code § 37100 authorizes the legislative body of a local government to enact local ordinances which are not in conflict with the Constitution and laws of the State of California or the United States;

(c) The federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies cannabis/marijuana as a Schedule I drug, which is defined as a drug or other substance which has a high potential for abuse, no currently accepted medical use in treatment in the United States, and has not been accepted as safe for use under medical supervision. The federal Controlled Substances Act declares it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, cannabis. The federal Controlled Substances Act contains no exemption for cultivation, manufacture, distribution, dispensation or possession of cannabis for medical or non-medical purposes;

(d) On June 28, 2016, the Secretary of State of the State of California certified Proposition 64, the Control, Regulate and Tax Adult Use of Cannabis Act ("AUMA" or "Proposition 64"), for the November 8, 2016 statewide presidential general election ballot;

(e) The AUMA become law when a majority of the electorate voted "yes" on Proposition 64. The AUMA, to a certain degree, decriminalized under State law the possession, consumption, cultivation,

processing, manufacture, distribution, testing and sale of non-medicinal cannabis/marijuana and derivative products, including edibles, for adults twenty-one (21) years of age and older. The AUMA also included provisions for licensing commercial cannabis and preserved the authority of local governments to regulate, and in some cases ban, certain cannabis activities within their boundaries.

(f) On June 27, 2017, Senate Bill 94 ("SB-94"), which was a state budget trailer bill, was signed into law by the Governor of the State of California. This legislation clarified and/or revised certain portions of the AUMA and the Medical Cannabis Regulation and Safety Act of 2015 (MCRSA) and also certain state statutes pertaining to medicinal cannabis/marijuana, including the authority of local governments to regulate, and in some cases ban, certain cannabis activities within their boundaries; SB 94 unified these two regulatory structures into the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA);

(g) The MAUCRSA now regulates, among other matters, the use of cannabis/marijuana for medicinal, non-medicinal personal and commercial purposes, including the recreational use of cannabis by adults ~~over~~ twenty-one (21) years of age and over;

(h) To regulate personal use of cannabis, the AUMA added Health and Safety Code § 11362.1 which, among other things and with certain exceptions, made it "...lawful under state and local law..." for persons 21 years of age or older to "...possess, process, transport, purchase, obtain or give away to persons 21 years of age or older without any compensation whatsoever..." up to 28.5 grams of non-medical cannabis in the form of concentrated cannabis or not more than eight grams in the form of concentrated cannabis contained in cannabis products;

(i) The AUMA also removed certain state criminal law prohibitions for adult individuals who "...possess, plant, cultivate, harvest, dry or process not more than six living cannabis plants and possess the cannabis produced by the plants...";

(j) The AUMA also legalized smoking or ingesting of cannabis or cannabis products by adults for non-medical purposes;

(k) To regulate commercial use of non-medical cannabis, the AUMA added Division 10 (Cannabis) to the Business & Professions Code, which vested certain state agencies with "...the sole authority to create, issue, deny, renew, discipline, suspend, or revoke licenses..." for certain non-medicinal commercial cannabis business activity including microbusinesses, transportation, storage (unrelated to manufacturing activities), distribution, testing, and sale of cannabis and cannabis products within the state;

(l) The AUMA provides that specified state agencies shall promulgate rules and regulations and shall begin issuing state business licenses under Division 10 of the Business & Professions Code by January 1, 2018;

(m) The AUMA specifies that a local jurisdiction shall not prevent transportation of non-medicinal cannabis or derivative products on public roads by a licensee transporting cannabis or derivative products in compliance with Division 10;

(n) The AUMA authorized cities to "...reasonably regulate..." without completely prohibiting cultivation of cannabis inside a private residence or inside an "...accessory structure to a private residence located upon the grounds of a private residence which is fully enclosed and secure...";

(o) The AUMA authorized cities to completely prohibit outdoor cultivation on the grounds of a private residence until a "...determination by the California Attorney General that nonmedical use of cannabis is lawful in the State of California under federal law...";

(p) The AUMA authorized cities to completely prohibit the establishment or operation of any non-medical cannabis business licensed under Division 10 within its jurisdiction, including cannabis dispensaries, cannabis retailers and cannabis delivery services;

(q) If locals fail to enact appropriate local regulations, they can be pre-empted by the state in regard to regulating all commercial cannabis businesses within their jurisdiction.

(r) Until the AUMA was enacted, state statutes prohibited cultivation, possession and sales of non-medicinal cannabis and therefore overlapping local regulations would have been preempted by State statute;

(s) The City has permissive zoning standards which prohibit all land uses not expressly allowed and has applied the same, without exception, to all instances of medicinal cannabis, including, but not limited to, cultivation, distribution, dispensing, transportation, sales and gifting;
Since legalization, permissive zoning may not be sufficient, and there is a need to affirmatively and specifically prohibit via local ordinances the commercial cannabis activities that are not allowed.

(t) The existence of cannabis cultivation operations carries the potential to increase secondary impacts such as: (1) robberies, break-ins and other thefts due to the high monetary value of cannabis plants; (2) dangerous alterations to the electrical wiring of buildings; (3) toxic amounts of mold spores present in buildings intended for human occupation; (4) the potential for exposure to or increased usage by school aged children; (5) the spread of strong, pungent and/or noxious odors from cannabis plants;

(u) The City has legitimate and compelling interests in protecting the public health, welfare and safety of its residents, as well as preserving the peace and quiet of the neighborhoods within the City;

(v) The City has determined that a regulatory ordinance is necessary to protect the public health, welfare and safety of residents of the City to the maximum extent allowable under California law to address the adverse secondary impacts resulting from changes to California law through the AUMA and Senate Bill 94/the MAUCRSA (2017). The City Council previously adopted Ordinance 485 on (May 14, 2018) establishing procedures and regulations to permit the cultivation, processing, manufacturing and testing of cannabis products, however retail cannabis dispensaries were prohibited in that ordinance. More recently the City Council has decided to allow a limited number of retail cannabis dispensaries in limited locations.

(w) Cultivation and sales of any amount of cannabis and/or derivative products at locations or parcels within six hundred (600) feet of schools, school bus stops, school evacuation sites, churches, parks, child care centers, or youth-oriented facilities creates unique risks that the cannabis plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with cannabis cultivation in such locations poses heightened risks that juveniles will be involved or endangered. Therefore, cultivation and sales of any amount of cannabis or derivative products within such locations or parcels is especially hazardous to public safety and welfare, and to the protection of children.

(x) As recognized by the California Attorney General's August 2008 GUIDELINES FOR THE SECURITY AND NON-DIVERSION OF CANNABIS GROWN FOR MEDICAL USE, the cultivation or other concentration of cannabis in any location or parcels without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime. There is no known reason why this same principle would not apply to non-medicinal cannabis.

(y) It is the purpose and intent of this ordinance to implement State law by providing a means for regulating non-medicinal and medicinal cannabis in a manner which is consistent with applicable State laws and which promotes the health, safety, security and welfare of local residents within the City. This Chapter is intended to be consistent with Proposition 64 and Senate Bill 94, and to that end, is not intended to prohibit any person from exercising any right otherwise granted by State law. Rather, the intent and purpose of this Chapter is to establish reasonable regulations upon the manner in which cannabis and cannabis products must be cultivated, manufactured, processed, stored and sold or gifted, in order to protect the public health, safety, security and welfare of all of the residents of the City.

(z) The limited right of individuals under State law to cultivate cannabis plants for non-medicinal purposes and/or to carry on a cannabis business without violating state criminal laws does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter, the City will achieve a significant reduction in the aforementioned harms caused or threatened by the cultivation of non-medicinal cannabis and/or carrying on of any cannabis business within the City.

(aa) Nothing in this ordinance shall be construed to allow or legalize cannabis for any purposes, or allow or legalize any activity relating to the cultivation, distribution or consumption of cannabis which is otherwise illegal under state or federal law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the County District Attorney or the Attorney General of State of California.

Section 3. Subsection 17.53.030 (a) and (b) (Nuisance Declared) of the Farmersville Municipal Code is amended as follows:

17.53.030 Nuisance Declared.

(a) Unless and until this subsection is specifically cited as repealed, notwithstanding any other ordinance of the City, each and all of the following activities are hereby declared to be a public nuisance and unlawful when the same occur in violation of any of the provisions of this Chapter or any State law, and any such public nuisance may be abated by the City in any manner allowed by any State law or local ordinance:

(1) The operation of any indoor and/or outdoor cannabis cultivation site upon any parcel of real property within the City which does not have an active registration with the City; and

(2) The operation of any cannabis business upon any parcel of real property within the City which does not have an active registration with the City.

(b) Prohibited Cannabis Business and Non-Business Activities: Unless and until this subsection is specifically cited as repealed, notwithstanding any other ordinance of the City, each of the following shall be prohibited everywhere within the City and shall constitute a public nuisance:

(1) Outdoor Cultivation: All outdoor possession, planting, cultivation, harvesting, drying or processing of cannabis and industrial hemp, including any such activities with non-commercial cannabis upon any private residence under California Health and Safety Code § 11362.1.

(2) Non-Commercial Cultivation: The operation of any indoor and outdoor cannabis cultivation site upon any parcel of real property within the City without a valid State license therefor issued under Division 10 of the California Business and Professions Code, excluding non-commercial cannabis cultivation under Health and Safety Code § 11362.1 occurring while in full compliance with all applicable provisions of this Chapter, the Municipal Code and State law;

(3) Retail Deliveries Within the City: The delivery, as defined by Businesses and Professions Code § 26001(p) or any successor statute, of cannabis and/or cannabis product(s) to any parcel of real property within the City in connection with a retail sale thereof;

(4) Microbusinesses: The operation of any cannabis microbusiness within any land-use zone within the City;

(5) Use In Certain Areas: The inhalation, ingestion, use and/or other consumption, by any natural person, of any cannabis and/or any cannabis product(s):

a. In any place where any form of tobacco use is prohibited under California Labor Code § 6404.5 (or successor statute);

b. Within any building and/or other facility owned, leased, operated or controlled by City;

c. Upon any public road, street, right-of-way, easement, sidewalk, park or recreation site; and

d. Upon any privately owned parcel, when such inhalation, ingestion, use and/or other consumption is to any degree detectable to the unaided senses of any reasonable observer who is not located upon the same parcel;

Section 4. Subsection 17.53.040 (a) (Conditional Use Permit) of the Farmersville Municipal Code is amended as follows:

17.53.040 Conditional Use Permit.

(a) Conditional Use Permit Required: Unless and until this subsection is specifically cited as repealed, and notwithstanding any other ordinance of the City to the contrary, each land use occurring on a privately owned parcel of real property within the City which includes the retail sales of cannabis, cultivation, storage, transport, testing, processing and/or sale of any plant or crop, or derivative

product thereof, which yields any detectable level of any substance which is listed within any schedule prepared under the federal Controlled Substances Act (codified at 21 U.S.C. §§ 801 et seq.), excluding Schedule V, shall require a conditional use permit under Title 17 of the Municipal Code. Any conditional use permit issued pursuant to this requirement shall be deemed to include a condition which requires compliance with all applicable federal, State and local laws and regulations, regardless of whether or not the same is expressly listed as one of the conditions.

Section 5. Subsection 17.53.060 (b) (2) and (b) (3) (Annual Registration of Parcels Prior to Use for Cannabis Business) of the Farmersville Municipal Code is amended as follows:

17.53.060 Annual Registration of Parcels Prior to Use for Cannabis Business.

(b) Conditions of Active Registration: The registration of any parcel of real property under this section shall be invalid, void and inactive except during such times when all of the following conditions are all simultaneously satisfied:

(1) Local Cannabis Business Tax: A valid voter-approved local tax ordinance, other than a generally applicable business, sales or use tax, must be in effect for each type of commercial cannabis business activity which is to occur on the parcel. For commercial cultivation of cannabis, such tax must be calculated based upon the square footage of cultivation area and contain an inflationary escalator, or calculated as a percentage of annual gross receipts per fiscal year. For all other cannabis business activity, such tax must either be:

(A) Calculated based upon the square footage of business area and contain an inflationary escalator; or

(B) Calculated as a percentage of annual gross receipts per fiscal year, to the extent permitted by law.

The local tax must allow the City Council to annually or periodically choose which calculation method to implement.

(2) Registration Application Requirements: Any person owning, leasing, occupying and/or having charge or possession of the parcel must, within the twelve (12) months preceding each date when activity within the scope of a State license issued pursuant to Division 10 of the California Business and Professions Code occurs, submit an accurate and signed application for registration, and successfully register said parcel with the City. Said application must contain all of the following information and documentation:

(A) The name of each person, owning, leasing, occupying and having possession of the parcel. Corporations and other businesses entities which have more than one hundred owners may instead list the top one hundred owners with the greatest individual ownership interests and next to them list their respective ownership share;

(B) For each business, a list of all personnel who are assigned to work at the parcel to be registered;

(C) The maximum number of plants which will be cultivated on the parcel, if cultivation is to occur;

(D) Written consent to allow a City inspection of all portions of the parcel, with or without notice, during normal business hours and on a mutually suitable date, in order to complete the registration process; and

(E) Such other information and/or documentation as the City Manager reasonably determines is necessary to ensure compliance with State law and this Chapter including, without limitation, information reasonably necessary to establish compliance with subsection (b)(3) of this section.

This application information and documentation shall be received in confidence, and shall be used or disclosed only for purposes of administration or enforcement of this Chapter and/or State law, or as otherwise required by law or court order.

The City Council may, by adoption of a resolution, establish a fee for such annual registration in accordance with all applicable legal requirements. All registrations, whether initial or renewal, of all parcels of real property shall expire at the end of the day on January 31st of the calendar year following the calendar year in which the parcel was registered.

(3) Zoning Compliance: Notwithstanding any other provision within the Municipal Code, and except as otherwise specifically provided otherwise within this Chapter, for all cannabis business activity, the parcel to be registered must be located within the "I" (industrial) zone or IL (Light Industrial) zone in the case of retail cannabis sales) as established by Chapter 17.60 of the Municipal Code.

Section 6. Subsection 17.53.073 (Cannabis Dispensaries – Permitted Uses and Zoning) of the Farmersville Municipal Code is added as follows:

17.53.073 Cannabis Dispensaries - Permitted Uses and Zoning.

(a) Business Owners meeting the requirements of this section shall be allowed to conduct Cannabis Dispensary Operations in the I-L (Light Industrial) zone district of the City: The Cannabis Dispensary Operation shall at all times be in compliance with this section as it may be amended from time to time or repealed and replaced by another section governing the Cannabis Dispensary operation.

Section 7. Subsection 17.53.077 (Cannabis Dispensaries Requirements and Restrictions) of the Farmersville Municipal Code is added as follows:

17.53.077 Cannabis Dispensaries Requirements and Restrictions.

(a) The City of Farmersville will limit the number regulatory permits for dispensaries to one permit per 10,000 residents plus an additional permit per every additional 10,000 residents.

(b) The City will conduct a request for regulatory permit applications when dispensary regulatory permits are available.

(c) State Cannabis Law and Other State Laws. The Cannabis dispensary shall at all times be in compliance with State Law and the implementing regulations, as they may be amended from time to time, as well as all required State license(s) under State Law, and any other applicable State law. The Operator shall obtain required licenses under State Law prior to opening for business, or if the State is not ready to issue licenses under State Law prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the Operator shall at all times be in compliance with all other requirements of State Law and implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under State Law. The Operator shall meet or exceed the health and safety requirements of State Law in any operations relating to recreational cannabis.

(d) Register of Employees. The Operator shall maintain a current register of the names of persons required to have Employee Permits. The register shall be available to the Police Chief at all times immediately upon request. All agents, officers, or other persons acting for

or employed by a licensee shall display a laminated identification badge issued by the licensee. The identification badge shall, at a minimum, include the licensee's "doing business as" name and license number, the employee's first and last name, and a color photograph of the employee that shows the full front of the employee's face and that is at least 2 inches by 2 inches in size.

(e) Labeling. All cannabis products offered to customers at a retail location must at a minimum demonstrate compliance with state testing and labeling standards as required by State law and in compliance with any additional City regulations and as they may be amended.

(f) Signage. All signage shall be approved by the City of Farmersville and consistent with the City's Signage Ordinance. There shall be no signage or markings on the Premises, or off-site, which in any way evidences that Cannabis Operations are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building.

(g) Alcoholic Beverages. Alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the Premises.

(h) Tobacco. Tobacco for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the Premises.

(i) Transportation. Transportation shall only be conducted according to activity permitted by State law. Transportation does not include deliveries.

(j) Distribution. There shall be no deliveries to or from the Premises of cannabis or cannabis containing products except to local licensed or permitted cannabis business.

(k) Minors. It shall be unlawful for any Operator to employ any person who is not at least twenty- one (21) years of age, or any older age if set by the State.

(l) Distance separation from schools. Cannabis dispensaries shall comply with the distance separation requirements from schools as required by State law. In addition, a Cannabis Dispensary shall not be located within 1000 feet from any existing school or proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, school means any public or private school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.

(m) Hours of Operation. Cannabis Dispensaries shall be allowed to operate per the requirements of the underlying zone district and subject to the City's noise and nuisance ordinances but in no case shall exceed the minimum State standards or open before 6 a.m. or remain open after 9 p.m. Pacific time.

(n) Building and Related Codes. The Cannabis Dispensary shall be subject to the following requirements:

(1) The Premises in which the Cannabis Dispensary operations occur shall comply with all applicable local, State and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The Operator shall obtain all required building permits and comply with all applicable City standards.

(n) Secure Building. All Cannabis Dispensary operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top. The building shall include a burglar alarm monitored by an alarm company or private security company licensed by the State Bureau of Security and Investigative Services. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for commercial structures and include material strong enough to prevent entry except through an open door. All locks shall be of commercial grade.

(o) Premises Security. The following security conditions shall apply:

(1) Alarm System (both perimeter, fire and panic). A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n). A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system

(2) Remote monitoring of alarm systems.

(3) Exterior lighting systems for after-hours security.

(4) Exterior and interior camera systems approved by the Police Chief. The camera systems shall meet the minimum requirements of State Law, include interior

monitoring of all access points of the site from the interior, and be of a minimum 5 mega pixels in resolution. Cameras shall record continuously 24 hours per day and at a minimum of 20 frames per second. Areas monitored are defined by State law.

(5) All security systems at the site are attached to an uninterruptable power supply that provide continuous power.

(6) Farmersville Police Department or Department designee shall have access to all security systems.

(7) Subject to the provisions below regarding the use and handling of Confidential Information, IP access for remote monitoring of security cameras by the Farmersville Police Department or Department designee.

(8) Subject to the provisions below regarding the use and handling of Confidential Information, any and all video or audio tape recordings made for security or other purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a minimum period of ninety (90) days and must be made available to the Farmersville Police Department or Department designee for duplication upon demand. In addition, upon request by the Farmersville Police Department the Responsible Party shall duplicate the records for the Farmersville Police Department or Department designee.

(9) All exterior windows must eliminate visibility from the outside where cannabis products are displayed or stored.

(10) Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.

(11) Electronic track and trace systems for cannabis products as approved by the City and as required by State law.

(12) Premises may be inspected and records of the Business Owner audited by the City for compliance on a quarterly basis or at any reasonable time at the City's discretion.

(13) State of the art network security protocols and equipment need to be in place to protect computer information.

(14) The foregoing requirements shall be approved by the Police Chief prior to commencing operations. The Police Chief may supplement these security requirements once operations begin, subject to review by the City Council if requested by the Business Owner.

(15) The City, Police Chief, Police Department employees, and any other law enforcement official acting under the direction of the Police Chief who access the Premises and video and/or audio feeds or recordings of the Premises ("Recipients") may receive or be provided with confidential information relating to the Cannabis dispensary, which may include the following: data, records, plans, and matters relating to customers, vendors, tenants, agreements, and business records (collectively "Confidential Information").To the extent Confidential Information is acquired without a warrant for access to the Premises and video and/or audio feeds or recordings as authorized under this section, the Recipients shall, to the maximum extent possible, keep such Confidential Information confidential and not disclose the Confidential Information to any third parties. Provided, however, that the Recipients may disclose Confidential Information to the State or Federal courts in California in connection with any criminal law enforcement action against the Business Owner or Operator, (including its employees, contractors and agents conducting business within the Premises) arising from or related to the Cannabis dispensary, but only to the extent it is necessary and relevant to such criminal prosecution , and the Recipients shall file any such documents under seal to the extent they contain any Confidential Information. Notwithstanding the foregoing, the City may disclose Confidential Information:

(A) As may be required by the California Public Records Act or pursuant to a civil subpoena, provided however, the City shall notify the Operator and provide the Operator with a reasonable opportunity to obtain a protective order before disclosing the Confidential Information

(B) In connection with any City enforcement proceeding relating to compliance with City's Municipal Code and this section, but only to the extent the Confidential Information is relevant to the proceeding.

(p) Deliveries of Supplies and Transportation of Product to and from dispensary. The following rules apply to the deliveries and transportation:

(1) Deliveries to the Cannabis Dispensary of supplies shall only occur as provided for in the diagram and floor plan on file with the City as part of the application process.

Delivery vehicles shall not have any markings indicating that deliveries are being made to a Cannabis Dispensary.

(2) The transportation of cannabis samples and product to and from the Cannabis Dispensary shall be in unmarked vehicles with no indication that the vehicles are transporting cannabis samples and products. The Responsible Party shall stagger transportation times, vary routes from the facility, and take other security measures as requested by the Police Chief.

(q) Premises Maintenance. The Business Owner, Operator, and all Responsible Parties shall continually maintain the Premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of employees, patrons, surrounding properties, and the general public. The Premises of the Cannabis Dispensary shall not be maintained in a manner that causes a public or private nuisance.

(r) Commercial Cannabis Regulatory Permit. No person or entity shall operate a Cannabis Dispensary within the City of Farmersville without first obtaining a Cannabis Regulatory Permit from the City. The Regulatory Permit shall be site specific and shall specifically identify the commercial cannabis activity that will be allowed at that site. No commercial cannabis activity will be allowed unless specifically identified in the Regulatory Permit.

(s) Conditional Use Permit. Prior to, or concurrently with, applying for a Regulatory Permit, the Applicant shall process a Conditional Use Permit as required by the City's Land Use Regulations. Information that may be duplicative in the two applications can be incorporated by reference. The Conditional Use Permit shall run with the Regulatory Permit and not the land.

Section 8. Chapter 17.64 of Title 17 of the Farmersville Municipal Code is hereby added to read in its entirety as follows:

Chapter 17.64 – I-L LIGHT INDUSTRIAL ZONE

17.64.010 - Purpose.

To provide areas for intensive commercial and light industrial uses where a mixture of commercial and light industrial activities is appropriate. This zone permits commercial uses generally not appropriate to central and general commercial areas in addition to retail stores and offices, and is intended to provide for the continuance of established uses.

17.64.020 - Permitted uses.

The uses permitted in the I-L zone shall be those uses listed in Table 64-1:

Table 64-1: Permitted Use Table

Use	Permit Required
Above ground storage tanks for flammable or combustible fluids	b
Accessory buildings and uses customarily appurtenant to a permitted use	a-r
Adult oriented business	b
Ambulance service	b
Appliance sales, service and supply	x
Auto leasing, truck and trailer rentals	x
Auto parts sales (no servicing)	x
Auto sales, including autos, trucks, motorcycles, boats and other motorized vehicles, conducted entirely within an enclosed building	x
Auto sales, service and repair, new and used, includes boat, motorcycle, RV, trailer and trucks, and repair garages (not conducted within an enclosed building)	x
Auto and truck service stations	x
Bakeries	x
Barber and beauty shops	x
Bars, cocktail lounges and taverns	b
Bowling alleys	b
Building materials sales yard	b
Cabinet, carpenter and woodworking shops	b
Cafes, coffee shops and restaurants, except drive-in, fast food, self-service and take out restaurants	x
Cannabis Dispensaries	h

Use	Permit Required
Cannabis businesses, including Edible cannabis products, non-edible cannabis products, warehousing cannabis and cannabis products, Wholesaling and distribution of cannabis and cannabis products, Cannabis cultivation and Cannabis Testing Laboratories	i
Catering trucks and mobile food vendors (subject to standards contained in Section 17.68.100)	b
Cardrooms	b
Cargo containers (to be used for storage) subject to standards contained in Section 17.68.110	a-r
Car washes	b
Churches	b
Clothes cleaning and laundry pick up	b
Commercial recreation facilities, other than those listed in Table 2	b
Communication and public utility service facilities	b
Dance halls	b
Drive-in, drive-thru or drive-up businesses, including, but not limited to fast food, beverage, financial institutions, pharmacies and similar businesses	b
Drug stores and pharmacies	a-r
Electrical sales, service and supply	a-r
Equipment rental	b
Farm supply and implement sales and service	b
Film processing pick-up stations	a-r
Financial institutions	x
Fire extinguisher sales and service	x

Use	Permit Required
Florists	a-r
Food and grocery stores	x
Funeral homes and mortuaries	x
Gift shops	a-r
Glass sales, service and supply	x
Hardware stores	x
Heating and air conditioning sales, service and supply	x
Hospitals	b
Hotels and motels	b
Hydraulic equipment, well drilling sales service and supply	b
Laundry-self serve	x
Laundry, dry cleaning plants	b
Liquor sales, on and off sale	b
Locksmiths	a-r
Machine shops	b
Medical and dental clinics	x
Medical laboratories	x
Mini-storage facilities	b
Miniature golf	b
Multi-use developments	g
Offices (professional or commercial)	x
Opticians	a-r
Palm readers, fortune tellers, hypnotists and similar personal service providers	b
Parking facilities, including truck parking and park and ride lots	c
Parking facilities, off site	a-r
Passenger terminals	b
Pipe sales, service and supply	b
Plant nurseries and green houses	x
Plumbing sales, service and supply	x
Pool halls	b
Pool service and supply	x

Use	Permit Required
Prescription pharmacies	a-r
Produce stands	b
Public and private schools	x
Public and quasi-public buildings and uses appropriate to the area	x
Public scales	b
Pump sales, service and supply	b
Recreational vehicle and boat storage	b
Research and development facilities	b
Retail stores and shops	a-r
Shopping centers	x(1)
Skating rinks	b
Smoke shops and tobacco shops	b
Social halls, lodges, fraternal organizations and clubs	x
Swimming, tennis and racquetball clubs, health clubs	x
Tattoo and piercing shops	b
Taxicab service	x
Technical, trade and craft schools and studios	x
Temporary construction storage yards	c
Temporary outdoor uses	f
Theaters	b
Tire recapping	x
Variety stores	a-r
Veterinary offices and clinics	x
Video game centers	x
Video games when incidental to a permitted use	c
Welding shops	b
Wholesale and distributing businesses	x

Use	Permit Required
Upholstery	x
Janitorial service	x
Video movie rental shops	x
Thrift shops, used merchandise stores	a-r

Key to Land Use Table:

a. Conditional use permit required if for more than six guests, persons or dwelling units
a-r. Administrative Site Plan Review required: See Section 17.72.051
b. Conditional use permit required. See Section 17.96
c. Accessory use, incidental to principal use.
d. Conditional use permit required if abutting any residential zone.
e. Conditional use permit is required for any use containing 10,000 square feet or more of building or outdoor storage area, even if such a development is listed as an allowable or permitted use in a particular zoning district.
f. Temporary Outdoor Uses: See Section 17.56.040 for specific requirements
g. Conditional use permit required. A list of permitted uses may be approved with the use permit
h. Conditional Use Permit required, subject to requirements of Section 17.53.073.
i. Conditional Use Permit required, subject to requirements of Section 17.53.040.
x. Permitted use. Site Plan Review is required for new construction
x(1) Shopping centers larger than 20 acres requires a Conditional Use Permit. See Section 17.96

17.64.030 - Height regulations.

No principal building shall exceed forty feet in height except as provided in Chapter 17.88.

17.64.040 - Yard requirements.

A. Front Yard: Buildings may be located no closer than four feet to the front property line. This may be reduced to zero feet if in the opinion of the zoning administrator the conditions of Chapter 17.96 are met. However no parking lot shall be located closer than ten feet to a front property line (or a side property line on the street side of corner lots). The intervening space between parking lot and front property line shall be landscaped consistent with the requirements of Section 17.76. For lots that are less than one hundred feet in depth, the required parking lot setback may be reduced to not less than ten percent of the depth of the lot, but not less than five feet.

B. Side yards:

1. Interior Side: None, except when abutting a residential zone, then not less than required for said residential zone.

2. Street Side of Corner Lot: Same as front yard with the addition of the visibility triangle required by Section 17.76.030.

C. Rear Yard: None.

D. Lot Area.

1. The following minimum requirements shall be observed for lot area and sizes in the service commercial zone:

a. Corner lot width: Seventy feet;

b. Interior lot width: Sixty feet;

c. Minimum lot area: Ten thousand square feet.

2. Exceptions to this requirement are as follows: Any legally created lots not meeting the minimum lot area/ size requirements may be occupied by any use permitted in this chapter if all yard setbacks and minimum requirements are met.

17.64.050 - Performance standards.

A. All uses or activities shall be conducted wholly within completely enclosed buildings, except for auto service stations, off-street parking and loading facilities, temporary outdoor uses, vehicle leasing, sales and service, or where in the opinion of the zoning administrator the use is incidental to a principal use on the premises and the proposed outside use is in character and harmony with the surrounding area.

B. All uses adjacent to residential zones shall be located, oriented and designed so as to be compatible with said residential zones.

C. Solid fencing six feet high and landscaping adequate to screen development from adjacent residential zones along rear and side property lines.

D. Maximum noise level at property lines not to exceed sixty-five decibels (dBA) day and night levels (Ldn).

E. Outside storage of solid wastes and containers for solid waste, containers, merchandise, or other items or goods awaiting pickup, sale, or other disposition shall be prohibited except where screened to the satisfaction of the planning commission or the zoning administrator.

F. Additional landscaping may be required in order to provide an aesthetically pleasing entrance to the city.

G. Hours of operation (open to public) shall not begin before seven a.m. nor extend beyond ten p.m. Exceptions may be permitted as provided for in Chapter 17.100.

H. Light sources shall be directed and shielded so as to not illuminate surrounding residential areas.

17.64.060 - Other required conditions.

A. All uses are subject to the provisions of Chapters 17.76, 17.80 and 17.84.

B. The re-occupancy of a commercial building is subject to the approval of the zoning administrator.

C. Plot plan approval by zoning administrator required for all uses requiring a building permit with a value in excess of fifty dollars. Site plan approval by planning commission required for all new uses.

D. When a commercial use is not conducted entirely within a building, the site shall be fenced with a six foot solid wood or masonry fence as determined by the zoning administrator.

Section 8. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 9. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Farmersville, or any official, employee or agent thereof.

Section 10. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 11. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Farmersville hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 12. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate, contradict or otherwise conflict with, applicable State and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Farmersville Municipal Code as amended by this ordinance are substantially the same as provisions in the Farmersville Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 13. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code § 36933(c)(1) and a summary shall be published in a newspaper in a manner consistent with the requirements of the California Government Code.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Farmersville, State of California, on September 24, 2018, at a regular meeting of said Council by the following vote:

AYES: Boyer, Sick, Vasquez, Gomez

NOES: 0

ABSTAIN: 0

ABSENT: 0

Paul Boyer, Mayor

ATTEST:

Rochelle Giovani, City Clerk

INCORPORATED CITY OF Farmersville OCTOBER 5, 1960