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## DRAFT

### EXHIBIT 1

#### HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 204 USE CLASSIFICATIONS

##### 204.02 Applicability

Not Amended.

##### 204.04 Uses Not Classified

Not Amended

##### 204.06 Residential Use Classifications

Not Amended.

##### 204.08 Public and Semipublic Use Classifications

Not Amended.

##### 204.10 Commercial Use Classifications

Not Amended.

##### 204.12 Industrial Use Classifications

Not Amended.

##### 204.14 Accessory Use Classifications

Not Amended.

##### 204.16 Temporary Use Classifications

Not Amended.

##### 204.18 Prohibited Uses — Medical Marijuana Businesses

~~A. — Purpose. In order to expressly inform the public that any distribution of marijuana by Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc., is prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.~~

~~B. — Definitions. For purposes of this section, the following term is defined:~~

~~1. — Medical marijuana business, collective, cooperative or dispensary means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the distribution of marijuana.~~

~~C. — Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries. A Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no~~

~~matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any Medical Marijuana Business, Collective, Cooperative or Dispensary in the City.~~

~~D.— Public Nuisance. Any use or condition caused or permitted to exist in violation of any of the provisions of this article is hereby declared a public nuisance and may be abated by the City.~~

~~E.— Enforcement.~~

~~1.— Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.~~

~~2.— Nothing in this article in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this article. Such additional remedies include, but are not limited to, injunctive relief or administrative citations. (4059-5/15, 4058-6/15, 4137-10/17, 4175-3/19, 4183-10/19)~~

#### ~~204.20 Prohibited Uses— Commercial Non-Medical Marijuana Businesses and Deliveries~~

~~A.— Purpose. In order to expressly inform the public that any sale or distribution of non-medical marijuana by Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc., however named is prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.~~

~~B.— Definitions. Unless otherwise specifically defined herein, the definitions contained within Adult Use of Marijuana Act shall apply to this Ordinance.~~

~~1.— Commercial non-medical marijuana business, collective, cooperative or dispensary means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana (including marijuana for recreational use) is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the sale or distribution of non-medical marijuana.~~

~~2.— Non-medical marijuana delivery means the commercial transfer of non-medical marijuana or non-medical marijuana products to a person, including any technology that enables persons to arrange for or facilitate the commercial transfer of non-medical marijuana or non-medical marijuana products.~~

~~3.— Non-medical marijuana products means non-medical marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.~~

~~C.— Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries. A Commercial Non-Medical Marijuana Business, Collective, Cooperative or~~

~~Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary in the City.~~

~~D.— Non-Medical Marijuana Deliveries. Delivery of non-medical marijuana is not a permitted use in any zoning district or specific plan in the City. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of non-medical marijuana deliveries.~~

~~E.— Public Nuisance. Any use or condition caused or permitted to exist in violation of any of the provisions of this section is hereby declared a public nuisance and may be abated by the City.~~

~~F.— Enforcement.~~

~~1.— Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.~~

~~2.— Nothing in this section in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this section. Such additional remedies include, but are not limited to, injunctive relief or administrative citations. (4137-10/17, 4175-3/19, 4183-10/19)~~

#### 204.22 Non-Medical Marijuana Cultivation

~~A.— Purpose. The purpose and intent of this section is to regulate the cultivation of non-medical marijuana in a manner that protects the health, safety and welfare of the community. Health and Safety Code Section 11362.2 authorizes the City to adopt reasonable regulations regarding the cultivation of non-medical marijuana inside a private residence or accessory structure to a private residence. That section also authorizes the City to completely prohibit the cultivation of non-medical marijuana outside, as long as the California Attorney General has not made a determination that the non-medical use of marijuana is lawful in California under federal law. The Attorney General has not made such a determination.~~

~~This section is not intended to interfere with the right of an individual 21 years of age or older to possess or cultivate non-medical marijuana, as provided for by Proposition 64. This section is not intended to give any person independent legal authority to grow non-medical marijuana; it is intended simply to impose reasonable regulations on the cultivation of non-medical marijuana when cultivation is authorized by California law.~~

~~Furthermore, it is the purpose and intent of this section to require that non-medical marijuana allowed to be cultivated pursuant to Proposition 64 only be done so in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the general public; to provide for the health, safety and welfare of the public; to prevent odor created by non-medical marijuana plants from impacting adjacent properties; and to ensure that marijuana grown in the City remains secured.~~

**B.—Definitions.** For the purposes of this section, the following definitions shall apply unless the context clearly indicates otherwise. If a word is not defined in this section, and not otherwise defined in state law, the common and ordinary meaning of the word shall apply.

1.— ~~Cultivation means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.~~

2.— ~~Fully enclosed and secure structure means a space within a building that complies with the applicable Building Code and Zoning and Subdivision Ordinance, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material.~~

3.— ~~Indoors means inside a fully enclosed and secure structure or within a residential structure.~~

4.— ~~Non-medical marijuana means marijuana that is intended to be used for non-medical purposes pursuant to Health and Safety Code Section 11362.1 et seq.~~

5.— ~~Non-medical marijuana cultivation means the planting, growing, harvesting, drying or processing of non-medical marijuana plants or any part thereof pursuant to Health and Safety Code Section 11362.1 et seq., as those sections may be amended from time to time.~~

6.— ~~Outdoors means any location within the City that is not within a fully enclosed and secure structure.~~

7.— ~~Person means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation, collective, cooperative, or combination thereof in whatever form or character.~~

8.— ~~Private residence means a house, an apartment unit, a mobile home or other similar dwelling.~~

**C.— Cultivation of non-medical marijuana.** The following regulations shall apply to the cultivation of non-medical marijuana within the City:

1.— ~~Cultivation Not in Compliance With this Section. It is declared to be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any parcel or premises within any zoning district or specific plan in the City to cultivate non-medical marijuana except as provided for in this Code. No person other than an individual 21 years of age or older may engage in the cultivation of non-medical marijuana.~~

2.— ~~Outdoor Cultivation. It is unlawful and a public nuisance for any person owning, leasing, occupying, or having possession of any legal parcel or premises within any zoning district or specific plan in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of non-medical marijuana.~~

3.— ~~Indoor Cultivation. Indoor cultivation of non-medical marijuana is prohibited in all zoning districts and specific plans of the City, except for residential zones, mixed-use zones, or in commercial zones, when such cultivation occurs on a parcel or premises with~~

~~an approved private residence. All cultivation must be in compliance with this section and state law.~~

~~4. **Indoor Cultivation in Private Residence.** The indoor cultivation of non-medical marijuana in a residential zone, mixed-use zone, or in a commercial zone on a parcel or premises with an approved private residence, shall only be conducted within a fully enclosed and secure structure or within a residential structure. Such cultivation shall be in conformance with the following minimum standards:~~

~~a. The primary use of the property shall be for a residence. Non-medical marijuana cultivation is prohibited as a home occupation.~~

~~b. All areas used for cultivation of non-medical marijuana shall comply with the Huntington Beach Municipal Code including the Zoning and Subdivision Ordinance, as well as applicable law.~~

~~c. Indoor grow lights shall not exceed 1,200 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the City. Lights shall be located away from combustible materials and a minimum of 30 inches from fire sprinklers.~~

~~d. The use of gas products (CO<sub>2</sub>, butane, propane, natural gas, etc.) or generators for cultivation of non-medical marijuana is prohibited.~~

~~e. Any fully enclosed and secure structure or residential structure used for the cultivation of non-medical marijuana must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the Huntington Beach Municipal Code, including the Zoning and Subdivision Ordinance.~~

~~f. A fully enclosed and secure structure used for the cultivation of non-medical marijuana shall be located in the rear yard area of the parcel or premises, and must maintain a minimum 10-foot setback from any property line as well as any other applicable development standards of the zoning district. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height. This provision shall not apply to cultivation occurring in a garage.~~

~~g. Adequate mechanical locking or electronic security systems must be installed as part of the fully enclosed and secure structure or the residential structure prior to the commencement of cultivation.~~

~~h. Non-medical marijuana cultivation shall be limited to six marijuana plants per private residence, regardless of whether the marijuana is cultivated inside the residence or a fully enclosed and secure structure. The limit of six plants per private residence shall apply regardless of how many individuals reside at the private residence.~~

~~i. The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping and sanitation facilities with proper ingress and egress. These rooms shall not be used for non-medical marijuana cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing.~~

~~j. — Cultivation of non-medical marijuana shall only take place on impervious surfaces.~~

~~k. — From a public right-of-way, there shall be no exterior evidence of non-medical marijuana cultivation occurring on the parcel.~~

~~l. — Non-medical marijuana cultivation area, whether in a fully enclosed and secure structure or inside a residential structure, shall not be accessible to persons under 21 years of age.~~

~~m. — Written consent of the property owner to cultivate non-medical marijuana within the residential structure shall be obtained and shall be kept on the premises, and available for inspection by the Chief of Police or his/her designee.~~

~~n. — A 2A:10B:C portable fire extinguisher that complies with the regulations and standards adopted by the state fire marshal and applicable law, shall be kept in the fully enclosed and secure structure used for cultivation of non-medical marijuana. If cultivation occurs in a residential structure, the portable fire extinguisher shall be kept in the same room where the cultivation occurs.~~

~~D. — Public Nuisance. Any use or condition caused or permitted to exist in violation of any of the provisions of this section is hereby declared a public nuisance and may be abated by the City.~~

~~E. — Enforcement.~~

~~1. — Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.~~

~~2. — Nothing in this section in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this section. Such additional remedies include, but are not limited to, injunctive relief or administrative citations. (4137-10/17, 4175-3/19, 4183-10/19)~~

## **EXHIBIT 2**

### **HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 211 COMMERCIAL DISTRICTS**

#### **211.02 Commercial Districts Established**

The purpose of the commercial districts is to implement the General Plan and Local Coastal Program commercial land use designations. Three commercial zoning districts are established by this chapter as follows:

- A. The CO Office Commercial District provides sites for offices for administrative, financial, professional, medical and business needs.
- B. The CG General Commercial District provides opportunities for the full range of retail and service businesses deemed suitable for location in Huntington Beach.
- C. The CV Visitor Commercial District implements the Visitor Serving Commercial land use designation within the coastal zone and provides uses of specific benefit to coastal visitors. More specifically, the CV district provides opportunities for visitor-oriented commercial activities, including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services. (3334-6/97, 3774-10/07, 4038-12/14, 4174-3/19)

#### **211.04 CO, CG, and CV Districts—Land Use Controls**

In the following schedules, letter designations are used as follows:

“P” designates use classifications permitted in commercial districts.

“L” designates use classifications subject to certain limitations prescribed by the “Additional Provisions” that follow.

“PC” designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

“ZA” designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

“TU” designates use classifications allowed upon approval of a temporary use permit.

“P/U” for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the “Additional Provisions” column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

### CO, CG, and CV Districts: Land Use Controls

P = Permitted

L = Limited (see Additional Provisions)

PC = Conditional use permit approved by Planning Commission

ZA = Conditional use permit approved by Zoning Administrator

TU = Temporary use permit

P/U = Requires conditional use permit on site of conditional use

- = Not Permitted

	CO	CG	CV	Additional Provisions
<b>Residential</b>				(J)(Q)(R)(V)
Group Residential	PC	PC	PC	
Multifamily Residential	-	-	PC	
<b>Public and Semipublic</b>				(J)(Q)(R)(V)
Clubs and Lodges	P	P	-	
Community and Human Services				
Drug Abuse Centers	-	PC	-	
Primary Health Care	L-11	L-11	-	
Emergency Kitchens	-	L-2	-	
Emergency Shelters	-	L-2	-	
Residential Alcohol Recovery, General	-	PC	-	
Residential Care, General	ZA	ZA	-	
Convalescent Facilities	ZA	ZA	-	
Cultural Institutions	L-14	L-14	L-14	
Day Care, General	L-3	L-3	-	
Day Care, Large-Family	P	P	-	(Y)
Emergency Health Care	L-2	L-2	-	
Government Offices	P	P	ZA	
Heliports	PC	PC	PC	(B)
Hospitals	PC	PC	-	
Park & Recreation Facilities	L-9	L-9	L-9	
Public Safety Facilities	ZA	ZA	ZA	
Religious Assembly	ZA	ZA	PC	
Schools, Public or Private	PC	PC	-	
Utilities, Major	PC	PC	PC	
Utilities, Minor	P	P	P	(L)
<b>Commercial Uses</b>				(J)(Q)(R)



	CO	CG	CV	Additional Provisions
Ambulance Services	-	ZA	-	
Animal Sales & Services		L-16		
Animal Boarding	-	ZA	-	
Animal Grooming	-	P	-	
Animal Hospitals	-	ZA	-	
Animals—Retail Sales	-	P	-	
Equestrian Centers (CG Zone)	-	PC	-	(S)
Pet Cemetery	-	PC	-	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	P	P	
With Drive-Up Service	P	P	P	
Building Materials and Services	-	P	-	
Catering Services	P	P	P	
<u>Commercial Cannabis Facility</u>	<u>L-4</u>	<u>L-4</u>	<u>L-4</u>	
Commercial Filming	P	P	P	(F)
Commercial Recreation and Entertainment	-	PC	PC	(D)
Communication Facilities	L-13	L-13	L-13	
Eating and Drinking Establishments	P	P	P	
W/Alcohol	ZA	ZA	ZA	(N)
W/Drive Through	-	P	P	
W/Live Entertainment	ZA	ZA	ZA	(W)(Y)
W/Dancing	PC	PC	PC	(H)
W/Outdoor Dining	ZA	ZA	ZA	(X)
Food & Beverage Sales	-	P	L-12	
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)
Funeral & Interment Services	-	ZA	-	
Laboratories	L-1	L-1	-	
Maintenance & Repair Services	-	P	-	
Marine Sales and Services	-	P	P	
Nurseries	-	ZA	-	
Offices, Business & Professional	P	P	P	
Offices, Medical & Dental	P	P	P	
Pawn Shops	-	ZA	-	
Personal Enrichment Services	L-10	L-10	-	
Personal Services	P	P	P	
Research & Development Services	L-1	ZA	-	
Retail Sales	-	P	P	(U)(V)
Secondhand Appliances/Clothing	-	P	-	
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)
Swap Meets, Recurring	-	ZA	-	
Tattoo Establishments	-	ZA	-	
Travel Services	P	P	P	
Vehicle Equipment/Sales & Services				
Automobile Rentals	-	L-8	L-8	L-12
Automobile Washing	-	ZA	-	
Commercial Parking	-	ZA	ZA	(P)
Service Stations	-	PC	PC	(E)
Vehicle Equip. Repair	-	L-5	-	
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12
Vehicle Storage, Impound Yards	-	PC	-	(AA)

	CO	CG	CV	Additional Provisions
Vehicle Storage, Off-Site Auto Dealers	-	P/ZA	-	L-17 (BB)
Vehicle Storage, Recreational Vehicles	-	ZA	-	(CC)
Offices for Vehicle Equip. Sales & Rentals	L-15	L-15	-	
Visitor Accommodations				
Bed & Breakfast Inns	ZA	ZA	ZA	(K)
Hotels, Motels	-	PC	PC	(I)
Condominium-Hotel	-	-	PC	(Z)
Fractional Ownership Hotel				
Quasi Residential				
Timeshares	-	PC	-	(I)(J)
Residential Hotel	-	PC	-	(J)
Single Room Occupancy	-	PC	-	
<b>Industrial</b>				(J)(Q)(R)(V)
Industry, Custom	-	L-6	L-6	
<b>Accessory Uses</b>				(J)(V)
Accessory Uses & Structures	P/U	P/U	P/U	
<b>Temporary Uses</b>				(F)(J)(V)
Animal Shows	-	TU	-	
Circus and Carnivals and Festivals	-	TU	-	
Commercial Filming, Limited	-	P	P	(M)
Real Estate Sales	P	P	P	
Retail Sales, Outdoor	-	TU	TU	(M)
Seasonal Sales	TU	TU	TU	(M)
Tent Event	-	P	-	
Trade Fairs	-	P	-	
<b>Nonconforming Uses</b>				(G)(J)(V)

### CO, CG, and CV Districts: Additional Provisions

L-1 Permitted if the space is 5,000 square feet or less; allowed with Neighborhood Notification pursuant to Chapter 241 if the laboratory space exceeds 5,000 square feet.

L-2 Allowed with a conditional use permit from the Zoning Administrator if the space is 5,000 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 5,000 square feet. (See Section 230.52, Emergency Shelters.)

L-3 Allowed with a conditional use permit from the Zoning Administrator if the space is 2,500 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 2,500 square feet.

L-4 Reserved. [Refer to Section 230.54 Commercial Cannabis Facilities.](#)

**NO FURTHER CHANGES TO HBZSO CHAPTER 211 PROPOSED**

**REMAINDER OMITTED FROM LEGISLATIVE DRAFT**

## **EXHIBIT 3**

### **HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 212 INDUSTRIAL DISTRICTS**

#### **212.02 Industrial Districts Established**

Three Industrial zoning districts are established by this chapter as follows:

- A. The IG General Industrial District provides sites for the full range of manufacturing, industrial processing, resource and energy production, general service, and distribution.
- B. The IL Limited Industrial District provides sites for moderate- to low-intensity industrial uses, commercial services and light manufacturing.
- C. The RT Research and Technology District provides sites for manufacturing, research and development, technology, and professional offices in addition to traditional industrial uses.

These three districts will herein be referred to as the “Industrial Districts.” (3254-10/94, 4039-12/14, 4183-10/19)

#### **212.04 IG, IL, and RT Districts—Land Use Controls**

In the following schedules, letter designations are used as follows:

“P” designates use classifications permitted in the Industrial Districts.

“L” designates use classifications subject to certain limitations prescribed by the “Additional Provisions” which follow.

“PC” designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

“ZA” designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

“TU” designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator.

“P/U” for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the “Additional Provisions” column refer to requirements following the schedule or located elsewhere in this zoning code. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

### IG, IL, and RT Districts: Land Use Controls

P = Permitted

L = Limited (see Additional Provisions)

PC = Conditional use permit approved by Planning Commission

ZA = Conditional use permit approved by Zoning Administrator

TU = Temporary use permit

P/U = Requires conditional use permit on site of conditional use

- = Not Permitted

	IG	IL	RT	Additional Provisions
<b>Residential</b>				
Group Residential	PC	PC	PC	(I)
<b>Public and Semipublic</b>				(A)(L)
Community and Human Service Facilities	P	P	P	(K)
Day Care, General	ZA	ZA	ZA	
Heliports	PC	PC	PC	(N)
Maintenance & Service Facilities	ZA	ZA	ZA	
Public Safety Facilities	P	P	P	
Religious Assembly	ZA	ZA	ZA	
Schools, Public or Private	L-6	L-6	L-6	
Utilities, Major	PC	PC	PC	
Utilities, Minor	L-7	L-7	L-7	(O)
<b>Commercial Uses</b>				(D)(L)
Ambulance Services	ZA	ZA	ZA	
Animal Sales and Services				
Animal Boarding	ZA	ZA	ZA	
Animal Hospitals	ZA	ZA	ZA	
Artists' Studios	P	P	P	
Banks and Savings and Loans	L-1	L-1	L-1	
Building Materials and Services	P	P	P	
Catering Services	-	P	P	
<u>Commercial Cannabis Facility</u>	<u>L-3</u>	<u>L-3</u>	<u>L-3</u>	
Commercial Filming	ZA	ZA	ZA	
Commercial Recreation and Entertainment	L-2	L-2	PC	
Communication Facilities	L-12	L-12	L-12	

	<b>IG</b>	<b>IL</b>	<b>RT</b>	<b>Additional Provisions</b>
Eating & Drinking Establishments	L-2	L-2	L-2	
w/Live Entertainment	ZA	ZA	ZA	(R)
w/Alcohol	ZA	ZA	ZA	
Food & Beverage Sales	ZA	ZA	ZA	
Hospitals and Medical Clinics	-	PC	PC	
Laboratories	P	P	P	
Maintenance & Repair Services	P	P	P	
Marine Sales and Services	P	P	P	
Nurseries	P	P	P	
Offices, Business & Professional	L-10	L-10	L-10	(C)
Personal Enrichment	L-9	L-9	L-9	
Personal Services	L-1	L-1	L-1	
Quasi-Residential	PC	PC	PC	(J)
Research & Development Services	P	P	P	
Sex-Oriented Businesses (regulated by Ch. 5.70)	L-11	L-11	L-11	
Sex-Oriented Businesses (regulated by Ch. 5.60)	PC	PC	PC	(Q)
Swap Meets, Indoor/Flea Markets	PC	PC	PC	(P)
Vehicle/Equipment Sales & Services				
Service Stations	L-4	L-4	L-4	
Vehicle/Equipment Repair	P	P	P	
Vehicle/Equipment Sales/Rentals	L-5	L-5	L-5	
Vehicle Storage, Impound Yards	PC	PC	PC	(T)
Vehicle Storage, Off-Site Auto Dealers	P/ZA	P/ZA	P/ZA	(H)(U)(W)
Vehicle Storage, Recreational Vehicles	P/ZA	P/ZA	P/ZA	(H)(V)
Visitor Accommodations	ZA	ZA	ZA	
Warehouse and Sales Outlets	L-8	L-8	L-8	
<b>Industrial (See Chapter 204)</b>				(B)(L)(M)
Industry, Custom	P	P	P	
Industry, General	P	P	P	
Industry, Limited	P	P	P	
Industry, R & D	P	P	P	
Wholesaling, Distribution & Storage				
150,000 square feet or less	P	P	P	
Greater than 150,000 square feet	P	P	ZA	
RT Flex Space	-	-	P	
Alcoholic Beverage Manufacturing	P	P	P	(L-13)
<b>Accessory Uses</b>				
Accessory Uses and Structures	P/U	P/U	P/U	(C)
<b>Temporary Uses</b>				
Commercial Filming, Limited	P	P	P	(S)
Real Estate Sales	P	P	P	
Trade Fairs	P	P	P	(E)
<b>Nonconforming Uses</b>				(F)

### IG, IL, and RT Districts: Additional Provisions

L-1 Only allowed upon approval of a conditional use permit by the Zoning Administrator for a mixed use project, subject to the following requirements:

A. Minimum site area: three acres.

B. Maximum commercial space: 35% of the gross floor area and 50% of the ground floor area of buildings fronting on an arterial highway.

C. Phased development: 25% of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include five percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater.

L-2 Permitted only when designed and operated for principal use by employees of the surrounding industrial development as an ancillary use to a primary industrial use. When designed for general public use, permitted after considering vehicular access and complying with minimum parking requirements.

L-3 ~~Reserved.~~ [Refer to Section 230.54 Commercial Cannabis Facilities.](#)

L-4 Only fueling stations offering services primarily oriented to businesses located in an Industrial District are allowed with a conditional use permit by the Planning Commission.

L-5 No new or used automobile, truck or motorcycle retail sales are permitted.

L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No elementary or secondary schools are permitted.

L-7 Recycling operations as an accessory use are permitted if more than 150 feet from R districts; recycling operations as an accessory use less than 150 feet from R districts or recycling operations as a primary use are allowed upon approval of a conditional use permit by the Zoning Administrator. See Section [230.44](#), Recycling Operations.

L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants.

L-9 Permitted if the space is 5,000 square feet or less; allowed by conditional use permit from the Zoning Administrator if the space is over 5,000 square feet.

L-10 Accessory administrative, management, regional or headquarters offices incidental to a primary industrial use within the IG and IL Districts are limited to 10% of the floor area of the primary industrial use. Accessory office uses incidental to a primary use within the RT District are limited to 30% of the floor area of the primary use.

Accessory office spaces exceeding the limits above shall require a conditional use permit to the Zoning Administrator supported by a parking demand study for all uses on site.

Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any Industrial District.

L-11 Allowed subject to the following requirements:

A. A proposed sex-oriented business shall be at least 500 feet from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a “sensitive use”) and at least 750 feet from another sex-oriented business. For purposes of these requirements, all distances shall be measured from the lot line of the proposed sex-oriented business to the lot line of the sensitive use or the other sex-oriented business. The term “residential use” means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan.

To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the sex-oriented business is proposed which includes all the proposed parking and:

1. The lot line of any other sex-oriented business within 750 feet of the lot line of the proposed sex-oriented business; and
2. The lot line of any building used for religious assembly, school, or park and recreational facility within 500 feet of the lot line of the proposed sex-oriented business; and
3. The lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within 500 feet of the lot line of the proposed sex-oriented business.

B. The front façade of the building, including the entrance and signage, shall not be visible from any major, primary or secondary arterial street as designated by the circulation element of the General Plan adopted May 1996, with the exception of Argosy Drive.

C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Community Development Department staff review of a sex-oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within 10 days of submittal, the Director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within 10 days. Within 30 days of receipt of a completed application, the Director shall determine if the application complies with the applicable development and performance standards of the Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following:

1. Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off-Street Parking and Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures.
2. Section [233.08](#)(B), Signs. Signage shall conform to the standards of the Huntington Beach Zoning and Subdivision Ordinance except:

a. Such signs shall contain no suggestive or graphic language, photographs, silhouettes, drawings, statues, monuments, sign shapes or sign projections, or other graphic representations, whether clothed or unclothed, including without limitation representations that depict “specified anatomical areas” or “specified sexual activities”; and

b. Only the smallest of the signs permitted under Section [233.08\(B\)](#) shall be visible from any major, primary or secondary arterial street, such streets shall be those designated in the circulation element of the General Plan adopted May 1996, with the exception of Argosy Drive.

3. Compliance with Huntington Beach Municipal Code Chapter [5.70](#).

D. The Director shall grant or deny the application for a sex-oriented business zoning permit for a sex-oriented business. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review.

E. Ten working days prior to submittal of an application for a sex-oriented business zoning permit for staff review, the applicant shall: (1) cause notice of the application to be printed in a newspaper of general circulation; and (2) give mailed notice of the application to property owners within 1,000 feet of the proposed location of the sex-oriented business; and (3) the City of Huntington Beach, Department of Community Development by first class mail.

The notice of application shall include the following:

1. Name of applicant;
2. Location of proposed sex-oriented business, including street address (if known) and/or lot and tract number;
3. Nature of the sex-oriented business, including maximum height and square footage of the proposed development;
4. The City Hall telephone number for the Department of Community Development to call for viewing plans;
5. The date by which any comments must be received in writing by the Department of Community Development. This date shall be 10 working days from staff review submittal; and
6. The address of the Department of Community Development.

F. A sex-oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233.

G. A sex-oriented business zoning permit shall become null and void one year after its date of approval unless:



1. Construction has commenced or a certificate of occupancy has been issued, whichever comes first; or

2. The use is established.

H. The validity of a sex-oriented business zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the Director of the transfer.

I. A sex-oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months.

L-12 For wireless communication facilities see Section [230.96](#), Wireless Communication Facilities. All other communication facilities permitted.

L-13 Alcoholic Beverage Manufacturing Requirements.

1. Alcoholic Beverage Manufacturing uses without eating and drinking for public sales or service are permitted.

2. A maximum 1,000 square feet of indoor and/or outdoor eating and drinking area per business shall be permitted through an Administrative Permit with Neighborhood Notification pursuant to Chapter 241.

3. Indoor and/or outdoor eating and drinking areas greater than 1,000 square feet per business shall require a conditional use permit by the Zoning Administrator.

(A) Repealed.

(B) A conditional use permit from the Zoning Administrator is required for any new use or enlargement of an existing use, or exterior alterations and additions for an existing use located within 150 feet of an R district. The Director may waive this requirement if there is no substantial change in the character of the use which would affect adjacent residential property in an R District.

(C) Accessory office uses greater than the maximum allowable percentage of the floor area of the primary industrial use shall require a conditional use permit from the Zoning Administrator and a parking demand study demonstrating the adequate provision of on-site parking for all uses contained onsite.

(D) In IG and IL Districts only, commercial space excluding business and professional office, not to exceed 25% of the floor area of the primary industrial use, is allowed with a conditional use permit from the Zoning Administrator, provided that it is intended primarily to serve employees of the industrial use, no exterior signs advertise the adjunct use, the adjunct use is physically separated from the primary industrial use, and the primary industrial fronts on an arterial.

(E) See Section [241.22](#), Temporary Use Permits.

- (F) See Chapter 236, Nonconforming Uses and Structures.
- (G) Reserved.
- (H) Permitted pursuant to an Administrative Permit if the property is 300 feet or more from a parcel used or zoned for residential development. Permitted pursuant to a conditional use permit from the Zoning Administrator if less than 300 feet from a parcel used or zoned for residential development.
- (I) Limited to facilities serving workers employed on-site.
- (J) Limited to single room occupancy uses. (See Section [230.46](#).)
- (K) Limited to emergency shelters. (See Section [230.52](#), Emergency Shelters.)
- (L) Development of vacant land and/or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Community Development Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic).
- (M) Major outdoor operations require conditional use permit approval by the Planning Commission. Major outside operations include storage yards and uses utilizing more than one-third of the site for outdoor operation.
- (N) See Section [230.40](#), Helicopter Takeoff and Landing Areas.
- (O) See Section [230.44](#), Recycling Operations.
- (P) See Section [230.50](#), Indoor Swap Meets/Flea Markets.
- (Q) See L-11(A) relating to locational restrictions.
- (R) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. Neighborhood Notification requirements when no entitlement required pursuant to Chapter 241.
- (S) Subject to approval by the Police Department, Public Works Department, and Fire Department and the Community Development Director.
- (T) In all districts, storage areas shall be screened from view on all sides by a solid wall made of either block, masonry, wood, vinyl or other similar material. The wall shall not be less than six feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained.
- (U) In all districts, storage areas shall be screened from view on all sides adjacent to a public right-of-way by a solid wall made of either brick, block, masonry, wood, vinyl or other

similar material. The wall shall include a minimum 10-foot return on all sides. The wall shall not be less than six feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained.

(V) In all districts, storage areas shall be screened from view on all sides adjacent to a public right-of-way by a solid wall made of either block, masonry, wood, vinyl or other similar material. The wall shall include a minimum ten foot return on all sides. The wall shall not be less than six feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained. Screening on the remaining sides shall be evaluated based on proposed site conditions as determined during the entitlement process.

(W) Auto storage uses on public agency owned property shall be permitted by right pursuant to submittal of a Parking Area Plan. See Section [231.26](#). (3254-10/94, 3378-2/98, 3523-2/02, 3568-9/02, 3703-3/05, 3708-6/05, 3724-02/06, 3788-12/07, 3843-11/09, 3860-2/10, 4039-12/14, 4092-10/16, 4183-10/19, 4198-3/20)

**NO FURTHER CHANGES TO HBZSO CHAPTER 212 PROPOSED**

**REMAINDER OMITTED FROM LEGISLATIVE DRAFT**

## EXHIBIT 4

### HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 230 SITE STANDARDS

#### Article II. Nonresidential Districts

##### **230.32 Service Stations**

Not Amended

##### **230.34 Housing of Goods**

Not Amended

##### **230.36 Transportation Demand Management**

Not Amended

##### **230.38 Game Centers**

Not Amended

##### **230.40 Helicopter Takeoff and Landing Areas**

Not Amended

##### **230.42 Bed and Breakfast Inns**

Not Amended

##### **230.44 Recycling Operations**

Not Amended

##### **230.46 Single Room Occupancy**

Not Amended

##### **230.48 Equestrian Centers**

Not Amended

##### **230.50 Indoor Swap Meets/Flea Markets**

Not Amended

##### **230.52 Emergency Shelters**

Not Amended

##### **230.54 Reserved Commercial Cannabis Facilities**

## **A. Purpose**

It is the purpose and intent of this Chapter 230.54 to implement State Law, which includes, but is not limited to, the provisions of the Medicinal Adult-Use Cannabis Recreation and Safety Act, Business and Professions Code §§ 26000, *et seq.*, as it may be augmented and amended from time to time (hereinafter, “MAUCRSA”), while imposing regulations on the use of land to protect the City's neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this Chapter 230.54 to regulate the indoor cultivation, retail sale, delivery, manufacturing, processing, testing, and distribution of cannabis and cannabis-related products in a manner which is responsible, which protects the health, safety, and welfare of the residents of Huntington Beach, and which is consistent with the rules and regulations imposed by State Law. Nothing in this Chapter 230.54 is intended to authorize the possession, use, sale, or provision of cannabis for purposes which violate State Law.

In addition, nothing in this Chapter permits persons to engage in conduct that endangers others or constitutes a public nuisance. The requirements of this Chapter are in addition to any other permits, licenses or approvals required to conduct business in Huntington Beach or under State, County, or other law.

## **B. Location of Commercial Cannabis Facilities**

Applicants for Commercial Cannabis Permits must meet all minimum qualifications outlined in the standards and criteria set forth in Chapter 5.130 Cannabis Business Regulation of the Huntington Beach Municipal Code (HBMC).

### **1. Location and Separation Requirements**

A Commercial Cannabis Facility that meets the Separation Requirements identified in Table 1 (Permitted Zones and Separation Requirements), and has obtained a valid Commercial Cannabis Permit and Operating Agreement per the HBMC may locate on any of the following parcels:

- a. Parcels designated by the General Plan and Zoning Code for Industrial land uses; and
- b. Parcels designated by the General Plan and Zoning Code for Commercial land use; and
- c. Parcels designated by the General Plan and Zoning Code for mixed-use.
- d. Commercial Cannabis Businesses are prohibited in the Downtown Specific Plan (SP5) area, the Sunset Beach Specific Plan (SP17) area, and properties within the Coastal Zone Overlay.
- e. No Commercial Cannabis Facility shall be located within one thousand (1000) feet as measured from occupied premises to the property line of any middle or high school (grades 6-12 whether public, private, or charter) or six hundred (600) feet, as measured from the occupied premises to the property line of any K-5 school, licensed commercial day care center, youth center, or park.

- f. Outdoor cultivation is expressly prohibited in all zoning districts in the City.
- g. Cannabis Deliveries within the City of Huntington Beach are prohibited, unless the Delivery originated from a Retailer located in Huntington Beach that has obtained a valid Commercial Cannabis Permit, or if the Retailer is located outside the City of Huntington Beach, and has obtained a business license from the City of Huntington Beach.

### Permitted Zones and Separation Requirements

Commercial Cannabis Facility Type	State License Type	Zoning District	Buffer Zone	Permit Type(s) Required
<b>Cultivation – Indoor</b>	Type 1A (Indoor<5000 SF), Type 2A (Indoor 5001-10,000 SF), Type 3A Indoor 10,001-22,000), Type 4 (Nursery – Indoor Only), Type 5A (Indoor 22,000+ SF)	Industrial	<u>600 feet</u> away from K-5 schools, day care centers, youth centers, and parks. <u>1000 feet</u> away from all other schools.	Commercial Cannabis Permit; State License; Huntington Beach Business License
<b>Cultivation – Outdoor</b>	Type 1 (Outdoor <5000 SF), Type 1B (Mixed Light <5000 SF), Type 2 (Outdoor 5001-10,000 SF); Type 2B (Mixed Light 5001-10,000 SF); Type 3 (Outdoor 10,001-22,000 SF); Type 3B (Artificial Light 10,001-22,000 SF); Type 4 (Nursery –Outdoor), Type 5 (Outdoor 22,000+ SF); Type 5B (Mixed Light (22,000+ SF)	Prohibited	N/A	N/A
<b>Delivery – Non Huntington Beach Retailer</b>	Type 9 (non-storefront);Type 10 (storefront); Type 10A (less than 3 retailers)	N/A	N/A	Huntington Beach Business License
<b>Delivery – Huntington Beach Retailer</b>	Type 9 (non-storefront);Type 10 (storefront); Type 10A (less than 3 retailers)	Type 9: Retailer must be located in Industrial Zone  Type 10, 10A: Both Commercial and Industrial Zones	N/A	Retailer must obtain Commercial Cannabis Permit; State License; Huntington Beach Business License
<b>Distribution</b>	Type 11 (distribution); Type 12 (transportation)	Industrial	<u>600 feet</u> away from K-5 schools, day	Commercial Cannabis Permit;

			care centers, youth centers, and parks. <u>1000 feet</u> away from all other schools.	State License; Huntington Beach Business License
<b>Manufacturing</b>	Type 6 (non-volatile); Type 7 (volatile)	Industrial	<u>600 feet</u> away from K-5 schools, day care centers, youth centers, and parks. <u>1000 feet</u> away from all other schools.	Commercial Cannabis Permit; State License; Huntington Beach Business License
<b>Microbusinesses</b>	Type 12	Prohibited	N/A	N/A
<b>Retailer</b>	Type 9 (non-storefront); Type 10 (storefront); Type 10A (less than 3 retailers)	Commercial/Industrial	<u>600 feet</u> away from K-5 schools, day care centers, youth centers, and parks. <u>1000 feet</u> away from all other schools.	Commercial Cannabis Permit; State License; Huntington Beach Business License
<b>Testing Laboratory</b>	Type 8	Industrial	<u>600 feet</u> away from K-5 schools, day care centers, youth centers, and parks. <u>1000 feet</u> away from all other schools.	Commercial Cannabis Permit; State License; Huntington Beach Business License

**230.56 Reserved**

**230.58 Reserved**

**230.60 Reserved**