

ITEM 11.A.

ORDINANCE NO. 436

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT NO. 2015-01, AN AMENDMENT TO SECTIONS 17.20.050 (PERMITTED USES IN OPEN SPACE, AGRICULTURAL, RESIDENTIAL, AND SPECIAL PURPOSE ZONES) AND 17.20.060 (PERMITTED USES IN COMMERCIAL AND INDUSTRIAL ZONES) OF CHAPTER 17.20 (USES BY ZONE) OF TITLE 17 (ZONING) OF THE MOORPARK MUNICIPAL CODE TO PROHIBIT CULTIVATION OF MARIJUANA AND MEDICAL MARIJUANA IN ALL ZONES AND DETERMINATION THAT THIS ACTION IS NOT A PROJECT APPROVAL SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on October 9, 2015, Governor Brown signed three bills into law, AB 243, AB 266, and SB 643, collectively known as the Medical Marijuana Regulation and Safety Act. These bills provide for State oversight of medical marijuana cultivation and distribution as allowed under Proposition 215, while still allowing for local control; and

WHEREAS, on October 21, 2015, the City Council adopted Resolution No. 2015-3452, directing the Planning Commission to study, hold a public hearing, and provide a recommendation on a Zoning Ordinance Amendment that would amend Sections 17.20.050 (Permitted Uses in Open Space, Agricultural, Residential, and Special Purpose Zones) and 17.20.060 (Permitted Uses in Commercial and Industrial Zones) of Chapter 17.20 (Uses by Zone) of Title 17 (Zoning) of the Moorpark Municipal Code to address changes in State law under the Medical Marijuana Regulation And Safety Act; and

WHEREAS, on November 24, 2015, the Planning Commission considered Zoning Ordinance Amendment No. 2015-01, an amendment to Sections 17.20.050 (Permitted Uses in Open Space, Agricultural, Residential, and Special Purpose Zones) and 17.20.060 (Permitted Uses in Commercial and Industrial Zones) of Chapter 17.20 (Uses by Zone) of Title 17 (Zoning) of the Moorpark Municipal Code to prohibit cultivation and mobile delivery of marijuana and medical marijuana in all zones, opened and closed a public hearing, and after discussion, adopted Resolution No. PC-2015-606, recommending approval of Zoning Ordinance Amendment No. 2015-01; and

WHEREAS, at duly noticed public hearing on December 16, 2015, the City Council considered Zoning Ordinance Amendment No. 2015-01, opened the public hearing and took and considered public testimony both for and against the proposal, closed the public hearing, and discussed and reached a decision on this matter; and

WHEREAS, the Community Development Director has determined that this project would qualify for a General Rule Exemption in accordance with Section 15061 of California Code of Regulations (CEQA Guidelines), in that there would not be a physical change to any existing land uses in Moorpark as a result of this ordinance.

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

SECTION 1. ENVIRONMENTAL DETERMINATION: The City Council concurs with the determination of the Community Development Director that this project would qualify for a General Rule Exemption in accordance with Section 15061 of California Code of Regulations (CEQA Guidelines), in that there would not be a physical change to any existing land uses in Moorpark as a result of this ordinance. Based on its independent analysis and judgment of the City Council, it can be seen with certainty that there is no possibility that the Zoning Ordinance Amendment No. 2015-01 may have a significant impact on the physical environment. No further environmental documentation is required.

SECTION 2. GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY: The City Council finds Zoning Ordinance Amendment No. 2015-01 to be consistent with the City of Moorpark General Plan and all adopted Specific Plans.

SECTION 3. The City Council hereby approves Zoning Ordinance Amendment No. 2015-01, which amends Sections 17.20.050 (Permitted Uses in Open Space, Agricultural, Residential, and Special Purpose Zones) and 17.20.060 (Permitted Uses in Commercial and Industrial Zones) of Chapter 17.20 (Uses by Zone) of Title 17 (Zoning) of the Moorpark Municipal Code, as shown in Exhibit A attached.

SECTION 4. 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 5. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 6. 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 publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this 20th day of January, 2016.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Amendments to Sections 17.20.050 and 17.20.060

EXHIBIT A

**ZONING ORDINANCE AMENDMENT NO. 2015-01
AMENDMENTS TO
SECTION 17.20.050 (PERMITTED USES IN OPEN SPACE, AGRICULTURAL,
RESIDENTIAL AND SPECIAL PURPOSE ZONES)
AND
SECTION 17.20.060 (PERMITTED USES IN COMMERCIAL AND INDUSTRIAL
ZONES)
OF CHAPTER 17.20 (USES BY ZONE)
OF TITLE 17 (ZONING)
OF THE MOORPARK MUNICIPAL CODE**

No. 9 is added to Section A, Agricultural Uses, of Table 17.20.050 in Section 17.20.050 as follows:

Zones	O-S	A-E	R-A	R-E	R-O	R-1	R-2	RPD	RPD 20U-N-D	TPD
9. Cultivation of marijuana or medical marijuana, other than medical marijuana plants maintained for personal use by a qualified patient residing on the property as allowed by Health and Safety Code Section 11362.77										

No. 10 in Section A, Retail and Services Uses, of Table 17.20.060 in Section 17.20.060 is amended as follows:

Zones	C-O	C-1	CPD C-2	C-OT	M-1	M-2	I
10. <u>Marijuana (cannabis and all parts of that plant) dispensaries and Mmedical marijuana (cannabis and all parts of that plant) dispensaries including any site, facility, location, use, cooperative or business which distributes, sells, exchanges, processes, stores, delivers, gives away, or cultivates marijuana, including marijuana for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians pursuant to Proposition 215, Health and Safety Code Section 11362.5 et seq., or any state regulations adopted in furtherance thereof</u>							

-END-