

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Barry K. Hogan, Deputy City Manager 
By: Richard A. Diaz, Special Projects Coordinator

DATE: September 26, 2007 (CC Meeting of 10/3/2007)

SUBJECT: Consider Zoning Ordinance Amendment 2007-02 Amending Section 17.20.060 to Add Medical Marijuana Dispensaries as a Prohibited Use in All Commercial, Industrial and Institutional Zones, and to Revise Use Restrictions on Body Piercing and/or Tattoo Shops, Tobacco Stores, Including but not Limited to Cigarette, Cigar and Smoking Paraphernalia Shops, Pawnshops, Thrift Stores, Consignment Stores, Secondhand Shops, Clubhouses, Social Clubs, and Service Clubs in the Commercial, Industrial, and Institutional Zones.

BACKGROUND/DISCUSSION

The proposed Zoning Ordinance Amendment would change the Use Matrix in Section 17.20.060 of the Moorpark Municipal Code for medical marijuana dispensaries, body piercing and/or tattoo shops, secondhand shops, tobacco stores, and clubhouse uses. The City Attorney has reviewed the proposed ordinance. The Planning Commission reviewed this proposed ordinance on September 25, 2007 and recommended approval. A copy of the staff report to the Planning Commission is attached.

STAFF RECOMMENDATION

1. Open the public hearing, take public testimony and close the public hearing.
2. Introduce Ordinance No. _____ for first reading, approving Zoning Ordinance Amendment No. 2007-02. Schedule second reading and adoption for October 17, 2007.

ATTACHMENTS:

1. September 25, 2007 Planning Commission Agenda Report (w/o attachments)
2. Ordinance No. _____

**MOORPARK PLANNING COMMISSION
AGENDA REPORT**

TO: Honorable Planning Commission

FROM: David Bobardt, Planning Director
Prepared by Barry K. Hogan, Deputy City Manager and
Richard A. Diaz, Special Projects Coordinator

DATE: August 8, 2007 (PC Meeting of 9/25/07)

SUBJECT: Consider Zoning Ordinance Amendment 2007-02 Amending Section 17.20.060 to Add Medical Marijuana Dispensaries as a Prohibited Use in All Commercial, Industrial and Institutional Zones, and to Revise Use Restrictions on Body Piercing and/or Tattoo Shops, Tobacco Stores, Including but not Limited to Cigarette, Cigar and Smoking Paraphernalia Shops, Pawnshops, Thrift Stores, Consignment Stores, Secondhand Shops, Clubhouses, Social Clubs, and Service Clubs in the Commercial, Industrial, and Institutional Zones.

BACKGROUND

The proposed Zoning Ordinance Amendment would change the Use Matrix in Section 17.20.060 of the Moorpark Municipal Code for medical marijuana dispensaries, body piercing and/or tattoo shops, secondhand shops, tobacco stores, and clubhouses.

Medical Marijuana Dispensaries: Federal law prohibits, while California law allows, medical marijuana dispensaries. This conflict of law makes it unclear whether and how the City may regulate such facilities. It was for those reasons that Interim Urgency Ordinance No. 318 Prohibiting the Establishment and Operation of Medical Marijuana Dispensaries was passed and adopted on July 20, 2005. The Interim Urgency Ordinance expired on June 4, 2007. At least fifty-four (54) cities in the State of California and three (3) counties prohibit or heavily regulate the establishment and operation of medical marijuana dispensaries.

Body Piercing and/or Tattoo Shops, Pawnshops, Thrift Stores, Consignment Stores, and Secondhand Shops: On December 7, 2005, the City Council passed Ordinance 330 extending the moratorium on the establishment of adult businesses, massage establishments, body piercing and tattoo shops, second hand dealers and pawnshops. This ordinance will expire on October 23, 2007. This report addresses the concerns with

body piercing and tattoo shops, secondhand shops and pawnshops through amendments to the Use Matrix in Section 17.20.060 of the Moorpark Municipal Code. Adult businesses and massage establishments will be addressed through a separate ordinance..

Tobacco Stores, Including but not Limited to Cigarette, Cigar and Smoking Paraphernalia Shops, Clubhouses, Social Clubs, and Service Clubs: Because the above items all involve amending the Use Matrix in the commercial and industrial zones (Section 17.20.060), staff has included these unrelated items together for consideration to keep the Use Matrix up to date.

DISCUSSION

Medical Marijuana Dispensaries: In 1996, the voters of the State of California approved Proposition 215, which was codified as Health and Safety Code Section 11362.5, *et seq.*, and entitled the Compassionate Use Act of 1996 (“the Act”). The intent of Proposition 215 was to enable persons who are in need of medical marijuana for medical purposes to obtain and use it under limited, specified circumstances. On January 1, 2004, SB 420 went into effect. SB 420 was enacted by the Legislature to clarify the scope of the Act and to allow cities and counties to adopt and enforce rules and regulations consistent with SB 420 and the Act.

Numerous cities in California have adopted ordinances prohibiting or heavily regulating such dispensaries. Currently, in Ventura County, only the City of Simi Valley (adopted January 18, 2007) prohibits the establishment and operation of medical marijuana dispensaries. Including Simi Valley, fifty-four (54) cities in the California and three (3) counties prohibit or heavily regulate the establishment and operation of medical marijuana dispensaries; twenty-six (26) cities and eight (8) counties have ordinances regulating the establishment and operation of medical marijuana dispensaries; and, seventy-five (75) cities and seven (7) counties have moratoriums preventing the establishment and operation of medical marijuana dispensaries. Of the seventy-five cities with moratoriums, only the City of Moorpark, from the County of Ventura is listed as having a moratorium (Moorpark’s moratorium expired on June 4, 2007).

Former California Attorney General Bill Lockyer partially addressed this issue in his opinion dated July 23, 2005. “... The statewide registry and identification card program for medical marijuana users preempts the operation of a city’s own registry and identification card program, but a city may adopt and enforce other ordinances consistent with the statewide program...” This then allows for cities and counties to adopt ordinances prohibiting or heavily regulating the establishment and operation of medical marijuana dispensaries.

The proposed amendment would add “Medical Marijuana Dispensaries” to the Use Matrix Table in Section 17.20.060 as a prohibited use in all commercial, industrial and institutional zones as a new number A. 11, after Massage.

Body Piercing and/or Tattoo Shops: Although none currently exist in Moorpark, body piercing and/or tattoo establishments are allowed, subject to a conditional use permit in the CPD (Commercial Planned Development), C-2 (General Commercial) and the M-1 (Industrial Park) zones. This proposed amendment would be to prohibit the use in the M-1 zone, which is intended for business park-type uses.

Pawnshops, Thrift Stores, Consignment Stores, and Secondhand Shops: Currently these uses are listed together under one use category and allowed subject to an Administrative Permit (approval by the Director) in the C-2 (General Commercial) and CPD (Commercial Planned Development) zones and subject to a Conditional Use Permit in the C-OT (Old Town Commercial) zone. While it is appropriate to continue to allow for the thrift shops and consignment stores in the C-OT zone, allowance of pawnshops is not appropriate. The Municipal Code has specific requirements in Title 5 for these uses which require police clearance and reporting due to the nature of these uses and the potential for the resale of stolen goods. To prohibit pawnshops in the C-OT zone but still allow for thrift shops and consignment stores, the uses need to be split. This amendment would allow for pawnshops in only the C-2 and CPD zone subject to approval of an Administrative Permit and for thrift shops and consignment stores in the C-2, CPD, and the C-OT zones subject to approval of an Administrative Permit.

Tobacco Stores, Including but not Limited to Cigarette, Cigar and Smoking Paraphernalia Shops: Cigar and cigarette stores are currently permitted with a zoning clearance in the C-1 (Neighborhood Commercial), C-2 (General Commercial), CPD (Commercial Planned Development), and C-OT (Old Town Commercial) zones. Because tobacco stores sometimes carry smoking paraphernalia that may be used illegally, staff is recommending requiring Conditional Use Permits for such uses and only allowing them in the C-2 and CPD zones. This would allow for appropriate conditions to regulate these uses and reduce potential criminal activity.

Clubhouses, Social Clubs, and Service Clubs: Clubhouses are currently allowed with an Administrative Permit in all commercial zones and in the M-1 (Industrial Park) zone. A Conditional Use Permit is required if within 100 feet of residentially zoned property. Staff is recommending restricting the uses to the M-1 and I (Institutional) zones and requiring Conditional Use Permits, regardless of distance from residential zones. This would match the current regulations for places of religious worship, ensuring that similar uses are treated equally by the Zoning Ordinance.

Exhibit A attached to the Planning Commission resolution shows the proposed amendment in the highlighted portion of the text.

PROCESSING TIME LIMITS

Since this ordinance amendment was initiated by the City, the processing time limits under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the

Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3) are not applicable.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Community Development Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has the potential for significant adverse impacts and adequate mitigation can not be readily identified, an Environmental Impact Report (EIR) is prepared.

The Director has reviewed this project and found it to qualify for a General Rule Exemption in accordance with Section 15061 of California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. PC-2007-____ recommending to the City Council approval of Zoning Ordinance Amendment 2007-02.

ATTACHMENTS:

1. Draft PC Resolution with Permitted Uses in Commercial and Industrial Zones

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT 2007-02 AMENDING SECTION 17.20.060 OF TITLE 17, ZONING, OF THE MOORPARK MUNICIPAL CODE TO ADD MEDICAL MARIJUANA DISPENSARIES AS A PROHIBITED USE IN ALL COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL ZONES, AND TO REVISE USE RESTRICTIONS ON BODY PIERCING AND/OR TATTOO SHOPS, TOBACCO STORES, INCLUDING BUT NOT LIMITED TO CIGARETTE, CIGAR AND SMOKING PARAPHERNALIA SHOPS, PAWNSHOPS, THRIFT STORES, CONSIGNMENT STORES, SECONDHAND SHOPS, CLUBHOUSES, SOCIAL CLUBS, AND SERVICE CLUBS IN THE COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL ZONES.

WHEREAS, at its meeting of September 25, 2007, the Planning Commission conducted a duly-noticed public hearing on Zoning Ordinance Amendment 2007-02 amending Section 17.20.060 to add medical marijuana dispensaries as a prohibited use in all commercial, industrial and institutional zones, and to revise use restrictions on body piercing and/or tattoo shops, tobacco stores, including but not limited to cigarette, cigar and smoking paraphernalia shops, pawnshops, thrift stores, consignment stores, secondhand shops, clubhouses, social clubs, and service clubs in the commercial, industrial, and institutional zones, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and reached a decision, recommending to the City Council approval of the draft ordinance; and

WHEREAS, at its meeting of October 3, 2007, the City Council conducted a duly-noticed public hearing on Zoning Ordinance Amendment 2007-02 amending Section 17.20.060 to add medical marijuana dispensaries as a prohibited use in all commercial, industrial and institutional zones, and to revise use restrictions on body piercing and/or tattoo shops, tobacco stores, including but not limited to cigarette, cigar and smoking paraphernalia shops, pawnshops, thrift stores, consignment stores, secondhand shops, clubhouses, social clubs, and service clubs in the commercial, industrial, and institutional zones, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and reached a decision; and

WHEREAS, California cities that have permitted the establishment of medical marijuana dispensaries have found that such dispensaries have resulted in negative and harmful secondary effects, such as an increase in crime, including robberies, burglaries, and sales of illegal drugs in the areas immediately surrounding medical marijuana dispensaries; and

WHEREAS, the City Council concurs with the Planning Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY: The City Council finds the proposed amendments to Section 17.20.060 to add medical marijuana dispensaries as a prohibited use in all commercial, industrial and institutional zones, and to revise use restrictions on body piercing and/or tattoo shops, tobacco stores, including but not limited to cigarette, cigar and smoking paraphernalia shops, pawnshops, thrift stores, consignment stores, secondhand shops, clubhouses, social clubs, and service clubs in the commercial, industrial, and institutional zones are consistent with the City of Moorpark General Plan and all adopted Specific Plans.

SECTION 2. Table 17.20.060 in Section 17.20.060 is amended in its entirety as shown as Exhibit A.

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

Ordinance No. ____

Page 3

PASSED AND ADOPTED this ____ day of _____, 2007.

Patrick Hunter, Mayor

Deborah S. Traffenstedt, City Clerk

Exhibit A: Zoning Ordinance Amendment No. 2007-02: Amendments to Table
17.20.060 of the Moorpark Municipal Code

000008

EXHIBIT A

Table 17.20.060

PERMITTED USES IN COMMERCIAL AND INDUSTRIAL ZONES

[Blank] = Not permitted
 AP = Administrative Permit
 CUP = Conditional Use Permit
 NZC = No Zoning Clearance required
 TUP = Temporary Use Permit
 ZC = Permitted by Zoning Clearance

Zones	C-O	C-1	CPD C-2	C-OT	M-1	M-2	I
A. Retail and Service Uses							
1. Adult businesses			CUP		CUP		
2. Alcoholic beverage sales for off-site consumption when in conjunction with another city-approved retail or service use other than automobile service station or liquor store							
a. Beer and/or wine (*if within one hundred (100) feet of a residentially zoned property a conditional use permit is required)		CUP	AP*	AP*	AP*	AP*	
b. Beer, wine and other alcoholic beverages		CUP	CUP	CUP	CUP	CUP	
3. Automobile/light truck/motorcycle							
a. Brakes, oil changes, tires and shock sales and installation, tune-ups and other light service and repair (with or without hydraulic lifts) (*if within one hundred (100) feet of a residentially zoned property a conditional use permit is required)		CUP	AP*		AP*	AP*	
b. Car washes, self-service or automatic with or without automotive services stations			CUP			CUP	
c. Engine rebuilding, transmission repair, steam cleaning, auto body, painting					CUP	CUP	
d. Parts and supplies		ZC	ZC		ZC	ZC	
e. Rental			AP		AP	AP	
f. Sales, with or without service and parts			CUP		CUP	CUP	
g. Service stations with or without mini-marts and with or without beer and wine sales for off-site consumption			CUP			CUP	
4. Body piercing and/or tattoo			CUP				
5. Building supplies (*if within one hundred (100) feet of a residentially zoned property a conditional use permit is required)			AP*	CUP		CUP	
6. Hay and feed sales				CUP		CUP	
7. Hotels, motels and bed-and-breakfast inns when in compliance with Chapter 5.44	CUP	CUP	CUP	CUP			
8. Kennels and catteries					CUP	CUP	
9. Liquor stores (when located no closer than one thousand (1,000) feet of any other liquor store or public or private school)		CUP	CUP	CUP			

Zones	C-O	C-1	CPD C-2	C-OT	M-1	M-2	I
10. Massage, therapeutic when in compliance with Chapter 5.48	AP	AP	AP				
11. Medical Marijuana (cannabis and all parts of that plant) Dispensaries including any site, facility, location, use, cooperative or business which distributes, sells, exchanges, processes, delivers, gives away, or cultivates marijuana for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians pursuant to Proposition 215, Health & Safety Code § 11362.5 <i>et seq.</i> or any State regulations adopted in furtherance thereof.							
12. Nurseries (retail) with or without container grown plants when all equipment and supplies kept in an enclosed area			AP				
13. Nurseries (wholesale and/or retail) with or without container grown plants when all equipment and supplies kept in an enclosed area						AP	
14. Pawnshops when in compliance with Chapter 5.32			AP				
15. Pest control services (*if within one hundred (100) feet of a residentially zoned property a conditional use permit is required)					AP*	AP*	
16. Private post offices, parcel services, copy centers	ZC	ZC	ZC	ZC			
17. Psychics, fortunetelling, and spiritual advisors when in compliance with Title 5 of the Moorpark Municipal Code			CUP				
18. Recreational vehicle storage yards when not located on parcels adjacent to Arterial Roads or Freeways as shown on the Moorpark Circulation Element Highway Network Map and with or without a caretaker dwelling						CUP	
19. Recycling centers			CUP		CUP	CUP	
20. Recycling drop-off bins when located in an area determined by the community development director not to be in conflict with parking, vehicle or pedestrian circulation	ZC	ZC	ZC	ZC	ZC	ZC	
21. Rental and leasing of large equipment with or without outdoor storage and repair (*if within one hundred (100) feet of a residentially zoned property a conditional use permit is required)					AP*	AP*	
22. Retail shops and services, except as otherwise indicated in this table, including, but not limited to antiques, art and craft dealers and supplies, bakeries, barbers, beauty salons, bicycle sales/service, books and stationery, camera/photo stores including on-site processing, carpet and flooring sales/cleaning/installation, clothing and fabric		ZC	ZC	ZC			

stores, computer sales and service, department and variety stores, dry cleaners, electronic equipment sales and service, florists, food markets, gift and novelty stores, hardware and tool stores, home and office furniture and equipment sales, home appliance sales and service, housewares sales, jewelry stores, key and locksmiths, music stores (including recorded music and musical instrument sales, service, and lessons), newsstands, paint stores, party supply sales and rental, pet grooming, pet sales and supplies, pharmacies, photography studios, pool and spa sales and supplies, shoe stores, sporting goods and equestrian supplies, small equipment rental (no outdoor storage), toy and hobby stores, video/DVD/CD sales and rental, wireless sales/service, and uses which the community development director determines to be similar when in compliance with Section 17.20.030							
Zones	C-O	C-1	CPD C-2	C-OT	M-1	M-2	I
23. Retail sales combined with limited distribution and/or warehousing not exceeding forty percent (40%) of gross floor area of the building in which it is located (*if within one hundred (100) feet of a residentially zoned property a conditional use permit is required)			AP*				
24. Retail sales in the M-1 and M-2 zone limited to a maximum of twenty percent (20%) of the gross floor area of the building in which it is located. In an industrial complex the twenty percent (20%) shall be computed on the basis of the cumulative total floor area of the industrial planned development (IPD)					AP	AP	
25. Retail sales (temporary) in the M-1 and M-2 zones. Issuance of a temporary use permit shall take the place of a zoning clearance.					TUP	TUP	
26. Thrift stores, secondhand shops consignment stores when in compliance with Chapter 5.32			AP	AP			
27. Tobacco stores, including but not limited to Cigarette, Cigar, and Smoking Paraphernalia Shops			CUP				
B. Eating and Drinking Places							
1. Bars with or without entertainment including, but not limited to cocktail lounges, cabarets			CUP	CUP	CUP	CUP	
2. Breweries, micro breweries, wineries/tasting rooms with or without restaurant and with or without outdoor seating and with or without entertainment			CUP	CUP	CUP	CUP	
3. Restaurants and similar establishments engaged primarily in the retail sale of prepared							

food for on-site or off-site consumption in accordance with the restrictions below:							
Zones	C-O	C-1	CPD C-2	C-OT	M-1	M-2	I
a. With or without entertainment and with or without on-site consumption of beer and wine and other alcoholic beverages and with or without outdoor seating (*if within one hundred (100) feet of a residentially zoned property a conditional use permit is required)		AP*	AP*	AP*	AP*	AP*	
b. With drive-in or drive-through facilities (sale of alcoholic beverages from the drive-in or drive-through facilities is prohibited) with or without outdoor seating		CUP	CUP	CUP	CUP	CUP	
C. Office and Professional Uses							
1. Banks and other financial institutions	ZC	ZC	ZC	ZC	AP	AP	
2. Laboratories: research and scientific	AP				AP	AP	
3. Professional and administrative offices, including, but not limited to: accounting, advertising agencies, chiropractic, collection services; dental, direct mail marketing companies, employment agencies, engineering services insurance, investment, medical, optical and related health services; planning services, real estate services; secretarial services, travel agencies, and uses which the community development director determines to be similar when in compliance with Section 17.20.030	ZC	ZC	ZC	ZC	ZC	ZC	
4. Veterinary offices and animal hospitals							
a. Without boarding (keeping of animals indoors and on-site for medical purposes shall not be considered boarding)	AP	AP	AP	AP	AP	AP	
b. With boarding indoors or outdoors			CUP		CUP	CUP	
D. Manufacturing, Assembly, Distribution, and Warehousing Uses							
1. Cement, concrete and plaster, and product fabrication						CUP	
2. Distribution and transportation facilities					CUP	CUP	
3. Heavy machinery repair, including trucks, tractors and buses						CUP	
Zones	C-O	C-1	CPDC-2	C-OT	M-1	M-2	I
4. Manufacturing and assembly including, but not limited to appliances, cabinets, cleaners, clothing, computers, cosmetics, detergents, electronics, furniture, leather products, machinery, medical and scientific instruments, paper, perfumes, pharmaceuticals, photographic and optical goods, plastic products, signs and advertising displays, soap, textiles and other uses which the community development director determines to be similar when in compliance with Section 17.20.030 (*if within one hundred (100) feet of a residentially					ZC*	ZC*	

zoned property an administrative permit is required)							
Zones	C-O	C-1	CPD C-2 CUP	C-OT	M-1	M-2	I
5. Outdoor storage when in conjunction with a city approved use and when all storage is screened by an eight (8) foot high masonry wall architecturally matched to the structure. (*if within one hundred (100) feet of a residentially zoned property a conditional use permit is required)						AP*	
6. Self-storage or mini-storage when not located on parcels adjacent to Arterial Roads or Freeways as shown on the Moorpark Circulation Element Highway Network Map and with or without a caretaker dwelling					CUP	CUP	
7. Warehousing					AP	AP	
8. Welding					AP	AP	
E. Public and Semi-Public Uses							
1. Amusement and recreational facilities as defined in Chapter 17.08							
a. Arcades (video and computer) and cyber cafés	CUP	CUP	CUP	CUP			
b. Health club/gymnasium/fitness center/spa (*if within one hundred (100) feet of a residentially zoned property a conditional use permit is required)	AP*	AP*	AP*	AP*	AP*		
2. Care facilities, including adult day care facilities, Alzheimer's day care facilities, congregate living health facilities, child day care centers, community treatment facilities, foster family and adoption agencies, hospices, long-term health care facilities, residential care facilities for the elderly, residential care facilities for persons with chronic life-threatening illness, skilled nursing and intermediate care facilities, social rehabilitation facilities, therapeutic day services facilities, transitional housing placement facilities, and transitional shelter care facilities as defined in Division 2 of the Health and Safety Code	CUP	CUP	CUP				
3. Clubhouses, social clubs, service clubs with or without alcohol					CUP		CUP
4. Communication facilities, including wireless in accordance with the requirements of Chapter 17.42 (pre-approved locations require only an AP)	CUP	CUP	CUP	CUP	CUP	CUP	CUP
5. Energy production from renewable resources						CUP	CUP
6. Governmental uses including, but not limited to city offices, community rooms, fire stations, human service centers, libraries, police stations, public utility facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP
7. Hospitals including urgent care (*if within one	AP*		AP*		AP*		AP*

hundred (100) feet of a residentially zoned property a conditional use permit is required)							
Zones	C-O	C-1	CPD C-2	C-OT	M-1	M-2	I
8. Places of religious worship					CUP		CUP
9. Private education facilities including, but not limited to colleges and universities, elementary, middle and high schools							CUP
10. Private training facilities including, but not limited to professional and vocational schools, art and craft schools, music schools not part of a music store, and driver training schools (*if within one hundred (100) feet of a residentially zoned property a conditional use permit is required)	AP*	AP*	AP*	AP*	AP*		
11. Recreational facilities (private) with/without food services, including but not limited to bicycle and skate parks, golf courses, gymnasiums, fitness, health spas, martial arts, racquetball, yoga. Bicycles and skate parks shall be in compliance with Chapter 17.28 (*if within one hundred (100) feet of a residentially zoned property a conditional use permit is required)	AP*	AP*	AP*	AP*	AP*		CUP
12. Utility structures (electrical boxes, transformers and valve apparatus that have no covered floor area and are attached to the ground by poles, columns or pedestals shall not require a zone clearance)	AP	AP	AP	AP	AP	AP	AP
F. Accessory and Miscellaneous Uses							
1. Outdoor sales	CUP	CUP	CUP	CUP	CUP	CUP	
2. Retail shops and services as listed in Table 17.20.060(A)(21) when the uses are determined by the community development director to be ancillary to office use of the property	AP						
3. Motion picture and television production and related activities and structures (activities of a maximum of forty-two (42) days in any one hundred eighty (180) day period are considered temporary and shall comply with the requirements of Chapter 17.28 and Title 5 of the Moorpark Municipal Code	TUP	TUP	TUP	TUP	TUP	TUP	TUP
4. Temporary uses including, but not limited to carnivals, Christmas tree sales, circuses, festivals, sidewalk sales, special events, outdoor sales, when in compliance with Chapter 17.44. Issuance of a temporary use permit shall take the place of a zoning clearance. Temporary uses lasting more than one hundred eighty (180) days require an AP.	TUP	TUP	TUP	TUP	TUP	TUP	TUP