

ORDINANCE NO. 874[]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA

Cannabis Businesses

Amending Section 17.60.040, Uses permitted in specific zones, of Chapter 17, Zoning Ordinance of the Sonora Municipal Code, relating to cannabis businesses.

WHEREAS, on October 9, 2015, Governor Jerry Brown signed three bills into law (Assembly Bill 266, Assembly Bill 243, and Senate Bill 643), which are collectively referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"). MCRSA established the first statewide regulatory system for medical cannabis businesses; and

WHEREAS, in 2016, the voters of California approved Proposition 64 entitled the "Control, Regulate and Tax Adult Use of Marijuana" ("AUMA"). AUMA legalized the adult-use and possession of cannabis by persons 21 years of age and older and the personal cultivation of up to six cannabis plants within a private residence. However, AUMA authorizes local jurisdictions to reasonably regulate personal cultivation; and

WHEREAS, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), which created a single regulatory scheme for both medicinal and adult-use cannabis businesses. MAUCRSA retains the provisions in the MCRSA and AUMA that granted local jurisdictions control over whether businesses engaged in commercial cannabis activity may operate in a particular jurisdiction; and

WHEREAS, on January 16, 2018, the Sonora City Council ("City Council") adopted an ordinance that regulates cannabis businesses through a development agreement and a use permit (the "Cannabis Business ~~Pilot~~ Program"); and

WHEREAS, on May 21, 2018, the City Council adopted Zoning Ordinance Number 849 (the "Zoning Ordinance") to give clear land use guidelines pursuant to state law and Cannabis Pilot Program while ensuring that no cannabis business will be located in any residential zones or areas of sensitive use; and

WHEREAS, the City desires to amend the Cannabis Business ~~Pilot~~ Program and the zones that cannabis businesses are allowed to operate through an Ordinance which amends the Zoning Code (the "Ordinance"); and

WHEREAS, the City Council desires to adopt zoning regulations necessary to implement the

the changes to the Cannabis ~~Pilot-Business~~ Program and finds that this proposed Ordinance will give the City clear land use guidelines for allowing cannabis businesses in accordance with state law and local law; and

WHEREAS, at its regular meeting conducted on [], the City Council conducted a public hearing to consider the Text Amendments to Chapter 17, Zoning Ordinance, of the Sonora Municipal Code.

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

SECTION 1: Amend Section 17.60.040, Uses permitted in specific zones, to add the following:

P. A cannabis dispensary, as defined by Chapter 8.36 of this code, in the CO, C, CG, and ML zones; however, a cannabis dispensary is prohibited from operating within the Benefit Zone A, as defined by Chapter 3.36 of this code. A cannabis dispensary is prohibited from operating within six hundred feet (600') feet of a school, youth center, day care, church, or park operating at the time of the cannabis dispensary application.

Q. A cannabis manufacturing business, as defined by Chapter 8.36 of this code, in the ML, and C zones. A cannabis manufacturing business is prohibited from operating in the Benefit Zone A. A cannabis manufacturing business is prohibited from operating within six hundred feet (600') feet of a school, youth center, day care, church, or park operating at the time of the cannabis manufacturing business application.

R. A cannabis testing laboratory, as defined by Chapter 8.36 of this code, in the ML and C zone. A cannabis testing laboratory is prohibited from operating in the Benefit Zone A. A cannabis testing laboratory is prohibited from operating within six hundred feet (600') feet of a school, youth center, day care, church, or park operating at the time of the cannabis testing laboratory application.

SECTION 2. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. This ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 4. CERTIFICATION OF COUNCIL ADOPTION AND APPROVAL. This Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on the ____, of ____, 2020, and adopted at a regular meeting of the City Council of the City of Sonora held on the ____, of ____, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

[Name] Matt Hawkins

Mayor of the City of Sonora

ATTEST:

[Name]

Sonora City Clerk