

## Proposed Changes to the ILUDC Chapter 4

Black text = original ordinance text

Red Text = changes already agreed to by the Planning Commission

Purple Text = Implemented Planning Commission Direction & Consultant Recommended Changes

### 18.42.055 Commercial Cannabis Cultivation

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) Commercial Cannabis Cultivation shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code and requirements imposed by Chapter 9.30 of the Municipal Code and any required State licenses prior to operation.

B. **Definitions.** Definitions of the Commercial Cannabis Cultivation facilities regulated by this Section are in Article 10 (Definitions) under “Cannabis.”

C. **Standards for Commercial Cannabis Cultivation.** A Minor Use Permit for Commercial Cannabis Cultivation shall be approved, if it complies with the following standards:

1. **Additional Permits and Licenses Required.** A cannabis storefront retail business shall obtain a cannabis business permit subject to Chapter 9.30 of the Municipal Code and any required state licenses prior to operation.
2. **Operational requirements.** Operational requirements may include project specific conditions of approval, the requirements set forth in Chapter 9.30, and the following operational requirements:
  - a. **Employees.** The cannabis operator shall maintain a current register of the names of all employees and shall disclose such register for inspection by any City officer or official for purposes of determining compliance with the requirements of this Section and/or any project specific conditions of approval prescribed in the Minor Use Permit.
  - b. **Visitors.** Only employees, managers, owners, and government agency representatives are allowed in non-retail areas of the business. ~~Any other visitors to non-public areas must be documented in a log.~~
  - c. **Utilities.** Commercial cannabis cultivation shall use the best available technologies for water systems and water recycling and are encouraged to use an alternate source of water from the City’s potable water system. Commercial cannabis cultivators shall use energy efficient lighting and equipment. A cannabis cultivator shall provide proof of the utility provider’s ability to provide reliable power to the cultivation site. Electricity must be exclusively provided by a renewable energy source(s), including but not limited to: 1) documented grid power supplied from a 100% renewable source, or 2) on-site renewable energy system.
  - d. **Environmentally Friendly Practices.** Cultivation projects shall use environmentally friendly practices, including integrative pest management and waste reduction.
  - e. **Odor.** Cannabis cultivations shall use the best available technology to ensure odors are not detected on adjacent or nearby property or areas open to the public.
3. **Accessory uses to commercial cultivation.** As defined in Article 10, certain accessory uses are permissible with Minor Use Permit approval, including: Retail Delivery and Cannabis Retail.

## 18.42.057 Cannabis Retail

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) Cannabis Retail shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code and requirements imposed by Chapter 9.30 of the Municipal Code and any required State licenses prior to operation.

B. **Definitions.** Definitions of the Cannabis Retail facilities regulated by this Section are in Article 10 (Definitions) under “Cannabis.”

C. **Standards for Cannabis Retail.** A Minor Use Permit for Cannabis Retail shall be approved if it complies with the following standards:

1. **Additional Permits and Licenses Required.** A cannabis storefront retail business shall obtain a cannabis business permit subject to Chapter 9.30 of the Municipal Code and any required state licenses prior to operation.
2. **Operation Requirements.**
  - a. **Odor.** Cannabis cultivations shall use the best available technology to ensure odors are not detected on adjacent or nearby property or areas open to the public.
  - b. **Hours of Operation.** Cannabis retail may operate between the hours of 9:00 a.m. to 9:00 p.m. up to 7 days per week unless the review authority imposes more restrictive hours due to the particular circumstances of the application. The basis for any restriction on hours shall be specified in the permit. Cannabis retail uses shall only be permitted to engage in delivery services during hours that the storefront is open to the public, unless the review authority permits delivery outside these hours.
  - c. **Lighting and Screening.** Projects that are on properties adjacent to residential properties shall comply with §18.30.050(F) and §18.30.070.
  - d. **On-Site Consumption.** The consumption of cannabis at a cannabis retail use or within the parking lot or public right-of-way are prohibited.
  - e. **Drive-through services.** Drive-through or walk-up window services in conjunction with cannabis retail are prohibited.
3. **Location Requirements.** In order to avoid the concentration of Cannabis Retail land uses and maintain the downtown commercial character, and compatibility with adjacent residential uses, A cannabis retail business shall **not** be:
  - a. Located within 150 feet of a school providing instruction in kindergarten or any grades 1 through 12, a child day care center or facility, a youth center as defined in the State of California Health and Safety Code Section 11353.1(e)(2) or a church. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school/youth center/day care facility/church to the closest property line of the lot on which the cannabis business is proposed.
  - b. Located east of the centerline of Franklin Avenue.
4. **Accessory Uses.** The primary use of a cannabis retail use shall be to sell products directly to on-site customers.
  - a. **Accessory Uses.** The following uses are permissible as accessory uses to Cannabis Retail. More than one accessory use is permissible however the combined accessory uses shall not exceed the total square footage of the primary use.
    - i. Central Business District & General Commercial zones: Office, Nursery (non-flowering) cultivation (area of not more than 100 SF) for on-site sales only; Retail Delivery; On-Site Distribution.

- ii. Highway Visitor Commercial: Office, Nursery (non-flowering) cultivation, Craft Cannabis Manufacturing – no volatile solvents permitted, Distribution, Wholesale, Retail Delivery, On-Site Distribution
- b. **Minor Use Permit Amendments.** If a permitted cannabis retail use chooses to provide an accessory use or services at a later date, an amendment to the Minor Use Permit shall be required.
- c. **Accessory Delivery.** Sales may also be conducted by delivery, subject to the requirements of Section 18.42.059:

## 18.42.059 - Cannabis Retail - Delivery Only

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) Cannabis Retail-Delivery shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code and requirements imposed by Chapter 9.30 of the Municipal Code and any required State licenses prior to operation.
- B. **Definitions.** Definitions of the Cannabis Retail-Delivery facilities regulated by this Section are in Article 10 (Definitions) under “Cannabis.”
- C. **Standards for Cannabis Retail-Delivery.** A Minor Use Permit for Cannabis Retail shall be approved if it complies with the following standards:
- D. **Operational requirements.** In addition to project specific conditions of approval and the requirements set forth in Chapter [9.30](#), cannabis retail - delivery only uses shall comply with the following operational requirements:
  - 1. Cannabis retail - delivery only uses shall comply with the same operational requirements applicable to cannabis retail uses ([section 18.42.057](#)).
  - 2. The application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set forth in Chapter [9.30](#), this Section, and State law.