

DATE SUBMITTED 1/8/2017
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 1/17/2018

COUNCIL ACTION ()
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS [Signature]

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

| | |
|---|---|
| SUBJECT: DISCUSSION/ACTION: ADOPTION OF ORDINANCE AMENDMENT TO THE "ZONING ORDINANCE RELATED TO CONDITIONAL USES IN COMMERCIAL ZONES" 1. 2 nd Reading by Title Only of Ordinance 796 regarding a Zoning Text Amendment to Section 24.05 of the Zoning Code with regard to All Commercial Zoning Districts. | |
| DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT | |
| BACKGROUND/SUMMARY: On July 10, 2017 the City Council gave direction to staff to initiate the reenactment of Chapter 15, Article XII in order to allow for "Medical Cannabis Dispensaries" within C-2 zones contingent upon the approval of a Conditional Use Permit within the City of Imperial. Changes to the conditionally permitted uses in commercial zones are necessary to promote the orderly and economic growth of the City's commercial areas. The proposed change includes "Medical Cannabis Dispensaries and Uses" to be added to the Commercial District Zoning Table, which are outlined in "Chapter 15, Article XII Medical Cannabis Dispensaries" of the Imperial Municipal Code. A Public Hearing was held by the Planning Commission on December 13, 2017 and the commission recommends adoption of the text amendment. On January 3, 2018 the City Council recommended Ordinance 796 for a second reading. Please see "Exhibit A" | |
| FISCAL IMPACT: NO FISCAL IMPACT | ADMIN SERVICES SIGN INITIALS _____ |
| STAFF RECOMMENDATION: Staff recommends approval Ordinance 796. | DEPT. INITIALS <u>OM</u> |
| MANAGER'S RECOMMENDATION: | CITY MANAGER'S INITIALS <u>[Signature]</u> |
| MOTION: | |
| SECONDED: AYES: NAYES: ABSENT: | APPROVED () REJECTED () DISAPPROVED () DEFERRED () REFERRED TO: |

ORDINANCE NO. 796

AN ORDINANCE OF THE CITY OF IMPERIAL, CALIFORNIA AMENDING THE ZONING CODE RELATED TO MEDICAL CANNABIS DISPENSARIES

The City Council of the City of Imperial does ordain as follows:

SECTION 1: Section 24.01.180 of the Imperial Municipal Code is hereby amended to include the following definitions:

- A. "Medical Cannabis dispensary" or "Cannabis Dispensary" or "Dispensary" shall mean a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.
- B. "Uses Outlined" as used only in this ordinance and chapter shall refer to the following terms: "cultivate, distribute, manufacture, test or transport".
 - (a) All cultivation, distribution, manufacturing, testing and transporting permits shall be required to obtain business permits and shall be issued for a term of one year. No property interest, vested right, or entitlement to receive a future license to operate a medical marijuana business shall ever inure the benefit of such permit holder.
 - (b) "Cultivate" as used only in this Chapter shall mean to plant, grow, harvest, dry, cure, grade or trim more than forty-eight (48) ounces of dried cannabis and/or to plant, grow, harvest, dry, cure, grade or trim cannabis in an area greater than ninety-six (96) square feet of total area within one parcel of land.
 - (c) "Distribute" as used only in this Chapter shall mean the procurement, sale, and transport of medical cannabis and medical cannabis products between State licensed medical cannabis entities.
 - (d) "Manufacture" as used only in this Chapter shall mean to produce, prepare, propagate, or compound manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.
 - (e) "Test" as used only in this Chapter shall mean the conducting of analytical testing of cannabis, cannabis-derived products, hemp, or hemp-derived products.
 - (f) "Transport" as used only in this Chapter means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity, as defined by State law.
 - (g) Cultivation, distribution, manufacturing, testing, and transporting permits shall only be granted to entities operating legally according to State law.

SECTION 2: Section 24.05.120.B of the Imperial Municipal Code is hereby amended as follows:

| B. General Commercial Uses (cont.) | C-1 | C-2 | VC |
|--|------------|------------|-----------|
| 58. Medical Cannabis Dispensaries and other uses outlined in Chapter 15, Article XII "Medical Cannabis Dispensaries" | X | C | X |
| | | | |
| | | | |

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this ____ day of January, 2018.

Geoff Dale, Mayor

ATTEST:

Debra Jackson, City Clerk