

**ORDINANCE NO. 0005-2023**

**AN ORDINANCE OF THE CITY OF MCFARLAND AMENDING MCFARLAND MUNICIPAL CODE CHAPTERS 19.04.080(11), 19.04.110(a), 19.04.270(b) AND REMOVAL OF CHAPTER 19.04.040(d) OF TITLE 19 COMMERCIAL CANNABIS ACTIVITY ORDINANCE.**

**Section 1. Recitals.**

**WHEREAS**, The City of McFarland (“City”) desires to codify its Municipal Code Chapter related to permitted uses within the commercial cannabis activity ordinance;

**WHEREAS**, the City Council desires to amend Sections 19.04.080, 19.04.110, 19.04.270 and removal of Section 19.04.040(d) of Title 19 Commercial Cannabis Activity Ordinance; and

**WHEREAS**, on May 11th, 2023, the City Council conducted a duly noticed public hearing regarding this Ordinance, where it received presentations from City staff, oral and written testimony from members of the public; and

**WHEREAS**, after the above-mentioned City Council public hearing, the City Council now desires to amend Title 19, “Commercial Cannabis Activity”; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MCFARLAND DOES ORDAIN AS FOLLOWS:

**Section 2.** The Recitals set forth above are true and correct and incorporated herein.

**Section 3.** Chapter 19.04.040 (d) of the McFarland Municipal Code is hereby removed from the McFarland Municipal Code

**Section 4.** Chapter 19.04.080 (11) of the McFarland Municipal Code is hereby amended and adopted to read as follows:

“Fencing shall be installed along the perimeter of the project site. Fencing location, design, and materials shall be approved by the City Manager or designee. Fencing shall be a minimum of 10’-0” with angled or electrified top. The Fire Department has a special permit for electrified fences. Materials shall be limited to wrought iron fencing, masonry, a combination of the two, or alternatives subject to approval by the City Manager or their designee. All fencing shall have angled wrought iron topping or must be electrified. Electronic entry gates for automobiles and pedestrian shall be designed as noted above and the City Manager or designee shall have final approval. Fencing must be in place to the satisfaction of the City Manager or their designee as well as the Building Department prior to being eligible for a certificate of occupancy or a temporary certificate of occupancy.”

**Section 5.** Chapter 19.04.110 (a) of the McFarland Municipal Code is hereby amended and adopted to read as follows:

“Commercial cannabis activity shall be authorized **within** the following zoning districts of the City: M-1 limited Manufacturing, M-2 Light Manufacturing, M-3 General Manufacturing, zoning districts. Commercial cannabis activity is prohibited in all other zoning districts of the City.”

**Section 6.** Chapter 19.04.270 (b) of the McFarland Municipal Code is hereby amended and adopted to read as follows:

- (a) “No commercial cannabis retailer offering storefront purchase shall be located within 300 feet from another commercial cannabis storefront retailer. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of one commercial cannabis storefront retailer to the closest property line of the lot on which another commercial cannabis business is located without regard to intervening structures.”

**Section 7. NOTICE.** The City clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

**Section 8. Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

**Section 9. Effective Date.** This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

**Section 10. Certification; Publication.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

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**INTRODUCED,** at a Regular meeting of the City Council of the City of McFarland, California on the 11th day of May 2023.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of McFarland, California on the 25<sup>th</sup> day of May 2023, by the following vote:

	Aye	Nae	Abstain	Absent
<b>Saul Ayon</b>	X			
<b>Ricardo Cano</b>	X			
<b>Amador Ayon</b>	X			
<b>Anita Gonzalez</b>	X			
<b>Maria Perez</b>	X			

  
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 Saul Ayon, Mayor

I hereby certify that the foregoing Ordinance was duly and regularly introduced/adopted by the City Council of the City of McFarland by a regular meeting thereof held on May 25, 2023.

ATTEST:

\_\_\_\_\_  
Francisca Alvarado, City Clerk

APPROVED AS TO FORM:

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Nathan M. Hodges, City Attorney