

ORDINANCE NO. 360

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.

PASSED AND ADOPTED this 17th day of October, 2007.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

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*	

Zones	C-O	C-1	CPD C-2	C-OT	M-1	M-2	I
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 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		ZC	ZC	ZC			
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	

Zones	C-O	C-1	CPD C-2	C-OT	M-1	M-2	I
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:							
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	CPD C-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 zoned property an administrative permit is required)					ZC*	ZC*	
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)			CUP			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

Zones	C-O	C-1	CPD C-2	C-OT	M-1	M-2	I
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 hundred (100) feet of a residentially zoned property a conditional use permit is required)	AP*		AP*		AP*		AP*
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

Zones	C-O	C-1	CPD C-2	C-OT	M-1	M-2	I
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

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