

ORDINANCE NO. 581

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA 17-01 AND AMENDING SECTION 17.30.020(a) OF THE ADELANTO MUNICIPAL CODE BY ADDING MEDICAL CANNABIS FACILITIES AS A CONDITIONALLY PERMITTED USE IN THE AIRPORT DEVELOPMENT DISTRICT ZONE (ADD), THE LIGHT MANUFACTURING ZONE (LM) AND THE MANUFACTURING INDUSTRIAL ZONE (MI); AND TABLE 30-1(F)-MAXIMUM FLOOR AREA RATIO – BY ELIMINATING THE 0.60 FAR REQUIREMENT FOR THE ADD, LM AND MI ZONING DISTRICTS AND REPLACING WITH “NO MAXIMUM FLOOR AREA RATIO. FAR WILL BE SUBJECT TO MEETING PARKING AND LANDSCAPE STANDARDS.”

WHEREAS, on August 28, 2001 the City Council adopted the General Plan Update for the City of Adelanto (“City”).

WHEREAS, it is the goal of the City to regularly update its Municipal Code to provide clarification and ensure consistency with generally acceptable industry practices and remove outdated, contradicting and/or misleading information.

WHEREAS, the City of Adelanto has utilized the zoning overlay method to establish areas in the City where Medical Cannabis Facilities can be operated;

WHEREAS, the zoning overlay process does not provide clear, concise reasons behind the overlay zoning designations;

WHEREAS, allowing Medical Cannabis Facilities by Conditional Use Permit maintains the integrity of the locational provisions established by all current Medical Cannabis-related Ordinances regulating Medical Cannabis Cultivation, Manufacturing, Transportation, Distributions, Testing, and Nurseries in the City of Adelanto;

WHEREAS, Medical Cannabis Facilities as defined in this Ordinance excludes Medical Cannabis Dispensaries;

WHEREAS, the Adelanto Planning Commission (“Planning Commission”) after a duly noticed public hearing on September 19, 2017, recommended that the City Council adopt this Ordinance amending Section 17.30.020(a) regarding Conditionally Permitted Uses for Medical Cannabis Facilities in the City, and Table 30-1, Section (F) eliminating the 0.60 FAR limit for the ADD, LM, and MI zoning designations;

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

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. The City Council finds that pursuant to CEQA and the State CEQA Guidelines, no further environmental review is required prior to the adoption of the proposed revisions to sections 17.30.020(a) and Table 30-1 Section (f) of the Adelanto Municipal Code.

Specifically, the Council finds that Public Resources Code section 21083.3 and State CEQA Guidelines section 15183 exempt the proposed Municipal Code amendments from environmental review on grounds they are consistent with existing land use designations and development densities established by the General Plan and analyzed in a previously certified environmental impact report. Further, the Council finds that this Ordinance is not a CEQA “project” pursuant to State CEQA Guidelines section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects, and here the proposed amendments merely codify long-standing City practice.

The Council finds the proposed Municipal Code amendments are also exempt pursuant to State CEQA Guidelines section 15305, which consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, and the Council finds that no exceptions under State CEQA Guidelines section 15300.2 apply that might otherwise negate the application of this exemption. Finally, the City Council finds that State CEQA Guidelines section 15061(b)(3) exempts those activities for which it can be seen with certainty there is no potential to result in significant environmental impacts.

SECTION 3. Section 17.30.020 (a) of the Adelanto Municipal Code is amended in part to add Medical Cannabis Facilities (excluding dispensaries) as a Conditionally Permitted Use in the ADD, LM, and MI zoning designation.

SECTION 4. Table 30-1 Section (F) is amended to eliminate the requirement for a Floor Area Ratio from the ADD, LM, and MI zoning districts and replacing with “No Maximum Floor Area Ratio. FAR will be subject to meeting parking and landscaping standards”.

SECTION 5. The City Council hereby finds that the Planning Commission, at its meeting of September 19, 2017, considered the adoption of the proposed Ordinance amending Section 17.30.020(a) of the Adelanto Municipal Code by adding Medical Cannabis Facilities as a Conditionally Permitted Use in the ADD, LM, and MI zoning districts, and Table 30-1 Section (F) regarding elimination of the 0.60 Floor Area Ratio requirements for the ADD, LM, and MI zoning Exempt from the requirements of the California Environmental Quality Act under Section 15061(b)(3), as the adoption of this Ordinance will not result in any changes to the environment.

SECTION 6. The City Council hereby approves Ordinance No. 581.

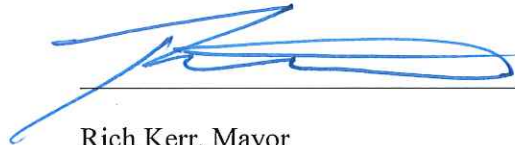
SECTION 7. The City Council directs staff to prepare and file a Notice of Exemption (“NOE”) with the Clerk of the Board of Supervisors for the County of San Bernardino within five (5) working days of the passage and adoption of this Ordinance.

SECTION 8. The documents and materials that constitute the record of proceedings on which these findings are based are located at the Development Services Department of the City of Adelanto, Adelanto City Hall, 11600 Air Expressway, Adelanto, CA 92301.

SECTION 9. If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

SECTION 10. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and the City Clerk shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect 30 days after its final passage.

PASSED, APPROVED, and ADOPTED this 13th day of December, 2017.




Rich Kerr, Mayor



Gabriel Elliot City Manager

APPROVED AS TO FORM:



Ruben Duran, City Attorney

I, Cindy Herrera, City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 581 was duly introduced for first reading on November 27, 2017 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on December 13, 2017, by the following vote, to wit:

AYES: Council Members Glasper, Woodard, and Mayor Kerr

NOES: Council Member Camargo

ABSENT: Mayor Pro Tem Wright

ABSTAIN: None

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 13th day of December, 2017.

A handwritten signature in blue ink, reading "Cynthia M. Herrera", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Cynthia M. Herrera, MMC, City Clerk