



Legislation Details

File #:	15-392	Version:	1	Name:	
Type:	Public Hearing Item	Status:		Agenda Ready	
File created:	12/28/2015	In control:		City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	
On agenda:	1/4/2016	Final action:			
Title:	SUBJECT: Public Hearing Regarding Proposed Amendments to the City of Merced's Zoning Ordinance Relating to Medical Marijuana, Medical Marijuana Dispensaries, Delivery of Medical Marijuana and Cultivation of Medical Marijuana				

REPORT IN BRIEF

Consider the adoption of an ordinance relating to medical marijuana that would either allow or ban medical marijuana dispensaries, allow or ban the delivery of medical marijuana under specific circumstances, and either allow the cultivation of small amounts of medical marijuana under specific circumstances or ban the cultivation of all medical marijuana within the City's boundaries.

RECOMMENDATION

City Council - Adopt a motion approving one of the three following options:

A. Adopt a Categorical Exemption and Introduce Ordinance 2455 (as recommended by the Planning Commission) that would allow medical marijuana dispensaries in specific commercial zones, allow delivery of medical marijuana under specific circumstances and allow limited growth of medical marijuana (12 plants or less per lot) for a qualified patient:

"An Ordinance of the City Council of the City of Merced, California, Adding Chapter 20.84, "Medical Marijuana and Cultivation" and amending Sections 20.20.040 "Conditional Uses," 20.24.040 "Conditional Uses," and 20.28.040, "Conditional Uses," of the Merced Municipal Code regarding the zoning of medical marijuana dispensaries as conditional uses".

OR

B. Adopt a Categorical Exemption and Introduce Ordinance 2454 (originally presented to the Planning Commission on December 9, 2015) that would prohibit all commercial medical marijuana uses and activities, including delivery, within the City of Merced and prohibit the cultivation of any amount of marijuana for medical use by a qualified patient or primary caregiver in the City of Merced:

"An Ordinance of the City Council of the City of Merced, California, adding Chapter 20.84, "Medical Marijuana and Cultivation" to the Merced Municipal Code prohibiting all commercial medical marijuana uses in the City and prohibiting cultivation for medical use by a qualified patient or primary caregiver"

OR

C. Adopt a Categorical Exemption and Introduce Ordinance 2454 (originally presented to the Planning Commission on December 9, 2015) that (like Option B) would prohibit all commercial medical marijuana uses and activities and prohibit the cultivation of any amount of marijuana for medical use:

"An Ordinance of the City Council of the City of Merced, California, adding Chapter 20.84, "Medical Marijuana and Cultivation" to the Merced Municipal Code prohibiting all commercial medical marijuana uses in the City and prohibiting cultivation for medical use by a qualified patient or primary caregiver;"

AND

Direct staff to schedule multiple study sessions after the effective date of the ordinance to consider the City's options relating to medical marijuana within the City (including dispensaries, delivery and cultivation).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 2454, 2. Ordinance 2455, 3. Planning Commission Resolution #3059, 4. Excerpts from Draft Planning Commission Minutes of December 9, 2015, 5. Planning Commission Staff Report #15-23

Date	Ver.	Action By	Action	Result
1/4/2016	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved with conditions	Pass