

ORDINANCE NO. 3111

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 15 OF THE FULLERTON MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF FULLERTON

CITY OF FULLERTON

THE CITY COUNCIL OF THE CITY OF FULLERTON DOES HEREBY DECLARE:

WHEREAS, the People of the State of California have enacted Proposition 215, the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5, et seq.) (“the Act”), which allows the medical use of marijuana for certain persons; and

WHEREAS, the Act does not require or provide for the opening of businesses or facilities, commonly known as Medical Marijuana Dispensaries; and

WHEREAS, notwithstanding the passage of the Act, the distribution of marijuana is prohibited by the Controlled Substances Act, 21 U.S.C. section 841; and

WHEREAS, the City Council of the City of Fullerton concludes that the federal law prohibiting sale and distribution of marijuana would preclude the opening of medical marijuana dispensaries in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City.

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt.

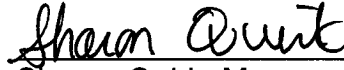
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON DOES HEREBY ORDAIN AS FOLLOWS:

1. Section 15.04.040 of the Fullerton Municipal Code is hereby amended to include the following definition:

Medical Marijuana Dispensaries means a facility or location where medical marijuana is cultivated or by any other means made available to and/or distributed by or to two or more of the following: a primary caregiver, qualified patient, or a person with an identification card in strict accordance with State Health and Safety Code sections 11362.5 et seq and 11362.7, et seq.

2. Fullerton Municipal Code, Sections 15.30.030.A and 15.40.020.A are hereby amended to identify Medical Marijuana Dispensaries as a use that is not permitted as depicted in Attachments A and B

ADOPTED BY THE FULLERTON CITY COUNCIL ON March 4, 2008.



Sharon Quirk, Mayor

ATTEST:



Beverley White, City Clerk

**Table 15.30.030. A
Permitted Uses in Commercial Zone Classifications**

Use	Zone Classification					
	O-P	C-1	C-2	C-3	C-H	C-M
Retail business (except those listed below)		X	X	X	X	
	Additional requirements 15 30.040.A					
Acupressure	X	X	X	X	X	X
	Additional requirements FMC Chapter 3.24					
Agriculture	CUP	CUP	CUP	CUP	CUP	CUP
Adult use			X		X	X
	Additional requirements FMC Chapter 7.95					
Animal (small) hospital			CUP	CUP	CUP	
Automobile service station			CUP	CUP	CUP	
	Additional requirements 15.30.040.D					
Automotive parts, including installation			CUP	CUP	CUP	X
Automotive (including automobile, motorcycle, boat, trailer and equipment) storage, service or repair					CUP	
Automotive (including automobile "single or multiple car display" dealer, boat, motorcycle, trailer and equipment) sales	CUP	CUP	X	CUP	X	CUP
	Additional requirements 15 30.040.G					
Automotive wholesaler or broker with no car display	X	X	X	X	X	X
Bar			CUP	CUP	CUP	
Bed and breakfast inn	CUP	CUP	CUP	CUP	CUP	CUP
	Additional requirements 15.55 030.A					
Car rental agency with 10 or less vehicles	CUP	X	X	X	X	X
Car rental agency with more than 10 vehicles	CUP	CUP	CUP	CUP	CUP	CUP
Carwash			CUP	CUP	CUP	
	Additional requirements 15.30.040.D					
Caretaker's unit			CUP		CUP	CUP
	Additional requirements 15.55.030.B					
Child-care center	CUP	CUP	CUP	CUP		
	Additional requirements 15.55.030.E					
Club or lodge, without living quarters			X	X	X	
Communication facility, commercial	MSP	MSP	MSP	MSP	MSP	MSP
	Additional requirements 15.55 020.B					
Communication facility, noncommercial	X	X	X	X	X	X
	Additional requirements 15 55.020.C					
Copy shop, retail	X	X	X	X	X	X
Copy shop, industrial						X

**Table 15.30.030. A
Permitted Uses in Commercial Zone Classifications**

Use	Zone Classification					
	O-P	C-1	C-2	C-3	C-H	C-M
Dancehall, reception hall or related use	CUP	CUP	CUP	CUP	CUP	CUP
Dwelling units, as part of a mixed-use development				X		
	Additional requirements 15.30.040.E					
Financial institution	CUP	CUP	X	X		CUP
Fortuneteller			CUP	CUP	CUP	
Furniture refinishing shop						X
Furniture upholstery shop			X	X		X
Health club	CUP	CUP	CUP	CUP	CUP	CUP
Health facility (24-hour care)	CUP	CUP				
Heliport	CUP		CUP	CUP		
Home improvement center; hardware store		X	X	X	X	X
Hotel			CUP	CUP	CUP	
	Additional requirements 15.55.030.F					
Human service agency	CUP	CUP	CUP	CUP	CUP	CUP
Interior designer office including showroom and sales						X
Internet or cyber cafe, computer lounge or internet arcade	X	X	X	X	X	X
	Additional requirements 15.30.040.H					
Large group home	CUP	CUP				
	Additional requirements 15.55.030.G					
Laundry and dry cleaning (limited to three employees)		X	X	X	X	
Manufacturing and sale of hand-crafted items		X	X	X	X	X
Manufacturing, processing, assembling of materials and products along with offices and storage incidental thereto as well as sales and repairs of products manufactured and materials directly related thereto.						X
Massage establishment		X	X	X	X	X
	Additional requirements FMC Chapter 3.24					
Medical marijuana dispensary						
Mortuary	CUP	CUP	CUP	CUP	CUP	CUP
Motel			CUP	CUP	CUP	
	Additional requirements 15.55.030.F					
Nursery			X	X	X	X
Office, general	X	X	X	X	X	CUP
Office, medical	X	X	X	X	X	CUP
Parking lot (exclusive use) or Parking structure	CUP	CUP	CUP	CUP	CUP	CUP

**Table 15.30.030. A
Permitted Uses in Commercial Zone Classifications**

Use	Zone Classification					
	O-P	C-1	C-2	C-3	C-H	C-M
Pawnshop		CUP	CUP	CUP	CUP	CUP
Personal service facilities (includes barbershops, beauty shops, studios, etc.)	X	X	X	X	X	X
Pharmacy	CUP	X	X	X		
Photo studio, industrial						X
Poolroom		X	X	X	X	X
		Additional requirements FMC Chapter 3.54				
Public amusement room		X	X	X	X	X
		Additional requirements FMC Chapter 3.54				
Public parking area				X		
Recording studio						X
Recreation, commercial			CUP	CUP	CUP	
Recycling facility: Large collection			CUP		CUP	CUP
		Additional requirements 15.30.090.C				
Recycling facility: Light processing						CUP
		Additional requirements 15.30.090.D				
Recycling facility: Reverse vending	X	X	X	X	X	X
		Additional requirements 15.30.090.A				
Recycling facility: Small collection			MSP	MSP	MSP	
		Additional requirements 15.30.090.B				
Religious institution (e.g., church, mosque, synagogue, temple)	CUP	CUP	CUP	CUP	CUP	CUP
		Additional requirements 15.55.030.D				
Repair shop		X	X	X	X	X
Residential care facility for the elderly	CUP	CUP	CUP	CUP	CUP	CUP
		Additional requirements 15.55.030.G				
Restaurant with dance floor(s)	CUP	CUP	CUP	CUP	CUP	CUP
Restaurant without dance floor(s)*	CUP	X	X	X	X	X
Retirement complex Types III, IV, V and VI	CUP	CUP				
		Additional requirements 15.55.030.H				
Satellite dish antenna	X	X	X	X	X	X
		Additional requirements 15.55.020.C				
School, private	CUP	CUP	CUP	CUP	CUP	CUP
		Additional requirements 15.55.030.D				
School, trade	MSP	MSP	MSP	MSP	MSP	MSP
Self-service storage facility					CUP	CUP
		Additional requirements 15.30.040.F				
Single room occupancy (SRO) residential hotel			CUP	CUP	CUP	
		Additional requirements 15.30.090				
Social service facility	CUP	CUP	CUP	CUP	CUP	
		Additional requirements 15.55.030.D				

**Table 15.30.030. A
Permitted Uses in Commercial Zone Classifications**

Use	Zone Classification					
	O-P	C-1	C-2	C-3	C-H	C-M
Special event	X	X	X	X	X	X
	Additional requirements 15.55.020.D					
Swimming pools, sales and service						CUP
Temporary commercial use	X	X	X	X	X	X
	Additional requirements 15.55.020.E					
Theater, live or movie, excluding drive-in theaters and adult uses			X	X	X	
<p>Notes: "X" denotes that the use is permitted; a blank denotes that the use is not permitted. "MSP" denotes that the use is permitted with the approval of a Minor Site Plan pursuant to Chapter 15.47 of this title "CUP" denotes that the use is permitted with the approval of a Conditional Use Permit pursuant to Chapter 15.70 of this title Restaurants located within the Restaurant Overlay District may be approved or conditionally approved by the Director of Development Services without a Conditional Use Permit as set forth in Chapter 15.67</p>						

**Table 15.40.020. A
Permitted Uses**

Classified Uses	NAICS**	M-P or M-G Zone
Agricultural production (including on-site sales of produce grown on premises)	111	X
Electrical distribution substations	2211	CUP
Building construction -- General contractors and operative builders	233	X
Heavy construction -- General contractors	234	X
Construction – Special trade contractors	235	X
Manufacturing:		
Animal food products	3111	X*
Grain and oilseed milling	3112	X*
Sugar and confectionary products	3113	X*
Dairy products	3115	X*
Bakery and tortilla products	3118	X
Other food products	3119	X
Soft drinks and ice products	31211	X
Breweries	31212	X*
Wineries	31213	X*
Distilleries	31214	X*
Textile mills	313	X
Textile product mills	314	X
Apparel	315	X
Leather and hide tanning and finishing	3161	CUP
Footwear	3162	X
Veneer, plywood and engineered wood products	3212	X*
Other wood products	3219	X*
Converted paper products	3222	X
Printing and related support activities	323	X
Asphalt paving, roofing, and saturated materials	32412	X
Other petroleum lubricating oil and grease products	32419	X
Chemical products	325	X
Plastics and rubber products	326	X*
Nonmetallic mineral products	327	X*
Primary metal products (but not including: 3315 “Foundries” and all raw metal production)	331	X
Foundries	3315	CUP
Fabricated metal products (but not including: 332993 “Ammunition (except small arms)”	332	X*
Machinery products	333	X
Computer and electronic products	334	X
Electrical equipment, appliance and component products	335	X
Transportation equipment	336	X*
Furniture and related products	337	X
Medical equipment and supplies	3391	X
Miscellaneous products	3399	X

Classified Uses	NAICS**	M-P or M-G Zone
Wholesale trade, durable goods (but not including: 42393 "Recyclable materials")	423	X
Wholesale trade, non-durable goods (but not including: 42444 "Poultry and poultry products" 4245 "Farm product raw materials" 4246 "Chemicals and allied products" 4247 "Petroleum and petroleum products")	424	X
Automobile service station (additional requirements 15.30.040.D.2)	447	CUP
Non-store retailer	454	X
Automobile, truck and equipment, rental, storage facilities not within 300 feet of a residential zone	484	X
Automobile, truck and equipment rental, storage facilities within 300 feet of a residential zone	484	CUP
Trucking, general freight	4841	CUP
Trucking, specialized freight	4842	CUP
Taxi and limousine service	4853	X
Charter bus industry	4855	X
Motor vehicle towing	48841	X
Postal service	491	X
Couriers and messengers	492	X
Warehousing and storage	493	X
Publishing industry	511	X
Motion picture and video production	51211	X
Motion picture and video distribution	51212	X
Postproduction services for motion picture and video industry	51219	X
Sound recording industry	5122	X
Broadcasting and telecommunications	513	X
Self-service storage facilities	53113	X
Architectural, engineering and related services	5413	X
Specialized design services	5414	X
Computer systems design and related services	5415	X
Management, scientific and technical consulting services	5416	X
Scientific research and development services	5417	X
Advertising and related services	5418	X
Photographic services	54192	X
Veterinary services	54194	X
Administrative and support services	561	X
Recycling facility (when in accordance with Section 15.30.090 of this title):	56292	
Mobile recycling center (see Chapter 15.04)		X
Recycling collection facility (see Chapter 15.04)		X
Light processing facility (see Chapter 15.04)		X
Heavy processing facility (see Chapter 15.04)		CUP
Business schools and computer and management training	6114	MSP
Technical and trade school	6115	MSP
Ambulance service	62191	X
Eating and drinking place	722	CUP
Fitness and recreational sports centers (membership only)	71394	CUP

Classified Uses	NAICS**	M-P or M-G Zone
Automotive repair and maintenance not within 300 feet of a residential zone (includes 81192 "Auto detailing" but not 811192 "Car washes")	8111	X
Automotive repair and maintenance within 300 feet of a residential zone (includes 81192 "Auto detailing" but not 811192 "Car washes")	8111	CUP
Reupholster and furniture repair and finishing	81142	X
Linen supply	812331	X
Industrial laundry and dry cleaning	812332	X*
Carpet and upholstery cleaning	812332	X*
Kennel, pet boarding	812910	X
Photo finishing laboratory	812921	X
Notes:		
* If proposed within 1,000 feet of property with a residential zone classification <u>and</u> the gross floor area exceeds 10,000 square feet, the use is subject to the approval of a Conditional Use Permit.		
** Where three-digit and four-digit codes are listed, all NAICS uses beginning with the same digits shall be included, unless specifically excluded.		
Non-Classified Uses		M-P or M-G Zone
Additional non-residential use not provided for as a permitted or accessory use		CUP
Adult use (pursuant to additional requirements in FMC Chapter 7.95)		X
Automotive sales, "single car display" dealer as an accessory use to an automotive repair and maintenance facility; limit one per business address		X
Caretaker's residence		X
Central administrative office (an establishment primarily engaged in management and general administrative functions performed centrally for other establishments of the same company)		X
Heliport		CUP
Joint/mixed use development, predominantly industrial in scope, with limited accessory residential and/or commercial components		CUP
Medical marijuana dispensary		NP
Outdoor storage (pursuant to additional requirements in Subsection 15 40.020.E of this chapter)		X
Restaurants within the Restaurant Overlay District pursuant to additional requirements in Chapter 15.67		X
Satellite dish antenna (pursuant to additional requirements in Section 15.55.030 of this title)		X
TV transmitter and equipment building		X

Notes: X denotes that the use is permitted.

MSP denotes that the use is permitted with the approval of a Minor Site Plan in accordance with Chapter 15.47 of this title.

CUP denotes that the use is permitted with the approval of a Conditional Use Permit in accordance with Chapter 15.70 of this title.

NP denotes uses that are not permitted.

City of Fullerton
ORDINANCE CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF FULLERTON)

ORDINANCE NO. 3111

I, Beverley White, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certifies that the whole number of the members of the City Council of the City of Fullerton is five; and that the above and foregoing Ordinance No. 3111 had first reading by title only and introduction at the February 19, 2008 City Council regular meeting and was given its second reading by title only and was adopted at the March 4, 2008 City Council regular meeting by the following vote:

COUNCIL MEMBER AYES:	Quirk, Jones, Bankhead, Nelson
COUNCIL MEMBER NOES:	Keller
COUNCIL MEMBER ABSTAINED:	None
COUNCIL MEMBER ABSENT:	None



Beverley White, City Clerk