

17.04.050 Commercial land use definitions.

Commercial cannabis activity means cultivation, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, packaging, delivery or sale of cannabis or cannabis products for medical and nonmedical use or any other purpose and includes the activities of any business licensed by the state or other government entity under Division 10 of the California Business and Professions Code, or any provision of state law that regulates the licensing of cannabis businesses. This definition also includes ~~mobile cannabis dispensary and e-medical marijuana dispensary.~~ This definition excludes mobile cannabis dispensaries.

Mobile cannabis dispensaries means any dispensary, clinic, cooperative, association, club, business or group which transports or delivers, or arranges the transportation or delivery of, cannabis to a person in the City. This definition includes businesses engaged in Cannabis Delivery.

17.08.020 Permitted Uses.

Subject to the restrictions hereinafter specified, only the following uses are permitted in an R-1 zone:

A. Accessory buildings:

1. Patio covers;
2. Bathhouse or greenhouse;
3. Swimming pool and/or spa;
4. Tool shed;
5. Garage;
6. Storage room for customary household-related items, and a maximum of four hundred (400) square feet in size.

B. Day care homes, small (see Section 17.04.040).

C. Day care homes, large, as an accessory use to a single-family detached dwelling if a day care permit is approved pursuant to Section 17.40.100.

D. Home Occupations. When conducted in accordance with the following requirements, and when a permit therefor, containing any conditions deemed necessary to ensure compliance with the requirements of this chapter and with its purpose and intent, has been issued by the business

license department; provided however, that any occupation may be excluded from certain or all zones, or portions thereof, if determined by the planning commission to be incompatible with neighboring residential uses.

The following requirements are severally and jointly stated as absolute requirements, and any home occupation not conforming to the following requirements shall not be permitted:

1. Such occupation shall be carried on only by occupants of a dwelling, and shall involve the use of not more than four hundred (400) square feet, not to exceed twenty-five (25) percent of the total area of the permitted buildings on the premises.
2. Inventory and supplies for such home occupation shall occupy not more than twenty-five (25) percent of the permitted area and shall be stored entirely within an enclosure or building.
3. No sale of goods is permitted on the premises.
4. No employees are allowed.
5. No signs are permitted.
6. No display of any kind shall be visible from the exterior of the premises.
7. Light, but not medium or heavy, business machines are allowed. The classification by the planning department shall be final.
8. No presses, data processing equipment, or any electrical or other equipment requiring specialized electrical installation, or requiring over one hundred twenty (120) volts of power to operate are allowed, nor shall any mechanical shop or electrical tools be permitted except those which are customary to home crafts.
9. No tools or equipment may be operated which make a sound audible from without the premises at a distance of twenty (20) feet from the property line, between the hours of 6:00 p.m. and 9:00 a.m. No activity or equipment which makes any loud or whining noise discernible from without the premises is permitted at any time.
10. No garaging or storing of vehicles bearing any advertising related to the home occupation is allowed upon the premises or in the street in the vicinity.
11. No foot or vehicle traffic may be generated to or from the premises except for traditional uses such as tutors and day care centers as approved by the planning director.
12. There shall be complete conformity to fire, building, plumbing, electrical, zoning and health codes and to all state and city laws

and ordinances; except, where required parking spaces are not available, the planning commission may temporarily waive such requirements if they find:

- a. The garage, carport or space is not available solely because of temporary storage, and not because of construction and/or building improvement or modifications; and
- b. The temporary storage is not related to products, materials, etc., used for the conduct of the home occupation; and
- c. Such waiver to be effective only if no detrimental effects are caused to adjacent properties and no valid complaints were filed due to storage.

13. No structural alterations of the premises are permitted solely for the benefit of the business.

14. No listing or advertising of the address of such home occupation for business purposes is permitted including display ads in telephone, business and city directories and in newspapers and magazines. The telephone number and address may be listed on business cards.

15. The term of any permit shall be for one (1) year, or for such other period as shall be authorized by the city council.

16. It shall be a condition of any permit hereunder that the applicant shall agree that, in the event of amendment of this section to prohibit such or any home occupation in a zone in which the same is situated, that such home occupation shall not have the status of nonconforming use, and may be eliminated forthwith without provision for extended liquidation or amortization.

17. Prior to permit approval, the premises shall be inspected to determine compliance with all limitations and requirements, particularly subsection (D)(12) of this section.

E. Garage sales, subject to Chapter 5.44.

F. Group home for six (6) or fewer persons.

G. Elementary schools, grades K through 8th, conditional use permit required.

H. Day nursery, preschool, and/or after school child care with thirteen (13) or more children, conditional use permit required subject to Section 17.40.110.

I. Religious institutions, conditional use permit required subject to Chapter 17.40.

J. Residential or medical care facility for six (6) or fewer persons.

K. Accessory dwelling units and junior accessory dwelling units, in accordance with Chapter 17.21.

- L. Single-family dwelling, including mobile homes.
- M. Supportive housing for six (6) or fewer persons.
- N. Transitional housing for six (6) or fewer persons.
- O. Two-unit projects, in accordance with Chapter 17.08. (Ord. 18-1385 §§1, 2, 3, 2018; Ord. 17-1378 §2, 2017; Ord. 13-1342 §2, 2013; prior code Appx. A, § 4-2)
- P. Mobile Cannabis Dispensaries.

(Ord. # 21-1435 §1,2, adopted 08/10/2021, effective 09/09/2021; Ord. # 21-1443U §9, adopted 12/21/2021, effective 01/01/2022; Ord. # 22-1444 §9, adopted 01/11/2022, effective 01/01/2022)

17.18.020 Permitted Uses.

- A. Mobile home parks, meaning any area or tract of land where two (2) or more mobile home lots are rented or leased to accommodate mobile homes used for human habitation;
- B. Home occupations as permitted by local code. (Prior code Appx. A, § 6.5-2)
- C. Mobile Cannabis Dispensaries

17.26.030 Permitted Uses.

In the following matrix, the letter "P" designates use classifications permitted in commercial zones. The letter "U" designates use classifications permitted by approval of a conditional use permit. Use classification not listed are prohibited. Section numbers listed under "see section" reference additional regulations located elsewhere in the zoning ordinance or this code. For definition of the listed uses see Section 17.04.060.

C-1, C-2 and C-3 ZONES, LAND USE REGULATIONS				
P = Permitted				
- = Not Permitted				
U = C.U.P Required (See Chapter 17.40)				
USES	C1	C2	C3	See Section
Adult businesses	-	-	U	17.40.050
Adult paraphernalia, X-rated uses and materials, limited to no more than 20% of stock-in-trade	U	U	U	17.40.060

C-1, C-2 and C-3 ZONES, LAND USE REGULATIONS

P = Permitted

- = Not Permitted

U = C.U.P Required (See Chapter 17.40)

USES	C1	C2	C3	See Section
Alcohol beverage establishments, on-sale	-	U	U	17.40.080
Alcoholic beverage establishment, on-sale (excluding restaurant with on-sale alcoholic beverages limited to beer and wine, closing at 10:00 p.m. or earlier)	-	U	U	17.40.080
Alcohol beverage establishment, off-sale (closing at 11:00 p.m. or earlier)	P	P	P	
Alcohol beverage establishment, off-sale (open between 11:01 p.m. and 2:00 a.m.)	U	U	U	17.40.090
Animal hospitals	-	-	P	
Aquariums, sales and supplies of marine life	P	P	P	
Art/antiques/curios gallery or shop	P	P	P	
Assembly halls	-	U	U	17.40
Audio/video equipment and supplies, sales and repair	P	P	P	
Bakery	P	P	P	
Banks and financial institutions	-	P	P	
Barber/beauty shop	P	P	P	
Billiard or pool halls	-	P	P	
Books/news/magazines, sales	P	P	P	
Bowling alley	-	-	P	
Brick and stone (ornamental)	-	-	P	
Bus station, not including terminal facilities	-	-	P	
<u>Cannabis delivery Mobile Cannabis Dispensaries</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.42.110</u>
Catering business	-	-	P	
Clinic, dental and/or medical	P	P	P	
Clothing and wearing apparel sales and service	P	P	P	
Clubs, private	-	P	P	

17.28.020 Permitted Uses.

In the following matrix, the letter "P" designates use classifications permitted and the letter "U" designates use classifications permitted by approval of a conditional use permit. Use classifications not listed are prohibited. Section numbers listed under "see section" reference additional regulations located elsewhere in the Zoning Ordinance or Municipal Code.

M-1 ZONE, LAND USE REGULATIONS

P=Permitted

U = C.U.P. Required (See Chapter 17.40)

USE		See Section
Administrative offices accessory to a primary permitted use (listed below), not exceeding twenty-five (25) percent of the gross floor area	P	
Architect studio	P	
Artist studio	P	
Audio/visual recording studio	P	
Communication facilities	U	17.40.020
Events, limited	P	17.42.200
Motor vehicle and equipment service: General repair, service, installation of parts and accessories Body repair and painting	U	Chapter 17.40
<u>Mobile Cannabis Dispensaries</u>	<u>P</u>	<u>17.42.110</u>
Manufacturing, fabrication, assembly, testing, repair, servicing and processing of the following products and materials: Coated, plated and engraved metal products Die-cut paper, paperboard, cardboard Machinery equipment and supplies Surfboards	U	Chapter 17.40

17.42.110 Commercial Cannabis Activities and Cannabis Cultivation ~~Prohibition~~

- A. The purpose of this section is to expressly prohibit the establishment of certain commercial cannabis uses in the city. The city council finds that certain prohibitions on commercial cannabis activity are necessary for the preservation and protection of the public health, safety and welfare of the city. The prohibition of such uses is within the authority conferred upon the city council by state law and is an exercise of its police powers to enact and enforce regulations for the public health, safety and welfare of the city. Nothing in this chapter shall be interpreted to conflict with state law, including without limitation the Compassionate Use Act, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA) and the MAUCRSA, as may be amended. Nothing in this section is intended to prohibit a primary caregiver from providing medical cannabis to a qualified patient as those terms are defined by state law.

B. ~~Except as provided in this chapter, Commercial cannabis activities are expressly prohibited in all zones in the city. No person shall establish, operate, conduct, or allow a dispensary or commercial cannabis activity anywhere within the city. To the extent that this prohibition conflicts with any other provision of this Code, this prohibition shall control.~~

C. ~~Mobile cannabis dispensaries are prohibited in all zones within the city's jurisdictional limits. No person shall:~~

- ~~1. Locate, operate, own, suffer, allow to be operated or abide, abet or assist in the operation of any mobile cannabis dispensary within the city;~~
- ~~2. Deliver cannabis to any location within the city from a mobile cannabis dispensary, regardless of where the mobile cannabis dispensary is located, or engage in any mobile cannabis dispensary operation; or~~
- ~~3. Deliver any cannabis product, including, but not limited to, tinctures, baked goods, or other consumable products, to any location within the city from a mobile cannabis dispensary, regardless of where the mobile cannabis dispensary is located, or engage in any operation for this purpose.~~

D. ~~This section is meant to prohibit all activities for which a state license is required pursuant to the MAUCRSA. Accordingly, the city shall not issue any permit, license or other entitlement for any activity for which a state license is required under the MAUCRSA. The city shall also not issue any local license for any activity for which a state license is required under the MAUCRSA to a nonprofit entity pursuant to California Business and Professions Code Section 26070.5. This section shall not prevent transportation of cannabis or cannabis products on public roads through the city to and from locations outside the city by a state licensee transporting cannabis or cannabis products in compliance with Business and Professions Code Sections 26080 and 26090.~~

E.C. _____ A property owner shall not rent, lease or otherwise permit any person or business that engages in commercial cannabis activity to occupy real property in the city. A property owner shall not allow any person or business to establish, operate, maintain, conduct, or engage in commercial cannabis activity on any real property owned or controlled by that property owner that is located in the city.

~~F.D.~~ No person or entity may cultivate cannabis at any location in the city, except:

1. A person may cultivate no more than six (6) living cannabis plants inside a private residence in accordance with Health and Safety Code Section 11362.2; and
2. Where the city is preempted by federal or state law from enacting a prohibition on such cultivation.

~~G.E.~~ Mobile Cannabis Dispensaries

1. Businesses with physical locations solely outside city limits, are permitted to engage in cannabis delivery within city limits provided the business is in compliance with Chapter 5.80 and all other applicable State and local law.

~~H.F.~~ Violations and Remedies.

1. Criminal Penalties. Any violation of any provision of this chapter shall be deemed a misdemeanor and shall be punishable in accordance with Chapter 1.04.
2. Any use or condition caused, or permitted to exist, in violation of any provision of this section shall be, and hereby is declared to be, a public nuisance and may be abated by the city pursuant to Code of Civil Procedure Section 731 and Chapter 8.28 and any other remedy available by law to the city. (Ord. 17-1380 §2, 2017: Ord. 16-1362 §1, 2016: Ord. 08-1292 §2, 2008)