

ORDINANCE NO. 572

AN ORDINANCE OF THE CITY OF LINDSAY AMENDING CHAPTER 18 OF THE LINDSAY MUNICIPAL CODE ALLOWING FOR CANNABIS RELATED BUSINESSES IN PERMITTED ZONES WITH A CONDITIONAL USE PERMIT AND AMENDING OTHER USES WITHIN THE IH ZONING CODE.

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

Section 1. PURPOSE. The provisions of this ordinance are intended to amend the Lindsay Municipal Code to allow for cannabis related businesses within the Lindsay City Limits within certain zones with a Conditional Use Permit and to modify the uses allowed in the IH heavy industrial zone district.

Section 2. CODE AMENDMENT. The following sections within Title 18 of the Lindsay Municipal Code are hereby amended to read in their entirety as follows:

Title 18 Zoning, Chapter 18.10 C Commercial Districts, Section 18.10.030. CC central commercial district, Subsection D is hereby amended to read in its entirety as follows:

D. Conditional Uses - City Council Approval.

The following uses may be permitted in accordance with the provisions of Chapter 18.17:

Bars, cocktail lounges and nightclubs;

Cannabis delivery service from an authorized cannabis dispensary;

Cannabis dispensaries;

Car washing, self-service and coin-operated;

Churches;

City, county, state or federal administrative offices, libraries, police and fire stations;

Convenience store/mini mart;

Dance halls;

Entertainment venue permitting the sale for on-site consumption of cannabis, including comedy clubs, as authorized by, and which meet the requirements of, the State of California;

Farmers' markets, including indoor and outdoor facilities;

Mini-storage facilities;

Pool halls;

Residential use in conjunction with a permitted use in accordance with requirements of the RM-1.5 district;

Service commercial uses designated by an asterisk (*) as listed under Section 18.10.040(B) of this chapter, which include incidental retail and office use;

Temporary revival church services;

Modest expansion or remodeling of an existing nonconforming use of a structure or land, up to fifty percent or less of the assessed value of the structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor

advertising structures, nonconforming uses occupying a structure with a assessed value of less than one hundred dollars, and nonconforming fences, walls and hedges;

Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Chapter 18.21.

Other uses which are added to this list according to the procedure in Chapter 18.15. (Ord. 546, Art. 1, 2014; Ord. 542, Art. 1, 2013; Ord. 533, Art. 2, 2011; Ord. 489 § 1 (part), 1998; Ord. 486 §§ 2, 3, 1997; Ord. 479 § 2, 1996; Ord. 437 § 1 (part), 1989)

Title 18 Zoning, Chapter 18.11 I Industrial Districts, Section 18.11.030 IH heavy industrial district, Subsection D is hereby amended to read in its entirety as follows:

D. Conditional uses – City council approval.

The following uses and other uses may be approved according to the procedures in Chapter 18.17; provided, however, that for uses which involve nuisances, dangers of fire or explosion or other hazards to health and safety, the city council shall make a specific finding that the use can be expected to conform with each of the required conditions prescribed for an IH district in Section 18.11.040. The council may require submission of reports by technical consultants or other evidence in addition to the data prescribed in Chapter 18.17:

- Asphalt and asphalt products manufacture;
- Cannabis distribution;
- Cannabis nursery;
- Cannabis manufacturer;
- Cannabis production;
- Cannabis products testing laboratory-;
- Cannabis testing laboratory-;
- Cement, lime, gypsum and plaster of paris manufacture;
- Charcoal, lampblack and fuel briquettes manufacture;
- Chemical products manufacture including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxlin, rayon yarn, and carbolic, hydrochloric, picric and sulfuric acids;
- Coal, coke and tar products manufacture;
- Commercial Cannabis Business, excluding retail sales;
- Commercial Cannabis Cultivation;
- Drop forges;
- ~~Dumps and slag piles;~~
- Electroplating shops;
- ~~Explosives manufacture and storage;~~
- Fertilizer manufacture;
- Film manufacture;
- ~~Fireworks manufacture and storage;~~
- Fish products processing and packaging;
- ~~Garbage and refuse dumps;~~

Gas and oil wells;
Gas manufacture or storage;
Gelatin, glue and size manufacture from animal or fish refuse;
Grain rolling and storage;
~~Incineration or reduction of garbage, offal and dead animals;~~
Junk yards;
Lard manufacture;
Linoleum and oil cloth manufacture;
Liquefied petroleum gas bulk storage and delivery;
Magnesium foundries;
Manure, peat and topsoil processing and storage;
Metal and metal ores reduction, refining, smelting and alloying;
~~Motor vehicles wrecking yards;~~
Paint manufacture including enamel, lacquer, shellac, turpentine and varnish;
Paper mills;
Petroleum and petroleum products refining and storage;
Public buildings and grounds;
Rifle and pistol ranges, indoor only;
Rubber manufacture or processing including natural or synthetic rubber and gutta-percha;
Soap manufacture including fat rendering;
Steam plants;
Stock yards, stock feeding yards and slaughter houses;
~~Stone quarries, gravel pits, mines and s~~Stone mills;
Storage of inflammable liquids;
Storage of used building materials;
Tallow manufacture;
Tanneries and curing and storage of rawhides;
Wood and bones distillation;
Wood pulp and fiber reduction and processing;

Expansion, remodeling, or additions to a conditional use that are not considered an incidental or accessory use as defined in Chapter 18.24;

Modest expansion or remodeling of an existing nonconforming use of a structure or land, up to fifty percent or less of the assessed value of the structure, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed valuation less than one hundred dollars, and nonconforming fences, walls and hedges;

Other uses which are added to this list according to the procedure in Chapter 18.15. (Ord. 570. § 2 (part), 2019; Ord. 437 § 1 (part), 1989)

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a Notice of Exemption is filed pursuant to CEQA Guidelines section 15062 [14 CCR. 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Lindsay, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Lindsay hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate, contradict or otherwise conflict with, applicable State and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Lindsay Municipal Code as amended by this ordinance are substantially the same as provisions in the Lindsay Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 8. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the second reading and passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code § 36933(c)(1) and a summary shall be published once in the Porterville Recorder, a newspaper published daily and available in the City of Lindsay, State of California together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Lindsay, State of California, on May 14, 2019, at a regular meeting of said Council duly and regularly convened on said day by the following vote:


AYES: FLORES, SANCHEZ, CORTES, WATSON

NOES: KIMBALL

ABSTAIN: NONE

ABSENT: NONE

CITY COUNCIL OF THE CITY OF LINDSAY



Pamela Kimball, Mayor

ATTEST:



Bret Harmon, City Clerk