

ORDINANCE NO. 932

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTIONS 9.02.020 "PERMITTED USES" AND 9.15.030 "DEFINITIONS", AND ADDING SECTION 9.09.290 "COMMERCIAL CANNABIS ACTIVITIES" TO TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, ESTABLISHING LAND USE REGULATIONS FOR THE OPERATION OF COMMERCIAL CANNABIS DISPENSARIES, TESTING, CULTIVATION, MANUFACTURING, MICROBUSINESSES, DISTRIBUTION CENTERS, AND RELATED CANNABIS ACTIVITIES

WHEREAS, the City of Moreno Valley ("City") has the authority and the responsibility to plan and regulate the use of property within the City under its police powers; and

WHEREAS, the City desires to maintain the quality of life and character of the City's neighborhoods and to avoid placement of land uses that could result in negative consequences to property, social, and environmental values; and

WHEREAS, establishments that engage in the dispensing, testing, cultivation and manufacturing of cannabis products may, if not properly located and regulated, adversely affect the City's interests for its continued economic growth and vitality; and

WHEREAS, permitting the dispensing, testing, cultivation and manufacturing of cannabis establishments without appropriate regulation and controls will have adverse impacts to the health, safety, and welfare of the City and its residents; and

WHEREAS, City Council recognizes that regulated and licensed commercial cannabis activity is permitted in the State of California, even though the Federal Controlled Substances Act, 21 U.S.C. Sections 801 et seq. classifies marijuana as a Schedule 1 Drug and makes it unlawful, under federal law, for any Person to cultivate, manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense marijuana; and

WHEREAS, pursuant to the authority granted to the City by Article XI, Section 7 of the California Constitution, the City may make and enforce within its limits all local police, sanitary, and other ordinance and regulations not in conflict with general laws and has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote public health and safety; and

WHEREAS, in November, 2016, Proposition 64 was approved by the voters in California ("The Adult Use Marijuana Act") ("AUMA") (codified as amendments to California Health and Safety Code, Business and Professions Code, Revenue and Taxation Code and Food and Agricultural Code), establishing a comprehensive system to legalize, control and regulate the cultivation, processing, manufacturing, distribution, testing, and sale of non-medical marijuana, including marijuana products, for use by adults 21 years of age and older, and to tax the commercial growth and retail sale of marijuana, as well as other marijuana related activities; and

WHEREAS, on June 27, 2017 Governor Jerry Brown signed the "Medical and Adult-Use Cannabis Regulations and Safety Act" ("MAUCRSA") which further amends and in some parts supersedes prior statutory enactments; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property within the City lie within the City's police power; and

WHEREAS, the City Council desires to establish reasonable zoning, land use controls and regulations on the operation of marijuana-related businesses, which land use regulations are intended in part to address the potential for negative impacts and nuisance impacts of marijuana-related businesses; and

WHEREAS, it is the intent of the City Council of Moreno Valley to maintain local control over these matters to the fullest extent permitted by law, and it is further City Council's intention that nothing in this ordinance shall be construed, in any way, to expand or supersede state law controlling the rights to use, sell or possess marijuana; to engage in any public nuisance; to violate federal law, or to engage in any activity in relation to the cultivation, distribution, testing or consumption of marijuana that is otherwise illegal; and

WHEREAS, the City seeks to regulate cannabis dispensaries, testing, cultivation and manufacturing, subject to the usual application process for a Conditional Use Permit (CUP) and discretionary approval of such CUP by the Planning Commission of the City of Moreno Valley; and

WHEREAS, cannabis cultivation, manufacturing and testing shall be conditionally permitted only in the Business Park (BP), Business Park-Mixed Use (BPX) and Light Industrial (LI) zoning districts of the City, cannabis dispensaries shall be conditionally permitted only in the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park-Mixed Use (BPX) zoning districts of the City, cannabis microbusinesses shall be conditionally permitted only in the Business Park-Mixed Use (BPX) zone and Community Commercial zone (CC), and cannabis distribution centers shall be conditionally permitted in all five zoning districts; and

WHEREAS, it is the City's intent in adopting this Ordinance that no more than twenty-seven (27) Conditional Use Permits (CUPs) for cannabis land use activities can be approved and active at any given time, which 27 permits shall be further specified to authorize, a maximum of eight (8) dispensaries, a maximum of two (2) testing facilities, a maximum of eight (8) cultivation facilities, a maximum of five (5) manufacturing facilities, a maximum of two (2) distribution centers and a maximum of two (2) microbusinesses, and

WHEREAS, this amendment of the Moreno Valley Municipal Code (MVMC) is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines until July 1, 2019, as established with Senate Bill 94 "Medicinal and Adult-Use Cannabis Regulation and Safety Act, which exempts the adoption of a specified ordinance, rule or regulation by a local jurisdiction that requires subsequent discretionary review of permits, licenses, or other authorizations to engage in commercial cannabis activity; and

WHEREAS, a proper notice was processed in accordance with Section 9.02.200 of the MVMC for the scheduled February 22, 2018 public hearing of the Planning Commission regarding this matter, with publication in the Press Enterprise newspaper on February 10, 2018; and

WHEREAS, on February 22, 2018, the Planning Commission held a public hearing and considered the proposed Cannabis Land Use Ordinance; and

WHEREAS, a proper notice processed in accordance with Section 9.02.200 of the MVMC, for the scheduled March 20, 2018 City Council public hearing regarding this matter was published in the Press Enterprise newspaper on March 10, 2018; and

WHEREAS, on March 20, 2018, the City Council conducted the requisite public hearing and considered all available materials including public input on this Ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Moreno Valley as follows:

Section 1. RECITALS

That the above recitals are true and correct and are incorporated as though fully set forth herein.

Section 2. Findings

A. Based upon substantial evidence presented to this City Council during the hearing on this Ordinance, including but not limited to: written and oral City staff reports, testimony presented at the public hearing, and the record from the public hearing, this City Council finds as follows:

1. Conformance with General Plan Policies – The proposed Ordinance is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The Ordinance would add language within Title 9, Chapter 9.09 and a newly established Section 9.09.290 of the MVMC to regulate cannabis dispensing, testing, cultivation, manufacturing and related cannabis establishments as conditionally permitted land uses and provides a framework that may be used for enforcement of set regulations to ensure the desired public health safety and welfare of residents, businesses, visitors and other stakeholders in the City. The Ordinance would identify appropriate zoning districts for the various desired commercial cannabis land uses including cannabis testing, cultivation and manufacturing in the Business Park (BP), Business Park -Mixed Use (BPX) and Light Industrial (LI) zones, cannabis dispensaries within the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park-Mixed Use (BPX) zones, cannabis microbusinesses in Business Park-Mixed Use (BPX) and Community Commercial (CC) zones, and cannabis distribution centers in all five zoning districts. The Ordinance further establishes new specific development standards for commercial cannabis uses including, but not limited to, facility size, buffer distance requirements, signage, parking, public access, security, public nuisance considerations, and visibility. Commercial cannabis activities shall only be allowed as a conditionally permitted use after applicants have secured a properly processed Conditional Use Permit (CUP) through successful action of the Planning Commission, or City Council if warranted. The proposed Ordinance is consistent with, and does not conflict with existing goals, objectives, policies, and programs established within the General Plan.

2. Health, Safety and Welfare – The proposed Ordinance will not be detrimental to the public health, safety or general welfare.

FACT: State law under Proposition 64 established a comprehensive system to legalize, control and regulate the cultivation, processing, manufacturing, distribution, testing, and sale of non-medical marijuana, including marijuana products, for use by adults 21 years and older. The purpose of this ordinance is to provide consistency with State Law and regulatory ordinance previously established within MVMC Title 5, and to regulate commercial cannabis activities that are conducted in accordance with State law in order to protect public health, safety and general welfare of residents, visitors, businesses and other stakeholders within the City.

This Ordinance specifies zoning districts that allow for cannabis dispensing, testing, cultivation and manufacturing establishments as a conditionally permitted land use and sets forth newly established Section 9.09.290 of the MVMC to discuss specific development regulations for cannabis testing, cultivation and manufacturing in the Business Park (BP), Business Park -Mixed Use (BPX) and Light Industrial (LI) zones, cannabis dispensaries within the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park-Mixed Use (BPX) zones, cannabis microbusinesses in the Business Park-Mixed Use (BPX) and Community Commercial (CC) zones and cannabis distribution centers in all five (5) zoning districts. This regulatory framework for commercial cannabis activities within the City is considerate of the City's desired interests for ensuring proper health, safety, and welfare. The establishment of clear and specific land use regulations and development standards enable the City to ensure proper enforcement of regulations.

3. Conformance with Municipal Code Regulations – The proposed Ordinance is consistent with the purposes and intent of this title.

FACT: The proposed Ordinance which amends Title 9 of the MVMC is consistent with the purposes and intent of previous amendments to Title 5 of the MVMC. Chapter 5.05 provides the regulation of commercial cannabis activity to

implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") and to accommodate the needs of medically ill persons and provide access to cannabis for medicinal purposes and provide access for recreational adult-use for persons over the age of 21 as authorized by the Control, Tax & Regulation of the Adult Use Cannabis Act ("AUMA" or "Proposition 64" passed by California voters in 2016), while imposing sensible regulations to protect the City's residents, neighborhoods, and businesses from disproportionately negative impacts. Title 5 of the MVMC regulates the cultivation, processing, manufacturing testing, sale, delivery, and distribution of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of Moreno Valley and enables enforcement of rules and regulations related to cannabis products and activities consistent with state law. MVMC Title 9 land use requirements set forth in this ordinance will establish where commercial cannabis businesses can be located.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AS FOLLOWS:

Section 3. AMENDMENT TO TITLE 9, CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" OF THE CITY OF MORENO VALLEY MUNICIPAL CODE

That Section 9.15.030 "Definitions" of the MVMC shall be amended to add the following definition:

A. "Applicant" means an owner applying for a City Permit pursuant to this division

B. "Cannabis" means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

C. "Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

D. "Cannabis dispensary" means any activity involving the retail sale of cannabis or cannabis products from a retailer.

E. "Cannabis distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees.

F. "Cannabis manufacturing" means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of Moreno Valley and, a valid state license as required for manufacturing of cannabis products.

G. "Cannabis testing" means a laboratory, facility, or entity that offers or preforms tests of cannabis or cannabis products and that is both: 1) accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state; and 2) licensed by the Bureau of Cannabis Control.

H. "Cannabis micro-business" means a location with a combination of at least three of the following four commercial cannabis activities: manufacturing, cultivation (limited to 10,000 sq. ft.), distribution, and dispensary.

I. "Cannabis distribution center" means a location that provides the procurement, sale, and transport of cannabis and cannabis products between entities licensed by the state of California.

J. "Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.

K. "License" means a state license issued under this division, and includes A-license and an M-license, as well as a testing laboratory license.

L. "Licensee" means any person holding a license under this division, regardless of whether the license held is an A-license, M-license, or a testing laboratory license.

M. "Owner" means any of the following:

- (1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- (2) The Executive Officer of a nonprofit or other entity.
- (3) A member of the board of directors of a nonprofit.
- (4) An individual who will be participating in the direction, control, or management of the person applying for a license or who has a financial interest in the business other than a fixed lease of real property

N. "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted a M-License and a A-License for the same type of activity and such operation is lawful under state and local laws, rules and regulations.

Section 4. AMENDMENT TO TITLE 9, CHAPTER 9.02, SECTION 9.02.020 "PERMITTED USES" OF THE CITY OF MORENO VALLEY MUNICIPAL CODE.

That Section 9.02.020, Table 9.02.020-1 of the MVMC, which is attached hereto as Exhibit "A," shall be amended to add "Commercial Cannabis Activities" as a land use category within Title 9 of the Municipal Code to allow cannabis testing, cultivation and manufacturing uses within the Business Park (BP), Business Park - Mixed Use (BPX) and Light Industrial (LI) zoning districts citywide with approval of a Conditional Use Permit (CUP). Cannabis dispensary uses are allowed only within the Community Commercial (CC), Neighborhood Commercial (NC), and Business Park - Mixed Use (BPX) zoning districts citywide with approval of a CUP. Distribution centers are allowed in all five zoning districts with approval of a CUP. Microbusinesses are limited to two zoning districts with approval of a CUP, which includes Business Park - Mixed Use (BPX) and Community Commercial (CC).

Section 5. AMENDMENT TO TITLE 9, CHAPTER 9.09, TO ADD SECTION 9.09.290 "COMMERCIAL CANNABIS ACTIVITY REGULATIONS" TO THE CITY OF MORENO VALLEY MUNICIPAL CODE.

That Section 9.09.290 shall be added to the Moreno Valley Municipal Code as follows:

ARTICLE 1. Section 9.09.290 of Title 9, is hereby added to the Moreno Valley Municipal Code under Specific Use Development Standards as follows:

Section 9.09.290. Commercial Cannabis Activities

- 9.09.291 Purpose and Intent
- 9.09.292 Applicability
- 9.09.293 Cannabis Business Locations and Use
- 9.09.294 General Development Standards
- 9.09.295 Specific Use Requirements
- 9.09.296 Grounds for Revocation

9.09.291 Purpose and Intent

A. Purpose - This section is intended to protect the public health, safety and welfare by ensuring that cannabis establishments, as defined in this Chapter and in Title 5, Chapter 5.05 of this Municipal Code, do not create an adverse impact on adjacent properties or surrounding neighborhoods by imposing sensible land use regulations in accordance with State law to protect the City's residents, neighborhoods, and businesses from direct negative impacts and/or secondary effects, including but not limited to, proximity to sensitive receptors or uses, visibility, insufficient on-site customer and employee parking, lighting, signage and graphics, site security, waste/storage disposal and public nuisances such as excessive noise and/or odor.

B. Intent - The intent of this section is to regulate and provide for the conditional use permitting of the following commercial cannabis business land uses:

1. Cannabis Dispensaries
2. Cannabis Testing
3. Cannabis Cultivation
4. Cannabis Manufacturing
5. Cannabis Distribution Centers
6. Cannabis Microbusinesses

9.09.292 Applicability

A. This Chapter of Title 9 sets forth land use development standards for cannabis dispensaries, testing laboratories/facilities, cultivation, manufacturing and related cannabis activities including the allowed location by zoning districts, placement of facilities including buffers, and maximum number of land use permits for cannabis businesses by type.

9.09.293 - Cannabis Business Locations and Use

A. Locations and Numbers of Permits by Land Use Type Allowed

A maximum of twenty-seven (27) businesses with approved Conditional Use Permits for commercial cannabis activity will be allowed to operate in the City at any one time. Commercial cannabis land use activities may be allowed to establish in the City within the Business Park (BP), Business Park-Mixed Use (BPX), Light Industrial (LI), Community Commercial (CC), and Neighborhood Commercial (NC) zoning districts, with limitations, as follows.

1. Dispensaries – A maximum of eight (8) commercial cannabis dispensaries may be allowed to establish within the Community Commercial (CC), Neighborhood Commercial (NC) and Business Park-Mixed Use (BPX) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
2. Testing – A maximum of two (2) commercial cannabis testing facilities may be allowed to establish within Business Park (BP) Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
3. Cultivation – A maximum of eight (8) commercial cannabis cultivation facilities may be allowed to establish within the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI)) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
4. Manufacturing – A maximum of five (5) commercial cannabis manufacturing facilities may be allowed to establish within the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI)) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
5. Microbusiness - A maximum of two (2) cannabis microbusiness facilities may be allowed to establish in the City, within the Business Park - Mixed Use (BPX) and Community Commercial (CC) zoning districts, with a properly secured conditional use permit approved through the Planning Commission.
6. Distribution Center - A maximum of two (2) cannabis distribution centers may be allowed to establish in the City, within the Community Commercial (CC), Neighborhood Commercial (NC), Business Park (BP), Business Park - Mixed Use (BPX), and Light Industrial (LI) zoning districts, with a properly secured conditional use permit approved through the Planning Commission

B. Conditional Use Permit Required

In order to lawfully operate, all commercial cannabis activities including dispensaries, testing laboratories, cultivation, microbusiness, distribution, and manufacturing facilities shall require an approved Conditional Use Permit as provided under Chapter 9.02, Section 9.02.060 of the Municipal Code, along with a valid Commercial Cannabis Business Permit and a valid State License.

9.09.294 General Development Standards

A. Placement and Buffer of Cannabis Businesses

1. No licensee under this division shall be located within a 600-foot radius of a public or private school providing instruction in kindergarten or grades 1 through 12, a day care center, a youth center or arcades that are in existence at the time the license is issued.

2. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school, day care center, youth center or arcade to the closest property line of the lot on which the dispensary, operator, establishment, or provider is to be located without regard to intervening structures.

B. General Business Requirements

1. No cannabis product shall be smoked, eaten, or otherwise consumed or ingested outside of or within the business.

2. No person shall cause or permit the sale, dispensing or consumption of alcoholic beverages or the sale of tobacco products on or within 50 feet of the premises of a cannabis business.

3. The cannabis licensee shall display its current valid Commercial Cannabis Business Permit under Chapter 5.05 of this Code and a CUP issued in accordance with this chapter inside the lobby or waiting area of the main entrance to the site. The permits shall be displayed at all times in a conspicuous place so that it may be readily seen by all persons entering the site.

4. It shall be unlawful to operate commercial cannabis activities in a building which contains a residence, or within a residential dwelling unit.

5. It shall be unlawful for any person to permit commercial cannabis cultivation, manufacturing, testing, distribution or sales at, on or within any real property that does not have a valid CUP approved for such use.

6. Any transfer of product or currency shall be identified in an individual security plan which is approved by the City.

7 All City Fire, Police and Code personnel shall have unlimited and unrestricted property access for inspections of commercial cannabis businesses and facilities during business hours.

9.09.295 Specific Use Requirements

A. Commercial Cannabis Cultivation

1. Commercial cannabis cultivation facilities shall require a properly secured Conditional Use Permit approved by the Planning Commission and will only be allowed in the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts.

2. The total area of the premises designated/used for the cultivation canopy shall not be more than twenty-two thousand (22,000) square feet for every Conditional Use Permit application approved.

3. Cannabis cultivation including all cannabis or marijuana plants at any stage of growth shall not be visible from the exterior of any structure, facility, or building containing cannabis cultivation. All cannabis cultivation must take place within a fully enclosed, secured and permanent structure. (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

4. Outdoor cannabis cultivation is prohibited in the City.

5. Only owners, agents, applicants, managers, employees, and volunteers of the cannabis cultivation licensee and agents or employees of the City are permitted to be onsite of any cultivation facility.

6. All cultivation areas in the building shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff of the cannabis cultivation licensee (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

7. No cannabis cultivation licensee shall allow public access to the facility.

8. Each building with a cultivation area shall have an area designed for the secure transfer of cannabis from the cultivation area to a vehicle for transportation.

9. Each building containing cultivation shall have designated storage space for cannabis that has completed the cultivation process or is otherwise not being cultivated. Storage size will be determined on a case-by-case basis dependent on the submitted site plan and building canopy size in accordance with the City's building and conditional use permit regulations. The storage areas shall be separated from the main entrance and lobby and shall be secured by a lock accessible only to managers and staff of the cannabis cultivation licensee. (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

10. Any person(s) cultivating cannabis with the use of grow lights, fans, ventilation devices or any other electrical or mechanical equipment shall comply with all applicable building and fire code requirements adopted by the City of Moreno Valley, and shall obtain all necessary permits and prerequisite inspections required for such installation prior to commercial use of the equipment and/or facility.

11. No person shall conduct any retail sales of any materials, goods or services produced at, used to produce, or otherwise available at the cannabis cultivation site.

12. All cultivation facilities shall be organized in orderly rows with aisles at least three (3) feet wide, and no more than eight (8) feet between an aisle and the next aisle or the aisle and the wall, and clear access shall be maintained to all exits unless the Planning Official, Building Official and Fire Marshal collectively determine that the business has provided an alternative, properly dimensioned floor plan that confirms equivalent access and clearance/separation between plants and the facility exits.

13. Cultivation operations shall be consistent with all other applicable Federal, State and local requirements, including all applicable provisions of Moreno Valley Municipal Code Chapter 5.

B. Commercial Cannabis Manufacturing

1. Commercial cannabis manufacturing facilities shall require a properly secured Conditional Use Permit and will only be allowed in the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts.

2. Only manufacturing facilities with a Type-6 State license (non-volatile) may be allowed to operate in the City.

3. Cannabis manufacturing, including all cannabis or marijuana raw materials and products shall not be visible from the exterior of any structure, facility, or

building containing cannabis manufacturing. All cannabis manufacturing activities must take place within a fully enclosed, secured and permanent structure (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

4 Only owners, agents, applicants, managers, employees, and volunteers of the cannabis cultivation licensee and agents or employees of the City are permitted to be onsite of any cultivation facility.

5. All equipment, systems and manufacturing processes must meet or exceed all applicable local, county, state and federal requirements and regulations regarding air, water, health and safety, and handling, processing and storage of hazardous materials, solvents, gases and waste. No manufacturing facility shall commence operations or be issued any form of certificate of occupancy without first obtaining all required fire, environmental, health and safety, planning, and building certificates, permits, inspections and other approvals required under the City's Municipal Code and all other applicable local, county, state and federal regulations.

6. A commercial cannabis manufacturing licensee shall (i) employ full time quality control personnel and (ii) establish standard operating procedures and batch records that comply with current Good Manufacturing Practices, as outlined by the State Department of Public Health and the U.S. Food and Drug Administration.

7. Commercial cannabis manufacturing licensee shall comply with sanitation standards equivalent to the California Retail Food Code (Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code) for food preparation, storage, handling and sale of edible cannabis or marijuana products. Edible cannabis or marijuana products are deemed to be unadulterated food products.

8. No person shall conduct any retail sales of any goods or services from a commercial cannabis manufacturing site.

9. Manufacturing operations shall be consistent with all other applicable Federal, State and local requirements, including Moreno Valley Municipal Code Chapter 5.

C. Commercial Cannabis Testing

1. Commercial cannabis testing facilities shall require a properly secured Conditional Use Permit approved by the Planning Commission and will only be

allowed in the Business Park (BP), Business Park-Mixed Use (BPX), and Light Industrial (LI) zoning districts.

2. No cannabis or marijuana raw materials, products, items being tested, or waste products from testing activities shall be visible from the exterior of any structure, facility, or building in which commercial cannabis testing is being conducted. All commercial cannabis testing must take place within a fully enclosed, secured and permanent structure (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

3. All entrances into the buildings on the laboratory site shall be locked at all times with entry controlled by the cannabis testing laboratory licensee's managers and staff (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

4. The laboratory site shall have a building with a main entrance that is clearly visible from the public street or sidewalk. The main entrance shall be maintained clear of barriers and other obstructions. Inside of the main entrance, there shall be a lobby which will be an area securely separated from the testing facilities.

5. All testing areas in any building on the laboratory site shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff of the cannabis testing laboratory licensee (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

6. Each building with a testing area shall have an area designed for the secure transfer of cannabis raw materials and products from a transfer vehicle to and from the testing area.

7. Each building with a testing area shall have designated storage space for cannabis raw materials and products that have been tested or are waiting to be tested. Storage size will be determined on a case-by-case basis dependent on the submitted site plan and building canopy size in accordance with the City's building and conditional use permit regulations. The storage areas shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to managers and staff of the commercial cannabis testing laboratory licensee (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

8. No person shall conduct any retail sales of any cannabis goods or services on or from a permitted and licensed commercial cannabis testing laboratory site.

9. No plants shall be located in a commercial cannabis/marijuana testing facility.

10. No testing facility shall have more than one hundred pounds of raw marijuana and one hundred pounds of marijuana-infused products at any one time.

11. Testing operations shall be consistent with all other applicable Federal, State and local requirements, including Moreno Valley Municipal Code Chapter 5.

D. Commercial Cannabis Dispensaries

1. Commercial cannabis dispensary facilities shall require a properly secured Conditional Use Permit approved by the Planning Commission and will only be allowed in the Community Commercial (CC), Neighborhood Commercial (NC) and Business Park-Mixed Use (BPX) zoning districts.

2. No cannabis or marijuana raw materials or products shall be visible from the exterior of any structure, facility, or building in which commercial cannabis dispensaries are being conducted. All commercial cannabis dispensaries must take place within a fully enclosed, secured and permanent structure (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

3. A commercial cannabis dispensary shall have designated locked storage on the dispensary property, identified and approved as a part of the security plan, for after-hours storage of medicinal and adult use recreational cannabis and cannabis infused products. All cannabis and cannabis infused products shall be stored at the dispensary property in secured rooms that are completely enclosed or in a safe that is bolted to the floor (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

4. All entrances into a commercial cannabis dispensary's building shall include high visibility from the main front door exterior at all times with entry controlled by dispensary personnel.

5. A commercial cannabis dispensary shall not provide any form of delivery service. All distribution of cannabis must be conducted within the enclosed building areas of the dispensary property between the seller and buyer.

6. No person shall smoke, ingest, or otherwise consume cannabis in any form on, or within 20 feet of, the dispensary site

7. No commercial cannabis dispensary owner or employee shall 1) cause or permit the sale, distribution, or consumption of alcoholic beverages on the dispensary property; 2) hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages; or 3) operate a business on or adjacent to the dispensary property that sells alcoholic beverages. No alcoholic beverages shall be allowed or stored on the dispensary property.

8. Hours of operation for a cannabis dispensary shall be established on a case by case basis as conditioned under the Conditional Use Permit (CUP).

9. Commercial cannabis dispensary or distribution operations shall be consistent with all other applicable Federal, State and local requirements, including Moreno Valley Municipal Code Chapter 5.

E. Commercial Cannabis Distribution Centers

1. Cannabis distribution shall require a properly secured Conditional Use Permit approved by the Planning Commission within established zoning areas in the City that allow for cannabis uses, limited only to the Community Commercial (CC), Neighborhood Commercial (NC), Business Park-Mixed Use (BPX), Business Park (BP) and Light Industrial (LI) zoning use districts.

2. No cannabis or marijuana raw materials or products shall be visible from the exterior of any structure, facility, or building in which commercial cannabis operations are being conducted. All commercial cannabis uses and operations must take place within a fully enclosed, secured and permanent structure (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).

3. Distribution of cannabis products shall only be conducted with a valid permit and according to activity permitted by State law.

4. There shall be no deliveries from the premises of cannabis or cannabis containing products except to another State or local licensed or permitted cannabis business.

5. A cannabis distribution licensee shall maintain a database and provide a list of the individuals and vehicles authorized to conduct transportation on behalf of the cannabis distribution licensee to the City.

6. Distribution operations shall be consistent with all other applicable Federal, State and local requirements, including Moreno Valley Municipal Code Chapter 5.

F. Commercial Cannabis Micro-businesses

1. Commercial cannabis microbusiness facilities shall require a properly secured Conditional Use Permit approved by the Planning Commission and will be allowed in the Business Park-Mixed Use (BPX) and Community Commercial (CC) zoning districts.
2. A Commercial cannabis micro-business facility shall include a combination of at least three of the following four activities: manufacturing, cultivation (limited to 10,000 sq. ft.), distribution and dispensary. Testing is not allowed.
3. No cannabis or marijuana raw materials or products shall be visible from the exterior of any structure, facility, or building in which allowable commercial cannabis uses are being conducted. All allowable commercial cannabis uses must take place within a fully enclosed, secured and permanent structure (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel).
4. A licensee conducting a commercial cannabis microbusiness shall meet all applicable operational requirements for Retail/Commercial Cannabis Dispensaries, Commercial Cannabis Cultivation, Commercial Cannabis Distribution and Commercial Cannabis Manufacturing activities.
5. The operator must hold a microbusiness (Type 12) license issued by the state Bureau of Cannabis Control.
6. A microbusiness operation shall be consistent with all other applicable Federal, State and local requirements, including Moreno Valley Municipal Code Chapter 5.

G. Building Size and Operation

1. The size and height of a building used for a commercial cannabis activity shall be governed by the permitted development standards of the underlying zoning district, and for commercial cannabis cultivation uses the interior space used for growing marijuana plants shall not exceed canopy size regulations set forth in State law, Chapter 6, Section 26061. In no case shall the size of the commercial cannabis canopy within any single facility exceed twenty-two thousand (22,000) square feet.
2. All operations conducted and equipment used must be in compliance with all applicable state and local regulations, including all building, electrical and fire codes.

3. Different types of commercial cannabis activities may not be located within the same building or structure without appropriate demising walls approved through the Community Development Department, Building Division and Fire Department, and each separate commercial cannabis activity must have distinct separate operating permits issued by the City and State, and CUP issued by the City.

4. An approved automatic fire sprinkler system, designed in compliance with California Fire Code is required in every building that houses a commercial cannabis business. This requirement is a minimum standard and does not preclude the City from imposing additional fire prevention measures as deemed necessary by the Fire Marshall on a case by case basis.

H. Visibility

1. All commercial cannabis activities shall take place within an enclosed structure.

2. From a public right of way, there should be no exterior evidence of commercial cannabis dispensing, cultivation, manufacturing or testing activities, except for any signage authorized as part of the CUP approval and separately issued signage permits. No raw materials, cannabis or cannabis infused products or marijuana plants shall be visible from the exterior of the building.

3. Exterior landscaping within ten (10) feet of a licensed premises shall be designed, installed and maintained free of locations which could reasonably be used by persons to conceal themselves and/or to enable undesirable activity. The design, and maintenance practices shall give appropriate consideration to both natural and artificial illumination.

I. Parking.

1. Parking requirements for commercial cannabis dispensary businesses shall be the same as parking requirements and restrictions for off-street parking that pertains to general retail establishments as described in Title 9, Table 9.11.040B-12 of the Moreno Valley Municipal Code.

2. Parking requirements for commercial cannabis cultivation businesses shall be the same as parking requirements and restrictions for off-street parking that pertains to general manufacturing establishments as described in Title 9, Table 9.11.040B-12 of the Moreno Valley Municipal Code.

3. Parking requirements for commercial cannabis testing labs shall be the same as parking requirements and restrictions for off-street parking that pertains to research and development establishments as described in Title 9, Table 9.11.040B-12 of the Moreno Valley Municipal Code.

4. Parking requirements for commercial cannabis manufacturing businesses shall be the same as parking requirements and restrictions for off-street parking that pertains to general manufacturing establishments as described in Title 9, Table 9.11.040B-12 of the Moreno Valley Municipal Code.

5. Parking for commercial cannabis distribution businesses shall be the same as parking requirements and restrictions for off-street parking that pertains to general manufacturing establishments as described in Title 9, Table 9.11.040B-12 of the Moreno Valley Municipal Code.

6. An additional two (2) secured parking spaces, identified on a plot plan and individual security plan approved by the City, shall be located convenient to the required secured area of each facility and be used by secured transfer vehicles involved in the courtering or dispensing of cannabis materials products to and from the facility and for use by any secured vehicle commissioned for the transfer of currency to and from the facility.

J. Lighting.

1. All lighting shall comply with the provisions of Section 9.08.100 of this Title, and determined in a security plan approved by the City, including fixture type, wattage illumination levels and shielding. This requirement does not address any potential lighting required under the individual security plans for the facility.

K. Signs and Graphics

1. Any commercial cannabis business shall be limited to one wall-mounted business identification sign per licensed premises and be in compliance with all other aspects of the City's sign regulations included in Chapter 9.12.

2. Signage shall be limited to the identification of the licensee's business name and shall contain no advertising of symbols, language, music, gestures, cartoon characters or other content elements known to appeal primarily to persons below the legal consumption age. The provisions of this section shall not apply to the placement of advertising signs inside a licensed premises and which are not visible by normal unaided vision from a public place, provided that such advertising signs do not advertise marijuana or marijuana products in a manner intended to encourage persons under the age of 21 years to consume marijuana or marijuana products.

3. Signage shall not extend above the highest point of a parapet wall or the lowest point of a sloping roof. In instances where both criteria are present, the regulation resulting in the lowest reasonable height shall govern.

4. A licensee shall post a sign, not less than 12 inches wide and 12 inches long, in a conspicuous place near each monitored building access location on the

licensed premises, which sign shall be easily visible to all customers and employees and composed of letters not less than one inch in height, stating "All Activities Monitored and Recorded by Video Camera" or "These Premises are Being Digitally Recorded," or otherwise advising all persons entering the licensed premises that a video surveillance and camera recording system is in operation at the facility and recording all activity.

5. A licensee shall post a sign in a conspicuous place on the outside of the building, near the entry to the premises clearly and legibly posted indicating that smoking, ingesting, or consuming cannabis, marijuana, or alcohol on the licensed premises is prohibited.

L. Site Security

1. Security surveillance cameras and a video recording system must be installed to monitor all doors into and out of the buildings on the site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights of way. The cameras and recording system must be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the site. The recording system must be capable of exporting the recorded video in standard MPEG formats to another common medium, such as a DVD or USB drive.

2. Professionally and centrally monitored fire, sprinkler, robbery, and burglar alarm systems must be installed and maintained in good working condition. The alarm system must include a private security company that is required to respond to every alarm.

M. Waste and Storage and Disposal

1. Waste, storage, and disposal of all marijuana and cannabis products shall meet all applicable state and local health regulations.

N. Public Nuisance Standards

1. Odor control devices and techniques shall be incorporated in all licensed premises to ensure that odors from cannabis or marijuana are not detectable offsite. Licensees shall provide a sufficient odor absorbing ventilation, exhaust or air filtration system so that odor generated inside the licensed premises that is distinctive to its operation is not detected outside of the premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building or other separate buildings on the licensed premises.

2. All ventilating equipment shall be directed to top story exhaust vents which face away from adjacent properties.

3. A licensee shall prohibit loitering by individuals outside the licensed premises, whether the loitering is occurring immediately outside the licensed premises facility or anywhere else on the property or parcel.

4. A licensee shall remove graffiti from the licensed premises within twenty-four (24) hours of its occurrence, or as requested by the City.

5. Commercial cannabis activity shall not adversely affect the health, safety, or general welfare of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes.

9.09.296 Grounds for Revocation

A. Any of the following shall be grounds for revocation of a commercial cannabis land use permit based on evidence and following notice and public hearing pursuant to Section 9.02.260 "Revocation of Approvals or Permits" of the Moreno Valley Municipal Code:

1. Failure to comply with one or more conditions of approval of the Conditional Use Permit (CUP).

2. The land use permit was granted on the basis of false material or information, including written or oral communications, given willfully or negligently by the applicant.

3. The ownership or control of the commercial cannabis business has been transferred and/or sold, a land use permit issued pursuant to this Chapter has been transferred and/or sold, or the title of any parcels constituting the site on which the land use permit was originally issued has been transferred. New ownership would require a secured cannabis business permit/license in order for a CUP to remain valid, and is subject to the one year inactivity requirement included in Section 9.02.260(C)(2).

4. Any act or omission by an owner or licensee in violation of the provisions of this Chapter.

5. Any act or omission by an owner or licensee that results in the denial or revocation of the owner's or licensee's State license.

6. Any act or omission that results in the revocation of that owner's or licensee's commercial cannabis Business License Clearance under Title 5, Chapter 5.02 of the Moreno Valley Municipal Code.

7. An owner's or licensee's failure to take appropriate action to evict or otherwise remove persons conducting commercial cannabis activities who do not maintain the necessary permits or licenses in good standing with City or State.

8 Permit holder's conviction for possession or delivery of any form of illegal drugs.

9. City or any other governmental agencies discovery of any form of illegal drugs, other than cannabis products regulated by this ordinance, on the licensed premises at any time.

10. Conduct of the commercial cannabis activities in a manner that constitutes a nuisance where the owner or licensee has failed to comply with reasonable conditions to abate the nuisance (e.g., odor).

Section 6. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 7. REPEAL OF CONFLICTING PROVISIONS

All the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this ordinance are hereby repealed.

Section 8. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its second reading.

Section 9. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

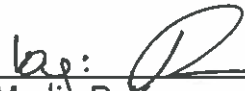
Adopted through second reading this 3rd day of April, 2018


Yxstian A. Gutierrez, Mayor

ATTEST:


Pat Jacques-Nares, City Clerk

APPROVED AS TO FORM:


for: Martin D. Kocaznowicz, City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 932 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 3rd day of April, 2018 by the following vote:

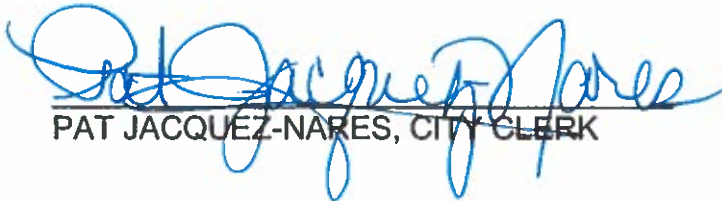
AYES: Council Member Marquez, Council Member Cabrera, Mayor Pro Tem Baca, and Mayor Gutierrez

NOES: Council Member Giba

ABSENT: None

ABSTAIN: None

(Council Members, Mayor Pro Tem and Mayor)



PAT JACQUEZ-NARES, CITY CLERK

(SEAL)

Exhibit A

Permitted Uses Table 9.02.020-1

X -	Indicates stated use is permitted subject to district requirements.
C -	Indicates stated use is allowed with a conditional use permit.
◆ -	Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses.
A -	Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.
S -	Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
<u>M -</u>	<u>Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.</u>

	Residential Zones										Mixed Use Overlay						Commercial & Office Zones						Industrial Zones			
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (9.10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS

Adult Businesses																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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Exhibit A

Permitted Uses Table 9.02.020-1

X -	Indicates stated use is permitted subject to district requirements.																									
C -	Indicates stated use is allowed with a conditional use permit.																									
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<u>M -</u>	<u>Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.</u>																									
	Residential Zones								Mixed Use Overlay				Commercial & Office Zones				Industrial Zones									
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (8.10.11)	NC	CC	VC	OC	O	P	I	L	BP	BPX	OS

Storage																	
Automobile, Motorcycle, Truck, Golf Cart, Recreational Vehicle and Boat Sales and Incidental Minor Repairs and Accessory Installations																	
Auto Service Stations																	
Accessory uses include convenience store and car wash																	
Minor repairs to include auto/boat/motorcycle/RV (excludes major repair, paint, body work)																	
Automotive, Boat, Motorcycle and RV Repair—Minor (includes brake, muffler and tire installation and repair)																	
Automotive Paint and Body Repair—Major Engine Overhaul																	
Auto Rentals																	

Exhibit A

Permitted Uses Table 9.02.020-1

- X - Indicates stated use is permitted subject to district requirements.
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	Residential Zones										Mixed Use Overlay						Commercial & Office Zones						Industrial Zones			
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (9.10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
Auto Supply Stores													X	X	X	X	X						X			
Bakery Shops													X	X	X	X	X		X				X			
Bakery—Commercial													X	X	X	X	X		X							
Banks—Financial Institutions													X	X	X	X	X		X					X		
Barber and Beauty Colleges													X	X	X	X	X		X					X		
Bars (Drinking Establishments)																										
Bars, with Limited Live Entertainment													C	C	C	C	C	C	C							
Boat Sales New and Used Including Repairs and Accessory Installation																	♦						X			
Boarding and Rooming Houses									X	X	X	X	X	X												
Bowling Alley													♦	♦	♦	X	X									
Building Material Sales With outdoor storage																	♦									
Building Material Storage Yards																							X			
Bus, Rail and Taxi Stations															♦		♦									
Business Equipment													X	X	X	X	X	X	X						X	

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	Residential Zones										Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (9.10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX

Sales (includes repairs)																										
Business Schools																										
Business Supply Stores																										
Cabinet Shop																										
Caretakers Residence ¹																										
Car Wash																										
Accessory to auto related use																										
Catering Service																										
Cemetery (Human or Pet) With or Without Accessory Mortuary and Cremation Services (Minimum 10-acre site required)	C	C	C	C	C	C	C	C	C	C	C	C														
Churches ²	C	C	C	C	C	C	C	C	C	C	C	C														
Clubs																										C
<u>Commercial Cannabis Activities¹⁷</u>																										
<u>Cultivation¹⁸</u>																										
<u>Dispensary¹⁹</u>																										
<u>Manufacturing²⁰</u>																										
<u>Testing²¹</u>																										
<u>Microbusiness²²</u>																										
<u>Distribution Center²³</u>																										
Commercial Radio or																										

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[illegible]

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	Residential Zones											Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (8.10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX

Diaper Supply Service																										
Laundry with fleet storage																										
Disposal company																										
Drapery Shops																										
Dressmaking Shops																										
Driving School																										
Drug Stores																										
Dry Cleaning or Laundry																										
a. Dry Cleaning																										
b. Laundromat																										
c. Laundry Commercial																										
Emergency Shelters ¹⁴																										
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack)	C	C	C	C																						C
Exterminators																										
Farm Worker Housing																										
Feed and Grain Stores																										
Fire and Police Stations	X	X	X	X	X	X																				
Floor Covering Stores (may include incidental repairs with installation service)																										

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Fraternity/Sorority																										
Frozen Food Locker																							X	X		
Gasoline Dispensing - Non-retail accessory to an auto-related use																	X					X	X			
Glass Shops and Glass Studios—Stained, etc.																	X					X			X	
Golf Courses or Golf Driving Ranges with Incidental Commercial Uses	C	C	C	C	C	C	C	C	C	C	C	C														◆
Handicapped Housing													X	X	X											
Heavy Equipment Sales and Rentals																	X						X	X		
Hospitals																	◆									
Hotels																										
a. With 20% or less of the units containing kitchens													X	X	X		X			C			X	X		
b. With over 20% of the units containing kitchens													C	C	C		C			C			C	C		
Ice Cream Stores—Including Yogurt Sales													X	X	X	X	X	X	X	X					X	
Impound Yards																						X				

Exhibit A

Permitted Uses Table 9.02.020-1

	Residential Zones										Mixed Use Overlay			Commercial & Office Zones						Industrial Zones								
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Jewelry Stores																												
Kennel and Catteries	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Laboratories (medical and dental)																												
Libraries	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Liquor Stores																												
Live/Work Unit (12)																												
Locksmith Shops																												
Lodge Halls and Similar Facilities																												
Lumbervards																												
Mail Order House																												
Manufacturing and Assembly																												
a. Custom and light manufacturing indoor uses only (50,000 square feet or less), with light truck traffic, on-site and wholesaling of goods produced																												
b. Custom and light manufacturing indoor uses only (more than 50,000 square feet), with light truck traffic,																												

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on-site and wholesaling of goods produced																												
c. General manufacturing with frequent truck traffic and/or outdoor equipment or storage																								X				
d. Retail sales of goods produced or warehoused on-site ³																						X	X	X	X			
Medical Clinics/Medical Care																												
Inpatient care													X	X	X	X	X	X	X	X	X	X	X	X	X			
Urgent care													X	X	X	X	X	X	X	X	X	X	X	X				
Medical device services and sales (retail), including, but not limited to, fittings for and sale of prosthetic and orthotic devices															X	X	X	X	X									
Medical equipment supply, including retail sales for in-home medical care, such as wheelchairs, walkers, and respiratory															X	X	X	X	X	X								

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equipment	C	C	C	C	C	C	C	C	C	C	C	C														
Mobile Home Parks																										
Mobile Home Sales or Rentals (outdoor display)																										
Mortuaries																										
With cremation services																										
No cremation services																										
Museums	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	◆	◆	X	X	X	X	X	X	X	X	X
Newspaper and Printing Shops													X	X	X	X	X									
Nightclubs																										
Nursery, (Plant), Wholesale and Distribution	X	X	X	X																						X
Offices (administrative and professional)													X	X	X	X	X	X	X	X						
Open Air Theaters																										
Orphanages	C	C	C	C	C	C	C	C	C	C	C	C														
Painting Contractor																										
Parcel Delivery Terminals																										
Parking Lot																										
Parks and Recreation Facilities (public)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X
Personal Services (e.g.,													X	X	X	X	X	X	X	X	X	X	X	X	X	X

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nail salons, spa facilities, barber and beauty shops, and tattoo parlors)																	
Pharmacy ⁴																	
Photo Studios																	
Plumbing Shops																	
Plumbing Supply Stores for Contractors																	
Pool Hall																	
Postal Services																	
Pottery Sales with Outdoor Sales																	
Public Administration, Buildings and Civic Centers																	
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Racetracks																	
Record Store																	
Recording Studio																	
Recreational Facilities (Private) such as Tennis Club, Polo Club, with	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

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Limited Associated Incidental Uses																										
Recycling, Large Collection Facility ⁵																◆							X			
Recycling, Small Collection Facility													X	X	X	X	X	X								
Recycling Processing Centers																							X	X	X	
Refreshment Stands													X	X	X	X	X	X				X	X	X	X	
Rental Service																										
Within an enclosed structure (furniture, office, party supplies)													X	X	X	X	X	X					X	X	X	
With outdoor storage and display (vehicles, equipment, etc.)																◆							X			
Research and Development													X	X	X					X			X	X	X	
Residential																										
Single-Family	X	X	X	X	X	X	X	X	X				X	X	X											
Multiple-Family													X	X	X											
Manufactured home park (see mobile home parks)																										
Residential Care Facility (for seven or more	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X											

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persons)																										
Restaurants (Eating and Drinking Establishments)																										
Without entertainment																										
With Limited Live entertainment													X	X	X	X	X	X	X	X					X	
With alcoholic beverage sales													X	X	X	X	X	X	X	X					X	
With outdoor seating ¹³													X	X	X	X	X	X	X	X					X	
Restaurants (fast-food)																										
With drive-through													X	X	X	◆	◆								◆	
Without drive-through													X	X	X	X	X	X	X						X	
Retails Sales													X	X	X	X	X	X	X							
Support Retail Sales													X	X	X	X	X	X	X						X	
Sandwich Shops ⁶													X	X	X	X	X	X	X	X ⁶					X	
Schools, Private	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆			◆	◆	
Senior Housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X	
Shoe Shine Stands													X	X	X	X	X	X	X	X					X	
Shoe Repair Shop													X	X	X	X	X	X	X	X				X	X	
Sign Shop													X	X	X	X	X	X	X				X	X	X	
Single room occupancy (SRO) facility												C	C	C	C		X									
Skating Rinks														X		X	X									
Smoke Shops ¹⁶																S	S	S	S	S						

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Stationary Stores													X	X	X	X	X	X	X				X	X		
Statue Shop -Outdoor display																	◆						X			
Storage Lots and Mini-Warehouses																										
Indoor																	C					X				
Outdoor																	C					X				
Swim Schools/Center with Incidental Commercial Uses	C	C	C	C	C	C	C	C	C	C	C	C				X	X									
Taxidermist													X	X	X	X	X	X					X			
Theaters (excludes open air)																										
Tire Recapping																		X								
Trade and Vocational Schools													X	X	X		X		X				X	X		
Transfer, Moving and Storage Facilities																						X	X			
Truck Wash																						X	X			
Upholstery Shops																	X					X	X			
Vehicle Storage Yards																						X	X			
Indoor																	X					X				
Outdoor																	C					X	X			
Vending Machine Service and Repair																						X	X	X		X
Veterinarian (Including																										

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animal hospital)													X	X	X	X	X									
All activities within an enclosed structure														X	X	X									X	X
With outdoor activities																	◆								◆	◆
Weight Reduction Center													X	X	X	X	X	X	X							
Wholesale, Storage, and Distribution																										
All activities indoors (50,000 square feet or less)																							X	X		X
All activities indoors (more than 50,000 square feet)																						X	X			
All activities outdoors																						X	X			
Retail sale of goods warehoused on-site ⁷																						X	X	X		
Wrecking Yard																						◆				

Notes:

(1) Do not consider residential use per distance requirement.

(2) The administrative plot plan process may be used to establish these uses in an existing building within any commercial or industrial zone, even if the project is located adjacent to residential uses or zones.

(3) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).

(4) Permitted in the OC and VOR districts only as a support medical office facility.

Permitted Uses Table 9.02.020-1

Permitted Uses Table 9.02.020-1																										
X -	Indicates stated use is permitted subject to district requirements.																									
C -	Indicates stated use is allowed with a conditional use permit.																									
◆ -	Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses.																									
A -	Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.																									
S -	Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.																									
<u>M -</u>	<u>Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.</u>																									
	Residential Zones								Mixed Use Overlay		Commercial & Office Zones					Industrial Zones										
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (8.10.11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS

- (5) Large collection facilities may be established within an existing building through the "tenant improvement" process if such building or tenant space occupied by the use is not located adjacent to a residential use or zone.
- (6) Sandwich shops shall not have cooking hoods, nor shall they exceed five percent of the gross floor area of the complex where they are located.
- (7) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
- (8) In the MU district, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 300 feet in any direction from a street intersection, as measured from the corner formed by the lot's property lines, and (b) are allowed, but not required on the other lots.
- (9) In the MUC and MUN districts, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 150 feet in any direction from a street intersection, as measured from the corner formed by the lot's property lines, and (b) are allowed, but not required on the other lots.
- (10) See Section 9.07.40 (Medical Use Overlay District)
- (11) See Section 9.09.260 (Mixed Use Development)
- (12) See Section 9.09.250 (Live-Work Development)
- (13) See Section 9.09.270 (Outdoor Dining)
- (14) Use is also permitted in the Moreno Valley Industrial Area Plan (SP 208)
- (15) For Spa Facilities refer to Title 11, Chapter 11.96 of the Municipal Code.
- (16) See Section 9.09.280.C (Smoke Shops) for distance requirements that require a Conditional Use Permit.
- (17) See Section 9.09.290 (Commercial Cannabis Activities) for all Commercial Cannabis Activities regulations.
- (18) Per Section 9.09.293.A.3 (Cannabis Business Locations and Use) a maximum of five (5) cannabis cultivation businesses are allowed Citywide.
- (19) Per Section 9.09.293.A.1 (Cannabis Business Locations and Use) a maximum of ten (10) cannabis dispensaries are allowed Citywide.
- (20) Per Section 9.09.293.A.4 (Cannabis Business Locations and Use) a maximum of five (5) cannabis manufacturing businesses are allowed Citywide.
- (21) Per Section 9.09.293.A.2 (Cannabis Business Locations and Use) a maximum of two (2) cannabis testing facilities are allowed Citywide.
- (22) Per Section 9.09.293.A.5 (Cannabis Business Locations and Use) a maximum of two (2) cannabis microbusiness facilities are allowed Citywide.
- (23) Per Section 9.09.293.A.6 (Cannabis Business Locations and Use) a maximum of two (2) cannabis distribution centers are allowed Citywide.

Exhibit A

Permitted Uses Table 9.02.020-1

X -	Indicates stated use is permitted subject to district requirements.
C -	Indicates stated use is allowed with a conditional use permit.
◆ -	Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses.
A -	Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.
S -	Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
<u>M -</u>	<u>Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.</u>

	Residential Zones										Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (8.10.11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX

Zoning District Key

HR	Hillside Residential District	MU	Mixed Use Overlay District
RR	Rural Residential District	MUN	Mixed-Use Neighborhood Overlay District
R1	Residential 1 District (40,000 square feet minimum lot size)	MUC	Mixed-Use Community Overlay District
RA2	Residential Agriculture 2 (20,000 square feet minimum lot size)	MUI	Mixed-Use Institutional Anchor Overlay District
R2	Residential 2 District (20,000 square feet minimum lot size)	NC	Neighborhood Commercial District
R3	Residential 3 District (10,000 square feet minimum lot size)	CC	Community Commercial District
R5	Residential 5 District (7,200 square feet minimum lot size)	VC	Village Commercial District
RS10	Residential Single-Family 10 District (4,500 square feet minimum lot size)	OC	Office Commercial District
R10	Residential 10 District (Up to 10 Dwelling Units per net acre)	O	Office District
R15	Residential 15 District (Up to 15 Dwelling Units per net acre)	P	Public District
R20	Residential 20 District (Up to 20 Dwelling Units per net acre)	I	Industrial District
R30	Residential 30 District (Up to 30 Dwelling Units per net acre)	LI	Light Industrial
		BP	Business Park District
		BPX	Business Park-Mixed Use District
		OS	Open Space District