

ORDINANCE NO. 2326

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE ADDING NEW CHAPTER 7.80 (MARIJUANA DISPENSARY) AND SECTIONS 7.80.010 (DEFINITIONS) AND 7.80.020 (PROHIBITED ACTIVITIES) TO TITLE 7 (PUBLIC SAFETY & MORALS) OF THE SOUTH GATE MUNICIPAL CODE; AND AMENDING SECTIONS 11.21.020 (GENERAL REQUIREMENTS) AND 11.21.030 (LAND USE PERMISSION TABLES) OF CHAPTER 11.21 (LAND USE TYPES) AND AMENDING SECTION 11.60.160 ("M" DEFINITIONS) OF CHAPTER 11.60 (DEFINITIONS) OF TITLE 11 (ZONING) OF THE SOUTH GATE MUNICIPAL CODE, ALL PERTAINING TO MARIJUANA CULTIVATION, PROCESSING AND DELIVERY

WHEREAS, the People of the State of California enacted Proposition 215, the Compassionate Use Act of 1996 (codified in Health and Safety Code section 11362.5, *et seq.*), which allows the possession and cultivation of marijuana for medical use by certain qualified persons; and

WHEREAS, in May 2001, the United States Supreme Court issued its decision in *United States v. Oakland Buyers' Cooperative*, 532 U.S. 483, holding that distribution of medical marijuana is illegal under the Compassionate Use Act and there is no medical necessity defense allowed under federal law; and

WHEREAS, the 2003, California Legislature enacted Senate Bill 420, the Medical Marijuana Program (codified in Health and Safety Code sections 11362.7 through 11362.83), to clarify the scope of the Compassionate Use Act and to permit qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under state law; and

WHEREAS, neither the Compassionate Use Act nor the Medical Marijuana Program require cities to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within their jurisdictions; and

WHEREAS, in 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, holding that cities have the authority to ban medical marijuana land uses; and

WHEREAS, in *Maral v. City of Live Oak* (2013) 221 Cal. App. 4th 975, the California Court of Appeal upheld the city's total ban on all marijuana cultivation; and

WHEREAS, notwithstanding the passage of the Compassionate Use and the Medical Marijuana Program, the cultivation, distribution, possession, and use of marijuana is prohibited by federal law, specifically the Controlled Substances Act (21 U.S.C. section 801 *et seq.*); and

WHEREAS, on October 9, 2015, Governor Jerry Brown signed into law the "Medical Marijuana Regulation and Safety Act" ("Act") which is comprised of the following California legislative bills: Assembly Bill 243, Assembly Bill 266, and Senate Bill 643; and

WHEREAS, the Act becomes effective January 1, 2016, and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical cannabis to qualified patients; and

WHEREAS, the Act establishes a state licensing scheme for commercial medical marijuana uses while protecting local control by requiring all such businesses to have a local license or permit to operate in addition to a state license; and

WHEREAS, the Act contains statutory provisions that allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program for the cultivation of marijuana (Health and Safety Code section 11352.777(c)(4)); and

WHEREAS, the Act also expressly provides that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements for marijuana (Business and Professions Code section 19315(a)); and

WHEREAS, the Act further expressly provides that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business and Professions Code section 19316(c)); and

WHEREAS, the Act also requires a local government that wishes to prevent marijuana delivery activity, as defined in Business & Professions Code section 19300(m) of the Act, from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Business and Professions Code section 19340(a)); and

WHEREAS, several California cities have reported negative impacts of marijuana cultivation, processing, and distribution activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, robberies and attempted robberies, fire hazards, and problems associated with mold, fungus, and pests; and

WHEREAS, the City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the Compassionate Use Act and the Medical Marijuana Program can adversely affect the health, safety, and well-being of City residents; and

WHEREAS, Citywide prohibition of cultivation of marijuana is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and attractive nuisances that may result from such activities; and

WHEREAS, indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building and the use of high wattage grow lights and excessive use of electricity increases the risk of fire which presents a clear and present danger to the building, its occupants, and neighboring properties and persons; and

WHEREAS, the Attorney General's August 2008 Guidelines for Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur in the City due to the establishment and operation of marijuana cultivation, processing, and distribution activities; and

WHEREAS, prior to the effective date of this ordinance, the cultivation, processing, delivery, and distribution of medical marijuana are prohibited in the City to the extent such activities are prohibited by the Controlled Substances Act or other law; and

WHEREAS, while the City Council believes that marijuana cultivation and all commercial medical marijuana uses are prohibited under the City's permissive zoning regulations, it desires to enact this ordinance to expressly make clear that all such uses are prohibited in all zones throughout the City; and

WHEREAS, based on the findings above, the potential establishment of the cultivation, processing and distribution of medical marijuana in the City without an express ban on such activities poses a current and immediate threat to the public health, safety, and welfare in the City due to the negative impacts of such activities described above;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. New Chapter 7.80 (Marijuana Dispensary) and Section 7.80.010 (Definitions) setting forth applicable definitions and Section 7.80.020 (Prohibited Activities) prohibiting marijuana cultivation, processing and delivery in the City of South Gate are hereby added in its entirety to Title 7 (Public Safety & Morals) of the South Gate Municipal Code to read as follows:

Chapter 7.80
MARIJUANA DISPENSARY

Sections:

- 7.80.010** **Definition.**
- 7.80.020** **Prohibited Activities.**

7.80.010 **Definition.**

For the purpose of this chapter, the following definitions shall apply:

A. “Delivery” shall have the same meaning as set forth in Business and Professions Code section 13900.5(m).

B. “Marijuana” or “cannabis” means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any hybrids, derivatives or strains thereof, whether growing or not; the seeds thereof; the resin or separated 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, including marijuana infused in foodstuff or other ingestible or consumable product containing marijuana. The term “marijuana” shall also include “medical marijuana” as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code section 11362.5 (Compassionate Use Act of 1996) or the California Health and Safety Code sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

C. “Marijuana Cultivation” means growing, planting, harvesting, drying, curing, grading, trimming, or processing of marijuana.

D. “Marijuana Processing” means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, trimming, packaging, testing, and extraction of active ingredients to create marijuana related products and concentrates.

E. “Medical cannabis,” “medical cannabis product,” or “cannabis product” means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Health and Safety Code section 11362.5).

F. “Medical Marijuana Dispensary” or “Marijuana Dispensary” means any association, business, office, facility, use, establishment or location, retail storefront, provider or wholesale component of any establishment, cooperative or collective that delivers (as defined in Business and Professions Code section 19300.5(m) or any successor statute) whether mobile or otherwise, dispenses, distributes, exchanges, transmits, transports, sells or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective consistent with the August

2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the Office of the Attorney General for the state of California, or for the purposes set forth in California Health and Safety Code section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

A “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or application law: a clinic licensed pursuant to chapter 1 of division 2 of the Health and Safety Code, a healthcare facility licensed pursuant to chapter 2 of division 2 of the Health and Safety Code, a facility licensed pursuant to chapter 2 of division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to chapter 3.01 of division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to chapter 3.2 of division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to chapter 8 of division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq. provided, however, that cultivation for any purpose shall not be permitted. 11352.777(g).

7.80.020 Prohibited Activities.

A. A medical marijuana dispensary or marijuana dispensary is prohibited in the City of South Gate.

B. Marijuana cultivation, marijuana processing, and delivery of marijuana or medical cannabis products are prohibited activities in the city, except where the city is preempted by federal or state law from enacting a prohibition on any such activity.

C. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities described in subparagraphs A and B above in the city, and no person shall otherwise establish or conduct such activities in the city, except where the city is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

SECTION 2. Table 11.21-1 (Prohibited Land Uses) of Section 11.21.020 (General Requirements) of Chapter 11.21 (Land Use Types) of Title 11 (Zoning) of the South Gate Municipal Code is hereby amended to read as follows:

[Remainder of page left blank intentionally]

Table 11.21-1 Prohibited Land Uses

| | |
|----------------------------------|--|
| Vehicle Wrecking Yard | Marijuana Dispensary/Cultivation/ Processing/Distribution |
| Cyber Cafe | Nitrocellulose Products, Manufacture of |
| Dairy | Rendering Plant |
| Dead Animal Reduction or Dumping | Slaughterhouse |
| Distillation of Bones | Smelting |
| Garbage Processing | Stockyard/Feeding Pen |
| Gas Manufacture | Swap Meet/Flea Market |
| Glue Manufacture | Tannery |
| Explosives Manufacture/Storage | Unlawful Use |
| Junkyard | |

Note: See Chapter 11.60 (Definitions) for definitions of these land use terms.

SECTION 3. Tables 11.21-3 (Allowed Land Uses, Urban Mixed-Use Zones) and 11.21-4 (Commercial Industrial Zones Allowed Land Uses) of Section 11.21.030 (Land Use Permission Tables) of Chapter 11.21 (Land Use Types) of Title 11 (Zoning) of the South Gate Municipal Code are hereby amended to read as follows:

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

| LAND USE TYPE | TV | IF | CC | CDR1 | CDR2 | UN | MS | Additional Use Regulations |
|---|-----|-----|-----|------|------|-----|-----|-----------------------------------|
| | | | | | | | | |
| RESIDENTIAL USES | | | | | | | | |
| Accessory Structure | A-U | A-U | A-U | A-U | A-U | A-U | A-U | 11.43 |
| Child Day Care Facility, Small Family Home | P | P | P | P | P | P | 2-P | 11.40.050 |
| Child Day Care Facility, Large Family Home (A-P) | P | P | P | P | P | P | 2-P | 11.40.050 |
| Emergency Shelter (A-P) | X | PX | X | X | X | X | X | |
| Live/Work Unit (A-P) | P | P | P | P | P | P | P | 11.23; 11.40.090; 11.33.080 |
| Mixed-Use (A-P) | P | P | P | P | P | P | P | 11.23; 11.25.080; 11.33.080 |
| Multi-Family Residential (A-P) | P | P | 2-P | P | P | P | 2-P | 11.25.080, 11.33.090 |

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

| LAND USE TYPE | | | | | | | | Additional Use Regulations |
|--|----|----|-----|------|------|---------|-----------|--|
| | TV | IF | CC | CDR1 | CDR2 | UN | MS | |
| Single Room Occupancy Apartments (A-P) | X | P | X | X | X | P | X | 11.40.190 and consistent with the General Plan Housing Element |
| Supportive Housing (A-P)* | P | P | CUP | P | P | CUP | X | [THIS LAND USE CATEGORY IS |
| Transitional Housing (A-P)* | P | P | CUP | P | P | CUP | 2-P | [THIS LAND USE CATEGORY IS |
| Residential Care Facilities, Small | P | P | 2-P | P | P | P | 2-P | 11.25.080, 11.33.090 |
| Residential Care Facilities, Large | P | P | 2-P | P | P | P (A-P) | 2-P (A-P) | 11.25.080, 11.33.090 |

RECREATION, EDUCATION, PUBLIC ASSEMBLY USES

| | | | | | | | | |
|---------------------------------------|-----|-----|-----|-----|-----|-----|-------|-----------|
| Community Assembly | CUP | 11.40.060 |
| Library/Gallery/Museum (A-P) | P | P | P | CUP | P | CUP | CUP | |
| School (A-P) | CUP | P | P | CUP | P | P | CUP | |
| College, Industrial Trades (D) | X | CUP | X | CUP | CUP | CUP | X | |
| College, Non-Traditional Campus (A-P) | CUP | P | CUP | P | P | CUP | 2-CUP | |
| College, Traditional Campus (D) | X | CUP | CUP | X | CUP | X | X | |

PARKS/PLAZAS/OPEN SPACE USES

| | | | | | | | | |
|---------------------------------------|-----|---|---|---|---|---|-----|--|
| Outdoor Amphitheater (D) | P | P | P | X | X | X | P | |
| Parks/Recreation Facility, Limited | P | P | P | P | P | P | P | |
| Parks/Recreation Facility, Full (A-P) | CUP | P | P | P | P | P | CUP | |
| Public/Community Garden (A-P)(1) | P | P | P | P | P | P | P | |

CIVIC/INSTITUTIONAL USES

| | | | | | | | | |
|---|-----|-----|-----|----|-----|-----|---|-----------|
| Adult Day Care Center, General | CUP | CUP | CUP | P | CUP | P | P | P |
| Adult Day Care Center, Limited | P | P | P | P | P | P | P | |
| Child Day Care Facility, Day Care Center(A-P) | P | P | P | XP | P | P | P | 11.40.050 |
| Commercial Training Center | X | X | X | X | P | CUP | X | |
| Hospital (D) | P | P | CUP | P | CUP | P | X | |

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

| LAND USE TYPE | TV | IF | CC | CDR1 | CDR2 | UN | MS | Additional Use Regulations |
|--|-----|--------|---------|---------|---------|-----|-----------|----------------------------|
| | | | | | | | | |
| Institution (D) | CUP | P | P | P | P | P | 2-P | |
| Funeral Home/Mortuary | CUP | CUP | CUP | P | CUP | P | X | |
| PUBLIC / UTILITY / ENERGY USES | | | | | | | | |
| Antenna/Communications Equipment, Stand Alone Accessory Attachment | CUP | CUP | CUP | CUP | CUP | CUP | X | |
| Antenna/Communications Equipment, Integrated into Original Building Design | P | P | P | P | P | P | P | |
| Fire/Police Substation | P | P | P | P | P | P | CUP | |
| Utility Metering/Distribution | CUP | CUP | X | X | X | X | X | |
| Parking Facility | CUP | CUP | CUP | CUP | CUP | CUP | CUP | Public or Private, 11.33 |
| Public/Government Building | P | P | P | P | P | P | P | |
| Power Distribution Substation | X | CUP | X | CUP | CUP | X | X | |
| Public Utility, Structure or Yard | CUP | CUP | CUP | CUP | CUP | X | X | |
| Renewable Energy System, Building Mounted (A-P) | P | P | P | P | P | P | P | 11.40.180 |
| Renewable Energy System, Stand Alone Ground Mounted (D) | X | CUP | X | X | X | X | X | 11.40.180 |
| Transit Station/Stop | P | P | P | P | P | P | P | |
| OFFICE / RESEARCH & DEVELOPMENT (R&D) USES | | | | | | | | |
| Research & Development | P | P | P | P | P | X | X | |
| Business Services, pedestrian oriented | P | P | P | P | P | P | P | (<6,000 s.f.) |
| Business Support Services | P | P | CUP | CUP | CUP | P | 2-P | (<12,000 s.f.) |
| Business Support Services | P | P | CUP (2) | CUP (2) | CUP (2) | P | CUP | (>12,000 s.f.) |
| Medical Services, Clinic/Urgent Care | CUP | P(A-P) | CUP | CUP | CUP | X | 2-CUP (3) | |
| Medical Services, Medical/Dental/Holistic | P | P | 2-P | P | P | P | CUP | |
| Medical Services, Extended Care | P | P | 2-P | 2-P | 2-P | X | X | |
| Office, Processing | 2-P | P | 2-P | 2-P | 2-P | 2-P | 2-P | |
| Office, Professional/Admin | P | P | P | P | P | P | P | |

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

| LAND USE TYPE | TV | IF | CC | CDR1 | CDR2 | UN | MS | Additional Use Regulations |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---|
| | | | | | | | | |
| Office, Service | P | P | P | P | P | P | P | |
| ENTERTAINMENT/LODGING USES | | | | | | | | |
| Banquet Facility/Catering | P | P | CUP (2) | CUP (2) | CUP (2) | X | X | |
| Bed & Breakfast/Inn | P | X | P | P | P | X | P | |
| Commercial Entertainment | CUP | |
| Commercial Recreation, Indoor | P | CUP | CUP | P | P | P | CUP | |
| Commercial Recreation, Outdoor | CUP | |
| Hotel (D) | P | P | P | CUP | CUP | CUP | CUP | 11.40.080 |
| Live Entertainment | CUP | |
| Motel | CUP | 11.40.150 |
| Theater | P | P | P | P | P | P | CUP | |
| COMMERCIAL USES | | | | | | | | |
| Adult-Oriented Establishments | X | XP | X | X | X | X | X | 11.41 |
| Alcohol Sales, As Part of a Restaurant (4) | CUP (A-U) | 11.42 |
| Alcohol Sales, As Part of a Bar/Tavern/Nightclub/Lounge (4) | X | CUP | X | CUP | XCUP | XCUP | CUP | 11.42 |
| Alcohol Sales, Off Sale/Mini-mart | CUP (A-U) | CUP (A-U) | X | X | CUP (A-U) | CUP (A-U) | CUP (A-U) | 11.42 <5,000 s.f. |
| Alcohol Sales, Off Sale, As an Accessory Use to Retail Establishment | CUP | 11.42 |
| Alcohol Sales, Off Sale, Large Retail | X | XCUP | X | CUP | CUP | CUP | CUP | 11.42 |
| Alcohol Sales/Liquor Store | X | XCUP | XX | CUP | CUP | XCUP | XCUP | 11.42 |
| Ambulance/Patrol/Dispatch Service (A-P) | X | P | X | 2-CUP | 2-CUP | X | X | |
| Animal Sales and Services, Veterinary Hospitals | CUP | CUP | X | CUP | CUP | X | X | |
| Animal Sales and Services, all other | CUP | P | CUP | P | P | X | X | |
| Assembly & Repair, Appliances/Furniture, Repair | X | P | X | P | P | CUP | X | |
| ATM | P | P | P | P | P | P | P | Drive-through ATMs, see "Drive-Through" |

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

| LAND USE TYPE | TV | IF | CC | CDR1 | CDR2 | UN | MS | Additional Use Regulations |
|--|----------------|----------------|----------------|----------------|---------------|----------------|----------------|---|
| | | | | | | | | Service" |
| Check Cashing | X | X | X | CUP | CUP | X | X | |
| Cyber Cafes (A-U) | X | X | X | X | X | X | X | 11.40.100 |
| Drive-Through Service (D)(5)(6) | CUP | P | CUP | P | P | CUP | CUP | Section 11.40.220 |
| Dry Cleaning/Laundry, Agency | P | P | P | P | P | P | P | |
| Dry Cleaning/Laundry, Plant | X | P | X | X | X | X | X | |
| Food Market/Specialty Market | P | P | P | P | P | P | P | |
| Gold, Semi-Precious, Precious Metal Buying Stores | X | CUP | X | CUP | CUP | CUP | CUP | 11.40.110 |
| E-cigarettes/Vapor/Smoke Shops/Hookah | X | P | PX | PX | P | P | PX | 11.40.130 |
| Massage Establishment | X | X | X | CUP | CUP | XCUP | X | 11.40.140 |
| Merchandising Centers, Indoor | X | P | X | X | P | X | X | |
| Marijuana Dispensary/Cultivation/Processing/Distribution | X | X | X | X | X | X | X | |
| Motorcycle Parts/Accessory Sales | X | P | X | P | P | P | X | |
| Neighborhood Market/Convenience Store | P | P | P | P | P | P | P (14) | 11.42 |
| Outdoor Dining/Seating (A) (7)(8) | P | P | P | P | P | P | P | 11.40.160; 11.23.050; 11.23.070 (E) |
| Outdoor Vending, Carts/Kiosks | CUP (7, 8, 15) | CUP (7,8, 15) | CUP (7, 8, 15) | CUP (7, 8, 15) | |
| Personal Services, General | P | P | P | P | P | P | P | |
| Personal Services, Fitness/Health Facility | P | P | P | P | P | P | P | |
| Personal Services, Fortune Palm & Card Reader | X | X | X | P | P | XP | P | 11.40.170 |
| Personal Services, Instructional | CUP | P | P | P | P | P | P | |
| Repair, Fix-it Shop/Footwear/Garments | P | P | P | P | P | P | P | |
| Restaurant, Dine In and | P | P | P | P | P | P | P | |

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

| LAND USE TYPE | TV | IF | CC | CDR1 | CDR2 | UN | MS | Additional Use Regulations |
|---|---------|----------|---------|----------|----------|----------|---------|----------------------------|
| | | | | | | | | |
| Take Out (without alcohol sales)(15) | | | | | | | | |
| Restaurant, Drive-Through (5) (6) | X | CUP (10) | CUP | CUP (11) | CUP (12) | CUP (13) | X | 11.40.220 |
| Retail Sales, General | P (9) | P (10) | P | P | P (12) | P (13) | P (14) | (≤25,000 s.f.); 11.23 |
| Retail Sales, Large Format | X | P | X | X | X | X | X | (>25,000 s.f.) 11.23 |
| Retail Sales, Used/Pawn | X | X | X | CUP | CUP | CUP (13) | X | |
| Tattoo/Body Modification | X | X | X | CUP | CUP | XP | X | 11.40.200 |
| RECYCLING FACILITIES (2) | | | | | | | | Chapter 11.44 |
| Mobile Recycling Unit | CUP | CUP | X | CUP | CUP | CUP | X | |
| Reverse Vending Machines, Bulk (17) | P (A-U) | P (A-U) | P (A-U) | P (A-U) | P (A-U) | P (A-U) | P (A-U) | 11.44.070 |
| Reverse Vending Machines, Standard (17) | P (A-U) | P (A-U) | P (A-U) | P (A-U) | P (A-U) | P (A-U) | X | 11.44.070 |
| Recycling/Collections Facilities, Small | CUP | CUP | CUP | CUP | CUP | CUP | X | 11.44.080 |
| Recycling/Collections Facilities, Large | X | CUP | X | CUP | CUP | X | X | 11.44.090 |
| VEHICLE SALES/REPAIR USES (2) | | | | | | | | |
| Vehicle Fueling Station (A-P) | X | CUP (10) | CUP | CUP | CUP | CUP (13) | CUP | 11.45 |
| Vehicle Sales, New/Other/Used | X | CUP | X | CUP | CUP | X | X | |
| Vehicle Rentals | CUP | X | CUP | CUP | CUP | X | X | |
| Vehicle Services, Limited Repair | X | CUP | X | P | P | CUP | X | |
| Vehicle Services, Repair/Storage | X | CUP | X | CUP | CUP | X | X | |
| Vehicle Services, Washing/Detailing | X | CUP | X | CUP | CUP | CUP | X | |
| Vehicle Parts Store | X | X | X | P | P | P | X | |
| INDUSTRIAL/MANUFACTURING USES | | | | | | | | |
| Artisan/Craft Product Manufacturing | CUP | P | X | CUP | CUP | CUP | X | |
| Digital arts, media, film, video, TV and radio production | X | P | X | X | X | X | X | |
| Industrial Design | P | P | P | P | P | P | P | |

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

| LAND USE TYPE | | | | | | | | Additional Use Regulations |
|---------------------------------------|----|----------|----|------|------|----|----|----------------------------|
| | TV | IF | CC | CDR1 | CDR2 | UN | MS | |
| Services | | | | | | | | |
| Light Manufacturing | X | P | X | X | X | X | X | |
| Technical and Scientific Laboratories | P | P | P | CUP | CUP | X | X | |
| Production of Experimental Products | P | P | X | X | X | X | X | |
| Parcel Delivery Service | X | P | X | X | X | X | X | |
| Warehousing | X | CUP (18) | X | X | X | X | X | 11.22.060 |

[Remainder of page left blank intentionally]

Table 11.21-4 Commercial Industrial Zones Allowed Land Uses

| LAND USE TYPE | ZONES | | | | Additional Use Regulations |
|--|-------|------|-------|-------|--------------------------------|
| | RC | LI | HI1M2 | HI2M3 | |
| RESIDENTIAL USES | | | | | |
| Emergency Shelter (A-P) | X | X(1) | X | X | 11.40.240 and Ordinance 2322 |
| Mixed-Use | CUP | X | X | X | 11.23; 11.25.040 |
| Live/Work Unit | CUP | CUP | X | X | 11.23; 11.33.080; 11.40.090; |
| Multi-Family Residential (2) | CUP | X | X | X | 11.25.070/080; 11.33.020 |
| Supportive Housing* | CUP | P | X | X | |
| Transitional Housing* | CUP | P | X | X | |
| RECREATION, EDUCATION, PUBLIC ASSEMBLY USES | | | | | |
| College, Industrial Trades (3) | X | CUP | CUP | CUP | |
| College, Non-Traditional Campus (D) | CUP | P | X | X | |
| College, Traditional Campus | X | CUP | X | X | |
| Community Assembly (3)(A-P) | CUP | CUP | X | X | 11.40.060 |
| Library/Gallery/Museum (A-P) | P | P | X | X | |
| PARKS / PLAZAS / OPEN SPACE USES | | | | | |
| Outdoor Amphitheater (4) | CUP | X | X | X | |
| Parks/Recreation Facility, Limited (3) | P | CUP | X | X | |
| Parks/Recreation Facility, Full (3) | P | CUP | X | X | |
| Public/Community Garden (A-P) (3) | P | P | P | P | |
| CIVIC / INSTITUTIONAL USES | | | | | |
| Adult Day Care Center, General (3) | CUP | CUP | X | X | |
| Adult Day Care Center, Limited (3) | CUP | CUP | X | X | |
| Child Day Care Facility, Day Care Center, Stand Alone Facility (3) | CUP | X | X | X | 11.40.050 |
| Commercial Training Center | CUP | CUP | CUP | CUP | |
| Hospitals (D) | CUP | CUP | CUP | CUP | |
| Institutions (D) | CUP | CUP | CUP | CUP | |
| Funeral Homes/Mortuary | CUP | P | CUP | CUP | |
| PUBLIC / UTILITY / ENERGY USES | | | | | |
| Antenna/Communication Facility | CUP | P | P | P | |
| Fire/Police Substation | P | P | P | P | |
| Parking Facility (3) | CUP | CUP | P | P | Public or Commercial; 11.33 |
| Power Distribution Substation | CUP | P | P | P | |
| Public/Government Building | P | P | P | P | |
| Public Utility, Structure or Yard (3) | CUP | P | P | P | |
| Renewable Energy System, Building Mounted (A-P) | A-U | A-U | A-U | A-U | 11.40.180 |
| Renewable Energy System, Stand Alone or Ground Mounted (D) | X | CUP | CUP | CUP | 11.40.180 |
| Transit Station/Stop (3) | P | P | P | P | |

Table 11.21-4 Commercial Industrial Zones Allowed Land Uses

| LAND USE TYPE | ZONES | | | | Additional Use Regulations |
|---|---------|---------|---------|---------|--|
| | RC | LI | HI1M2 | HI2M3 | |
| Brew Pub | CUP | CUP | X | X | |
| Drive-Through Service (7) | P | P | P | P | |
| Dry Cleaning/Laundry, Agency | P | P | P | P | |
| Dry Cleaning/Laundry, Plant | X | P | P | P | |
| E-cigarettes/Vapor/ Smoke Shops/Hookah | P | X | X | X | 11.40.130 |
| Food Market/Specialty Market | P | P | P | P | |
| Gold, Semi-Precious, Precious Metal Buying Stores | CUP | CUP | X | X | |
| Marijuana Dispensary/ Cultivation/Processing/ Distribution | X | X | X | X | |
| Merchandising Centers | CUP | CUP | X | X | |
| Nursery (Plant Cultivation) | X | P | P | P | |
| Organic Fertilizer Manufacturer (9) | X | CUP | CUP | CUP | |
| Outdoor Dining/Seating (4) | P | P | P | P | 11.40.120; 11.23.050; 11.23.070 (E) |
| Outdoor Vending, Kiosks/Carts(4) | CUP | CUP | P | P | |
| Personal Services, General | P | P | X | X | |
| Personal Services, Fitness/Health Facility | P | P | X | X | |
| Personal Services, Fortune Telling, Palm & Card Reader | PX | PX | X | X | 11.40.170 |
| Personal Services, Instructional | P | P | X | X | |
| Repair, Fix-it Shop/Footwear/Garments | X | P | P | P | |
| Repair, Appliances/Furniture (3) | X | P | P | P | |
| Restaurant, Dine In and Take Out | P | P | P | P | 11.40.160 |
| Restaurant, Drive-Through (7) | P (8) | CUP | P | P | 11.40.220 |
| Retail Sales, General | P (8) | P | P | P | |
| Retail Sales, Large Format | P | P | P | P | |
| Retail Sales, Used/Pawn | X | X | X | X | |
| Stables, Equestrian, Commercial/Private | X | X | CUP | X | |
| Tattoo/Body and Art/Piercing | X | X | X | X | |
| Winery (D) | X | CUP | CUP | CUP | |
| RECYCLING FACILITIES | | | | | |
| Mobile Recycling Unit | CUP | CUP | P (A-U) | P (A-U) | |
| Reverse Vending Machines, Bulk (9) | CUP | CUP | P (A-U) | P (A-U) | 11.44.070 |
| Reverse Vending Machines, Standard (9) | P (A-U) | P (A-U) | P (A-U) | P (A-U) | 11.44.070 |
| Recycling/Collections Facilities, Small | CUP | CUP | P (A-U) | P (A-U) | 11.44.080 |
| Recycling/Collections Facilities, Large | X | CUP | CUP | CUP | 11.44.090 |
| Recycling Processing Facilities, | X | CUP | CUP | CUP | 11.44.100/110 |

Table 11.21-4 Commercial Industrial Zones Allowed Land Uses

| LAND USE TYPE | ZONES | | | | Additional Use Regulations |
|---|-------|-----|-------|-------|----------------------------|
| | RC | LI | HI1M2 | HI2M3 | |
| Light/Heavy | | | | | |
| VEHICLE SALES/REPAIR USES | | | | | |
| Vehicle Fueling Station (A-P) | P (8) | P | P | CUP | 11.45 |
| Vehicle Sales, New | CUP | P | P | CUP | |
| Vehicle Sales, Other | X | CUP | CUP | CUP | |
| Vehicle Sales, Used | CUP | CUP | CUP | CUP | |
| Vehicle Rentals | X | P | P | X | |
| Vehicle Services, Limited Repair (3) | X | P | X | X | |
| Vehicle Services, Repair/Storage (3) | X | X | P | P | |
| Vehicle Services, Washing/Detailing | CUP | CUP | CUP | CUP | |
| Vehicle Parts Store | P | P | CUP | CUP | |
| Vehicle Towing / Impounding | X | X | P | P | |
| INDUSTRIAL/MANUFACTURING USES | | | | | |
| Aircraft/Missile Factory | X | X | P | P | |
| Artisan/Craft Product Manufacturing (3) | P | P | P | P | |
| Assembly/Bottling/Distribution Plant | X | X | P | P | |
| Assembly, Fabrication, and Light Manufacturing | X | P | P | P | |
| Auction | X | CUP | P | P | |
| Boat Building (3) | X | X | P | P | |
| Bookbinding | X | P | P | P | |
| Building Materials Storage Yard (A-P) (3) | X(10) | X | P | P | |
| Caretaker Unit | X | P | P | P | 11.24.060 J(8) |
| Concrete or cement manufacturing | X | X | CUP | CUP | |
| Contractor Office and Services, Full | X | X | P | P | |
| Contractor Office and Services, Limited | X | P | P | P | |
| Digital arts, media, film, video, TV and radio production | X | P | P | P | |
| Drop Forge, Drop Hammer, Industrial Press | X | X | CUP | P | |
| Electrical Generating Plant/Peaker Plants (D) | X | CUP | P | P | |
| Food/Creamery Manufacture | X | CUP | P | P | |
| Food Processing | X | P | P | P | |
| Foundry, Ferrous and Nonferrous | X | X | P | P | |
| Freight Classification Yard (D) | X | X | P | P | |
| Grinding Shops, Milling | X | P | P | P | |
| General Manufacturing/Assembly | X | P | P | P | |
| Industrial Design Services | P | P | P | X | |

Table 11.21-4 Commercial Industrial Zones Allowed Land Uses

| LAND USE TYPE | ZONES | | | | Additional Use Regulations |
|---|-------|------|-------|-------|----------------------------|
| | RC | LI | HI1M2 | HI2M3 | |
| Horticultural Services | X | P | P | P | |
| Liquefied Petroleum Gas | X | X | CUP | CUP | 11.45 |
| Machine Shop, Limited | X | CUP | P | P | |
| Machine Shop, Full | X | CUP | P | P | |
| Manufacturing, Light | X | P | P | P | |
| Manufacturing, Liquids/Chemical/Mineral | X | X | P | P | |
| Manufacturing, Fabrication/Welding | X | X | P | P | |
| Mini-warehousing | X | X | CUP | CUP | |
| Outdoor Advertising Display | CUP | CUP | CUP | P | |
| Parcel Delivery Service | X | X | CUP | CUP | |
| Parking, Fleets | X | P | P | P | |
| Petroleum Products/Wholesale Storage of Petroleum | X | X | P | P | |
| Power Distribution Substations | X | CUP | CUP | CUP | |
| Production of Experimental Products | X | X | CUP | CUP | |
| Pumping Plant/Pipe Line Booster | X | X | P | P | |
| Punch Press | X | X | P | P | |
| Storage Facilities | X | CUP | CUP | P | |
| Transit/Transportation Equipment Storage | X | X | CUP | CUP | |
| Technical/Scientific Laboratories | CUP | CUP | A-U | A-U | |
| Truck Repair and Overhauling (3) | X | X | CUP | CUP | |
| Truck Storage/Terminal (D) | X | X | CUP | CUP | |
| Warehousing (11) | X | XCUP | CUP | CUP | |
| Wholesale, Processing/Distribution | X | X | CUP | CUP | |

SECTION 4. Section 11.60.160 ("M" definitions) of Chapter 11.60 (Definitions) of Title 11 (Zoning) of the South Gate Municipal Code is hereby amended in its entirety to change the definition of "Marijuana distribution facility" to read as follows:

"Medical marijuana dispensary", marijuana dispensary, marijuana cultivation, marijuana processing, and delivery of marijuana or medical cannabis products (land uses), as these terms are defined in Section 7.80.010, are land uses prohibited in the city of South Gate.

[Remainder of page left blank intentionally]

SECTION 5. The City Council hereby finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

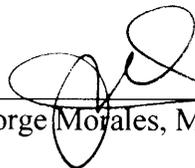
SECTION 6. This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council hereby declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

SECTION 7. This Ordinance shall take effect and be in force on the thirty-first (31st) day after its adoption.

SECTION 8. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

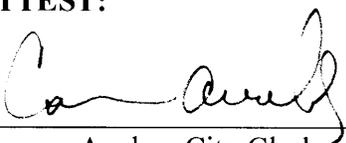
PASSED, APPROVED and ADOPTED this 9th day of February 2016.

CITY OF SOUTH GATE:



Jorge Morales, Mayor

ATTEST:



Carmen Avalos, City Clerk

(SEAL)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

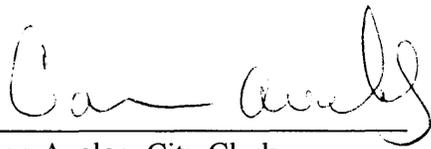
ORDINANCE CERTIFICATION PAGE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Ordinance No. 2326 was adopted by the City Council at their Regular Meeting held on February 9, 2016, by the following vote:

Ayes: Council Members: Morales, De Witt, Davila, Hurtado and Bernal
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Witness my hand and the seal of said City on February 16, 2016.



Carmen Avalos, City Clerk
City of South Gate, California