AGENDA

SPECIAL MEETING OF THE PLANNING COMMISSION

September 13, 2016
7:00 P.M.

Adelanto Governmental Center
City Council Chambers

Planning Commission
Chris Waggener, Chair
Mark Ferretiz, Vice Chair
Keron Jones, Commissioner
Jessie Flores, Commissioner
Joy Jeanette, Commissioner
Senior Planner
Mark de Manincor

City Attorney
Curtis R. Wright, Esq.

Meetings held:
1st Tuesday of the month

NOTE: PLEASE TURN CELL PHONES OFF OR PLACE THEM ON VIBRATE DURING THE PLANNING COMMISSION MEETING AS A COURTESY TO OTHERS. Thank you, Administrative Staff

The Planning Commission packet may be reviewed by the public at the reception counter in City Hall. Any writings or documents pertaining to an open session item, provided to a majority of the Planning Commissioners within 72 hours of a regular meeting, shall be made available for public inspection at the reception counter in City Hall at 11600 Air Expressway, Adelanto, CA 92301, during normal business hours. Members of the public can view the agenda or download any staff reports in advance by accessing the City website at www.ci.adelanto.ca.us on Thursday the week before the scheduled meeting.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department, (760) 246-2300 ext. 3001 no later than 72 hours prior to the meeting. (28 CFR 34.102.104 ADA TITLE II)

A. CALL TO ORDER

TIME: _____

ROLL CALL:

Commissioner Jeannette	_____
Commissioner Flores	_____
Commissioner Jones	_____
Vice Chair Ferretiz	_____
Chair Waggener	_____

FLAG SALUTE:_____

B. CONFLICT OF INTEREST

Planning Commissioners will announce any possible Conflicts of Interests for the Planning Commission Meeting.

C. DELETIONS/ADDITIONS TO AGENDA

1. Senior Planner to announce if there is any addition/removal of items from the agenda.

D. PRESENTATIONS

1.

E. PUBLIC COMMUNICATIONS

Opened at: _____ Closed at: _____

Members of the public wishing to address the Planning Commission are required to fill out a speaker card and hand it to the Clerk of the meeting. This is the time and place for members of the public to comment on any matter within the jurisdiction of the Adelanto Planning Commission. After receiving recognition from the Chair, the speaker will walk to the podium and state their name for the record. There is a time limit of three (3) minutes when giving your presentation.

Members of the audience may address the Planning Commission on non-agenda items; however, in accordance with Government Code Section 54954.2, the Planning Commission may not take action on an item not appearing on the posted agenda.

F. PUBLIC HEARING

PUBLIC HEARING OPEN:_____ PUBLIC HEARING CLOSED:_____

1. **Code Amendment 16-04** Proposed amendment to Title 17 of the Adelanto Municipal Code adding Sections 17.80.100 and 17.80.110, and amending the Table of Contents and Appendix A relating to Medical Marijuana Transportation/Distribution, and Testing.

   RECOMMENDATION: Adopt Resolution P-16-27 recommending to the City Council Approval of Code Amendment 16-04 in reference to the Draft Ordinance regulating the Transportation, Distribution, and Testing of Medical Marijuana.

   M_____S_____ACTION_____

G. SENIOR PLANNER/COMMISSIONER'S ANNOUNCEMENTS AND/OR REPORTS

1. Senior Planner Comments.

2. Planning Commissioner Comments.

H. ADJOURNMENT

A next Regular Meeting of the Planning Commission will be held on October 4, 2016, 2016, at 7:00 p.m.

TIME OUT: _____

M_____S_____ACTION_____

I. DECLARATION OF POSTING

I, BRENDA LOPEZ, DEPUTY CITY CLERK/ADMINISTRATIVE ANALYST, HEREBY CERTIFY THAT A TRUE, ACCURATE COPY OF THE FOREGOING AGENDA WAS POSTED ON SEPTEMBER 8, 2016 SEVENTY TWO (72) HOURS PRIOR TO THE MEETING PER GOVERNMENT CODE 54954.2 IN THE GOVERNMENTAL CENTER'S DISPLAY CASE, 11600 AIR EXPRESSWAY, ADELANTO, CALIFORNIA.

Brenda Lopez

Brenda Lopez, CMC
Deputy City Clerk/Administrative Analyst

City of ADELANTO

Rich Kerr
Mayor

Jermaine Wright Sr.
Mayor Pro-Tem

Ed Camargo
Council Member

Charley B. Glasper
Council Member

John "Bug" Woodard Jr.
Council Member

MEETING NOTICE

NOTICE OF A SPECIAL MEETING OF THE ADLEANTO PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the regular meeting of the Planning Commission will meet at the following time and place:

TIME	PLACE
Special Meeting: 7:00 P.M. Tuesday September 13, 2016	Adelanto Governmental Center Adelanto Council Chambers 11600 Air Expressway Adelanto, CA 92301

Brenda Lopez
Deputy City Clerk/Administrative Analyst

DATED: September 8,2016

PLANNING COMMISSION AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY | ADELANTO, CALIFORNIA 92301

DATE: September 13, 2016

TO: Honorable Chairman and Members of the Planning Commission

FROM: Scott Priester, Acting Planning Director

SUBJECT: **Code Amendment 16-04** Proposed amendment to Title 17 of the Adelanto Municipal Code adding Sections 17.80.100 and 17.80.110, and amending the Table of Contents and Appendix A relating to Medical Marijuana Transportation/Distribution, and Testing.

STAFF RECOMMENDATION:

Adopt Resolution P-16-27 recommending to the City Council Approval of Code Amendment 16-04 in reference to the Draft Ordinance regulating the Transportation, Distribution, and Testing of Medical Marijuana.

BACKGROUND:

Both federal and California laws generally prohibit the use, possession, cultivation, transportation, and furnishing of marijuana. The federal Controlled Substances Act (21 U.S.C. § 801 *et seq.*) prohibits, except for certain research purposes, the possession, distribution, and manufacture of marijuana. California law is similar. (Health and Safety Code, § 11357 *et seq.*)

However, California statutes such as the Compassionate Use Act of 1996 (Health and Safety Code, § 11362.5 added by Proposition 15) and the Medical Marijuana Program (Health and Safety Code § 11362.7 *et seq.*) have removed certain state law obstacles from the ability of qualified patients to obtain and use marijuana for legitimate medical purposes. The State's Medical Marijuana Regulation and Safety Act (MMRSA) of 2015, and the Medical Cannabis Regulation and Safety Act (MCRSA) of 2016 have further clarified the State's intent to allow access to such uses. On the federal level, there has likewise been an unwillingness to enforce federal laws pertaining to medical marijuana.

Staff would note that California law allows for medical marijuana dispensaries to operate, subject to local authority by cities/counties (*City of Riverside v. Inland Empire Patient Health and Wellness Center* (2013) 51 Cal.4th 729). The City of Adelanto does not allow medical marijuana dispensaries within the City (Adelanto Municipal Code, § 17.80.050). It has been the policy of the City to vigorously enforce the ban on dispensaries within the City. This proposed Ordinance does not change the status of dispensaries.

Prior City Council Agendized Discussions On Medical Marijuana

The City Council has had multiple Council meeting discussions pertaining to medical marijuana and has directed the preparation of ordinance revisions to the Adelanto Municipal Code to provide for the Medical Marijuana industry. The Council has adopted ordinances allowing the Cultivation and Manufacturing of Medical Marijuana in the Industrial Parks in the Industrial Zone. These are codified in the City's Zoning Ordinance under Chapters 17.80.080 and 17.80.090, respectively. The Council now wishes to address Transportation and Distribution, as well as Testing of Medical Marijuana, which are integral components to the Medical Marijuana industry. On August 24, 2016, the City Council adopted a resolution declaring its intention to initiate this amendment. The City Attorney has drafted an ordinance that reflects the Council's direction, which is attached to the staff report.

Transportation and Distribution facilities would be regulated by proposed Chapter 17.80.100, and Testing Laboratories would be regulated under proposed Chapter 17.80.110. As with prior marijuana facility regulations, such uses would be restricted to the "Cultivation Area" of the Manufacturing/Industrial (MI) zoning designation. Development and operational standards would have to comply with State law, including segregation of the uses by building space separation. The Conditional Use Permit approval process through the Planning Commission would be used to ensure compliance.

ENVIRONMENTAL IMPACT

The project is considered Exempt pursuant to Section 15061 (b) (3) of the California Environmental Quality Act as the project will not have a significant effect on the environment.

FISCAL IMPACT:

Permitting fees are proposed to cover potential expenses incurred by the City. The proposed $7,000 permit fee per use would be established by separate resolution of the City Council, after introduction of the Ordinance.

ATTACHMENTS:

1. Resolution 16-27 w/ Attachments:
   a. Draft Distribution/Transportation, and Testing Ordinance
   b. Draft Table of Contents
   c. Draft Special Use Standards
   d. Draft Appendix A

RESOLUTION NO. P-16-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, FINDING THE APPROVAL OF CODE AMENDMENT 16-04 EXEMPT PURSUANT TO SECTION 15061(B)(3) REVIEW FOR EXEMPTIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS THE CODE AMENDMENT WILL NOT CAUSE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND RECOMMENDING TO THE CITY COUNCIL ADOPTION OF CODE AMENDMENT 16-04 TO AMEND TITLE 17, ADDING SECTIONS 17.80.100 AND 17.80.110, AMENDING THE TABLE OF CONTENTS AND APPENDIX A OF THE ADELANTO MUNICIPAL CODE RELATING TO MEDICAL MARIJUANA DISTRIBUTION AND TRANSPORTATION, AND TESTING.

WHEREAS, the City of Adelanto adopted Title 17 as part of the City of Adelanto Municipal Code, establishing among other things the regulation of Land Uses; and

WHEREAS, the City has a desire to add additional land uses related to the medical marijuana industry, specifically those involving distribution/transportation, and product testing; and

WHEREAS, a duly noticed public hearing was held before the Planning Commission on the 13th day of September, 2016; to hear public testimony and consider the proposal; and

WHEREAS, the City has complied with the California Environmental Quality Act.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ADELANTO HEREBY RESOLVES AS FOLLOWS:

Section 1. The above recitals are all true and correct.

Section 2. The Planning Commission has reviewed and considered the information included in the General Plan, staff reports for the public hearing, and public testimony prior to taking action on the proposed Code Amendment. This information is on file and available at the Community Development Department at the City Hall of the City of Adelanto.

Section 3. The Planning Commission finds and determines that the adoption of Code Amendment 16-04 exempt pursuant to Section 15061 (b) (3) Review for Exemptions of the California Environmental Quality Act because the Code Amendment will not cause a significant effect on the environment and the Planning Commission determinations reflect the independent judgment of the Planning Commission.

Section 4. The Planning Commission hereby further finds and determines that the City has followed the procedures for Ordinance Amendments as set forth in the California Government Code.

Section 5. The Planning Commission hereby finds and determines:

a) That the proposed amendment is in the public interest, and that there will be a community benefit resulting from the amendment;

The amendment is in compliance with State Law and benefits Medical Marijuana patients and is in the public interest and will result in a community benefit.

b) That the proposed amendment is consistent with the goals, policies, and objectives of the General Plan.

The amendment benefits the community which is consistent with the General Plan.

c) That the proposed amendment will not conflict with provisions of the Zoning Code, subdivision regulations, or any applicable specific plan; and

The proposed amendment is consistent with the Zoning Code, subdivision regulations and any specific plan.

d) In the event that the proposed amendment is a change to the land use policy map that the amendment will not adversely affect surrounding properties.

The proposed amendment does not change the land use policy map.

Section 6. The Planning Commission of the City of Adelanto hereby recommends to the City Council adoption of Code Amendment 16-04.

Attachments:
Draft Ordinance
Draft Table of Contents
Draft Special Use Standards
Draft Appendix A

PASSED, APPROVED AND ADOPTED this 13th day of September, 2016.

_____
Chris Waggener
Chairman to the Planning Commission

_____
Virginia Cervantes
Secretary to the Planning Commission

I, Virginia Cervantes, Planning Secretary for the Planning Commission of the City of Adelanto, California, do hereby certify that the foregoing Resolution No. P-16-27 was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Adelanto on the 13th day of September, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 13th day of September, 2016.

_____
Virginia Cervantes
Secretary to the Planning Commission

ORDINANCE NO. 548

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, ADDING ADELANTO MUNICIPAL CODE SECTION 17.80.100 REGARDING MEDICAL CANNABIS DISTRIBUTION/TRANSPORTATION, AND SECTION 17.80.110 REGARDING MEDICAL CANNABIS TESTING

WHEREAS, on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act ("MMRSA"), effective January 1, 2016, which establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, and dispensing of medical cannabis, and which recognizes the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical cannabis activity.

WHEREAS, on June 27, 2016, Governor Brown approved Senate Bill number 837 ("SB 837"), effective immediately, which amends the MMRSA and renames it the Medical Cannabis Regulation and Safety Act ("MCRSA").

WHEREAS, the City of Adelanto ("City") wishes to comply with California law and allow for the distribution, transportation, and testing of medical cannabis in accordance with applicable State laws.

WHEREAS, it is the purpose and intent of the City to regulate medical cannabis distribution, transportation, and testing in a manner that is consistent with State law and promotes the health, safety, and general welfare of the residents and businesses within the City, while limiting the negative impacts associated with such medical cannabis distribution, transportation, and testing.

WHEREAS, the City intends to be on the forefront of ground breaking research, science, innovation, and development of treatment for symptoms and cures in the field of medical cannabis, as scientific research, studies, and data has established that cannabis can help patients with a vast array of medical conditions that affect human beings.

WHEREAS, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the use or diversion of cannabis for nonmedical purposes, or allows any activity relating to cannabis that is otherwise illegal under California law.

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

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. Section 17.80.100 (Medical Cannabis Distribution/Transportation) is hereby added to the Adelanto Municipal Code ("AMC"), and is to read in its entirety as follows:

17.80.100 Medical Cannabis Distribution/Transportation

(a) **Purpose.** The purpose and intent of this Section is to regulate the distribution and transportation of medical cannabis between Medical Cannabis Permitees in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MCRSA.

(b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:

(1) "City" means the City of Adelanto, California.

(2) "City Manager" means the individual duly appointed by a majority of the City Council to serve in the capacity as executive officer of the City on a permanent or interim basis.

(3) "CUP" means a Conditional Use Permit issued by the City in accordance with this Code.

(4) "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.

(5) "Distribute," "Distribution," and "Distributor" shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws. Distribution shall include the commercial acts of shipping, storing, and warehousing medical cannabis.

(6) "Distribution/Transportation Permit" means a City permit to distribute or transport medical cannabis between Medical Cannabis Permitees in accordance with the terms and conditions of this Section and the conditions of approval for the permit.

(7) "Distribution/Transportation Permitee" means a person or entity that has been issued a Distribution/Transportation Permit by the City pursuant to the terms and conditions of this Section.

(8) "Medical cannabis" also means "medical marijuana" and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.

(9) "Medical Cannabis Permitee" means a person or entity that has been issued a permit by the City, or another city in the State of California in accordance with the MCRSA or other applicable State laws, to participate in a commercial medical cannabis activity, such as cultivation, manufacturing, distribution, transportation, testing, dispensing, or delivering.

(10) "MCRSA" means the California Medical Cannabis Regulation and Safety Act.

(11) "MMRSA" means the California Medical Marijuana Regulation and Safety Act.

(12) "Transport," "Transporter," and "Transportation" shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.

(c) **Cannabis Distribution and Transportation Prohibited.** All cannabis distribution and transportation within the City is prohibited except as expressly permitted by this Section.

(d) **Distribution and Transportation of Medical Cannabis Conditionally Permitted.** Distribution and transportation of medical cannabis is conditionally permitted in the City only as expressly specified in this Section.

(1) Medical Cannabis Distribution/Transportation Standards. Medical cannabis distribution and transportation within the City shall be in conformance with the following standards:

A. Medical cannabis distribution and transportation shall only be allowed upon application and approval of a Distribution/ Transportation Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.

B. Medical cannabis distribution and transportation is a conditionally permitted use only on properties within the Manufacturing/ Industrial (MI) zoning designation in the Industrial Park ("Distribution/Transportation Zone").

C. Medical cannabis distribution and transportation activities may include the receiving and releasing of cannabis plants, flowers, and products for inspection, testing, and quality assurance.

D. No cannabis distribution or transportation shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church, except for shipping activities, which must follow to established commercial trucking routes. All distances shall be

measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the cannabis distribution or transportation activity is, or will be, located to the nearest property line of those uses describe in this Subsection.

E. Cannabis distribution and transportation may not be located within the same unit of a building or structure as an indoor cannabis cultivation facility, manufacturing facility, testing facility, or dispensary.

F. Subject to the further requirements of this Section, only State distributor license classification type 11, and State transporter license classification type 12, will be allowed to operate in the City in accordance with the MCRSA and Business and Professions Code sections 19300.7 and 19334.

G. Medical cannabis distribution and transportation is allowed only within fully enclosed and secure structures that are inaccessible to minors.

H. Except for commercial shipping operations, medical cannabis distribution and transportation activities shall not exceed the square footage authorized pursuant to the applicable CUP.

I. From any public right-of-way, there shall be no visible exterior evidence of any cannabis distribution or transportation activity.

J. Cannabis distribution and transportation shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

K. All cannabis distribution and transportation facilities shall fully comply with all of the applicable restrictions and mandates set forth in State law. All cannabis distribution and transportation facilities shall comply with all size requirements for such facilities as imposed by State law. Cannabis distribution and transportation facilities shall not engage in any activities not allowed by medical cannabis distribution or transportation facilities pursuant to State law. All cannabis distribution and transportation facilities shall comply with all horticultural, labeling, processing, and other standards required by State law.

L. There is no set restriction on the hours of operation of medical cannabis distribution and transportation facilities; however, restricted hours of operation may be established as a condition of

approval of the Distribution/Transportation Permit or the applicable CUP.

M. All cannabis shall be kept in a secured manner during all business and nonbusiness hours.

N. All cannabis distribution and transportation facilities shall operate within a legal structure that is compliant with all applicable State and local laws.

O. All cannabis distribution and transportation facilities must pay all applicable sales taxes pursuant to all federal, State, and local laws.

P. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of all cannabis distribution and transportation facilities. The term "premises" as used in this Subsection includes the actual cannabis distribution or transportation building, as well as any accessory structures and parking areas. The cannabis distribution or transportation facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises, or in the vicinity of the facility, is prohibited.

Q. Signage for all cannabis distribution and transportation facilities shall be limited to name of business only, shall be in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.

R. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. Cannabis distribution and transportation facilities shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any cannabis distribution or transportation facility.

S. Physician services shall not be provided on the cannabis distribution or transportation premises.

T. The building in which any cannabis distribution or transportation facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the

Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to medical cannabis distribution and transportation is also required.

U. Cannabis distribution and transportation facilities shall not grow, cultivate, manufacture, process, dispense, or administer cannabis from the facility unless expressly and affirmatively authorized by State law. Cannabis distribution and transportation facilities shall not be operated as cannabis cultivation, manufacturing, or testing facilities, or as cannabis dispensaries, unless expressly and affirmatively authorized by State law.

V. The operators of all cannabis distribution and transportation facilities shall provide the City Manager, or the City Manager's designee, with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the cannabis distribution or transportation facility. All cannabis distribution and transportation facilities shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

W. All cannabis distribution and transportation facilities shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the cannabis distribution or transportation activities occur.

X. All cannabis distribution and transportation facilities shall have a security plan including the following measures:

1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, seven days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, distribution areas, transportation areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager, the Code Enforcement Manager, and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.

2. The cannabis distribution and transportation facility shall be secured with an alarm system that is operated and monitored by a reputable security company.

3. Entrance to the distribution or transportation area, and all storage areas, shall be locked at all times, and under the control of the medical cannabis distribution or transportation facility's staff.

4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.

5. All windows on the building that houses the cannabis distribution or transportation facility shall be appropriately secured and all cannabis securely stored.

Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.

Z. The City Manager, the City Manager's designee, and law enforcement shall have the right to enter the cannabis distribution or transportation facility at any time, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.

AA. A Distribution/Transportation Permitee shall only distribute or transport medical cannabis between the business locations of Medical Cannabis Permitees.

BB. A Distribution/Transportation Permitee shall inspect all cannabis and cannabis products received for quality assurance prior to distributing or transporting to any Medical Cannabis Permitee.

CC. A Distribution/Transportation Permitee shall register with the City each location where cannabis is stored for purposes of distribution or transportation.

DD. A Distribution/Transportation Permitee shall distribute and transport batches of cultivated cannabis and cannabis products to dispensaries only after those batches have been inspected and quality tested by a qualified third party testing facility as required by the MCRSA, Business and Professions Code sections 19326 and

19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.

EE. A Distribution/Transportation Permitee may hold a Type 11 Distributor State license, and a Type 12 Transporter State license, but may not hold or use any other State or City cannabis activity permits or licenses that would otherwise be a violation of the MCRSA or Business and Professions Code section 19328.

(2) Distribution/Transportation Permit Applications. All applicants wishing to obtain a Distribution/Transportation Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Distribution/Transportation Permit Application Fee as established by the City. An application for a Distribution/Transportation Permit shall include at least the following information:

A. The address of the applicant's headquarters.

B. An estimate of the size of the proposed medical cannabis distribution or transportation facility.

C. The address of the location for which the Distribution/ Transportation Permit is sought. Only one Distribution/ Transportation Permit will be issued per location.

D. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, distribution and transportation areas, lighting, signage, etcetera.

E. A proposed security plan in compliance with the Medical Cannabis Distribution/Transportation Standards.

F. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the distribution or transportation facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

G. The name and address of the owner and lessor of the real property upon which the medical cannabis distribution or transportation activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis distribution or transportation facility will be operated on the property.

H. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.

I. Evidence that the medical cannabis distribution or transportation facility will be located in a legal structure that is compliant with all applicable State and local laws.

J. Evidence that the medical cannabis distribution or transportation facility has registered with the City all locations where medical cannabis will be stored for purposes of distribution or transportation.

K. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.

L. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.

M. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Distribution/ Transportation Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical cannabis distribution or transportation facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.

N. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):

1. The operational plan for the facility.
2. The security plan for the facility.
3. The experience of the operators of the facility.
4. The adequacy of capitalization for the facility and its operations.
5. The employment of City residents and other public benefits to the City.

(3) Distribution/Transportation Permit. The following conditions apply to each Distribution/Transportation Permit:

A. A Distribution/Transportation Permit will not be awarded to an applicant if:

1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.

2. The proposed medical cannabis distribution or transportation facility is not allowed by State or local law.

3. The applicant is not a legal representative of the medical cannabis distribution or transportation facility.

4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, distribution, transportation, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

6. The applicant has not satisfied each and every requirement of this Section.

B. A Distribution/Transportation Permit shall be awarded by the City to eligible Distribution/Distribution Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Distribution/Transportation Permits shall be limited to those that may be reasonably accommodated within the Distribution/Transportation Zone as determined by the City Manager or the City Manager's designee.

C. Before a Distribution/Transportation Permit can be issued to an applicant, Distribution/Transportation Permit fees must be paid to offset all related costs to the City, and the proposed medical cannabis distribution or transportation facility location must pass all applicable inspections.

D. Only one Distribution/Transportation Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.

E. Each Distribution/Transportation Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical cannabis distribution or transportation activity occurs.

F. Each Distribution/Transportation Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the cannabis distribution or transportation activities and to protect the public.

G. All distribution and transportation activities shall be subject to an excise tax to be established by the City and the voters.

H. Each Distribution/Transportation Permitee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Distribution/Transportation Permit and the cannabis distribution and transportation activity.

I. Each Distribution/Transportation Permitee shall:

1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.

2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Distribution/Transportation Permit, the Distribution/Transportation Permitee's cannabis related activities, and any action taken by the Distribution/ Transportation Permitee pursuant to this Section.

3. Defend the City, at the Distribution/Transportation Permitee's sole expense, in any action against the City or its agents, officers, or employees associated with the Distribution/Transportation Permit, the Distribution/ Transportation Permitee's cannabis related activities, or any action taken by the Distribution/Transportation Permitee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Distribution/ Transportation Permitee of its indemnification and reimbursement obligations.

4. Reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Distribution/Transportation Permit, the Distribution/ Transportation Permitee's cannabis related activities, or any action taken by the Distribution/Transportation Permitee pursuant to this Section.

J. A Distribution/Transportation Permitee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical cannabis distribution or transportation facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

K. A Distribution/Transportation Permitee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Distribution/Transportation Permitee at the medical cannabis distribution or transportation facility shall be residents of the City. A Distribution/Transportation Permitee shall use good faith efforts to comply with this Subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.

L. A Distribution/Transportation Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.

M. A Distribution/Transportation Permit shall expire and be null and void 12 months after issuance to the Distribution/Transportation Permitee unless properly renewed. Upon payment of the applicable Distribution/Transportation Permit fees, and passing the requisite Distribution/Transportation Permit inspections, a Distribution/ Transportation Permitee that has maintained compliance with all City, State, and other applicable cannabis and business related laws shall be entitled to renew its Distribution/Transportation Permit subject to all prevailing laws at the time of renewal.

N. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any cannabis distribution or transportation activities, or for the activities of any cannabis distribution or transportation facility.

(4) Conditional Use Permit. All parcels of real property in the Distribution/ Transportation Zone, upon which cannabis distribution or transportation activities may occur, must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

(1) Any cannabis distribution or transportation within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possesses, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to $1,000 and up to six months imprisonment per offense.

(5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a $1,000 per offense.

(6) Any violation of this Section or any other City or State cannabis law by a Distribution/Transportation Permitee, or a Distribution/Transportation Permitee's agent, is grounds for revoking the relevant Distribution/ Transportation Permit. In addition, the City Manager or the City Manager's designee may revoke a Distribution/Transportation Permit if any of the following occur:

A. The City Manager or the City Manager's designee determines that the cannabis distribution or transportation facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.

B. The medical cannabis distribution or transportation operations cease for more than 90 calendar days.

C. Ownership of the medical cannabis distribution or transportation facility is changed or transferred to a third party.

D. The medical cannabis distribution or transportation facility fails to maintain 120 hours of security recordings.

E. The medical cannabis distribution or transportation facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, or the Chief of Police, or fails to allow

inspection of the security recordings, the activity logs, or of the premise by authorized City officials.

(7) Any decision regarding the revocation of a Distribution/Transportation Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision to revoke the Distribution/Transportation Permit. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Distribution/Transportation Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.

(8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 3. Section 17.80.110 (Medical Cannabis Testing) is hereby added to the AMC, and is to read in its entirety as follows:

17.80.110 Medical Cannabis Testing

(a) **Purpose.** The purpose and intent of this Section is to regulate the testing of medical cannabis prior to manufacturing or dispensing to the public in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City intends to be on the forefront of medical cannabis research and testing. The City is authorized to regulate this activity pursuant to the MCRSA.

(b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:

(1) "City" means the City of Adelanto, California.

(2) "City Manager" means the individual duly appointed by a majority of the City Council to serve in the capacity as executive officer of the City on a permanent or interim basis.

(3) "CUP" means a Conditional Use Permit issued by the City in accordance with this Code.

(4) "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.

(5) "Medical cannabis" also means "medical marijuana" and shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.

(6) "Medical Cannabis Permitee" means a person or entity that has been issued a permit by the City, or another city in the State of California in accordance with the MCRSA or other applicable State laws, to participate in a commercial medical cannabis activity, such as cultivation, manufacturing, distribution, transportation, testing, dispensing, or delivering.

(7) "MCRSA" means the California Medical Cannabis Regulation and Safety Act.

(8) "MMRSA" means the California Medical Marijuana Regulation and Safety Act.

(9) "Testing" and "Testing Facility" shall be defined in accordance with the MCRSA, Business and Professions Code section 19300.5, and other applicable State laws.

(10) "Testing Permit" means a City permit to test the quality of medical cannabis produced by cultivation and manufacturing permitees pursuant to the terms and conditions of this Section and the conditions of approval for the permit.

(11) "Testing Permitee" means an applicant who has applied for and has been issued a Testing Permit by the City pursuant to the terms and conditions of this Section.

(c) **Cannabis Testing Prohibited.** All commercial cannabis testing within the City is prohibited except as expressly permitted by this Section.

(d) **Medical Cannabis Testing Conditionally Permitted.** Commercial medical cannabis testing is conditionally permitted in the City only as expressly specified in this Section.

(1) Medical Cannabis Testing Standards. Commercial medical cannabis testing, within the City, shall be in conformance with the following standards:

A. Commercial medical cannabis testing shall only be allowed upon application and approval of a Testing Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.

B. Commercial medical cannabis testing is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park ("Testing Zone").

C. No commercial cannabis testing facility shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the commercial medical cannabis testing is, or will be, located to the nearest property line of those uses described in this Subsection.

D. A commercial cannabis testing facility may not be located within the same unit as an indoor cannabis cultivation facility, manufacturing facility, distribution facility, transportation facility, or dispensary.

E. Subject to the further requirements of this Section, only Type 8 State testing licenses, as specified in the MCRSA and Business and Professions Code section 19300.7, will be allowed to operate in the City.

F. Commercial medical cannabis testing is allowed only within fully enclosed and secure structures that are inaccessible to minors.

G. Commercial medical cannabis testing shall not exceed the square footage authorized pursuant to the applicable CUP.

H. From any public right-of-way, there shall be no visible exterior evidence of any cannabis testing activity.

I. Cannabis testing shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

J. Each commercial cannabis testing facility shall fully comply with all of the applicable restrictions and mandates set forth in State law. A commercial cannabis testing facility shall comply with all size requirements for such facility as imposed by State law. A cannabis testing facility shall not engage in any activities not allowed by a medical cannabis testing facility pursuant to State law. A cannabis testing facility shall comply with all horticultural, labeling, processing, and other standards required by State law.

K. There is no set restriction on the hours of operation of a commercial medical cannabis testing facility; however, restricted hours of operation may be established as a condition of approval of the Testing Permit or the applicable CUP.

L. All cannabis shall be kept in a secured manner during all business and nonbusiness hours.

M. A cannabis testing facility shall operate within a legal structure that is compliant with all applicable State and local laws.

N. A cannabis testing facility must pay all applicable sales taxes pursuant to all federal, State, and local laws.

O. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of a cannabis testing facility. The term "premises" as used in this Subsection includes the actual cannabis testing building, as well as any accessory structures and parking areas. The cannabis testing facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis or alcohol on the premises or in the vicinity of the facility is prohibited.

P. Signage for a medical cannabis testing facility shall be limited to name of business only, shall be in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.

Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A cannabis testing facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcoholic beverages shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any cannabis testing facility.

R. Physician services shall not be provided on the cannabis testing facility premises.

S. The building in which any cannabis testing facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MCRSA. Compliance with all requirements of State law pertaining to medical cannabis testing is also required.

T. A cannabis testing facility shall not grow, cultivate, process, distribute, transport, sell, dispense, or administer cannabis from the facility to the public. A cannabis testing facility shall not be operated as a cannabis dispensary.

U. The operators of a cannabis testing facility shall provide the City Manager, or the City Manager's designee, with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the cannabis testing facility. A cannabis testing facility shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

V. Each cannabis testing facility shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the cannabis testing activities occur.

W. Each cannabis testing facility shall have a security plan including the following measures:

1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, seven days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, testing areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager, the Code Enforcement Manager, and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.

2. The cannabis testing facility shall be secured with an alarm system that is operated and monitored by a reputable security company.

3. Entrance to the cannabis testing area, and all storage areas, shall be locked at all times, and under the control of the medical cannabis testing facility's staff.

4. The entrances, and all window areas, shall be illuminated during evening hours. The cannabis testing facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and

shall secure the necessary lighting approvals and permits as needed.

5. All windows on the building that houses the cannabis testing facility shall be appropriately secured and all cannabis securely stored.

X. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.

Y. The City Manager, the City Manager's designee, and law enforcement shall have the right to enter any cannabis testing facility at any time, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.

Z. Each cannabis testing facility must employ full time quality control personnel.

AA. All cultivated cannabis, and manufactured cannabis products, must be properly tested prior to being dispensed to the public as required by the MCRSA, Business and Professions Code sections 19326 and 19342, and the State Department of Public Health regulations.

BB. Each Testing Permitee shall be independent from all other persons and entities involved in the cannabis industry including, but not limited to, cannabis cultivators, manufacturers, distributors, transporters, and dispensaries.

CC. A cannabis testing facility shall not acquire or receive cannabis or cannabis products except from a Medical Cannabis Permitee. A Testing Permitee shall not cultivate, manufacture, distribute, transport, deliver, or dispense cannabis or cannabis products.

DD. A cannabis testing facility must adopt a standard operating procedure using methods consistent with general requirements for the competence of testing and calibration activities, including sampling. A Testing Permitee must use testing standards and methods established specifically for medical cannabis testing by the State.

EE. A cannabis testing facility must establish standard operating procedures that provide for adequate chain of custody controls for samples transferred to the cannabis testing facility for testing.

FF. A Testing Permitee must obtain testing samples according to a statistically valid sampling method. All testing samples must be picked independently and at random by the Testing Permitee. Testing samples cannot be pre-selected by outside persons or entities involved in the cultivation, manufacturing, distribution, transportation, delivery, or dispensing of cannabis.

GG. Cannabis from dried flower must, at minimum, be tested for concentration, pesticides, mold, and other contaminants. Cannabis extracts must, at minimum, be tested for concentration and purity of the product.

HH. A cannabis testing facility must analyze samples according to either the most current version of the cannabis inflorescence monograph ("Monograph") published by the American Herbal Pharmacopoeia or other scientifically valid methodology that is equal or superior to the Monograph.

II. If a test result falls outside the specifications authorized by law or regulation, the cannabis testing facility shall follow a standard operating procedure to confirm or refute the original result.

JJ. A cannabis testing facility must destroy the remains of any sample of cannabis or cannabis product upon completion of the testing analysis.

KK. A cannabis testing facility must destroy cannabis batches whose testing samples indicate noncompliance with health and safety standards promulgated by the State Department of Public Health, unless remedial measures can bring the cannabis into compliance.

LL. A Testing Permitee shall issue a certificate of analysis for each sample tested to report whether the chemical profile of the sample conforms to the specifications for the sample for compounds. Compounds tested include, but are not limited to, the compounds listed under Business and Professions Code section 19344.

MM. A Testing Permitee shall issue a certificate of analysis for each sample tested to report whether the presence of contaminants in the sample does or does not exceed the levels that are the lesser of either the most current version of the Monograph or those set by the State Department of Public Health. Contaminants tested include, but are not limited to, the contaminants listed under Business and Professions Code section 19344.

NN. Each cannabis testing facility must analyze whether residual levels of volatile organic compounds in each sample tested are below the

lesser of either the specifications set by the United States Pharmacopeia (U.S.P. Chapter 467) or those set by the State Department of Public Health.

OO. All testing devises used by a cannabis testing facility must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any testing devices using only non-pressurized water are exempt from such approval.

PP. Unless otherwise prohibited, all testing devices used by a cannabis testing facility that utilize hydrocarbons or otherwise flammable solvents must operate in a closed loop, or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner that is compliant with all local, State, and federal guidelines for the disposal of hazardous materials.

QQ. Each cannabis testing facility must notify the State Department of Public Health and the City Manager, or the City Manager's designee, within one business day after the receipt of notice of any kind that its accreditation has been denied, suspended, or revoked.

(2) Testing Permit Applications. All applicants wishing to obtain a Testing Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Testing Permit Application Fee as established by the City. An application for a Testing Permit shall include at least the following information:

A. An estimate of the size of the proposed medical cannabis testing facility.

B. The address of the location for which the Testing Permit is sought. Only one Testing Permit will be issued per location.

C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, testing areas, lighting, signage, etcetera.

D. A proposed security plan in compliance with the Medical Cannabis Testing Standards.

E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the medical cannabis testing facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

F. The name and address of the owner and lessor of the real property upon which the medical cannabis testing activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical cannabis testing facility will be operated on the property.

G. Evidence that the medical cannabis testing facility is independent from all other persons and entities involved in the cannabis industry, as required by Business and Professions Code section 19343.

H. Evidence that the medical cannabis testing facility follows the methodologies, ranges, and parameters that are contained in the scope of the accreditation for testing medical cannabis and medical cannabis products. The medical cannabis testing facility shall also comply with any other requirements specified by the State Department of Public Health.

I. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.

J. Evidence that the medical cannabis testing facility will be located in a legal structure that is compliant with all applicable State and local laws.

K. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.

L. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.

M. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Testing Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the cannabis testing facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.

N. The City Manager, or the City Manager's designee, shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service

and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):

1. The operational plan for the facility.
2. The security plan for the facility.
3. The experience of the operators of the facility.
4. The adequacy of capitalization for the facility and its operations.
5. The employment of City residents and other public benefits to the City.

(3) Testing Permit. The following conditions apply to each Testing Permit:

A. A Testing Permit will not be awarded to an applicant if:

1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.

2. The proposed medical cannabis testing facility is not allowed by State or local law.

3. The applicant is not a legal representative of the medical cannabis testing facility.

4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, distribution, transportation, or any such similar activity related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

6. The applicant has not satisfied each and every requirement of this Section.

B. A Testing Permit shall be awarded by the City to eligible Testing Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Testing Permits shall be limited to those that may be reasonably

accommodated within the Testing Zone as determined by the City Manager or the City Manager's designee.

C. Before a Testing Permit can be issued to an applicant, Testing Permit fees must be paid to offset all related costs to the City, and the proposed medical cannabis testing facility location must pass all applicable inspections.

D. Only one Testing Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.

E. A Testing Permit is subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the cannabis testing activity occurs.

F. A Testing Permit is subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the cannabis testing activity and to protect the public.

G. All cannabis testing activities shall be subject to an excise tax to be established by the City and the voters.

H. A Testing Permitee may not hold or use any other cannabis activity permits or licenses that would otherwise be a violation of this Section, the MCRSA, or Business and Professions Code section 19328.

I. A Testing Permitee may not own or have an ownership interest in any activity or facility related to cannabis cultivation, manufacturing, distribution, transportation, delivery, or dispensing.

J. A Testing Permitee shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Testing Permit and the cannabis testing activity.

K. A Testing Permitee shall:

1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.

2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Testing Permit, the Testing Permitee's cannabis

related activities, and any action taken by the Testing Permitee pursuant to this Section.

3. Defend the City, at the Testing Permitee's sole expense, in any action against the City or its agents, officers, or employees associated with the Testing Permit, the Testing Permitee's cannabis related activities, or any action taken by the Testing Permitee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Testing Permitee of its indemnification and reimbursement obligations.

4. Reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Testing Permit, the Testing Permitee's cannabis related activities, or any action taken by the Testing Permitee pursuant to this Section.

L. Each Testing Permitee shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the cannabis testing facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

M. Each Testing Permitee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Testing Permitee at the cannabis testing facility shall be residents of the City. A Testing Permitee shall use good faith efforts to comply with this subsection and shall report the residential composition of its workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.

N. A Testing Permit issued pursuant to this Section is not transferable to any third parties under any circumstances.

O. A Testing Permit shall expire and be null and void 12 months after issuance to the Testing Permitee unless properly renewed. Upon payment of the applicable Testing Permit fees and passing the requisite Testing Permit inspections, a Testing Permitee that has maintained compliance with all City, State, and other applicable medical cannabis and business related laws shall be entitled to renew its Testing Permit subject to all prevailing laws at the time of renewal.

P. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any cannabis testing activities or for the activities of any cannabis testing facility.

(4) Conditional Use Permit. All parcels of real property in the Testing Zone upon which medical cannabis testing activities may occur must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

(1) Any cannabis testing within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to $1,000 and up to six months imprisonment per offense.

(5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a $1,000 per offense.

(6) Any violation of this Section or any other City or State cannabis law by a Testing Permitee or a Testing Permitee's agent is grounds for revoking the relevant Testing Permit. In addition, the City Manager or the City Manager's designee may revoke a Testing Permit if any of the following occur:

A. The City Manager or the City Manager's designee determines that the cannabis testing facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.

B. The medical cannabis testing operations cease for more than 90 calendar days.

C. Ownership of the medical cannabis testing facility is changed or transferred to a third party.

D. The medical cannabis testing facility fails to maintain 120 hours of security recordings.

E. The medical cannabis testing facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, the Code Enforcement Manager, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premises by authorized City officials.

(7) Any decision regarding the revocation of a Testing Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision to revoke the Testing Permit. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Testing Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.

(8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

SECTION 4. Recognizing that there is a potential conflict between federal and State law, it is the City Council's intention that this Ordinance shall be deemed to comply with California law as established by the MCRSA.

SECTION 5. The City Council determines that it is in the best interest of the residents of the City to allow distribution, transportation, and testing facilities that comply with the MCRSA to be established and operated as permitted uses within certain areas of the City subject to the regulations and restrictions provided in this Ordinance. It is the City Council's intention that nothing in this Ordinance shall be construed to:

1. Allow persons to engage in conduct that endangers others or causes a public nuisance.

2. Allow the use of cannabis for nonmedical purposes of any kind.

3. Allow any activity relating to cannabis that is otherwise not permitted under State law.

SECTION 6. The City Council finds that these amendments to the Zoning Code are consistent with the goals, policies, and objectives of the City's General Plan, and that they will not adversely affect properties surrounding the Distribution/Transportation Zone or the Testing Zone, which is the exact same area as the pre-existing cannabis Cultivation and Manufacturing Zones.

SECTION 7. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) and 15305 of the Guidelines, in that the Ordinance alone does not have the potential for causing a significant effect on the environment. Further permits and approvals will be required before any activity that will affect the environment will be permitted.

SECTION 8. No use, business, or activity of any kind that distributed, transported, or tested medical cannabis prior to the enactment of this Ordinance shall be deemed to have been a legally established use, and any such use shall not be entitled to claim legal nonconforming status.

SECTION 9. If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

SECTION 10. By regulating medical cannabis distribution, transportation, and testing facilities, the City is only undertaking to preserve the general welfare through implementing the MCRSA. The City Council is not assuming, nor is it imposing on its officers and employees, an obligation for which a breach thereof would expose the City to liability in money damages to any person who claims that such breach proximately caused injury. To the fullest extent permitted by law, the City shall assume no liability whatsoever, and expressly does not waive sovereign immunity, with respect to any provision of this Ordinance or for the activities of any medical cannabis distribution, transportation, or testing facility. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Ordinance shall not become a personal liability of any public officer or employee of the City. Nothing in this Ordinance shall be deemed or considered in any respects to constitute authorization to violate any law.

SECTION 11. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and the City Clerk shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect 30 days after its final passage.

PASSED, APPROVED, and ADOPTED this 12th day of October, 2016.

_____
Rich Kerr, *Mayor of the City of Adelanto*

_____
Cynthia M. Herrera, MMC, *City Manager/ City Clerk*

APPROVED AS TO FORM:

_____
Curtis R. Wright, *City Attorney*

I, Cindy Herrera, City Manager/City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 548 was duly introduced for the first reading on the 28th day of September, 2016 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on this 12th day of October, 2016 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 12th day of October, 2016.

_____
Cynthia M. Herrera, MMC, *City Manager/ City Clerk*

SEAL

TITLE 17

ADELANTO ZONING ORDINANCE

Page

CHAPTER 17.01 GENERAL PROVISIONS

17.01.010 Authority for this Zoning Code 17.01-1
17.01.020 Short Title 17.01-1
17.01.030 Purpose 17.01-1
17.01.040 Relationship to General Plan 17.01-2
17.01.050 Relationship to the California Environmental Quality Act 17.01-2
17.01.060 Relationship to Other Regulations 17.01-2
17.01.070 Effect of Zoning Code 17.01-2
17.01.080 Terminology Used in the Zoning Code 17.01-2
17.01.090 Minimum Requirements of this Zoning Code 17.01-3
17.01.100 Reference to Any Portion of this Zoning Code 17.01-4
17.01.110 Severability of Any Portion of this Zoning Code 17.01-4
17.01.120 Violations of the Zoning Code 17.01-4

CHAPTER 17.03 ESTABLISHMENT OF PLANNING COMMISSION

17.03.010 Planning Commission Established 17.03-1
17.03.020 Time and Place of Meetings 17.03-1
17.03.030 Special Meetings 17.03-1
17.03.040 Adjourned Meetings 17.03-2
17.03.050 Officers 17.03-2
17.03.060 Conduct at Planning Commission Meetings 17.03-2
17.03.070 Public Hearing Procedures 17.03-2

CHAPTER 17.05 ESTABLISHMENT OF ZONING DISTRICTS

17.05.010 Zoning Districts Established 17.05-1
17.05.020 Adoption of Zoning Map 17.05-1
17.05.030 Uncertainty of Boundaries 17.05-2

CHAPTER 17.10 GENERAL DEVELOPMENT STANDARDS

17.10.010 Intent and Purpose 17.10-1
17.10.020 Maintenance of Properties 17.10-1
17.10.030 Nuisances 17.10-1
17.10.040 Identification of Front Lot Lines 17.10-1
17.10.050 Determination of Front Yards and Required Setbacks 17.10-2
17.10.060 Required Lot Standards Reduced by Public Use 17.10-2
17.10.070 Maximum Projections into Yards 17.10-3
17.10.080 Clear Areas 17.10-3
17.10.090 Right-of-Way Dedication 17.10-8
17.10.100 Measurement of Building Height 17.10-10
17.10.120 Fences, Walls, and Hedges 17.10-10

17.10.130 General Design Compatibility and Enhancement.....17.10-11
17.10.140 Shielding of Roof Appurtenances.....17.10-11
17.10.150 Land Use Intensity and Floor-Area Ration……17. 10-12

CHAPTER 17.15 DESIGN REVIEW

17.15.010 Purpose and Intent……17.15-1
17.15.020 Projects Requiring Design Review……...17.15-2
17.15.030 Authority……...17.15-2
17.15.040 Single-Family Residential Design Standards.....17.15-2
17.15.050 Multi-Family Residential Design Standards.....17.15-8
17.15.060 Commercial Design Standards.....17.15-19
17.15.070 Industrial Design Standards……17.15-32

CHAPTER 17.20 RESIDENTIAL DISTRICTS

17.20.010 Intent and Purpose 17.20-1
17.20.020 Permitted Uses, Accessory Uses, Conditional Uses, and Temporary Uses.....17.20-3
17.20.030 Development Standards 17.20-3
17.20.040 Minimum Residential Design Standards 17.20-5
17.20.050 Attached Single-Family and Multi-Family Housing - Additional Standards 17.20-6
17.20.060 Mobilehome Parks 17.20-10
17.20.070 Residential Condominium Conversions 17.20-12
17.20.080 Second Units.....17.20-13
17.20.090 Outdoor Storage.....17.20-15
17.20.100 Transitional and Supportive Housing……..17.20-16
17.20.110 Emergency Shelters……17.20-16

CHAPTER 17.21 RESIDENTIAL DENSITY BONUS

17.21.010 Purpose and Intent……17.21-1
17.21.020 Definitions……17.21-1
17.21.030 Implementation……..17.21-3
17.21.040 Development Standards……17.21-3
17.21.050 Development Incentives……17.21-4
17.21.060 Application Requirements and Review……17.21-6
17.21.070 Density Bonus Housing Agreement……...17.21-6

CHAPTER 17.22 AIRPORT PARK

17.22.010 Intent……17.22-1
17.22.020 Permitted Uses, Accessory Uses, Conditional Uses, and Temporary Uses……..17.22-1
17.22.030 Administrative Development Plan Approval…….....17.22-2
17.22.040 Development Standards……17.22-2
17.22.050 Minimum Design Standards……..17.22-5
17.22.060 Accessory Uses and Structure……...17.22-7
17.22.070 Outdoor Storage……17.22-7
17.22.080 Parking Standards…… 17.22-8
17.22.090 Federal Aviation Administration Review…….....17.22-9

17.22.100 Additional Review and Requirements…….17.22-9

CHAPTER 17.25 COMMERCIAL DISTRICTS

17.25.010 Intent and Purpose 17.25-1
17.25.020 Permitted Uses, Accessory Uses, Temporary Uses, and Conditional Uses..... 17.25-1
17.25.030 Location and Development Plan Approval Required 17.25-2
17.25.040 Development Standards 17.25-2
17.25.060 Alcoholic Beverage Outlets 17.25-5
17.25.070 Entertainment Establishments Providing Dancing, Music, and Similar Activities 17.25-6
17.25.080 Outdoor Display and Storage..... 17.25-6
17.25.090 Recycling Facilities 17.25-7
17.25.100 Additional Requirements for Service Stations 17.25-9
17.25.110 Drive-Through Facilities 17.25-12

CHAPTER 17.30 BUSINESS AND MANUFACTURING

17.30.010 Intent and Purpose 17.30-1
17.30.020 Permitted Uses, Accessory Uses, Temporary Uses, and Conditional Uses..... 17.30-2
17.30.030 Location and Development Plan..... 17.30-2
17.30.040 Development Standards 17.30-2
17.30.050 Parking and Loading..... 17.30-4
17.30.070 Outdoor Uses, Display and Storage..... 17.30-4
17.30.080 Manufacturing/Industrial Condominiums 17.30-4
17.30.090 Requirements for Recycling Facilities, Service Stations, and Drive-Through Facilities..... 17.30-6

CHAPTER 17.35 PUBLIC FACILITIES AND PUBLIC UTILITY DISTRICTS

17.35.010 Intent and Purpose 17.35-1
17.35.020 Permitted Uses, Accessory Uses, Temporary Uses, and Conditional Uses..... 17.35-1
17.35.030 Location and Development Plan Approval Required 17.35-1
17.35.040 Development Standards 17.35-1

CHAPTER 17.40 OPEN SPACE, PUBLIC LAND AND SCHOOLS AND GREENBELT CORRIDOR DISTRICTS

17.40.010 Intent and Purpose 17.40-1
17.40.020 Permitted Uses, Accessory Uses, Temporary Uses, and Conditional Uses..... 17.40-1
17.40.030 Development Standards 17.40-1

CHAPTER 17.45 AIRPORT PARK OVERLAY DISTRICT (APO)

17.45.010 Intent and Purpose 17.45-1
17.45.015 Applicability 17.45-1
17.45.020 Regulations 17.45-2
17.45.030 Maximum Height..... 17.45-2
17.45.040 Special Considerations in the Airport Park Overlay District 17.45-2

17.45.050 Recorded Deed Notices 17.45-3

CHAPTER 17.50 MIXED USE DISTRICT

17.50.010 Intent……17.50-1
17.50.020 Permitted Uses, Accessory Uses, Conditional Uses, and Temporary Uses……17.50-2
17.50.030 Development Standards……...17.50-2
17.50.040 Minimum Design Standards……..……..17.50-3
17.50.050 Accessory Uses and Structures…….. ….17.50-5
17.50.060 Attached Single-Family and Multi-Family Housing Additional standards…….17.50-5
17.50.070 Outdoor Storage……...…17.50-8
17.50.080 Parking Standards……..…..17.50-8

CHAPTER 17.57 BIOLOGICAL RESOURCES

17.57.010 Intent and Purpose 17.57-1
17.57.020 Location Requirements 17.57-1
17.57.030 Biological Resources Report Required 17.57-1
17.57.040 Plant Protection and Management 17.57-1

CHAPTER 17.60 LANDSCAPING/WATER CONSERVATION

17.60.010 General Provisions……..…17-60-1
17.60.020 Landscape Design Plan …….17.60-2
17.60.030 Landscape Design Standards……..…17.60-3
17.60.040 Landscape Material and Area Requirements……..17.60-6
17.60.050 Model Home Complexes……..…….17-60-13
17.60.060 Landscape Maintenance……17.60-14
17.60.070 Water Conservation……..…….17.60-16
17.60.080 Approved Plant List……..…….17.60-23

CHAPTER 17.65 PARKING AND LOADING

17.65.010 Intent and Purpose 17.65-1
17.65.020 Applicability 17.65-1
17.65.030 Location and Development Plan and Building Permit Required 17.65-1
17.65.040 General Provisions 17.65-2
17.65.060 Number of Parking Spaces Required 17.65-4
17.65.070 Parking Facility Layout and Dimensions 17.65-11
17.65.080 Parking Facility Development Standards 17.65-12
17.65.090 Combined or Shared Parking Facilities 17.65-13
17.65.100 Loading Space Requirements 17.65-13
17.65.110 Bicycle Parking Standards 17.65-14

CHAPTER 17.67 TRIP REDUCTION

17.67.010 Intent and Purpose 17.67-1
17.67.020 Additional Parking and Loading Requirements 17.67-1
17.67.030 Transit Facilities 17.67-2

17.67.040 Video Conferencing....17.67-2
17.67.050 Telecommuting Centers....17.67-2
17.67.060 Timing....17.67-2

CHAPTER 17.70 SIGNS

17.70.010 Intent and Purpose....17.70-1
17.70.020 Applicability....17.70-1
17.70.030 Administration....17.70-1
17.70.040 Sign Permits and Exemptions....17.70-2
17.70.050 Prohibited Signs and Sign Devices....17.70-3
17.70.055 Off-Site Residential Subdivision Signs....17.70-4
17.70.060 Signs Residential Districts....17.70-6
17.70.065 Political Signs....17.70-7
17.70.070 Signs for Non-Residential Uses....17.70-8
17.70.080 Signs in Industrial and Community/Public/Facilities Districts....17.70-13
17.70.090 Highway/Freeway Identification Signs....17.70-17
17.70.100 Sign Programs....17.70-18
17.70.110 Temporary Signs....17.70-20
17.70.120 Definitions....17.70-23

CHAPTER 17.75 TEMPORARY USES AND STRUCTURES

17.75.010 General Provisions....17.75-1
17.75.020 Halloween Pumpkin/Christmas Tree Sales Facilities....17.75-2
17.75.030 Residential Tract Sales and Rental Office....17.75-3
17.75.040 Temporary Construction Office....17.75-4
17.75.050 Special Outdoor Events....17.75-4

CHAPTER 17.80 SPECIAL USE STANDARDS

17.80.010 Intent and Purpose....17.80-1
17.80.020 Antennas and Cellular Telephone Towers....17.80-1
17.80.030 Churches, Temples, religious institutions, non-profit and other similar institutions....17.80-9
17.80.040 Restrictions on Sales of Tobacco Products....17.80-10
17.80.050 Medical Marijuana Dispensaries....17.80-11
17.80.060 Wind Energy Conversion Systems (WECS)....17.80-11
17.80.070 Solar Energy Conversion Systems (SECS)....17.80-12
17.80.080 Medical Marijuana Cultivation....17.80-12
17.80.090 Manufacturing of Medical Marijuana....17.80-23
17.80.100 Medical Marijuana Distribution and Transportation....17.80-xx
17.80.110 Medical Marijuana Testing....17.80-xx

CHAPTER 17.83 SURFACE MINING AND LAND RECLAMATION

17.83.010 Intent....17.83-1
17.83.020 Scope....17.83-1

17.83.030 Conditional Use Permit and Reclamation Plan Required 17.83-2
17.83.040 Review Procedures 17.83-3
17.83.050 Periodic Review 17.83-3
17.83.060 Enforcement 17.83-3
17.83.070 Appeal 17.83-3

CHAPTER 17.85 ADULT BUSINESS REGULATIONS

17.85.010 Definitions - Adult-Oriented Business 17.85-1
17.85.020 Definitions - Related Words and Phrases 17.85-5
17.85.030 Definitions - Specified Anatomical Areas and Specified Sexual Activities 17.85-6
17.85.040 Conditional Use Permit - Adult-Oriented Business – Application 17.85-7
17.85.050 Referral of Application for Investigation 17.85-8
17.85.060 Reservation of Right to Review Conditional Use Permit Changed Conditions 17.85-9
17.85.070 Time Limit For Land Use Review and Decisions - First Amendment Protected Businesses 17.85-10
17.85.080 Applicability and Non-Conforming Period 17.85-12
17.85.090 Extension of Non-Conforming vs. Amortization Period (Adult- Oriented Businesses) 17.85-12
17.85.100 Continuation of Nonconforming Buildings and Uses 17.85-13
17.85.110 Location, Design, and Performance Standards 17.85-14
17.85.120 Couch Dancing/Straddle Dancing and Other Sexual Activities Prohibited 17.85-18
17.85.130 Establishment of an Adult-Oriented Business 17.85-20

CHAPTER 17.90 PERFORMANCE STANDARDS

17.90.010 Intent and Purpose 17.90-1
17.90.020 Noise 17.90-1
17.90.030 Vibration 17.90-4
17.90.040 Lights 17.90-4
17.90.050 Smoke 17.90-4
17.90.060 Mechanical and Electrical Equipment 17.90-4
17.90.070 Electrical Interference 17.90-5
17.90.080 Fire or Explosive Hazard 17.90-5
17.90.090 Liquid and Solid Wastes 17.90-5
17.90.100 Heat or Cold 17.90-5
17.90.110 Odors 17.90-5
17.90.120 Fissionable or Radioactive Materials 17.90-5

CHAPTER 17.91 GRADING REGULATIONS

17.91.020 Scope of Regulations 17.91-1
17.91.030 Grading Guidelines Applicable to All Projects 17.91-1
17.91.050 Landscaping Adjacent to Open Space Areas 17.91-2

CHAPTER 17.92 CONDITIONAL GRADING COMPLIANCE

17.92.010 Purpose 17.92-1
17.92.020 Scope 17.92-1
17.92.030 Quality Control Engineer's Responsibilities 17.92-1
17.92.040 Developer's Deposit 17.92-2
17.92.050 Director of Public Works Authority 17.92-2
17.92.060 Authority to Contract 17.92-2
17.92.070 Penalty for Noncompliance 17.92-2

CHAPTER 17.93 EROSION AND SEDIMENT CONTROL

17.93.010 Purpose 17.93-1
17.93.020 Scope 17.93-1
17.93.030 General Provisions 17.93-1
17.93.040 Project Design Considerations 17.93-2
17.93.050 Soil Erosion and Sediment Control Plan 17.93-2
17.93.060 Runoff Control 17.93-3
17.93.070 Land Clearing 17.93-4
17.93.080 Winter Operations 17.93-4
17.93.090 Continued Responsibility 17.93-6
17.93.100 Exemptions 17.93-6
17.93.110 Variances 17.93-7
17.93.120 Inspection and Compliance 17.93-7
17.93.130 Applicable Laws and Regulations 17.93-7
17.93.140 Appeals 17.93-8

CHAPTER 17.95 HOME OCCUPATION PERMITS

17.95.010 Purpose 17.95-1
17.95.020 Permitted Home Occupation Uses 17.95-1
17.95.030 Permit Required 17.95-2
17.95.040 Procedure for Obtaining Permit 17.95-3
17.95.050 Performance Standards 17.95-3
17.95.060 Inspections 17.95-4
17.95.070 Suspension/Revocation of Permit 17.95-4
17.95.080 Penalties 17.95-4

CHAPTER 17.100 ADMINISTRATIVE PROCEDURES

17.100.010 General Procedures 17.100-1
17.100.020 Application Procedures 17.100-5
17.100.030 Fees and Deposits 17.100-6
17.100.040 Notice of Public Hearings 17.100-6
17.100.050 Hearings and Effect of Actions 17.100-7
17.100.060 Appeals 17.100-9
17.100.070 City Council Review of Planning Commission Actions 17.100-9
17.100.080 Expiration and Revocations 17.100-10

CHAPTER 17.110 GENERAL PLAN AMENDMENTS

17.110.010 Initiation....17.110-1
17.110.020 Proceedings....17.110-1
17.110.030 Findings Required....17.110-1
17.110.040 Associated Project Required....17.110-1
17.110.050 Technical Revisions and Updates to the General Plan....17.110-2
17.110.060 City-Initiated General Plan Amendments....17.110-2

CHAPTER 17.115 ZONING CODE AND ZONING MAP AMENDMENTS

17.115.010 Initiation....17.115-1
17.115.020 Proceedings - Planning Commission....17.115-1
17.115.030 Proceedings - City Council....17.115-2
17.115.040 Findings Required....17.115-2

CHAPTER 17.120 SPECIFIC PLAN ADOPTION AND AMENDMENT

17.120.010 Purpose....17.120-1
17.120.020 Application Requirements....17.120-1
17.120.030 Amendments....17.120-1
17.120.040 Changes to Specific Plans Requiring an Amendment....17.120-2
17.120.050 Associated Project Required....17.120-2
17.120.060 Technical Revisions and Updates to Specific Plans....17.120-2
17.110.070 City-Initiated Specific Plan Amendments....17.120-2

CHAPTER 17.130 CONDITIONAL USE PERMITS

17.130.010 Purpose....17.130-1
17.130.020 Application Requirements....17.130-1
17.130.030 Conditional Use Permit Proceedings....17.130-1
17.130.040 Finality of Commission Decision and Effective Date....17.130-2
17.130.050 Basis for Approval or Denial of Conditional Use Permit....17.130-2
17.130.060 Inactive Applications and Expiration of Permits....17.130-3
17.130.070 Conditional Use Permit Approval Attached to the Property....17.130-3
17.130.080 Reservation of Right to Review Conditional Use Permit - Changed Circumstances....17.130-3
17.130.090 Revocation....17.130-4

CHAPTER 17.135 VARIANCES - MAJOR

17.135.010 Purpose....17.135-1
17.135.020 Proposed Actions Requiring Major Variance Application....17.135-1
17.135.030 Special Application Requirements....17.135-2
17.135.040 Proceedings....17.135-2
17.135.050 Finality of Commission Decision and Effective Date....17.135-2
17.135.060 Required Findings....17.135-3
17.135.070 Major Variance Approval Attached to the Property....17.135-3

CHAPTER 17.140 VARIANCES - MINOR

17.140.010 Purpose 17.140-1
17.140.020 Proposed Actions Subject to Minor Variance Application 17.140-1
17.140.030 Special Application Requirements 17.140-2
17.140.040 Proceedings 17.140-2
17.140.050 Finality of Director's Decision and Effective Date 17.140-2
17.140.060 Required Findings 17.140-3
17.140.070 Minor Variance Approval Attached to the Property 17.140-3

CHAPTER 17.150 LOCATION AND DEVELOPMENT PLAN

17.150.010 Purpose 17.150-1
17.150.020 Application Requirements 17.150-1
17.150.030 Location and Development Plan Applications 17.150-1
17.150.040 Location and Development Plan Proceedings 17.150-2
17.150.050 Finality of Commission Decision and Effective Date 17.150-3
17.150.060 Basis for Approval or Denial of Conditional Use Permit 17.150-3
17.150.070 Inactive Applications and Expiration of Permits 17.150-3
17.150.080 Location and Development Plan Approval Attached to the Property 17.150-4
17.150.090 Revocation 17.150-4

CHAPTER 17.155 TEMPORARY USE PERMIT

17.155.010 Purpose 17.155-1
17.155.020 Proceedings 17.155-1
17.155.030 Conditions of Approval 17.155-1
17.155.040 Finality of Director's Decision and Effective Date 17.155-2

CHAPTER 17.165 NONCONFORMING USES AND STRUCTURES

17.165.010 General Provisions 17.165-1
17.165.020 Nonconforming Uses 17.165-1
17.165.030 Nonconforming Structures 17.165-2
17.165.040 Exceptions for Residential Structures 17.165-3
17.165.050 Notice of Nonconformity and Amortization 17.165-3
17.165.052 Hearing Body Designated; Hearing 17.165-4
17.165.054 Decision and Findings 17.165-4
17.165.056 Right of Appeal 17.165-4
17.165.057 Recordation of Order 17.165-5
17.165.058 Revocation 17.165-5
17.165.059 Public Nuisance 17.165-5
17.165.060 Nonconforming Signs 17.165-5
17.165.070 Nonconforming Adult Businesses 17.165-6

CHAPTER 17.170 COVENANTS OF EASEMENTS

17.170.010 General 17.170-1
17.170.015 Procedures 17.170-1
17.170.020 Content of Covenant 17.170-2
17.170.025 Release of Covenant--Procedure 17.170-2

CHAPTER 17.180 SUBDIVISION OF LAND

17.180.010 Adelanto Ordinance 227U 17.180-1
17.180.015 General Provisions 17.180-1

CHAPTER 17.190 ENVIRONMENTAL REVIEW

17.190.010 Adelanto Resolution No. 75-11 ..... 17.190-1
17.190.015 General Provisions 17.190-1

CHAPTER 17.200 DEFINITIONS AND ILLUSTRATIONS OF TERMS

17.200.010 General 17.200-1
17.200.020 "A" Definitions 17.200-1
17.200.030 "B" Definitions 17.200-4
17.200.040 "C" Definitions 17.200-5
17.200.050 "D" Definitions 17.200-7
17.200.060 "E" Definitions 17.200-10
17.200.070 "F" Definitions 17.200-11
17.200.080 "G" Definitions 17.200-11
17.200.090 "H" Definitions 17.200-12
17.200.100 "I" Definitions 17.200-13
17.200.110 "J" Definitions 17.200-13
17.200.120 "K" Definitions 17.200-14
17.200.130 "L" Definitions 17.200-14
17.200.140 "M" Definitions 17.200-15
17.200.150 "N" Definitions 17.200-16
17.200.160 "O" Definitions 17.200-17
17.200.170 "P" Definitions 17.200-18
17.200.180 “Q” Definitions 17.200-20
17.200.190 "R" Definitions 17.200-20
17.200.200 "S" Definitions 17.200-21
17.200.210 "T" Definitions 17.200-24
17.200.220 "U" Definitions 17.200-25
17.200.230 "V" Definitions 17.200-25
17.200.240 "W " Definitions 17.200-26
17.200.250 “X” Definitions 17.200-26
17.200.260 "Y " Definitions 17.200-26
17.200.270 “Z” Definitions 17.200-27

APPENDICES

Appendix A: Regulation of Uses by Zoning District

CHAPTER 17.80

SPECIAL USE STANDARDS

17.80.010 Intent and Purpose
17.80.020 Antennas and Cellular Telephone Towers
17.80.030 Churches, Temples, religious institutions, non-profits and other similar institutions
17.80.040 Restrictions on Sales of Tobacco Products
17.80.050 Medical Marijuana Dispensaries
17.80.060 Wind Energy Conversion Systems (WECS)
17.80.070 Solar Energy Conversion Systems (SECS)
17.80.080 Medical Marijuana Cultivation
17.80.090 Manufacturing of Medical Marijuana
17.80.100 Medical Marijuana Distribution and Transportation
17.80.110 Medical Marijuana Testing

17.80.010 Intent and Purpose

Certain uses, although permitted in specific zoning districts, require additional development standards beyond those specified for the applicable zone. Additional standards are required to ensure that such uses are operated in a manner that does not adversely impact surrounding uses. The purpose of this Chapter is to provide additional development standards and conditions for certain uses to ensure their compatibility with surrounding uses.

17.80.020 Antennas and Cellular Telephone Towers

(a) Exempt Antennas

Common skeletal-type radio and television antenna in standard configurations used to receive UHF, VHF, AM, and FM signals of off-air broadcasts from radio and television stations are exempt from the requirements of this Section.

Solid dish-type antennas with a diameter of less than two feet (2') which are designed to receive broadcast signals directly from orbiting satellites are also exempt from the following requirements, with the exception that this type of antenna may not be placed in a front yard area or in any other location visible from the street at the front of the home or building which the antenna serves.

(b) Location of Antennas in Residential Districts

Antennas and satellite dishes (hereafter referred to as “antennas”) located in the residential zones of the City shall conform to the following standards:

(1) All antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.

(2) All ground-mounted antennas shall be screened by walls, fences, or landscaping at least six feet (6') in height obscuring visibility of the

antenna from adjacent properties at the same elevation. Landscaping shall be of a type and variety and installed at sufficient size to be capable of growing within one year to a landscape screen which obscures the visibility of the antenna.

(3) All antennas and their supporting structures shall be located in the rear yard.

(4) No antenna shall be higher than thirty-five feet (35') above grade level, except dish-type satellite receiving antennas, which shall not exceed fifteen feet (15') in height. Antennas exceeding thirty-five feet (35') may be approved provided the antenna is retractable to below the thirty-five foot (35') height limit, and the applicant executes a use agreement providing that the antenna will only be extended during actual use of said antenna.

(5) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.

(6) All roof-mounted antennas, with the exception of exempt antennas, are prohibited.

(c) Location of Antennas in Non-Residential Districts

Antennas located in non-residential zoning districts shall conform to the following standards:

(1) All ground-mounted antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.

(2) All ground-mounted antennas shall be screened by walls, fences, or landscaping at least six feet (6') in height obscuring visibility of the antenna from adjacent properties at the same elevation. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna.

(3) All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard.

(4) No antenna or its supporting structure shall be located in the area between the front property line and the main structure or building.

(5) No antenna shall be higher than the maximum height permitted in the zone, measured from grade level, except satellite antennas, which shall not exceed fifteen feet (15') in height.

(6) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.

(7) No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan.

(d) Location of Antennas in Public Utility, Open Space and Greenbelt Corridor Districts

(1) All ground-mounted antennas shall be required to maintain their supporting structures at least five feet (5') from any property line and ten feet (10') from any other structure.

(2) All ground-mounted antennas shall be screened by walls, fences or landscaping at least six feet (6') in height obscuring visibility of the antenna. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna.

(3) All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard.

(4) No antenna or its supporting structure shall be located in the area between the front property line and the main structure or building.

(5) No antenna shall be higher than the maximum height permitted in the zone measures from grade level, except satellite antennas which shall not exceed fifteen feet (15') in height.

(6) A maximum of two (2) antennas, including exempt antennas, shall be allowed per lot.

(7) No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan.

(e) Wireless Communication Facilities

The following regulations shall govern the placement of wireless communication facilities, antennas, and similar installations:

(1) All cellular phone installations shall require Conditional Use Permit Approval, pursuant to the requirements of Chapter 17.130 of this Code.

(2) Cellular Telephone Towers shall be permitted within all Business and Manufacturing (BP, LM, MI and ADD), Open Space, Public Land, Schools, Greenbelt Corridors (OS, DE, UE) and Public Utilities and Public Facilities (PU and PF) zoning districts.

(3) Cellular Telephone Towers shall not be located in Residential Districts.

(4) Design Standards

A. Cellular Telephone Towers shall be “Stealth Facilities”, which means that any Wireless Telecommunications Facility shall be

disguised to appear as another natural or artificial object that exists in the surrounding environment or which is architecturally integrated into a building or other structure. They may include, but are not limited to:

1. Co-location on existing electrical transmission towers within Power Easements.

2. Architecturally screened roof mounted antenna.

3. Wall or façade-mounted antenna as design features, clock towers, flagpoles, church crosses, "tree" poles (monopalms, monopines, or similar).

4. Wall Mounted means a Wireless Telecommunication Facility that is mounted on any vertical surface or nearly vertical surface of a building or other existing structure that is not specifically constructed for the purpose of supporting an antenna, such as exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign such that the highest point of the Facility is at an elevation equal to or lower than the highest point of the surface on which it is mounted.

5. Exceptions to this may be granted through the Conditional Use Permit Process, provided that it can be demonstrated that the proposed installation would not be unduly intrusive, such as they are located in proximity to similar existing towers for major electrical transmission lines.

B. Cellular phone towers, antennas, and similar structures are limited to the maximum height allowed within the Zoning District in which it is located, unless an RF report prepared by a qualified RF Engineer and reviewed by the City, demonstrates that: 1) an antenna built at the Zoning District limit would obstruct the antenna's reception window or otherwise excessively interfere with reception and such obstruction or interference involves factors beyond the applicant's control; and 2) there are no other locations within the City available to the cellular phone provider that would enable the cellular phone provider to construct an antenna within the limits of the Zoning Code without limiting cell phone coverage and reception. In such cases, a maximum height of one hundred feet (100') may be allowed, unless a lower height is required by a local Airport Land Use Commission (ALUC).

C. Setback requirements for cellular phone installations shall be developed on a case-by-case basis as part of the Conditional Use Permit Approval.

(f) Antennas Used for Transmission Purposes

The following regulations shall apply to the establishment, installation, and operation of antennas used to transmit signals of any type for commercial purposes.

(1) Except as provided in subsection (2) below, prior to the approval by the City of the installation of any non-exempt antenna, the applicant must submit a written statement that the antenna will not be used for transmission purposes; or, that the use of the antennas for transmission purposes will not exceed EIRP levels of 80 dBW.

(2) Antennas used for transmission purposes which exceed EIRP levels of 80 dBW may be approved by the Planning Commission, subject to the imposition of reasonable conditions to protect the applicant and the public health and safety. Reasonable conditions shall include, but not be limited to, fencing, screening, warning signs, partial submersion below ground level, and other like conditions.

(3) Antennas used for transmission purposes shall be subject to the same screening requirements as antennas used for receiving signals. Transceiver antennas shall be considered to be transmitting antennas for the purposes of this Chapter.

(4) Any applicant aggrieved by a decision of or condition imposed by the City may appeal that decision or condition pursuant to Section 2.04.080 et seq. of this Code.

(g) Required Criteria and Performance Standards

The following regulations shall apply to the establishment, installation, and operation of antennas in all zoning districts:

(1) Antennas shall be installed and maintained in compliance with the requirements of the Building Code. Antenna installers shall obtain a building permit prior to installation.

(2) No advertising material shall be allowed on any antenna.

(3) All electrical wiring associated with any antenna shall be buried underground or hidden in a manner acceptable to the Building Official.

(4) No portion of an antenna array shall extend beyond the property lines or into any front yard area. Guy wires shall not be anchored within any front yard area but may be attached to the building.

(5) The antenna, including guy wires, supporting structures, and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish, or reflective.

(6) Every antenna must be adequately grounded for protection against a direct strike of lightning with an adequate ground wire. Ground wires shall be of the type approved by the latest edition of the National Electrical Code, as adopted by the City, for grounding masts and lightning arresters and shall be installed in a mechanical manner, with as few bends as possible, maintaining a clearance of at least two (2) inches from combustible materials. Lightning arresters shall be used which are approved as safe by the Underwriter's Laboratories, Inc., and both sides of the line must be adequately protected with proper arresters to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arresters must be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arresters by grounding the exterior metal sheath.

(7) A wind velocity test shall be required if deemed necessary by the Building Official.

(h) Variances

Pursuant to the procedures of Chapter 17.140 et seq. of this Zoning Code, any person may seek a variance from the provisions of this Chapter pertaining to antennas and satellite dish antennas. A fee shall be charged to an applicant for a variance that is required solely for the purposes of complying with the antenna and/or satellite dish antenna regulations of this Chapter. Any variance so granted is revocable for failure by the applicant or property owner to comply with the conditions imposed. A variance shall be issued for an antenna if it meets the following standards:

(1) Locating the antenna in conformance with the specifications of this Chapter would obstruct the antenna's reception window or otherwise excessively interfere with reception, and such obstruction or interference involves factors beyond the applicant's control; or the cost of meeting the specifications of this Section is excessive, given the cost of the proposed antenna.

(2) The variance application includes a certification that the proposed installation is in conformance with applicable City Building Code regulations. Furthermore, the application must contain written documentation of such conformance, including load distributions within the building's support structure, and must be certified by a registered engineer.

(3) If it is proposed that the antenna will be located on the roof, where possible, the antenna shall be located on the rear portion of the roof and be consistent with neighboring improvements, uses, and architectural character.

(i) Nonconforming Antennas

All antennas, in any zone, lawfully constructed and erected prior to the effective date of this Chapter, which do not conform to the requirements of the provisions of this Chapter for the particular zoning district in which they are located, shall be accepted as non-conforming uses for a period of one (1) year from the date of adoption of this Chapter. Thereafter, the antennas shall be subject to abatement as set forth below via removal, modification, or relocation to comply with the standards of this Chapter. Any antenna constructed or erected in violation of this Chapter or any prior law, ordinance, or regulation shall be subject to immediate abatement.

(j) Notice of Nonconforming Antennas

(1) Upon the determination of the Planning Director that the provisions of this Chapter apply to a given parcel of land on which an antenna is located, the Planning Director or his/her designee shall send a notice thereof by United States certified mail, return receipt requested, to the owner thereof as shown on the last equalized assessment roll and shall cause such property to be posted with a similar notice.

(2) The notice provided for in this Section shall state that the property and antenna in question is a nonconformity, shall state the date of abatement established in Section 17.80.020(i), shall state that an administrative hearing will be held before the Planning Commission and shall state the date of such hearing.

(k) Hearing; Decision and Order; Appeal; Recordation of Order

(1) Within sixty (60) days after the issuance of the notice prescribed in Section 17.80.020(j), the Planning Commission shall hold an administrative hearing to determine whether the nonconformity should be abated or whether a time extension should be granted as provided in subsection (7) below.

(2) The Planning Commission shall receive written and oral testimony at such hearing in regard to the abatement.

(3) At the close of the hearing, the Planning Commission shall find and determine whether the nonconformity should be abated and all facts in support thereof, whether the owner of the property can amortize his/her investment in the term for abatement provided in Section 17.80.020(i), and if not, what term for abatement should be provided as specified in Section 17.80.020(j).

(4) The Planning Commission shall also find and determine whether the structure encompassing the nonconforming use can be used economically in its present condition or can be modified successfully for a purpose permitted in the zoning district in which it is located.

(5) The decision of the Planning Commission and the findings in support thereof shall be in the form of a written order and shall be served upon the property owner personally or by United States certified mail, return receipt requested, within ten (10) days after the decision is rendered.

(6) The decision of the Planning Commission may be appealed to the City Council.

(7) After the conclusion of all appeals, notice of the decision and order of the Planning Commission or the City Council shall be recorded with the City Clerk.

(l) Extension of Time

(1) The Planning Commission or City Council on appeal, shall grant an extension of the time for abatement of nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property owner.

(2) The Planning Commission or City Council on appeal, shall consider the following factors, among others, in determining whether to grant an extension of time and the length of the term:

A. The nature of the use.

B. The amount of the owner's investment in improvements.

C. The convertibility of improvements to permitted uses.

D. The character of the neighborhood.

E. The detriment, if any, caused to the neighborhood by continuance of the nonconforming use.

F. The amount of time needed to amortize the investment.

(m) Proof of Amortization

The Planning Commission, or City Council on appeal, shall base its decision as to the length of the permitted amortization period on any competent evidence presented, including, but not limited to, the depreciation schedule attached to the owner's latest federal income tax return.

(n) Relocation

Where the Planning Commission finds that a nonconforming antenna, either in its present condition or as modified, can be used in compliance with the standards set forth in this Chapter for the zoning district in which it is located, the nonconforming antenna may be granted an extension sufficient to permit it to relocate on the site wherein such use is permitted and which has substantially equivalent utility for the use. In no event shall such extension be more than two (2) years.

(o) Antennas Used for Transmission Purposes

(1) Except as provided in subsection (2) below, prior to the approval by the City for the installation of any non-exempt antenna, the applicant must submit a written statement that the antenna will not be used for transmission purposes; or that the use of the antennas for transmission purposes will not exceed EIRP levels of 80 dBW.

(2) Antennas used for transmission purposes which exceed EIRP levels of 80 dBW may be approved by the Planning Commission subject to the imposition of reasonable conditions to protect the applicant and the public health and safety. Reasonable conditions shall include, but not be limited to, fencing, screening, warning signs, partial submersion below ground level, and other like conditions.

(3) Any applicant aggrieved by a decision of or condition imposed by the Planning Commission may appeal that decision or condition to the City Council, pursuant to Section 2.04.080 et seq of this Code.

17.80.030 Churches, Temples, religious institutions, non-profits and other similar institutions

(a) All churches, temples, religious institutions, non-profits and other similar institutions shall require a Location and Development Plan approval and Conditional Use Permit approval, as indicated in Appendix A.

(b) All buildings, structures, setbacks, building height and landscaping shall be developed in a manner harmonious and compatible with development on surrounding properties.

(c) Off-street parking spaces shall be required as per Chapter 17.65 and 17.15 of this Zoning Code. The number of parking spaces shall be determined in Table 65-2 of the aforementioned code section. Exterior parking areas shall be screened with landscaping to be compatible with and an enhancement to surrounding land uses.

(d) All exterior lighting shall be designed, oriented, and constructed to shield adjacent properties from adverse glare effects.

(e) Establishment of a church does not automatically permit any school, day nursery, kindergarten, or any congregation of persons for purposes other than religious instruction, worship, or guidance. Any such additional uses shall be subject to the use requirements of the zoning district in which they are located.

(f) Churches, Temples, religious institutions, non-profit and other similar institutions proposed to be located in residential zones shall only be allowed if vehicular access is from a Major Street/Boulevard, Collector Street, Activity Street or Loop Street-One Way, as identified in the Circulation Element of the General Plan

17.80.040 Restrictions on Sales of Tobacco Products

(a) Definitions

The following words and phrases, whenever used in this article, shall have the meanings defined in this section unless the context clearly requires otherwise:

Tobacco Product means any product(s) that is used to consume tobacco or any product that contains any tobacco leaf, including but not limited to: cigarettes, cigars, cigarillos, blunts, snuff, dipping/chewing tobacco, flavored tobacco, tobacco water, tobacco paste, gutka, kretek, shisha, roll-your-own cigarettes, cigarette or cigar rolling papers, or pipes.

Tobacco Retailer means any person, retail establishment, or any other legal entity who knowingly sells, donates, distributes, or delivers to any person(s), for any form of consideration, tobacco products.

(b) Zoning Regulations.

It is hereby declared that the sense and policy of this section is that no tobacco retailer shall be permitted to sell, donate, distribute, or deliver to any person(s), for any form of consideration, tobacco products within 1,000 feet of any playground, church, public library, school, or any childcare facility or similar entity providing structured, organized care for youth.

(c) How Distance Measured.

The 1,000 foot distance provided for in Section 14.80.040 shall be measured as a person walks, using the sidewalk, from the nearest point of the property line of the playground, church, public library, school, or childcare facility or similar entity providing structured, organized care for youth, to the nearest of the property line of the tobacco retailer.

(d) Nonconforming Uses

The City's nonconforming use rules, contained in Chapter 17.165 apply to this section. If a tobacco retailer has an interruption of the continuity of business for a period in excess of six months, in order to reopen for business, the requirements set forth above must be complied with.

(e) Enforcement.

Enforcement of this chapter shall be the responsibility of the Community Development Director or his designee. In addition, any peace officer or code enforcement official also may enforce this chapter.

17.80.050 Medical Marijuana Dispensaries

A medical marijuana dispensary, as defined in Section 17.200.140 of this Title, is not an allowable use within any zone in the City of Adelanto and is expressly prohibited in all zones. No other definition or term utilized herein shall be interpreted to allow such use. Each individual zone in the City of Adelanto is hereby updated to prohibit medical marijuana dispensaries.

17.80.060 Wind Energy Conversion Systems (WECS)

(a) Wind Energy Conversion Systems shall be classified into three (3) categories.

(1) Category One, consist of large WECS that have one or more units producing power for sale. This category generates power in excess of 500 Kw and does not provide power for onsite use. These systems require the approval of a Conditional Use Permit and Location and Development Plan and are allowed in the Manufacturing/Industrial (MI), Airport Development District (ADD), Public Utilities (PU) and Open Space, Public Land and Schools (OS) zones.

(2) Category Two, consist of medium WECS that provide power for existing onsite structures. These systems may have more than one unit but produce 500 Kw or less. These systems require the approval of a Minor Conditional Use Permit and Site Plan and are allowed in all zoning districts except Single Family Residential (R-S1, R1, R1-.5, R-S5) and Desert Living (DL-9, DL-5, DL-2.5).

(3) Category Three, consist of WECS that provide power for existing onsite single family residential structures. These systems may have more than one unit but produce 25 Kw or less. These systems require the approval of a site plan and can be pole/tower or roof mounted.

(b) WECS installed in the DL zone may be 75' in height. All others shall comply with height limitations for the zoning district they are installed in.

(c) All ground mounted pole/tower WECS shall be set back from property lines a distance that equals the total height of the system and shall have a locked anti-climb device installed or be un-climbable by design for the first 12 feet.

(d) All pole mounted WECS shall be of the self supporting monopole type. WECS requiring the use of guyed wires are only permitted in the DL zone.

(e) No WECS shall emit sounds which exceed 65 decibels at any time as measured from the property line.

(f) All on-site wiring for WECS shall be installed underground.

(g) All WECS shall be installed and operated so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized.

17.80.070 Solar Energy Conversion Systems (SECS)

(a) Solar Energy Conversion Systems shall be classified into three (3) categories.

(1) Category One, consist of large SECS that have one or more units producing power for sale. This category generates power in excess of 500 Kw and does not provide power for onsite use. These systems require the approval of a Conditional Use Permit and Location and Development Plan and are allowed in the Manufacturing/Industrial (MI) and Airport Development District (ADD) zones.

(2) Category Two, consist of medium SECS that provide power for existing onsite structures. These systems may have multiple panels but produce 500 Kw or less. These systems require the approval of a Minor Conditional Use Permit and Site Plan and are allowed in all zoning districts except Single Family Residential (R1), (R1-.5) and Desert Living (DL).

(3) Category Three, consist of SECS that provide power for existing onsite single family residential structures. These systems may have multiple panels but produce 25 Kw or less. These systems require the approval of a site plan and can be ground or roof mounted.

(b) All SECS shall comply with height limitations and setbacks for the zoning district they are installed in.

(c) No SECS shall emit sounds which exceed 65 decibels at any time as measured from the property line.

(d) All on-site wiring for SECS shall be installed underground.

(e) All SECS shall be installed and operated so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized.

17.80.080 Cultivation of Medical Marijuana

(a) **Purpose.** The purpose and intent of this Section is to regulate the cultivation of medical marijuana that is grown in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City is authorized to regulate this activity pursuant to the MMRSA.

(b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:

(1) "City" means the City of Adelanto, California, a Charter Law City.

(2) "City Manager" means the individual duly appointed by a majority of the City Council of the City to serve in the capacity as executive officer of the City on a permanent or interim basis.

(3) "Cultivation" shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, and other applicable State laws.

(4) "Cultivation Permit" means a City permit to operate an indoor medical marijuana cultivation facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.

(5) "Cultivation Permitee" means an applicant who has applied for and has been issued a Cultivation Permit by the City pursuant to the terms and conditions of this Section.

(6) "CUP" means a Conditional Use Permit issued by the City in accordance with this Code.

(7) "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.

(8) "Indoors" means within a fully enclosed and secure structure.

(9) "Medical marijuana" also means "medical cannabis" and shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.

(10) "MMRSA" means the State Medical Marijuana Regulation and Safety Act.

(11) "Outdoors" means any location within the City that is not within a fully enclosed and secure structure.

(c) **Marijuana Cultivation Prohibited.** All marijuana cultivation within the City is prohibited except as expressly permitted by this Section.

(d) **Indoor Medical Marijuana Cultivation Conditionally Permitted.** Indoor medical marijuana cultivation is conditionally permitted in the City only as expressly specified in this Section.

(1) Indoor Medical Marijuana Cultivation Standards. Indoor medical marijuana cultivation, within the City, shall be in conformance with the following standards:

A. Indoor medical marijuana cultivation shall only be allowed upon application and approval of a Cultivation Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.

B. Indoor medical marijuana cultivation is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park ("Cultivation Zone").

C. No marijuana cultivation shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the indoor medical marijuana cultivation is, or will be located, to the nearest property line of those uses describe in this Subsection.

D. Indoor medical marijuana cultivation facilities may be located within the same building or structure as a medical marijuana manufacturing facility only if the indoor medical marijuana cultivation facility is located in separate rooms of the building or structure, and only if the indoor medical marijuana cultivation facility has its own separate entrance into the building or structure.

E. Subject to the further requirements of this Section, only the following State cultivator license classification types specified in the MMRSA and Business and Professions Code sections 19300.7 and 19332 will be allowed to operate in the City: 1A, 1B, 2A, 2B, 3A, 3B, and 4.

F. Indoor medical marijuana cultivation is allowed only within fully enclosed and secure structures that are inaccessible to minors.

G. Indoor medical marijuana cultivation shall not exceed the square footage authorized pursuant to the CUP.

H. From any public right-of-way, there shall be no visible exterior evidence of any indoor medical marijuana cultivation activity.

I. Indoor medical marijuana cultivation activity may include growing marijuana plants, harvesting marijuana plants, and drying marijuana flowers, but shall not include any extraction procedures to produce concentrated THC.

J. Indoor medical marijuana cultivation shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

K. All indoor medical marijuana cultivation facilities shall fully comply with all of the applicable restrictions and mandates set forth in State law. All indoor medical marijuana cultivation facilities shall comply with all size requirements for such facilities as imposed by State law. Indoor medical marijuana cultivation facilities shall not engage in any activities not allowed by indoor medical marijuana cultivation facilities pursuant to State law. All indoor medical marijuana cultivation facilities shall comply with all horticultural, labeling, processing, and other standards required by State law.

L. There is no set restriction on the hours of operation of indoor medical marijuana cultivation facilities; however, restricted hours of operation may be established as a condition of approval of the Cultivation Permit or the applicable CUP.

M. All medical marijuana shall be kept in a secured manner during all business and nonbusiness hours.

N. All indoor medical marijuana cultivation facilities shall operate within a legal structure that is compliant with all applicable State and local laws.

O. All indoor medical marijuana cultivation facilities must pay all applicable sales taxes pursuant to all federal, State, and local laws.

P. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of all indoor medical marijuana cultivation facilities. The term "premises" as used in this Subsection includes the actual indoor medical marijuana cultivation building, as well as any accessory structures and parking areas. The indoor medical marijuana cultivation facility building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming marijuana or alcohol on the premises or in the vicinity of the facility is prohibited.

Q. Signage for all indoor medical marijuana cultivation facilities shall be limited to name of business only, shall be

in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.

R. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. Indoor medical marijuana cultivation facilities shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any indoor medical marijuana cultivation facility.

S. Physician services shall not be provided on the premises. "Physician services" does not include social services, including counseling, help with housing and meals, hospice and other care referrals which may be provided on site.

T. The building in which any indoor medical marijuana cultivation facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MMRSA. Compliance with all requirements of State law pertaining to indoor marijuana cultivation is also required.

U. Indoor medical marijuana cultivation facilities shall not distribute, sell, dispense, or administer marijuana from the facility to the public. Indoor medical marijuana cultivation facilities shall not be operated as medical marijuana dispensaries.

V. The operators of all indoor medical marijuana cultivation facilities shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are any operational problems associated with the indoor medical marijuana cultivation facility. All indoor medical marijuana cultivation facilities shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

W. All indoor medical marijuana cultivation facilities shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the indoor medical marijuana cultivation activities occur.

X. All indoor medical marijuana cultivation facilities shall have a security plan including the following measures:

1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.

2. The indoor medical marijuana cultivation facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.

3. Entrance to the cultivation area, and all storage areas, shall be locked at all times, and under the control the indoor medical marijuana cultivation facility's staff.

4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.

5. All windows on the building that houses the indoor medical marijuana cultivation facility shall be appropriately secured and all marijuana securely stored.

Y. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.

Z. The City Manager, the City Manager's designee, and law enforcement shall have the right to enter the indoor medical marijuana cultivation facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.

AA. All batches of final cultivated marijuana must be inspected and quality tested by a qualified third party distributor and testing facility prior to distribution to a dispensary as required by the MMRSA, Business and Professions Code sections 19326 and 19342, the Department of Food and Agriculture regulations, and the State Department of Public Health regulations.

(2) Cultivation Permit Applications. All applicants wishing to obtain a Cultivation Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Cultivation Permit Application Fee as established by the City. An application for a Cultivation Permit shall include at least the following information:

A. An estimate of the size of the proposed indoor medical marijuana cultivation facility.

B. The address of the location for which the Cultivation Permit is sought. Only one Cultivation Permit will be issued per location.

C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, cultivation areas, lighting, signage, etcetera.

D. A proposed security plan in compliance with the Indoor Medical Marijuana Cultivation Standards.

E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the indoor medical marijuana cultivation facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

F. The name and address of the owner and lessor of the real property upon which the indoor medical marijuana cultivation activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that an indoor medical marijuana cultivation facility will be operated on the property.

G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.

H. Evidence that the indoor medical marijuana cultivation facility will be located in a legal structure that is compliant with all applicable State and local laws.

I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.

J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.

K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Cultivation Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the indoor medical marijuana cultivation facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.

L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):

1. The operational plan for the facility.

2. The security plan for the facility.

3. The experience of the operators of the facility.

4. The adequacy of capitalization for the facility and its operations.

5. The employment of City residents and other public benefits to the City.

(3) Cultivation Permit. The following conditions apply to all Cultivation Permits:

A. Cultivation Permit will not be awarded to an applicant if:

1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.

2. The proposed indoor medical marijuana cultivation facility is not allowed by State or local law.

3. The applicant is not a legal representative of the indoor medical marijuana cultivation facility.

4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of marijuana related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

6. The applicant has not satisfied each and every requirement of this Section.

B. Cultivation Permits shall be awarded by the City to eligible Cultivation Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Cultivation Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone.

C. Before a Cultivation Permit can be issued to an applicant, Cultivation Permit fees must be paid to offset all related costs to the City, and the proposed indoor medical marijuana cultivation facility location must pass all applicable inspections.

D. Only one Cultivation Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.

E. All Cultivation Permits are subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the indoor medical marijuana cultivation activity occurs.

F. All Cultivation Permits are subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.

G. All cultivation activities shall be subject to an excise tax to be established by the City and the voters.

H. Cultivation Permitees may not hold or use any other marijuana activity permits or licenses that would otherwise be a violation of the MMRSA or Business and Professions Code section 19328.

I. All Cultivation Permitees shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Cultivation Permit and the indoor medical marijuana cultivation activity.

J. All Cultivation Permitees shall:

1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.

2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Cultivation Permit, the Cultivation Permitee's marijuana related activities, and any action taken by the Cultivation Permitee pursuant to this Section.

3. Agree to defend the City, at the Cultivation Permitee's sole expense, in any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permitee's marijuana related activities, or any action taken by the Cultivation Permitee pursuant to this Section.

4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Cultivation Permit, the Cultivation Permitee's marijuana related activities, or any action taken by the Cultivation Permitee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

K. All Cultivation Permitees shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the indoor medical marijuana cultivation facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

L. All Cultivation Permitees shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Cultivation Permitee at the indoor medical marijuana cultivation facility shall be residents of the City. All Cultivation Permitees shall use good faith efforts to comply with this subsection and shall report the residential composition of their workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.

M. Cultivation Permits issued pursuant to this Section are not transferable to any third parties under any circumstances.

N. All Cultivation Permits shall expire and be null and void 12 months after issuance to the Cultivation Permitee unless properly renewed. Upon payment of the applicable Cultivation Permit fees and passing the requisite Cultivation Permit inspections, Cultivation Permitees that have

maintained compliance with all City, State, and other applicable marijuana and business related laws shall be entitled to renew their Cultivation Permit subject to all prevailing laws at the time of renewal.

O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical marijuana cultivation activities or for the activities of any indoor medical marijuana cultivation facility.

(4) Conditional Use Permit. All parcels of real property in the Cultivation Zone upon which indoor medical marijuana cultivation activities may occur must obtain a CUP from the City for all such activities.

(5) Oversight Committee. The City shall create an Oversight Committee to oversee activities of the Cultivation Permitees to ensure that all applicable local, State, and federal laws are complied with, and that all provisions of this Section are enforced, and that no illegal activity is conducted on the indoor medical marijuana cultivation properties. The Oversight Committee shall have full authority to review all proposed applications, applicants, business proposals, financial resources, Merit Lists, and overall business plans when deciding which entities will receive Cultivation Permits as outlined herein. The Oversight Committee shall be appointed by the City Council and shall consist of five total members with one member from code enforcement, one member from planning, and three at-large appointments.

(e) **Enforcement.**

(1) Any marijuana cultivation within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to $1,000 and up to six months imprisonment per offense.

(5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a $1,000 per offense.

(6) Any violation of this Section or any other City or State marijuana law by a Cultivation Permitee or a Cultivation Permitee's agent is grounds for revoking the Cultivation Permitee's Cultivation Permit. In addition, the City Manager or the City Manager's designee may revoke a Cultivation Permit if any of the following occur:

A. The City Manager or the City Manager's designee determines that the indoor medical marijuana cultivation facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.

B. The indoor medical marijuana cultivation operations cease for more than 90 calendar days.

C. Ownership of the indoor medical marijuana cultivation facility is changed or transferred to third party.

D. The indoor medical marijuana cultivation facility fails to maintain 120 hours of security recordings.

E. The indoor medical marijuana cultivation facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.

(7) Any decision regarding the revocation of a Cultivation Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Cultivation Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.

(8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

17.80.090 Manufacturing of Medical Marijuana

(a) **Purpose.** The purpose and intent of this Section is to regulate the manufacturing of medical marijuana that is processed in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. The City intends to be on the forefront of medical marijuana research and manufacturing. The City is authorized to regulate this activity pursuant to the MMRSA.

(b) **Definitions.** For purposes of this Section, the following definitions shall apply, unless the context clearly indicates otherwise:

(1) "City" means the City of Adelanto, California, a Charter Law City.

(2) "City Manager" means the individual duly appointed by a majority of the City Council of the City to serve in the capacity as executive officer of the City on a permanent or interim basis.

(3) "CUP" means a Conditional Use Permit issued by the City in accordance with this Code.

(4) "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.

(5) "Manufacturer" and "manufacturing" shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, and other applicable State laws.

(6) "Manufacturing Permit" means a City permit to operate a medical marijuana manufacturing facility pursuant to the terms and conditions of this Section and the conditions of approval for the permit.

(7) "Manufacturing Permitee" means an applicant who has applied for and has been issued a Manufacturing Permit by the City pursuant to the terms and conditions of this Section.

(8) "Medical marijuana" also means "medical cannabis" and shall be defined in accordance with the MMRSA, Business and Professions Code section 19300.5, Health and Safety Code section 11018, and other applicable State laws.

(9) "MMRSA" means the State Medical Marijuana Regulation and Safety Act.

(c) **Marijuana Manufacturing Prohibited.** All marijuana manufacturing within the City is prohibited except as expressly permitted by this Section.

(d) **Medical Marijuana Manufacturing Conditionally Permitted.** Medical marijuana manufacturing is conditionally permitted in the City only as expressly specified in this Section.

(1) Medical Marijuana Manufacturing Standards. Medical marijuana manufacturing, within the City, shall be in conformance with the following standards:

A. Medical marijuana manufacturing shall only be allowed upon application and approval of a Manufacturing Permit and a CUP in accordance with the criteria and process set forth in this Section and this Code.

B. Medical marijuana manufacturing is a conditionally permitted use only on properties within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park ("Manufacturing Zone").

C. No marijuana manufacturing shall be established, developed, or operated within 2,500 feet of a school, public playground or park, child care or day care facility, youth center, or church. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structure in which the medical marijuana manufacturing is, or will be located, to the nearest property line of those uses describe in this Subsection.

D. Medical marijuana manufacturing facilities may be located within the same building or structure as an indoor medical marijuana cultivation facility only if the medical marijuana manufacturing facility is located in separate rooms of the building or structure, and only if the medical marijuana manufacturing facility has its own separate entrance into the building or structure.

E. Subject to the further requirements of this Section, only State manufacturer license classification type 6 level 1 will be allowed to operate in the City using nonvolatile solvents in accordance with the MMRSA and Business and Professions Code sections 19300.7 and 19341.

F. Medical marijuana manufacturing is allowed only within fully enclosed and secure structures that are inaccessible to minors.

G. Medical marijuana manufacturing shall not exceed the square footage authorized pursuant to the CUP.

H. From any public right-of-way, there shall be no visible exterior evidence of any medical marijuana manufacturing activity.

I. Medical marijuana manufacturing shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

J. All medical marijuana manufacturing facilities shall fully comply with all of the applicable restrictions and mandates set forth in State law. All medical marijuana manufacturing facilities shall comply with all size requirements for such facilities as imposed by State law. Medical marijuana manufacturing facilities shall not engage in any activities not allowed by medical marijuana manufacturing facilities pursuant to State law. All medical marijuana manufacturing facilities shall comply with all horticultural, labeling, processing, and other standards required by State law.

K. There is no set restriction on the hours of operation of medical marijuana manufacturing facilities; however, restricted hours of operation may be established as a condition of approval of the Manufacturing Permit or the applicable CUP.

L. All medical marijuana shall be kept in a secured manner during all business and nonbusiness hours.

M. All medical marijuana manufacturing facilities shall operate within a legal structure that is compliant with all applicable State and local laws.

N. All medical marijuana manufacturing facilities must pay all applicable sales taxes pursuant to all federal, State, and local laws.

O. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of all medical marijuana manufacturing facilities. The term “premises” as used in this Subsection includes the actual medical marijuana manufacturing building, as well as any accessory structures and parking areas. The medical marijuana manufacturing facility building entrance shall be clearly and

legibly posted with a notice indicating that smoking, ingesting, or consuming marijuana or alcohol on the premises or in the vicinity of the facility is prohibited.

P. Signage for all medical marijuana manufacturing facilities shall be limited to name of business only, shall be in compliance with the City's sign code, and shall contain no advertising of any companies, brands, products, goods, or services. Signage shall not include any drug-related symbols.

Q. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. Medical marijuana manufacturing facilities shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcoholic beverages shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of any medical marijuana manufacturing facility.

R. Physician services shall not be provided on the premises. "Physician services" does not include social services, including counseling, help with housing and meals, hospice and other care referrals which may be provided on site.

S. The building in which any medical marijuana manufacturing facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the City's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and the MMRSA. Compliance with all requirements of State law pertaining to medical marijuana manufacturing is also required.

T. Medical marijuana manufacturing facilities shall not distribute, sell, dispense, or administer marijuana from the facility to the public. Medical marijuana manufacturing facilities shall not be operated as medical marijuana dispensaries.

U. The operators of all medical marijuana manufacturing facilities shall provide the City Manager or the City Manager's designee with the name, phone number, facsimile number, and email address of an on-site representative to whom the City and the public can provide notice if there are

any operational problems associated with the medical marijuana manufacturing facility. All medical marijuana manufacturing facilities shall make every good faith effort to encourage residents and the public to call this representative to resolve any operational problems before any calls or complaints are made to the City or law enforcement.

V. All medical marijuana manufacturing facilities shall be operated in accordance with the conditions of approval associated with the applicable CUP for the parcel of real property upon which the medical marijuana manufacturing activities occur.

W. All medical marijuana manufacturing facilities shall have a security plan including the following measures:

1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 120 concurrent hours of digitally recorded documentation in a format approved by the City Manager or the City Manager's designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, manufacturing areas, all doors and windows, and any other areas as determined by the City Manager or the City Manager's designee. Remote log-in information shall be provided to the City Manager and the Chief of Police to allow them to view the security camera images and recordings from their own facilities at any time. Any disruption in security camera images shall be cured expeditiously in good faith.

2. The medical marijuana manufacturing facility shall be alarmed with an alarm system that is operated and monitored by a reputable security company.

3. Entrance to the manufacturing area, and all storage areas, shall be locked at all times, and under the control the medical marijuana manufacturing facility's staff.

4. The entrances and all window areas shall be illuminated during evening hours. The facility shall comply with the City's lighting standards regarding

fixture type, wattage, illumination levels, shielding, etcetera, and shall secure the necessary lighting approvals and permits as needed.

5. All windows on the building that houses the medical marijuana manufacturing facility shall be appropriately secured and all marijuana securely stored.

X. Recordings made by the security cameras shall be made available to the City Manager, the City Manager's designee, or law enforcement upon verbal request—no search warrant or subpoena shall be needed to view the recorded materials.

Y. The City Manager, the City Manager's designee, and law enforcement shall have the right to enter the medical marijuana manufacturing facility at any time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and the State.

Z. All medical marijuana manufacturing facilities must employ full time quality control personnel. The Manufacturing Permitee must establish Standard Operating Procedures and Batch Records that comply with current Good Manufacturing Practices and the MMRSA for all food products, as outlined by the State Department of Public Health and the Food and Drug Administration.

AA. All finished products produced by a medical marijuana manufacturing facility must be labeled in compliance with the MMRSA, Business and Profession Code section 19347, and the labeling requirements outlined by the State Department of Public Health.

BB. All finished products produced by a medical marijuana manufacturing facility must be packaged in child resistant containers prior to leaving the facility or becoming commercially available in accordance with the MMRSA, Business and Profession Code section 19347, the State Department of Public Health regulations, and other applicable State laws.

CC. All batches of final marijuana products must be tested by a qualified third party testing facility prior to distribution to a dispensary as required by the MMRSA, Business and

Professions Code sections 19326, 19341, and 19342, and the State Department of Public Health regulations.

DD. Medical marijuana manufacturing facilities shall only use nonvolatile solvents that have been approved by the State Department of Public Health for medical marijuana level 1 manufacturing. Until such time as any such nonvolatile solvents are approved by the State Department of Public Health for medical marijuana level 1 manufacturing, medical marijuana manufacturing facilities shall only use nonvolatile solvents that have been approved by the Food and Drug Administration for the processing and preparation of botanical dietary supplements or food grade products.

EE. All processing and analytical testing devises used for medical marijuana manufacturing facilities must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.

FF. Unless otherwise prohibited, all processing devices used by a medical marijuana manufacturing facility that utilize hydrocarbons or otherwise flammable solvents must operate in a closed loop, or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner which is compliant with all local, State, and federal guidelines for the disposal of hazardous materials.

(2) Manufacturing Permit Applications. All applicants wishing to obtain a Manufacturing Permit from the City shall file an application with the City upon a form provided by the City and shall pay a Manufacturing Permit Application Fee as established by the City. An application for a Manufacturing Permit shall include at least the following information:

A. An estimate of the size of the proposed medical marijuana manufacturing facility.

B. The address of the location for which the Manufacturing Permit is sought. Only one Manufacturing Permit will be issued per location.

C. A site plan and floor plan for the proposed premises denoting the use of all areas on the premises, including storage, manufacturing areas, lighting, signage, etcetera.

D. A proposed security plan in compliance with the Medical Marijuana Manufacturing Standards.

E. The names, addresses, and relevant criminal histories of all potential employees, facility managers, and other relevant parties for the medical marijuana manufacturing facility. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

F. The name and address of the owner and lessor of the real property upon which the medical marijuana manufacturing activity is proposed to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a medical marijuana manufacturing facility will be operated on the property.

G. Authorization for the City Manager or the City Manager's designee to seek verification of the information contained within the application.

H. Evidence that the medical marijuana manufacturing facility will be located in a legal structure that is compliant with all applicable State and local laws.

I. A statement in writing by the applicant that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct.

J. Any such additional and further information as is deemed necessary by the City Manager or the City Manager's designee to administer this Section.

K. The City Manager or the City Manager's designee shall conduct a background check of any applicant seeking a Manufacturing Permit, including all potential employees and any person who may be a facility manager or otherwise responsible for the activities of the medical marijuana manufacturing facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents and the suitability of the proposed location.

L. The City Manager or the City Manager's designee shall rank all qualified applications in order of those that best satisfy the requirements of this Section and provide the highest level

of service and opportunities for residents of the City based on the requirements of this Section and the following criteria ("Merit List"):

1. The operational plan for the facility.

2. The security plan for the facility.

3. The experience of the operators of the facility.

4. The adequacy of capitalization for the facility and its operations.

5. The employment of City residents and other public benefits to the City.

(3) Manufacturing Permit. The following conditions apply to all Manufacturing Permits:

A Manufacturing Permit will not be awarded to an applicant if:

1. The applicant or the Applicant's Agents made one or more false or misleading statements or omissions in the application or during the application process.

2. The proposed medical marijuana manufacturing facility is not allowed by State or local law.

3. The applicant is not a legal representative of the medical marijuana manufacturing facility.

4. The applicant or the Applicant's Agents have been convicted of a felony, or a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or any such similar activity related to controlled substances, with the exception of marijuana related offenses for which the conviction occurred prior to passage of Compassionate Use Act. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

5. The applicant or the Applicant's Agents have engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

6. The applicant has not satisfied each and every requirement of this Section.

B. Manufacturing Permits shall be awarded by the City to eligible Manufacturing Permit applicants in order of the Merit List as established by the City Manager or the City Manager's designee. The number of Manufacturing Permits shall be limited to those that may be reasonably accommodated within the Manufacturing Zone.

C. Before a Manufacturing Permit can be issued to an applicant, Manufacturing Permit fees must be paid to offset all related costs to the City, and the proposed medical marijuana manufacturing facility location must pass all applicable inspections.

D. Only one Manufacturing Permit may be possessed or used by the same person or entity, including the representatives, agents, parent entities, or subsidiary entities of that person or entity.

E. All Manufacturing Permits are subject to the conditions of approval in the applicable CUP for the parcel of real property upon which the medical marijuana manufacturing activity occurs.

F. All Manufacturing Permits are subject to any additional conditions that may be applied by the City at the time of issuance or renewal as necessary to properly regulate the activity and protect the public.

G. All manufacturing activities shall be subject to an excise tax to be established by the City and the voters.

H. Manufacturing Permitees may not hold or use any other marijuana activity permits or licenses that would otherwise be a violation of the MMRSA or Business and Professions Code section 19328.

I. All Manufacturing Permitees shall enter into an agreement with the City to fully reimburse the City for all fiscal impacts, costs, expenses, fees, and attorneys' fees incurred by the City related to the Manufacturing Permit and the medical marijuana manufacturing activity.

J. All Manufacturing Permitees shall:

1. Carry liability insurance in the amounts and types set by the City Manager or the City Manager's designee, and name the City as an additional insured on all such insurance policies.

2. Execute an Indemnification Agreement prepared by the City that fully indemnifies the City for all liabilities associated with the Manufacturing Permit, the Manufacturing Permitee's marijuana related activities, and any action taken by the Manufacturing Permitee pursuant to this Section.

3. Agree to defend the City, at the Manufacturing Permitee's sole expense, in any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permitee's marijuana related activities, or any action taken by the Manufacturing Permitee pursuant to this Section.

4. Agree to reimburse the City for all costs, expenses, fees, and attorney fees incurred by the City related to any action against the City or its agents, officers, or employees associated with the Manufacturing Permit, the Manufacturing Permitee's marijuana related activities, or any action taken by the Manufacturing Permitee pursuant to this Section. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

K. All Manufacturing Permitees shall keep the City and law enforcement updated with the names, addresses, and relevant criminal histories of all employees, facility managers, and other relevant parties for the medical marijuana manufacturing facility at all times. Relevant criminal histories shall include any drug-related or felony convictions, the nature of such offenses, and the sentences received for such convictions.

L. All Manufacturing Permitees shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of 50% of all employees employed by the Manufacturing Permitee at the medical marijuana manufacturing facility shall be residents of the City. All Manufacturing Permitees shall use good faith

efforts to comply with this subsection and shall report the residential composition of their workforce to the City every year and at any other time upon demand by the City Manager or the City Manager's designee.

M. Manufacturing Permits issued pursuant to this Section are not transferable to any third parties under any circumstances.

N. All Manufacturing Permits shall expire and be null and void 12 months after issuance to the Manufacturing Permitee unless properly renewed. Upon payment of the applicable Manufacturing Permit fees and passing the requisite Manufacturing Permit inspections, Manufacturing Permitees that have maintained compliance with all City, State, and other applicable marijuana and business related laws shall be entitled to renew their Manufacturing Permit subject to all prevailing laws at the time of renewal.

O. To the fullest extent permitted by law, the City does not assume any liability, and expressly does not waive sovereign immunity, with respect to any medical marijuana manufacturing activities or for the activities of any medical marijuana manufacturing facility.

(4) Conditional Use Permit. All parcels of real property in the Manufacturing Zone upon which medical marijuana manufacturing activities may occur must obtain a CUP from the City for all such activities.

(e) **Enforcement.**

(1) Any marijuana manufacturing within the City in violation of this Section is hereby declared to be unlawful and a public nuisance.

(2) Any party who engages in a violation of this Section, or who owns, possess, controls, or has charge of any parcel of real property in the City upon which a violation of the Section is maintained, shall be subject to the penalties and remedies provided by this Section.

(3) Any violation of this Section shall constitute a separate offense for each and every day the violation occurs or persists.

(4) Any person in violation of any provision of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of up to $1,000 and up to six months imprisonment per offense.

(5) Any person in violation of any provision of this Section shall be punishable by an administrative fine of up to a $1,000 per offense.

(6) Any violation of this Section or any other City or State marijuana law by a Manufacturing Permitee or a Manufacturing Permitee's agent is grounds for revoking the Manufacturing Permitee's Manufacturing Permit. In addition, the City Manager or the City Manager's designee may revoke a Manufacturing Permit if any of the following occur:

A. The City Manager or the City Manager's designee determines that the medical marijuana manufacturing facility has failed to comply with this Section, any condition of approval, or any agreement or covenant as required pursuant to this Section.

B. The medical marijuana manufacturing operations cease for more than 90 calendar days.

C. Ownership of the medical marijuana manufacturing facility is changed or transferred to third party.

D. The medical marijuana manufacturing facility fails to maintain 120 hours of security recordings.

E. The medical marijuana manufacturing facility fails to provide remote access to the security cameras to the City Manager, the City Manager's designee, or the Chief of Police, or fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.

(7) Any decision regarding the revocation of a Manufacturing Permit may be appealed to an independent neutral third party administrative hearing officer appointed by the City Manager or the City Manager's designee ("Hearing Officer"). Said appeal shall be made by a notice of appeal from the person appealing within 15 days from the date of the decision. The appeal shall be accompanied by a written verified declaration setting forth the basis for the claim that the Manufacturing Permit was improperly revoked. The Hearing Officer's decision shall be final and binding upon the City and the appellant.

(8) These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

17.80.100 Medical Marijuana Distribution and Transportation

17.80.110 Medical Marijuana Testing

(Both to be inserted from Ordinance after adoption)

Appendix A: Regulation of Uses by Zoning District

KEY:
P = Use permitted by right with Location and Development Plan Approval (subject to all local, State, and other applicable Code requirements)
C = Use requires Conditional Use Permit (Chapter 17.30 Adelanto Zoning Code)
Cm = Use Requires a Minor Conditional Use Permit (Chapter 17.30 Adelanto Zoning Code)
A = Use permitted as accessory use only (when such use is directly related to the primary use)
T = Use permitted as temporary use only (see Chapter 17.75)

Residential Zoning Districts:	Commercial and Mixed Use Zoning Districts:	Business Park and Manufacturing Zoning Districts	Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts
DL-9 = Desert Living 1 unit/9 acres	C = General Commercial	LM = Light Manufacturing	PU=Public Utility
DL-5 = Desert Living 1 unit/5 acres	MU = Mixed Use	MI = Manufacturing Industrial	PF = Public Facility
DL-2.5 = Desert Living 1 unit/2.5 acres		ADD = Airport Development District	OS = Open Space
R-S1 = Single Family Residential		BP = Business Park	DE = Greenbelt Corridor: Drainage Easement
R1-.5 = Single Family Residential (1/2 Acre)			UE = Greenbelt Corridor: Utility Easement
R1 = Single Family Residential			
R-S5 = Single Family Residential			
R3-8 = Medium Density Residential			
R-M12 = Medium Density Residential			

Residential R3-30 =
High Density
Residential

AP = Airport Park

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
AGRICULTURAL PRODUCTION and ANIMAL SERVICES[7]																				
Animal Keeping (subject to provisions of Title 7- Animals)[11]	A	A	A	A	A	A	A	A	A											
Animal Shelter (on lots greater than 2.5 acres only)									Cm			C	C	C	C					
Feed and Grain Sales	C										P	P	P							
Horses (Boarding and Raising as a Business), Kennels (subject to provisions of Title 7- Animals on lots greater than 2.5 acres only)	C																			
Taxidermist												P	P	P						
Veterinarian/Veterinary Hospital/Pet Grooming	C									P	P	P	P	P	P					
Medical Marijuana Cultivation[12]													C							
Medical Marijuana Manufacturing[12]													C							
Medical Marijuana Distribution and/or Transportation[12]													C							
Medical Marijuana Testing Laboratory[12]													C							
RESIDENTIAL																				
Bed and Breakfast	P					P	P		P	P	P									
Dwelling Unit, Multiple Family, Two-Family (Duplex), Condominium						P	P	P		P										
Dwelling Unit, Single-Family (detached)	P	P	P	P	P		P		P									P		
Dwelling Unit - Second Units/Dependent Housing/Granny Flats	P	P	P	P	P	P	P		P											
Day Care Center, Adult Day Health and Child Care (Subject to California Department of Social Services:	C		C		C	C	C	C		C	C				C	C	C			

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Day Care Home, Large Family (14 or fewer children), (Subject to California Department of Social Services)	C	C	C	C	C	C	C	C												
Day Care Home, Small Family (8 or fewer children) (Subject to California Department of Social Services)	P	P	P	P	P	P	P	P		C										
Group Homes not licensed by the State with 2 or more residents	C	C	C	C	C															
Single Room Occupancy Facilities	P	P	P	P	P	P	P	P		P										
Transitional and Supportive Housing	P	P	P	P	P	P	P	P		P										
Emergency and Homeless Shelters	P											C	C	C						
Residential Care Facility (7 or more persons)	C	C	C	C	C	C	C													
Residential Care Facility for 6 or fewer persons (includes facilities licensed and/or controlled by California Department of Social Services)	P	P	P	P	P	P	P	P												
Home Occupation (Use allowed subject to Chapter 17.95)	A	A	A	A	A	A	A	A	A	A										
Fraternal/Sorority Hall, Rooming										P	P	C	C							
Manufactured Home, Mobile Home (includes individual unit placed in a residential subdivision)	P	P	P	P	P				P											
Manufactured/Mobile Home Parks	C																			
Mobile Homes Sales											P	P								
Model Home	T	T	T	T	T	T	T	T												
Game Courts (Badminton/Tennis/Racquetball/Other) and Swimming Pool, Private	A	A	A	A	A	A	A	A												
INSTITUTIONAL																				

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Educational																				
Education Institution (including private, commercial, and vocational schools, **card room related training only)									C1	C	C	C	C		P					
Education Institution, Public (Subject to LDP approval)	P	P	P	P	P	P	P				P	P			P	P	P			
Prisons/Correctional Facilities												C	C		C					
Medical																				
Chiropractic/Physical Therapy Office										P	P	P			P					
Hospitals and Clinics										P	C	C		C	P	C	C			
Medical/Dental Offices										P	P	P	P	P	P					
Laboratories, Medical and Dental											C	P	P	P	P					
Pharmacy (see also Drugstore)[2, 9]										P	P	P			P					
Convalescent Hospital, Skilled Nursing Facility	C	C	C	C	C	C	C	C			P									
Public																				
Conference or Convention Centers										P		C	C	C	C	P	C			
Parks, Plazas and Trails	P	P	P	P	P	P	P			P					P		P	P	P	P
Visitor Centers										P	P									
Religious/Non-Profit																				
Churches, Temples, other religious institutions, non-profits (except administrative offices- see Offices). In residential zones, vehicular access shall be only from major arterial or major collector as designated in the General Plan Circulation Element.	C	C	C	C	C	C	C	C		C	P	P		C	C	C	C			
COMMERCIAL																				

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Alcoholic Beverage Establishments																				
Alcoholic Beverage Onsite Sales in establishments open to persons over the legal drinking age exclusively, not allowed within 1,000 feet of any residential zoning district or residential use, churches, parks, and/or educational institutions[3]										C										
Alcoholic Beverage Onsite Sales in establishments open to persons over the legal drinking age exclusively, more than 1,000 feet from any residential zoning district or residential use, churches, parks, and/or educational institutions[3]										C	C	C	C	C	C	C				
Alcoholic Beverage Onsite Sales as part of a bona fide sit down (non-age-restricted) restaurant[3]										P	P	P	P	P	P	P				
Alcoholic Beverage Offsite Sales within a supermarket or drug store[2,3,9]										P	P	P	P	P	P	P				
Alcoholic Beverage Offsite Sales in any store other than a supermarket or drug store[2,3,9]										C	C	C	C	C	C	C				
Wineries[3]	C											P	P	P						
Automobile, Vehicle Rentals and Sales Related Uses																				
Automobile Auction												C	C	C						
Automobiles/Recreational Vehicles/Boats/Motorcycles/Trucks[4], Sales- New & Used, and Rentals											P	P	P	P						
Service Station/Gas Station (Petroleum Products), including automobile service and Car Wash[4,9]											C	P	P	P						
Parking Lot and Parking Garages,										C	P	P	P	P	C					

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Public[4]																				
Automobile, Vehicle Service and Repair																				
Automobile Accessory Sales and Installation, including parts supply (No overnight outside storage or parking; body work prohibited)[4,6]											P	P	P	P						
Automobile Service (Lubrication, Tune-ups, emission tests, batteries, mufflers, etc. No use of impact wrenches or other equipment that could create noise impacts; No overnight outside storage or parking; Paint, body work, upholstery prohibited)[4,6]											C	P	P	P						
Automobile Minor Repair (Brakes, tires, radiators, electrical, etc. No overnight outside storage or parking; Paint, body work, upholstery prohibited)[4,6l]											C	P	P	P						
Automobile Paint, Body, and Upholstery Shops[4,6]												C	C	C						
Communications/Utilities Distribution and Transmission																				
Cellular, Microwave Antenna/Towers and related equipment buildings[8]										C	C	C	C	C	C	C	C	C		C
Gas Distribution, Meter, and Control Station												P	P	P			P			C
Electricity Distribution & Transmission Substation (<5,000 SF)	C	C	C	C	C	C	C	C	C		P	P	P	P		P	P	C		C
Electricity Distribution & Transmission Substation (>5,000 SF)											C	C	C	C			C	C		C
Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems >500 Kw [10]												C	C	C				C		C
Solar Energy and/or Wind Energy Conversion Systems <500 Kw						Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	C		Cm

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Solar Energy and/or Wind Energy Conversion Systems <25 Kw	P	P	P	P	P	P	P	P	P	P								C		
Radio/Television Broadcasting Studios (including Recording Studios)										P	P	P	P	P	P	A	A			
Telephone Repeater Stations	C	C	C	C	C	C	C	C		C	P	P	P	C	C	P	C			C
Eating and Drinking Establishments																				
Bakery, Coffeehouse, Delicatessen, Ice Cream Parlor, and other similar eating establishments[2]									C	P	P	P	P	P	P	P				
Catering Service									C	P	P	P	P	P	P					
Nightclubs/Taverns/Bars[3,9]										C	C	C			C					
Restaurant, No Alcohol Sales									C	P	P	P	P	P	P		P			
Restaurant, Drive-Thru[2], no alcohol sales									C		C	C	C	C						
Restaurant, with Alcohol Sales[3]	See " Alcoholic Beverage Onsite Sales"																			
Entertainment/Recreation																				
Adult Business (subject to Adult Business Ordinance)													C							
Amusement Park, Entertainment Center (including Arcade, Live Theater, Bowling, Ice and Roller Skating, Indoor Soccer and Hockey Arena)										C	C	C	C			C				
Billiard/Pool Hall[9]										C	C	C		C						
Batting Cages, Indoor or Outdoor											P	P	P	P		P				
Card Rooms[9]										C	C									
Carnival, Circus, or Fair										T	T	T	T	T		T	T			
Club - Athletic, Health, or Recreation (including Dance Studios)										P	P	P	P	P	P	P				
Dance Hall/Dance Club										C	C	C	C	C						

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Game Courts, Commercial										P	P	P	P	P	P	P	P			C
Golf Course and Driving Range, Clubhouse, Country Club	C	C	C	C	C	C	C				C	C		C			C			C
Movie Theater										P	P									
Shooting Range, Indoor and Outdoor (outdoor ranges prohibited in the C and OS)											C	C	C				C			C
Stable, Public (Boarding/Riding) and Private - Boarding allowed as accessory use in DL	P								A								C			C
Food and Beverage Stores																				
Convenience Market, Health Food Store[2,3,9]									C	P	P	P			P					
Drug store[2,3,9]										P	P	P								
Grocery Store, Retail, Discount, and Club Stores[2,3,9]										P	P	P	P	P						
General Merchandise Stores																				
Department Store, Specialty Stores										P	P									
Discount Stores, Home Improvement Center										P	P	P								
Lodging																				
Hotel, Motel *(more than 50 rooms requires a CUP)										P	P*	P			P					
Recreational Vehicle Park and Campgrounds												C	C							C
Offices																				
Administrative, Professional, and Other Related Offices										P	P	P	A	A	P	A				
Financial Institutions (Banks, Credit Unions, Check Cashing, Pay Advance,										P	P	P	P	P	P					

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Money Transfer, etc.)[2]																				
Business Services																				
Copy Services, Postal Services, and Parcel Delivery Service										P	P	P	P	P	P					
Personal Services[7]																				
Barber/Beauty Shop/Cosmetologist/Massage Parlor/ Acupuncturist										P	P	P								
Cemetery/Mausoleums	C																			C
Dressmaker/Tailor Shop										P	P	P			P					
Dry Cleaner (Storefront Type); Laundry Service[2]										P	P	P		P	P					
Funeral Parlor, Mortuary										C	C	P		P						
Repair and Maintenance Services[7]																				
Shoe and Watch Repair/Sales, Locksmith										P	P	P	P	P	P		A			
Janitorial Service, Pest Control Service										P	P	P	P	P	P					
Retail[7]																				
Temporary Uses and Structures (Subject to Section 17.75)	T									T	T	T	T	T	T	T	T			
General Retail Sales (including the following: Antiques, Appliance Sales/Repairs; Art Gallery/Supplies; Books/Music; Clothing/Accessories; Costumes; Coins/Collectables; Food Products; Glass Shops/Studios; Hardware; Hobby, Gift, and Floral Shops; Home Improvement Goods/Home Furnishings; Medical Supplies; Newsstands; Nursery/Garden								C[1]	C[1]	P	P	P	P	P	C	A				

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Equipment; Office Equipment/Supplies; Pet Shop; Photography Studio/Photofinishing; Sporting Goods; Toy Stores[9]																				
Pawnshop, Secondhand Store										P	P	P								
INDUSTRIAL[7]																				
Ambulance Service												P	P							
Printing, Publishing, Bookbinding (including Lithographic and Newspaper Printing)										P		P	P	P	P					
Recreational Vehicle Repair, Supplies									C[1]			P	P	P						
Laboratories, Chemical, Research, and Testing												C	C	C	C					
Machine/Sheet Metal Shop, Metal Engraving, Silk Screen Shop									C[1]	C		P	P	P	P					
Industrial/Heavy Equipment, Sales, Service, and Rental (including, but not limited to Construction Equipment; Refrigeration; Vending Machines)												C	P	P						
Junk, Salvage, Vehicle Wrecking, and Impound Yard													C	C						
Outdoor Storage, as a Primary use												C	C	C						
Recycling Facilities, Commercial												C	C	C						
Recycling Facilities, Public (collection only)											P	C	C	C			C			
Sanitary Landfill, Waste Haulers, Material Recovery Facility													C							
Sewage Treatment Plant													P	P			C			C
Upholstery Shop, Welding Shop									C[1]			P	P	P						

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Construction[7]																				
Building Materials/Lumber/Plumbing Supply Yard												P	P	P						
Construction Office (on the same site as the construction activity)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			
Contractor Storage Yard, Machinery Storage Yard			T									C	C	C						
Horticultural (Landscape and Gardening) Services	C									P	P	P	P	P						
Manufacture and Wholesale[7]																				
Assembly, Manufacturing (Including food and beverage production and processing), Restoration of Goods; Except Tires									C[1]			P	P	P	C					
Batch plants, aggregate products and other similar manufacturing uses													C	C						
Dry Cleaning Plant, Large-Scale Commercial Type												P	P	P						
Oil Exploration, Drilling, and Production (Limited to areas w/minimum lot size)														C						
Sand and Gravel Pit, subject to Surface Materials and Reclamation Act (SMARA)													C	C						
Swap Meet[9]										T	T	C	C	C		T	T			
Wholesale Businesses (Including Electrical, Mechanical, Carpentry, Cabinetry)									C[1]	C		P	P	P	C					
Warehouse/Distribution/Storage/Transportation[7]																				
Transfer, Moving, and Storage												C	C	C						
Truck Terminals (includes Freight to Freight, Cross Dock, Parcel Delivery													C	C						

LAND USE	ZONE DISTRICT																			
	Residential									Commercial and Mixed Use		Business and Manufacturing				Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts				
	DL (9, 5, 2.5)	R-S1	R1-.5	R1	R-S5	R3-8	R-M12	R3-30	AP	MU	C	LM	MI	ADD	BP	PU	PF	OS	DE	UE
Terminals), Truck Parking																				
Truck and Trailer (and similar heavy transportation equipment) Sales, Repair (all repair to be conducted entirely within an enclosed building)[5]									C[1]			C	C	C						
Mini-Warehouse/Storage Facilities/Recreational Vehicle Storage (in AP zone - Aviation hangar less than 10,000 square feet is a permitted use, over 10,000 square feet requires a CUP), may include one (1) caretaker unit.									C[1]			C	C	C						
Warehouse/Distribution, Cold Storage (in AP zone - Aviation hangar less than 10,000 square feet is a permitted use, over 10,000 square feet requires a CUP)									C[1]			P	P	P	C					

Note: Uses not shown above as Permitted, Conditionally Permitted, Accessory, or Temporary are prohibited in the zoning district as determined by the Director of Planning or their designee.

Footnotes:

1. Aviation/Aircraft related uses only in the AP zone
2. Drive-thru requires Conditional Use Permit (CUP). A minor Conditional Use Permit (CUPm) may be allowed under certain circumstances, see Chapter 17.25.
3. Use allowed subject to Chapter 17.25.
4. Light duty trucks, less than 2 ton carrying capacity.
5. Heavy duty trucks, greater than 2 tons carrying capacity.
6. All uses shall be conducted in a fully enclosed building.
7. Sales, storage, or use, of any materials classified as toxic or hazardous by either the federal or state government as a substantial part of the total use shall require a CUP, as shall the parking or storage of vehicles used to carry such materials.
8. Co-location and wall antennas require LDPm/CUPm when placed on existing structures per Code, all other proposals require review and approval of an LDP/CUP.
9. No tobacco retailer shall be permitted to sell, donate, distribute, or deliver to any person(s) tobacco products within 1,000 feet of any playground, church, public library, school, or any childcare facility or similar entity providing structured, organized care for youth; see Section 17.80.040.
10. Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems >500 Kw are allowed in all zones west of Richardson Road and/or north of Calleja Avenue with approval of a LDP/CUP.
11. Until referenced to R3-30 is included in Title 7 of the Municipal Code, Animal Keeping shall be allowed in the R3-30- district the same as is allowed in the R3-8 district.
12. Only allowed in the Industrial Parks.