

CITY OF VISALIA

CITY COUNCIL

November 6, 2023

Item I: Ordinance No. 2023-13



Ordinance No. 2023-13

Zoning Text Amendment No. 2023-02:

- A request by the City of Visalia to add Chapter 5.66, amend Chapter 8.64, add Section 17.32.167, and amend 17.25.
- Proposed ordinance additions/amendments to address state mandates under SB 1186.
- Staff recommends that the City Council hold a public hearing and introduce the first reading of Ordinance No. 2023-13.

JULY 17, 2023 CITY COUNCIL MEETING

On July 17, 2023, staff conducted a work session with City Council on this subject and gained authority to proceed with municipal code updates to Title 5 Business Regulations, Title 8 Health and Safety, and Title 17 Zoning. This zoning ordinance update is seeking to implement reasonable zoning regulations in response to SB 1186.

SB 1186

The “Medicinal Cannabis Patients’ Right of Access Act”

- Signed into CA law in late 2022
- Effective on January 1, 2024
- Prohibits local agencies from enforcing any local regulations prohibiting the retail sale by delivery of medicinal cannabis
- “Delivery only” retail businesses will be permitted, subject to reasonable zoning regulations for public health and safety, within the City of Visalia

SB 1186 ORDINANCE IMPLICATIONS

1. Update Zoning Matrix in Chapter 17.25.
2. Add Section 17.32.167 to Special Provisions chapter, to establish reasonable zoning regulations for the new delivery only medical marijuana retail use.
3. Modify Chapter 8.64 that broadly prohibit all commercial cannabis activities.
4. Add Chapter 5.66 to establish business regulations for this use.

PROPOSED VMC UPDATES:

- Title 5: Add Chapter 5.66 - "Regulations and Requirements for Cannabis Businesses Permitted to Operate Under California State Law".
- Title 8: amend Chapter 8.64 - "Public Use/Consumption of Medical Marijuana"
- Title 17: amend Chapter 17.25 - Commercial, Mixed Use, Office, and Industrial Zones Use Matrix, and add Section 17.32.167 - Delivery only medical marijuana retail

TITLE 5: BUSINESS REGULATIONS

Add Section 5.66 "Regulations & Requirements for Cannabis Businesses Permitted to Operate Under California State Law".

- Under this new section, the following standards under the purview of the Visalia Police Department are required:
 - Security plans and site plans required
 - Closed to the public
 - Delivery vehicles will be inspected by City and obtain an operating permit
 - Background inspections of all owners and all drivers required
 - Odor control plans

TITLE 5: BUSINESS REGULATIONS

Additionally in new Section 5.66:

- Maintaining a valid M-license (medicinal designation) and Type 9 license (non-storefront retailer, delivery only)
- Entry into the premises by the general public is prohibited
- Background checks required for all new employees, managers, or owners, prior to hiring
- Must meet all requirements stated in Chapter 8.64.055

TITLE 8: HEALTH AND SAFETY

Amend Chapter 8.64 "Public Use/Consumption of Medical Marijuana".

- Indicate what is permitted and what remains prohibited within the City.
- Add Section 8.64.055 to address the delivery only of medical marijuana retail specifically.
- Also clarifies deliveries of marijuana into Visalia from sellers based in jurisdictions that allows sales of marijuana are permitted.

TITLE 17: ZONING

Amend Zoning Code matrix in Chapter 17.25.

Staff recommends permitting this use by right in the Light Industrial and Industrial zones.

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix											
P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed											
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
M39 - metal fabrication & die cutting			P						P	P	
M40 - rubber & plastic product manufacturing									C	P	
M41 - textile mills (dyeing, weaving, knitting, cutting)										P	
M42 - packaging/distribution of prepared materials (non-food items)								P	P	P	
M43 Raw Materials Manufacture										C	17.04
M44 Stone mills/monument yards									C	P	
<u>Trucking, Warehousing, and Internet Fulfillment Centers</u>											
M45 - combined office/warehouse-type buildings			P						P	P	
<u>M46 - Delivery only medical marijuana retail</u>									<u>P</u>	<u>P</u>	<u>17.32.167</u> <u>5.66</u> <u>8.64</u>

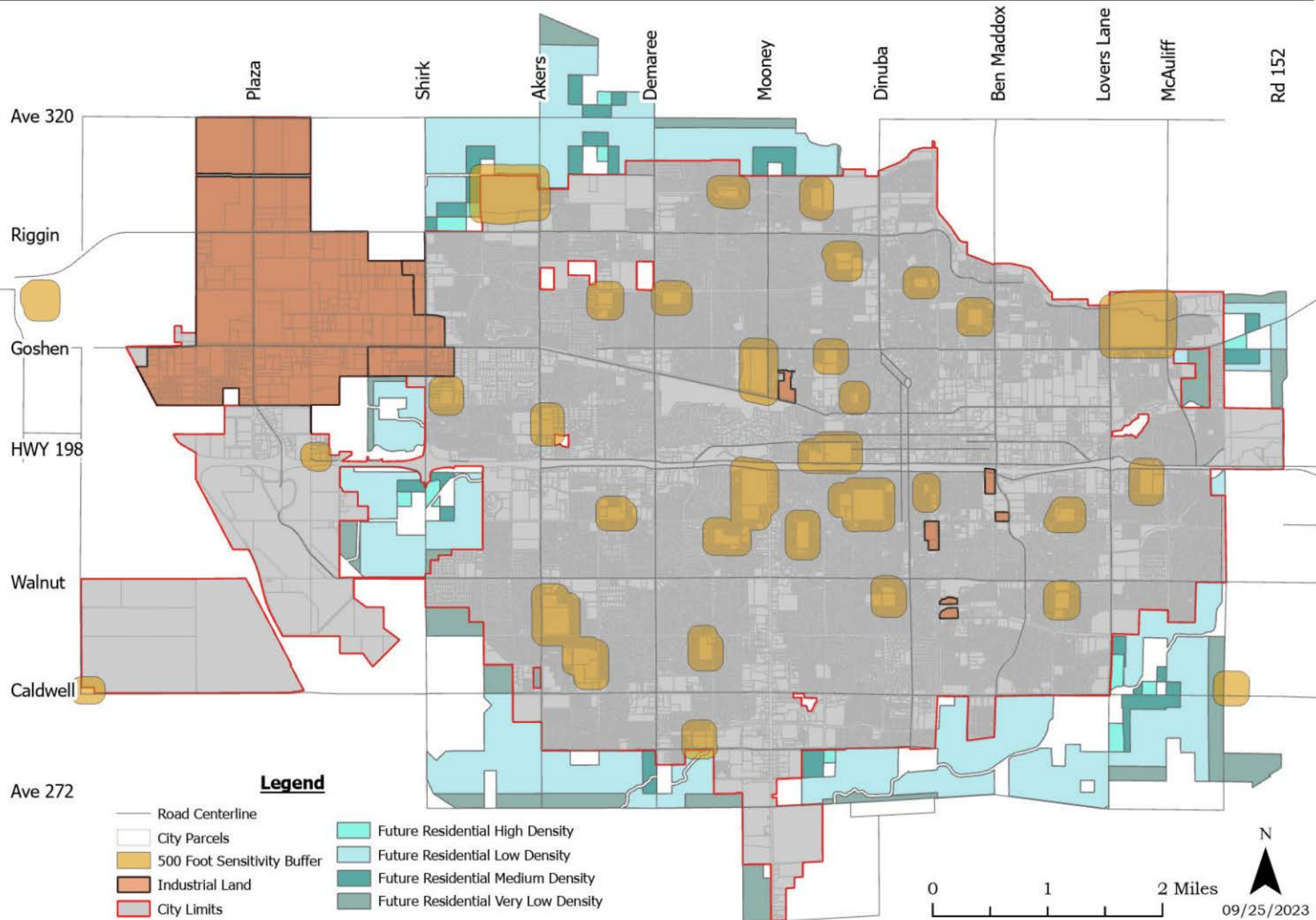
TITLE 17: ZONING

Add Section 17.32.167 to Special Provisions:

- Permitted in the I and I-L zones
- Cultivation not permitted onsite
- Parking for all employees & delivery vehicles
- Security gates to prevent public access required in addition to fencing standards
- Signage subject to typical standards
- Must also meet all requirements of Chapter 5.66
- Not permitted within 500-ft. of any schools located inside or outside the City

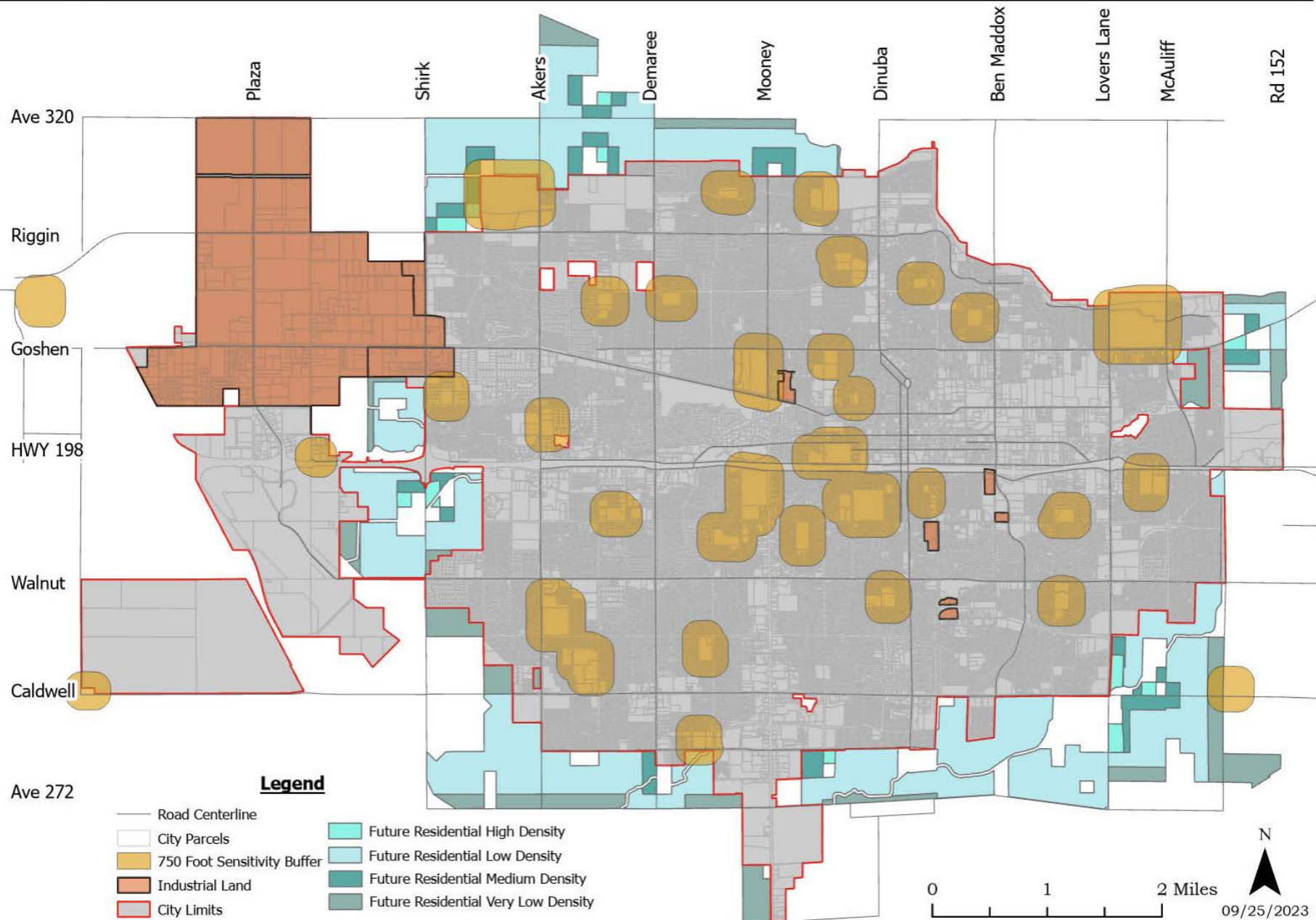


Suitability Analysis of Sensitive Areas in 500 Foot Radius in Relation to Industrial Land Use



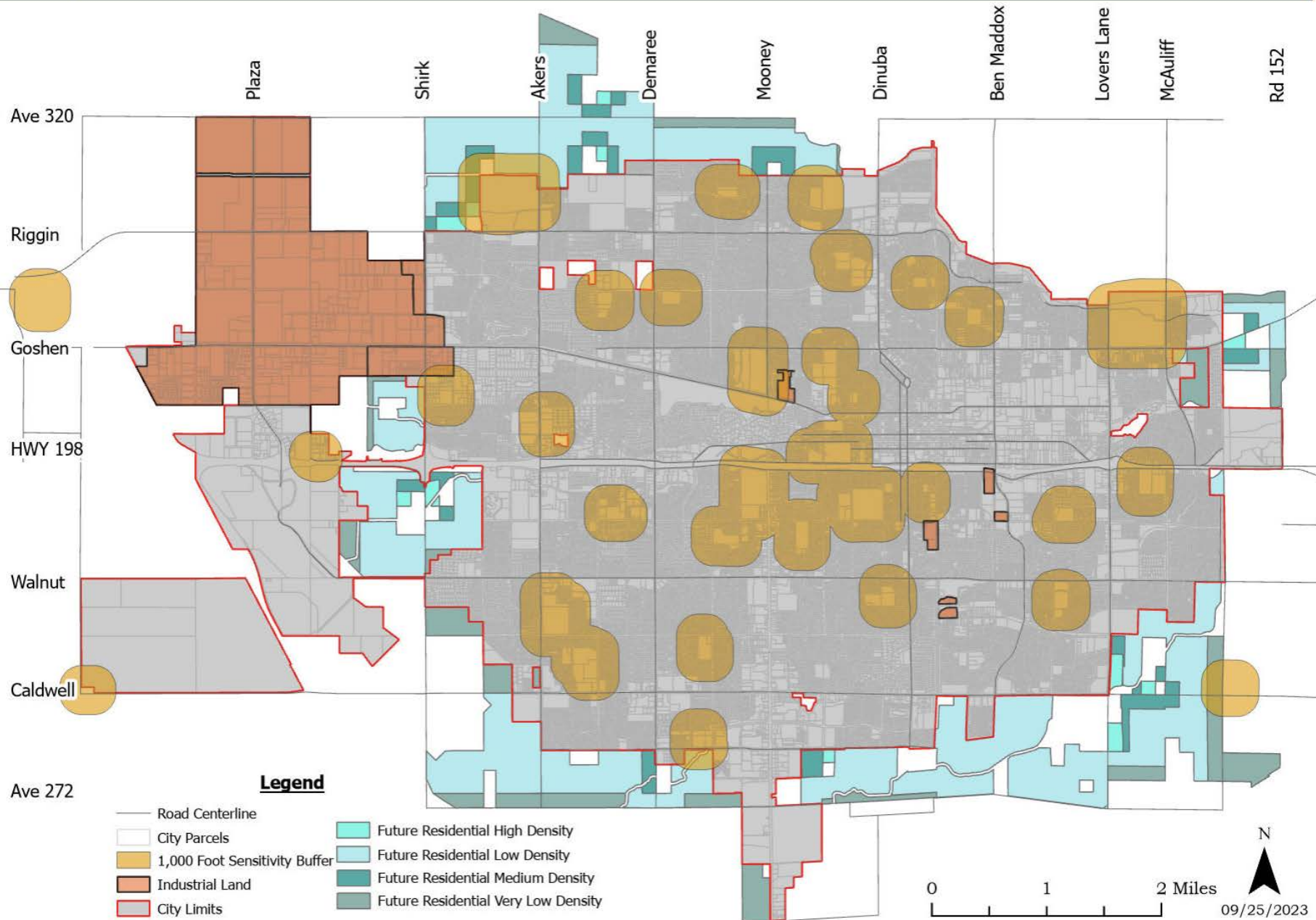


Suitability Analysis of Sensitive Areas in 750 Foot Radius in Relation to Industrial Land Use





Suitability Analysis of Sensitive Areas in 1,000 Foot Radius in Relation to Industrial Land Use



ENVIRONMENTAL REVIEW

The requested action is considered exempt under Section 15061(b)(3), Per Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared for the project because Section 15061 (b) (3) states that the project is exempted from CEQA if the activity is covered by the common sense exemption.

PLANNING COMMISSION MEETING

On October 9, 2023, the Planning Commission adopted Resolution No. 2023-52 recommending that the City Council approve adoption of ZTA No. 2023-02 related to revisions to Title 17.

STAFF RECOMMENDATION

Staff recommends that the City Council hold a public hearing and introduce the first reading of Ordinance No. 2023-13 for Zoning Text Amendment No. 2023-02.

QUESTIONS?

