

**ORDINANCE NO. 976 C.S.**

**AN ORDINANCE OF THE CITY OF MADERA AMENDING SECTIONS 10-3.802, 10-3.902, 10-3.1002, AND 10-3.11.503 OF THE MADERA MUNICIPAL CODE RELATING TO AUTHORIZING COMMERCIAL CANNABIS ACTIVITIES IN CERTAIN ZONE DISTRICTS OF THE CITY**

THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 10-3.802 relating to the Light Commercial Zone District (C-1) of the Madera Municipal Code is amended to read as follows:

**§ 10-3.802 USES PERMITTED.**

(A) The following retail stores selling new merchandise exclusively and personal service establishments within a building, including:

- (1) Appliance stores, sales and repair;
- (2) Bakeries, limited to retail sales on the same premises;
- (3) Banks;
- (4) Barber shops;
- (5) Beauty parlors;
- (6) Bicycle repair and sales;
- (7) Book stores;
- (8) Candy stores;
- (9) Department stores;
- (10) Dressmaking or millinery shops;
- (11) Drug stores;
- (12) Dry goods or notions stores;
- (13) Florist shops;
- (14) Food stores (groceries, fruits, and vegetables);
- (15) Hardware stores;
- (16) Insurance offices;
- (17) Jewelry stores;
- (18) Meat markets or delicatessens;
- (19) Nurseries (plant material and supplies);
- (20) Offices, business or professional;

(21) Service stations, but not including auto engine and transmission overhauling, tire rebuilding, or battery manufacture;

(22) Restaurants and cafes;

(23) Shoe shops, sales and repair;

(24) Stationery stores;

(25) Studios, photographic;

(26) Tailor shops;

(27) Single bay, fully automatic car wash accessory to a permitted use; and

(28) Apparel stores and boutiques;

(29) Art galleries;

(30) Arts and craft studios;

(31) Automobile parts and supply stores;

(32) Clinics (medical and dental);

(33) Electrical appliance repair shop (small appliances only);

(34) Hobby supplies and craft sales;

(35) Laundries;

(36) Laundromat, self serve;

(37) Locksmith and key shops;

(38) Newspaper and magazine stands;

(39) Newspaper and magazine stands;

(40) Pet shops;

(41) Pharmacies;

(42) Video arcades of five or fewer games;

(43) Cannabis and Cannabis Product Retail Sales as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

(44) Other retail businesses or retail commercial enterprises which are similar in character or rendering neighborhood commercial services and are not more detrimental to the welfare of the neighborhood in which located than any use listed in this subsection, unless such business or enterprise is hereafter in this chapter specifically listed in another classification.

**SECTION 2.** Section 10-3-9.202 relating to the Heavy Commercial Zone District (C-2) of the Madera Municipal Code is amended to read as follows:

**§ 10-3.902 USES PERMITTED.**

(A) The following uses shall be permitted in the C-2 zone:

- (1) Any use permitted in the C-1 zone.
- (2) Wholesale stores and storage within buildings.
- (3) Building material yards.
- (4) Lumber yards.
- (5) Used secondhand merchandise within enclosed buildings.
- (6) Emergency shelter as provided in § 10-3.422.

(7) Cannabis and Cannabis Product Retail Sales as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

**SECTION 3.** Section 10-3.1002 relating to the Industrial Zone District (I) of the Madera Municipal Code is amended to read as follows:

**§ 10-3.1002 USES PERMITTED.**

(A) The following uses shall be permitted in I zones:

- (1) Animal hospitals, kennels and veterinarians;
- (2) Automobile dismantling and use parts storage, provided such must be conducted wholly within a building;
- (3) Boat-building works;
- (4) Building materials, sales and storage;
- (5) Dairy products processing;
- (6) Dwelling for a caretaker or security guard and his immediate family, necessary and incidental to a use located in such zone;
- (7) Electrical and electronic instruments, devices and appliances, manufacture and assembly;
- (8) Garment manufacture;
- (9) Ice and cold storage plants;
- (10) Laboratory, experimental and testing;
- (11) Machine shops;
- (12) Pharmaceuticals and drugs, manufacture;
- (13) Prefabrication of buildings;
- (14) Stone monument works;
- (15) Textile manufacturing;
- (16) Accessory buildings and uses customarily incidental to any of the above uses;

(17) Cultivation, Distribution, Manufacturing, Testing Labs as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

(18) Retail only in conjunction with Vertical Integration Business as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

(19) Other retail and wholesale stores or storage and service establishments, light industrial and manufacturing uses determined by the Planning Commission to be similar in character and are not more detrimental to the welfare of the neighborhood in which they are located than any use listed in this subsection, unless such business or enterprise is hereafter in this chapter specifically listed in another classification

**SECTION 4.** Section 10-3.11.503 relating to the Industrial Park Zone District (IP) of the Madera Municipal Code is amended to read as follows:

**§ 10-3.11.503 PERMITTED USES.**

(A) The following uses shall be permitted in IP zones:

- (1) Apparel and other finished products made from fabrics and similar materials;
- (2) Books, newspaper and magazine printing and publishing and allied industries;
- (3) Electrical and electronic instruments, machinery, equipment and supplies manufacturing;
- (4) Furniture and fixture manufacturing;
- (5) Fabricated metal products manufacturing, except ordnance machinery and transportation equipment;
- (6) Leather and leather products;
- (7) Textile mill products;
- (8) Professional, scientific, and controlling instruments;
- (9) Photographic and optical goods;
- (10) Watches and clocks.

(11) Cultivation, Distribution, Manufacturing, Testing Labs as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

(12) Retail only in conjunction with Vertical Integration Business as authorized under the Cannabis Permit Ordinance of the City of Madera in Chapter 5 of Title VI of the Madera Municipal Code.

**SECTION 5.** CEQA. Until July 1, 2021, Business and Professions Code section 26055, subdivision (h), as amended, provides that the California Environmental Quality Act (CEQA) does not apply to adoption of an ordinance, rule, or regulation by local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. The proposed ordinance is subject to a statutory exemption from CEQA because the City requires discretionary review

and approval, including applicable environmental review pursuant to CEQA of permits or other authorizations to engage in commercial cannabis activity.

**SECTION 6.** Severance. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 7.** Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

**SECTION 8.** Effective Date. This ordinance shall become effective thirty days from the date of adoption.

The foregoing Ordinance No. 976 C.S. was introduced and given its first reading at a special meeting of the City Council of the City of Madera held on the 7<sup>th</sup> day of June 2021 and adopted after a second reading at a regular meeting of the City Council held on 16<sup>th</sup> day of June 2021 by the following vote:

AYES: Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans, and Villegas.

NOES: None.

ABSTENTIONS: None.

ABSENT: District 5 is currently vacant.

APPROVED:

  
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SANTOS GARCIA, Mayor

ATTEST:

  
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ALICIA GONZALES, City Clerk

