

ORDINANCE NO. 19-06

AN ORDINANCE APPROVING MUNICIPAL CODE AMENDMENT 2019-02, AN AMENDMENT TO TITLE 17, SECTION 17.08.030 OF THE HANFORD MUNICIPAL CODE, ADDING TO THE LINE D8 "DISPENSARIES (NON-STOREFRONT RETAIL)" AS A CONDITIONAL USE IN THE IH ZONE, AMENDING LINE I23 TO ALLOW STOREFRONT RETAIL DISPENSARIES AS A CONDITIONAL USE IN THE MX-D ZONE AND AMEND SECTION 17.69 TO ALLOW MEDICAL AND ADULT USE COMMERCIAL OPERATIONS AND TO ALLOW DISPENSARIES.

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

Section 1: The Hanford Municipal Code Title 17, the Zoning Ordinance contains regulations to ensure the public health, safety, peace, comfort, convenience, prosperity and general welfare of the citizens of Hanford, including zoning categories, allowed uses and development standards.

Section 2: The City Council has held a public hearing on the amendment to Chapter 17.08 and 17.69 which will allow storefront retail in the MX-D zone and non-storefront retail in the IH zone and amendments to the development standards for cannabis businesses in the City of Hanford.

Section 3: The City Council finds that the adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the following sections of the CEQA Guidelines, 14 Cal. Code of Regulations, Chapter 3:

- A. The ordinance is exempt under Section 15061(b) (3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The ordinance permits a very limited number of commercial cannabis businesses, and the commercial cannabis businesses will have no impacts that are different than the farming, manufacturing, distribution, laboratory, and delivery activities already authorized within the City. Furthermore, the city's Municipal Code contains requirements that prevent any potential impacts on the environment that may be unique to businesses involving cannabis. For example, the ordinance establishes prohibitions on nuisance odors, glare, excess energy usage, and establishes safety protections to prevent crime or deterioration of the business area into blight, prohibition on usages of hazardous chemicals except for those usages that are consistent with state standards for those chemicals, and a prohibition on usage of excess water in violation of drought laws etc. Further, there is no possibility that this ordinance would create cumulative impacts that are significant because this ordinance does not authorize a total number of businesses in the city than would have been otherwise authorized, does not authorize construction or other related activities or any other activities that are not already permitted, except that the ordinance allows the same activities but with a different material (medical cannabis and nonmedical cannabis) that is being grown, sold, transported, or otherwise utilized in some form; there are no other

significant impacts that could occur as a result of this ordinance, and there are no unusual circumstances that would cause any such significant impacts;

- B. The ordinance is also exempt under Section 15183 (projects consistent with a community plan, general plan, or zoning) since the types of businesses permitted by the ordinance are consistent with those contemplated by general plan and zoning, such as farming, manufacture, retail and distribution of other agriculture products and/or products to be used as pharmaceuticals;

SECTION 4: The City Council of the City of Hanford does ordain that Title 17 is hereby amended as shown in Exhibit A and B.

SECTION 5. That the ordinance shall take effect thirty (30) days after its passage, and shall be published once in the Hanford Sentinel within fifteen (15) days after its passage or a summary of this ordinance shall be published in the Hanford Sentinel in a manner consistent with the requirements of the California Government Code.

Passed and adopted at a regular meeting of the City Council of the City of Hanford duly called and held on May 21, 2019, by the following roll call vote:

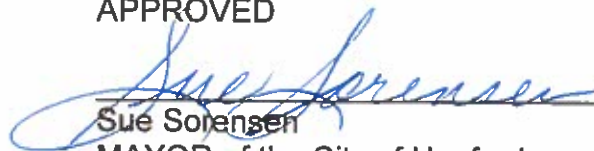
AYES: Derine, Ramirez, Draxler

NOES: Brieno

ABSTAIN: Sorensen

ABSENT: Ø

APPROVED


Sue Sorensen
MAYOR of the City of Hanford

ATTEST:


SARAH MARTINEZ
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I SARAH MARTINEZ, City Clerk of the City of Hanford, do hereby certify the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Hanford on the 7th day of May, 2019, and it was duly passed and adopted at a regular meeting of the City Council of the City of Hanford held on the 21 day of May, 2019.



SARAH MARTINEZ
CITY CLERK

Exhibit A
Chapter 17.08

Commercial, Office, and Industrial Use Table															
P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed															
Land Uses	Commercial Zones				Mixed Use Zones			Industrial and Office Zones			Other Zones			Specific Land Use Standards (See identified Section)	
	C-Na	C-Ra	C-Sa	C-Ha	MX-Na	MX-Ca	MX-Do	O-Ra	Oa	I-La	I-Ha	APa	PFa		COa
123 Cannabis cultivation, manufacture, distribution, transportation, <u>microbusiness, non-storefront dispensaries</u> and laboratory testing															See Chapters 5.56 and 17.69

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Land Uses	Commercial Zones				Mixed Use Zones			Industrial and Office Zones			Other Zones			Specific Land Use Standards (See identified Section)	
	C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF		CO
123 Cannabis <u>Storefront</u> dispensary or sales							C								See Chapters 5.56 and 17.69

Exhibit B
Chapter 17.69

Chapter 17.69 COMMERCIAL CANNABIS-RELATED USES AND ACTIVITY

17.69.010 Purpose.

The purpose of this chapter is to further fulfill the purposes and intents set forth in Title 5 of the Hanford Municipal Code. No person shall operate a commercial cannabis business without first obtaining a City commercial cannabis business permit and complying with all the requirements of Title 5 of the Hanford Municipal Code and complying with all applicable State law requirements including obtaining a license or permit required by the State to operate a commercial cannabis business.

17.69.020 Definitions.

Unless otherwise provided herein, the terms used in this chapter shall have the meanings ascribed to them in Title 5 of the Hanford Municipal Code.

17.69.030 Location of commercial cannabis businesses—Storefront Retail Dispensaries.

Storefront retail dispensaries shall be a conditional use in the MX-D zone, subject to the following requirements:

- A. Storefront retail dispensaries shall be located no closer than two hundred (200) feet to any property zoned RL-5, RL-8, RL-12, R-M, R-H that is in existence at the time the application is submitted. If any part of an MX-D zoned parcel falls within the two hundred (200) foot radius from the above listed residentially zoned properties, then the entire parcel shall be excluded from allowing the commercial cannabis business.
- B. It shall be no closer than six hundred (600) feet from any portion of any parcel containing any of the following that is in existence at the time the application is submitted:
 1. A school (whether public, private, or charter; including pre-school, transitional kindergarten, and K-12);
 2. A daycare facility serving nine (9) or more children and is licensed by the State;
 3. Any youth facility as defined in State of California Health and Safety Code Section 11353.1(e)(2). Youth Facility is further defined to mean any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where 10 or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state

parks. This definition shall not include any private commercial activity including martial arts, yoga, ballet, music or similar studio of this nature nor shall it include any private athletic training facility or pizza parlor, dentist office or doctor's office primarily serving children.

17.69.040 Location of commercial cannabis businesses—Cultivation, dispensaries (non-storefront retail), microbusiness, manufacturing, testing facilities, distributors and transporting.

Commercial cannabis businesses, including those permitted to engage in cultivation, dispensaries (non-storefront retail), microbusiness, manufacturing, testing, distribution and transporting of cannabis and cannabis products shall be permitted only if all the following requirements are met:

- A. The commercial cannabis business, other than a storefront retail dispensary, must be located on property zoned I-H-Heavy Industrial District.
- B. The property on which the commercial cannabis business is located must also meet all of the following distance requirements:
 1. It shall be no closer than two hundred (200) feet to any property zoned RL-5, RL-8, RL-12, R-M, R-H that is in existence at the time the application is submitted., including any legal nonconforming residential uses as of the date the commercial cannabis business permit is issued. If any part of an I-H zoned parcel falls within the two hundred (200) foot radius from residentially zoned properties within the City, then the entire parcel shall be excluded from allowing the commercial medical cannabis business.
 2. It shall be no closer than six hundred (600) feet from any portion of any parcel containing any of the following that is in existence at the time the application is submitted
 - a. A school (whether public, private, or charter; including pre-school, transitional kindergarten, and K-12);
 - b. A daycare facility serving nine (9) or more children and is licensed by the State.
 - c. Any youth facility as defined in State of California Health and Safety Code Section 11353.1(e)(2) Youth Facility is further defined to mean any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where 10 or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state parks. This definition shall not include any private

commercial activity including martial arts, yoga, ballet, music or similar studio of this nature nor shall it include any private athletic training facility or pizza parlor, dentist office or doctor's office primarily serving children.

17.69.050 Distances measured—Applicable properties.

The distance between parcels shall be the horizontal distance measured in a straight line from any property line of the sensitive use to the closest property line of the lot on which the commercial cannabis business is to be located, without regard to any intervening structures. The distance requirements in this chapter shall only be applicable with respect to properties located in the City's limits, unless otherwise required by State law. The distance requirements shall not be applicable with respect to any property located outside the City limits.

17.69.060 Certification from the Community Development Director.

Prior to commencing operations, a commercial cannabis business must obtain a certification from the Community Planning Director or designee certifying that the business is located on a site that meets all the requirements of this title and Title 5.