Attn.: Amber Morris, Branch Chief  
CA Department of Food and Agriculture

Ms. Morris:
The City of Adelanto is in receipt of the Notice of Preparation (NOP) for a Program Environmental Impact Report for your agency’s Program noted above.

Adelanto adopted an Ordinance allowing for Medical Marijuana/Cannabis Cultivation businesses within select areas of the City in November 2015, subject to approval of a Conditional Use Permit (CUP) and administrative Cultivation permit. These regulations were subsequently amended in April/May 2016. I have attached a copy of these ordinances and staff report for your information. While the City has no specific comments to offer at this time, because of the potential effect the proposed State regulations may have on City-approved and future Cultivator businesses needing Type 3, 3a and 3b licenses, we wish to stay informed of the State’s work in this regard.

Please send all future correspondence to:

City Manager/City Clerk  
11600 Air Expressway  
PO Box 10  
Adelanto, California 92301

Thank you for your time.

Very truly yours,

Acting Planning Director  
City of Adelanto
DATE: April 27, 2016

TO: Honorable Mayor and City Council Members

FROM: Cindy Herrera, City Manager

BY: Curtis Wright, City Attorney
    Via: Mark de Manincor, Senior Planner

SUBJECT: PUBLIC HEARING - ORDINANCE 545, CODE AMENDMENT 16-02 – PROPOSED AMENDMENT TO TITLE 17 OF THE ADELANTO MUNICIPAL CODE AMENDING SECTION 17.80.080 PERTAINING TO MEDICAL MARIJUANA CULTIVATION, AND ADDING SECTION 17.80.090 PERTAINING TO RESEARCH DEVELOPMENT AND PROCESSING OF MEDICAL MARIJUANA. CONSISTENCY CHANGES TO THE TABLE OF CONTENTS, APPENDIX A AND OTHER UPDATES WILL BE CONSIDERED.

STAFF RECOMMENDATION:

Introduce for the first reading Ordinance 545, finding the approval of Code Amendment 16-01 exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) as the Code Amendment will not have a significant effect on the environment, adopting Code Amendment 16-01, and making findings in support thereof.

BACKGROUND:

Federal law, pursuant to the Controlled Substances Act, 21 U.S.C. § 801 et seq. ("CSA"), prohibits, except for certain research purposes, the illegal possession, distribution, and manufacture of marijuana. However, due to limited investigative and prosecutorial resources, the U. S. Department of Justice expects that states and local governments will enact laws authorizing marijuana-related conduct and that they will adopt and implement strong and effective regulatory and enforcement systems to protect public safety, public health, and other law enforcement interests.

Generally, California law is similar to the CSA (Health and Safety Code, § 11357 et seq.). However, California statutes such as the Compassionate Use Act of 1996 (Health and Safety Code, § 11362.5 added by Proposition 15) and the Medical Marijuana Program (Health and Safety Code § 11362.7 et seq.) have removed certain state law obstacles that allow qualified patients to obtain and use marijuana for legitimate medical purposes.
On October 9, 2015, Governor Brown signed a package of bills intended to change the way medical marijuana is cultivated, processed, and distributed to patients and caregivers in the State of California. Specifically, (1) AB 206 (Bonita) establishes dual licensing structures requiring state license and local license or permit. The Department of Consumer Affairs heads the overall regulatory structure establishing minimum health and safety and testing standards; (2) AB 243 (Wood) establishes a regulatory and licensing structure for cultivation sites under the Department of Food and Agriculture (“DFA”). AB 243 also sets forth “State cultivator license types” issued by the DFA, which are described as Types 1 to 4, with Types: 3, 3A, and 3B, subject to limited number of licenses to be issued by the DFA. [As of this date, the DFA has not set forth the limits to the number of licenses.]; and (3) SB 643 (McGuire) establishes criteria for licensing of medical marijuana businesses, regulates physicians, and recognizes local authority to levy taxes and fees.

Notwithstanding the ability under California law for medical marijuana dispensaries to operate, the law is clear that cities have the ability to independently ban medical marijuana dispensaries within the city. (City of Riverside v. Inland Empire Patient Health and Wellness Center (2013) 51 Cal.4th 729.) Indeed, the City of Adelanto does not allow medical marijuana dispensaries within the City. (Adelanto Municipal Code, § 17.80.050.) It has been the policy of the City to vigorously enforce the ban on dispensaries within the City.

Prior Agendized Discussions On Medical Marijuana Cultivation and Research

On November 23, 2015, the City Council adopted Ordinance 539, adding Section 17.80.080 to the Municipal Code, allowing the cultivation of medical marijuana in the Industrial Parks located in the Industrial Zone. As of January 27, 2016, the City has issued 26 Medical Marijuana Cultivation Permits pursuant to Ordinance 539 (the “Cultivation Permitees”). These Cultivation Permitees are subject to a conditional use permit. As of this date, no conditional use permits have been issued by the City. The City reserves the right to prioritize the applicants depending on, among other things, the community benefit offered by the applicants.

The Council now wishes to address, Research Development and Processing of Medical Marijuana. Attached to the staff report is the proposed ordinance pertaining to Research, Development and Processing.

Consistency changes are proposed for Section 17.80.080 pertaining to Medical Marijuana Cultivation such as: allowing the continuance of the application submittal process, changing the 12 month permit period to a review period and other changes to eliminate confusion about the cultivation permit process.

For the medical marijuana research, development and processing ordinance, potential requirements that have been discussed include: allowing facilities only in the Industrial Zone, in the Industrial Park (Cultivation Zone), requiring the facility and signage to be benign in nature such as simply the name of the organization, reviewing the processing permit every 12 months for compliance, no restrictions on the hours of operation, having any size limitation on the facility be established by the required conditional use permit rather than the ordinance and limitations on the number of operators, giving processing permits to current cultivation permit holders only and other requirements similar to the Cultivation Ordinance.
At a special meeting, March 29, 2016, the Planning Commission recommended to the City Council approval of Ordinance 545 with a 5 – 0 vote.

At a regular meeting, April 13, 2016, the City Council continued the project to the next meeting.

**ENVIRONMENTAL IMPACT**

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

**FISCAL IMPACT:**

Permitting fees are proposed to cover potential expenses incurred by the City.

**ATTACHMENTS:**

1. Ordinance 545
2. Amended Table of Contents
3. Amended Chapter 17.80
4. Amended Appendix A
5. Planning Commission Staff Report
ORDINANCE NO. 545

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, CALIFORNIA, AMENDING SECTION 17.80.080 OF THE ADELANTO MUNICIPAL CODE RELATING TO MEDICAL MARIJUANA CULTIVATION AND ADDING SECTION 17.80.090 OF THE ADELANTO MUNICIPAL CODE RELATING TO MEDICAL MARIJUANA RESEARCH, DEVELOPMENT AND PROCESSING

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”) which Guidelines affirm the legality of medical marijuana dispensaries under California law, but make clear that such entities cannot be operated for profit, may not purchase marijuana from unlawful sources and must have a defined organizational structure that includes detailed records proving that members are legitimate patients; 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 and allow for research development and processing for 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 of Adelanto and limits impacts associated with marijuana research, development and processing; and

WHEREAS, the City of Adelanto intends to be on the forefront of ground breaking research, science, innovation and development of treatment for symptoms and cures in the field of medical cannabis. 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 amended as follows and Section 17.80.090 (Research, Development and Processing of Medical Marijuana) is hereby added to the City Municipal Code is to read in its entirety as follows:

17.80.80 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 described 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, labeling, 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. The operator of the facility shall 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 be reviewed for compliance with this section every twelve (12) months after issuance to the Permitee. If permittee remains in good standing upon review, the permit continues indefinitely or until revoked by the City Manager for just cause.

U. The Permitee 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 Permitee at the cultivation facility, pursuant to this Permit, shall be residents of the City. Permitee 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 and shall continue indefinitely or until no space is available in the cultivation zone. 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, Permitee shall fully indemnity 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;
Ordinance No. 545

(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 be reviewed for compliance with this section every twelve (12) months after issuance to the Permitee. If permitee remains in good standing upon review, the permit continues indefinitely or until revoked by the City Manager for just cause. Unless extended, upon the conclusion of the twelve (12) month review period, Medical Marijuana Cultivation facilities for the expired Permitee 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 Permitee.

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 Permitee(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.

17.80.090 Medical Marijuana Research, Development and Processing

(a) The City intends to be on the forefront in the field of medical cannabis, research, development and processing thereof. The City seeks to be on the cutting-edge of the regulation, manufacturing and processing of medical marijuana through the issuance of a Medical Marijuana Research Development and Processing Permit to qualified applicants. In order to further establish and regulate quality and safety standards for the future regulation of medical marijuana processing, the City may approve qualified applicants for a Medical Marijuana Research Development and Processing Permit as follows:

(1) The purpose and intent of this Section is to regulate the research, development, processing and manufacturing 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.

   A. “Medical Marijuana Research Development and Processing Permit” means a permit to own, operate and manage a Medical Marijuana Research Development Processing facility for the purposes of research, development and processing of commercially available Cannabis infused edibles and vaporizable products.

(2) Medical Marijuana Research Development and Processing Standards. Medical Marijuana Research Development and Processing, within the City, shall be in conformance with the following standards:

   A. Medical Marijuana Research Development and Processing shall only be considered upon application and approval of a Medical
Marijuana Research Development and Processing Permit in accordance with the criteria and process set forth in this section.

B. Only those entities with a current City of Adelanto cultivation permit will be eligible for a Medical Marijuana Research Development and Processing Permit.

C. Marijuana Research Development and Processing 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 Research Development and Processing facility 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 Research Development and Processing facility is, or will be located, to the nearest property line of those uses described in this Subsection.

D. Medical Marijuana Research Development and Processing is allowed only within fully enclosed and secure structures inaccessible to minors.

E. Medical Marijuana Research Development and Processing shall not exceed the square footage authorized pursuant to the Conditional Use Permit.

F. From a public right-of-way, there shall be no exterior evidence of Medical Marijuana Research Development and Processing.

G. Medical Marijuana Research Development and Processing 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.

H. The number of Medical Marijuana Research Development and Processing Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone, as defined in C, above.

I. The Medical Marijuana Research Development and Processing 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 Research Development and Processing facility shall comply with all size requirements for such facilities imposed by State law. The Medical Marijuana Research Development and Processing facility shall not engage in any activities not allowed at Medical Marijuana Research Development and Processing facilities pursuant to State law. The Medical Marijuana Research Development and Processing facility shall comply with all manufacturing, labeling, processing, and other standards required by State law.

J. There is no set restriction on the hours of operation of a Medical Marijuana Research Development and Processing facility; however these restrictions, and others, may be established as a condition of approval of the Conditional Use Permit.

K. Marijuana shall be kept in a secured manner during business and nonbusiness hours.

L. All Medical Marijuana Research Development and Processing facilities shall operate within a legal structure compliant with all applicable laws of the State of California.

M. Any Medical Marijuana Research Development and Processing 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.

N. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of the Medical Marijuana Research Development and Processing 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 Research Development and Processing 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.

O. Signage for the Medical Marijuana Research Development and Processing 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.
P. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Medical Marijuana Research Development and Processing 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 Research Development and Processing facility.

Q. Physician services shall not be provided on the premises. "Physician services" includes, but is not limited to, social services, including counseling, help with housing and meals, hospice and other care referrals which may not be provided on site.

R. The building in which the Medical Marijuana Research Development and Processing 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 research development and processing/manufacturing of marijuana as such state laws are amended is also required.

S. The Medical Marijuana Research Development and Processing facility shall not distribute, sell, dispense, or administer marijuana out of its facility to the public. A Medical Marijuana Research Development and Processing facility shall not be operated as a medical marijuana dispensary.

T. The operator of the facility shall 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 Research Development and Processing facility. The Medical Marijuana Research Development and Processing 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.

U. Any and all permits, rights or entitlements permitting the operation of a Medical Marijuana Research Development and Processing facility shall be reviewed for compliance with this section every
twelve (12) months after issuance to the Permittee. If permitee remains in good standing upon review, the permit continues indefinitely or until revoked by the City Manager for just cause. Unless extended, upon the conclusion of the twelve (12) month review period, Medical Marijuana Research Development and Processing 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..

V. 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 processing facility, pursuant to this Permit, shall be residents of the City. Permittee shall use good faith efforts to comply with this subsection.

W. A Medical Marijuana Research Development and Processing facility may be located within the same building or structure as a Medical Marijuana Cultivation facility, only if the Medical Marijuana Processing facility is located in separate room(s) of the facility, and only if the Medical Marijuana Research Development and Processing facility has its own, separate entrance.

X. A Medical Marijuana Research Development and Processing facility must employ full time quality control personnel. For any edible products, the Permittee must establish Standard Operating Procedures and Batch Records that comply with current Good Manufacturing Practices for food products, as outlined by the California Department of Public Health and the Food and Drug Administration.

Y. All finished products produced by a Medical Marijuana Research Development and Processing facility must be labeled in compliance with the labeling requirements outlined by the California Department of Public Health, as well as comply with any applicable Marijuana specific labeling requirements established by California Medical Marijuana statutes or codes.

Z. All finished products produced by a Medical Marijuana Research Development and Processing facility must be packaged in child resistant containers, prior to becoming commercially available and, therefore, leaving the facility.

AA. All batches of final product must be tested by a third party laboratory for potency of cannabinoids, residual solvents, mold,
pesticides, and any other contaminants as may be outlined in California Medical Marijuana statues or codes. In the event that the State of California requires testing by a State certified laboratory, the Permittee shall comply with such regulation.

BB. A Medical Marijuana Research Development and Processing facility may only use solvents, which have been approved by the Food and Drug Administration for the processing or preparation of botanical, dietary supplements or food grade products.

CC. All processing or analytical testing devices used in a Medical Marijuana Research Development and Processing facility must be UL listed, or otherwise approved for the intended use by the local Building Department and/or Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.

DD. Any processing device used in a Medical Marijuana Research Development and Processing facility, which utilized hydrocarbons or otherwise flammable solvents, must operate in a closed loop or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner which is compliant with all local, state, and federal guidelines for the disposal of hazardous materials.

EE. All Medical Marijuana Research Development and Processing 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 Research Development and Processing facilities within the jurisdiction of the City.

(3) Medical Marijuana Research Development and Processing Permit. Prior to initiating operations and as a continuing requisite to conducting operations, the legal representative of the persons wishing to obtain a Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing Permit shall include, but shall not be limited to, the following information:
A. An estimate of the size of the Medical Marijuana Research Development and Processing facility.

B. The address of the location for which the Medical Marijuana Research Development and Processing Permit is sought.

C. A site plan and floor plan of the premises denoting all the use of areas on the premises, including storage, processing 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 processing area and any storage areas shall be locked at all times, and under the control of staff of the processing 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 processing 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 Medical Marijuana Research Development and Processing 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 Research Development and Processing 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 Research Development and Processing 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 Research Development and Processing 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 Medical Marijuana Research Development and Processing facility, and any employee at the Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing facility;

4. The applicant, or any person who is managing or is otherwise responsible for the activities of the Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing 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 Research Development and Processing Permits during a thirty (30) day period after adoption (Second Reading) of this Ordinance and shall continue indefinitely or until no space is available in the cultivation zone. 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 Research Development and Processing 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 Research Development and Processing Permits, the City Manager shall submit a written report to the City Council stating which applicants were issued Medical Marijuana Research Development and Processing Permits.

N. The obligations of the Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing facility. Upon receiving possession of a Medical Marijuana Research Development and Processing Permit as provided in this Section, the facility shall:

1. Execute an Indemnification Agreement, prepared by the City, wherein, among other things, Permitee 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. 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 Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing 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 Research Development and Processing Permit if any of the following, singularly or in combination, occur:

   (a) The City Manager determines that the Medical Marijuana Research Development and Processing 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 Research Development and Processing facility is changed or transferred to third party;
(d) The Medical Marijuana Research Development and Processing facility fails to maintain 120 hours of security recordings; or

(e) The Medical Marijuana Research Development and Processing 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 Research Development and Processing 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.

P. Medical Marijuana Research Development and Processing Permit issued pursuant to this Section is not transferable to a third party by the applicant, under any circumstances.

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.) and the Medical Marijuana Program Act" (codified as Health and Safety Code § 11362.7 et seq.).

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 researched, developed or processed 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 or unconstitutional, illegal or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

Section 8. By regulating Research Development and Processing facilities, the City of Adelanto is only assuming an undertaking to preserve the general welfare through the provision of a method of implementing 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 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 Research Development or Processing 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.
PASSED, APPROVED and ADOPTED this 11th day of May, 2016.

________________________________________
Mayor, Richard Kerr

ATTEST:

________________________________________
City Clerk

APPROVED AS TO FORM:

________________________________________
City Attorney
I, Cindy Herrera, City Clerk of the City of Adelanto, do hereby certify that the foregoing Ordinance was introduced for a first reading on the 27th day of April and approved for a second reading at a regular meeting of the City Council of the City of Adelanto held on the 11th day of May, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Cindy M. Herrera, City Clerk, City of Adelanto
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## Chapter 17.80

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### 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.
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.

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.

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(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.

17.80.80 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.
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 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 described in this Subsection.

   b. Indoor Medical Marijuana Cultivation is allowed only within fully enclosed and secure structures inaccessible to minors.

   c. Indoor Medical Marijuana Cultivation shall not exceed the square footage authorized pursuant to the Conditional Use Permit.

   d. From a public right-of-way, there shall be no exterior evidence of Indoor Medical Marijuana Cultivation.

   e. 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.

   f. 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.

   g. 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, labeling, processing, and other standards required by State law.

H. 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.

I. Marijuana shall be kept in a secured manner during business and nonbusiness hours.

J. All Medical Marijuana Cultivation facilities shall operate within a legal structure compliant with all applicable laws of the State of California.

K. 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.

L. 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.

M. 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.

N. 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.

O. 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.

P. 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.

Q. 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.

R. The operator of the facility shall 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.

S. Any and all Permits permitting the operation of a Medical Marijuana Cultivation facility shall be reviewed for compliance with this section every twelve (12) months after issuance to the Permitee. If permittee remains in good standing upon review, the permit continues indefinitely or until revoked by the City Manager for just cause.

T. The Permitee 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 Permitee at the cultivation facility, pursuant to this Permit, shall be residents of the City. Permitee 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 and shall continue indefinitely or until no space is available in the cultivation zone. 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, Permitee 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 be reviewed for compliance with this section every twelve (12) months after issuance to the Permitee. If permitee remains in good standing upon review, the permit continues indefinitely or until revoked by the City Manager for just cause. Unless extended, upon the conclusion of the twelve (12) month review period, Medical Marijuana Cultivation facilities for the expired Permitee 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 Permitee.

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 Permitee(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.
17.80.090 Medical Marijuana Research, Development and Processing

(a) The City intends to be on the forefront in the field of medical cannabis, research, development and processing thereof. The City seeks to be on the cutting-edge of the regulation, manufacturing and processing of medical marijuana through the issuance of a Medical Marijuana Research Development and Processing Permit to qualified applicants. In order to further establish and regulate quality and safety standards for the future regulation of medical marijuana processing, the City may approve qualified applicants for a Medical Marijuana Research Development and Processing Permit as follows:

(1) The purpose and intent of this Section is to regulate the research, development, processing and manufacturing 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.

A. “Medical Marijuana Research Development and Processing Permit” means a permit to own, operate and manage a Medical Marijuana Research Development Processing facility for the purposes of research, development and processing of commercially available Cannabis infused edibles and vaporizable products.

(2) Medical Marijuana Research Development and Processing Standards. Medical Marijuana Research Development and Processing, within the City, shall be in conformance with the following standards:

A. Medical Marijuana Research Development and Processing shall only be considered upon application and approval of a Medical Marijuana Research Development and Processing Permit in accordance with the criteria and process set forth in this section.

B. Only those entities with a current City of Adelanto cultivation permit will be eligible for a Medical Marijuana Research Development and Processing Permit.

C. Marijuana Research Development and Processing 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 Research Development and Processing facility 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 Research Development and Processing facility is, or
will be located, to the nearest property line of those uses described in this Subsection.

D. Medical Marijuana Research Development and Processing is allowed only within fully enclosed and secure structures inaccessible to minors.

E. Medical Marijuana Research Development and Processing shall not exceed the square footage authorized pursuant to the Conditional Use Permit.

F. From a public right-of-way, there shall be no exterior evidence of Medical Marijuana Research Development and Processing.

G. Medical Marijuana Research Development and Processing 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.

H. The number of Medical Marijuana Research Development and Processing Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone, as defined in C, above.

I. The Medical Marijuana Research Development and Processing 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 Research Development and Processing facility shall comply with all size requirements for such facilities imposed by State law. The Medical Marijuana Research Development and Processing facility shall not engage in any activities not allowed at Medical Marijuana Research Development and Processing facilities pursuant to State law. The Medical Marijuana Research Development and Processing facility shall comply with all manufacturing, labeling, processing, and other standards required by State law.

J. There is no set restriction on the hours of operation of a Medical Marijuana Research Development and Processing facility; however these restrictions, and others, may be established as a condition of approval of the Conditional Use Permit.

K. Marijuana shall be kept in a secured manner during business and nonbusiness hours.
L. All Medical Marijuana Research Development and Processing facilities shall operate within a legal structure compliant with all applicable laws of the State of California.

M. Any Medical Marijuana Research Development and Processing 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.

N. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of the Medical Marijuana Research Development and Processing 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 Research Development and Processing 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.

O. Signage for the Medical Marijuana Research Development and Processing 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.

P. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Medical Marijuana Research Development and Processing 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 Research Development and Processing facility.

Q. Physician services shall not be provided on the premises. "Physician services" includes, but is not limited to, social services, including counseling, help with housing and meals, hospice and other care referrals which may not be provided on site.

R. The building in which the Medical Marijuana Research Development and Processing 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 research development and processing/manufacturing of marijuana as such state laws are amended is also required.

S. The Medical Marijuana Research Development and Processing facility shall not distribute, sell, dispense, or administer marijuana out of its facility to the public. A Medical Marijuana Research Development and Processing facility shall not be operated as a medical marijuana dispensary.

T. The operator of the facility shall 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 Research Development and Processing facility. The Medical Marijuana Research Development and Processing 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.

U. Any and all permits, rights or entitlements permitting the operation of a Medical Marijuana Research Development and Processing facility shall be reviewed for compliance with this section every twelve (12) months after issuance to the Permitee. If permitee remains in good standing upon review, the permit continues indefinitely or until revoked by the City Manager for just cause. Unless extended, upon the conclusion of the twelve (12) month review period, Medical Marijuana Research Development and Processing facilities for the expired Permitee 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 Permitee.

V. Permitee 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 Permitee at the processing facility, pursuant to this Permit, shall be residents of the City. Permitee shall use good faith efforts to comply with this subsection.

W. A Medical Marijuana Research Development and Processing facility may be located within the same building or structure as a Medical Marijuana Cultivation facility, only if the Medical Marijuana Processing facility is located in separate room(s) of the facility, and only if the Medical Marijuana Research Development and Processing facility has its own, separate entrance.
X. A Medical Marijuana Research Development and Processing facility must employ full time quality control personnel. For any edible products, the Permitee must establish Standard Operating Procedures and Batch Records that comply with current Good Manufacturing Practices for food products, as outlined by the California Department of Public Health and the Food and Drug Administration.

Y. All finished products produced by a Medical Marijuana Research Development and Processing facility must be labeled in compliance with the labeling requirements outlined by the California Department of Public Health, as well as comply with any applicable Marijuana specific labeling requirements established by California Medical Marijuana statutes or codes.

Z. All finished products produced by a Medical Marijuana Research Development and Processing facility must be packaged in child resistant containers, prior to becoming commercially available and, therefore, leaving the facility.

AA. All batches of final product must be tested by a third party laboratory for potency of cannabinoids, residual solvents, mold, pesticides, and any other contaminants as may be outlined in California Medical Marijuana statues or codes. In the event that the State of California requires testing by a State certified laboratory, the Permitee shall comply with such regulation.

BB. A Medical Marijuana Research Development and Processing facility may only use solvents, which have been approved by the Food and Drug Administration for the processing or preparation of botanical, dietary supplements or food grade products.

CC. All processing or analytical testing devices used in a Medical Marijuana Research Development and Processing facility must be UL listed, or otherwise approved for the intended use by the local Building Department and/or Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.

DD. Any processing device used in a Medical Marijuana Research Development and Processing facility, which utilized hydrocarbons or otherwise flammable solvents, must operate in a closed loop or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner which is compliant with all local, state, and federal guidelines for the disposal of hazardous materials.
EE. All Medical Marijuana Research Development and Processing 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 Research Development and Processing facilities within the jurisdiction of the City.

(3) Medical Marijuana Research Development and Processing Permit. Prior to initiating operations and as a continuing requisite to conducting operations, the legal representative of the persons wishing to obtain a Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing Permit shall include, but shall not be limited to, the following information:

A. An estimate of the size of the Medical Marijuana Research Development and Processing facility.

B. The address of the location for which the Medical Marijuana Research Development and Processing Permit is sought.

C. A site plan and floor plan of the premises denoting all the use of areas on the premises, including storage, processing 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 processing area and any storage areas shall be locked at all times, and under the control of staff of the processing 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 processing 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 Medical Marijuana Research Development and Processing 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 Research Development and Processing 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 Research Development and Processing 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 Research Development and Processing 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 Medical Marijuana Research Development and Processing facility, and any employee at the Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing facility;

4. The applicant, or any person who is managing or is otherwise responsible for the activities of the Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing 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 Research Development and Processing Permits during a thirty (30)
day period after adoption (Second Reading) of this Ordinance and shall continue indefinitely or until no space is available in the cultivation zone. 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 Research Development and Processing 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 Research Development and Processing Permits, the City Manager shall submit a written report to the City Council stating which applicants were issued Medical Marijuana Research Development and Processing Permits.

N. The obligations of the Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing facility. Upon receiving possession of a Medical Marijuana Research Development and Processing 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. 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 Medical Marijuana Research Development and Processing 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 Medical Marijuana Research Development and Processing 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 Research Development and Processing Permit if any of the following, singularly or in combination, occur:

   (a) The City Manager determines that the Medical Marijuana Research Development and Processing 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 Research Development and Processing facility is changed or transferred to third party;

(d) The Medical Marijuana Research Development and Processing facility fails to maintain 120 hours of security recordings; or

(e) The Medical Marijuana Research Development and Processing 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 Research Development and Processing 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.

P. Medical Marijuana Research Development and Processing Permit issued pursuant to this Section is not transferable to a third party by the applicant, under any circumstances.
### 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)

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<th>Residential Zoning Districts</th>
<th>Commercial and Mixed Use Zoning Districts</th>
<th>Business Park and Manufacturing Zoning Districts</th>
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<td>R-S1 = Single Family Residential</td>
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<td>R1-.5 = Single Family Residential (1/2 Acre)</td>
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<td>R3-B = Medium Density Residential</td>
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<td>R-M12 = Medium Density Residential</td>
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City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 545.), May 2016
Residential R3-30 =
High Density
Residential
AP = Airport Park
## LAND USE

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<th>ZONE DISTRICT</th>
<th>Residential</th>
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**AGRICULTURAL PRODUCTION and ANIMAL SERVICES**

<table>
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<th>Land Use</th>
<th>DL (9, 5, 2.5)</th>
<th>R-S1</th>
<th>R1</th>
<th>R-S5</th>
<th>R3-8</th>
<th>R-M12</th>
<th>R3-30</th>
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<th>PF</th>
<th>QS</th>
<th>DE</th>
<th>UE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Keeping (subject to provisions of Title 7- Animals)<strong>¹</strong></td>
<td>A</td>
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<tr>
<td>Animal Shelter (on lots greater than 2.5 acres only)</td>
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<tr>
<td>Feed and Grain Sales</td>
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<tr>
<td>Horses (Boarding and Raising as a Business), Kennels (subject to provisions of Title 7- Animals on lots greater than 2.5 acres only)</td>
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<td>Veterinarian/Veterinary Hospital/Pet Grooming</td>
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<tr>
<td>Medical Marijuana Cultivation<strong>¹²</strong></td>
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<tr>
<td>Medical Marijuana Research Development and Processing<strong>¹²</strong></td>
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**RESIDENTIAL**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>DL (9, 5, 2.5)</th>
<th>R-S1</th>
<th>R1</th>
<th>R-S5</th>
<th>R3-8</th>
<th>R-M12</th>
<th>R3-30</th>
<th>AP</th>
<th>MU</th>
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<th>PF</th>
<th>QS</th>
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</thead>
<tbody>
<tr>
<td>Bed and Breakfast</td>
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<tr>
<td>Dwelling Unit, Multiple Family, Two-Family (Duplex), Condominium</td>
<td>P</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>Dwelling Unit, Single-Family (detached)</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Dwelling Unit - Second Units/Dependent Housing/Granny Flats</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Day Care Center, Adult Day Health and Child Care (Subject to California Department of Social Services:)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Day Care Home, Large Family (14 or fewer children), (Subject to California</td>
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City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 545), May 2016 3
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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<tbody>
<tr>
<td>Department of Social Services)</td>
<td>P P P P P P P P P</td>
<td>C</td>
<td></td>
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</tr>
<tr>
<td>Day Care Home, Small Family (8 or fewer children) (Subject to California Department of Social Services)</td>
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<tr>
<td>Group Homes not licensed by the State with 2 or more residents</td>
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<tr>
<td>Single Room Occupancy Facilities</td>
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<tr>
<td>Transitional and Supportive Housing</td>
<td>P P P P P P P P P</td>
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<tr>
<td>Emergency and Homeless Shelters</td>
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<tr>
<td>Residential Care Facility (7 or more persons)</td>
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<tr>
<td>Residential Care Facility for 6 or fewer persons (includes facilities licensed and/or controlled by California Department of Social Services)</td>
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<td>Home Occupation (Use allowed subject to Chapter 17.95)</td>
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<tr>
<td>Fraternal/Sorority Hall, Rooming</td>
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<tr>
<td>Manufactured Home, Mobile Home (includes individual unit placed in a residential subdivision)</td>
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<tr>
<td>Manufactured/Mobile Home Parks</td>
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<td></td>
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<tr>
<td>Mobile Homes Sales</td>
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<tr>
<td>Model Home</td>
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<tr>
<td>Game Courts (Badminton/Tennis/Racquetball/Other) and Swimming Pool, Private</td>
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<tr>
<td>INSTITUTIONAL</td>
<td>Educational</td>
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<td>LAND USE</td>
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<td>Commercial and Mixed Use</td>
<td>Business and Manufacturing</td>
<td>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</td>
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<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1-5</td>
<td>R1</td>
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<tr>
<td>Education Institution (including private, commercial, and vocational schools, *card room related training only)</td>
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<td>Education Institution, Public (Subject to LDP approval)</td>
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<td>Prisons/Correctional Facilities</td>
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<td>Medical</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<td>Chiropractic/Physical Therapy Office</td>
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<td>Hospitals and Clinics</td>
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<td>Medical/Dental Offices</td>
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<td>Laboratories, Medical and Dental</td>
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<td>Pharmacy (see also Drugstore)</td>
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<td>Convalescent Hospital, Skilled Nursing Facility</td>
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<tr>
<td>Public</td>
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<td>C</td>
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<tr>
<td>Conference or Convention Centers</td>
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<td>P</td>
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<tr>
<td>Parks, Plazas and Trails</td>
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<tr>
<td>Visitor Centers</td>
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<tr>
<td>Religious/Non-Profit</td>
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<tr>
<td>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.</td>
<td>C</td>
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**COMMERCIAL**

Alcoholic Beverage Establishments
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONE DISTRICT</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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<tbody>
<tr>
<td>DL (9, 5, 2.5) R-S1 R1-5 R1 R-S5 R3-6 R-M12 R3-30 AP MU C LM MI ADD BP PU PF OS DE UE</td>
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<tr>
<td>Alcoholic Beverage Onsite Sales in establishments open to persons over the legal drinking age exclusively, not allowed within 1,000 feet of any residential zoning district or residential use, churches, parks, and/or educational institutions</td>
<td>C</td>
<td>C</td>
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<tr>
<td>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</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Alcoholic Beverage Onsite Sales as part of a bona fide sit down (non-age-restricted) restaurant</td>
<td>P</td>
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<tr>
<td>Alcoholic Beverage Offsite Sales within a supermarket or drug store</td>
<td>P</td>
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<tr>
<td>Alcoholic Beverage Offsite Sales in any store other than a supermarket or drug store</td>
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<tr>
<td>Wineries</td>
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</table>

**Automobile, Vehicle Rentals and Sales Related Uses**

<p>| Automobile Auction | C | C | C |
| Automobyles/Recreational Vehicles/Boats/Motorcycles/Trucks, Sales- New &amp; Used, and Rentals | P | P | P | P |
| Service Station/Gas Station (Petroleum Products), including automobile service and Car Wash | C | P | P | P |
| Parking Lot and Parking Garages, Public | C | P | P | P | P | C |</p>
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONE DISTRICT</th>
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<td>R-S1</td>
<td>R1-5</td>
<td>R1</td>
<td>R-S5</td>
<td>R3-6</td>
</tr>
<tr>
<td>Automobile Accessory Sales and Installation, including parts supply (No overnight outside storage or parking; body work prohibited)⁴,⁶</td>
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<tr>
<td>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</td>
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<tr>
<td>Automobile Minor Repair (Brakes, tires, radiators, electrical, etc. No overnight outside storage or parking; Paint, body work, upholstery prohibited)⁴,⁶</td>
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<tr>
<td>Automobile Paint, Body, and Upholstery Shops⁵,⁶</td>
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<td><strong>Communications/Utilities Distribution and Transmission</strong></td>
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<tr>
<td>Cellular, Microwave Antenna/Towers and related equipment buildings⁵</td>
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<tr>
<td>Gas Distribution, Meter, and Control Station</td>
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<tr>
<td>Electricity Distribution &amp; Transmission Substation (&lt;5,000 SF)</td>
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<td>C</td>
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<tr>
<td>Electricity Distribution &amp; Transmission Substation (&gt;5,000 SF)</td>
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<td>C</td>
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<tr>
<td>Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems &gt;500 Kw ¹⁰</td>
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<tr>
<td>Solar Energy and/or Wind Energy Conversion Systems &lt;500 Kw</td>
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</tbody>
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City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 545.), May 2016

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<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1-5</td>
<td>R1</td>
</tr>
<tr>
<td>Radio/Television Broadcasting Studios (including Recording Studios)</td>
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<td>Telephone Repeater Stations</td>
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<tr>
<td>Eating and Drinking Establishments</td>
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<tr>
<td>Bakery, Coffeehouse, Delicatessen, Ice Cream Parlor, and other similar eating establishments</td>
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</tr>
<tr>
<td>Catering Service</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Nightclubs/Taverns/Bars²,³,⁵</td>
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<tr>
<td>Restaurant, No Alcohol Sales</td>
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<td>P</td>
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<tr>
<td>Restaurant, Drive-Thru², no alcohol sales</td>
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<td>C</td>
<td>C</td>
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<tr>
<td>Restaurant, with Alcohol Sales</td>
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<tr>
<td>Adult Business (subject to Adult Business Ordinance)</td>
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<tr>
<td>Amusement Park, Entertainment Center (including Arcade, Live Theater, Bowling, Ice and Roller Skating, Indoor Soccer and Hockey Arena)</td>
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<tr>
<td>Billiard/Pool Hall³</td>
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<tr>
<td>Batting Cages, Indoor or Outdoor</td>
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<tr>
<td>Card Rooms⁹</td>
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<tr>
<td>Carnival, Circus, or Fair</td>
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<tr>
<td>Club - Athletic, Health, or Recreation (including Dance Studios)</td>
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<td>Dance Hall/Dance Club</td>
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<tr>
<td>LAND USE</td>
<td>ZONE DISTRICT</td>
<td>Residential</td>
<td>Commercial and Mixed Use</td>
<td>Business and Manufacturing</td>
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<td>DL (9, 5, 2.5) R-S1 R1-5 R1 R-S5 R3-6 R-M12 R3-30 AP MU C LM MI ADD BP PU PF OS DE UE</td>
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<tr>
<td>Game Courts, Commercial</td>
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<tr>
<td>Golf Course and Driving Range, Clubhouse, Country Club</td>
<td>C C C C C C</td>
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<tr>
<td>Movie Theater</td>
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<tr>
<td>Shooting Range, Indoor and Outdoor (outdoor ranges prohibited in the C and OS)</td>
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<tr>
<td>Stable, Public (Boarding/Riding) and Private - Boarding allowed as accessory use in DL</td>
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<tr>
<td>Food and Beverage Stores</td>
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<tr>
<td>Convenience Market, Health Food Store 2,3,9</td>
<td></td>
<td>C</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Drug store 2,3,9</td>
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<tr>
<td>Grocery Store, Retail, Discount, and Club Stores 2,3,9</td>
<td></td>
<td>P</td>
<td>P</td>
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<tr>
<td>General Merchandise Stores</td>
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<tr>
<td>Department Store, Specialty Stores</td>
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<tr>
<td>Discount Stores, Home Improvement Center</td>
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<tr>
<td>Lodging</td>
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<tr>
<td>Hotel, Motel <em>(more than 50 rooms requires a CUP)</em></td>
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<tr>
<td>Recreational Vehicle Park and Campgrounds</td>
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<tr>
<td>Offices</td>
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<tr>
<td>Administrative, Professional, and Other Related Offices</td>
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<tr>
<td>Financial Institutions (Banks, Credit Unions, Check Cashing, Pay Advance,</td>
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<tr>
<td>LAND USE</td>
<td>Residential</td>
<td>Commercial and Mixed Use</td>
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<td>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</td>
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<tr>
<td>Money Transfer, etc.¹</td>
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<tr>
<td>Copy Services, Postal Services, and Parcel Delivery Service</td>
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<tr>
<td>Barber/Beauty Shop/Cosmetologist/Massage Parlor/Acupuncturist</td>
<td></td>
<td>P</td>
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<tr>
<td>Cemetery/Mausoleums</td>
<td></td>
<td>P</td>
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<tr>
<td>Dressmaker/Tailor Shop</td>
<td></td>
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<tr>
<td>Dry Cleaner (Storefront Type); Laundry Service²</td>
<td></td>
<td>P</td>
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<tr>
<td>Funeral Parlor, Mortuary</td>
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<tr>
<td>Repair and Maintenance Services²</td>
<td></td>
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<tr>
<td>Shoe and Watch Repair/Sales, Locksmith</td>
<td></td>
<td>P</td>
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<tr>
<td>Janitorial Service, Pest Control Service</td>
<td></td>
<td>P</td>
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<tr>
<td>Temporary Uses and Structures (Subject to Section 17.75)</td>
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<tr>
<td>General Retail Sales (including the following: Antiques, Appliance Sales/Repairs; Art Gallery/Supplies; Books/Music; Clothing/Accessories; Costumes; Coins/Collectibles; Food Products; Glass Shops/ Studios; Hardware; Hobby, Gift, and Floral Shops; Home Improvement Goods/Home Furnishings; Medical Supplies; Newsstands; Nursery/Garden</td>
<td></td>
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</tbody>
</table>

¹ Includes Limited Service Districts
² Includes Personal Services
³ Includes Repair and Maintenance Services
⁴ Includes Retail

City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 545.), May 2016
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONE DISTRICT</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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<tbody>
<tr>
<td>DL (9, 5, 2.5) R-S1 R1-5 R1 R-S5 R3-6 R-M12 R3-30 AP MU C LM MI ADD BP PU PF OS DE UE</td>
<td></td>
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<tr>
<td>Equipment; Office Equipment/Supplies; Pet Shop; Photography Studio/Photofinishing; Sporting Goods; Toy Stores&lt;sup&gt;a&lt;/sup&gt;</td>
<td>Pawnshop, Secondhand Store</td>
<td></td>
<td>P</td>
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<tr>
<td><strong>INDUSTRIAL</strong>&lt;sup&gt;b&lt;/sup&gt;</td>
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<tr>
<td>Ambulance Service</td>
<td></td>
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<td>P</td>
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<tr>
<td>Printing, Publishing, Bookbinding (including Lithographic and Newspaper Printing)</td>
<td></td>
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<td>P</td>
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<tr>
<td>Recreational Vehicle Repair, Supplies</td>
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<td>C&lt;sup&gt;1&lt;/sup&gt;</td>
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<td>P P</td>
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<tr>
<td>Laboratories, Chemical, Research, and Testing</td>
<td></td>
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<td>C</td>
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<tr>
<td>Machine/Sheet Metal Shop, Metal Engraving, Silk Screen Shop</td>
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<td>C&lt;sup&gt;1&lt;/sup&gt;</td>
<td>C</td>
<td>P P P P</td>
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<tr>
<td>Industrial/Heavy Equipment, Sales, Service, and Rental (including, but not limited to Construction Equipment; Refrigeration; Vending Machines)</td>
<td></td>
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<tr>
<td>Junk, Salvage, Vehicle Wrecking, and Impound Yard</td>
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<tr>
<td>Outdoor Storage, as a Primary use</td>
<td></td>
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<tr>
<td>Recycling Facilities, Commercial</td>
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<tr>
<td>Recycling Facilities, Public (collection only)</td>
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<tr>
<td>Sanitary Landfill, Waste Haulers, Material Recovery Facility</td>
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<td>Sewage Treatment Plant</td>
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<tr>
<td>Upholstery Shop, Welding Shop</td>
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<td>C&lt;sup&gt;1&lt;/sup&gt;</td>
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</tr>
<tr>
<td>LAND USE</td>
<td>Residential</td>
<td>Commercial and Mixed Use</td>
<td>Business and Manufacturing</td>
<td>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</td>
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<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1-5</td>
<td>R1</td>
<td>R-S5</td>
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<tr>
<td>Building Materials/Lumber/Plumbing Supply Yard</td>
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<tr>
<td>Construction Office (on the same site as the construction activity)</td>
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<tr>
<td>Contractor Storage Yard, Machinery Storage Yard</td>
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<tr>
<td>Horticultural (Landscape and Gardening) Services</td>
<td>C</td>
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<tr>
<td>Assembly, Manufacturing (Including food and beverage production and processing), Restoration of Goods; Except Tires</td>
<td></td>
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<tr>
<td>Batch plants, aggregate products and other similar manufacturing uses</td>
<td></td>
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<tr>
<td>Dry Cleaning Plant, Large-Scale Commercial Type</td>
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<tr>
<td>Oil Exploration, Drilling, and Production (Limited to areas w/minimum lot size)</td>
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<tr>
<td>Sand and Gravel Pit, subject to Surface Materials and Reclamation Act (SMARA)</td>
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<tr>
<td>Swap Meet²</td>
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<td>C</td>
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<tr>
<td>Wholesale Businesses (Including Electrical, Mechanical, Carpentry, Cabinetry)</td>
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<tr>
<td>Transfer, Moving, and Storage</td>
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<tr>
<td>Truck Terminals (includes Freight to Freight, Cross Dock, Parcel Delivery)</td>
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</tbody>
</table>

City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 545.), May 2016
### ZONE DISTRICT

<table>
<thead>
<tr>
<th>LAND USE</th>
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<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
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<tr>
<td>Terminals), Truck Parking</td>
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<tr>
<td>Truck and Trailer (and similar heavy transportation equipment) Sales, Repair (all repair to be conducted entirely within an enclosed building)</td>
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<tr>
<td>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</td>
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<tr>
<td>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)</td>
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**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.
DATE: March 29, 2016

TO: Honorable Chairman and Members of the Planning Commission

FROM: Mark de Manincor, Senior Planner

SUBJECT: Code Amendment 16-02 Proposed amendment to Title 17 of the Adelanto Municipal Code adding Section 17.80.090, and amending the Table of Contents and Appendix A relating to Medical Marijuana Research, Development and Processing.

STAFF RECOMMENDATION:

Adopt Resolution P-16-07 recommending to the City Council Approval of Code Amendment 16-02 in reference to the Draft Ordinance for the Research, Development and Processing of Medical Marijuana.

OR

Adopt Resolution P-16-08 recommending to the City Council Denial of Code Amendment 16-02 in reference to the Draft Ordinance for the Research, Development and Processing of Medical Marijuana.

BACKGROUND:

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

However, California statutes such as the Compassionate Use Act of 1996 (Health and Safety Code, § 11362.5 added by Proposition 15) and the Medical Marijuana Program (Health and Safety Code § 11362.7 et seq.) have removed certain state law obstacles from the ability of qualified patients to obtain and use marijuana for legitimate medical purposes. On the federal level, there has likewise been a recent unwillingness to enforce federal laws pertaining to medical marijuana.

Notwithstanding the ability under California law for medical marijuana dispensaries to operate, the law is clear that cities have the ability to independently ban medical marijuana dispensaries within the city. (City of Riverside v. Inland Empire Patient Health and Wellness Center (2013) 51 Cal.4th 729.) Indeed, the City of Adelanto does not allow medical marijuana dispensaries within the City. (Adelanto
Municipal Code, § 17.80.050.) It has been the policy of the City to vigorously enforce the ban on dispensaries within the City.

Prior City Council Agendized Discussions On Medical Marijuana

The City Council has had multiple prior Council meeting discussions pertaining to medical marijuana and reviewed draft ordinances on both dispensaries and research/cultivation. The Council has approved the Cultivation of Medical Marijuana in the Industrial Parks in the Industrial Zone. The Council now wishes to address, Research Development and Processing of Medical Marijuana. Attached to the staff report is a draft ordinance pertaining to Research, Development and Processing. This ordinance is not in final form and is for discussion purposes only, and may be revised as directed by the Planning Commission.

For the medical marijuana research, development and processing ordinance, potential requirements that have been discussed include: allowing facilities only in the Industrial Park, establishing fees, requiring all signage to be benign in nature such as simply the name of the organization, limiting the duration for any facility to twelve months with an option to continue indefinitely if operator remains in good standing, no restrictions on the hours of operation in the ordinance, having any size limitation on the facility be established by the required conditional use permit rather than the ordinance and limitations on the number of operators.

ENVIRONMENTAL IMPACT

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

FISCAL IMPACT:

Permitting fees are proposed to cover potential expenses incurred by the City.

ATTACHMENTS:

1. Resolution 16-07
2. Resolution 16-08
3. Draft Research Development and Processing Ordinance
4. Draft Table of Contents
5. Draft Chapter 17.80
6. Draft Appendix A
RESOLUTION NO. P-16-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, FINDING THE APPROVAL OF CODE AMENDMENT 16-02 EXEMPT PURSUANT TO SECTION 15061 (B) (3) REVIEW FOR EXEMPTIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS THE CODE AMENDMENT WILL NOT CAUSE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND RECOMMENDING TO THE CITY COUNCIL ADOPTION OF CODE AMENDMENT 16-02 TO AMEND TITLE 17, ADDING SECTION 17.80.090, AMENDING THE TABLE OF CONTENTS AND APPENDIX A OF THE ADELANTO MUNICIPAL CODE RELATING TO MEDICAL MARIJUANA RESEARCH DEVELOPMENT AND PROCESSING.

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

WHEREAS, a duly noticed public hearing was held before the Planning Commission on the 29th day of March, 2016; to hear public testimony and consider the proposal; and

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

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

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

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

Section 3. The Planning Commission finds and determines that the adoption of Code Amendment 16-02 exempt pursuant to Section 15061 (b) (3) Review for Exemptions of the California Environmental Quality Act because the Code Amendment will not cause a significant effect on the environment and the Planning Commission determinations reflect the independent judgment of the Planning Commission.

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

Section 5. The Planning Commission hereby finds and determines:

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

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

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

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

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

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

The proposed amendment is not a change to the land use policy map.

Section 6. The Planning Commission of the City of Adelanto hereby recommends to the City Council adoption of Code Amendment 16-02.

Attachments:
   Draft Ordinance 545
   Draft Table of Contents
   Draft Special Use Standards
   Draft Appendix A

PASSED, APPROVED AND ADOPTED this 29th day of March, 2016.

___________________________________
Chris Waggener
Chairman to the Planning Commission

___________________________________
Virginia Cervantes
Secretary to the Planning Commission
I, Virginia Cervantes, Planning Secretary for the Planning Commission of the City of Adelanto, California, do hereby certify that the foregoing Resolution No. P-16-07 was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Adelanto on the 29th day of March, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 29th day of March, 2016.

___________________________________
Virginia Cervantes
Secretary to the Planning Commission
ORDINANCE NO. 545

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, CALIFORNIA, ADDING SECTION 17.80.090 OF THE ADELANTO MUNICIPAL CODE RELATING TO MEDICAL MARIJUANA RESEARCH, DEVELOPMENT AND PROCESSING

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") which Guidelines affirm the legality of medical marijuana dispensaries under California law, but make clear that such entities cannot be operated for profit, may not purchase marijuana from unlawful sources and must have a defined organizational structure that includes detailed records proving that members are legitimate patients; 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 and allow for research development and processing for 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 of Adelanto and limits impacts associated with marijuana research, development and processing; and

WHEREAS, the City of Adelanto intends to be on the forefront of ground breaking research, science, innovation and development of treatment for symptoms and cures in the field of medical cannabis. 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 17.80.090 (Research, Development and Processing of Medical Marijuana) is hereby added to the City Municipal Code is to read in its entirety as follows:

Section 17.80.090 Research, Development and Processing of Medical Marijuana

(a) The City intends to be on the forefront in the field of medical cannabis, research, development and processing thereof. The City seeks to be on the cutting-edge of the regulation, manufacturing and processing of medical marijuana through the issuance of a Processing Permit to qualified applicants. In order to further establish and regulate quality and safety standards for the future regulation of medical marijuana processing, the City may approve qualified applicants for a Processing Permit as follows:

(1) The purpose and intent of this Section is to regulate the processing and manufacturing 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.

A. “Processing Permit” means a permit to own, operate and manage a Medical Marijuana facility for the purposes of research,
development and processing of commercially available Cannabis infused edibles and vaporizable products.

(2) Marijuana Processing Standards. Medical Marijuana Processing, within the City, shall be in conformance with the following standards:

A. Medical Marijuana Processing shall only be considered upon application and approval of a Marijuana Processing Permit in accordance with the criteria and process set forth in this section.

B. Marijuana Processing 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 Processing 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 Processing facility is, or will be located, to the nearest property line of those uses described in this Subsection.

C. Medical Marijuana Processing is allowed only within fully enclosed and secure structures inaccessible to minors.

D. Medical Marijuana Processing 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 Medical Marijuana Processing.

F. Medical Marijuana Processing 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 processing Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone, as defined in B, above.

H. The Medical Marijuana Processing 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 Processing facility shall comply with all size
requirements for such facilities imposed by State law. The Medical Marijuana Processing facility shall not engage in any activities not allowed at processing facilities pursuant to State law. The Medical Marijuana Processing facility shall comply with all manufacturing, labeling, processing, and other standards required by State law.

I. There is no set restriction on the hours of operation of a Medical Marijuana Processing facility; however these restrictions, and others, 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 Processing facilities shall operate within a legal structure compliant with all applicable laws of the State of California.

L. Any Medical Marijuana Processing 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 Processing 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 Processing 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 Processing 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 Processing 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 Processing facility.

P. Physician services shall not be provided on the premises. "Physician services" includes, but is not limited to, social services, including counseling, help with housing and meals, hospice and other care referrals which may not be provided on site.

Q. The building in which the Medical Marijuana Processing 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 processing/manufacturing of marijuana as such state laws are amended is also required.

R. The Medical Marijuana Processing facility shall not distribute, sell, dispense, or administer marijuana out of its facility to the public. A Medical Marijuana Processing facility shall not be operated as a medical marijuana dispensary.

S. The operator of the facility shall 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 Processing facility. The Medical Marijuana Processing 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 Processing facility shall expire and be null and void twelve (12) months after issuance to the Permitee, unless otherwise extended by the City Manager, in writing.

U. Permitee 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 Permitee at the processing facility, pursuant to this Permit, shall be residents of the City. Permitee shall use good faith efforts to comply with this subsection.
V. A Medical Marijuana Processing facility may be located within the same building or structure as a Medical Marijuana Cultivation facility, only if the Medical Marijuana Processing facility is located in separate room(s) of the facility, and only if the Medical Processing facility has its own, separate entrance.

W. A Medical Marijuana Processing facility must employ full time quality control personnel. For any edible products, the Permittee must establish Standard Operating Procedures and Batch Records that comply with current Good Manufacturing Practices for food products, as outlined by the California Department of Public Health and the Food and Drug Administration.

X. All finished products produced by a Medical Marijuana Processing facility must be labeled in compliance with the labeling requirements outlined by the California Department of Public Health, as well as comply with any applicable Marijuana specific labeling requirements established by California Medical Marijuana statutes or codes.

Y. All finished products produced by a Medical Marijuana Processing Facility must be packaged in child resistant containers, prior to becoming commercially available and, therefore, leaving the facility.

Z. All batches of final product must be tested by a third party laboratory for potency of cannabinoids, residual solvents, mold, pesticides, and any other contaminants as may be outlined in California Medical Marijuana statues or codes. In the event that the State of California requires testing by a State certified laboratory, the Permittee shall comply with such regulation.

AA. A Medical Marijuana Processing facility may only use solvents, which have been approved by the Food and Drug Administration for the processing or preparation of botanical, dietary supplements or food grade products.

BB. All processing or analytical testing devises used in a Medical Marijuana Processing facility must be UL listed, or otherwise approved for the intended use by the local Building Department and/or Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.

CC. Any processing device used in a Medical Marijuana Processing facility, which utilized hydrocarbons or otherwise flammable
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solvents, must operate in a closed loop or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner which is compliant with all local, state, and federal guidelines for the disposal of hazardous materials.

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.) and the Medical Marijuana Program Act" (codified as Health and Safety Code §11362.7 et seq.).

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 researched, developed or processed 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 or unconstitutional, illegal or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

Section 8. By regulating Research Development and Processing facilities, the City of Adelanto is only assuming an undertaking to preserve the general welfare through the provision of a method of implementing 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 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 Research Development or Processing 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.

PASSED, APPROVED and ADOPTED this 27th day of April, 2016.

________________________________________
Mayor, Richard Kerr

ATTEST:

________________________________________
City Clerk

APPROVED AS TO FORM:

________________________________________
City Attorney
I, Cindy Herrera, City Clerk of the City of Adelanto, do hereby certify that the foregoing Ordinance was introduced for a first reading on the 13th day of April and approved for a second reading at a regular meeting of the City Council of the City of Adelanto held on the 27th day of April, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

__________________________
Cindy M. Herrera, City Clerk, City of Adelanto
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Appendix A:  Regulation of Uses by Zoning District
CHAPTER 17.80

SPECIAL USE STANDARDS

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.

(I) 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
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 Permitee, unless otherwise extended by the City Manager, in writing.

U. The Permitee 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 Permitee at the cultivation facility, pursuant to this Permit, shall be residents of the City. Permitee 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, statue, 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
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, Permitee 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 Permitee, 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 Permitee 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 Permitee.

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 Permitee(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.

**17.80.090 Research, Development and Processing of Medical Marijuana**

(a) The City intends to be on the forefront in the field of medical cannabis, research, development and processing thereof. The City seeks to be on the cutting-edge of the regulation, manufacturing and processing of medical marijuana through the issuance of a Processing Permit to qualified applicants. In order to further establish and regulate quality and safety standards for the future regulation of medical marijuana processing, the City may approve qualified applicants for a Processing Permit as follows:
The purpose and intent of this Section is to regulate the processing and manufacturing 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.

A. “Processing Permit” means a permit to own, operate and manage a Medical Marijuana facility for the purposes of research development and processing of commercially available Cannabis infused edibles and vaporizable products.

Marijuana Processing Standards. Medical Marijuana Processing, within the City, shall be in conformance with the following standards:

A. Medical Marijuana Processing shall only be considered upon application and approval of a Marijuana Processing Permit in accordance with the criteria and process set forth in this section.

B. Marijuana Processing 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 Processing 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 Processing facility is, or will be located, to the nearest property line of those uses described in this Subsection.

C. Medical Marijuana Processing is allowed only within fully enclosed and secure structures inaccessible to minors.

D. Medical Marijuana Processing 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 Medical Marijuana Processing.

F. Medical Marijuana Processing 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 processing Permits shall be limited to those that may be reasonably accommodated within the Cultivation Zone, as defined in B, above.

H. The Medical Marijuana Processing 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 Processing facility shall comply with all size requirements for such facilities imposed by State law. The Medical Marijuana Processing facility shall not engage in any activities not allowed at processing facilities pursuant to State law. The Medical Marijuana Processing facility shall comply with all manufacturing, labeling, processing, and other standards required by State law.

I. There is no set restriction on the hours of operation of a Medical Marijuana Processing facility; however these restrictions, and others, 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 Processing facilities shall operate within a legal structure compliant with all applicable laws of the State of California.

L. Any Medical Marijuana Processing 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 Processing 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 Processing 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 Processing facility shall be limited to the 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 Processing 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 Processing facility.

P. Physician services shall not be provided on the premises. "Physician services" includes, but is not limited to, social services, including counseling, help with housing and meals, hospice and other care referrals which may not be provided on site.

Q. The building in which the Medical Marijuana Processing 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 processing/manufacturing of marijuana as such state laws are amended is also required.

R. The Medical Marijuana Processing facility shall not distribute, sell, dispense, or administer marijuana out of its facility to the public. A Medical Marijuana Processing facility shall not be operated as a medical marijuana dispensary.

S. The operator of the facility shall 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 Processing facility. The Medical Marijuana Processing 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 Processing facility shall expire and be null and void twelve (12) months after issuance to the Permitee, unless otherwise extended by the City Manager, in writing.

U. Permitee 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 Permitee at the processing facility, pursuant to this Permit, shall be residents of the City. Permitee shall use good faith efforts to comply with this subsection.

V. A Medical Marijuana Processing facility may be located within the same building or structure as a Medical Marijuana Cultivation facility, only if the Medical Marijuana Processing facility is located in separate room(s) of the facility, and only if the Medical Processing facility has its own, separate entrance.

W. A Medical Marijuana Processing facility must employ full time quality control personnel. For any edible products, the Permitee must establish Standard Operating Procedures and Batch Records that comply with current Good Manufacturing Practices for food products, as outlined by the California Department of Public Health and the Food and Drug Administration.

X. All finished products produced by a Medical Marijuana Processing facility must be labeled in compliance with the labeling requirements outlined by the California Department of Public Health, as well as comply with any applicable Marijuana specific labeling requirements established by California Medical Marijuana statutes or codes.

Y. All finished products produced by a Medical Marijuana Processing Facility must be packaged in child resistant containers, prior to becoming commercially available and, therefore, leaving the facility.

Z. All batches of final product must be tested by a third party laboratory for potency of cannabinoids, residual solvents, mold, pesticides, and any other contaminants as may be
outlined in California Medical Marijuana statues or codes. In the event that the State of California requires testing by a State certified laboratory, the Permitee shall comply with such regulation.

AA. A Medical Marijuana Processing facility may only use solvents, which have been approved by the Food and Drug Administration for the processing or preparation of botanical, dietary supplements or food grade products.

BB. All processing or analytical testing devices used in a Medical Marijuana Processing facility must be UL listed, or otherwise approved for the intended use by the local Building Department and/or Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.

CC. Any processing device used in a Medical Marijuana Processing facility, which utilized hydrocarbons or otherwise flammable solvents, must operate in a closed loop or in such a way that all solvent material is recovered in the process. All hazardous material must be disposed of in a manner which is compliant with all local, state, and federal guidelines for the disposal of hazardous materials.
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)

<table>
<thead>
<tr>
<th>Residential Zoning Districts:</th>
<th>Commercial and Mixed Use Zoning Districts:</th>
<th>Business Park and Manufacturing Zoning Districts</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>DL-9 Desert Living 1 unit/9 acres</td>
<td>C = General Commercial</td>
<td>LM = Light Manufacturing</td>
<td>PU = Public Utility</td>
</tr>
<tr>
<td>DL-5 Desert Living 1 unit/5 acres</td>
<td>MU = Mixed Use</td>
<td>MI = Manufacturing Industrial</td>
<td>PF = Public Facility</td>
</tr>
<tr>
<td>DL-2.5 Desert Living 1 unit/2.5 acres</td>
<td>ADD = Airport Development District</td>
<td>OS = Open Space</td>
<td></td>
</tr>
<tr>
<td>R-S1 Single Family Residential</td>
<td>BP = Business Park</td>
<td>DE = Greenbelt Corridor: Drainage Easement</td>
<td></td>
</tr>
<tr>
<td>R1-.5 Single Family Residential (1/2 Acre)</td>
<td></td>
<td>UE = Greenbelt Corridor: Utility Easement</td>
<td></td>
</tr>
<tr>
<td>R1 Single Family Residential</td>
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<td></td>
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<tr>
<td>R-S5 Single Family Residential</td>
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<tr>
<td>R3-8 Medium Density Residential</td>
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<tr>
<td>R-M12 Medium Density Residential</td>
<td></td>
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</tbody>
</table>
Residential R3-30 = High Density Residential

AP = Airport Park
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1 R1-5 R1 R-S5 R3-8 R-M12 R3-30 AP</td>
<td>MU C LM MI ADD BP PU PF QS DE UE</td>
<td></td>
</tr>
</tbody>
</table>

**AGRICULTURAL PRODUCTION and ANIMAL SERVICES**

Animal Keeping (subject to provisions of Title 7- Animals)¹¹

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1 R1-5 R1 R-S5 R3-8 R-M12 R3-30 AP</td>
<td>MU C LM MI ADD BP PU PF QS DE UE</td>
<td></td>
</tr>
</tbody>
</table>

Animal Shelter (on lots greater than 2.5 acres only)

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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<td>DL (9, 5, 2.5)</td>
<td>R-S1 R1-5 R1 R-S5 R3-8 R-M12 R3-30 AP</td>
<td>MU C LM MI ADD BP PU PF QS DE UE</td>
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</tbody>
</table>

Feed and Grain Sales

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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<td>DL (9, 5, 2.5)</td>
<td>R-S1 R1-5 R1 R-S5 R3-8 R-M12 R3-30 AP</td>
<td>MU C LM MI ADD BP PU PF QS DE UE</td>
<td></td>
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</tbody>
</table>

Horses (Boarding and Raising as a Business), Kennels (subject to provisions of Title 7- Animals on lots greater than 2.5 acres only)

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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<tbody>
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<td>DL (9, 5, 2.5)</td>
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<td>MU C LM MI ADD BP PU PF QS DE UE</td>
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</tr>
</tbody>
</table>

Taxidermist

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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<td>DL (9, 5, 2.5)</td>
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<td>MU C LM MI ADD BP PU PF QS DE UE</td>
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</tbody>
</table>

Veterinarian/Veterinary Hospital/Pet Grooming

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
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</table>

Medical Marijuana Cultivation¹²

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
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</tbody>
</table>

Medical Marijuana Research Development and Processing¹²

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
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<th>Business and Manufacturing</th>
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</tbody>
</table>

**RESIDENTIAL**

Bed and Breakfast

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
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<td>DL (9, 5, 2.5)</td>
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<td>MU C LM MI ADD BP PU PF QS DE UE</td>
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</table>

Dwelling Unit, Multiple Family, Two-Family (Duplex), Condominium

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
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<td>DL (9, 5, 2.5)</td>
<td>R-S1 R1-5 R1 R-S5 R3-8 R-M12 R3-30 AP</td>
<td>MU C LM MI ADD BP PU PF QS DE UE</td>
<td></td>
</tr>
</tbody>
</table>

Dwelling Unit, Single-Family (detached)

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1 R1-5 R1 R-S5 R3-8 R-M12 R3-30 AP</td>
<td>MU C LM MI ADD BP PU PF QS DE UE</td>
<td></td>
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</tbody>
</table>

Dwelling Unit - Second Units/Dependent Housing/Granny Flats

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
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<th>Business and Manufacturing</th>
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<tbody>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1 R1-5 R1 R-S5 R3-8 R-M12 R3-30 AP</td>
<td>MU C LM MI ADD BP PU PF QS DE UE</td>
<td></td>
</tr>
</tbody>
</table>

Day Care Center, Adult Day Health and Child Care (Subject to California Department of Social Services): ¹²

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1 R1-5 R1 R-S5 R3-8 R-M12 R3-30 AP</td>
<td>MU C LM MI ADD BP PU PF QS DE UE</td>
<td></td>
</tr>
</tbody>
</table>

Day Care Home, Large Family (14 or fewer children), (Subject to California

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>MU C LM MI ADD BP PU PF QS DE UE</td>
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</tbody>
</table>
### ZONE DISTRICT

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Social Services)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day Care Home, Small Family (8 or fewer children) (Subject to California</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Department of Social Services)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Homes not licensed by the State with 2 or more residents</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Single Room Occupancy Facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Transitional and Supportive Housing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Emergency and Homeless Shelters</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Care Facility (7 or more persons)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Residential Care Facility for 6 or fewer persons (includes facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>licensed and/or controlled by California Department of Social Services)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home Occupation (Use allowed subject to Chapter 17.95)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Fraternal/Sorority Hall, Rooming</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Home, Mobile Home (includes individual unit placed in a</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>residential subdivision)</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Manufactured/Mobile Home Parks</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile Homes Sales</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Model Home</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>Game Courts (Badminton/Tennis/Racquetball/Other) and Swimming Pool,</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Private</td>
<td></td>
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</tbody>
</table>

#### INSTITUTIONAL

| Educational                                                             |             |                          |                              |                                                                                                 |
## ZONE DISTRICT

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education Institution (including private, commercial, and vocational schools, <strong>card room related training only)</strong></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1-5</td>
<td>R1</td>
</tr>
<tr>
<td>Education Institution, Public (Subject to LDP approval)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Prisons/Correctional Facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Chiropractic/Physical Therapy Office</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Hospitals and Clinics</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Medical/Dental Offices</td>
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<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Laboratories, Medical and Dental</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Pharmacy (see also Drugstore)², ⁹</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Convalescent Hospital, Skilled Nursing Facility</td>
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<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Conference or Convention Centers</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Parks, Plazas and Trails</td>
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<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Visitor Centers</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>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.</td>
<td>C</td>
<td>C</td>
<td>C</td>
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</tbody>
</table>

### COMMERCIAL

<table>
<thead>
<tr>
<th>Alcoholic Beverage Establishments</th>
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</thead>
</table>

City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 545.), May 2016
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONE DISTRICT</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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</thead>
<tbody>
<tr>
<td>DL (9, 5, 2.5)</td>
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<td>R-S1</td>
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<td>R1-S5</td>
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<td>R-S5</td>
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<td>R3-S8</td>
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<td>R-M12</td>
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<td>R3-30</td>
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<td>AMENDMENTS – Amended (Ord 545), May 2016</td>
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<td>Alcoholic Beverage Onsite Sales in</td>
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<td>establishments open to persons over the</td>
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<td>legal drinking age exclusively, not</td>
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<td>allowed within 1,000 feet of any</td>
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<td>residential zoning district or residential</td>
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<td>use, churches, parks, and/or</td>
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<td>educational institutions²</td>
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<td>Alcoholic Beverage Onsite Sales in</td>
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<td>establishments open to persons over the</td>
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<td>legal drinking age exclusively, more</td>
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<td>than 1,000 feet from any residential</td>
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<td>zoning district or residential use,</td>
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<td>churches, parks, and/or educational</td>
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<td>institutions³</td>
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<td>Alcoholic Beverage Onsite Sales as part of</td>
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<td>a bona fide sit down (non-age-</td>
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<td>restricted) restaurant³</td>
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<td>Alcoholic Beverage Offsite Sales within a</td>
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<tr>
<td>supermarket or drug store³,³,⁹</td>
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<td>Alcoholic Beverage Offsite Sales in any</td>
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<td>store other than a supermarket or drug</td>
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<td>store³,³,⁹</td>
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<tr>
<td>Wineries³</td>
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<tr>
<td>Automobile Auction</td>
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<tr>
<td>Automobiles/Recreational Vehicles/Boats/</td>
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<tr>
<td>Motorcycles/Trucks⁴,⁵,⁶,⁷,⁸,⁹,¹⁰ Sales- New</td>
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<tr>
<td>&amp; Used, and Rentals</td>
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<tr>
<td>Service Station/Gas Station (Petroleum</td>
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<tr>
<td>Products), including automobile service</td>
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<tr>
<td>and Car Wash⁴,⁵</td>
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<tr>
<td>Parking Lot and Parking Garages,</td>
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<tr>
<td>Public⁴</td>
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<tr>
<td>LAND USE</td>
<td>RESIDENTIAL</td>
<td>COMMERCIAL AND MIXED USE</td>
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<td>R1</td>
<td>R-S5</td>
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<tr>
<td><strong>Automobile Accessory Sales and Installation</strong>, including parts supply (No overnight outside storage or parking; body work prohibited)⁴,⁶</td>
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<tr>
<td><strong>Automobile Service</strong> (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</td>
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<tr>
<td><strong>Automobile Minor Repair</strong> (Brakes, tires, radiators, electrical, etc. No overnight outside storage or parking; Paint, body work, upholstery prohibited)⁴,⁶</td>
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<tr>
<td><strong>Automobile Paint, Body, and Upholstery Shops</strong>⁴,⁶</td>
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<tr>
<td><strong>Cellular, Microwave Antenna/Towers and related equipment buildings</strong>⁵</td>
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<tr>
<td><strong>Gas Distribution, Meter, and Control Station</strong></td>
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<tr>
<td><strong>Electricity Distribution &amp; Transmission Substation (&lt;5,000 SF)</strong></td>
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<tr>
<td><strong>Electricity Distribution &amp; Transmission Substation (&gt;5,000 SF)</strong></td>
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<tr>
<td><strong>Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems &gt;500 Kw</strong>¹⁰</td>
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<tr>
<td><strong>Solar Energy and/or Wind Energy Conversion Systems &lt;500 Kw</strong></td>
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</table>

City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 545.), May 2016
### LAND USE

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<thead>
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<tbody>
<tr>
<td>DL (9, 5, 2.5)</td>
<td>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</td>
<td>Solar Energy and/or Wind Energy Conversion Systems &lt;25 Kw</td>
<td>P P P P P P P P P P C</td>
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<tr>
<td>Radio/Television Broadcasting Studios (including Recording Studios)</td>
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<td>P P P P P P A A</td>
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<tr>
<td>Telephone Repeater Stations</td>
<td>C C C C C C C</td>
<td>Eating and Drinking Establishments</td>
<td>C P P P P P</td>
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<tr>
<td>Bakery, Coffeehouse, Delicatessen, Ice Cream Parlor, and other similar eating establishments¹</td>
<td></td>
<td>Catering Service</td>
<td>C P P P P P</td>
<td></td>
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<tr>
<td>Nightclubs/Taverns/Bars²³</td>
<td>C C C</td>
<td></td>
<td>C C C</td>
<td></td>
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<tr>
<td>Restaurant, No Alcohol Sales</td>
<td>C P P P P P</td>
<td></td>
<td>Restaurant, Drive-Thru², no alcohol sales</td>
<td>C C C C</td>
</tr>
<tr>
<td>Restaurant, with Alcohol Sales³</td>
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<td></td>
<td>Restaurant, with Alcohol Sales³</td>
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<tr>
<td>Adult Business (subject to Adult Business Ordinance)</td>
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<td>Entertainment/Recreation</td>
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<tr>
<td>Amusement Park, Entertainment Center (including Arcade, Live Theater, Bowling, Ice and Roller Skating, Indoor Soccer and Hockey Arena)</td>
<td></td>
<td>Billiard/Pool Hall⁵</td>
<td>C C C C</td>
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<tr>
<td>Batting Cages, Indoor or Outdoor</td>
<td>P P P P P</td>
<td>Carnival, Circus, or Fair</td>
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<tr>
<td>Card Rooms⁶</td>
<td>C C</td>
<td>Club - Athletic, Health, or Recreation (including Dance Studios)</td>
<td>P P P P P P</td>
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<tr>
<td>Dance Hall/Dance Club</td>
<td>C C C C C</td>
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<td>C C C C C</td>
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<tr>
<td>LAND USE</td>
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<tr>
<td>Game Courts, Commercial</td>
<td>P</td>
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<tr>
<td>Golf Course and Driving Range, Clubhouse, Country Club</td>
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<tr>
<td>Movie Theater</td>
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<tr>
<td>Shooting Range, Indoor and Outdoor (outdoor ranges prohibited in the C and OS)</td>
<td>C</td>
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<tr>
<td>Stable, Public (Boarding/Riding) and Private - Boarding allowed as accessory use in DL</td>
<td>P</td>
<td>A</td>
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</tbody>
</table>

**Food and Beverage Stores**

| Convenience Market, Health Food Store\(^3,^9\)                           | C           | P                        | P                         | P                                                                                |
| Drug store\(^3,^9\)                                                       | P           | P                        | P                         |                                                                                  |
| Grocery Store, Retail, Discount, and Club Stores\(^3,^9\)                  | P           | P                        | P                         | P                                                                                |

**General Merchandise Stores**

| Department Store, Specialty Stores                                       | P           | P                        |                           |                                                                                  |
| Discount Stores, Home Improvement Center                                 | P           | P                        |                           |                                                                                  |

**Lodging**

| Hotel, Motel *(more than 50 rooms requires a CUP)*                       | P           | P*                       | P                         | P                                                                                |
| Recreational Vehicle Park and Campgrounds                                |             |                          | C                         | C                                                                                |

**Offices**

<p>| Administrative, Professional, and Other Related Offices                  | P           | P                        | A                         | A                                                                                |
| Financial Institutions (Banks, Credit Unions, Check Cashing, Pay Advance, | P           | P                        | P                         | P                                                                                |</p>
<table>
<thead>
<tr>
<th>LAND USE</th>
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<tbody>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1-5</td>
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<tr>
<td>Money Transfer, etc.</td>
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<tr>
<td>Copy Services, Postal Services, and Parcel Delivery Service</td>
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<tr>
<td>Barber/Beauty Shop/Cosmetologist/Massage Parlor/ Acupuncturist</td>
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<td>Cemetery/Mausoleums</td>
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<td>Dressmaker/Tailor Shop</td>
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<td>Dry Cleaner (Storefront Type); Laundry Service</td>
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<td>Funeral Parlor, Mortuary</td>
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<td>Repair and Maintenance Services</td>
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<tr>
<td>Shoe and Watch Repair/Sales, Locksmith</td>
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<td>Janitorial Service, Pest Control Service</td>
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<td>Retail</td>
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<tr>
<td>Temporary Uses and Structures (Subject to Section 17.75)</td>
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<tr>
<td>General Retail Sales (including the following: Antiques, Appliance Sales/Repairs; Art Gallery/Supplies; Books/Music; Clothing/Accessories; Costumes; Coins/Collectibles; Food Products; Glass Shops/Studios; Hardware; Hobby, Gift, and Floral Shops; Home Improvement Goods/Home Furnishings; Medical Supplies; Newsstands; Nursery/Garden</td>
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<tr>
<td>Equipment; Office Equipment/Supplies; Pet Shop; Photography Studio/Photofinishing; Sporting Goods; Toy Stores&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P</td>
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<tr>
<td>Pawnshop, Secondhand Store</td>
<td>P</td>
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<tr>
<td><strong>INDUSTRIAL</strong></td>
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<tr>
<td>Ambulance Service</td>
<td>P</td>
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<tr>
<td>Printing, Publishing, Bookbinding (including Lithographic and Newspaper Printing)</td>
<td>P</td>
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<tr>
<td>Recreational Vehicle Repair, Supplies</td>
<td>C&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P</td>
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<tr>
<td>Laboratories, Chemical, Research, and Testing</td>
<td>C</td>
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<tr>
<td>Machine/Sheet Metal Shop, Metal Engraving, Silk Screen Shop</td>
<td>C&lt;sup&gt;1&lt;/sup&gt;</td>
<td>C</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Industrial/Heavy Equipment, Sales, Service, and Rental (including, but not limited to Construction Equipment; Refrigeration; Vending Machines)</td>
<td>C</td>
<td>P</td>
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<tr>
<td>Junk, Salvage, Vehicle Wrecking, and Impound Yard</td>
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<tr>
<td>Outdoor Storage, as a Primary use</td>
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<td>Recycling Facilities, Commercial</td>
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<tr>
<td>Recycling Facilities, Public (collection only)</td>
<td>P</td>
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<tr>
<td>Sanitary Landfill, Waste Haulers, Material Recovery Facility</td>
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<tr>
<td>Sewage Treatment Plant</td>
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<tr>
<td>Upholstery Shop, Welding Shop</td>
<td>C&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P</td>
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<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1-5</td>
<td>R1</td>
</tr>
<tr>
<td>Building Materials/Lumber/Plumbing Supply Yard</td>
<td>T</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Construction Office (on the same site as the construction activity)</td>
<td>T</td>
<td>T</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Contractor Storage Yard, Machinery Storage Yard</td>
<td>T</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Horticultural (Landscape and Gardening) Services</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Assembly, Manufacturing (Including food and beverage production and processing), Restoration of Goods; Except Tires</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Batch plants, aggregate products and other similar manufacturing uses</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Dry Cleaning Plant, Large-Scale Commercial Type</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Oil Exploration, Drilling, and Production (Limited to areas w/minimum lot size)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Sand and Gravel Pit, subject to Surface Materials and Reclamation Act (SMARA)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Swap Meet</td>
<td>T</td>
<td>T</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Wholesale Businesses (Including Electrical, Mechanical, Carpentry, Cabinetry)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Warehouse/Distribution/Storage/Transportation</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 545), May 2016

12
### ZONE DISTRICT

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1-5</td>
<td>R1</td>
</tr>
<tr>
<td>Terminals), Truck Parking</td>
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<tr>
<td>Truck and Trailer (and similar heavy transportation equipment) Sales, Repair (all repair to be conducted entirely within an enclosed building)</td>
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<tr>
<td>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</td>
<td></td>
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</tr>
<tr>
<td>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)</td>
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</tbody>
</table>

**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.
RESOLUTION NO. P-16-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, FINDING THE APPROVAL OF CODE AMENDMENT 16-02 EXEMPT PURSUANT TO SECTION 15061 (B) (3) REVIEW FOR EXEMPTIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS THE CODE AMENDMENT WILL NOT CAUSE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND RECOMMENDING TO THE CITY COUNCIL DENIAL OF CODE AMENDMENT 16-02 TO AMEND TITLE 17, ADDING SECTION 17.80.090, AMENDING THE TABLE OF CONTENTS AND APPENDIX A OF THE ADELANTO MUNICIPAL CODE RELATING TO MEDICAL MARIJUANA RESEARCH DEVELOPMENT AND PROCESSING.

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

WHEREAS, a duly noticed public hearing was held before the Planning Commission on the 29th day of March, 2016; to hear public testimony and consider the proposal; and

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

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

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

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

Section 3. The Planning Commission finds and determines that the adoption of Code Amendment 16-02 exempt pursuant to Section 15061 (b) (3) Review for Exemptions of the California Environmental Quality Act because the Code Amendment will not cause a significant effect on the environment and the Planning Commission determinations reflect the independent judgment of the Planning Commission.

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

Section 5. The Planning Commission hereby finds and determines:

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

This finding is not met. Although, the amendment is in compliance with State Law and benefits Medical Marijuana patients, it is not in the public interest and will not result in a community benefit.

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

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

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

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

The proposed amendment is not a change to the land use policy map.

Section 6. The Planning Commission of the City of Adelanto hereby recommends to the City Council denial of Code Amendment 16-02.

Attachments:
Draft Ordinance 545
Draft Table of Contents
Draft Special Use Standards
Draft Appendix A

PASSED, DENIED AND ADOPTED this 29th day of March, 2016.

______________________________
Chris Waggener
Chairman to the Planning Commission

______________________________
Virginia Cervantes
Secretary to the Planning Commission
I, Virginia Cervantes, Planning Secretary for the Planning Commission of the City of Adelanto, California, do hereby certify that the foregoing Resolution No. P-16-08 was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Adelanto on the 29th day of March, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 29th day of March, 2016.

___________________________________
Virginia Cervantes
Secretary to the Planning Commission
DATE: September 23, 2015

TO: Honorable Mayor and City Council Members

FROM: Cindy Herrera, Interim City Manager

BY: Mark de Manincor, Senior Planner

SUBJECT: PUBLIC HEARING - ORDINANCE 539, CODE AMENDMENT 15-02 – PROPOSED AMENDMENT TO TITLE 17 OF THE ADELANTO MUNICIPAL CODE ADDING SECTION 17.80.080, AMENDING THE TABLE OF CONTENTS, AND APPENDIX A PERTAINING TO MEDICAL MARIJUANA CULTIVATION AND RESEARCH.

STAFF RECOMMENDATION:

Introduce for the first reading Ordinance 539, finding the approval of Code Amendment 15-02 exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) as the Code Amendment will not have a significant effect on the environment, adopting Code Amendment 15-02, and making findings in support thereof.

BACKGROUND:

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

However, California statutes such as the Compassionate Use Act of 1996 (Health and Safety Code, § 11362.5 added by Proposition 15) and the Medical Marijuana Program (Health and Safety Code § 11362.7 et seq.) have removed certain state law obstacles from the ability of qualified patients to obtain and use marijuana for legitimate medical purposes. On the federal level, there has likewise been a recent unwillingness to enforce federal laws pertaining to medical marijuana.

Notwithstanding the ability under California law for medical marijuana dispensaries to operate, the law is clear that cities have the ability to independently ban medical marijuana dispensaries within the city. (City of Riverside v. Inland Empire Patient Health and Wellness Center (2013) 51 Cal.4th 729.) Indeed, the City of Adelanto does not allow medical marijuana dispensaries within the City. (Adelanto Municipal Code, § 17.80.050.) It has been the policy of the City to vigorously enforce the ban on dispensaries within the City.
Prior Agendized Discussions On Medical Marijuana Cultivation and Research

The City Council has had multiple prior Council meeting discussions pertaining to medical marijuana cultivation and research and reviewed a draft ordinance on research/cultivation. The Planning Commission held a meeting, September 1, 2015 to discuss Medical Marijuana Cultivation and Research and voted 4-1, recommending approval of the draft ordinance with the following recommended changes.

1. Recommend the word, Research, be added to the title to now say, Medical Marijuana Cultivation and Research.
2. Recommend the Oversight Board be randomly drug tested.
3. Recommend an alternate be selected for the Planning Commission member on the Oversight Board.
4. Recommend the test period be 12 months instead of 6 months.
5. Recommend the Council require a permit fee be negotiated as a condition of approval for the Conditional Use Permit for a Medical Marijuana Cultivation and Research permit.
6. Recommend there be six permits allowed instead of five.

Attached to the staff report is the Planning Commission Staff Report and Ordinance 539 pertaining to cultivation/research. This ordinance is in a form that may be approved, denied or amended as directed by the Council.

For the medical marijuana cultivation/research ordinance, potential requirements that have been discussed include: allowing facilities only in the Industrial Park, requiring 25% of any proceeds to go to the Park and Recreation Fund, establishing fees, requiring all signage to be benign in nature such as simply the name of the organization, limiting the duration for any facility to twelve months, no restrictions on the hours of operation in the ordinance, having any size limitation on the facility be established by the required conditional use permit rather than the ordinance, limitations on the number of operators, and having the Oversight Board consist of 2 representatives from law enforcement, 1 from code enforcement, 1 from planning and 1 at large selection.

ENVIRONMENTAL IMPACT

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

FISCAL IMPACT:

Permitting fees are proposed to cover potential expenses incurred by the City.

ATTACHMENTS:

1. Ordinance 539
2. Planning Commission Staff Report
3. Draft Table of Contents
4. Draft Chapter 17.80
5. Draft Appendix A
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") which Guidelines affirm the legality of medical marijuana dispensaries under California law, but make clear that such entities cannot be operated for profit, may not purchase marijuana from unlawful sources and must have a defined organizational structure that includes detailed records proving that members are legitimate patients; 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 City of Adelanto (“City”) wishes to comply with California Law and allow for cultivation and research for 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 of Adelanto and limits impacts associated with marijuana cultivation; and

WHEREAS, the City of Adelanto intends to be on the forefront of ground breaking research, science, innovation and development of treatment for symptoms and cures in the field of medical cannabis. 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 and Research 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) “Cultivation” or “marijuana cultivation” means the following:

A. Scientific research, clinical studies, laboratory testing and beta testing of cannabinoids, cannabis, Tetrahydrocannabinol (THC) and Cannabidiol (CBD) for human medical patients, animals, consumer products, and industrial hemp materials.

B. Cultivation of medical cannabis and industrial hemp either indoor or within external greenhouses.

C. Manufacturing of cannabis and hemp related consumer products
D. Extraction of whole plant cannabis into concentrate form of Tetrahydrocannabinol (THC) and Cannabidiol (CBD)

E. Compounding of synthetic and natural cannabis, THC, CBD, and hemp oil for pharmaceutical use.

(2) “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.

(3) “Indoors” means within a fully enclosed and secure structure

(4) “Medical Marijuana” and “Medical Cannabis” are defined in strict accordance with California Health and Safety Code section 11362.5 and 11362.8 et seq.

(5) “Outdoors” means any location within the City that is not within a fully enclosed and secure structure.

(6) “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.

(7) “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.

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. No more than six (6) Medical Marijuana Cultivation Permits shall be issued and valid at any one time in the City.

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.

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. No Medical Marijuana Cultivation facility shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided for the Medical Marijuana Cultivation facility’s actual expenses of the cultivation of medical marijuana shall be allowed provided that they are in strict compliance with State Law. All Medical Marijuana Cultivation facilities shall be operated as a 501(c)(3) Mutual Benefit Corporation. All such cash and in-kind amounts and items shall be fully documented. If
California and federal law changes to allow for the operation of such facilities for profit and recreational use, then such limitations in this subsection may be removed.

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 Adelanto 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 dispensary 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. No one under 18 years of age shall be permitted to enter a Medical Marijuana Cultivation facility, unless such person is a qualified patient and is accompanied by his or her Primary Caregiver, licensed Attending Physician, parent(s) or documented legal guardian.

Q. 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.
R. 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.

S. 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;

T. 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.

U. Any and all permits permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void on May 30, 2025, unless otherwise extended by 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 Dispensary 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 as a bona fide non-profit dispensary, affiliation, association, or collective of persons comprised exclusively and entirely of qualified patients and the primary caregivers of those patients in strict accordance with the Compassionate Use Act.

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 for a regulatory permit, including any person who is managing or is otherwise responsible for the activities of the dispensary, and any employee, and shall prepare a report on the acceptability of the applicant's background and the suitability of the proposed location. Upon completing the review process, the application shall be deemed a qualified application subject to the final certification and approval by the City Council pursuant to the allotment process, 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, or the City Council pursuant to the allotment process, may impose reasonable terms and conditions on the proposed operations in addition to those specified in this Section. A Medical Marijuana Cultivation permit issued pursuant to this Section is not transferable.

M. The City Manager will accept applications for Medical Marijuana Cultivation Permits during a ninety (90) day period commencing on the effective date of this Section. Such 90 day time period plus an additional 30 days to complete the reviews and the preparation of the reports called for in this Section shall be considered the "Application Period." In the event there are no more than six (6) qualified applications submitted during the Application Period and determined to be conditionally qualified by the City Manager, the City Manager shall refer the applications to the City Council with a recommendation that the City Council approve the issuance of a Medical Marijuana Cultivation Permits to the applicants, subject to full compliance with the provisions of this Section and any conditions of approval. In the event six (6) or more applications have been determined to be qualified by the City Manager during the Application Period, the City Manager shall submit the qualified applications and the City Manager report on each application to the City Council for review and consideration. The qualified applications shall be considered concurrently by the City Council at a public hearing noticed and conducted pursuant to the provisions of Sections 17.100.040 and 17.100.050 of this Code. The City Council shall consider the qualified applications after evaluating the applications on their respective merits and the City
Council may conditionally approve each qualified application or deny one or more of such applications if the Council makes one or more of the findings listed in Subsection (d)(2)K. The City Council 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 Adelanto. The six highest ranked qualified applications shall be granted Medical Marijuana Cultivation Permits pursuant to this Section.

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 or the City Council, 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 agreement indemnifying the City;

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 for park, recreation, and community facilities to offset the potential deleterious effects of the location of Medical Marijuana Cultivation facilities within the jurisdiction of the City. Twenty-five percent (25%) of revenue from such agreement shall be placed in a separate City account to fund park, recreation and community services.

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 dispensary 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 approval, conditional approval, denial, or revocation of a Medical Marijuana Cultivation Permit may be appealed to the City Council. 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. Filing of an appeal shall suspend the issuance of all Medical Marijuana Cultivation Permits until action is taken on the appeal.

6. In the event a qualified operator that receives an allotment under Subsection (d)(2)M of this Section ceases to operate for any reason, the City Manager shall reopen the allotment process and provide an opportunity for new applications to be submitted. The time periods and process provided in Subsection (d)(2)M shall be applied to the review and consideration of applications and the allotment of a Medical Marijuana Cultivation Permit.

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 from the effective date of this ordinance, unless otherwise extended by the City Council. Unless extended, upon the conclusion of the twelve (12) month time period, Medical Marijuana Cultivation facilities shall be a prohibited use and any rights obtained pursuant to this Section or any other rules or agreements shall cease.

(e) Oversight Committee. The City of Adelanto shall create an oversight committee to oversee activities of the license holders to ensure all applicable state laws are enforced, all restrictive covenants of this ordinance are enforced, and that no illegal activity is conducted. The City of Adelanto 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 licenses. The Oversight Committee shall be appointed by the City Council and shall consist of five (5) total members with two (2) members from law enforcement, one (1) member from code enforcement, one (1) member from planning, and one (1) at-large appointment.

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.) and the Medical Marijuana Program Act" (codified as Health and Safety Code § 11362.7 et seq.).

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 or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then the provisions of Section 1 through 8, inclusive, of this Ordinance shall be deemed invalid and unenforceable and the dispensing of marijuana for any reason in any zone shall be deemed a prohibited use under the City's Zoning Code. The City Council hereby declares that it would not have adopted this Ordinance if any of the sections or provisions thereof may be declared invalid or unconstitutional or contravened via legislation.
Section 8. By regulating Indoor Medical Marijuana Cultivation facilities, the City of Adelanto is only assuming an undertaking to preserve the general welfare through the provision of a method of implementing 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 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.

PASSED, APPROVED AND ADOPTED THIS 14th DAY OF OCTOBER, 2015.

________________________________________
Rich Kerr
Mayor of the City of Adelanto

________________________________________
Cindy Herrera, MMC
City Clerk

APPROVED AS TO FORM:

________________________________________
Todd O. Litfin, City Attorney
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 23rd day of September, 2015 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on this 14th day of October, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 14th day of October, 2015.

________________________________________
Cindy Herrera, MMC
City Clerk

SEAL
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APPENDICES

Appendix A: Regulation of Uses by Zoning District
CHAPTER 17.80
SPECIAL USE STANDARDS

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) “Cultivation” or “marijuana cultivation” means the following:
A. Scientific research, clinical studies, laboratory testing and beta testing of cannabinoids, cannabis, Tetrahydrocannabinol (THC) and Cannabidiol (CBD) for human medical patients, animals, consumer products, and industrial hemp materials.

B. Cultivation of medical cannabis and industrial hemp either indoor or within external greenhouses.

C. Manufacturing of cannabis and hemp related consumer products

D. Extraction of whole plant cannabis into concentrate form of Tetrahydrocannabinol (THC) and Cannabidiol (CBD)

E. Compounding of synthetic and natural cannabis, THC, CBD, and hemp oil for pharmaceutical use.

(2) “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.

(3) “Indoors” means within a fully enclosed and secure structure

(4) “Medical Marijuana” and “Medical Cannabis” are defined in strict accordance with California Health and Safety Code section 11362.5 and 11362.8 et seq.

(5) “Outdoors” means any location within the City that is not within a fully enclosed and secure structure.

(6) “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.

(7) “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.

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. No more than six (6) Medical Marijuana Cultivation Permits shall be issued and valid at any one time in the City.

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.
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. No Medical Marijuana Cultivation facility shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided for the Medical Marijuana Cultivation facility’s actual expenses of the cultivation of medical marijuana shall be allowed provided that they are in strict compliance with State Law. All Medical Marijuana Cultivation facilities shall be operated as a 501(c)(3) Mutual Benefit Corporation. All such cash and in-kind amounts and items shall be fully documented. If California and federal law changes to allow for the operation of such facilities for profit and recreational use, then such limitations in this subsection may be removed.

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 Adelanto 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 dispensary is prohibited.

N. Signage for the Medical Marijuana Cultivation facility shall be limited to name of business only and in compliance with the City’ 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. No one under 18 years of age shall be permitted to enter a Medical Marijuana Cultivation facility, unless such person is a qualified patient and is accompanied by his or her Primary Caregiver, licensed Attending Physician, parent(s) or documented legal guardian.

Q. 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.

R. 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.

S. 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;

T. 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.

U. Any and all permits permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void on May 30, 2025, unless otherwise extended by 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 Dispensary 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 as a bona fide non-profit dispensary, affiliation, association, or collective of persons comprised exclusively and entirely of qualified patients and the primary caregivers of those patients in strict accordance with the Compassionate Use Act.

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 for a regulatory permit, including any person who is managing or is otherwise responsible for the activities of the dispensary, and any employee, and shall prepare a report on the acceptability of the applicant's background and the suitability of the proposed location. Upon
completing the review process, the application shall be deemed a qualified application subject to the final certification and approval by the City Council pursuant to the allotment process, 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, or the City Council pursuant to the allotment process, may impose reasonable terms and conditions on the proposed operations in addition to those specified in this Section. A Medical
Marijuana Cultivation permit issued pursuant to this Section is not transferable.

M. The City Manager will accept applications for Medical Marijuana Cultivation Permits during a ninety (90) day period commencing on the effective date of this Section. Such 90 day time period plus an additional 30 days to complete the reviews and the preparation of the reports called for in this Section shall be considered the "Application Period." In the event there are no more than six (6) qualified applications submitted during the Application Period and determined to be conditionally qualified by the City Manager, the City Manager shall refer the applications to the City Council with a recommendation that the City Council approve the issuance of a Medical Marijuana Cultivation Permits to the applicants, subject to full compliance with the provisions of this Section and any conditions of approval. In the event six (6) or more applications have been determined to be qualified by the City Manager during the Application Period, the City Manager shall submit the qualified applications and the City Manager report on each application to the City Council for review and consideration. The qualified applications shall be considered concurrently by the City Council at a public hearing noticed and conducted pursuant to the provisions of Sections 17.100.040 and 17.100.050 of this Code. The City Council shall consider the qualified applications after evaluating the applications on their respective merits and the City Council may conditionally approve each qualified application or deny one or more of such applications if the Council makes one or more of the findings listed in Subsection (d)(2). The City Council 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 Adelanto. The six highest ranked qualified applications shall be granted Medical Marijuana Cultivation Permits pursuant to this Section.

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 or the City Council, 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 agreement indemnifying the City;

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 for park, recreation, and community facilities to offset the potential deleterious effects of the location of Medical Marijuana Cultivation facilities within the jurisdiction of the City. Twenty-five percent (25%) of revenue from such agreement shall be placed in a separate City account to fund park, recreation and community services.

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 dispensary 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 approval, conditional approval, denial, or revocation of a Medical Marijuana Cultivation Permit may be appealed to the City Council. 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. Filing of an appeal shall suspend the issuance of all Medical Marijuana Cultivation Permits until action is taken on the appeal.

6. In the event a qualified operator that receives an allotment under Subsection (d)(2)M of this Section ceases to operate for any reason, the City Manager shall reopen the allotment process and provide an opportunity for new applications to be submitted. The time periods and process provided in Subsection (d)(2)M shall be applied to the review and consideration of applications and the allotment of a Medical Marijuana Cultivation Permit.

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 from the effective date of this ordinance, unless otherwise extended by the City Council. Unless extended, upon the conclusion of the twelve (12) month time period, Medical Marijuana Cultivation facilities shall be a prohibited use and any rights obtained pursuant to this Section or any other rules or agreements shall cease.

(e) Oversight Committee. The City of Adelanto shall create an oversight committee to oversee activities of the license holders to ensure all applicable state laws are enforced, all restrictive covenants of this ordinance are enforced, and that no illegal activity is conducted. The City of Adelanto 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 licenses. The Oversight Committee shall be appointed by the City Council and shall consist of five (5) total members with two (2) members from law enforcement, one (1) member from code enforcement, one (1) member from planning, and one (1) at-large appointment.
## 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)

<table>
<thead>
<tr>
<th>Residential Zoning Districts:</th>
<th>Commercial and Mixed Use Zoning Districts:</th>
<th>Business Park and Manufacturing Zoning Districts:</th>
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<tr>
<td>DL-9 = Desert Living 1 unit/9 acres</td>
<td>C = General Commercial</td>
<td>LM = Light Manufacturing</td>
<td>PU = Public Utility</td>
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<td>DL-5 = Desert Living 1 unit/5 acres</td>
<td>MU = Mixed Use</td>
<td>MI = Manufacturing Industrial</td>
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<td>DL-2.5 = Desert Living 1 unit/2.5 acres</td>
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<td>R-S1 = Single Family Residential</td>
<td>BP = Business Park</td>
<td>DE = Greenbelt Corridor: Drainage Easement</td>
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<td>R1-.5 = Single Family Residential (1/2 Acre)</td>
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<td>UE = Greenbelt Corridor: Utility Easement</td>
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<td>R1 = Single Family Residential</td>
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<td>R-S5 = Single Family Residential</td>
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<td>R3-8 = Medium Density Residential</td>
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<td>R-M12 = Medium Density Residential</td>
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Residential R3-30 =
High Density Residential

AP = Airport Park
### AGRICULTURAL PRODUCTION and ANIMAL SERVICES

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<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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<td>Animal Shelter (on lots greater than 2.5 acres only)</td>
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### RESIDENTIAL

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<td>Single Room Occupancy Facilities</td>
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<tr>
<td>Transitional and Supportive Housing</td>
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<tr>
<td>Emergency and Homeless Shelters</td>
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<tr>
<td>Residential Care Facility (7 or more persons)</td>
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<tr>
<td>Residential Care Facility for 6 or fewer persons (includes facilities licensed and/or controlled by California Department of Social Services)</td>
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<td>Home Occupation (Use allowed subject to Chapter 17.95)</td>
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<tr>
<td>Fraternal/Sorority Hall, Rooming</td>
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<tr>
<td>Manufactured Home, Mobile Home (includes individual unit placed in a residential subdivision)</td>
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<tr>
<td>Manufactured/Mobile Home Parks</td>
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<tr>
<td>Mobile Homes Sales</td>
<td>P P</td>
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<td>Model Home</td>
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<td>Game Courts (Badminton/Tennis/Racquetball/Other) and Swimming Pool, Private</td>
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<td><strong>Institutional</strong></td>
<td>Educational</td>
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<tr>
<td>Education Institution (including private, commercial, and vocational schools,</td>
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<tr>
<td>LAND USE</td>
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<td>Commercial and Mixed Use</td>
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<td>R-S1 R1-5 R1 R-S5 R3-6 R-M12 R3-30 AP AP MU C LM MI ADD BP PU PF OS DE UE</td>
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<td><strong>card room related training only)</strong></td>
<td>Education Institution, Public (Subject to LDP approval)</td>
<td>P P P P P P P P P P P</td>
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<tr>
<td><strong>card room related training only)</strong></td>
<td>Prisons/Correctional Facilities</td>
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<tr>
<td>Medical</td>
<td>Chiropractic/Physical Therapy Office</td>
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<td>Medical</td>
<td>Hospitals and Clinics</td>
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<td>Medical</td>
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<td>Laboratories, Medical and Dental</td>
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<tr>
<td>Medical</td>
<td>Pharmacy (see also Drugstore)¹² ⁹</td>
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<tr>
<td>Medical</td>
<td>Convalescent Hospital, Skilled Nursing Facility</td>
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<td>Medical</td>
<td>Medical Marijuana Cultivation and Research ¹³</td>
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<tr>
<td>Public</td>
<td>Conference or Convention Centers</td>
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<td>Public</td>
<td>Parks, Plazas and Trails</td>
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<td>Public</td>
<td>Visitor Centers</td>
<td>P P</td>
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<tr>
<td>Religious/Non-Profit</td>
<td>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.</td>
<td>C C C C C C C C C P P C C C C C C</td>
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<tr>
<td><strong>COMMERCIAL</strong></td>
<td>Alcoholic Beverage Establishments</td>
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City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 539), October 2015

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<thead>
<tr>
<th>LAND USE</th>
<th>ZONE DISTRICT</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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<tr>
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<td>R-S1</td>
<td>R1-5</td>
<td>R1</td>
<td>R-S5</td>
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<tr>
<td>Alcoholic Beverage Onsite Sales in establishments open to persons over the legal drinking age exclusively, not allowed within 1,000 feet of any residential zoning district or residential use, churches, parks, and/or educational institutions</td>
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<tr>
<td>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</td>
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<tr>
<td>Alcoholic Beverage Onsite Sales as part of a bona fide sit down (non-age restricted) restaurant</td>
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<tr>
<td>Alcoholic Beverage Offsite Sales within a supermarket or drug store</td>
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<tr>
<td>Alcoholic Beverage Offsite Sales in any store other than a supermarket or drug store</td>
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<td>Wineries</td>
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<td>Automobile, Vehicle Rentals and Sales Related Uses</td>
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<td>Automobile Auction</td>
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<tr>
<td>Automobiles/Recreational Vehicles/Boats/Motorcycles/Trucks Sales- New &amp; Used, and Rentals</td>
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<tr>
<td>Service Station/Gas Station (Petroleum Products), including automobile service and Car Wash</td>
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<td>Parking Lot and Parking Garages, Public</td>
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<td>LAND USE</td>
<td>RESIDENTIAL</td>
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<td>DL (9, 5, 2.5)</td>
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<td>R1-5</td>
<td>R1</td>
<td>R-S5</td>
<td>R3-6</td>
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<tr>
<td>Automobile Accessory Sales and Installation, including parts supply (No overnight outside storage or parking; body work prohibited)</td>
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<tr>
<td>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)</td>
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<tr>
<td>Automobile Minor Repair (Brakes, tires, radiators, electrical, etc. No overnight outside storage or parking; Paint, body work, upholstery prohibited)</td>
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<tr>
<td>Automobile Paint, Body, and Upholstery Shops</td>
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**Communications/Utilities Distribution and Transmission**

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<th>RESIDENTIAL</th>
<th>COMMERCIAL AND MIXED USE</th>
<th>BUSINESS AND MANUFACTURING</th>
<th>PUBLIC FACILITY, PUBLIC UTILITY, OPEN SPACE, PUBLIC LAND AND SCHOOLS AND GREENBELT CORRIDORS DISTRICTS</th>
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<tbody>
<tr>
<td>Cellular, Microwave Antenna/Towers and related equipment buildings</td>
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<tr>
<td>Gas Distribution, Meter, and Control Station</td>
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<tr>
<td>Electricity Distribution &amp; Transmission Substation (&lt;5,000 SF)</td>
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<tr>
<td>Electricity Distribution &amp; Transmission Substation (&gt;5,000 SF)</td>
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<tr>
<td>Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems &gt;500 Kw</td>
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<td>Solar Energy and/or Wind Energy Conversion Systems &lt;500 Kw</td>
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<td>LAND USE</td>
<td>ZONE DISTRICT</td>
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<td>Business and Manufacturing</td>
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<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1-5</td>
<td>R1</td>
</tr>
<tr>
<td>Radio/Television Broadcasting Studios (including Recording Studios)</td>
<td>P</td>
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<tr>
<td>Telephone Repeater Stations</td>
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<td>Eating and Drinking Establishments</td>
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<td>P</td>
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<tr>
<td>Bakery, Coffeehouse, Delicatessen, Ice Cream Parlor, and other similar eating establishments</td>
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<tr>
<td>Catering Service</td>
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<tr>
<td>Nightclubs/Taverns/Bars</td>
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<td>C</td>
<td>C</td>
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<tr>
<td>Restaurant, No Alcohol Sales</td>
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<tr>
<td>Restaurant, Drive-Thru, no alcohol sales</td>
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<tr>
<td>Restaurant, with Alcohol Sales</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>Entertainment/Recreation</td>
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<td>C</td>
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<tr>
<td>Adult Business (subject to Adult Business Ordinance)</td>
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<tr>
<td>Amusement Park, Entertainment Center (including Arcade, Live Theater, Bowling, Ice and Roller Skating, Indoor Soccer and Hockey Arena)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Billiard/Pool Hall</td>
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<td>C</td>
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<tr>
<td>Batting Cages, Indoor or Outdoor</td>
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<td>P</td>
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<tr>
<td>Card Rooms</td>
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<td>C</td>
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<tr>
<td>Carnival, Circus, or Fair</td>
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<tr>
<td>Club - Athletic, Health, or Recreation (including Dance Studios)</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Dance Hall/Dance Club</td>
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<td>C</td>
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<tr>
<td>LAND USE</td>
<td>Residential</td>
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<td>DL (9, 5, 2.5)</td>
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<tr>
<td>Game Courts, Commercial</td>
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<td>P P P P P P P C</td>
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<tr>
<td>Golf Course and Driving Range, Clubhouse, Country Club</td>
<td>C C C C C C C C C C C</td>
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<tr>
<td>Movie Theater</td>
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<tr>
<td>Shooting Range, Indoor and Outdoor (outdoor ranges prohibited in the C and OS)</td>
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<td>C C C C C C C</td>
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<tr>
<td>Stable, Public (Boarding/Riding) and Private - Boarding allowed as accessory use in DL</td>
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<td>A C C</td>
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</tbody>
</table>

**Food and Beverage Stores**

| Convenience Market, Health Food Store^{3,0} | | C P P P P P |
| Drug store^{2,3,9} | | P P P |
| Grocery Store, Retail, Discount, and Club Stores^{3,5} | | P P P P P |

**General Merchandise Stores**

| Department Store, Specialty Stores | | P P |
| Discount Stores, Home Improvement Center | | P P P |

**Lodging**

| Hotel, Motel *(more than 50 rooms requires a CUP)* | | P P* P P |
| Recreational Vehicle Park and Campgrounds | | C C C |

**Offices**

| Administrative, Professional, and Other Related Offices | | P P P A A P A |
| Financial Institutions (Banks, Credit Unions, Check Cashing, Pay Advance, | | P P P P P P |

City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 539.), October 2015
<table>
<thead>
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<td>R1 R-S5 R3-8 R-M12 R3-30</td>
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<tr>
<td>Money Transfer, etc.)*</td>
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<tr>
<td>Copy Services, Postal Services, and Parcel Delivery Service</td>
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<tr>
<td>Barber/Beauty Shop.Cosmetologist/Massage Parlor/ Acupuncturist</td>
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<tr>
<td>Cemetery/Mausoleums</td>
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<tr>
<td>Dressmaker/Tailor Shop</td>
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<tr>
<td>Dry Cleaner (Storefront Type); Laundry Service*</td>
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<tr>
<td>Funeral Parlor, Mortuary</td>
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<tr>
<td>Shoemake/Watch Repair/Sales, Locksmith</td>
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<tr>
<td>Janitorial Service, Pest Control Service</td>
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<tr>
<td>Temporary Uses and Structures (Subject to Section 17.75)</td>
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<tr>
<td>General Retail Sales (including the following: Antiques, Appliance Sales/Repairs; Art Gallery/Supplies; Books/Music; Clothing/Accessories; Costumes; Coins/Collectibles; Food Products; Glass Shops/ Studios; Hardware; Hobby, Gift, and Floral Shops; Home Improvement Goods/Home Furnishings; Medical Supplies; Newsstands; Nursery/Garden</td>
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<td>R-S5</td>
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<td>Equipment; Office Equipment/Supplies; Pet Shop; Photography Studio/Photofinishing; Sporting Goods; Toy Stores*</td>
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<td>Pawnshop, Secondhand Store</td>
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<td><strong>INDUSTRIAL</strong></td>
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<td>Ambulance Service</td>
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<td>Printing, Publishing, Bookbinding (including Lithographic and Newspaper Printing)</td>
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<td>Recreational Vehicle Repair, Supplies</td>
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<td>Laboratories, Chemical, Research, and Testing</td>
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<tr>
<td>Machine/Sheet Metal Shop, Metal Engraving, Silk Screen Shop</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Industrial/Heavy Equipment, Sales, Service, and Rental (including, but not limited to Construction Equipment; Refrigeration; Vending Machines)</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td></td>
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</tr>
<tr>
<td>Junk, Salvage, Vehicle Wrecking, and Impound Yard</td>
<td>C</td>
<td>C</td>
<td></td>
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</tr>
<tr>
<td>Outdoor Storage, as a Primary use</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling Facilities, Commercial</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling Facilities, Public (collection only)</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Sanitary Landfill, Waste Haulers, Material Recovery Facility</td>
<td>C</td>
<td></td>
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<tr>
<td>Sewage Treatment Plant</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Upholstery Shop, Welding Shop</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>
## LAND USE

<table>
<thead>
<tr>
<th>ZONE DISTRICT</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1</td>
<td>R-S5</td>
</tr>
<tr>
<td>Building Materials/Lumber/Plumbing Supply Yard</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Construction Office (on the same site as the construction activity)</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
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<tr>
<td>Contractor Storage Yard, Machinery Storage Yard</td>
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<td></td>
</tr>
<tr>
<td>Horticultural (Landscape and Gardening) Services</td>
<td>C</td>
<td></td>
<td></td>
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<tr>
<td>Assembly, Manufacturing (Including food and beverage production and processing), Restoration of Goods; Except Tires</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Batch plants, aggregate products and other similar manufacturing uses</td>
<td></td>
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<tr>
<td>Dry Cleaning Plant, Large-Scale Commercial Type</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Oil Exploration, Drilling, and Production (Limited to areas w/minimum lot size)</td>
<td></td>
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<tr>
<td>Sand and Gravel Pit, subject to Surface Materials and Reclamation Act (SMARA)</td>
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<tr>
<td>Swap Meet</td>
<td></td>
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<tr>
<td>Wholesale Businesses (Including Electrical, Mechanical, Carpentry, Cabinetry)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse/Distribution/Storage/Transportation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer, Moving, and Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Truck Terminals (includes Freight to Freight, Cross Dock, Parcel Delivery)</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### Construction

- **Building Materials/Lumber/Plumbing Supply Yard**: P P P
- **Construction Office (on the same site as the construction activity)**: T T T T T T T T T T T T
- **Contractor Storage Yard, Machinery Storage Yard**: T C C C
- **Horticultural (Landscape and Gardening) Services**: P P P P P

### Manufacture and Wholesale

- **Assembly, Manufacturing (Including food and beverage production and processing), Restoration of Goods; Except Tires**: 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

### Warehouse/Distribution/Storage/Transportation

- **Transfer, Moving, and Storage**: C C C
- **Truck Terminals (includes Freight to Freight, Cross Dock, Parcel Delivery)**: C C
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONE DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residential</td>
</tr>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
</tr>
<tr>
<td>Terminals), Truck Parking</td>
<td>C¹</td>
</tr>
<tr>
<td>Truck and Trailer (and similar heavy transportation equipment) Sales, Repair (all repair to be conducted entirely within an enclosed building)²</td>
<td>C¹</td>
</tr>
<tr>
<td>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.</td>
<td>C¹</td>
</tr>
<tr>
<td>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)</td>
<td>C¹</td>
</tr>
</tbody>
</table>

**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.
DATE: September 1, 2015

TO: Honorable Chairman and Members of the Planning Commission

FROM: Mark de Manincor, Senior Planner

SUBJECT: Code Amendment 15-02 Proposed amendment to Title 17 of the Adelanto Municipal Code adding Section 17.80.080, and amending the Table of Contents and Appendix A relating to Medical Marijuana Cultivation.

STAFF RECOMMENDATION:

Adopt Resolution 15-07 recommending to the City Council, Approval, Denial or Modification to Code Amendment 15-02 in reference to the Draft Ordinance for the Cultivation of Medical Marijuana.

BACKGROUND:

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

However, California statutes such as the Compassionate Use Act of 1996 (Health and Safety Code, § 11362.5 added by Proposition 15) and the Medical Marijuana Program (Health and Safety Code § 11362.7 et seq.) have removed certain state law obstacles from the ability of qualified patients to obtain and use marijuana for legitimate medical purposes. On the federal level, there has likewise been a recent unwillingness to enforce federal laws pertaining to medical marijuana.

Notwithstanding the ability under California law for medical marijuana dispensaries to operate, the law is clear that cities have the ability to independently ban medical marijuana dispensaries within the city. (City of Riverside v. Inland Empire Patient Health and Wellness Center (2013) 51 Cal.4th 729.) Indeed, the City of Adelanto does not allow medical marijuana dispensaries within the City. (Adelanto Municipal Code, § 17.80.050.) It has been the policy of the City to vigorously enforce the ban on dispensaries within the City.

Prior City Council Agendized Discussions On Medical Marijuana

The City Council has had multiple prior Council meeting discussions pertaining to medical marijuana
and reviewed draft ordinances on both dispensaries and research/cultivation. Attached to the staff report is a draft ordinance pertaining to cultivation/research. This ordinance is not in final form and is for discussion purposes only, and may be revised as directed by the Planning Commission.

For the medical marijuana cultivation/research ordinance, potential requirements that have been discussed include: allowing facilities only in the Industrial Park, requiring 25% of any proceeds to go to the Park and Recreation Fund, establishing fees, requiring all signage to be benign in nature such as simply the name of the organization, limiting the duration for any facility to six months, no restrictions on the hours of operation in the ordinance, having any size limitation on the facility be established by the required conditional use permit rather than the ordinance, limitations on the number of operators, and having the Oversight Board consist of 2 representatives from law enforcement, 1 from code enforcement, 1 from planning and 1 at large selection.

**ENVIRONMENTAL IMPACT**

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

**FISCAL IMPACT:**

Permitting fees are proposed to cover potential expenses incurred by the City.

**ATTACHMENTS:**

1. Resolution 15-07
2. Draft Cultivation Ordinance
3. Marijuana Workshop Staff Report
4. Draft Table of Contents
5. Draft Chapter 17.80
6. Draft Appendix A
RESOLUTION NO. P-15-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, FINDING THE APPROVAL OF CODE AMENDMENT 15-02 EXEMPT PURSUANT TO SECTION 15061 (B) (3) REVIEW FOR EXEMPTIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS THE CODE AMENDMENT WILL NOT CAUSE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND RECOMMENDING TO THE CITY COUNCIL ADOPTION OF CODE AMENDMENT 15-02 TO AMEND TITLE 17, ADDING SECTION 17.80.080, AMENDING THE TABLE OF CONTENTS AND APPENDIX A OF THE ADELANTO MUNICIPAL CODE RELATING TO MEDICAL MARIJUANA CULTIVATION.

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

WHEREAS, a duly noticed public hearing was held before the Planning Commission on the 1st day of September, 2015; to hear public testimony and consider the proposal; and

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

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

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

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

Section 3. The Planning Commission finds and determines that the adoption of Code Amendment 15-02 exempt pursuant to Section 15061 (b) (3) Review for Exemptions of the California Environmental Quality Act because the Code Amendment will not cause a significant effect on the environment and the Planning Commission determinations reflect the independent judgment of the Planning Commission.

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

Section 5. The Planning Commission hereby finds and determines:

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

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

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

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

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

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

The proposed amendment is not a change to the land use policy map.

Section 6. The Planning Commission of the City of Adelanto hereby recommends to the City Council adoption of Code Amendment 15-02.

Attachments:
- Ordinance 539
- Table of Contents
- Special Use Standards
- Appendix A

PASSED, APPROVED AND ADOPTED this 1st day of September, 2015.

Chris Waggener
Chairman to the Planning Commission

Mark de Manincor
Secretary to the Planning Commission
I, Mark de Manincor, Planning Secretary for the Planning Commission of the City of Adelanto, California, do hereby certify that the foregoing Resolution No. P-15-07 was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Adelanto on the 1st day of September, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 1st day of September, 2015.

_________________________________
Mark de Manincor
Secretary to the Planning Commission
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") which Guidelines affirm the legality of medical marijuana dispensaries under California law, but make clear that such entities cannot be operated for profit, may not purchase marijuana from unlawful sources and must have a defined organizational structure that includes detailed records proving that members are legitimate patients; 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 City of Adelanto (“City”) wishes to comply with California Law and allow for cultivation and research for 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 of Adelanto and limits impacts associated with marijuana cultivation; and

WHEREAS, the City of Adelanto intends to be on the forefront of ground breaking research, science, innovation and development of treatment for symptoms and cures in the field of medical cannabis. 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. “Cultivation” or “marijuana cultivation” means the following:
   a. Scientific research, clinical studies, laboratory testing and beta testing of cannabinoids, cannabis, Tetrahydrocannabinol (THC) and Cannabidiol (CBD) for human medical patients, animals, consumer products, and industrial hemp materials.
   b. Cultivation of medical cannabis and industrial hemp either indoor or within external greenhouses.
   c. Manufacturing of cannabis and hemp related consumer products
d. Extraction of whole plant cannabis into concentrate form of Tetrahydrocannabinol (THC) and Cannabidiol (CBD)

e. Compounding of synthetic and natural cannabis, THC, CBD, and hemp oil for pharmaceutical use.

2. “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.

3. “Indoors” means within a fully enclosed and secure structure

4. “Medical Marijuana” and “Medical Cannabis” are defined in strict accordance with California Health and Safety Code section 11362.5 and 11362.8 et seq.

5. “Outdoors” means any location within the City that is not within a fully enclosed and secure structure.

6. “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.

7. “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.

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. No more than five (5) Medical Marijuana Cultivation Permits shall be issued and valid at any one time in the City.

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.

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. No Medical Marijuana Cultivation facility shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided for the Medical Marijuana Cultivation facility’s actual expenses of the cultivation of medical marijuana shall be allowed provided that they are in strict compliance with State Law. All Medical Marijuana Cultivation facilities shall be operated as a 501(c)(3) Mutual Benefit Corporation. All such cash and in-kind amounts and items shall be fully documented. If California and federal law changes to allow for the operation of such facilities for profit and recreational use, then such limitations in this subsection may be removed.
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 Adelanto 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 dispensary 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. No one under 18 years of age shall be permitted to enter a Medical Marijuana Cultivation facility, unless such person is a qualified patient and is accompanied by his or her Primary Caregiver, licensed Attending Physician, parent(s) or documented legal guardian.

q. 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.

r. 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.
s. 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;

t. 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.

u. Any and all permits permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void on May 30, 2025, unless otherwise extended by 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 Dispensary 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 as a bona fide non-profit dispensary, affiliation, association, or collective of persons comprised exclusively and entirely of qualified patients and the primary caregivers of those patients in strict accordance with the Compassionate Use Act.
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 for a regulatory permit, including any person who is managing or is otherwise responsible for the activities of the dispensary, and any employee, and shall prepare a report on the acceptability of the applicant's background and the suitability of the proposed location. Upon completing the review process, the application shall be deemed a qualified application subject to the final certification and approval by the City Council pursuant to the allotment process, 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, or the City Council pursuant to the allotment process, may impose reasonable terms and conditions on the proposed operations in addition to those specified in this Section. A Medical Marijuana Cultivation permit issued pursuant to this Section is not transferable.

m. The City Manager will accept applications for Medical Marijuana Cultivation Permits during a ninety (90) day period commencing on the effective date of this Section. Such 90 day time period plus an additional 30 days to complete the reviews and the preparation of the reports called for in this Section shall be considered the "Application Period." In the event there are no more than five (5) qualified applications submitted during the Application Period and determined to be conditionally qualified by the City Manager, the City Manager shall refer the applications to the City Council with a recommendation that the City Council approve the issuance of a Medical Marijuana Cultivation Permits to the applicants, subject to full compliance with the provisions of this Section and any conditions of approval. In the event five (5) or more applications have been determined to be qualified by the City Manager during the Application Period, the City Manager shall submit the qualified applications and the City Manager report on each application to the City Council for review and consideration. The qualified applications shall be considered concurrently by the City Council at a public hearing noticed and conducted pursuant to the provisions of Sections 17.100.040 and 17.100.050 of this Code. The City Council shall consider the qualified applications after evaluating the applications on their respective merits and the City Council may conditionally approve each qualified application or deny one or more of such applications if the Council makes one or more of the findings listed in Subsection (D)(2)(l). The City Council 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 Adelanto. The three highest ranked qualified applications shall be granted Medical Marijuana Cultivation Permits pursuant to this Section.

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 or the City Council, 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 agreement indemnifying the City;

(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 pay a onetime $250,000 permit fee (paid prior to any operations) and an annual $25.00 per square foot operations fee (due annually beginning 365 days after payment of onetime permit fee) to 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 for park, recreation, and community services/facilities to offset the potential deleterious effects of the location of Medical Marijuana Cultivation facilities within the jurisdiction of the City. Twenty-five percent (25%) of revenue from such agreement shall be placed in a separate City account to fund park, recreation and community services/facilities.

(1) The $25.00 per square foot operations fee applies to space utilized in connection with the cultivation of marijuana and shall mean any space or ground, floor or other surface area (whether horizontal or vertical) which is used during the marijuana
germination, seedling, vegetative, pre-flowering, flowering and harvesting phases, including without limitation any space used for activities such as growing, planting, seeding, germinating, lighting, warming, cooling, aerating, fertilizing, watering, irrigating, topping, pinching, cropping, curing or drying marijuana or any such space used for storing any products, supplies or equipment related to any such activities, no matter where such storage may take place or such storage space may be located.

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 dispensary 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 approval, conditional approval, denial, or revocation of a Medical Marijuana Cultivation Permit may be appealed to the City Council. 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. Filing of an appeal shall suspend the issuance of all Medical Marijuana Cultivation Permits until action is taken on the appeal.

(6) In the event a qualified operator that receives an allotment under Subsection (D)(2)(m) of this Section ceases to operate for any reason, the City Manager shall reopen the allotment process and provide an opportunity for new applications to be submitted. The time periods and process provided in Subsection (D)(2)(m) shall be applied to the review and consideration of applications and the allotment of a Medical Marijuana Cultivation Permit.

q. Any and all permits, rights or entitlements permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void six (6) months from the effective date of this ordinance, unless otherwise extended by the City Council. Unless extended, upon the conclusion of the six (6) month time period, Medical Marijuana Cultivation facilities shall be a prohibited use and any rights obtained pursuant to this Section or any other rules or agreements shall cease.

E. Oversight Committee. The City of Adelanto shall create an oversight committee to oversee activities of the license holders to ensure all applicable state laws are enforced, all restrictive covenants of this ordinance are enforced, and that no illegal activity is conducted. The City of Adelanto 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 licenses. The Oversight Committee shall be appointed by the City Council and shall consist of five (5) total members with two (2) members from law enforcement, one (1) member from code enforcement, one (1) member from planning, and one (1) at-large appointment.

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.) and the Medical Marijuana Program Act" (codified as Health and Safety Code § 11362.7 et seq.).

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 or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then the provisions of Section 1 through 8, inclusive, of this Ordinance shall be deemed invalid and unenforceable and the dispensing of marijuana for any reason in any zone shall be deemed a prohibited use under the City's Zoning Code. The City Council hereby declares that it would not have adopted this Ordinance if any of the sections or provisions thereof may be declared invalid or unconstitutional or contravened via legislation.

Section 8. By regulating Indoor Medical Marijuana Cultivation facilities, the City of Adelanto is only assuming an undertaking to preserve the general welfare through the provision of a method of implementing 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 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.

PASSED, APPROVED and ADOPTED this _____ day of __________, 2015.

Mayor, Richard Kerr

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney
I, Cindy Herrera, City Clerk of the City of Adelanto, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Adelanto held on the ______day of __________, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Cindy M. Herrera, City Clerk, City of Adelanto
DATE: July 29, 2015

TO: Honorable Mayor and City Council Members
Honorable Chairman and Planning Commissioners

FROM: Todd Litfin, City Attorney

BY: Todd Litfin, City Attorney

SUBJECT: DISCUSSION AND DIRECTION REGARDING CITY OPTIONS PERTAINING TO MEDICAL MARIJUANA

STAFF RECOMMENDATION:

The purpose of this joint City Council/Planning Commission meeting is to discuss options pertaining to medical marijuana dispensaries and/or medical marijuana cultivation and research centers within the City of Adelanto. Final approval of any ordinance will not occur at this meeting. Based on Council’s direction, the ordinances would go in the future through the normal notice and hearing process in front of the Planning Commission and City Council. At the conclusion of the meeting, staff requests direction as to the processing of potential new ordinances regarding these issues.

BACKGROUND:

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

However, California statutes such as the Compassionate Use Act of 1996 (Health and Safety Code, § 11362.5 added by Proposition 15) and the Medical Marijuana Program (Health and Safety Code § 11362.7 et seq.) have removed certain state law obstacles from the ability of qualified patients to obtain and use marijuana for legitimate medical purposes. On the federal level, there has likewise been a recent unwillingness to enforce federal laws pertaining to medical marijuana.

Notwithstanding the ability under California law for medical marijuana dispensaries to operate, the law is clear that cities have the ability to independently ban medical marijuana dispensaries within the city. (City of Riverside v. Inland Empire Patient Health and Wellness Center (2013) 51 Cal.4th 729.) Indeed, the City of Adelanto does not allow medical marijuana dispensaries within the City. (Adelanto Municipal Code, § 17.80.050.) It has been the policy of the City to vigorously enforce the ban on dispensaries within the City.
In contrast, other cities within California have established local laws that allow medical marijuana dispensaries within the territorial limits of such cities. The following options are potential courses of action for the City in dealing with medical marijuana based on the approaches of different jurisdictions. The various aspects of the different approaches are not exclusive, allowing for the combination and/or deletion of different aspects of the approaches. Please note that for the approaches that contemplate specific taxes on medical marijuana dispensaries, voter approval would likely be required because it would be the creation of a new “tax”.

1. City of Santa Ana Approach

The Santa Ana approach only allows for the operation of medical marijuana dispensaries in the City and not for the cultivation, planting or harvesting of marijuana within the city. The implementation of the Santa Ana approach is separated into a two-step process. The first step requires potential operators of medical marijuana dispensaries to submit a registration application within a set time-frame. This initial registration application requires applicants to submit: (i) general information about the medical marijuana collective (name, type of business, location, point of contact, etc.) (ii) a notarized affidavit from the property owner acknowledging that the location will be used as a medical marijuana collective; (iii) longitude and latitude coordinates (Santa Ana approach requires 500-foot separation between collective locations, prohibits collectives within 1,000 feet of any school, park, or residential zone, and only allows collectives in certain parts of the City); and (iv) a non-refundable processing fee.

At the end of this set time-frame for the initial registration application, the Santa Ana approach calls for a lottery where locations are selected from the pool of collectives that have successfully completed the initial registration application until all of the allowable areas of the City were covered. Winners of this lottery are then qualified to begin the second step of the process - the regulatory safety permit process.

The regulatory safety permit process requires the lottery winners to submit, among other things, extensive information to the City for background checks on the dispensary owners and employees, specific site plans to ensure that operating standards are met, and a processing fee. Should the applicant receive a regulatory safety permit, the collective must apply for a Certificate of Occupancy and obtain a business license prior to beginning operations. The regulatory safety permit is valid for one (1) year, requiring permit renewal annually.

The revenue generating portion of the Santa Ana approach provides for a maximum 10% tax of the gross receipts generated by each collective location with a minimum payment of $2,000 per location. The initial rate is set at 5% of the gross receipts and allows the City Council the option to change the rate provided that it is not in excess of 10% of gross receipts.

2. City of Needles Approach

The Needles approach is not nearly as extensive as the Santa Ana approach (i.e., no lottery, extensive application procedure, or background checks). The Needles approach requires medical marijuana businesses to comply with all regular licenses, permits, taxes, fees and charges applicable to businesses in the city as well as obtain a business tax certificate specific to medical marijuana businesses. The Needles approach allows for not only medical marijuana dispensaries, but also to any business that plants, cultivates, harvests, transports, manufactures, compounds, converts, processes, prepares, stores, packages, and sells ancillary products. Similar to the Santa Ana revenue generation, the
Needles rate is set to a maximum of 10% of gross receipts and allows the City Council to change the rate so long as it does not exceed the maximum rate. Recently, Needles passed an ordinance that bans new medical marijuana dispensaries from commencing operations in the city but granted immunity from this prohibition for existing medical marijuana dispensaries that complied with certain requirements (i.e., operating standards, location, insurance, etc.)

3. City of Palm Springs Approach

The City of Palm Springs approach allows for a maximum of four (4) medical marijuana dispensaries within the City and prohibits any cultivating, harvesting or other ancillary activities. Similar to the Santa Ana approach, the application process is rather extensive. Dispensaries hoping for one (1) of the four (4) permits must submit, among other things, information regarding: lawful presence and good moral character; financial management and responsibilities for the dispensary; site plan; lease; evidence that applicant is organized as a bon fide non-profit; estimate of the size of the group or primary caregiver and/or qualified patients who will be served by the dispensary; and permitting fee. Once obtained, a permit is valid for one (1) year and must be renewed annually. The Palm Springs approach also calls for a land or leasehold interest covenant, that among other things, requires the permit holder to indemnify the City, carry insurance with the City as an additional insured, and agree to defend the City at the permit holder’s sole expense for any action related to the issuance of the permit. The Palm Springs approach is unique in that it gives the City Council discretion in choosing what applicant(s) it deems most worthy of a permit. If there is more than one (1) qualified applicant for each of the four (4) permits, the City Manager is to submit a report to the City Council for each qualified applicant for review and consideration. The City Council will rank the applicants based on the goals and requirements of the application process and award the permits to the most qualified applicant. This process would repeat itself every time a permit is not renewed and there is more than one (1) qualified applicant.

The revenue generating portion of the Palm Springs approach calls for a 15% tax on the gross receipts of each dispensary.

4. Rancho Cordova Approach

The Rancho Cordova approach would allow for the cultivation of marijuana in the City and prohibit any dispensary from operating within the City. In other words, the growing and harvesting of marijuana would be allowed in the City but not the retail sales to the public. This approach would require would be cultivators to apply for a cultivation permit prior to being allowed to cultivate marijuana in the City. The permit application would require: notarized signature from the property owner consenting to marijuana cultivation; name of each person leasing or occupying the premises, name of each qualified patient or primary caregiver who participates in the medical marijuana cultivation; physical address; signed consent form authorizing city staff to conduct an inspection upon twenty-four (24) hours’ notice; and payment of permit processing fee. This approach would only allow for the indoor cultivation of marijuana and limit the locations and amount allowed to be cultivated.
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, CALIFORNIA, ADDING SECTION 17.80.050 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 cannabis cultivation 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”) which Guidelines affirm the legality of medical marijuana dispensaries under California law, but make clear that such entities cannot be operated for profit, may not purchase marijuana from unlawful sources and must have a defined organizational structure that includes detailed records proving that members are legitimate patients; 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 City of Adelanto (“City”) wishes to comply with California Law and allow, for the cultivation and research of medical marijuana; and
WHEREAS, it is the purpose and intent of this Chapter to regulate the cultivation of 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 of Adelanto and limits impacts associated with marijuana cultivation; and

WHEREAS, the City of Adelanto intends to be on the forefront of ground breaking research, science, innovation and development of treatment for symptoms and cures in the field of medical cannabis. Scientific research, studies and data have 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 non-medical 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 17.80.090 (Cultivation of Medical Marijuana) is hereby added to the City Municipal Code and is to read in its entirety as follows:

Section 17.80.090 Cultivation of Medical Marijuana

A. The purpose and intent of this Section is to regulate the cultivation of medical marijuana to ensure that it 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. "Cultivation" or "marijuana cultivation" means the following:
   a. Scientific research, clinical studies, laboratory testing and beta testing of cannabinoids, cannabis, Tetrahydrocannabinol (THC) and Cannabidiol (CBD) for human medical patients, animals, consumer products, and industrial materials.
   b. Cultivation of medical cannabis either indoors or within external greenhouses.
   c. Manufacturing of cannabis and other cannabinoids and related consumer products.
   d. Extraction of whole plant cannabis into concentrate form of Tetrahydrocannabinol (THC), Cannabidiol (CBD) or other cannabinoids.
   e. Compounding of synthetic and natural cannabis, THC, CBD and cannabis oil for pharmaceutical use.
2. "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening and which is accessible only through one or more lockable doors and is inaccessible to minors.

3. "Indoors" means within a fully enclosed and secure structure, including greenhouses.

4. "Medical Marijuana" and "Medical Cannabis" are defined in strict accordance with California Health and Safety Code Section 11362.5 and 11362.8 et seq.

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

6. "Premises" as used in this Subsection includes the actual building, as well as any accessory structures and parking areas.

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, including greenhouses, 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.**
   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) **Signage for the Medical Marijuana Cultivation facility shall be limited to the name of the 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.**
g) 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 of storage of materials, processes, products or wastes.

h) No more than five (5) Medical Marijuana Cultivation Permits shall be issued and valid at any one time in the City.

i) The Medical Marijuana Cultivation facilities shall comply fully with all of the applicable restrictions and mandates set forth in state law, including without limitation, the Attorney General Guidelines.

j) 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.

k) Marijuana shall be kept in a secured manner during business and non-business hours.

l) No Medical Marijuana Cultivation facility shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided for the Medical Marijuana Cultivation facility’s actual expenses of the cultivation of medical marijuana shall be allowed provided that they are in strict compliance with State Law. All Medical Marijuana Cultivation facilities shall be operated as a 501(c) (3) Mutual Benefit Corporation. All such cash and in-kind amounts and items shall be fully documented. If California and/or federal law changes to allow for the operation of such facilities for profit and recreational use, then such limitations in this subsection may be removed.

m) Any Medical Marijuana Cultivation facility must pay any applicable tax pursuant to federal, state and local law.

n) Except as required for research and testing, on-site smoking, ingestion or consumption of marijuana or alcohol shall be prohibited on the premises of the Medical Marijuana facility. The building foyer, so as not to be visible from the public right-of-way, 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, except as required for research and testing, is prohibited.

c) Except as required for research and testing, 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, except as required for research and testing.

p) No one under Eighteen (18) years of age shall be permitted to enter a Medical Marijuana Cultivation facility unless accompanied by a documented legal guardian.
q) Except as required for research and testing, physician services shall not be provided on the premises.

r) The building in which the Medical Marijuana Cultivation facility is housed, 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.

s) 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.

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 Cultivation facility.

b) The address(es) of the location(s) for which the Marijuana Cultivation Permit is sought.

c) Site plans and floor plans of the premises denoting all the proposed 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 One Hundred Twenty (120) concurrent hours of digitally recorded documentation in a format approved by the City Manager. The cameras shall be in use twenty four (24) hours per day, seven (7) days per week. The areas to be covered by the security cameras include, but are not limited to, the proposed storage areas, proposed 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 proposed cultivation area and any proposed 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 will manage or be responsible for the Indoor Medical Marijuana Cultivation activities, and the names and addresses of any proposed 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 proposed Indoor Medical Marijuana Cultivation facility is to be located. 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 he/she is aware that an application for a Medical Marijuana Cultivation facility is being submitted for the said location, and that he/she will allow the proposed usage of the 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 as a bona fide non-profit corporation comprised exclusively and entirely of qualified patients and the primary caregivers of those patients in strict accordance with the Compassionate Use Act.

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 for a regulatory permit, including any person who will manage or may otherwise be responsible for the activities of the Indoor Medical Marijuana Cultivation facility, and any proposed employees, and shall prepare a report on the acceptability of the applicant’s background and the suitability of the proposed location(s). Upon completing the review process, the application shall be deemed a qualified application subject to the final certification and approval by the City Council pursuant to the allotment process, 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, or any person who may manage or may be otherwise responsible for the activities of the Indoor Medical Marijuana Cultivation
facilities, or any proposed 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 the 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;

(4) The applicant, or any person who may manage or may otherwise be responsible for the activities of the Indoor Medical Marijuana Cultivation facility has engaged in unlawful, fraudulent, unfair or deceptive business acts or practices; or

(5) 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, or the City Council pursuant to the allotment process, may impose reasonable terms and conditions on the proposed operations in addition to those specified in this Section. A Medical Marijuana Cultivation permit issued pursuant to this Section is not transferable.

m) The City Manager will accept applications for Medical Marijuana Cultivation Permits during a thirty (30) day period commencing on the effective date of this Section. Such 30 day period, plus an additional thirty (30) days to complete the reviews and preparation of the reports called for in this Section shall be considered the “Application Period.” In the event there are no more than five (5) qualified applicants submitted during the Application Period and determined to be conditionally qualified by the City Manager, the City Manager shall refer the applications to the City Council with a recommendation that the City Council immediately approve the issuance of a Medical Marijuana Cultivation Permit to the applicants, subject to full compliance with the provisions of this Section and any conditions of approval. In the event that more than five (5) applications have been determined to be qualified by the City Manager during the Application Period, the City Manager shall submit the qualified applications and the City Manager report on each applicant to the City Council for review and consideration. The qualified applications shall be considered concurrently by the City Council at a public hearing noticed and conducted pursuant to the provisions of Sections 17.100.040 and 17.100.050 of this Code. The City Council shall consider the qualified applications after evaluating the applications on their respective merits and the City Council may conditionally approved each qualified application or deny one or more of such applications if the Council makes one or more of the findings listed in Subsection (D) (2) (i). The City Council 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 Adelanto. The five (5) highest ranked qualified
applications shall be granted Medical Marijuana Cultivation Permits pursuant to this Section.

n) The obligations of the Indoor Marijuana Cultivation facility, including all ongoing and continuing obligations required pursuant to any provision of this Section or as may be provided in any conditional approval of the City Manager or the City Council, 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 of Adelanto Oversight Committee 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 agreement indemnifying the City;
2. Carry insurance in the amounts and of the types that are acceptable to the City Manager;
3. Name the City as 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 sign a standard development agreement with the City.

(p) Any decision regarding the approval, conditional approval, denial, or revocation of a Medical Marijuana Cultivation Permit may be appealed to the City Council. Said appeal shall be made by a notice of appeal from the person appealing with ten (10) 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. Filing of an appeal shall suspend the issuance of all Medical Marijuana Cultivation Permits until action is taken on the appeal. All appeals must be heard within thirty (30) days of filing. Discussion within the hearings will be limited to the specific written declaration filed as the basis of the claim.
(q) In the event a permit holder ceases to operate for a period of six (6) or more months, for any reason, the permit shall be revoked and the City Manager shall reopen the allotment process and provide an opportunity for new applications to be submitted. The time periods and process provided in Subsection (D)(2)(m) shall be applied to the review and consideration of applications and the allotment of a Medical Marijuana Cultivation Permit.

(r) Any and all permits permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void on May 30, 2025, unless otherwise extended by the City, however, twelve (12) months prior to the expiration of the permit, the permit holder shall be able to apply for a renewal of their permit, and the City Council shall review such renewals to determine if the City will allow a renewal of such license. The renewal period, and each subsequent renewal period, will be for ten (10) years. The renewal application shall be accompanied by a fee, which shall be established by resolution of the City Council, amended from time to time.

3. Oversight Committee. The City of Adelanto shall create an Oversight Committee to oversee the activities of the permit holders to ensure all applicable state laws are enforced, all restrictive covenants of this ordinance are enforced, and no illegal activity is conducted. The City of Adelanto Oversight Committee shall be appointed by the City Council and shall consist of five (5) total members with two (2) members from law enforcement, one (1) member from code enforcement, one (1) member from planning, and one (1) at-large member. The Oversight Committee shall deal with enforcement of this Ordinance and as such shall be empowered to:

a) Verbally request that recordings made by the permit holder’s security cameras be made available to the Committee without the requirement of a search warrant or subpoena;

b) Enter a 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;

c) Issue citations in the event a permit holder is observed in violation of any part of this Section. In the event a citation is issued by the Oversight Committee, the permit holder shall have thirty (30) days to appeal the citation or to correct the alleged violation;

d) Receive and review annual updates containing the information contained in Subsection (D)(2)(a)-(j); and

e) Ensure that the required insurance policies are in force at all times, as required.

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.) and the Medical Marijuana Program Act (codified as Health and Safety Code §11362.7 et seq.).

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 Ordinance 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 be invalid or unconstitutional or should any part of this Ordinance be rendered or declared invalid by a court of competent jurisdiction of the State of California, such invalidation of such part or portion of the Ordinance should not invalidate the remaining portions thereof, and they shall remain in full force and effect.

Section 8. By regulating Indoor Medical Marijuana Cultivation facilities, the City of Adelanto is only assuming an undertaking to preserve the general welfare through the provision of a method of implementing 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 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 provisions 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.

PASSED, APPROVED AND ADOPTED this _____ day of ____________, 2015.

__________________________
Mayor, Richard Kerr

ATTEST:

__________________________
City Clerk

APPROVED AS TO FORM:

__________________________
City Attorney
ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, CALIFORNIA, ADDING SECTION 17.80.090 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") which Guidelines affirm the legality of medical marijuana dispensaries under California law, but make clear that such entities cannot be operated for profit, may not purchase marijuana from unlawful sources and must have a defined organizational structure that includes detailed records proving that members are legitimate patients; 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 county 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 City of Adelanto ("City") wishes to comply with California Law and allow for cultivation and research for 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 of Adelanto and limits impacts associated with marijuana cultivation; and

WHEREAS, the City of Adelanto intends to be on the forefront of ground breaking research, science, innovation and development of treatment for symptoms and cures in the field of medical cannabis. 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 17.80.090 (Cultivation of Medical Marijuana) is hereby added to the City Municipal Code to read in its entirety as follows:

Section 17.80.090 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. “Cultivation” or “marijuana cultivation” means the following:
   a. Scientific research, clinical studies, laboratory testing and beta testing of cannabinoids, cannabis, Tetrahydrocannabinol (THC) and Cannabidiol (CBD) for human medical patients, animals, consumer products, and industrial hemp materials.
   b. Cultivation of medical cannabis and industrial hemp either indoor or within external greenhouses.
   c. Manufacturing of cannabis and hemp related consumer products
   d. Extraction of whole plant cannabis into concentrate form of Tetrahydrocannabinol (THC) and Cannabidiol (CBD)
e. Compounding of synthetic and natural cannabis, THC, CBD, and hemp oil for pharmaceutical use.

2. “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.

3. “Indoors” means within a fully enclosed and secure structure

4. “Medical Marijuana” and “Medical Cannabis” are defined in strict accordance with California Health and Safety Code section 11362.5 and 11362.8 et seq.

5. “Outdoors” means any location within the City that is not within a fully enclosed and secure structure.

6. “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.

7. “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 or 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. All such facilities must be a minimum:
of one-half mile from the any school, as measured from the edge of the property boundaries of the land on which the facility is located to the property boundaries of the land on which the school is located.

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 Condition 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) No more than five (5) Medical Marijuana Cultivation Permits shall be issued and valid at any one time in the City.

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.

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) No Medical Marijuana Cultivation facility shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided for the Medical Marijuana Cultivation facility’s actual expenses of the cultivation of medical marijuana shall be allowed provided that they are in strict compliance with State Law. All Medical Marijuana Cultivation facilities shall be operated as a 501(c)(3) Mutual Benefit Corporation. All such cash and in-kind amounts and items shall be fully documented. If California and federal law changes to allow for the operation of such facilities for profit and recreational use, then such limitations in this subsection may be removed.
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 Adelanto 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 dispensary 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) No one under 18 years of age shall be permitted to enter a Medical Marijuana Cultivation facility, unless such person is a qualified patient and is accompanied by his or her Primary Caregiver, licensed Attending Physician, parent(s) or documented legal guardian.

q) 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.

r) 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.

s) 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;

t) 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.

u) Any and all permits permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void on May 30, 2025, unless otherwise extended by 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.

c) 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 Dispensary 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 as a bona fide non-profit dispensary, affiliation, association, or collective of persons comprised exclusively and entirely of qualified patients and the primary caregivers of those patients in strict accordance with the Compassionate Use Act.
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 for a regulatory permit, including any person who is managing or is otherwise responsible for the activities of the dispensary, and any employee, and shall prepare a report on the acceptability of the applicant's background and the suitability of the proposed location. Upon completing the review process, the application shall be deemed a qualified application subject to the final certification and approval by the City Council pursuant to the allotment process, 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.

1) Based on the information set forth in the application and the City Manager's report, the City Manager, or the City Council pursuant to the allotment process, may impose reasonable terms and conditions on the proposed operations in addition to those specified in this Section. A Medical Marijuana Cultivation permit issued pursuant to this Section is not transferable.

m) The City Manager will accept applications for Medical Marijuana Cultivation Permits during a thirty (30) day period commencing on the effective date of this Section. Such 30 day time period shall be considered the "Application Period." In the event there are no more than five (5) qualified applications submitted during the Application Period and determined to be conditionally qualified by the City Manager, the City Manager shall refer the applications immediately to the City Council for consideration. In the event more than five (5) applications have been determined to be qualified by the City Manager during the Application Period, the City Manager shall submit the qualified applications and the City Manager report on each application to the City Council for review and consideration. The qualified applications shall be considered concurrently by the City Council at a public hearing noticed and conducted pursuant to the provisions of Sections 17.100.040 and 17.100.050 of this Code. The City Council shall consider the qualified applications after evaluating the applications on their respective merits and the City Council may conditionally approve each qualified application or deny one or more of such applications if the Council makes one or more of the findings listed in Subsection (D)(2)(l). The City Council 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 Adelanto. The five highest ranked qualified applications shall be granted Medical Marijuana Cultivation Permits pursuant to this Section.

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 or the City Council, 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 agreement indemnifying the City;

(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 for park, recreation, and community facilities to offset the potential deleterious effects of the location of Medical Marijuana Cultivation facilities within the jurisdiction of the City. Twenty-five percent (25%) of revenue from such agreement shall be placed in a separate City account to fund park, recreation and community services.

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 dispensary 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 approval, conditional approval, denial, or revocation of a Medical Marijuana Cultivation Permit may be appealed to the City Council. 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. Filing of an appeal shall suspend the issuance/denial of a Medical Marijuana Cultivation Permit pertaining to the particular permit until action is taken on the appeal.

(6) In the event a qualified operator that receives an allotment under Subsection (D)(2)(m) of this Section ceases to operate for any reason, the City Manager shall reopen the allotment process and provide an opportunity for new applications to be submitted. The time periods and process provided in Subsection (D)(2)(m) shall be applied to the review and consideration of applications and the allotment of a Medical Marijuana Cultivation Permit.
q) Any and all permits, rights or entitlements permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void six (6) months from the effective date of this ordinance, unless otherwise extended by the City Council. Unless extended, upon the conclusion of the six (6) month time period, Medical Marijuana Cultivation facilities shall be a prohibited use and any rights obtained pursuant to this Section or any other rules or agreements shall cease.

E. Oversight Committee. The City of Adelanto shall create an oversight committee to oversee activities of the license holders to ensure all applicable state laws are enforced, all restrictive covenants of this ordinance are enforced, and that no illegal activity is conducted. The City of Adelanto 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 licenses. The Oversight Committee shall be appointed by the City Council and shall consist of five (5) total members with two (2) members from law enforcement, one (1) member from code enforcement, one (1) member from planning, and one (1) at-large appointment.

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.) and the Medical Marijuana Program Act" (codified as Health and Safety Code § 11362.7 et seq.).

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, it 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 or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then the provisions of Section 1 through 8, inclusive, of this Ordinance shall be deemed invalid and unenforceable and the dispensing of marijuana for any reason in any zone shall be deemed a prohibited use under the City's Zoning Code. The City Council hereby declares that it would not have adopted this Ordinance if any of the sections or provisions thereof may be declared invalid or unconstitutional or contravened via legislation.

Section 8. By regulating Indoor Medical Marijuana Cultivation facilities, the City of Adelanto is only assuming an undertaking to preserve the general welfare through the provision of a method of implementing 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 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.

PASSED, APPROVED and ADOPTED this _____ day of __________, 2015.

Mayor, Richard Kerr

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney
I, Cindy Herrera, City Clerk of the City of Adelanto, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Adelanto held on the _____day of __________, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

__________________________
Cindy M. Herrera, City Clerk, City of Adelanto
ORDINANCE NO. __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, CALIFORNIA, AMENDING SECTION 17.80.050 OF THE ADELANTO MUNICIPAL CODE RELATING TO MEDICAL MARIJUANA DISPENSARIES

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, known as the "Compassionate Use Act" ("Act") (codified as Health and Safety Code § 11362.5 et seq.), which creates a limited exception from criminal liability under California law as opposed to federal law for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances; and

WHEREAS, in 2004, Senate Bill 420, known as the "Medical Marijuana Program Act" became law (codified as Health and Safety Code § 11362.7 et seq.) which established a statewide identification card program for qualified medical marijuana patients and their primary caregivers and recognized a qualified right to collective and cooperative cultivation of medical cannabis; 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") which Guidelines affirm the legality of medical marijuana dispensaries under California law, but make clear that such entities cannot be operated for profit, may not purchase marijuana from unlawful sources and must have a defined organizational structure that includes detailed records proving that members are legitimate patients; and

WHEREAS, the City of Adelanto ("City") wishes to comply with California Law and allow for the operation of medical marijuana dispensaries.

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 17.80.050 (Medical Marijuana Dispensaries) of the City Municipal Code is hereby amended to read in its entirety as follows:

Section 17.80.050 Medical Marijuana Dispensaries

A. "Medical Marijuana" and "Medical Cannabis" are defined in strict accordance with California Health and Safety Code section 11362.5 and 11362.8 et seq.

B. A "Medical Marijuana Dispensary" is defined in Section 17.200.140 of this Title.
C. No land use entitlement, permit (including building permit) approval, site plan, certificate of occupancy, zoning clearance, or other land use authorization for a Medical Marijuana Dispensary shall be granted or permitted except in conformance with this Section.

D. Medical Marijuana Dispensary shall be a conditionally permitted use in the Manufacturing/Industrial Zone in the Industrial Park, upon compliance with the requirements of this Section and other applicable requirements in the Adelanto Municipal Code and application and approval of a regulatory permit in accordance with the criteria and process set forth in this Section.

E. No Medical Marijuana Dispensary shall be established, developed, or operated within five hundred (500) feet of a school, public playground or park, or any residential zone property, child care or day care facility, youth center, or church, or within one thousand (1000) feet of any other Medical Marijuana Dispensary. 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 Dispensary is, or will be located, to the nearest property line of those uses described in this Subsection.

F. A Medical Marijuana Dispensary is not and shall not be approved as an accessory use to any other use permitted by this Zoning Code.

G. A Medical Marijuana Dispensary shall be parked in accordance with applicable parking standards.

H. No more than three (3) Medical Marijuana Dispensaries shall be maintained or operated in the City at any time. In the event more than three dispensaries are eligible for regulatory permits under this Section, the City Council shall review and evaluate all qualified applications and will approve issuance of regulatory permits to the most qualified as determined through the Allotment Process described below.

I. Prior to initiating operations and as a continuing requisite to conducting operations, the legal representative of the persons wishing to operate a Medical Marijuana Dispensary shall obtain a regulatory 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 regulatory permit for a Medical Marijuana Dispensary shall include, but shall not be limited to, the following information:

1. An estimate of the size of the group of primary caregivers and/or qualified patients who will be served by the non-profit dispensary; this description should include whether delivery service will be provide and the extent of such service.
2. The address of the location from which the dispensary for which application is made will be operated;

3. A site plan and floor plan of the premises denoting all the use of areas on the premises, including storage, cultivation areas (if applicable), exterior lighting, restrooms, and signage;

4. A security plan including the following measures:
   a. 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 (if applicable), all doors and windows, and any other areas as determined by the City Manager;
   b. The lease/business space shall be alarmed with an alarm system that is operated and monitored by a recognized security company;
   c. Entrance to the dispensing area and any storage areas shall be locked at all times, and under the control of dispensary staff;
   d. The business 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
   e. All windows on the building that houses the dispensary shall be appropriately secured and all marijuana securely stored, and a reliable, commercial alarm system shall be installed and maintained.

5. The name and address of any person who is managing or responsible for the Medical Marijuana Dispensary’s 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).

6. The name and address of the owner and lessor of the real property upon which the business 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 Dispensary will be operated on his/her property.

7. Authorization for the City Manager to seek verification of the information contained within the application.

8. Evidence that the dispensary is organized as a bona fide non-profit dispensary, affiliation, association, or collective of persons comprised exclusively and entirely of qualified patients and the primary caregivers of those patients in strict accordance with the Compassionate Use Act.

9. 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.

10. Any such additional and further information as is deemed necessary by the City Manager to administer this Section.

J. The City Manager shall conduct a background check of any applicant for a regulatory permit, including any person who is managing or is otherwise responsible for the activities of the dispensary, and any employee, and shall prepare a report on the acceptability of the applicant's background and the suitability of the proposed location. Upon completing the review process, the application shall be deemed a qualified application subject to the final certification and approval by the City Council pursuant to the allotment process, 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 dispensary 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 dispensary;

4. The applicant, or any person who is managing or is otherwise responsible for the activities of the dispensary, 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 dispensary 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.

Based on the information set forth in the application and the City Manager's report, the City Manager, or the City Council pursuant to the allotment process, may impose reasonable terms and conditions on the proposed operations in addition to those specified in this Section. A regulatory permit issued pursuant to this Section is not transferable.

K. The City Manager will accept applications for Medical Marijuana Dispensaries during a ninety (90) day period commencing on the effective date of this Section. Such 90 day time period plus an additional 30 days to complete the reviews and the preparation of the reports called for in this Section shall be considered the "Application Period." In the event there are no more than three qualified applications submitted during the Application Period and determined to be conditionally qualified by the City Manager, the City Manager shall refer the applications to the City Council with a recommendation that the City Council approve the issuance of a regulatory permit to the applicants, subject to full compliance with the provisions of this Section and any conditions of approval. In the event three or more applications have been determined to be qualified by the City Manager during the Application Period, the City Manager shall submit the qualified applications and the City Manager report on each application to the City Council for review and consideration. The qualified applications shall be considered concurrently by the City Council at a public hearing noticed and conducted pursuant to the provisions of Sections 17.100.040 and 17.100.050 of this Code. The City Council shall consider the qualified applications after evaluating the applications on their respective merits and the City Council may conditionally approve each qualified application or deny one or more of such applications if the Council makes one or more of the findings listed in Subsection J. The City Council 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 Adelanto. The three highest ranked qualified applications shall be granted regulatory permits pursuant to this Section.

L. The obligations of the Medical Marijuana Dispensary, 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 or the City Council, 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 dispensary shall annually provide to the City Manager an updated application containing the information contained in Subsection I. 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 Medical Marijuana Dispensary. Upon receiving possession of a regulatory permit as provided in this Section, the dispensary shall:
1. Execute an agreement indemnifying the City;

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.

M. No persons shall engage in, conduct, or be permitted to engage in or conduct a Medical Marijuana Dispensary ("dispensary") unless each of the following requirements is continually met:

1. The dispensary shall comply fully with all of the applicable restrictions and mandates set forth in state law, including without limitation the Attorney General Guidelines.

2. The dispensary shall only be open between the hours of 10:00 a.m. and 8:00 p.m.

3. Physician's referrals shall be verified by the dispensary prior to inclusion into the dispensary and at least every six months thereafter.

4. Each member of the dispensary shall be a patient or a qualified primary caregiver. The dispensary shall maintain patient records in a secure location within the City of Adelanto, available to the City Manager to review upon demand. Such records shall include without limitation a copy of the physician's referral and, if using a primary caregiver, a notarized written authorization from the patient to be represented by such primary caregiver.

5. Marijuana shall be kept in a secured manner during business and nonbusiness hours.

6. If consumable Medical Marijuana products (including, but not limited to, lollipops, brownies, cookies, ice cream, etc.) are present on site or offered for distribution, then the applicant shall secure a County of San Bernardino Department of Health Services approval for handling food products.
7. No dispensary shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided by members towards the dispensary’s actual expenses shall be allowed provided that they are in strict compliance with State Law. All such cash and in-kind amounts and items shall be fully documented.

8. Any dispensary must pay any applicable sales tax pursuant to federal, state, and local law. All dispensaries shall be established as a “point of sale” within the City for sales tax purposes.

9. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of the dispensary. 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 dispensary 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 dispensary is prohibited.

10. Signage for the dispensary shall be limited to name of business only and otherwise in compliance with the City’s sign regulations, and no advertising of the goods and/or services shall be permitted. Signage shall not include any drug-related symbols.

11. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A dispensary 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 dispensary.

12. Except as provided in Subsection I-4, windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.

13. No one under 18 years of age shall be permitted to enter a dispensary, unless such person is a qualified patient and is accompanied by his or her Primary Caregiver, licensed Attending Physician, parent(s) or documented legal guardian.

14. 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.
15. The building in which the dispensary 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.

15. The dispensary shall not distribute, sell, dispense, or administer marijuana to anyone other than qualified patient members of the dispensary and their primary caregivers.

17. A dispensary shall distribute only marijuana cultivated by a member of the dispensary or the member's primary caregiver. The dispensary shall do an inventory on the first business day of each month and shall record the total quantity of marijuana on the premises. These records shall be maintained for two (2) years from the date created.

18. 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 dispensary. The dispensary 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.

19. Fully comply with and meet all operating criteria required pursuant to the Compassionate Use Act, state law, the Attorney General Guidelines, the provisions of this Section, and any specific, additional operating procedures and measures as may be imposed as conditions of approval of the regulatory permit, and all requirements set forth in the covenant as described in Subsection L, in order to ensure that the operation of the dispensary is consistent with the protection of the health, safety, and welfare of the community, qualified patients, and primary caregivers, and will not adversely affect surrounding uses.

20. All Medical Marijuana Dispensaries 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 dispensaries in the City and provides the City with revenue for park, recreation, and community facilities to offset the potential deleterious effects of the location of Medical Marijuana Dispensaries within the jurisdiction of the City. One hundred percent (100%) of all revenue from such agreement shall be placed in a separate City account to fund park, recreation and community services.

N. 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 Medical Marijuana Dispensary 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 dispensary 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 regulatory permit if any of the following, singularly or in combination, occur:

   a. The City Manager determines that the dispensary 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 30 calendar days, including during change of ownership proceedings;

   c. Ownership is changed without securing a regulatory permit;

   d. The dispensary fails to maintain 120 hours of security recordings;

   e. The dispensary fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.

5. Any decision regarding the approval, conditional approval, denial, or revocation of a regulatory permit may be appealed to the City Council. 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. Filing of an appeal shall suspend the issuance of all regulatory permits until action is taken on the appeal.

O. There shall be created an Oversight Committee by the City to oversee the operation of Medical Marijuana Dispensaries and to ensure all applicable state laws are enforced, all restrictive covenants of this ordinance are enforced, and that no illegal activity is conducted. The Oversight Board shall be appointed by the City Council and shall consist
of five (5) total members with two (2) members from law enforcement, one (1) member from code enforcement, one (1) member from planning, and one (1) at-large appointment.

P. In the event a qualified dispensary that receives an allotment under Subsection K of this Section ceases to operate for any reason, the City Manager shall reopen the allotment process and provide an opportunity for new applications to be submitted. The time periods and process provided in Subsection K shall be applied to the review and consideration of applications and the allotment of a regulatory permit.

Q. This Section shall only be effective for six (6) months from the effective date of the Ordinance adopting this section. Any and all rights and entitlements obtained pursuant to this Section shall immediately cease and be void at the conclusion of the six (6) month period unless extended by the City Council. Unless extended, upon the conclusion of the six (6) month time period, the City’s prior prohibition of Medical Marijuana Dispensaries shall be effective and all rights obtained pursuant to this Section or any other rules or agreements shall cease.

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.) and the Medical Marijuana Program Act" (codified as Health and Safety Code § 11362.7 et seq.), which provide for the use of medical marijuana by qualified patients and the dispensation of medical marijuana to qualified patients by medical marijuana dispensaries, regarding the location and operation of medical marijuana.

Section 4. The City Council determines that it is in the best interest of the residents of the City to allow dispensaries that comply with the Guidelines to be established and operated as conditionally 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 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 or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then the provisions of Section 1 through 8, inclusive, of this Ordinance shall be deemed invalid and unenforceable and the dispensing of marijuana for any reason in any zone shall be deemed a prohibited use under the City's Zoning Code. The City Council hereby declares that it would not have adopted this Ordinance if any of the sections or provisions thereof may be declared invalid or unconstitutional or contravened via legislation.

Section 8. By regulating Medical Marijuana Dispensaries, the City of Adelanto is only assuming an undertaking to preserve the general welfare through the provision of a method of implementing 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 to any person who claims that such breach proximately caused injury. To the fullest extent permitted by law, the City shall assume no liability whatsoever, and expressly does not waive sovereign immunity, with respect to any provision of this Ordinance or for the activities of any Medical Marijuana Dispensary. 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.

PASSED, APPROVED and ADOPTED this ______ day of ________, 2015.

Mayor, Richard Kerr

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney
I, Cindy Herrera, City Clerk of the City of Adelanto, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Adelanto held on the ______ day of _________, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

______________________________
Cindy M. Herrera, City Clerk, City of Adelanto
TITLE 17
ADELANTO ZONING ORDINANCE

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City of Adelanto
Zoning Code

Amended (Ord. 539, 540) October 2015
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### APPENDICES

Appendix A: Regulation of Uses by Zoning District
CHAPTER 17.80
SPECIAL USE STANDARDS

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.
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.

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

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.

(I) 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” and “Medical Cannabis” are defined in strict accordance with California Health and Safety Code section 11362.5 and 11362.8 et seq.

(b) A “Medical Marijuana Dispensary” is defined in Section 17.200.140 of this Title.

(c) No land use entitlement, permit (including building permit) approval, site plan, certificate of occupancy, zoning clearance, or other land use authorization for a Medical Marijuana Dispensary shall be granted or permitted except in conformance with this Section.

(d) Medical Marijuana Dispensary shall be a conditionally permitted use in the Manufacturing/Industrial Zone in the Industrial Park, upon compliance with the requirements of this Section and other applicable requirements in the Adelanto Municipal Code and application and approval of a regulatory permit in accordance with the criteria and process set forth in this Section.

(e) No Medical Marijuana Dispensary shall be established, developed, or operated within five hundred (500) feet of a school, public playground or park, or any residential zone property, child care or day care facility, youth center, or church, or within one thousand (1000) feet of any other Medical Marijuana Dispensary. 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 Dispensary is, or will be located, to the nearest property line of those uses describe in this Subsection.

(f) A Medical Marijuana Dispensary is not and shall not be approved as an accessory use to any other use permitted by this Zoning Code.

(g) A Medical Marijuana Dispensary shall be parked in accordance with applicable parking standards.

(h) No more than three (3) Medical Marijuana Dispensaries shall be maintained or operated in the City at any time. In the event more than three dispensaries are eligible for regulatory permits under this Section, the City Council shall review and evaluate all qualified applications and will approve issuance of regulatory permits to the most qualified as determined through the Allotment Process described below.
Prior to initiating operations and as a continuing requisite to conducting operations, the legal representative of the persons wishing to operate a Medical Marijuana Dispensary shall obtain a regulatory 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 regulatory permit for a Medical Marijuana Dispensary shall include, but shall not be limited to, the following information:

1. An estimate of the size of the group of primary caregivers and/or qualified patients who will be served by the non-profit dispensary; this description should include whether delivery service will be provided and the extent of such service.

2. The address of the location from which the dispensary for which application is made will be operated;

3. A site plan and floor plan of the premises denoting all the use of areas on the premises, including storage, cultivation areas (if applicable), exterior lighting, restrooms, and signage;

4. A security plan including the following measures:
   A. 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 (if applicable), all doors and windows, and any other areas as determined by the City Manager;
   B. The lease/business space shall be alarmed with an alarm system that is operated and monitored by a recognized security company;
   C. Entrance to the dispensing area and any storage areas shall be locked at all times, and under the control of dispensary staff;
   D. The business 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
E. All windows on the building that houses the dispensary shall be appropriately secured and all marijuana securely stored, and a reliable, commercial alarm system shall be installed and maintained.

(5) The name and address of any person who is managing or responsible for the Medical Marijuana Dispensary’s 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).

(6) The name and address of the owner and lessor of the real property upon which the business 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 Dispensary will be operated on his/her property.

(7) Authorization for the City Manager to seek verification of the information contained within the application.

(8) Evidence that the dispensary is organized as a bona fide non-profit dispensary, affiliation, association, or collective of persons comprised exclusively and entirely of qualified patients and the primary caregivers of those patients in strict accordance with the Compassionate Use Act.

(9) 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.

(10) Any such additional and further information as is deemed necessary by the City Manager to administer this Section.

(j) The City Manager shall conduct a background check of any applicant for a regulatory permit, including any person who is managing or is otherwise responsible for the activities of the dispensary, and any employee, and shall prepare a report on the acceptability of the applicant's background and the suitability of the proposed location. Upon completing the review process, the application shall be deemed a qualified application subject to the final certification and approval by the City Council pursuant to the allotment process, 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 dispensary 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 dispensary;

(4) The applicant, or any person who is managing or is otherwise responsible for the activities of the dispensary, 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 dispensary 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.

Based on the information set forth in the application and the City Manager's report, the City Manager, or the City Council pursuant to the allotment process, may impose reasonable terms and conditions on the proposed operations in addition to those specified in this Section. A regulatory permit issued pursuant to this Section is not transferable

(k) The City Manager will accept applications for Medical Marijuana Dispensaries during a ninety (90) day period commencing on the effective date of this Section. Such 90 day time period plus an additional 30 days to complete the reviews and the preparation of the reports called for in this Section shall be considered the "Application Period." In the event there are no more than three qualified applications submitted during the Application Period and determined to be conditionally qualified by the City Manager, the City Manager shall refer the applications to the City Council with a recommendation that the City Council approve the issuance of a regulatory permit to the applicants, subject to full compliance with the provisions of this Section and any conditions of approval. In the event three or more applications have been determined to be qualified by the City Manager during the Application Period, the City Manager shall submit the qualified applications and the City Manager report on each application to the City Council for review and consideration. The qualified applications shall be considered concurrently by the City Council at a
public hearing noticed and conducted pursuant to the provisions of Sections 17.100.040 and 17.100.050 of this Code. The City Council shall consider the qualified applications after evaluating the applications on their respective merits and the City Council may conditionally approve each qualified application or deny one or more of such applications if the Council makes one or more of the findings listed in Subsection J. The City Council 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 Adelanto. The three highest ranked qualified applications shall be granted regulatory permits pursuant to this Section.

(l) The obligations of the Medical Marijuana Dispensary, including all ongoing and continuing obligations required pursuant to any provision of this Section or as may be provided in any conditional approval of the City Manager or the City Council, 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 dispensary shall annually provide to the City Manager an updated application containing the information contained in Subsection I. 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 Medical Marijuana Dispensary. Upon receiving possession of a regulatory permit as provided in this Section, the dispensary shall:

1. Execute an agreement indemnifying the City;
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.

(m) No persons shall engage in, conduct, or be permitted to engage in or conduct a Medical Marijuana Dispensary (“dispensary”) unless each of the following requirements is continually met:
(1) The dispensary shall comply fully with all of the applicable restrictions and mandates set forth in state law, including without limitation the Attorney General Guidelines.

(2) The dispensary shall only be open between the hours of 10:00 a.m. and 8:00 p.m.

(3) Physician's referrals shall be verified by the dispensary prior to inclusion into the dispensary and at least every six months thereafter.

(4) Each member of the dispensary shall be a patient or a qualified primary caregiver. The dispensary shall maintain patient records in a secure location within the City of Adelanto, available to the City Manager to review upon demand. Such records shall include without limitation a copy of the physician's referral and, if using a primary caregiver, a notarized written authorization from the patient to be represented by such primary caregiver.

(5) Marijuana shall be kept in a secured manner during business and nonbusiness hours.

(6) If consumable Medical Marijuana products (including, but not limited to, lollipops, brownies, cookies, ice cream, etc.) are present on site or offered for distribution, then the applicant shall secure a County of San Bernardino Department of Health Services approval for handling food products.

(7) No dispensary shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided by members towards the dispensary’s actual expenses shall be allowed provided that they are in strict compliance with State Law. All such cash and in-kind amounts and items shall be fully documented.

(8) Any dispensary must pay any applicable sales tax pursuant to federal, state, and local law. All dispensaries shall be established as a “point of sale” within the City for sales tax purposes.

(9) On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of the dispensary. 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 dispensary 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 dispensary is prohibited.
(10) Signage for the dispensary shall be limited to name of business only and otherwise in compliance with the City’s sign regulations, and no advertising of the goods and/or services shall be permitted. Signage shall not include any drug-related symbols.

(11) Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A dispensary 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 dispensary.

(12) Except as provided in Subsection I-4, windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.

(13) No one under 18 years of age shall be permitted to enter a dispensary, unless such person is a qualified patient and is accompanied by his or her Primary Caregiver, licensed Attending Physician, parent(s) or documented legal guardian.

(14) 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.

(15) The building in which the dispensary 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.

(16) The dispensary shall not distribute, sell, dispense, or administer marijuana to anyone other than qualified patient members of the dispensary and their primary caregivers.

(17) A dispensary shall distribute only marijuana cultivated by a member of the dispensary or the member's primary caregiver. The dispensary shall do an inventory on the first business day of each month and shall record the total quantity of marijuana on the premises. These records shall be maintained for two (2) years from the date created.

(18) 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 dispensary. The dispensary 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.

(19) Fully comply with and meet all operating criteria required pursuant to the Compassionate Use Act, state law, the Attorney General Guidelines, the provisions of this Section, and any specific, additional operating procedures and measures as may be imposed as conditions of approval of the regulatory permit, and all requirements set forth in the covenant as described in Subsection L, in order to ensure that the operation of the dispensary is consistent with the protection of the health, safety, and welfare of the community, qualified patients, and primary caregivers, and will not adversely affect surrounding uses.

(20) All Medical Marijuana Dispensaries shall pay a onetime permit fee of $30,000 (prior to operation) and a monthly fee of ten percent of total proceeds for each month to the City that fully reimburses the City for all costs of the City resulting from the existence of such dispensaries in the City and provides the City with revenue for park, recreation, and community services/facilities to offset the potential deleterious effects of the location of Medical Marijuana Dispensaries within the jurisdiction of the City. One hundred percent (100%) of all revenue from such agreement shall be placed in a separate City account to fund park, recreation and community services/facilities.

A. Proceeds shall mean gross receipts of any kind, including, without limitation, membership dues; the value of in-kind contributions, exchanges, bartered goods or services; the value of volunteer work; reimbursements provided by members regardless of form; cash payments; and anything else of value obtained by any medical marijuana collective, cooperative, dispensary operator, establishment, provider or other type of entity for legally selling or providing medical marijuana in the City, consistent with the provisions of the Medical Marijuana Program Act (California Health and Safety Code Section 11362.5 et seq.).

(n) 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 Medical Marijuana Dispensary 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 dispensary 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 regulatory permit if any of the following, singularly or in combination, occur:

   A. The City Manager determines that the dispensary 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 30 calendar days, including during change of ownership proceedings;

   C. Ownership is changed without securing a regulatory permit;

   D. The dispensary fails to maintain 120 hours of security recordings; or

   E. The dispensary fails to allow inspection of the security recordings, the activity logs, or of the premise by authorized City officials.

(5) Any decision regarding the approval, conditional approval, denial, or revocation of a regulatory permit may be appealed to the City Council. 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. Filing of an appeal shall suspend the issuance of all regulatory permits until action is taken on the appeal.

(o) There shall be created an Oversight Committee by the City to oversee the operation of Medical Marijuana Dispensaries and to ensure all applicable state laws are enforced, all restrictive covenants of this ordinance are enforced, and that no illegal activity is conducted. The Oversight Board
shall be appointed by the City Council and shall consist of five (5) total members with two (2) members from law enforcement, one (1) member from code enforcement, one (1) member from planning, and one (1) at-large appointment.

(p) In the event a qualified dispensary that receives an allotment under Subsection K of this Section ceases to operate for any reason, the City Manager shall reopen the allotment process and provide an opportunity for new applications to be submitted. The time periods and process provided in Subsection K shall be applied to the review and consideration of applications and the allotment of a regulatory permit.

(q) This Section shall only be effective for six (6) months from the effective date of the Ordinance adopting this section. Any and all rights and entitlements obtained pursuant to this Section shall immediately cease and be void at the conclusion of the six (6) month period unless extended by the City Council. Unless extended, upon the conclusion of the six (6) month time period, the City’s prior prohibition of Medical Marijuana Dispensaries shall be effective and all rights obtained pursuant to this Section or any other rules or agreements shall cease.

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.
17.80.90 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) “Cultivation” or “marijuana cultivation” means the following:

   A. Scientific research, clinical studies, laboratory testing and beta testing of cannabinoids, cannabis, Tetrahydrocannabinol (THC) and Cannabidiol (CBD) for human medical patients, animals, consumer products, and industrial hemp materials.

   B. Cultivation of medical cannabis and industrial hemp either indoor or within external greenhouses.

   C. Manufacturing of cannabis and hemp related consumer products

   D. Extraction of whole plant cannabis into concentrate form of Tetrahydrocannabinol (THC) and Cannabidiol (CBD)

   E. Compounding of synthetic and natural cannabis, THC, CBD, and hemp oil for pharmaceutical use.

(2) “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.

(3) “Indoors” means within a fully enclosed and secure structure

(4) “Medical Marijuana” and “Medical Cannabis” are defined in strict accordance with California Health and Safety Code section 11362.5 and 11362.8 et seq.

(5) “Outdoors” means any location within the City that is not within a fully enclosed and secure structure.
(6) “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.

(7) “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.

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. No more than five (5) Medical Marijuana Cultivation Permits shall be issued and valid at any one time in the City.

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.

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. No Medical Marijuana Cultivation facility shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided for the Medical Marijuana Cultivation facility’s actual expenses of the cultivation of medical marijuana shall be allowed provided that they are in strict compliance with State Law. All Medical Marijuana Cultivation facilities shall be operated as a 501(c)(3) Mutual Benefit Corporation. All such cash and in-kind amounts and items shall be fully documented. If California and federal law changes to allow for the operation of such facilities for profit and recreational use, then such limitations in this subsection may be removed.

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 Adelanto 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 dispensary is prohibited.

N. Signage for the Medical Marijuana Cultivation facility shall be limited to name of business only and in compliance with the City’ 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. No one under 18 years of age shall be permitted to enter a Medical Marijuana Cultivation facility, unless such person is a qualified patient and is accompanied by his or her Primary Caregiver, licensed Attending Physician, parent(s) or documented legal guardian.

Q. 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.

R. 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.

S. 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;

T. 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.

U. Any and all permits permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void on May 30, 2025, unless otherwise extended by 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 Dispensary 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 as a bona fide non-profit dispensary, affiliation, association, or collective of persons comprised exclusively and entirely of qualified patients and the primary caregivers of those patients in strict accordance with the Compassionate Use Act.
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 for a regulatory permit, including any person who is managing or is otherwise responsible for the activities of the dispensary, and any employee, and shall prepare a report on the acceptability of the applicant's background and the suitability of the proposed location. Upon completing the review process, the application shall be deemed a qualified application subject to the final certification and approval by the City Council pursuant to the allotment process, 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, statue, 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, or the City Council pursuant to the allotment process, may impose reasonable terms and conditions on the proposed operations in addition to those specified in this Section. A Medical Marijuana Cultivation permit issued pursuant to this Section is not transferable.

M. The City Manager will accept applications for Medical Marijuana Cultivation Permits during a ninety (90) day period commencing on the effective date of this Section. Such 90 day time period plus an additional 30 days to complete the reviews and the preparation of the reports called for in this Section shall be considered the "Application Period." In the event there are no more than five (5) qualified applications submitted during the Application Period and determined to be conditionally qualified by the City Manager, the City Manager shall refer the applications to the City Council with a recommendation that the City Council approve the issuance of a Medical Marijuana Cultivation Permits to the applicants, subject to full compliance with the provisions of this Section and any conditions of approval. In the event five (5) or more applications have been determined to be qualified by the City Manager during the Application Period, the City Manager shall submit the qualified applications and the City Manager report on each application to the City Council for review and consideration. The qualified applications shall be considered concurrently by the City Council at a public hearing noticed and conducted pursuant to the provisions of Sections 17.100.040 and 17.100.050 of this Code. The City Council shall consider the qualified applications after evaluating the applications on their respective merits and the City Council may conditionally approve each qualified application or deny one or more of such applications if the Council makes one or more of the findings listed in Subsection (D)(2)(l). The City Council 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 Adelanto. The three highest ranked qualified applications shall be granted Medical Marijuana Cultivation Permits pursuant to this Section.

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 or the City Council, 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 agreement indemnifying the City;

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 pay a one-time $250,000 permit fee (paid prior to any operations) and an annual $25.00 per square foot
operations fee (due annually 365 days after payment of onetime permit fee) to 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 for park, recreation, and community services/facilities to offset the potential deleterious effects of the location of Medical Marijuana Cultivation facilities within the jurisdiction of the City. Twenty-five percent (25%) of revenue from such agreement shall be placed in a separate City account to fund park, recreation and community services/facilities.

1. The $25.00 per square foot operations fee applies to space utilized in connection with the cultivation of marijuana and shall mean any space or ground, floor or other surface area (whether horizontal or vertical) which is used during the marijuana germination, seedling, vegetative, pre-flowering, flowering and harvesting phases, including without limitation any space used for activities such as growing, planting, seeding, germinating, lighting, warming, cooling, aerating, fertilizing, watering, irrigating, topping, pinching, cropping, curing or drying marijuana or any such space used for storing any products, supplies or equipment related to any such activities, no matter where such storage may take place or such storage space may be located.

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 dispensary 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 approval, conditional approval, denial, or revocation of a Medical Marijuana Cultivation Permit may be appealed to the City Council. 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. Filing of an appeal shall suspend the issuance of all Medical Marijuana Cultivation Permits until action is taken on the appeal.

6. In the event a qualified operator that receives an allotment under Subsection (D)(2)(m) of this
Section ceases to operate for any reason, the City Manager shall reopen the allotment process and provide an opportunity for new applications to be submitted. The time periods and process provided in Subsection (D)(2)(m) shall be applied to the review and consideration of applications and the allotment of a Medical Marijuana Cultivation Permit.

Q. Any and all permits, rights or entitlements permitting the operation of a Medical Marijuana Cultivation facility shall expire and be null and void six (6) months from the effective date of this ordinance, unless otherwise extended by the City Council. Unless extended, upon the conclusion of the six (6) month time period, Medical Marijuana Cultivation facilities shall be a prohibited use and any rights obtained pursuant to this Section or any other rules or agreements shall cease.

(e) Oversight Committee. The City of Adelanto shall create an oversight committee to oversee activities of the license holders to ensure all applicable state laws are enforced, all restrictive covenants of this ordinance are enforced, and that no illegal activity is conducted. The City of Adelanto 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 licenses. The Oversight Committee shall be appointed by the City Council and shall consist of five (5) total members with two (2) members from law enforcement, one (1) member from code enforcement, one (1) member from planning, and one (1) at-large appointment.
## 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)

<table>
<thead>
<tr>
<th>Residential Zoning Districts</th>
<th>Commercial and Mixed Use Zoning Districts:</th>
<th>Business Park and Manufacturing Zoning Districts</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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</thead>
<tbody>
<tr>
<td>DL-9 = Desert Living</td>
<td><strong>C</strong> = General Commercial</td>
<td><strong>LM</strong> = Light Manufacturing</td>
<td><strong>PU</strong> = Public Utility</td>
</tr>
<tr>
<td>1 unit/9 acres</td>
<td><strong>MU</strong> = Mixed Use</td>
<td><strong>MI</strong> = Manufacturing Industrial</td>
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<tr>
<td>DL-5 = Desert Living</td>
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<td><strong>ADD</strong> = Airport Development District</td>
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<tr>
<td>1 unit/5 acres</td>
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<tr>
<td>DL-2.5 = Desert Living</td>
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<tr>
<td>1 unit/2.5 acres</td>
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<tr>
<td>R-S1 = Single Family</td>
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<td><strong>BP</strong> = Business Park</td>
<td><strong>DE</strong> = Greenbelt Corridor: Drainage Easement</td>
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<td>Residential</td>
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<tr>
<td>R1-.5 = Single Family</td>
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<td><strong>UE</strong> = Greenbelt Corridor: Utility Easement</td>
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<td>Residential (1/2 Acre)</td>
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<td>R1 = Single Family</td>
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<td>Residential</td>
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<td>R-S5 = Single Family</td>
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<td>R3-8 = Medium Density</td>
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<td>Residential</td>
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<td>R-M12 = Medium Density</td>
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<td>Residential</td>
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</table>
Residential R3-30 = High Density Residential
AP = Airport Park
## LAND USE

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<thead>
<tr>
<th>LAND USE</th>
<th>ZONE DISTRICT</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
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<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1</td>
<td>R-S5</td>
<td>R3-8</td>
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<td>AGRICULTURAL PRODUCTION and ANIMAL SERVICES</td>
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<tr>
<td>Animal Keeping (subject to provisions of Title 7 - Animals) ¹¹</td>
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<td>Animal Shelter (on lots greater than 2.5 acres only)</td>
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<td>Feed and Grain Sales</td>
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<td>Horses (Boarding and Raising as a Business), Kennels (subject to provisions of Title 7 - Animals on lots greater than 2.5 acres only)</td>
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<tr>
<td>Taxidermist</td>
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<td>Veterinarian/Veterinary Hospital/Pet Grooming</td>
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<td>Medical Marijuana Cultivation</td>
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<td>Medical Marijuana Dispensaries</td>
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<td>Bed and Breakfast</td>
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<td>Dwelling Unit, Multiple Family, Two-Family (Duplex), Condominium</td>
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<td>Dwelling Unit, Single-Family (detached)</td>
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<tr>
<td>Dwelling Unit - Second Units/Dependent Housing/Granny Flats</td>
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<td>Day Care Center, Adult Day Health and Child Care (Subject to California Department of Social Services):</td>
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<tr>
<td>Day Care Home, Large Family (14 or fewer children), (Subject to California Department of Social Services)</td>
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¹¹ Animal Keeping and Animal Shelter regulations have specific provisions regarding the number of animals allowed based on the property size, which are subject to further regulations.
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONE DISTRICT</th>
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<td>Residential</td>
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<td>DL (9, 5, 2.5) R-S1 R1-.5 R1 R-S5 R3-6 R-M12 R3-30</td>
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<td>Day Care Home, Small Family (8 or fewer children) (Subject to California Department of Social Services)</td>
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<td>Group Homes not licensed by the State with 2 or more residents</td>
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<tr>
<td>Single Room Occupancy Facilities</td>
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<tr>
<td>Transitional and Supportive Housing</td>
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<td>Emergency and Homeless Shelters</td>
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<td>Residential Care Facility (7 or more persons)</td>
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<td>Residential Care Facility for 6 or fewer persons (includes facilities licensed and/or controlled by California Department of Social Services)</td>
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<td>Home Occupation (Use allowed subject to Chapter 17.95)</td>
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<td>Fraternal/Sorority Hall, Rooming</td>
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<tr>
<td>Manufactured Home, Mobile Home (includes individual unit placed in a residential subdivision)</td>
<td>P P P P P</td>
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<tr>
<td>Manufactured/Mobile Home Parks</td>
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<td>Mobile Homes Sales</td>
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<tr>
<td>Model Home</td>
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<tr>
<td>Game Courts (Badminton/Tennis/Racquetball/Other) and Swimming Pool, Private</td>
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<td>INSTITUTIONAL</td>
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<tr>
<td>Education Institution (including private, commercial, and vocational schools,)</td>
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<tr>
<td>LAND USE</td>
<td>RESIDENTIAL</td>
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<td>ZONE DISTRICT</td>
<td>Residential</td>
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<td><strong>card room related training only)</strong></td>
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<tr>
<td>Education Institution, Public (Subject to LDP approval)</td>
<td>P P P P P P P</td>
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<tr>
<td>Prisons/Correctional Facilities</td>
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<td>MEDICAL</td>
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<td>Chiropractic/Physical Therapy Office</td>
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<tr>
<td>Hospitals and Clinics</td>
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<tr>
<td>Medical/Dental Offices</td>
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<td>Laboratories, Medical and Dental</td>
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<td>Pharmacy (see also Drugstore)</td>
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<td>Convalescent Hospital, Skilled Nursing Facility</td>
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<td>PUBLIC</td>
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<td>Conference or Convention Centers</td>
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<td>Parks, Plazas and Trails</td>
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<td>Visitor Centers</td>
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<td>RELIGIOUS/NON-PROFIT</td>
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<tr>
<td>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.</td>
<td>C C C C C C C</td>
</tr>
<tr>
<td>COMMERCIAL</td>
<td></td>
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<tr>
<td>Alcoholic Beverage Establishments</td>
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City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 539, 540), October 2015
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<tr>
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<tr>
<td>Alcoholic Beverage Onsite Sales in establishments open to persons over the legal drinking age exclusively, not allowed within 1,000 feet of any residential zoning district or residential use, churches, parks, and/or educational institutions³</td>
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<td>C</td>
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<tr>
<td>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 institutions³</td>
<td></td>
<td>C  C  C  C  C  C  C</td>
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</tr>
<tr>
<td>Alcoholic Beverage Onsite Sales as part of a bona fide sit down (non-age-restricted) restaurant³</td>
<td></td>
<td>P  P  P  P  P  P  P</td>
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</tr>
<tr>
<td>Alcoholic Beverage Offsite Sales within a supermarket or drug store²,³,⁹</td>
<td></td>
<td>P  P  P  P  P  P  P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcoholic Beverage Offsite Sales in any store other than a supermarket or drug store²,³,⁹</td>
<td></td>
<td>C  C  C  C  C  C  C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wineries³</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Lot and Parking Garages, Public⁵</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Automobile, Vehicle Rentals and Sales Related Uses**

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile Auction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobiles/Recreational Vehicles/Boats/Motorcycles/Trucks⁴, Sales- New &amp; Used, and Rentals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Station/Gas Station (Petroleum Products), including automobile service and Car Wash⁴,⁹</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Lot and Parking Garages, Public⁵</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

³: Zoned within 1,000 feet of any residential use, churches, parks, and/or educational institutions.
⁴: Zoned within 1,000 feet of residential zoning district.
⁵: Zoned within 1,000 feet of a school, public library, or rec center.
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>DL (9, 5, 2.5) R-S1 R1-5 R1 R-S5 R3-8 R-M12 R3-30 AP</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Automobile, Vehicle Service and Repair</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Accessory Sales and Installation, including parts supply</td>
<td></td>
<td>P</td>
<td>P</td>
<td>Asi</td>
</tr>
<tr>
<td>(No overnight outside storage or parking; body work prohibited)³,⁶</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Service (Lubrication, Tune-ups, emission tests, batteries,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>mufflers, etc. No use of impact wrenches or other equipment that</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>could create noise impacts; No overnight outside storage or parking;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paint, body work, upholstery prohibited)²,⁶</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Minor Repair (Brakes, tires, radiators, electrical, etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No overnight outside storage or parking; Paint, body work, upholstery</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>prohibited)²,⁶</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Paint, Body, and Upholstery Shops²,⁶</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Communications/Utilities Distribution and Transmission</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cellular, Microwave Antenna/Towers and related equipment buildings⁵</td>
<td></td>
<td>C</td>
<td>C</td>
<td>Asi</td>
</tr>
<tr>
<td>Gas Distribution, Meter, and Control Station</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electricity Distribution &amp; Transmission Substation (&lt;5,000 SF)</td>
<td></td>
<td>C</td>
<td>C</td>
<td>Asi</td>
</tr>
<tr>
<td>Electricity Distribution &amp; Transmission Substation (&gt;5,000 SF)</td>
<td></td>
<td>C</td>
<td>C</td>
<td>Asi</td>
</tr>
<tr>
<td>Power Generating Facilities, Solar Energy and/or Wind Energy Conversion Systems &gt;500 Kw ¹⁰</td>
<td></td>
<td>C</td>
<td>C</td>
<td>Asi</td>
</tr>
<tr>
<td>Solar Energy and/or Wind Energy Conversion Systems &lt;500 Kw</td>
<td></td>
<td>Cm</td>
<td>Cm</td>
<td>Asi</td>
</tr>
</tbody>
</table>
## ZONE DISTRICT

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solar Energy and/or Wind Energy Conversion Systems &lt;25 Kw</td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1</td>
<td>R-S5</td>
</tr>
<tr>
<td>Radio/Television Broadcasting Studios (including Recording Studios)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Telephone Repeater Stations</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td><strong>Eating and Drinking Establishments</strong></td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bakery, Coffeehouse, Delicatessen, Ice Cream Parlor, and other similar eating establishments 4</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Catering Service</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Nightclubs/Taverns/Bars 3, 5</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Restaurant, No Alcohol Sales</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Restaurant, Drive-Thru 2, no alcohol sales</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Restaurant, with Alcohol Sales</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td><strong>Entertainment/Recreation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Business (subject to Adult Business Ordinance)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement Park, Entertainment Center (including Arcade, Live Theater, Bowling, Ice and Roller Skating, Indoor Soccer and Hockey Arena)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Billiard/Pool Hall 9</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Batting Cages, Indoor or Outdoor</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Card Rooms 9</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Carnival, Circus, or Fair</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Club - Athletic, Health, or Recreation (including Dance Studios)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dance Hall/Dance Club</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>LAND USE</td>
<td>RESIDENTIAL</td>
<td>COMMERCIAL AND MIXED USE</td>
<td>BUSINESS AND MANUFACTURING</td>
<td>PUBLIC FACILITY, PUBLIC UTILITY, OPEN SPACE, PUBLIC LAND AND SCHOOLS AND GREEBNELT CORRIDORS DISTRICTS</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
<td>--------------------------</td>
<td>---------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1-5</td>
<td>R1</td>
</tr>
<tr>
<td>Golf Course and Driving Range, Clubhouse, Country Club</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Shooting Range, Indoor and Outdoor (outdoor ranges prohibited in the C and OS)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Stable, Public (Boarding/Riding) and Private - Boarding allowed as accessory use in DL</td>
<td>P</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>

**Zone Districts: DL, C, R, S, M, AP, MU, SU, ADD, BP, PU, PF, OS, DE, UE**

**Zone Districts: Game Courts, Commercial**

**Zone Districts: Golf Course and Driving Range, Clubhouse, Country Club**

**Zone Districts: Movie Theater**

**Zone Districts: Shooting Range, Indoor and Outdoor (outdoor ranges prohibited in the C and OS)**

**Zone Districts: Stable, Public (Boarding/Riding) and Private - Boarding allowed as accessory use in DL**

**Zone Districts: Convenience Market, Health Food Store**

**Zone Districts: Drug store**

**Zone Districts: Grocery Store, Retail, Discount, and Club Stores**

**Zone Districts: General Merchandise Stores**

**Zone Districts: Department Store, Specialty Stores**

**Zone Districts: Discount Stores, Home Improvement Center**

**Zone Districts: Lodging**

**Zone Districts: Hotel, Motel *(more than 50 rooms requires a CUP)***

**Zone Districts: Recreational Vehicle Park and Campgrounds**

**Zone Districts: Offices**

**Zone Districts: Administrative, Professional, and Other Related Offices**

**Zone Districts: Financial Institutions (Banks, Credit Unions, Check Cashing, Pay Advance)**
<table>
<thead>
<tr>
<th>LAND USE</th>
<th>RESIDENTIAL</th>
<th>ZONE DISTRICT</th>
<th>COMMERCIAL AND MIXED USE</th>
<th>BUSINESS AND MANUFACTURING</th>
<th>PUBLIC FACILITY, PUBLIC UTILITY, OPEN SPACE, PUBLIC LAND AND SCHOOLS AND GREENBELT CORRIDORS DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Money Transfer, etc.†</td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1</td>
<td>R-S5</td>
<td>R3-6</td>
</tr>
<tr>
<td>Copy Services, Postal Services, and Parcel Delivery Service</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Business Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Services†</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barber/Beauty Shop/Cosmetologist/Massage Parlor/</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acupuncturist</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Cemetery/Mausoleums</td>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dressmaker/Tailor Shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Cleaner (Storefront Type); Laundry Service‡</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funeral Parlor, Mortuary</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repair and Maintenance Services‡</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shoe and Watch Repair/Sales, Locksmith</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Janitorial Service, Pest Control Service</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail‡</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Temporary Uses and Structures (Subject to Section 17.75)</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>General Retail Sales (including the following: Antiques,</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Appliance Sales/Repairs; Art Gallery/Supplies; Books/</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Music; Clothing/Accessories; Costumes; Coins/Collectables</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food Products; Glass Shops/ Studios; Hardware; Hobby, Gift</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and Floral Shops; Home Improvement Good/ Home Furnishings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Supplies; Newsstands; Nursery/Garden</td>
<td>C</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
## LAND USE

<table>
<thead>
<tr>
<th>ZONE DISTRICT</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>DL (9, 5, 2.5) R-S1 R1-5 R1 R-S5 R3-5 R-M12 R3-30 AP MU C LM MI ADD BP PU PF OS DE UE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment; Office Equipment/Supplies; Pet Shop; Photography Studio/Photofinishing; Sporting Goods; Toy Stores’</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pawnshop, Secondhand Store</td>
<td>P</td>
<td>P</td>
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</tr>
</tbody>
</table>

### INDUSTRIAL’

<table>
<thead>
<tr>
<th>ZONE DISTRICT</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance Service</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Printing, Publishing, Bookbinding (including Lithographic and Newspaper Printing)</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Recreational Vehicle Repair, Supplies</td>
<td>C¹</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Laboratories, Chemical, Research, and Testing</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Machine/Sheet Metal Shop, Metal Engraving, Silk Screen Shop</td>
<td>C¹</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Industrial/Heavy Equipment, Sales, Service, and Rental (including, but not</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>limited to Construction Equipment; Refrigeration; Vending Machines)</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Junk, Salvage, Vehicle Wrecking, and Impound Yard</td>
<td></td>
<td></td>
<td>P</td>
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</tr>
<tr>
<td>Outdoor Storage, as a Primary use</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Recycling Facilities, Commercial</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Recycling Facilities, Public (collection only)</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Sanitary Landfill, Waste Haulers, Material Recovery Facility</td>
<td></td>
<td></td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Sewage Treatment Plant</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Upholstery Shop, Welding Shop</td>
<td>C¹</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 539, 540), October 2015
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1-5</td>
<td>R1</td>
</tr>
<tr>
<td>Building Materials/Lumber/Plumbing Supply Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Office (on the same site as the construction activity)</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Contractor Storage Yard, Machinery Storage Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horticultural (Landscape and Gardening) Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly, Manufacturing (Including food and beverage production and processing), Restoration of Goods; Except Tires</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Batch plants, aggregate products and other similar manufacturing uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Cleaning Plant, Large-Scale Commercial Type</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oil Exploration, Drilling, and Production (Limited to areas w/minimum lot size)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sand and Gravel Pit, subject to Surface Materials and Reclamation Act (SMARA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swap Meet&lt;sup&gt;6&lt;/sup&gt;</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>C</td>
</tr>
<tr>
<td>Wholesale Businesses (Including Electrical, Mechanical, Carpentry, Cabinetry)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse/Distribution/Storage/Transportation&lt;sup&gt;7&lt;/sup&gt;</td>
<td></td>
<td>C</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Transfer, Moving, and Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Truck Terminals (includes Freight to Freight, Cross Dock, Parcel Delivery)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>1</sup> Construction

<sup>2</sup> Manufacture and Wholesale

<sup>3</sup> Warehouse/Distribution/Storage/Transportation

City of Adelanto Title 17 Zoning Ordinance, Appendix A: Draft Amendments – Amended (Ord 539, 540), October 2015
### ZONE DISTRICT

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Residential</th>
<th>Commercial and Mixed Use</th>
<th>Business and Manufacturing</th>
<th>Public Facility, Public Utility, Open Space, Public Land and Schools and Greenbelt Corridors Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DL (9, 5, 2.5)</td>
<td>R-S1</td>
<td>R1-.5</td>
<td>R1</td>
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<tr>
<td>Terminals), Truck Parking</td>
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<td>Truck and Trailer (and similar heavy transportation equipment) Sales, Repair (all repair to be conducted entirely within an enclosed building)⁵</td>
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<tr>
<td>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.</td>
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<tr>
<td>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)</td>
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**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.
Good afternoon, Ms. Morris,

Thank you for the opportunity to review the above-reference project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and provides the attached comments/considerations.

The original letter will be sent in US Mail.

The ERC appreciates the opportunity to comment on this project.

Thank you,
STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

September 30, 2016

Amber Morris, Branch Chief
California Department of Food and Agriculture
1220 N Street, Suite 400
Sacramento, CA 95814

SUBJECT: ENVIRONMENTAL REFERRAL – CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA) – MEDICAL CANNABIS CULTIVATION PROGRAM (MCCP) – NOTICE OF PREPARATION OF A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

Ms. Morris:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and provides the following comments/considerations:

- CDFA regulations should define "wholesale" and "retail" nurseries;
- CDFA regulations should define "immature plant" as opposed to "production or flowering plant" for the purpose of separating nursery stock production from Type 1-3 (cultivation license);
- CDFA regulations should mandate pest detection, prevention and cleanliness standards equivalent to the standard CDFA nursery program;
- CDFA regulations should mandate that any cannabis nursery stock produced, sold, or distributed must be produced by a Type 4 licensed retail or wholesale nursery;
- CDFA regulations should mandate that Type 1-3 (licensed cultivators) who do not produce their own nursery stock (if allowed to do so) shall only purchase nursery stock from licensed Type 4 nurseries;
- CDFA should develop standard protocol, and provide the County Ag Commissioner guidance regarding submission of Pest Damage Record and pest samples related to cannabis production;
- CDFA regulations should clarify whether a Type 10 or 10A Dispensary can hold a Type 4 license and sell immature plants, or alternatively sell (but not produce) live plants under the Type 10 license (retail sales of immature plants is currently a standard industry practice);
• CDFA regulations should clarify any production size requirements or limitations on a Type 4 license since the law does not provide any clarification;
• CDFA should develop regulations addressing wholesale cannabis seed production for resale and strain development;
• Worker safety should be emphasized for both employees who will be working with cannabis and the people who will be regulating the industry;
• The potential for increased use of pesticides in urban settings should be considered;
• Funding for regulation must take into account any requirements at the local level including possible package inspection requirements placed on Weights and Measures.

Additionally, the following organic issues need to be considered:

• How will it be verified that non-organic pesticides have not been used in the last three (3) years?
• Do organic certifying companies have criteria ready to certify producers with values over $5000?
• Is cannabis a host for any pests monitored in the State Pest Detection Program?

The ERC appreciates the opportunity to comment on this project.

Sincerely,

[Signature]

[Name]

Environmental Review Committee

cc: ERC Members
Hello,

I am a current cultivator under the 9.31 program in Mendocino County. I hope my ideas and thoughts help you in your process. Please feel free to contact me for any questions or follow-up. It is the end of the season now, but I would like to give you an invitation to come by my farm anytime you would like to see what a permitted cannabis farm in Mendocino county is like if it would help in your process.

Thank you,
Regulatory Goal #1:

Definitions:

Canopy- This is the extent of the outer layer of leaves of an individual plant or group of plants. Some agencies define this as the entire garden area, which is unfair because large outdoor growers should be encouraged to have space between their plants for better plant health and management. Aisle ways and spacing between plants should not be included in the canopy measurement.

Flowering is when a cannabis plant starts to ripen and produce cannabis. There should be a distinction made between flowering for consumable product and flowering for breeding. Perhaps, call the later nursery flowering plants.

Immature is any plant that has not begun to flower and in the vegetative growth phase. This includes clones, mother plants, seedlings, and teenager plants (plants that are larger and more developed than clones but require more time to reach full maturity).

Mixed light refers to using supplemental light in a greenhouse to increase the hours of light in a day during the vegetative state to allow plants to grow to full maturity. Using lights for flowering in a greenhouse requires a much higher use of energy and basically turns it into an indoor grow and should be labeled as so.

Premise should be defined as a parcel with an APN number, or multiple conjoined parcels owned by the same entity.

Propagate is breeding genetics, seed generation, raising mother plants, and cutting clones. Individual cultivators should be permitted to propagate for their own needs. Licensed nurseries should be permitted to sell such plants.

GOAL #2

I would prefer the online application.

The weapons ban would affect me but violating my Second Amendment rights. I understand the reasoning behind this, and want to protect State staff, but the only issue enforcement staff would have with at a site would be for those not following rules, and who is to say they would follow this ban also? Those following the rules on the permitted should be able to defend themselves and their land. I am in Mendocino County high up in the mountains, and although I do not have major security concerns where I am at, I would feel a lot more comfortable having a firearm to protect myself from mountain lions, bears, and coyotes besides the human threat. Also, my land is over 160 acres and I am only permitted by the county to cultivate 10k square feet, which is less than a quarter
of an acres. If I hunt my property would I be violating the ban since there is cultivation on the property or will I not be allowed to bring the firearm in the garden?

I plan on applying for one license.

GOAL#3

I feel the same applicant should be able to obtain multiple licenses if they can demonstrate that they are fully compliant 1 after the first year or 2 and have the fiscal stability to support multiple grows. I think it would be unfair to have a cap on the licenses and allow people to hold multiple licenses without meeting the criteria I said before so they cannot just sit on the license that someone else could put to good use. The 4 acre limit may be a little high to start out with for the first year. A person should be allowed a max of 1 acre and be allowed to add more after 2 years like I mentioned earlier. Mixed light should be the same as outdoor if it is vegetative light. Indoor growers should only be allowed to grow on a large scale in industrial zones and nowhere near an acre, they are able to obtain crops throughout the year. Also, indoor growers use a large amount of energy and they should pay a tax of some sort based upon their energy consumption especially for the larger ones. None of this affects my business model, because I am currently only permitted to grow 10k square feet or 99 plants in my county, and unless they change this will not pertain to myself.

A cultivator should need a manufacturing license if they are doing anything further to trimmed prepared bud. I plan on making infused tomato sauce from my tomato gardens if I can get a manufacturing license also. There may need to be multiple categories of manufacturing licenses also. Creating edibles is a lot different process than those using butane machines that are very dangerous. The scope of cultivation should only be, growing plants to maturity, flowering, harvesting, trimming and packaging, and selling to retailers.

I will be applying for a mixed light or outdoor license to cultivate 10k sq ft as per my county.

When I use mixed lighting I use solar lights that come on after the sun goes down and stay on for the appropriate hours to keep the plants thinking it is still early summer. If mixed light is going to allow for flowering lights, a cultivator would need 1000 watts per 4’x4’ area, and it would have to be like an indoor room inside a greenhouse. I think any low watt lighting like using Christmas lights or fluorescent lights is fine any light over 400 watts is outside the scope of what mixed lighting should be.

I am against creating caps, but understand the program requires it for Type 3 licenses. I think what would be fair is to make the cap a per year cap and there should be a certain amount per area, and priority should be given to those with any prior permit or license from a county/city.
GOAL#4

I am a big advocate for being a steward of the land and considering all environmental impacts. I insure there is proper erosion control from my garden areas, by using a rocked quarry for gardens. I do not use any pesticides, but use organic neem oil early in the season as preventative sprays, and introduce predatory insects such as green lacewings and ladybugs to help keep pests away. We always water at optimal times because it is better for the plants anyway and use drip systems for more efficiency.

We have gates and fences currently for security and are in the process of installing cameras and a system to monitor the site.

I have no plans for obtaining a nursery license but will say I feel they should sell to the public and should deliver plants. I have been to many dispensaries and have not found one that I feel properly cares for the plants, and they should not be exposed in a retail location site. I use seeds and clones.

GOAL#5

My site is always safe for inspection and welcome for inspectors to come whenever they like. There are no hazards on my premise.

I retain records of almost anything I can through excel spreadsheets. I keep track of each plant’s watering records, foliar regiments, growth charts, etc… I feel the more data I have the more I can learn and improve from. Also, I want to be as transparent as possible to make the process easier.

GOAL#6

I am a proponent of a track and trace system. I think each plant should get a barcode from seed or clone and should be tracked throughout. It will be different perhaps from indoor to outdoor because many outdoor growers plant seeds or very young plants into where they will grow for the whole season and will not really need much track and trace wise until harvest. I think for us outdoor growers during harvest and when it is being stored and sold would be the most beneficial time for this.

GOAL#7

I think a reasonable time for a hearing would be 45 days from the conclusion of an investigation. I consider a minor violation something like having a broken lock that needs to be replaced, or having to update a sign or something non-environmentally impacting nor anything criminal. Moderate violations would small environmental issues like needing rice waddles for slight erosion issues, not doing something in a timely fashion. Serious violations would be anything criminal especially divergence, major environmental issues, cultivating more than permitted, and using harmful or banned pesticides.
Please see my attached comments on the proposed Cannabis Cultivation Program. I would like to make the attached comments on the Medical Cannabis Cultivation Program, to be filed in the record for: Programmatic Environmental Impact Report (PEIR) and Regulations.

Thank you,
September 27th 2016

I would like to make the following comment on the Medical Cannabis Cultivation Program, to be filed in the record for: Both PEIR & Regulations

Cannabis requires massive amounts of water. A single plant needs up to 8 to 15 gallons of water every day depending on environment and temperatures, with a continuing western drought, considering legalization of such a crop that does not create food is insane.

Cannabis is not compatible within any residential zoning including residential/agriculture zoning areas. The decreased property values of adjacent and nearby properties due to the smell of dead skunks, the negative criminal elements of the drug and traffic, is an unavoidable impact. These growers have been illegally growing and selling, even though it has been illegal to do so. These growers will not follow the laws, regulations and ordinances to regulate them legally. Even with potential legalization, the lure of additional profit through circumventing the payment of taxes and cost of the legally regulated production will continue the criminal elements of the growers with the black market continuing to thrive.

Marijuana growers are often heavily armed and operate with little or no regard for the environmental impacts of their operations.

Marijuana grow sites harm surrounding habitats in other ways, too. Cultivators use fertilizers, pesticides, herbicides and rat poison, which wash into waterways and leach into groundwater contaminating the
water supply. The use of excessive pesticide, herbicide and rodenticide, poisons used to keep rodents away from plants have lethal effects on fish and wildlife. They also produce large amounts of trash and non-biodegradable waste. The air pollution created is extremely noticeable without the use of air testing equipment.

Cultivation of marijuana presents a clear danger to the public health, safety and the environment; regulation will not fully mitigate this reality.

We have owned our 5 acre horse ranch for 21 years. We, as well as the several surrounding horse ranches, now cannot use or enjoy our outdoor areas of our properties; due to Calaveras “cannabis” County allowing a one acre grow site at an adjacent property, as well as more than 700 other sites in the county. We no longer feel safe on our own property. Under California law we must disclose this, if we were trying to sell our property. According to property appraisers, we now have lost more than 30% property value. How will that be mitigated? We know firsthand of the numerous negative effects involved with cannabis cultivation. We want our neighborhoods back!

We also have to bear the cost of our own water well testing and don’t know what we will do when the test come back with contamination, as it is our only water source.

Sincerely,