

- hundred (500) feet, measured property line to property line, from another smoke shop and tobacco store.
- c) It is unlawful for a smoke shops, tobacco stores, and medical marijuana dispensaries to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shops, tobacco stores, and medical marijuana dispensaries.
 - d) Smoke shops, tobacco stores, and medical marijuana dispensaries shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
- 3) Standard conditions of approval for any Special Exception shall, at minimum, include the following:
- a) No smoking shall be permitted on the premises at any time.
 - b) No sales may be solicited or conducted on the premises by minors.
 - c) No self-service, product, or paraphernalia displays shall be permitted.
 - d) No distribution of free or low-cost products or paraphernalia, as well as coupons for said items, shall be permitted.
- 4) Smoke shops, tobacco stores, and medical marijuana dispensaries that are legally existing on the effective date of the ordinance codified in this chapter may continue to operate as legal nonconforming uses in accordance with *Chapter III: Nonconformities*, and shall not be required to obtain a Special Exception. However, any change or expansion of the legal nonconforming use may require compliance with this chapter and a Special Exception.



Sec. 8.23 – CULTIVATION OF MEDICAL MARIJUANA

- 1) This section establishes regulations for the cultivation of medical marijuana for various parcel sizes, residential requirements, setbacks, fencing, civil fines, and other issues to meet this goal. In order to cultivate medical marijuana, the applicant must first obtain permission by the Planning Commission as a Special Exception as outlined in *Section 11.09 – Special Exception Procedure* of this Ordinance. Some of the highlights are listed below:
- 2) A parcel that is greater than 0.5 acres is allowed a maximum cultivation area of 50 square feet.
- 3) Set cultivation limits based on cultivation area, by lot size:

Lot Size (acres)	Cultivation Area
0 - 0.5	Indoor Only**
Greater than 0.5 - Less than 5.0	50 square feet
5.0 - Less than 10.0	100 square feet
10.0 plus	150 square feet
** = (detached structure 120 square feet maximum)	

- 1) Permit cultivation indoors or outdoors on lots greater than 0.5 acre;
- 2) Require minimum recommendations
 - a) Any parcel that is greater than 0.5 acres that is supported by only one recommendation is limited to a cultivation area of up to 50 sq. ft.

- b) A parcel 5.0 acres or more but less than 10.0 acres must have two or more recommendations associated with the plants to support a cultivation area of up to 100 sq. ft.
- c) A parcel 10.0 acres or more must have three or more recommendations associated with the plants to support a cultivation area of up to 150 sq. ft.
- 3) Require a single cultivation area, length and width of the cultivation area shall not exceed a ratio of 2:1;

Table 8.6: Cultivation Setbacks from Property Lines	
Lot Size (acres)	Setback (feet)
0 - 0.5	15
Greater than 0.5 - Less than 5.0	50
5.0 - Less than 10.0	75
10.0 plus	150

- 4) Require cultivation and harvesting setbacks from property lines (with exceptions for unusual hardships):
- 5) Provide that any person may make a complaint relating to violations (anonymous complaints will be accepted);
- 6) Require that growers reside in Dallas for one year prior to cultivating;
- 7) Require growers have a permitted permanent water well or connection to municipal water, not engage in unpermitted drawing of water and not permit illegal discharges of water;
- 8) Prohibit cultivation:
 - a) within 1,000 feet of a school, park or similar facility;
 - b) within 600 feet of a school bus stop;
 - c) within 100 feet of an occupied residential structure on an adjacent parcel, with exceptions;
 - d) in any location where plants are visible from a public right of way; and
 - e) in certain designated zones.
- 9) Require growers to obtain landlord's written consent to cultivate;
- 10) Require fencing unless grown on 5 acres or more and not in public view;
- 11) Impose Administrative Civil Penalties have been increased to \$500.00 a day for the first three days (72-hours) and \$1,000.00 a day for each day the violation still exists up to a hearing.

Sec. 8.24 – TRANSFER STATIONS, SOLID WASTE COLLECTION FACILITY

- 1) In General
 - a) An applicant proposing to establish a transfer station or solid waste disposal facility, as defined in *Chapter XIII - Definitions*, shall be required to obtain a Special Exception, in conformance with *Sec. 11.09 – Special Exception Procedure* of this Code.
- 2) Permitted Locations
 - a) A transfer station or solid waste collection facility may be permitted with a Special Exception in the I-2 zoning district. The establishment and operation of any transfer station or solid waste disposal facility must comply with any and all standards and provisions provided by the Environmental Protection Division of the State of Georgia and subject to the standards of the zoning district and the supplemental standards of this Section.