ORDINANCE 2020-5
AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA AMENDING CHAPTERS 5.04 AND 5.98 OF THE VISTA MUNICIPAL CODE REGARDING CANNABIS-RELATED USES

The City Council of the City of Vista does ordain as follows:

1. **Findings.** The City Council hereby finds and declares all of the following:

   A. This ordinance is enacted by the City Council pursuant to its authority under the Charter of the City of Vista and Article 11, Section 7 of the California Constitution.

   B. The City Council intends that this ordinance be construed and applied in a manner that is consistent with state law, the provisions of the Vista Municipal Code, other local enactments, and all voter-approved measures.

   C. The City Council finds and determines that the adoption of this ordinance qualifies for an exemption from the California Environmental Quality Act pursuant to 14 CCR § 15061(b)(3), and directs that a Notice of Exemption be filed with the Office of Planning and Research.

2. **Code Amendment.**

   A. Section 5.04.145 is amended to read as follows:


   A. All forms of cannabis-related businesses in the City of Vista are prohibited except for medical cannabis dispensaries described in paragraph C, and entitled to receive licenses pursuant to Chapter 5.94, cannabis delivery services described in paragraph D, and entitled to receive licenses pursuant to Chapter 5.96, and cannabis testing, distribution, and manufacturing facilities described in paragraph E, and entitled to receive licenses pursuant to Chapter 5.98.

   B. Except for licenses issued to cannabis-related businesses as provided in paragraphs C through E, no business or other type of license may be issued to a cannabis-related business of any sort.

   C. When an applicant for a medical cannabis dispensary establishes that all requirements have been met for issuance of a license that are contained in Chapter 5.94 and State law, the City will issue a license for the medical cannabis business pursuant to this Chapter.

   D. When an applicant for cannabis delivery services establishes that all requirements have been met for issuance of a license
that are contained in Chapter 5.96 and State law, the City will issue a license for the cannabis delivery services pursuant to this chapter.

E. When and applicant for cannabis testing, distribution, and manufacturing facilities establishes that all requirements have been met for issuance of a license that are contained in Chapter 5.98 and State law, the City will issue a license for the cannabis testing, distribution, and manufacturing facilities pursuant to this chapter."

B. Section 5.98.050, "Locations for Eligible Licenses," paragraph A, is amended to read as follows:

"A. To be eligible for approval, the location of a cannabis enterprise identified in an application must satisfy all of the following: (1) be within the RLI zone; (2) be authorized pursuant to a special use permit, as further specified in paragraph D, if the cannabis enterprise facility is a cannabis distributor (Type 11) or a cannabis manufacturer (Type 6); and (3) be outside a 600 hundred foot radius surrounding any day care center, youth center, or school providing instruction in kindergarten or any grades 1 through 12."

C. Section 5.98.050, "Locations for Eligible Licenses," is amended to add paragraph D as follows:

"D. The special use permits described in paragraph A shall be permitted in accordance with section 18.74.120 of the Vista Development Code, except that the requirements of 18.74.120.A.2 shall be replaced with the determination that the proposed use, in the manner to be conducted, is permitted in the applicable zone and will conform to applicable state and local laws and regulations."

3. **Severability.** If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance not held to be invalid or unenforceable shall remain in full force and effect, and shall be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

4. **Effective Date.** This Ordinance shall be in full force and effect on the thirty-first day following the date of its adoption.

[Continued on page 3.]
5. **Adoption.** INTRODUCED and ADOPTED at a meeting of the City Council of the City of Vista held on April 28, 2020, by the following vote:

**AYES:** Mayor Ritter, Rigby, Franklin, Green, Contreras

**NOES:** None

**ABSTAIN:** None

[Signatures]

**APPROVED AS TO FORM:**
**DAROLD PIEPER, CITY ATTORNEY**

**ATTEST:**
**KATHY VALDEZ, CITY CLERK**

[Signatures]
CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2020-5 to be posted on April 30, 2020, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk’s Office, 200 Civic Center Drive.

Kathy Valdez, City Clerk