

ORDINANCE NO. 0001-2023

AN ORDINANCE OF THE CITY OF MCFARLAND AMENDING MCFARLAND MUNICIPAL CODE CHAPTERS 17.84.020 B, 17.88.020 B, 17.92.020 B, AND 17.152.030 AND REMOVAL OF CODE CHAPTERS 17.08.045 AND 17.08.050.

Section 1. Recitals.

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

WHEREAS, the City Council desires to amend Sections 17.84.020 B, 17.88.020 B, 17.92.020 B and 17.152.030 and remove Sections 17.08.045 and 17.08.050 of Title 17 Zoning will permit, by-right Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity; and

WHEREAS, on February 7th, 2023 at after a duly noticed public hearing, the Planning Commission considered the Proposed Amendments, including presentations from City staff, oral testimony, and written testimony; and

WHEREAS, after the above-mentioned public hearing, the Planning Commission denied Resolution No. 2023-0001PC, which recommended that the City Council adopt this Ordinance; and

WHEREAS, on February 9th, 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 17, “Zoning”; 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 17.84.020 of the McFarland Municipal Code is hereby amended and adopted to add a permitted use Section 17.84.020 B, to read as follows:

“F. Commercial Cannabis Activity as established by Chapter 19.04.040 Commercial Cannabis Activity within Title 19 Commercial Cannabis Activity.”

Section 4. Chapter 17.88.020 of the McFarland Municipal Code is hereby amended and adopted to add a permitted use Section 17.88.020 B, to read as follows:

“F. Commercial Cannabis Activity as established by Chapter 19.04.040 Commercial Cannabis Activity within Title 19 Commercial Cannabis Activity.”

Section 5. Chapter 17.92.020 of the McFarland Municipal Code is hereby amended and adopted to add a permitted use Section 17.92.020 B, to read as follows:

“G. Commercial Cannabis Activity as established by Chapter 19.04.040 Commercial Cannabis Activity within Title 19 Commercial Cannabis Activity.”

Section 6. Chapter 17.152.030 of the McFarland Municipal Code is hereby amended and adopted to add a permitted use Section 17.152.030, to read as follows:

“U. Commercial Retail Cannabis in C-2 zones.”

Section 7. Chapter 17.08.045 of the McFarland Municipal Code is hereby removed from the McFarland Municipal Code.

Section 8. Chapter 17.08.050 of the McFarland Municipal Code is hereby removed from the McFarland Municipal Code.

Section 9. 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 10. 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 11. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 12. 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 9th day of February 2023.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland, California on the 23rd day of February 2023, by the following vote:

	Aye	Nae	Abstain	Absent
Saul Ayon	✓			
Ricardo Cano	✓			
Amador Ayon	✓			
Anita Gonzales	✓			
<i>María T Perez</i>	✓			



Saul Ayon, Mayor

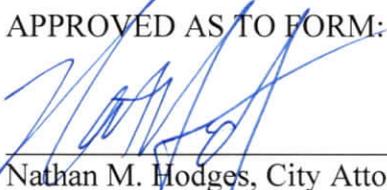
I hereby certify that the foregoing Ordinance was duly and regularly introduced/adopted by the City Council of the City of McFarland by a regular meeting thereof held on February 09, 2023.

ATTEST:



Francisca Alvarado, City Clerk

APPROVED AS TO FORM:



Nathan M. Hodges, City Attorney

