

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.80, SECTION 16.80.195 OF THE STOCKTON MUNICIPAL CODE RELATED TO CANNABIS BUSINESSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I: AMENDMENT OF CODE

Title 16, Chapter 16.80, section 16.80.195 is amended to read as follows:

16.80.195 ~~Medical~~ Cannabis Businesses—Permitting.

A. Medical Cannabis Dispensaries.

1. Conditional use permit required. A conditional use permit is required to establish or operate a medical cannabis dispensary.

2. Operators permit required. After acquiring a Conditional Use Permit, a medical cannabis dispensary must obtain and maintain at all times a valid medical cannabis operators permit as required by Chapter 5.100.

3. Location requirements. The following location requirements apply to all medical cannabis dispensaries ~~and may not be waived or modified by conditional use permit, variance, or site plan and design review approval:~~ The Review Authority may waive location requirements as provided in Chapter 16.176, consistent with applicable State location restrictions.

a. No medical cannabis dispensary shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other medical cannabis business or site having a valid use permit for a medical cannabis business;

b. No medical cannabis dispensary shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;

c. No medical cannabis dispensary shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility;

d. No medical cannabis dispensary shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any park or school, K-12.

Only those uses established and in operation as of the date that the application for a medical cannabis dispensary conditional use permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.

4. Conditions of approval. The planning commission may address development and operational standards through conditions on the conditional use

permit as it is determined to be necessary or appropriate for the medical cannabis dispensary conditional use permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100, relating to operating requirements of medical cannabis dispensaries and shall be subordinate to conditions placed on the medical cannabis operators permit issued under Chapter 5.100.

5. Parking. Off-street parking shall be provided as required under Chapter 16.64 for retail trade.

6. Application. The application for a conditional use permit for a medical cannabis dispensary shall include a floor plan, site plan, neighborhood context map, and a security and lighting plan.

7. Pre-existing medical cannabis dispensaries—Nonconforming. No medical cannabis dispensary operating or purporting to operate without a valid business license and conditional use permit prior to the adoption of this ordinance, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such dispensary be deemed a legal nonconforming use under this Title 16.

8. Additional grounds for revocation of medical cannabis dispensary conditional use permit. In addition to the grounds stated in Section 16.108.030(B) for revocation of a conditional use permit, a conditional use permit for a medical cannabis dispensary may be revoked on either of the following grounds in accordance with the procedure under Section 16.108.030(A):

a. The medical cannabis dispensary is operated in a manner that violates any of the provisions of state law or this code; or

b. The medical cannabis dispensary does not have a valid medical cannabis operators permit required by Chapter 5.100.

B. Medical Cannabis Cultivation.

1. Conditional use permit required. A conditional use permit is required to establish or operate a medical cannabis cultivation site.

2. Operators permit required. After acquiring a Conditional Use Permit, a medical cannabis cultivation site must obtain and maintain at all times a valid medical cannabis operators permit as required by Chapter 5.100.

3. Location requirements. The following location requirements apply to all medical cannabis cultivation sites. ~~and may not be waived or modified by conditional use permit, variance, or site plan and design review approval~~ The Review Authority may waive location requirements as provided in Chapter 16.176, consistent with applicable State location restrictions.

a. No medical cannabis cultivation site shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other medical cannabis business or site having a valid use permit for a medical cannabis business;

b. No medical cannabis cultivation site shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;

c. No medical cannabis cultivation site shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, child care, in-home (family day care home), religious facility, drug abuse, alcohol recovery/treatment facility, or theater;

d. No medical cannabis cultivation site shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any park or school, K-12;

e. All medical cannabis cultivation sites must be located within a fully-enclosed building and the interior of the building must not be visible from the public right-of-way.

Only those uses established and in operation as of the date that the application for a medical cannabis cultivation site conditional use permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.

4. Operator. No medical cannabis cultivation site shall be operated by a person or entity that operates a medical cannabis dispensary.

5. Limit on who may own cultivation sites. No medical cannabis dispensary owner may own or operate a medical cannabis cultivation site in the City of Stockton.

6. Limit on growth square footage. The cumulative area of total canopy size used for cultivation on the premises of a medical cannabis cultivation site shall not exceed twenty-two thousand (22,000) square feet.

7. Conditions of approval. The planning commission may address development and operational standards through conditions on the conditional use permit as it is determined to be necessary or appropriate for the medical cannabis cultivation site conditional use permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100 relating to operating requirements of medical cannabis cultivation sites and shall be subordinate to conditions placed on the medical cannabis operators permit issued under Chapter 5.100.

8. Parking. Off-street parking shall be provided as required under Chapter 16.64 for industry, manufacturing, and processing uses.

9. Application. The application for a conditional use permit for a medical cannabis cultivation site shall include a floor plan, site plan, neighborhood context map, and a security and lighting plan.

10. Pre-existing medical cannabis cultivation sites- nonconforming. No medical cannabis cultivation site operating or purporting to operate without a valid business license and conditional use permit prior to the adoption of this ordinance, shall be deemed to have been a legally established use under the provisions of this code, nor

shall the operation of such cultivation site be deemed a legal nonconforming use under this Title 16.

11. Additional grounds for revocation of medical cannabis cultivation site conditional use permit. In addition to the grounds stated in Section 16.108.030(B) for revocation of a conditional use permit, a conditional use permit for a medical cannabis site may be revoked on either of the following grounds in accordance with the procedure under Section 16.108.030(A):

- a. The medical cannabis cultivation site is operated in a manner that violates any of the provisions of state law or this code; or
- b. The medical cannabis cultivation site does not have a valid medical cannabis operator permit as required by Chapter 5.100.

C. Prohibition of Certain Cannabis Businesses. The following cannabis businesses shall be prohibited in the City of Stockton:

1. Any cannabis business engaging in the sale or cultivation of adult-use cannabis or adult-use cannabis products, as provided in Business and Professions Code section 26000, *et seq.*; and
2. Any cannabis business engaged in delivery, distribution, or manufacture of cannabis or operating a cannabis testing laboratory, as defined in Business and Professions Code section 26001.

D. Prohibition of Outdoor Personal Cannabis Cultivation. Cannabis cultivation for personal use must be located inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure.

SECTION II: SEVERABILITY

If any of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end, the provisions of this act are severable.

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SECTION III: EFFECTIVE DATE

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

BRETT HUNTER, CMC
Interim City Clerk of the City of Stockton