

ORDINANCE NO. 539

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO,
CALIFORNIA, ADDING SECTION 17.80.080 OF THE ADELANTO
MUNICIPAL CODE RELATING TO MEDICAL MARIJUANA
CULTIVATION

WHEREAS, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 and entitled "The Compassionate Use Act of 1996"). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, and to ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction. The Act further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes." The State enacted SB 420 in 2004 (codified as Health and Safety Code Section 11362.7 *et seq.*) to clarify the scope of The Compassionate Use Act of 1996, facilitate the prompt identification of qualified patients and primary caregivers, avoid unnecessary arrest and prosecution of these individuals, provide needed guidance to law enforcement officers, promote uniform and consistent application of the Act, and enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420; and

WHEREAS, Health and Safety Code section 11362.83 provides that local governments are free to adopt laws that are consistent with State law, and as such, it is up to each jurisdiction to decide if it will allow medical cannabis cooperatives or collectives, in what zones, and under what regulations; and

WHEREAS, In August 2008, the Attorney General of the State of California set forth Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use ("Guidelines"); and

WHEREAS, the California Supreme Court empowers local incorporated cities and counties to enact laws or regulations pertaining to medical marijuana cultivation, dispensing, manufacturing, or distribution pursuant to city zoning powers that the city or counties governing body allows which including either expanding and allowing such activity within its city zoning area or can restrict, ban or prohibit within its zoning area; and

WHEREAS, the State of California recently adopted AB 243, AB 266, and SB 643 to clarify legal requirements pertaining to medical marijuana; and

WHEREAS, the City of Adelanto ("City") wishes to comply with California Law ("State law") and allow for cultivation of medical marijuana; and

WHEREAS, it is the purpose and intent of this Chapter to regulate medical marijuana in a manner that is consistent with State law and which promotes the health, safety, and general welfare of the residents and businesses within the incorporated City and limits impacts associated with marijuana cultivation; and

WHEREAS, the City intends to be on the forefront in the field of medical cannabis. Scientific research, studies and data has established that cannabis helps patients with a vast array of medical conditions that affect the vast majority of human beings across the globe; and

WHEREAS, nothing in this Section shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance as defined herein, allow the use or diversion of marijuana for nonmedical purposes, or allow any activity relating to the cultivation, distribution or consumption of marijuana that is otherwise illegal under California State 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 incorporated herein.

Section 2. Section 17.80.080 (Cultivation of Medical Marijuana) is hereby added to the City Municipal Code is to read in its entirety as follows:

Section 17.80.080 Cultivation of Medical Marijuana

- (a) 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.
- (b) 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" or "marijuana cultivation" means cultivation of medical cannabis and industrial hemp either indoor or within external greenhouses.
 - (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 inaccessible to minors.

- (5) "Indoors" means within a fully enclosed and secure structure.
 - (6) "Medical Marijuana" and "Medical Cannabis" are defined in strict accordance with California Health and Safety Code section 11362.5 and 11362.8 *et seq.*
 - (7) "Outdoors" means any location within the City that is not within a fully enclosed and secure structure.
 - (8) "Permit" means a permit to own, operate and manage a Medical Marijuana facility for cultivation purposes only, pursuant to the terms and conditions of this Ordinance.
 - (9) "Permitee" means an applicant who has applied for and has been issued a Permit by the City for a Medical Marijuana Cultivation Permit pursuant to the terms and conditions of this Ordinance.
 - (10) "Primary caregiver" means a "primary caregiver" as defined in Section 11362.7(d) of the Health and Safety Code, as may be amended from time to time.
 - (11) "Qualified patient" means a "qualified patient" as defined in Section 11362.7(f) of the Health and Safety Code.
- (c) All outdoor cultivation of marijuana within the City is prohibited. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City to cause or allow such parcel to be used for the outdoor cultivation, manufacture, or research of marijuana.
- (d) It is hereby declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any property in the City to cause or allow such property to be used for the indoor cultivation of marijuana plants within a fully enclosed and secure structure on the property, except as provided in subsections (d)(1) and (d)(2) of this section.
- (1) Indoor 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 considered upon application and approval of a Marijuana Cultivation Permit in accordance with the criteria and process set forth in this Section.
 - B. Indoor Medical Marijuana Cultivation is a conditionally permitted use only on property within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (the "Cultivation Zone"). No Medical Marijuana Cultivation shall be established, developed, or operated within two thousand five hundred (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 Cultivation is, or will be located, to the nearest property line of those uses describe in this Subsection.

- C. Indoor Medical Marijuana Cultivation is allowed only within fully enclosed and secure structures inaccessible to minors.
- D. Indoor Medical Marijuana Cultivation shall not exceed the square footage authorized pursuant to the Conditional Use Permit.
- E. From a public right-of-way, there shall be no exterior evidence of Indoor Medical Marijuana Cultivation.
- F. 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.
- G. The number of Medical Marijuana Cultivation Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone, as defined in B, above.
- H. The Medical Marijuana Cultivation facility shall comply fully with all of the applicable restrictions and mandates set forth in state law, including without limitation the Attorney General Guidelines. The Medical Marijuana Cultivation facility shall comply with all size requirements for such facilities imposed by State law. The Medical Marijuana Cultivation facility shall not engage in any activities not allowed at cultivation facilities pursuant to State law. The Medical Marijuana Cultivation facility shall comply with all horticultural, labelling, processing, and other standards required by State law.
- I. There is no set restriction on the hours of operation of a Medical Marijuana Cultivation facility; however one may be established as a condition of approval of the Conditional Use Permit.
- J. Marijuana shall be kept in a secured manner during business and nonbusiness hours.
- K. All Medical Marijuana Cultivation facilities shall operate within a legal structure compliant with all applicable laws of the State of California.

- L. Any Medical Marijuana Cultivation facility must pay any applicable sales tax pursuant to federal, state, and local law. The facility shall be established as a "point of sale" within the City for sales tax purposes.
- M. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of the Medical Marijuana Cultivation facility. The term "premises" as used in this Subsection includes the actual building, as well as any accessory structures and parking areas. The building entrance to a Medical Marijuana Cultivation facility shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming marijuana on the premises or in the vicinity of the facility is prohibited.
- N. Signage for the Medical Marijuana Cultivation facility shall be limited to name of business only and in compliance with the City's sign code, and no advertising of companies, brands, products, goods and/or services shall be permitted. Signage shall not include any drug-related symbols.
- O. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Medical Marijuana Cultivation 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, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the Medical Marijuana Cultivation facility.
- P. 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.
- Q. The building in which the 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 Compassionate Use Act. Compliance with all requirements of state law pertaining to cultivation of marijuana as such state laws are amended is also required.
- R. The Medical Marijuana Cultivation facility shall not distribute, sell, dispense, or administer marijuana out of its facility to the

public. A Medical Marijuana Cultivation facility shall not be operated as a medical marijuana dispensary.

- S. Provide the City Manager with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom one can provide notice if there are operating problems associated with the Medical Marijuana Cultivation facility. The Medical Marijuana Cultivation facility shall make every good faith effort to encourage residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the police or planning departments.
- T. Any and all Permits permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void twelve (12) months after issuance to the Permittee, unless otherwise extended by the City Manager, in writing.
- U. Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of fifty percent (50%) of all employees employed by the Permittee at the cultivation facility, pursuant to this Permit, shall be residents of the City. Permittee shall use good faith efforts to comply with this subsection.

(2) Marijuana Cultivation Permit. Prior to initiating operations and as a continuing requisite to conducting operations, the legal representative of the persons wishing to obtain a Marijuana Cultivation Permit shall obtain said permit from the City Manager under the terms and conditions set forth in this Section. The legal representative shall file an application with the City Manager upon a form provided by the City and shall pay a filing fee as established by resolution adopted by the City Council as amended from time to time. An application for a Marijuana Cultivation Permit shall include, but shall not be limited to, the following information:

- A. An estimate of the size of the Indoor Medical Marijuana Cultivation facility.
- B. The address of the location for which the Marijuana Cultivation Permit is sought.
- C. A site plan and floor plan of the premises denoting all the use of areas on the premises, including storage, cultivation areas, lighting, signage, etc.
- D. 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. 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;
 2. The facility shall be alarmed with an alarm system that is operated and monitored by a recognized security company;
 3. Entrance to the cultivation area and any storage areas shall be locked at all times, and under the control of staff of the cultivation facility;
 4. The entrance(s) and all window areas shall be illuminated during evening hours. The applicant shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etc., and secure the necessary approvals and permits as needed; and
 5. All windows on the building that houses the cultivation facility shall be appropriately secured and all marijuana securely stored, and a reliable, commercial alarm system shall be installed and maintained.
- E. The name and address of any person who is managing or responsible for the Indoor Medical Marijuana Cultivation activities, and the names and addresses of any employees, if any, and a statement as to whether such person or persons has or have been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received for such conviction(s).
- F. The name and address of the owner and lessor of the real property upon which the Indoor Medical Marijuana Cultivation is 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 Cultivation Facility will be operated on his/her property.
- G. Authorization for the City Manager to seek verification of the information contained within the application.

- H. Evidence that the Indoor Medical Marijuana Cultivation facility is organized in a legal structure compliant with all applicable laws of the State of California.
- I. A statement in writing by the applicant that he or she 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 to administer this Section.
- K. The City Manager shall conduct a background check of any applicant seeking a Permit, including any person who is managing or is otherwise responsible for the activities of the cultivation facility, and any employee at the cultivation facility (“Applicant’s Agents”), and shall prepare a report on the acceptability of the applicant and the Applicant’s Agents background and the suitability of the proposed location. Upon completing the review process, the City Manager may issue a Permit to any applicant that meets all the City requirements for said Permit, unless the City Manager finds that:
 - 1. The applicant has made one or more false or misleading statements, or omissions on the application or during the application process;
 - 2. The proposed Indoor Medical Marijuana Cultivation facility is not allowed by state or local law, statute, ordinance, or regulation, including this Code, at a particular location;
 - 3. The applicant is not a Primary Caregiver or Qualified Patient or the legal representative of the Indoor Medical Marijuana Cultivation facility;
 - 4. The applicant, or any person who is managing or is otherwise responsible for the activities of the Indoor Medical Marijuana Cultivation facility, or any employee, if any, has been convicted of a felony, or convicted of a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution or similar activities 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 any person who is managing or is otherwise responsible for the activities of the Indoor Medical Marijuana Cultivation facility has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices; or
 6. The applicant has not satisfied each and every requirement of this Section.
- L. Based on the information set forth in the application and the City Manager's report, the City Manager may impose reasonable terms and conditions on the proposed operations in addition to those specified in this Section.
- M. The City Manager will accept applications for Medical Marijuana Cultivation Permits during a thirty (30) day period after adoption (Second Reading) of this Ordinance. Such thirty (30) day time period plus an additional seven (7) days to complete the reviews and the preparation of the reports called for in this Section shall be deemed the "Application Period." Applications that have been determined to be qualified by the City Manager during the Application Period shall be considered by the City Manager for ultimate review and consideration. The City Manager 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: 1) the operations 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 operation; and 5) the employment and other public benefits to the City. The City Manager may issue a reasonable number of Medical Marijuana Cultivation Permits, as determined by the City Manager, in his or her exclusive discretion, pursuant to the terms and conditions of this Ordinance, provided the number of Permits may be reasonably accommodated within the Cultivation Zone, as defined herein. Within thirty (30) days after issuance of Medical Marijuana Cultivation Permits, the City Manager shall submit a written report to the City Council stating which applicants were issued Medical Marijuana Cultivation Permits.
- N. The obligations of the Indoor Medical Marijuana Cultivation facility, including all on-going and continuing obligations required pursuant to any provision of this Section or as may be provided in any conditional approval of the City Manager, shall be set forth in a covenant running with the land or the leasehold interest, approved as to form by the City Attorney, and enforceable by the

City. Such covenant shall also provide that the Indoor Medical Marijuana Cultivation facility shall annually provide to the City Manager an updated application containing the information contained in Subsection (d)(2)A-J. To the fullest extent permitted by law, the City shall not assume any liability whatsoever, and expressly does not waive sovereign immunity, with respect to medical marijuana, or for the activities of any Indoor Medical Marijuana Cultivation facility. Upon receiving possession of a Medical Marijuana Cultivation Permit as provided in this Section, the facility shall:

1. Execute an Indemnification Agreement, prepared by the City, wherein, among other things, Permittee shall fully indemnify the City for any and all litigation that may arise in furtherance of this Ordinance;
2. Carry insurance in the amounts and of the types that are acceptable to the City Manager;
3. Name the City as an additionally insured;
4. Agree to defend at its sole expense, any action against the City, its agents, officers, and employees because of the issues of such approval; and
5. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

O. All Medical Marijuana Cultivation facilities shall be required to enter into an agreement with the City that fully reimburses the City for all costs of the City resulting from the existence of such facilities in the City and provides the City with revenue to offset the potential deleterious effects of the location of Medical Marijuana Cultivation facilities within the jurisdiction of the City.

P. Enforcement

1. Recordings made by the security cameras shall be made available to the City Manager upon verbal request; no search warrant or subpoena shall be needed to view the recorded materials;

2. The City Manager, or the City Manager's designee, shall have the right to enter the Indoor Medical Marijuana Cultivation facility from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and State of California;
3. Operation of the cultivation facility in non-compliance with any conditions of approval or standards of this Section shall constitute a violation of the Municipal Code and shall be enforced pursuant to the provisions of this Code;
4. The City Manager may revoke a Medical Marijuana Cultivation Permit if any of the following, singularly or in combination, occur:
 - (a) The City Manager determines that the Indoor Medical Marijuana Cultivation facility has failed to comply with this Section, any condition or approval, or any agreement or covenant as required pursuant to this Section;
 - (b) Operations cease for more than 90 calendar days, including during change of ownership proceedings;
 - (c) Ownership of the 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; or
 - (e) The Indoor Medical Marijuana Cultivation facility fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.
5. Any decision regarding the revocation of a Medical Marijuana Cultivation Permit may be appealed to an independent neutral, third party, appointed by the City Manager (the "Neutral"). Said appeal shall be made by a notice of appeal from the person appealing within thirty (30) days from the date of the decision. The appeal shall be accompanied by a fee, which shall be established by resolution of the City Council amended from time to time, and a written, verified declaration setting forth the basis for the claim that the Permit was improperly approved, denied,

conditioned or revoked. The appeal decision rendered by the Neutral shall be binding upon the City and the appellant.

- Q. Any and all permits, rights or entitlements permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void twelve (12) months after issuance to each respective Permittee, unless otherwise extended by the City Manager. Unless extended, upon the conclusion of the twelve (12) month time period, Medical Marijuana Cultivation facilities for the expired Permittee shall be a prohibited use and any rights obtained pursuant to this Section or any other rules or agreements shall cease as to the respective Permittee.
- R. Medical Marijuana Cultivation Permit issued pursuant to this Section is not transferable to a third party by the applicant, under any circumstances.
- S. Oversight Committee. The City shall create an Oversight Committee to oversee activities of the Permittee(s) to ensure that all applicable local, state, and federal laws are in compliance, and to assure that all restrictive covenants of this Ordinance are enforced, and that no illegal activity is conducted on the premises. The City's Oversight Committee shall have full authority to review all proposed applications, applicants, business proposals, financial resources, merit and overall business plan when deciding to which entities will receive the proposed Permit as outlined herein. The Oversight Committee shall be appointed by the City Council and shall consist of five (5) total members with one (1) member from code enforcement, one (1) member from planning, and three (3) at-large appointments. The City's Oversight Committee shall be assembled and shall take effect on or after January 1, 2016.

Section 3. Recognizing that there is a potential conflict between Federal and State law, it is the City Council's intention that this Chapter shall be deemed to comply with California law as established by the "Compassionate Use Act" (codified as Health and Safety Code § 11362.5 *et seq.*), the Medical Marijuana Program Act" (codified as Health and Safety Code § 11362.7 *et seq.*), and all other State laws and regulations pertaining to medical marijuana.

Section 4. The City Council determines that it is in the best interest of the residents of the City to allow cultivation facilities that comply with the Guidelines 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 Chapter shall be construed to:

1. Allow persons to engage in conduct that endangers others or causes a public nuisance;
2. Allow the use of marijuana for non-medical purposes of any kind; or
3. Allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise not permitted under State law.

Section 5. 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 amendment does not have the potential for causing a significant effect on the environment.

Section 6. No use, business, or activity of any kind which distributed or cultivated marijuana prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Zoning Code and such use shall not be entitled to claim legal nonconforming status.

Section 7. 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 or 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 8. By the regulation of Indoor Medical Marijuana Cultivation facilities, the City is seeking to preserve the general welfare through the implementation of the Compassionate Use Act. 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 a liability in money damages, or otherwise, 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 Indoor Medical Marijuana Cultivation facility. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Chapter 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 state or federal law.

Section 9. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty (30) days after its final passage.

I, Cindy Herrera, City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 539 was duly introduced for the first reading on the 18th day of November, 2015 and adopted at an adjourned regular meeting of the City Council of the City of Adelanto on this 23rd day of November, 2015, by the following vote, to-wit:

AYES: Mayor Kerr, Mayor Pro Tem Wright, Council Members Glasper and Woodard

NOES: Council Member Camargo

ABSENT: None

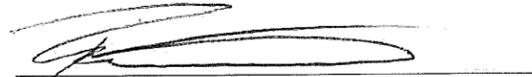
ABSTAIN: None

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 23rd day of November, 2015.

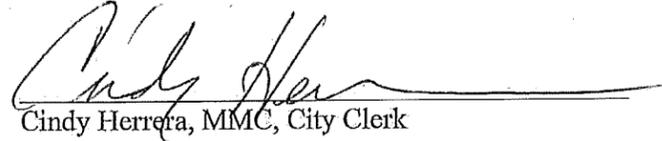

Cindy Herrera, MMC
City Clerk

SEAL

PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF NOVEMBER, 2015.

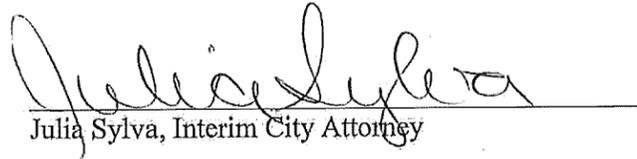


Rich Kerr
Mayor, City of Adelanto



Cindy Herrera, MMC, City Clerk

APPROVED AS TO FORM:



Julia Sylva, Interim City Attorney

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 Plan17.60-2
 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

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

CHAPTER/SUBJECT	PAGE	
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**

17.80.010 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) 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.
- b) 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" or "marijuana cultivation" means cultivation of medical cannabis and industrial hemp either indoor or within external greenhouses.
 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 inaccessible to minors.
 5. "Indoors" means within a fully enclosed and secure structure.
 6. "Medical Marijuana" and "Medical Cannabis" are defined in strict accordance with California Health and Safety Code section 11362.5 and 11362.8 *et seq.*
 7. "Outdoors" means any location within the City that is not within a fully enclosed and secure structure.
 8. "Permit" means a permit to own, operate and manage a Medical Marijuana facility for cultivation purposes only, pursuant to the terms and conditions of this Ordinance.
 9. "Permitee" means an applicant who has applied for and has been issued a Permit by the City for a Medical Marijuana Cultivation Permit pursuant to the terms and conditions of this Ordinance.
 10. "Primary caregiver" means a "primary caregiver" as defined in Section 11362.7(d) of the Health and Safety Code, as may be amended from time to time.
 11. "Qualified patient" means a "qualified patient" as defined in Section 11362.7(f) of the Health and Safety Code.
- c) All outdoor cultivation of marijuana within the City is prohibited. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City to cause or allow such parcel to be used for the outdoor cultivation, manufacture, or research of marijuana.
- d) It is hereby declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any property in the City to cause or allow such property to be used for the indoor cultivation of marijuana plants within a fully

enclosed and secure structure on the property, except as provided in subsections (d)(1) and (d)(2) of this section.

1. Indoor 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 considered upon application and approval of a Marijuana Cultivation Permit in accordance with the criteria and process set forth in this Section.
 - B. Indoor Medical Marijuana Cultivation is a conditionally permitted use only on property within the Manufacturing/Industrial (MI) zoning designation in the Industrial Park (the "Cultivation Zone"). No Medical Marijuana Cultivation shall be established, developed, or operated within two thousand five hundred (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 Cultivation is, or will be located, to the nearest property line of those uses describe in this Subsection.
 - C. Indoor Medical Marijuana Cultivation is allowed only within fully enclosed and secure structures inaccessible to minors.
 - D. Indoor Medical Marijuana Cultivation shall not exceed the square footage authorized pursuant to the Conditional Use Permit.
 - E. From a public right-of-way, there shall be no exterior evidence of Indoor Medical Marijuana Cultivation.
 - F. 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.
 - G. The number of Medical Marijuana Cultivation Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone, as defined in B, above.
 - H. The Medical Marijuana Cultivation facility shall comply fully with all of the applicable restrictions and mandates set forth in state law, including without limitation the Attorney General Guidelines. The Medical Marijuana Cultivation facility shall comply with all size requirements for such facilities imposed by State law. The Medical Marijuana Cultivation facility shall not engage in any activities not allowed at cultivation facilities pursuant to State law.

The Medical Marijuana Cultivation facility shall comply with all horticultural, labelling, processing, and other standards required by State law.

- I. There is no set restriction on the hours of operation of a Medical Marijuana Cultivation facility; however one may be established as a condition of approval of the Conditional Use Permit.
- J. Marijuana shall be kept in a secured manner during business and nonbusiness hours.
- K. All Medical Marijuana Cultivation facilities shall operate within a legal structure compliant with all applicable laws of the State of California.
- L. Any Medical Marijuana Cultivation facility must pay any applicable sales tax pursuant to federal, state, and local law. The facility shall be established as a "point of sale" within the City for sales tax purposes.
- M. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of the Medical Marijuana Cultivation facility. The term "premises" as used in this Subsection includes the actual building, as well as any accessory structures and parking areas. The building entrance to a Medical Marijuana Cultivation facility shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming marijuana on the premises or in the vicinity of the facility is prohibited.
- N. Signage for the Medical Marijuana Cultivation facility shall be limited to name of business only and in compliance with the City's sign code, and no advertising of companies, brands, products, goods and/or services shall be permitted. Signage shall not include any drug-related symbols.
- O. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Medical Marijuana Cultivation 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, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the Medical Marijuana Cultivation facility.
- P. 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.

- Q. The building in which the 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 Compassionate Use Act. Compliance with all requirements of state law pertaining to cultivation of marijuana as such state laws are amended is also required.
 - R. The Medical Marijuana Cultivation facility shall not distribute, sell, dispense, or administer marijuana out of its facility to the public. A Medical Marijuana Cultivation facility shall not be operated as a medical marijuana dispensary.
 - S. Provide the City Manager with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom one can provide notice if there are operating problems associated with the Medical Marijuana Cultivation facility. The Medical Marijuana Cultivation facility shall make every good faith effort to encourage residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the police or planning departments.
 - T. Any and all Permits permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void twelve (12) months after issuance to the Permittee, unless otherwise extended by the City Manager, in writing.
 - U. The Permittee shall account for job creation in the City and shall commit to employing a workforce that resides in the City. A minimum of fifty percent (50%) of all employees employed by the Permittee at the cultivation facility, pursuant to this Permit, shall be residents of the City.
2. Marijuana Cultivation Permit. Prior to initiating operations and as a continuing requisite to conducting operations, the legal representative of the persons wishing to obtain a Marijuana Cultivation Permit shall obtain said permit from the City Manager under the terms and conditions set forth in this Section. The legal representative shall file an application with the City Manager upon a form provided by the City and shall pay a filing fee as established by resolution adopted by the City Council as amended from time to time. An application for a Marijuana Cultivation Permit shall include, but shall not be limited to, the following information:

- A. An estimate of the size of the Indoor Medical Marijuana Cultivation facility.
- B. The address of the location for which the Marijuana Cultivation Permit is sought.
- C. A site plan and floor plan of the premises denoting all the use of areas on the premises, including storage, cultivation areas, lighting, signage, etc.
- D. 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. 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;
 - 2. The facility shall be alarmed with an alarm system that is operated and monitored by a recognized security company;
 - 3. Entrance to the cultivation area and any storage areas shall be locked at all times, and under the control of staff of the cultivation facility;
 - 4. The entrance(s) and all window areas shall be illuminated during evening hours. The applicant shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etc., and secure the necessary approvals and permits as needed; and
 - 5. All windows on the building that houses the cultivation facility shall be appropriately secured and all marijuana securely stored, and a reliable, commercial alarm system shall be installed and maintained.
- E. The name and address of any person who is managing or responsible for the Indoor Medical Marijuana Cultivation activities, and the names and addresses of any employees, if any, and a statement as to whether such person or persons has or have been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received for such conviction(s).

- F. The name and address of the owner and lessor of the real property upon which the Indoor Medical Marijuana Cultivation is 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 Cultivation Facility will be operated on his/her property.
- G. Authorization for the City Manager to seek verification of the information contained within the application.
- H. Evidence that the Indoor Medical Marijuana Cultivation facility is organized in a legal structure compliant with all applicable laws of the State of California.
- I. A statement in writing by the applicant that he or she 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 to administer this Section.
- K. The City Manager shall conduct a background check of any applicant seeking a Permit, including any person who is managing or is otherwise responsible for the activities of the cultivation facility, and any employee at the cultivation facility ("Applicant's Agents"), and shall prepare a report on the acceptability of the applicant and the Applicant's Agents background and the suitability of the proposed location. Upon completing the review process, the City Manager may issue a Permit to any applicant that meets all the City requirements for said Permit, unless the City Manager finds that:
 - 1. The applicant has made one or more false or misleading statements, or omissions on the application or during the application process;
 - 2. The proposed Indoor Medical Marijuana Cultivation facility is not allowed by state or local law, statute, ordinance, or regulation, including this Code, at a particular location;
 - 3. The applicant is not a Primary Caregiver or Qualified Patient or the legal representative of the Indoor Medical Marijuana Cultivation facility;
 - 4. The applicant, or any person who is managing or is otherwise responsible for the activities of the Indoor Medical Marijuana Cultivation facility, or any employee, if

any, has been convicted of a felony, or convicted of a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution or similar activities 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 any person who is managing or is otherwise responsible for the activities of the Indoor Medical Marijuana Cultivation facility has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices; or
6. The applicant has not satisfied each and every requirement of this Section.

L. Based on the information set forth in the application and the City Manager's report, the City Manager may impose reasonable terms and conditions on the proposed operations in addition to those specified in this Section.

M. The City Manager will accept applications for Medical Marijuana Cultivation Permits during a thirty (30) day period after adoption (Second Reading) of this Ordinance. Such thirty (30) day time period plus an additional seven (7) days to complete the reviews and the preparation of the reports called for in this Section shall be deemed the "Application Period." Applications that have been determined to be qualified by the City Manager during the Application Period shall be considered by the City Manager for ultimate review and consideration. The City Manager 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: 1) the operations 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 operation; and 5) the employment and other public benefits to the City. The City Manager may issue a reasonable number of Medical Marijuana Cultivation Permits, as determined by the City Manager, in his or her exclusive discretion, pursuant to the terms and conditions of this Ordinance, provided the number of Permits may be reasonably accommodated within the Cultivation Zone, as defined herein. Within thirty (30) days after issuance of Medical Marijuana Cultivation Permits, the City

Manager shall submit a written report to the City Council stating which applicants were issued Medical Marijuana Cultivation Permits.

- N. The obligations of the Indoor Medical Marijuana Cultivation facility, including all on-going and continuing obligations required pursuant to any provision of this Section or as may be provided in any conditional approval of the City Manager, shall be set forth in a covenant running with the land or the leasehold interest, approved as to form by the City Attorney, and enforceable by the City. Such covenant shall also provide that the Indoor Medical Marijuana Cultivation facility shall annually provide to the City Manager an updated application containing the information contained in Subsection (d)(2)A-J. To the fullest extent permitted by law, the City shall not assume any liability whatsoever, and expressly does not waive sovereign immunity, with respect to medical marijuana, or for the activities of any Indoor Medical Marijuana Cultivation facility. Upon receiving possession of a Medical Marijuana Cultivation Permit as provided in this Section, the facility shall:
1. Execute an Indemnification Agreement, prepared by the City, wherein, among other things, Permittee shall fully indemnify the City for any and all litigation that may arise in furtherance of this Ordinance;
 2. Carry insurance in the amounts and of the types that are acceptable to the City Manager;
 3. Name the City as an additionally insured;
 4. Agree to defend at its sole expense, any action against the City, its agents, officers, and employees because of the issues of such approval; and
 5. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- O. All Medical Marijuana Cultivation facilities shall be required to enter into an agreement with the City that fully reimburses the City for all costs of the City resulting from the existence of such facilities in the City and provides the City with revenue to offset

the potential deleterious effects of the location of Medical Marijuana Cultivation facilities within the jurisdiction of the City.

P. Enforcement

1. Recordings made by the security cameras shall be made available to the City Manager upon verbal request; no search warrant or subpoena shall be needed to view the recorded materials;
2. The City Manager, or the City Manager's designee, shall have the right to enter the Indoor Medical Marijuana Cultivation facility from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Section and all laws of the City and State of California;
3. Operation of the cultivation facility in non-compliance with any conditions of approval or standards of this Section shall constitute a violation of the Municipal Code and shall be enforced pursuant to the provisions of this Code;
4. The City Manager may revoke a Medical Marijuana Cultivation Permit if any of the following, singularly or in combination, occur:
 - (a) The City Manager determines that the Indoor Medical Marijuana Cultivation facility has failed to comply with this Section, any condition or approval, or any agreement or covenant as required pursuant to this Section;
 - (b) Operations cease for more than 90 calendar days, including during change of ownership proceedings;
 - (c) Ownership is changed without securing a regulatory permit;
 - (d) The Indoor Medical Marijuana Cultivation facility fails to maintain 120 hours of security recordings; or
 - (e) The Indoor Medical Marijuana Cultivation facility fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.

5. Any decision regarding the revocation of a Medical Marijuana Cultivation Permit may be appealed to an independent neutral, third party, appointed by the City Manager (the "Neutral"). Said appeal shall be made by a notice of appeal from the person appealing within thirty (30) days from the date of the decision. The appeal shall be accompanied by a fee, which shall be established by resolution of the City Council amended from time to time, and a written, verified declaration setting forth the basis for the claim that the Permit was improperly approved, denied, conditioned or revoked. The appeal decision rendered by the Neutral shall be binding upon the City and the appellant.
- Q. Any and all permits, rights or entitlements permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void twelve (12) months after issuance to each respective Permittee, unless otherwise extended by the City Manager. Unless extended, upon the conclusion of the twelve (12) month time period, Medical Marijuana Cultivation facilities for the expired Permittee shall be a prohibited use and any rights obtained pursuant to this Section or any other rules or agreements shall cease as to the respective Permittee.
- R. Medical Marijuana Cultivation Permit issued pursuant to this Section is not transferable to a third party by the applicant, under any circumstances.
- S. Oversight Committee. The City shall create an Oversight Committee to oversee activities of the Permittee(s) to ensure that all applicable local, state, and federal laws are in compliance, and to assure that all restrictive covenants of this Ordinance are enforced, and that no illegal activity is conducted on the premises. The City's Oversight Committee shall have full authority to review all proposed applications, applicants, business proposals, financial resources, merit and overall business plan when deciding to which entities will receive the proposed Permit as outlined herein. The Oversight Committee shall be appointed by the City Council and shall consist of five (5) total members with one (1) member from code enforcement, one (1) member from planning, and three (3) at-large appointments. The City's Oversight Committee shall be assembled and shall take effect on or after January 1, 2016.

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 SERVICES⁷																				
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													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			
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	P	P	P	P	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
fewer children) (Subject to California Department of Social Services)																				
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																				
Educational																				
Education Institution (including private, commercial, and vocational schools, **card room related training only)									C1	C	C	C	C		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
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									
Medical Marijuana Cultivation and Research ¹²													C							
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																				
Alcoholic Beverage Establishments																				
Alcoholic Beverage Onsite Sales in											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
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																				
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					
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, Public ⁴										C	P	P	P	P	C					
Automobile, Vehicle Service and Repair																				

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
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
Solar Energy and/or Wind Energy Conversion Systems <25 Kw	P	P	P	P	P	P	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
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						
Game Courts, Commercial										P	P	P	P	P	P	P	P			C
Golf Course and Driving Range,	C	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
Clubhouse, Country Club																				
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, Money Transfer, etc.) ²										P	P	P	P	P	P					
Business Services																				

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
Copy Services, Postal Services, and Parcel Delivery Service										P	P	P	P	P	P					
Personal Services⁷																				
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 Services⁷																				
Shoe and Watch Repair/Sales, Locksmith										P	P	P	P	P	P		A			
Janitorial Service, Pest Control Service										P	P	P	P	P	P					
Retail⁷																				
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 Equipment; Office Equipment/Supplies; Pet Shop; Photography Studio/Photofinishing; Sporting Goods;								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
Toy Stores ⁹																				
Pawnshop, Secondhand Store										P	P	P								
INDUSTRIAL⁷																				
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						
Construction⁷																				
Building Materials/Lumber/Plumbing Supply Yard												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 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 Wholesale⁷																				
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/Transportation⁷																				
Transfer, Moving, and Storage												C	C	C						
Truck Terminals (includes Freight to Freight, Cross Dock, Parcel Delivery Terminals), Truck Parking													C	C						
Truck and Trailer (and similar heavy transportation equipment) Sales, Repair (all repair to be conducted entirely within									C ¹			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
an enclosed building) ⁵																				
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.

