

ORDINANCE NO. 945

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9, CHAPTER 9.09, SECTION 9.09.293 RELATING TO THE NUMBER OF CONDITIONAL USE PERMITS ALLOWED FOR COMMERCIAL CANNABIS BUSINESSES

WHEREAS, the City of Moreno Valley ("City") has the authority and the responsibility to plan and regulate the use of property within the City under its police powers; and

WHEREAS, City Council recognizes that regulated and licensed commercial cannabis activity is permitted in the State of California, even though the Federal Controlled Substances Act, 21 U.S.C. Sections 801 et seq. classifies marijuana as a Schedule 1 Drug and makes it unlawful, under federal law, for any Person to cultivate, manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense marijuana; and

WHEREAS, pursuant to the authority granted to the City by Article XI, Section 7 of the California Constitution, the City may make and enforce within its limits all local police, sanitary, and other ordinance and regulations not in conflict with general laws and has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote public health and safety; and

WHEREAS, this amendment of the Moreno Valley Municipal Code (MVMC) is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines until July 1, 2019, as established with Senate Bill 94 "Medicinal and Adult-Use Cannabis Regulation and Safety Act, which exempts the adoption of a specified ordinance, rule or regulation by a local jurisdiction that requires subsequent discretionary review of permits, licenses, or other authorizations to engage in commercial cannabis activity; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1.

Section 9.09.293 of the Moreno Valley Municipal Code is hereby amended to read as follows:

"9.09.293 - Cannabis Business Locations and Use

A. Locations and Numbers of Permits by Land Use Type Allowed

The City Council shall adopt by resolution the number of each type of Commercial Cannabis Business that shall be permitted to operate in the City, as well as the total number of all types of Commercial Cannabis Business Permits. Commercial cannabis land use activities may be allowed to establish in the City within the Business Park (BP), Business Park-Mixed Use (BPX), Light Industrial (LI), Community Commercial (CC), and Neighborhood Commercial (NC) zoning districts, with limitations, as follows.

1. Dispensaries –Commercial cannabis dispensaries may be allowed to establish within the Community Commercial (CC), Neighborhood Commercial (NC) and Business Park-Mixed Use (BPX) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
2. Testing –Commercial cannabis testing facilities may be allowed to establish within Business Park (BP) Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
3. Cultivation –Commercial cannabis cultivation facilities may be allowed to establish within the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI)) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
4. Manufacturing –Commercial cannabis manufacturing facilities may be allowed to establish within the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI)) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
5. Microbusiness - Commercial cannabis microbusiness facilities may be allowed to establish in the City, only within the Business Park - Mixed Use (BPX) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
6. Distribution Center - Commercial cannabis distribution centers may be allowed to establish in the City, within the Community Commercial (CC), Neighborhood Commercial (NC), Business Park (BP), Business Park - Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission

B. Conditional Use Permit Required

In order to lawfully operate, all commercial cannabis activities including dispensaries, testing laboratories, cultivation, microbusiness, distribution, and manufacturing facilities shall require an approved Conditional Use Permit as provided under Chapter 9.02, Section 9.02.060 of the Municipal Code, along with a valid Commercial Cannabis Business Permit and a valid State License.”

SECTION 2. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

SECTION 3. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

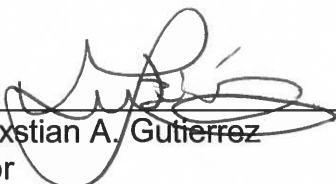
SECTION 5. NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6. EFFECTIVE DATE:

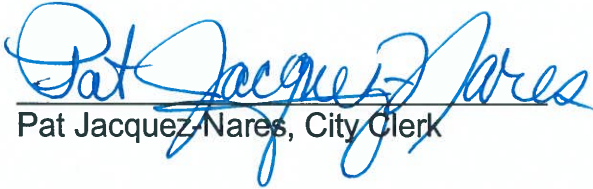
This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 18th day of December, 2018.



Dr. Yxstian A. Gutierrez
Mayor
City of Moreno Valley

ATTEST:


Pat Jacquez-Nares, City Clerk

APPROVED AS TO FORM:


Martin Koczanowicz, City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, Pat Jaquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 945 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 18th day of December, 2018, by the following vote:


AYES: Council Member Thornton, Council Member Cabrera, Mayor Pro Tem Baca and Mayor Gutierrez

NOES: None

ABSENT: Council Member Marquez

ABSTAIN: None

(Council Members, Mayor Pro Tem and Mayor)



PAT JACQUEZ-NARES, CITY CLERK

(SEAL)