

ORDINANCE NO. 0008-2023

**AN ORDINANCE OF THE CITY OF MCFARLAND
AMENDING SECTION 19.04.110(a) OF THE MCFARLAND
MUNICIPAL CODE RELATING TO COMMERCIAL
CANNABIS PERMITTING**

Section 1. Recitals

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

WHEREAS, the City Council desires to amend Section 19.04.110(a) to provide for a development agreement for commercial cannabis within the C-2 zone; and

WHEREAS, California Government Code Section 65865 *et seq.* provides authority to the City to enter into a development agreement to establish the use of property, building requirements and other conditions, terms, restrictions and requirements for the development and use of land.

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

Section 2. Chapter 19.04.110(a) 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, excepting therefrom, commercial cannabis activity authorized within C-2 Commercial zone districts with an approved Development Agreement only”

Section 2. 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 3. 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.

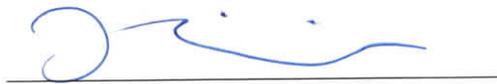
Section 4. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 5. 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.

INTRODUCED, PASSED at a regular meeting of the City Council of the City of McFarland, California on the 10th day of August, 2023, by the following vote:

ADOPTED at a regular meeting of the City Council of the City of McFarland, California on the 24th day of August, 2023, by the following vote:

	Aye	Nae	Abstain	Absent
Saul Ayon	✓			
Ricardo Cano	✓			
Anita Gonzalez	✓			
Amador Ayon	✓			
Maria T. Perez	✓			



Francisca Alvarado, City Clerk

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of McFarland by a regular meeting thereof held on 24th day of August 2023.

ATTEST:



Saul Ayon, Mayor



APPROVED AS TO FORM:

Nathan Hodges, City Attorney

Posted: August 25, 2023