

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SECTIONS 9-3304, 9-3306, 9-
3308, and 9-3315 OF THE FRESNO MUNICIPAL CODE,
RELATING TO THE REGULATION OF CANNABIS
MICROBUSINESSES

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

SECTION 1. Section 9-3304 of the Fresno Municipal Code is amended to read:

SECTION 9-3304. - DEFINITIONS. When used in this Article, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(hh) "Microbusiness" means the cultivation of cannabis on an area less than 10,000 square feet, by an entity authorized to act as a licensed distributor, [and] Level 1 manufacturer, ~~and retailer~~ under state law, provided such licensee can demonstrate compliance with all requirements imposed by state law on licensed cultivators, distributors, [and] Level 1 manufacturers, ~~and retailers~~ to the extent the licensee engages in such activities. Microbusiness licenses that authorize cultivation of cannabis shall include the license conditions described in subdivision (b) of Section 26060.1 of the Business and Professions

1 of 6

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: MED

Ordinance No.

Code. [A microbusiness shall be considered a commercial cannabis business that engages in commercial cannabis activity.]

SECTION 2. Section 9-3306 of the Fresno Municipal Code is amended to read

SECTION 9-3306. - MAXIMUM NUMBER OF AUTHORIZED CANNABIS
RETAIL BUSINESSES AND COMMERCIAL CANNABIS BUSINESSES
PERMITTED.

(a) The City Council approved the Cannabis Retail Business and Commercial Cannabis Business Ordinance to provide a permitting framework and regulatory requirements for Adult Use and Medicinal Use Cannabis businesses in December 2018.

(b) The number of cannabis retail businesses shall not exceed a total of fourteen (14) within the city. Up to seven (7) more cannabis retail businesses may be authorized by Council Resolution.

(c) Up to a total of sixteen (16) cultivators, distributors,~~or~~ manufacturers~~[, or microbusinesses]~~ may be issued a commercial cannabis business permit. No specific number of each type of business is required so long as the total number of commercial cannabis business permits issued for all three business types does not exceed a total of sixteen (16).

(d) There is no limit on the number of testing laboratories which may be issued a commercial cannabis business permit.

(e) The City Manager has discretion to limit the number of commercial cannabis permits to less than what is allowed in this Article.

Nothing in this Article creates a mandate that the City Manager must issue any or all of the commercial cannabis business permits.

(f) Each year following the City Manager's initial award of permits, if any, or at any time in the City Manager's discretion, the City Manager may reassess the number of commercial cannabis business permits which are authorized for issuance.

[(g) A microbusiness shall only be permitted if it is found to be exempt from the California Environmental Quality Act (CEQA).]

SECTION 3. Section 9-3308 of the Fresno Municipal Code is amended to read:

SECTION 9-3308. - LOCATION AND DESIGN OF COMMERCIAL CANNABIS BUSINESSES.

(a) Laboratory testing may take place in a Commercial, Employment, or Downtown District.

(b) There shall be permitted eight (8) cultivators, distributors, ~~or~~ manufacturers~~],~~ or microbusinesses] located within the Cannabis Innovation Zone.

(c) There shall be permitted eight (8) cultivators, distributors, ~~or~~ manufacturers~~],~~ or microbusinesses] located inside a Cannabis Innovation Hub or within one-half (1/2) mile of State Route 99 between Shaw Ave. and Clinton Ave., one (1) mile of State Route 99 north of Shaw Ave. or south of Clinton Ave., or within one (1) mile of State Route 180 west of State Route 99, and must be zoned either IL (Light Industrial) or IH (Heavy Industrial), and must meet all of the

requirements for development in these zones. All buildings in which a cultivator, distributor, or manufacturer is located shall be no closer than one thousand (1,000) feet from any property boundary containing any of the following:

(1) Any residentially zoned parcel in the city, including any legal non-conforming residential uses as of the date a complete commercial cannabis business permit application is submitted.

(2) A school providing instruction for any grades pre-school through 12 (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12).

(3) A day care center licensed by the state Department of Social Services that is in existence at the time a complete commercial cannabis business permit application is submitted.

(4) A youth center that is in existence at the time a complete commercial cannabis business permit application is submitted.

SECTION 4. Section 9-3315 of the Fresno Municipal Code is amended to read:

SECTION 9-3315. - OTHER OPERATIONAL REQUIREMENTS. The City Manager or his/her designee may develop other commercial cannabis activity operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

[(a) A microbusiness must comply with all of the operational requirements applicable to each business type the microbusiness is comprised of.]

SECTION 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2020
Mayor Approval/No Return: _____, 2020
Mayor Veto: _____, 2020
Council Override Vote: _____, 2020

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Mary Raterman-Doidge Date
Senior Deputy City Attorney