

City of Sonoma

ORDINANCE # 05 - 2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA
AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE BY
ESTABLISHING DEFINITIONS AND STANDARDS FOR THE PERSONAL
CULTIVATION OF CANNABIS

The City Council of the City of Sonoma hereby ordains as follows:

Section 1. Amendments to "Definitions" (Title 19, Division VIII) of the Sonoma Municipal Code.

Section 19.92.020 (Definitions of Specialized Terms and Phrases) is hereby amended to add the following definitions:

Cannabis. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the 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. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" includes cannabis that is used for medicinal, non-medicinal, or other purposes.

"Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Cannabis" also does not include industrial hemp, as defined in California Health and Safety Code section 11018.5.

"Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency.

"Cannabis product" means cannabis 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 cannabis or concentrated cannabis and other ingredients.

"Commercial cannabis activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medicinal, non-medicinal, or any other purpose and includes (i) the production of hashish oil and the distillation or extraction of cannabidiol ("CBD") from industrial hemp having more than three-tenths of one percent THC contained in the dried flowering tops and (ii) 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.

"Cultivation" of cannabis means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

"Delivery" with reference to cannabis means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform.

"Distribution" with reference to cannabis means the procurement, sale, and transport of cannabis and cannabis products between entities licensed under Division 10 of the California Business and Professions Code, as they may be amended from time to time.

"Fully Enclosed and Secure Structure" means either:

1. A space within a building that complies with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code, 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. Plastic sheeting, canvas, vinyl, or similar products or materials, regardless of gauge, are not considered solid materials; or

2. A greenhouse or other accessory structure having the purpose of allowing cultivation of flowers, plants, or other vegetation, provided that it is required to obtain a building permit under the California Building Standards Code as adopted and amended by Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code.

A Fully Enclosed and Secure Structure must be an accessory structure to a private residence located upon the parcel on which that private residence is situated.

"Indoor" or "Indoors" with reference to cultivation of cannabis means inside a Fully Enclosed and Secure Structure or within a private residence.

"Luminaire" means a complete lighting unit consisting of lamp(s) and the parts that distribute the light, position and protect the lamp(s), and connect the lamp(s) to the power supply.

"Manufacture" with reference to cannabis means to compound, blend, extract, infuse, dilute or otherwise make or prepare a cannabis product.

"MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, as the same may be amended from time to time.

"Medical cannabis" or "medicinal cannabis" means cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act ("CUA," Health and Safety Code section 11362.7 et seq.), the Medical Marijuana Program Act ("MMPA," Health and Safety Code section 11362.7 et seq.), the Medical Cannabis Regulation and Safety Act ("MCRSA," Business and Professions Code section 19300 et seq.), and the Medicinal Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA).

"Outdoor" or "Outdoors" with reference to cultivation of cannabis means any location that is not within a Fully Enclosed and Secure Structure or a private residence. "Outdoors" specifically includes cultivation that occurs within any greenhouse, hoop house, or other similar structure that does not meet the definition of a Fully Enclosed and Secure Structure.

"Personal cultivation" means cannabis cultivation conducted by an individual strictly for that individual's personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Code and state law, including but not limited to Health and Safety Code Sections 11362.1 and 11362.2, as may be amended. Personal cultivation also means and includes cultivation of medical cannabis conducted by a qualified patient exclusively for his or her personal medical use, and cultivation conducted by a primary

caregiver for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, in accordance with state law, including Health and Safety Code Sections 11362.7 and 11362.765, as may be amended. Except as herein defined, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of cannabis.

"Primary caregiver" shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

"Private Residence" "Private residence" with reference to cannabis cultivation means a house, an apartment unit, condominium, or other similar dwelling that is lawfully used as a residence.

"Qualifying patient" or "qualified patient" shall have the same meaning as set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

"Solid fence" with reference to cannabis cultivation means a fence constructed of substantial material, such as wood or metal, that prevents viewing the contents from one side to the other side of the fence.

Section 2. Amendments to "Special Use Standards" (Title 19, Division IV) of the Sonoma Municipal Code establishing standards and requirements for all cannabis activities, including the personal cultivation of cannabis and commercial cannabis activities.

Section 19.50.032 is added to Chapter 19.50 to read as follows:

19.50.032 Cannabis Activities.

This section sets forth requirements for the establishment and operation of uses involving cannabis in zoning districts where they are allowed pursuant to Section 19.10.050 (Allowable Land Uses and Permit Requirements).

A. Personal, Indoor Cultivation. The indoor cultivation of medicinal and/or non-medicinal cannabis shall only be permitted on a parcel with an approved private residence and shall only be conducted within a Fully Enclosed and Secure Structure or within a residence. Such cultivation shall be in conformance with the following minimum standards:

1. The primary use of the parcel shall be for a residence. Cannabis cultivation is prohibited as a home occupation.
2. All areas used for cultivation of cannabis shall comply with Title 14 (Buildings and Construction) of the Sonoma Municipal Code, as well as applicable law, specifically including that the residence have: (1) a permanent connection to a public water source drawing water; and (2) a connection to a public sewer system, and there not exist: (1) unlawful or unpermitted surface drawing of water for such cultivation; and/or (2) illegal discharges of water from the parcel.
3. Indoor grow lights shall not exceed 1,000 watts per luminaire, and shall comply with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code. Lights shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.
4. The use of gas products (CO₂, butane, propane, natural gas, etc.) or generators for cultivation of cannabis is prohibited.

5. Any Fully Enclosed and Secure Structure or residence used for the cultivation of cannabis must have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that complies with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code.
6. A Fully Enclosed and Secure Structure used for the cultivation of cannabis shall be located in the rear yard area of the parcel and must maintain a minimum ten-foot setback from any parcel line and comply with all other applicable provisions of this Title. The yard where the Fully Enclosed and Secure Structure is maintained must be enclosed by a solid fence at least six feet in height. A Fully Enclosed and Secure Structure shall comply with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code.
7. Adequate mechanical locking or electronic security systems must be installed as part of the Fully Enclosed and Secure Structure or the residence prior to the commencement of cultivation.
8. Cannabis cultivation shall be limited to six cannabis plants per private residence, and as consistent with state law for qualified patients and caregivers, regardless of how many individuals reside at the private residence.
9. Medical cannabis shall only be cultivated by:
 - a) A qualified patient exclusively for his or her own personal medical use but who does not provide, donate, sell, or distribute medical cannabis to any other person and who can provide a written doctor's recommendation to the City; or
 - b) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides medical cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code Section 11362.765(c).
10. Nonmedical cannabis cultivation. For persons other than qualified patients or primary caregivers, all personal cultivation shall be conducted by persons twenty-one (21) years of age or older.
11. 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 cannabis cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing.
12. Indoor cultivation of cannabis shall only take place on impervious surfaces and shall be limited to a single location within the residence or the Fully Enclosed and Secure Structure.
13. From the ground level of a street, public right-of-way or adjoining parcel, there shall be no visible evidence whatsoever of cannabis cultivation occurring anywhere on the parcel.
14. Cannabis cultivation areas, whether in a Fully Enclosed and Secure Structure or inside a residence, shall not be accessible to persons under 21 years of age (unless the person

is a qualified patient or primary caregiver, in which case access is permissible by these persons but the cannabis can only be used for medicinal purposes).

15. Indoor cultivation may only be conducted by a full-time resident responsible for the cultivation. Written consent of the property owner to cultivate cannabis within the residence or in a Fully Enclosed and Secure Structure shall be obtained and shall be kept on the premises, and available for inspection by the building official or his/her designee. If there is more than one owner of the residence, all owners must have acknowledged, consented to and granted permission to the authorized grower for the cultivation. The written consent shall be dated and signed by the owner or owners of the residence. The written consent shall be valid for twelve (12) months from the signing of the written consent. If ownership of the residence changes during the twelve (12) month period after the previous owner or owners had granted permission for the cultivation, the authorized grower must obtain, with thirty (30) days of the change of ownership, a new permission statement from the new owner or owners of the residence. Upon request, the authorized grower shall provide the written consent from the owner or owners of the residence as proof that the owner or owners have acknowledged, consented to and granted permission to the authorized grower.
16. If cultivation occurs in a Fully Enclosed and Secure Structure, a 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. If cultivation occurs in a residence, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs.
17. The use of gas products (CO₂, butane, propane, natural gas, etc.) or generators to power any cultivation equipment is prohibited, except as an emergency back-up system. The use of extension cords in the cultivation room are likewise prohibited.
18. Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation of cannabis by tenants.
19. Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis.
20. Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in this Code.
21. The area of cultivation shall not adversely affect the health or safety of the occupants of the private residence or the parcel or any other property by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, mold, or other impacts, and shall not be maintained as to constitute a hazard due to use or storage of materials, processes, products or wastes.
22. The cannabis plants shall be in a locked space so to prevent access by children, visitors, casual passersby, vandals, or anyone not authorized to possess cannabis.
23. The following regulations apply to the disposal of cannabis waste on residential property:
 - (a) Cannabis and cannabis infused products must be disposed in a secure waste receptacle located on the residential property.

- (b) Cannabis plants and products must be rendered unusable and unrecognizable by grinding and incorporating cannabis waste with any non-consumable solid waste with a resulting mixture of at least 50 percent non-cannabis waste.

24. Cannabis cultivation except as conducted in full compliance with this section is strictly prohibited indoors.

B. Personal, Outdoor Cultivation. The outdoor cultivation of medicinal and/or non-medicinal cannabis is prohibited except when conducted in conformance with the following minimum standards:

1. A maximum of three (3) plants on no more than fifty (50) square feet in total per parcel with a private residence is allowed for outdoor cultivation of cannabis for personal use. The maximum number of plants and square footage established under this section shall be the maximum allowable under this Code regardless of the number of persons, qualified patients, and primary caregivers residing at the property. It is the desire of the City that any cultivation that may be necessary for medicinal uses in excess of the limits in this paragraph shall be conducted indoors in all cases. Accordingly, at no time may there be more than three (3) plants cultivated outdoors on any parcel. For the purposes of this section, the area used to cultivate cannabis shall be measured by the aggregate area of vegetative growth of live cannabis plants on the premises.
2. Outdoor cultivation may only be conducted by a full-time resident responsible for the cultivation. Written consent of the property owner to cultivate cannabis outdoors shall be obtained and shall be kept on the premises, and available for inspection by the building official or his/her designee. If there is more than one owner of the residence, all owners must have acknowledged, consented to and granted permission to the authorized grower for the cultivation. The written consent shall be dated and signed by the owner or owners of the residence. The written consent shall be valid for twelve (12) months from the signing of the written consent. If ownership of the residence changes during the twelve (12) month period after the previous owner or owners had granted permission for the cultivation, the authorized grower must obtain, with thirty (30) days of the change of ownership, a new permission statement from the new owner or owners of the residence. Upon request, the authorized grower shall provide the written consent from the owner or owners of the residence as proof that the owner or owners have acknowledged, consented to and granted permission to the authorized grower. All outdoor cultivation of cannabis may only occur on a parcel on which the private residence of the authorized grower is located. The authorized grower may only cultivate cannabis on one parcel.
3. Outdoor cultivation shall not occur in the front or side yards. All outdoor cultivation shall occur in the rear yard and be setback by a minimum of ten (10) feet from all parcel property lines.
4. All outdoor cultivation shall not be closer to an existing private residence on an adjoining parcel than to the private residence of the authorized grower on the parcel whereon the outdoor cultivation site is located.
5. All outdoor cultivation shall be screened with a solid fence from all public rights-of-way, private access easements, and exterior property lines of the parcel where the outdoor cultivation takes place to prevent any evidence of cultivation being visible at ground level from any adjoining properties, streets, public rights-of-way, school properties, or easements.

6. The parcel where the outdoor cannabis is cultivated shall not be located within one hundred (100) feet of any school, church, park, library, fairgrounds, child care center, youth-oriented facility or the boundary of any incorporated city. Such distance shall be measured in a straight line from the fence or other enclosure to the nearest boundary line of the premises upon which the school, church, park, child care center, or youth-oriented facility is located. For the purposes of this article, a youth-oriented facility is any facility used for and predominantly occupied by individuals under eighteen (18) years of age, including (but not limited to) a boys or girls club, an indoor or outdoor soccer field, a little league baseball field, an amusement park, and a community swimming facility.
7. Exterior lighting systems shall be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress. Exterior lighting shall be stationary, fully shielded, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood. All exterior lighting shall comply with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code.
8. The area for the outdoor cultivation of cannabis shall not adversely affect the health or safety of the occupants of the parcel or any other property by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, mold, or other impacts, and shall not be maintained so as to constitute a hazard due to use or storage of materials, processes, products or wastes.
9. All outdoor cultivation must be in accordance with applicable state and local regulations; Any accessory structures in which outdoor cultivation occurs shall fully comply with all permit requirements and other applicable provisions of the California Building Standards Code as adopted and amended by Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code.
10. It is hereby declared to be unlawful, a public nuisance and a violation of this Code for any person owning, leasing, occupying, or having charge or possession of any parcel within the City of Sonoma to cause or allow such parcel to be used for the outdoor cultivation of cannabis, unless the person is authorized by state law to grow cannabis, and such authorized grower is in compliance with all requirements of this section.
11. A public nuisance may also be deemed to exist, if such activity produces: (1) odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public; (2) repeated responses to the parcel or residence from enforcement officers; (3) a repeated disruption to the free passage of persons or vehicles in the immediate neighborhood; (4) excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public; or (5) any other impacts on the neighborhood which are disruptive of normal activity in the area.
12. Outdoor cultivation shall not occur on parcels with multifamily dwellings or in mobile home parks.

Section 3. Amendments to "Zones and Allowable Uses" (Title 19, Section 19.10.050) of the Sonoma Municipal Code.

Chapter 19.10 is hereby amended as set forth in Exhibit "A".

Section 4. Repeal.

The following ordinances are hereby repealed upon the date that this ordinance becomes effective: 1) Ordinance No. 08-017 "An Urgency Ordinance of the City Council of the City of Sonoma Extending a Temporary Moratorium (Except Under Certain Circumstances) on the Indoor Cultivation of Nonmedicinal Cannabis (Second Extension)"; 2) Ordinance No. 07-017 "An Urgency Ordinance of the City Council of the City of Sonoma Extending a Temporary Moratorium on the Outdoor Cultivation of Nonmedicinal Cannabis (Second Extension)" and 3) Ordinance No. 12-017 "An Urgency Ordinance of the City Council of the City of Sonoma Extending a Temporary Moratorium (Except Under Certain Circumstances) On the Indoor and Outdoor Cultivation of Medicinal Cannabis and All Commercial Cannabis Activities (Except Medicinal Deliveries) and Approving a Report of the Conditions Leading to the Adoption of the Ordinance" limited, however, to those sections or portions of those sections of Ordinance No. 12-017 that apply to non-commercial cultivation of medicinal cannabis including, but not necessarily limited to, Sections 2(C) and (D), 3(D), 4, and any other sections, or portions of sections, to the extent that they are in conflict with this Ordinance.

Section 5. Environmental Findings

This ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the environmental regulations of the city. Planning Department staff has determined that the adoption and implementation of the ordinance is eligible for Class 4 and 5 categorical exemptions for minor alterations in the condition of land and/or vegetation and minor changes in land use limitations and will not have a significant environmental impact. This is so because cultivation is limited indoors to existing residential structures or fully enclosed and secure structures, the latter of which can be built in backyards but because only up to 6 plants can be cultivated therein, it is not anticipated such structures will be large or require significant changes to the landscape or other improvements. The ordinance is exempt from the environmental review requirements of CEQA pursuant to Sections 15304 and 15305 of Title 14 of the California Code of Regulations. Planning Department Staff has also determined that the ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption and implementation of the ordinance to prohibit commercial cannabis activity except for the delivery of medicinal cannabis to qualified patients and/or their primary caregivers will have a significant effect on the environment because there is reliable evidence that there already exist cannabis delivery businesses operating within the city and that primary caregivers are providing medicinal cannabis to qualified patients within the city. Planning Department Staff has also determined that this ordinance is exempt under CEQA as a Class 1 exemption (CEQA Guidelines sec. 15301) as a minor alteration of existing residential structures, for this ordinance permits cultivation of up to 6 cannabis plants under certain conditions, which said conditions may result in fencing and other minor improvements to be built on or in private residences. But the erection of such improvements is already permitted under existing laws and city regulations or involves alterations and improvements such as interior electrical conveyances or similar interior or exterior facilities and features that entail negligible or no expansion of an existing use. Additionally, permitting up to 6 cannabis plants to be grown on a private residence is not significantly different from the landscaping and indoor plant maintenance that occupants of private residences are already permitted to perform on residential properties and, as such, does not constitute an expansion of use within the contemplation of the Class 1 CEQA exemption and is otherwise exempt under CEQA Guidelines section 15304. The City Council has reviewed Planning Department Staff's determination of exemption, and based on its own independent judgment, concurs with Staff's determination of exemption. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Sonoma in accordance with CEQA Guidelines.

Section 6. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Sonoma hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 7 Posting.

The City Clerk shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

Section 8. Effective Date.

This ordinance shall become effective thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this 1st day of October 2018.



Mayor

ATTEST:



Rebekah Barr, City Clerk

State of California)
County of Sonoma)
City of Sonoma)

I, Rebekah Barr, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on October 1, 2018 by the following vote:

AYES: **COOK, EDWARDS, HARRINGTON, HUNDLEY, AGRIMONTI**
NOES:
ABSENT:



Rebekah Barr, City Clerk

EXHIBIT A

Amendments to “Zones and Allowable Uses” (Title 19, Section 19.10.050) of the Sonoma Municipal Code.

A. Table 2-1 (Residential Uses and Permit Requirements) is hereby amended as follows:

<i>Allowed Uses and Permit Requirements for Residential Districts (1)</i>			<i>Permit Required by District (2)</i>				<i>P</i>	<i>Use permitted</i>		
							<i>UP</i>	<i>Use Permit required</i>		
							<i>L</i>	<i>License required</i>		
							<i>—</i>	<i>Use not allowed</i>		
<i>Land Use (1)</i>	<i>R- HS</i>	<i>R-R</i>	<i>R-L</i>	<i>R-S</i>	<i>R-M</i>	<i>R-H</i>	<i>R-O</i>	<i>R-P</i>	<i>Specific Use Regulations</i>	
<i>Residential Uses (2)</i>										
<i>Duplex</i>	<i>—</i>	<i>—</i>	<i>UP</i>	<i>P</i>	<i>P</i>	<i>UP</i>	<i>UP</i>	<i>—</i>		
<i>Emergency Shelters</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>UP</i>	<i>UP</i>	<i>UP</i>	<i>—</i>	<i>19.50.033</i>	
<i>Home Occupation</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>19.50.035</i>	
<i>Live/Work Facilities</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>UP</i>	<i>—</i>	<i>—</i>	<i>—</i>		
<i>Mobile Home Park</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>UP</i>	<i>19.50.035</i>	
<i>Multi-family Dwelling (Four or fewer units)</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>UP</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>—</i>		
<i>Multi-family Dwelling (Five or fewer units)</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>UP</i>	<i>UP</i>	<i>UP</i>	<i>P</i>	<i>—</i>		
<i><u>Personal Indoor Cannabis Cultivation</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>19.50.032.A</u></i>	
<i><u>Personal Outdoor Cannabis Cultivation</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>P</u></i>	<i><u>19.50.032.B</u></i> <i><u>(Prohibited if multifamily dwelling or mobile home)</u></i>	
<i>Residential Accessory Structures</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>		
<i>Residential Care Homes, Six or fewer clients</i>	<i>—</i>	<i>—</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>—</i>	<i>—</i>	<i>—</i>		
<i>Residential Care Homes, Seven or more clients</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>UP</i>	<i>—</i>	<i>—</i>	<i>—</i>		

Single-Family Dwellings	P	P	P	P	P	UP	—	—	19.50.035
Supportive Housing (3)	P	P	P/UP	P/UP	P/UP	P/UP	—	—	
Transitional Housing (3)	P	P	P/UP	P/UP	P/UP	P/UP	—	—	

B. Table 2-2 (Commercial Uses and Permit Requirements) is amended as follows:

Allowed Uses and Permit Requirements for Commercial Zoning Districts (1)	Permit Required by District (2)		P Use permitted UP Use Permit required L License required — Use not allowed
	C	CG	
Land Use	C	CG	Specific Use Regulations
<i>Residential Uses (4)</i>			
Emergency Shelters	UP	UP	19.50.033
Live/Work Facilities	UP	UP	19.50.050
Multi-family Dwelling (Four or fewer units)	UP	UP	
Multi-family Dwelling (Five or fewer units)	UP	UP	
<u>Personal Indoor Cannabis Cultivation</u>	<u>P</u>	<u>P</u>	<u>19.50.032.A</u>
<u>Personal Outdoor Cannabis Cultivation</u>	<u>P</u>	<u>P</u>	<u>19.50.032.B</u> <u>(Prohibited if multifamily dwelling or mobile home)</u>
Single Room Occupancy Housing	UP	—	
Supportive Housing	UP	UP	
Transitional Housing	UP	UP	
Notes: 1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses. 2. New residential developments subject to the City's Growth Management Ordinance (SMC 19.94). 3. Supportive and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as single-family is permitted in the R-HS, R-R, RL and RS residential zones, whereas Supportive and Transitional housing structured as multi-family is limited to the RM and RH residential zones and the Mixed Use Zone. 4. <u>Personal cultivation of cannabis (Indoor and Outdoor) only allowable in conjunction with residential use subject to SMC 19.50.032.</u>			

C. Table 2-3 (Mixed Uses and Permit Requirements) is amended as follows:

Allowed Uses and Permit	Permit Required by District	P	Use permitted
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<i>Requirements for Mixed Use Zoning Districts (1)</i>	(2)	UP Use Permit required L License required — Use not allowed
<i>Land Use</i>	MX	<i>Specific Use Regulations</i>
<i>Residential Uses (4)</i>		
<i>Emergency Shelters</i>	UP	19.50.033
<i>Live/Work Facilities</i>	UP	19.50.050
<i>Multi-family Dwelling (Four or fewer units)</i>	P	
<i>Multi-family Dwelling (Five or fewer units)</i>	UP	
<i>Personal Indoor Cannabis Cultivation</i>	P	19.50.032.A
<i>Personal Outdoor Cannabis Cultivation</i>	P	19.50.032.B (Prohibited if multifamily dwelling or mobile home)
<i>Residential Care Homes, Seven or more clients</i>	UP	
<i>Single-Family Dwellings</i>	P (5)	
<i>Supportive Housing, four or fewer units</i>	P	
<i>Supportive Housing, five or more units</i>	UP	
<i>Transitional Housing, four or fewer units</i>	P	
<i>Transitional Housing, five or more units</i>	UP	
<p><i>Notes:</i></p> <ol style="list-style-type: none"> 1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses. 2. New development in the Mixed Use zone shall include a residential component unless waived by the planning commission through use permit review (see SMC 19.10.020(C)). 3. Uses within these categories are allowed only if the planning commission finds that the use will not result in the encroachment of incompatible commercial uses within an established residential area. 4. New residential developments subject to the city's growth management ordinance. 5. Limited to a single residence on an existing lot of record; otherwise, use permit approval is required. 6. <u>Personal cultivation of cannabis (indoor and outdoor) only allowable in conjunction with residential use subject to SMC 19.50.032.</u> 		

D. Table 2-4 (Special Purpose Uses and Permit Requirements) is hereby amended as follows:

<i>Allowed Uses and Permit Requirements for Special</i>	<i>Permit Required by District</i>	P Use permitted UP Use Permit required
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Purpose Zoning Districts					L —	License required Use not allowed
Land Use (1)	A	Pk	P	W	Specific Use Regulations	
<i>Residential Uses (2)</i>						
<i>Agricultural Employee Housing</i>	<u>P</u>	=	=	=		
<i>Caretaker and Employee Housing</i>	UP	UP	UP	UP		
<i>Emergency Shelters, 15 or fewer beds</i>	—	—	UP P	—		19.50.035
<i>Emergency Shelters, 16 or more beds</i>	—	—	UP	—		
<u><i>Personal Indoor Cannabis Cultivation</i></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>19.50.032.A</u>
<u><i>Personal Outdoor Cannabis Cultivation</i></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>19.50.032.B</u> <i>(Prohibited if multifamily dwelling or mobile home)</i>
<i>Residential Accessory Structures and Uses</i>	P	—	—	—		19.50.035
<i>Single-Family Dwellings</i>	P	—	—	—		19.50.035
<i>Supportive Housing</i>	—	—	UP	—		
<i>Transitional Housing</i>	—	—	UP	—		
<p>Notes:</p> <p>1. See Section 19.10.050.C regarding uses not listed. See Division VIII for definitions of the listed land uses.</p> <p>2. New residential developments subject to the City's Growth Management Ordinance (SMC 19.94).</p> <p>3. <u>Personal cultivation of cannabis (indoor and outdoor) only allowable in conjunction with residential use subject to SMC 19.50.032.</u></p>						