

- (f) There is a current and immediate threat to the public health, safety and welfare of the Town and its community, thereby necessitating the immediate enactment of this moratorium as an urgency ordinance in order to ensure that permits for such commercial cannabis uses are established only under adequate regulations.
- (g) There is a current and immediate threat to the public health, safety, or welfare posed by commercial cannabis uses beyond those exempted in Section 3 below, and the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.
- (h) Based on the foregoing, the Town Council does hereby declare this urgency ordinance is necessary to protect the public health, safety, and welfare while the Town is considering revisions to zoning regulations related to commercial cannabis uses.

Section 2. Moratorium.

Except as provided in Section 3 of this Ordinance, the Town Council hereby declares a moratorium on any and all commercial cannabis uses within all zoning districts in the Town. The Town shall not approve or issue land use approvals or permits, including but not limited to zoning amendments, conditional use permits, variances, tentative subdivision or parcel maps, site plan approvals, design review approvals, and building permits or other applicable entitlements for the establishment, creation or operation of commercial cannabis uses, or modification or expansion of existing businesses for commercial cannabis uses, during this moratorium.

Section 3. Exemptions.

This moratorium shall not apply to those cannabis uses already expressly permitted or conditionally permitted in the Town. Specifically:

- A. This moratorium does not apply to indoor or outdoor cultivation of medical marijuana/cannabis for personal use permitted and regulated by Fairfax Municipal Code, Chapter 17.138, Article III, as may be amended.
- B. The moratorium does not apply to indoor or outdoor cultivation of up to six cannabis plants per private residence for personal use authorized by State law, Health and Safety Code 11362.1 et seq. Persons engaging in indoor or outdoor cultivation must comply with all existing or future adopted state and local laws regarding fire safety, water use, electrical wiring, buildings, and indoor or outdoor cultivation and personal use of cannabis.
- C. This moratorium does not apply to the establishment or operation of a medical marijuana dispensary, including cannabis delivery services if any, in full compliance with Chapter 17.110 of the Fairfax Municipal Code, the conditions of dispensary's conditional use permit, and state law.
- D. This moratorium does not apply to delivery of medical cannabis and cannabis products from medical marijuana dispensaries or medical cannabis retailers, with a premises from