

Article 17.5. - Marijuana Operation Overlay District (MO)

Sec. 9-4.1751. - Scope.

Subject to all other regulations set forth in this code, uses shall be allowed in a Marijuana Operation Overlay District (MO) as set forth in this article. Standards or regulations in effect in any zoning district or districts underlying a Marijuana Operation Overlay District (MO) shall remain in effect unless the subject matter of such standard or regulation is addressed in this article. The provisions of any Marijuana Operation Overlay District (MO) shall prevail in the event of any conflict with the provisions of any zoning district or districts upon which it is overlaid.

Sec. 9-4.1752. - Purpose.

The purpose of each Marijuana Operation Overlay District (MO) is to allow the City to retain the greatest amount of control over the location and number of certain marijuana businesses and related activities. Without proper regulation, these marijuana businesses and related activities have the potential to adversely impact residents, employees, businesses, and properties in the areas surrounding them. Therefore, to protect public health, safety, and welfare, the City has established overlay zoning in order to efficiently implement specific standards for the establishment and operation of certain marijuana businesses and related activities.

Sec. 9-4.1753. - Overlay districts created.

The following districts are hereby created, which shall overlay any underlying zoning district or districts, as further depicted in the zoning map described in Article 3 of this chapter:

- (a) Marijuana Operation, Sharp Park Overlay District (MO-SP)
- (b) Marijuana Operation, Rockaway Beach Overlay District (MO-RB)
- (c) Marijuana Operation, Linda Mar Overlay District (MO-LM)

Sec. 9-4.1754. - Uses permitted.

In addition to any marijuana operations or other non-marijuana uses allowed within an underlying zoning district or districts, those types of marijuana operations set forth in this section shall be allowed within the Marijuana Operation Overlay District (MO) as provided in this section. Any and all marijuana operations not expressly described herein, or otherwise allowed in an underlying zoning district or districts, are expressly prohibited.

- (a) *Permitted uses.* None

(b) *Conditional uses.* Conditional uses allowed in the Marijuana Operation Overlay District (MO), subject to obtaining a marijuana use permit, and further subject to the definitions, supplemental findings, and other provisions contained in Article 48 of this chapter, shall be as follows:

(1) Marijuana retail operation

(c) *Planned Development District (P-D).* When a Planned Development District (P-D) underlies a Marijuana Operation Overlay District (MO), a marijuana business or activity described in this article may be allowed upon approval of a marijuana use permit, and shall not require approval of a development plan or an amendment to an existing development plan.

Sec. 9-4.1755. - Number of businesses or activities permitted.

The number of businesses or activities allowed within a Marijuana Operation Overlay District (MO) shall be limited to the maximum number provided in the following table:

	<i>Use</i>
<i>Overlay District</i>	Marijuana retail operation
MO-SP	2
MO-RB	2
MO-LM	2

Sec. 9-4.1756. - Development standards.

The development standards within any Marijuana Operation Overlay District shall be those development standards in effect in the underlying zoning district or districts.

Sec. 9-4.1757. - Other discretionary permits.

Nothing in this article shall be construed to supersede or in any way alter or lessen the effect or application of any requirement to obtain a discretionary permit pursuant to the standards of any zoning district or districts underlying a Marijuana Operation Overlay District (MO), including without limitation a coastal development permit, a permit to construct or to modify any structure, or a change of use.