

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.20, SECTION 16.20.020; CHAPTER 16.64, SECTION 16.64.040; CHAPTER 16.80, SECTION 16.80.195; AND CHAPTER 16.240, SECTION 16.240.020 RELATED TO THE CANNABIS REGULATORY PROGRAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

SECTION I: AMENDMENT OF CODE

Title 16, Chapter 16.20, section 16.20.020, Table 2-2 is amended to read as follows:

Chapter 16.20.020 ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

**TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
AGRICULTURAL AND RESOURCE-RELATED USES																
Agricultural activities & facilities	P											P	P		A	16.80.060
Cannabis Cultivation											C	C	C		C	
Conservation areas	L	L	L	L	L		L	L	L	L	L	L	L	L	L	
Mining											A	A	A	A		
BUSINESS AND PROFESSIONAL USES																
Banks and financial services					P	P	P	P	P	P			P			
Business support services						P	P	P	P	P		P	P			
Offices					P	A	P	P	P	P		A	P	L		16.80.240
INDUSTRY, MANUFACTURING & PROCESSING USES																
Electricity generating plants/ facilities other than nuclear											C	C	P	P		16.80.170
Electronics, equipment & appliance manufacturing											P	P	P			16.80.170
Fabric product manufacturing								P			P	P	P			16.80.170
Food and beverage product manufacturing								P			P	P	P			16.80.170
Furniture and fixtures manufacturing											P	P	P			16.80.170
Handcraft industries, small-scale manufacturing								P			P	P	P			16.80.170
Laundries and dry cleaning plants											P	P	P			16.80.170
Manufacturing																
Light											P	P	P			16.80.170
Heavy												A	P			16.80.170
Cannabis distribution											C	C	C			
Cannabis manufacturer (volatile and non-volatile)											C	C	C			
Cannabis, microbusiness											C	C				
Cannabis testing laboratory					P	P	P	P	P		P	P				

**TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Metal products fabrication, machine/welding shops											P	P	P			16.80.170
Petroleum storage and distribution												A	P			16.80.170
Printing and publishing								P		L	P	P	P	L		16.80.170
Recycling and waste facilities																
Collection facility							L	L	L		P	P	P	L		16.80.290
Redemption centers																
Major							C	C	C		C	C	C	C		16.80.290
Minor							A	A	A		A	A	A	A		16.80.290
Recycling facility												A	P	A		16.80.290
Scrap and dismantling yards												A	P			16.80.170
Transfer stations												C	P	A		16.80.290
Research & development (R&D)								A		L	P	P	P	L		16.80.170
Storage yards											P	P	P	L		16.80.170
Warehouses											P	P	P			16.80.170
Wholesaling and distribution								P			P	P	P			16.80.170
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES																
Activity centers	A	A	A	A	A	A	A	A	A	L			A	L	C	
Adult related establishments							P	P	P							16.80.030
Auditoriums, meeting halls, and theaters						P	P	P	P	L				L		16.24.080(B)(2), 16.24.090(B), 16.24.110(D), 16.24.180(D)
Bridge clubs and nongambling board games					P	P	P	P	P	L						
Card rooms							C	C	C	L						16.80.040 16.80.270
Clubs, lodges, and private meeting halls					P	P	P	P	P	L	P		P	A		
Commercial amusement facilities						A	A	A	A	A	A					
Educational facilities																
Academic schools—Private	A	A	A	A	A		A	A	A							
Academic schools—Public	P	P	P	P										P		
Colleges and universities—Private		C			C											
Equipment repair and maintenance training						-	P	P		A	P			L		
Specialized education and training					A	A	P	P	P	A	P		P	L		
Vehicle repair and maintenance training								P		A	P	P	P	L		

**TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Truck and heavy equipment education and training											P	P	P	L		
Equestrian facilities	C										A	A		L	C	
Golf courses/country clubs	C	C	C	C	C		A	A			A		P	L	A	
Indoor recreation facilities							A	A	A	A	A		P	L		
Libraries and museums		C	C	C	P	P	P	P	P	P	P			L	A	
Live entertainment						P	P	P	P					P		16.80.180
Marinas							C	C			C		A	A		
Outdoor assembly facilities							A	A	A					L		
Outdoor commercial recreation facilities							C	C	C	C	C			A		
Parks and playgrounds	P	P	P	P	P	P	P	P						P	P	
Pool halls/billiard parlors						-		C	C	L						16.80.040 16.80.270
Private entertainment facilities						-	C	C	C		C					
Private residential recreation facilities	A	A	A	A												16.80.030 16.80.270
Recreational vehicle parks							A	A			A			L		
Religious facilities	A	A	A	A	P	P	P	P	P	P	P			L		16.80.080
Studios					P	P	P	P	P	L						

RESIDENTIAL USES

Caretaker and employee housing					P	P	P	P	P	P	P	L	L	L	L	
Dwelling group			P	P		P		P						L		
Duplexes		P	P	P				P						L		16.24.040
Mobile home parks		A	A	A			A	A								16.80.210
Multifamily dwellings			P	P	P	P	P	P						L		16.80.220
Organizational houses				A				A								
Residential care facilities																
Assisted living facilities	A		C	P	P	P	P	P						L		16.80.300
Care homes, 6 or fewer clients		P	P	P				P						P		
Family care homes, 7 or more clients	C			C				C						L		16.80.300
Senior care facilities, 7 or more clients			A	A	A			A						L		16.80.300
Rooming and boarding houses				A				A						L		
Senior residential projects			P	P	P	P	P	P						L		16.80.220
Single-family dwellings	P	P	P	P				P						L		
Townhouses		A	P	P	P	P	P	P						L		
Triplexes			P	P				A						L		

RETAIL TRADE

Agricultural chemical sales						-					A	L	P			16.36.080
Alcoholic beverage sales						-										
Bars and nightclubs— On-sale						C	C	C	C							16.80.270

**TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Sale of alcohol—Off-sale						C	C	C	C				C	C		16.80.040
With another use—On-sale						L	L	L	L				L	L		
Artisan shops					P	P	P	P	P	L	P					
Auto and vehicle sales—New								L		P						16.24.120 16.80.070 16.80.330
Auto and vehicle sales—Used							L			A	L					16.24.120 16.80.070 16.80.330
Auto and vehicle leasing/rental							A	L		A	L					16.80.070
Auto parts sales						P	P	P	P	A						
Building material stores						A	P	L	P		P					16.80.330
Construction, farm & heavy equipment sales							A			A	P	P	P			16.80.330
Convenience stores						C	C	C	C							16.80.040 16.80.140 16.80.270
Furniture, furnishings, and appliance stores					C	P	P	P	P	P	P					16.80.330
Mobile home sales										A	P					16.80.330
Nurseries and garden supply stores	A				C	A	P	P	P	P	P					16.80.330
Outdoor retail sales and activities								A	A		A					16.80.260
Pet shops						P	P	P	P							
Recreational vehicle & boat sales—New/used								L		A	L					16.80.330
Restaurants					P	P	P	P	P	P			P			16.80.250
Retail stores					P	P	P	P	P	P	P		P			16.80.330
Secondhand stores/pawn shops							A	A	A							
Shopping centers																
Neighborhood							P	P								16.80.330
Community							P	P								16.80.330
Regional								P	P							16.80.330
Warehouse retail stores							C	C	C							16.80.330

SERVICES

Adult day care facilities					P	P	P	P	P				A	L		
Animal services																
Kennel and boarding facilities	A				A						A	A				
Pet grooming	A				A	P	P	P	P	L						
Training facilities	A				A		L	L		L	L	L				
Veterinary clinics and animal hospitals	A				A	C	P	P	P	P	P					16.80.370
Auto/vehicle services																

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ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Car washes							A	A	A	P	A		P			
Fueling stations						A	L	L	L	P	L		P			16.80.320 16.80.340
Inoperable vehicle storage											L	L				
Maintenance/minor repair						A	P	P	P	P	P	P	P			16.80.320
Major repair/body work										P	P	P	P			16.80.340
Parking facilities		C	C	C	A	A	P	P	P	P	P		P	L		16.64.080
Vehicle storage								L		P	P	P	P	P	L	
Cannabis Retailer Storefront					C	C	C	C	C		C	C				
Child care facilities																
Child care centers	C	C	C	C	P	P	P	P	P	P			P	P		16.80.100
Large family child care homes	A	A	A	A	A	A	A	A						A		16.80.100
Small family child care homes	P	P	P	P	P	P	P	P						P		
Equipment rental								L	P	A	P		P			
Funeral facilities and services																
Cemeteries		C	C	C	C		C	C		C	C	C		C	C	
Mortuaries							C	C		C	A	A		A		
Funeral homes					A	A	A	A		A						
Health/fitness facilities						P	P	P	P	L						
Lodging facilities																
Bed and breakfast		C	C	C	P	P	P	P						A		16.80.090
Extended-stay facilities							P	P	P							
Single room occupancy facilities (SROs)							A	A								
Hotels and motels					P		P	P	P				P			
Massage establishment																16.80.190
State certified					P	P	P	P	P							
Non-certified						C	C	A	A							
Medical services																
Ambulance service					A		P	P	P	L	P		P	L		
Clinics and laboratories					P	P	P	P	P	L			P	L		
Extended care	C	C	C	P	P		P	P						L		
Health-related					P	P	P		P					A		16.80.190
Hospitals					C		C	C						C		
Medical-related facilities					P	P	P	P	P					P		
Non-Storefront Operator Permit (Delivery only)					A	A	A	A	A		A	A				
Personal services—Restricted						C	C	A	A							
Personal services—Unrestricted						P	P	P	P				P			

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ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	
Personal storage facilities (mini-storage)							A		L	L	P	P	P			16.80.200
Repair services						P	P	P	P	P	P					
Sanitary services											C	A	P	L		16.36.080
Social services facilities																
Drug abuse, alcohol recovery/treatment facility					A		A	A						A		
Feeding centers								C			C	C		A		
Emergency shelters				C	C		C	C			P	P		P		16.80.155
TRANSPORTATION AND COMMUNICATION USES																
Broadcasting studios						P	P	P	P	A	P	P	P	L		
Communications facilities																
Minor		E	E	E	P		P	P	P	P	P	P	P	P	P	Ch. 16.44
Major					A		A	A	A	A	A	P	P	A		Ch. 16.44
Transit stations and terminals							C	C			C	C	P	C		
Vehicle and freight terminals											P	P	P			
OTHER USES																
Live-work space					P	P	P	P	P		P					
Major impact facilities												C	C	C		
Motion picture production								P			P	P	P			
Multi-use facilities					P	P	P	P	P		A	A	P			16.80.230
Public and semipublic utility facilities	A	A	A	A	A	A	P	P	P	L	P	P	P	L		
Public institutions	C	C	C	C	C	C	C	C	C		C	C	L	L		
Signs—Off-premises							E	E	E		E	E	E	E		16.76.110

Key: P = Use permitted L = Land development permit required A = Administrative use permit required
C = Commission use permit required E = Use not allowed, except under special circumstances
Empty box = Use not allowed

Notes: See Section 16.20.020 for an explanation of the table and each land use permit requirement.

A use permit shall be required of any new commercial, industrial, institutional, or accessory use, or major addition that involves the manufacture, storage, handling, or processing of hazardous materials in compliance with Section 16.36.080 (Hazardous materials).

See Division 8 for definitions of the listed land uses.

Home occupations require a home occupation permit (Chapter 16.132).

(Ord. 2018-09-18-1502 § 19; Ord. 2017-12-05-1503 C.S. § 3; Ord. 2016-06-28-1503-01 § II; Ord. 2016-05-24-1605 § IV; Ord. 2016-04-12-1602 § II; Ord. 2016-01-26-1601 C.S. § 2; Ord.

2014-07-29-1601 C.S. § 2; Ord. 2014-05-20-1601 C.S. § 2; Ord. 2013-12-17-1601 C.S. § 1; Ord. 2013-12-17-1210 C.S. § 2; Ord. 2013-07-30-1603-01 C.S. § 2; Ord. 2012-08-14-1602-02 C.S. § 1, eff. 9-13-12; Ord. 2012-04-10-1601 C.S. § 1; Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 013-10 C.S. § 1, eff. 9-23-10; Ord. 011-10 C.S. § 1, eff. 8-26-10; Ord. 015-09 C.S., eff. 12-3-09; Ord. 014-09 C.S. § 2, eff. 11-5-09; Ord. 011-08 C.S. § 2; Ord. 001-08 C.S. § 1; Ord. 023-07 C.S. §§ 5, 6; Ord. 018-071 C.S. § 1; prior code § 16-220.020)

SECTION II: AMENDMENT OF CODE

Title 16, Chapter 16.64.040, Table 3-9 is amended read as follows:

**TABLE 3-9
PARKING REQUIREMENTS BY LAND USE**

Uses	Number of Spaces Required	
AGRICULTURAL AND RESOURCE-RELATED USES		
Agricultural activities and facilities	None	
	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
Cannabis Cultivator Operator	1/250	<u>1/2,000 for storage, employee break rooms, equipment rooms, offices, and circulation corridors</u>
Conservation area	Per land development permit	
Mining	Per use permit	
BUSINESS AND PROFESSIONAL USES		
	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
All uses listed under “Business and Professional Uses” on Table 2-2	1 st 50,000 sq. ft.—1/200	_____
	Portion over 50,000 sq. ft.—1/500	
INDUSTRY, MANUFACTURING & PROCESSING USES		
	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
All uses listed under “Industry, Manufacturing & Processing Uses” on Table 2-2, except for the following:	Up to 50,000 sq. ft. of floor area—1/500	Offices/sales over 5,000 sq. ft.—1/250 sq. ft.
	50,001 to 100,000 sq. ft.—100 spaces plus 1/1,000 for area over 50,000 sq. ft.	
	100,001 to 500,000 sq. ft.—150 spaces plus 1/2,000 for area over 100,000 sq. ft.	

Uses	Number of Spaces Required	
Cannabis Distributor Operator	<u>1/2,000</u>	<u>Offices over 5,000 sq.ft. – 1/250</u>
Cannabis Manufacturer (volatile and non-volatile)	<u>1/2,000</u>	<u>Offices over 5,000 sq.ft. – 1/250</u>
<u>Cannabis Microbusiness (by subtype)</u>		<u>*1/2,000 for storage, employee break rooms, equipment rooms, offices, circulation corridors, cultivation and manufacturing areas</u>
RDC	<u>1/250"</u>	
RDM	<u>1/250"</u>	
RCM	<u>1/250"</u>	
DCM	<u>1/2,000</u>	
Cannabis Testing Laboratory	<u>1/1,000</u>	<u>Offices over 5,000 sq.ft. – 1/250</u>
Laundries and dry cleaning plants	1/1,000	Offices/sales over 5,000 sq. ft.— 1/250 sq. ft.
	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
Research and development (R&D)	1/500	Offices/sales over 5,000 sq. ft.— 1/250 sq. ft.
Storage yards	————	2/facility + 1/250 sq. ft. of office
Warehouses	1 st 500,000 sq. ft. of floor area—1/2,000	Offices/sales over 5,000 sq. ft.— 1/250 sq. ft.
	Portion over 500,000— 1/4,000	
Wholesaling and distribution	1 st 500,000 sq. ft. of floor area—1/2,000	Offices/sales over 5,000 sq. ft.— 1/250 sq. ft.
	Portion over 500,000— 1/4,000	

RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES

	Gross Floor Area Space(s)/ sq. ft.	Fixed Seats	Other/Additional Spaces
		(24" = 1 seat)	
All uses listed under "Recreation, Education, and Public Assembly Uses" on Table 2-2, except for the following	1/50	OR 1/4	————

Uses	Number of Spaces Required		
Auditoriums, meeting halls, and theaters			
Cinemas	_____	1/4	4/screen
Bridge clubs and non-gambling board games	_____	_____	4/table
Card rooms/poolhalls/billiard parlors			
Card rooms	_____	_____	4/table
Poolhalls	_____	_____	2/table
Commercial amusement facilities	1/250		_____
Dancehalls— Dance floor areas	1/50		_____
Educational facilities			
Colleges and universities	_____	_____	1/classroom + 0.75 per each student in the largest shift on site at one time
Public and private elementary and secondary schools	_____	_____	2/classroom
Public and private high schools	_____	_____	2/classroom + 1/6 per each student in the largest shift on site at one time
Equipment repair and maintenance training; vehicle repair and maintenance training	_____	_____	2/classroom + 1 per each student in the largest shift on site at one time
Specialized education and training; vocational and technical schools	_____	_____	2/classroom + 1 per each student in the largest shift on site at one time
Equestrian facilities	_____	_____	1/5 horses
Golf courses/country clubs	_____	_____	6/hole + 1 per clubhouse/ ancillary over 3,000 sq. ft.
Golf driving ranges	_____	_____	1/tee
Indoor recreation facilities			
Bowling alleys	_____	_____	4/lane + ancillary
Skating	1/100 of rink area	_____	

Uses	Number of Spaces Required		
Tennis/racquet ball/handball or other courts	_____	_____	3/court + ancillary
Libraries and museums	1/500	_____	
Marinas	_____	_____	1/ 2 berths + ancillary
Dry storage	_____	_____	.75/boat space
Outdoor assembly facility	Per use permit		
Outdoor commercial recreation facilities	_____	_____	Per use permit
Parks and playgrounds	_____	_____	Per director
Recreational vehicle parks	_____	_____	2 for manager + 4 for employee/guests
Studios	1/250	_____	

RESIDENTIAL

	Space(s)/Unit or other criteria	Guest Parking
Caretaker and employee housing	1 covered/unit	_____
Duplexes	2 covered/unit	_____
Dwelling group	2 covered/unit	_____
Mobilehome parks	1/mobilehome	1/4 units
Multifamily dwellings	1½/unit	1/4 units
Downtown	1/unit	_____
Organizational houses	1/bed	1/6 beds
Residential care facilities		
All, except care homes (6 or less)	1/5 beds	1/10 beds
Care homes, 6 or more	2/house in enclosed garage	1/10 beds
Rooming and boarding houses	1 per 2 beds	_____
Senior residential projects	1 covered/2 units	1/10 units
Single-family dwellings	2/house in enclosed garage	_____
Townhouses	2 covered/unit	_____

Uses	Number of Spaces Required	
Triplexes	2/unit (at least 1 covered)	_____

RETAIL TRADE

	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
All uses listed under "Retail Trade" on Table 2-2, except for the following:	1/250	_____
Alcoholic beverage sales		
Bars and nightclubs with dancing or live entertainment	1/150	_____
Auto and vehicle sales—New	1/2,000 sq. ft. of outdoor sales and storage area	
Auto and vehicles sales—Used	1/2,000 sq. ft. of outdoor sales and storage area	
Auto and vehicle leasing/rental	1/2,000 sq. ft. of outdoor sales rental and storage area	
Convenience stores	1/150	_____
Furniture, furnishings, and appliance stores	1st 5,000 sq. ft.—1/500	_____
	Over 5,000 sq. ft.—1/1,000	
Nurseries and garden supply stores	1/250	1/2,000 sq. ft. outdoor sales and storage
Restaurants		
Table service	1/200	_____
Fast food/take out	1/100	_____
With dancing or live entertainment	1/150	
Shopping centers		
Regional (400,000 sq. ft. or more)	1/200 up to 400,000 sq. ft. + 1/250 over 400,000	_____

SERVICES

	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
All uses listed under "Service" on Table 2-2, except for the following	1st 50,000 sq. ft.—1/200	_____
	Over 50,000 sq. ft.—1/500	

Uses	Number of Spaces Required	
Adult day care facilities	1/500	2 spaces for drop off
Animal services		
Kennels and boarding facilities	1/500	1/800 boarding area
Grooming	1/400	_____
Training facilities	1/500	_____
Auto/vehicle services		
Car washes—Full service	_____	3 spaces/wash lane; Separate parking for ancillary uses
Car washes—Self-service	_____	1 space
Fueling stations	1/400	_____
Inoperable vehicle storage	_____	2/facility
Maintenance/minor repair	1/400	_____
Major repair/body work	1/400	_____
Parking facilities, public	_____	None
Vehicle storage, other than marinas	1/200 of office	2/facility
Auto Rental	1/400	1/rental space
Cannabis Retailer – Non-Storefront (delivery only)	<u>1/250</u>	<u>1/2,000 for storage, employee break rooms, equipment rooms, offices, and circulation corridors</u>
Cannabis Retailer - Storefront	<u>1/250</u>	<u>1/2,000 for storage, employee break rooms, equipment rooms, offices, and circulation corridors</u>
Child care		
Child day care centers	_____	1/employee + drop-off space

Uses		Number of Spaces Required
Large family child care homes	_____	Per Section 16.64.070(B)(1)(b)(7)
Small family child care homes	_____	_____
Equipment rental	1/250	_____
Funeral services		
Cemeteries	_____	Per use permit
Mortuaries	1/50	OR 1/4 fixed seats
Health/fitness facilities	1/250	Ancillary activities as otherwise designated
Lodging facilities		
Bed and breakfast	_____	1/room + 1 for manager
Extended-stay facilities	_____	1/guest room + 4 + ancillary
Single room occupancy facilities (SRO)	_____	1/2-space/guest room
Hotels and motels	_____	1/guest room + 4 + ancillary
Medical services		
Extended care	_____	1/2-space/bed
Hospitals	_____	2/bed
Personal services		
Restricted	1/250	_____
Unrestricted	1/250	_____
Repair services	1/250	_____
Social services facilities	_____	Per use permit
Transitional housing		1/2 beds
Storage facilities		
Personal storage facilities (mini-storage)	_____	4 spaces

TRANSPORTATION AND COMMUNICATION USES

	Indoor Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
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Uses	Number of Spaces Required	
Broadcasting studios	1/200 indoor space	_____
Communication facilities	_____	1 space
Transit stations and terminals	1/250 indoor space	
Vehicle and freight terminals	1/250 indoor space	1/bay

OTHER USES

	Gross Floor Area Space(s)/sq. ft.	Other/Additional Spaces
Live/work facilities	_____	2 covered/unit + 1/unit for customer or guest
Major impact facilities	_____	Per use permit
Motion picture production	1/500 indoor space	Ancillary use requirements
Multi-use facilities	_____	Aggregate of requirements for specific uses in the multi-use
Public institutions	1/200	_____
Public and semi-public utility facilities	_____	1 space
Signs—Off-premises	_____	_____

(Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. § 8; Ord. 023-07 C.S. §§ 44, 45; prior code § 16-345.040)

SECTION III: AMENDMENT OF CODE

Title 6, Chapter 16.80, Section 16.80.195 is amended to read as follows:

16.80.195 Cannabis business Types— Commission Use Permitting.**A. Retailer Operator Permit (Retailer Operator) – Land Use Process.**

- Eligible Applicants.** To apply for a Commission Use Permit, a Retailer Operator Permit Applicant must first be selected from either the general pool or equity pool after submitting an intent to apply. Refer to Section 16.80.195 (K).
- Commission use permit required.** A Commission use permit is required to sell medical or adult-use cannabis at a retail location.
- Operators Permit required.** After acquiring a Commission use permit, a Retailer Operator Permit Applicant must obtain and maintain at all times a valid cannabis Operators permit as required by Chapter 5.100. An Operators permit is required whether the Retailer intends on selling medical and/or adult-use cannabis.

4. **Zoning Districts.** A Retailer Operator Permit shall only be issued for property located in Commercial, office (CO), Commercial, Neighborhood (CN), Commercial, General (CG), Commercial Downtown (CD), Commercial, Large-Scale (CL), Industrial, General (IG) or Industrial, Limited (IL) zones, as indicated in Table 2-2. They are also allowed in the Mixed Use (MX) zone.

5. **Location requirements.** The following location requirements apply to all Retailer Operator Permits.

- a. No Retailer Operator Permit shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other cannabis business or site having a valid use permit for a cannabis business; microbusinesses shall not apply this provision to the other approved cannabis activities co-located at their location (as permitted by BPC §26070).
- b. No Retailer Operator Permit shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;
- c. No Retailer Operator Permit shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility;
- d. No Retailer Operator Permit shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any park or school, K-12.
- e. The Review Authority may, however, waive these location requirement as provide in Chapter 16.176, consistent with applicable State location restrictions.

Only those uses established and in operation as of the date that the application for a Retailer Operator Commission use permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.

6. **Conditions of approval.** The Planning Commission may address development and operational standards through conditions on the commission use permit as it is determined to be necessary or appropriate for the cannabis retailer operator commission use permit under consideration; provided, that conditions shall not conflict with the provisions of 5.100, relating to operating requirements of Retailer Operator Permit and shall be subordinate to conditions placed on the Retailer Operator permit issued under Chapter 5.100.

7. **Parking.** Off-street parking shall be provided as required under Chapter 16.64.040, Table 3-9.

8. **Application.** The application for a commission use permit for a Retailer Operator Permit shall include a floor plan, site plan, neighborhood context map, and a security and lighting plan. The Director may also require more and/or different information, at his or her discretion.

9. **Pre-existing cannabis dispensaries—Nonconforming.** No Retailer Operator Permit operating or purporting to operate without a valid business license and commission use permit prior to the adoption of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of this

code, nor shall the operation of such dispensary be deemed a legal nonconforming use under this Title 16.

10. Additional grounds for revocation of Retailer Operator Permit

Commission use permit. In addition to the grounds stated in Section 16.108.030(B) for revocation of a commission use permit, a commission use permit for a Retailer Operator may be revoked on either of the following grounds in accordance with the procedure under Section 16.108.030(A):

- a. The Retailer Operator Permit is operated in a manner that violates any of the provisions of State law or this code; or
- b. The Retailer Operator Permit does not have a valid Retailer Operator permit in accordance with Chapter 5.100.

11. Adult-use sales. Existing Retailer Operator Permits in possession of a valid, active commission use permit, may also sell adult-use cannabis by-right with a valid amendment to their Retailer Operator Permit in accordance with Chapter 5.100.

B. Non-storefront Operator Permit (delivery only) – Land Use Process.

1. **Administrative use permit required.** An Administrative Use Permit is required to establish and operate a Non-storefront Cannabis Delivery business.
2. **Operator permit required.** After acquiring an Administrative Use Permit, the Non-storefront Operator (delivery only) must obtain and maintain a valid Cannabis Business Operators permit as required by Chapter 5.100.
3. **Zoning Districts.** A Non-storefront Operator Permit (Delivery only) shall only be issued for property located within the Commercial, office (CO), Commercial, neighborhood (CN), Commercial, general (CG), Commercial, downtown (CD), Commercial, large-scale (CL), Industrial, Limited (IL), and Industrial, General (IG) as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.
4. **Location Requirements.** The following location requirements apply to all Non-storefront Operators (Delivery only).
 - a. No Non-storefront Operator (delivery only) shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, or any existing residential zone.
 - b. No Non-storefront Operator (delivery only) shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any children center, child care, in-home (family day care home), religious facility, drug abuse, or alcohol recovery/treatment facility, or theater;
 - c. No Non-storefront Operator (delivery only) shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any park or school, K-12;
 - d. All Non-storefront Operators (delivery only) must be located within a fully-enclosed building and the interior of the building must not be visible from the public right-of-way.
 - e. Only those uses established and in operation as of the date that the application for a Cannabis Non-Storefront Operator (delivery only) administration use permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.

- f. The Review Authority may, however, waive these location requirements as provided in Chapter 16.176, consistent with applicable State location restrictions.
5. **Conditions of approval.** The administrator may address development and operational standards through conditions on the administrative use permit as it determined to be necessary or appropriate for the Non-Storefront Operator Permit (delivery only) administrative use permit under consideration; provided, that these conditions do not conflict with provisions of Chapter 5.100 relating to operating requirement of Non-Storefront Operators (delivery only) sites and shall be subordinate to conditions placed on the Cannabis Operators Permit issued under Chapter 5.100.
6. **Parking.** Off-street parking shall be provided as required under Chapter 16.64.040, Table 3-9.
7. **Application.** The application for an administrative use permit for a Non-Storefront Operator site shall include a floor plan, site plan, neighborhood context map, and a security and lighting plan. The Director may also require more and/or different information, at his or her discretion.
8. **Pre-existing Cannabis Non-storefront Operator (Delivery only) sites – Nonconforming.** No Non-storefront Operator (Delivery only) operating or purporting to operate without a valid business license and administrative use permit prior to the adoption of the ordinance codified in this section, shall not be deemed, to have been a legally established use under the provision of this code, nor shall the operation of such non-store front (delivery only) operation site be deemed a legal nonconforming use under this Title 16.
9. **Additional grounds for revocation of Cannabis Non-Storefront Operation (delivery only) site administrative use permit.** In addition to the grounds stated in Section 16.108.030(B) for revocation of an administrative use permit, an administrative use permit for a Non-Storefront Operator (delivery only) may be revoked on either of the following grounds in accordance with the procedure under Section 16.108.030(A)L
 - a. The Non-storefront Operator is operated in a manner that violates any of the provisions of State law or this code; or
 - b. The Non-storefront Operator does not have a valid cannabis operator permit as required by Chapter 5.100.
- C. **Cultivator Operator Permit Application (Cultivator Operator).**
 1. **Eligible Applicants.** To apply for a Cultivator Commission Use Permit, an applicant must first be selected from either the general pool or equity pool after submitting an intent to apply. Refer to Section 16.80.195 (K)
 2. **Commission use permit required.** A commission use permit is required to establish or operate a cannabis Cultivation Operation.
 3. **Adult-use cannabis cultivation.** A permitted medical cannabis cultivation site is allowed to grow adult-use cannabis by-right.
 4. **Self-Distribution.** At the time this code goes into effect, active Cultivator Operators shall be permitted to engage in self-distribution by-right.

5. **Non-Volatile Manufacturing.** At the time this code goes into effect, active Cultivator Operators shall be permitted to engage in non-volatile manufacturing by-right.
 6. **Operators permit required.** After acquiring a commission use permit, a cannabis cultivation site must obtain and maintain at all times a valid cannabis operators permit as required by Chapter 5.100.
 7. **Zoning Districts.** A Cultivator Operator Permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), Port (PT), or Open Space (OS), as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.
 8. **Location requirements.** The following location requirements apply to all cannabis cultivator operator.
 - a. No cannabis cultivation site shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other Cultivator Operator; microbusinesses shall not apply this provision to the other approved cannabis activities co-located at their location (as permitted by BPC §26070).
 - b. No Cultivator Operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;
 - c. No Cultivator Operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, child care, in-home (family day care home), religious facility, drug abuse, alcohol recovery/treatment facility, or theater;
 - d. No Cultivator Operator shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any park or school, K-12;
 - e. All Cultivator Operators must be located within a fully-enclosed building and the interior of the building must not be visible from the public right-of-way.
 - f. The Review Authority may, however, waive these location requirements as provided in Chapter 16.176, consistent with applicable State location restrictions.
- Only those uses established and in operation as of the date that the application for a Cultivator Operator Commission Use permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.
9. **Limit on growth square footage.** The cumulative area of total canopy size on the premises of a Cultivator Operator shall not exceed 22,000 square feet.
 10. **Conditions of approval.** The Planning Commission may address development and operational standards through conditions on the commission use permit as it is determined to be necessary or appropriate for the Cultivator Operator Commission Use permit ; provided, that conditions do not conflict with the provisions of Chapter 5.100 relating to operating requirements of Cultivator Operator and shall

be subordinate to conditions placed on the Cultivator Operator permit issued under Chapter 5.100.

11. **Parking.** Off-street parking shall be provided as required under Chapter 16.64.040, Table 3-9 .

12. **Application.** The application for a Commission Use permit for a Cultivator Operator shall include a floor plan, site plan, neighborhood context map, and a security and lighting plan. The Director may also require more and/or different information, at his or her discretion.

13. **Pre-existing cannabis cultivation sites—Nonconforming.** No Cultivator Operator operating or purporting to operate without a valid business license and Commission Use permit prior to the adoption of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such cultivation site be deemed a legal nonconforming use under this Title 16.

14. **Additional grounds for revocation of Cultivator Operator Commission Use permit.** In addition to the grounds stated in Section 16.108.030(B) for revocation of a Commission Use permit, a Commission Use permit for a Cultivator Operator may be revoked on either of the following grounds in accordance with the procedure under Section 16.108.030(A):

- a. The Cultivator Operator is operated in a manner that violates any of the provisions of State law or this code; or
- b. The Cultivator Operator does not have a valid cannabis operator permit as required by Chapter 5.100.

D. Volatile Manufacturer Operator Permit Applicant (Volatile Manufacturer Operator)

1. **Eligible Applicants.** To apply for a Volatile Manufacturer Operator Commission Use Permit, an Applicant must first be selected from either the general pool or equity pool after submitting an intent to apply. Refer to Section 16.80.195(K).
2. **Commission use permit required.** A commission use permit is required to engage in commercial volatile manufacturing of cannabis.
3. **Operators permit required.** After acquiring a Commission Use Permit, a Volatile Manufacturer Operator must obtain and maintain at all times a valid Cannabis Operators Permit as required by Chapter 5.100.
4. **Zoning Districts.** A Volatile Manufacturer Operator Permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), or Port (PT) as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.
5. **Location requirements.** The following location requirements apply to all cannabis Volatile Manufacturers.
 - a. No Volatile Manufacturer Operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, or any existing residential zone;

- b. No Volatile Manufacturer Operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, child care, in-home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility;
 - c. No Volatile Manufacturer Operator shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, or any park or school, K-12.
 - d. Only those uses established and in operation as of the date that the application for a Volatile Manufacturer Operator Commission Use Permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.
 - e. The Review Authority may, however, waive these location requirements as provided in Chapter 16.176, consistent with applicable State location restrictions.
- 6. **Conditions of approval.** The Planning Commission may address development and operational standards through conditions on the Commission Use Permit as it is determined to be necessary or appropriate for the Volatile Manufacturer Operator Commission Use permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100, relating to operating requirements of Volatile Manufacturer Operator and shall be subordinate to conditions placed on the Cannabis Operators Permit issued under Chapter 5.100.
- 7. **Parking.** Off-street parking shall be provided as required under Chapter 16.64.040, Table 3-9.
- 8. **Application.** The application for a Commission Use Permit for a Volatile Manufacturer Operator shall include a floor plan, site plan, neighborhood context map, and a security and lighting plan. The Director may also require more and/or different information, at his or her discretion.
- 9. **Pre-existing cannabis volatile manufacturers – Non-conforming.** No Volatile Manufacturer Operator operating or purporting to operate without a valid business license and Commission Use Permit prior to the adoption of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such manufacturing be deemed a legal non-conforming use under this Title 16.
- 10. **Additional grounds for revocation of Volatile Manufacturer Operator Commission Use Permit.** In addition to the grounds stated in Section 16.108.030(A):
 - a. The cannabis Volatile Manufacturer Operator is operated in a manner that violates any of the provision of State law or this code; or
 - b. The Volatile Manufacturer Operator does not have a valid cannabis manufacturer operators permit required by Chapter 5.100.

E. Non-volatile Manufacturer Operator Permit Applicant (Manufacturer Operator)

1. **Commission use permit required.** A commission use permit is required to engage in commercial non-volatile manufacturing of cannabis.
 - a. At the time this code goes into effect, active Cultivator Operators shall be permitted to engage in non-volatile manufacturing by-right.
2. **Operators permit required.** After acquiring a Commission Use Permit, a Non-Volatile Manufacturer Operator must obtain and maintain at all times a valid Cannabis Operators Permit as required by Chapter 5.100.
3. **Zoning Districts.** A Non-volatile Manufacturer Operator Permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), or Port (PT) as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.
4. **Location requirements.** The following location requirements apply to all cannabis Non-volatile Manufacturers.
 - a. No Non-Volatile Manufacturer Operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, or any existing residential zone;
 - b. No Non-Volatile Manufacturer Operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, child care, in - home (family day care home), religious facilities, drug abuse, or alcohol recovery/treatment facility;
 - c. No Non-Volatile Manufacturer Operator shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, or any park or school, K-12.
 - d. Only those uses established and in operation as of the date that the application for a Non-Volatile Manufacturer Operator Commission Use Permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.
 - e. The Review Authority may, however, waive these location requirements as provided in Chapter 16.176, consistent with applicable State location restrictions.
5. **Conditions of approval.** The Planning Commission may address development and operational standards through conditions on the Commission Use Permit as it is determined to be necessary or appropriate for the Non-Volatile Manufacturer Operator Commission Use permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100, relating to operating requirements of Non-Volatile Manufacturer Operator and shall be subordinate to conditions placed on the Cannabis Operators Permit issued under Chapter 5.100.
6. **Parking.** Off-street parking shall be provided as required under Chapter 16.64.040, Table 3-9.

7. **Application.** The application for a Commission Use Permit for a Non-Volatile Manufacturer Operator shall include a floor plan, site plan, neighborhood context map, and a security and lighting plan. The Director may also require more and/or different information, at his or her discretion.
8. **Pre-existing cannabis non-volatile manufacturers – Non-conforming.** No Non-volatile Manufacturer Operator operating or purporting to operate without a valid business license and Commission Use Permit prior to the adoption of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such non-volatile manufacturing be deemed a legal non-conforming use under this Title 16.
9. **Additional grounds for revocation of a Non-Volatile Manufacturer Operator Commission Use Permit.** In addition to the grounds stated in Section 16.108.030(A):
 - a. The cannabis Non-Volatile Manufacturer Operator is operated in a manner that violates any of the provision of State law or this code; or
 - b. The Non-Volatile Manufacturer Operator does not have a valid cannabis non-volatile manufacturer operators permit required by Chapter 5.100.

F. Distributor Operator Permit Applicant (Distributor Operator)

1. **Commission Use Permit required.** A commission use permit is required to establish or operate a Distributor Operator Permit, except as otherwise noted for existing cannabis cultivations.
2. **Operators permit required.** After acquiring a Commission Use Permit, Distributor Operators must obtain and maintain at all times a valid Cannabis Operators Permit as required by Chapter 5.100.
3. **Zoning Districts.** A Distributor Operator Permit shall only be issued for property located within the Industrial, Limited (IL), Industrial, General (IG), or Port (PT) as indicted in Table 2-2. They are also allowed in Mixed Use (MX) zones.
4. **Location requirements.** The following location requirements apply to all Distributor Operator.
 - a. No Distributor Operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential one;
 - b. No Distributor Operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, child care, in-home (family day care home), religious facility, drug abuse, or alcohol recovery/treatment facility, or thereafter,
 - c. No Distributor Operator shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any park or school, K-12.

- d. All Distributor Operator must be located within a fully-enclosed building and the interior of the building must not be visible from the public right-of-way.
 - e. Only those uses established and in operation as of the date of the application for a Distributor Operator Commission Use Permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.
 - f. The Review Authority may, however, waive these location requirements as provided in Chapter 16.176, consistent with applicable State location restrictions.
- 5. **Conditions of approval.** The Planning Commission may address development and operational standards through conditions on the Commission Use Permit as it is determined to be necessary or appropriate for the Distributor Operator Commission Use Permit under consideration; provided, that conditions shall not conflict with the provisions of Chapter 5.100 relating to operating requirements of Distributor Operator sites and shall be subordinate to conditions placed on the Cannabis Distributor operators permit issued under Chapter 5.100.
- 6. **Parking.** Off-street parking shall be provided as required under Chapter 16.64.040, Table 3-9.
- 7. **Application.** The application for a Commission Use Permit for a Distributor Operator site shall include a floor plan, site plan, neighborhood context map, and a security and lighting plan. The Director may also require more and/or different information, at his or her discretion.
- 8. **Pre-existing cannabis distributor sites-Nonconforming.** No Distributor Operator operating or purporting to operate without a valid business license and Commission Use Permit prior to the adoption of the ordinance codified in this section, shall not be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such cultivation site be deemed a legal nonconforming use under this Title 16.
- 9. **Additional grounds for revocation of Cannabis Distributor site commission use permit.** In addition to the grounds stated in Section 16.108.030(B) for revocation of a commission use permit, a commission use permit for a Distributor Operator may be revoked on either of the following ground in accordance with the procedure under Section 16.108.030(A):
 - a. Distributor Operator site is operated in a manner that violates any of the provisions of State law or this code; or
 - b. The Distributor Operator site does not have a valid Cannabis Operators Permit as required by Chapter 5.100
- G. **Testing Laboratory Operator Permit Applicant (Testing Laboratory Operator)**
 - 1. **Land Use requirement.** Testing laboratories land use is allowed by-right. All other requirements set forth in this section must be met.

2. **Operators permit required.** The Testing Laboratory Operator must obtain and maintain a valid Cannabis Testing Facility operator permit as required by Chapter 5.100.
3. **Zoning Districts.** A Testing Laboratory Operator Permit shall only be issued for property located within the Commercial, office (CO), Commercial, neighborhood (CN), Commercial, General (CG), Commercial, downtown (CD), Commercial, large-scale (CL), Industrial, Limited (IL), or Industrial, General (IG), as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.
4. **Location requirements.** The following location requirements apply to all Testing Laboratory Operators.
 - a. No Testing Laboratory Operator shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, or any existing residential zone;
 - b. No Testing Laboratory Operator shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, child care, in-home (family day care homes), religious facility, drug abuse, or alcohol recovery/treatment facility, or thereafter;
 - c. No Testing Laboratory Operator shall be established or located within 1,000 feet, measured from the nearest property line of each of the affected parcels, of any park or school, K-12;
 - d. All Testing Laboratory Operator must be located within a fully-enclosed building and the interior of the building must not be visible from the public right-of-way.
 - e. Only those uses established and in operation as of the date that the application for a Cannabis Testing Laboratory Operator Commission Use Permit is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.
 - f. The Review Authority may, however, waive these location requirements as provided in Chapter 16.176, consistent with applicable State location restrictions.
5. **Parking.** Off-street parking shall be provided as required under Chapter 16.64.040, Table 3-9.
6. **Pre-existing Cannabis Testing Facility sites – Nonconforming.** No Testing Laboratory Operator operating or purporting to operate without a valid business license and operator permit prior to the adoption of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of this code, nor shall the operation of such testing site be deemed a legal nonconforming use under this Title 16.
7. **Additional grounds for revocation of Cannabis Testing Facility site by-right.** The land use rights for a Testing Laboratory Operator may be revoked on either of the following grounds:
 - a. The Testing Laboratory Operator is operated in a manner that violates any of the provisions of State law or this code; or

- b. The Testing Laboratory Operator does not have a valid testing cannabis operator permit as required by Chapter 5.100.

H. Microbusiness Operator Permit – Land Use Process.

1. **Use permits required.** Based on subtype, the following Use Permits are required to establish and operate a Microbusiness:

RDC		RDM	
Retailer or Retailer (Non-Storefront)	CUP AUP	Retailer or Retailer (Non-Storefront)	CUP AUP
Distributor or Distributor (Transport Only)	CUP CUP	Distributor or Distributor (Transport Only)	CUP CUP
Cultivation (less than 10,000 sq. ft.)	CUP	Manufacturer (Level 1, Type 6)	CUP
RCM		DCM	
Retailer or Retailer (Non-Storefront)	CUP AUP	Distributor or Distributor – Transport Only	CUP CUP
Cultivation (less than 10,000 sq. ft.)	CUP	Cultivation (less than 10,000 sq. ft.)	CUP
Manufacturer (Level 1, Type 6)	CUP	Manufacturer (Level 1, Type 6)	CUP

In the case of Microbusinesses only, the multiple Commission Use Permit application requirement shall be processed as a single Commission Use Permit application for review and approval by the Planning Commission.

Microbusinesses that include Retailer (storefront) and/or Cultivation types shall not be subject to Equity Program guidelines as provided in section 16.80.195.H of this Code.

2. **Operator permit required.** After acquiring the required Use Permits, the Microbusiness must obtain and maintain a valid Cannabis Operators permit as required by Chapter 5.100.

In the case of Microbusinesses only, a single Cannabis Business Operators permit application addressing all subtypes (as submitted by the applicant) shall be processed for review and approval by the Chief of Police.

3. **Zoning Districts.** A Microbusiness Permit shall only be issued for property located within the Industrial, Limited (IL) and Industrial, or General (IG) zones, as indicated in Table 2-2. They are also allowed in Mixed Use (MX) zones.
4. **Location Requirements.** The following location requirements apply to all Cannabis Microbusiness.
- No Microbusiness site shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other Microbusiness site.
 - No Microbusiness site shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other Cultivator Operator, Retailer Operator (storefront), or site having a valid use permit for a cannabis business. Should the Microbusiness include a Cultivator Operator and/or Retailer Operator as a

part of its subtype, this provision shall not apply to said Cultivator Operator and/or Retailer Operator.

- c. No Microbusiness shall be established or located within 300 feet, measured from the nearest property lines of each of the affected parcels, or any existing residential zone.
 - d. No Microbusiness shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any children center, child care, in-home (family day care home), religious facility, drug abuse, or alcohol recovery/treatment facility, or theater;
 - e. No Microbusiness be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any park or school, K-12;
 - f. In the case of Microbusinesses with Non-Storefront Operator (delivery only), Microbusiness must be located within a fully-enclosed building and the interior of the building must not be visible from the public right-of-way.
 - g. Only those uses established and in operation as of the date that the application for a Microbusinesses use permit(s) is determined or deemed to be complete shall be considered for purposes of determining whether the location requirements are met.
 - h. The Review Authority may, however, waive these location requirements as provided in Chapter 16.176, consistent with applicable State location restrictions.
5. **Conditions of approval.** The administrator may address development and operational standards through conditions on the administrative use permit as it determined to be necessary or appropriate for the Microbusinesses use permit(s) under consideration; provided, that these conditions do not conflict with provisions of Chapter 5.100 relating to operating requirement of Microbusinesses sites and shall be subordinate to conditions placed on the Cannabis Operators Permit issued under Chapter 5.100.
6. **Parking.** Off-street parking shall be provided as required under Chapter 16.64.040, Table 3-9.
7. **Application.** The application for a use permit for a Microbusinesses site shall include a floor plan, site plan, neighborhood context map, and a security and lighting plan. The Director may also require more and/or different information, at his or her discretion.
8. **Pre-existing Cannabis Microbusinesses sites – Nonconforming.** No Microbusinesses operating or purporting to operate without a valid business license and required use permit(s) prior to the adoption of the ordinance codified in this section, shall not be deemed, to have been a legally established use under the provision of this code, nor shall the operation of such Microbusinesses operation site be deemed a legal nonconforming use under this Title 16.
9. **Additional grounds for revocation of Cannabis Microbusinesses site use permit.** In addition to the grounds stated in Section 16.108.030(B) for revocation of a use permit, a use permit for a Microbusinesses may be revoked on either of

the following grounds in accordance with the procedure under Section 16.108.030(A)

- a. The Microbusinesses is operated in a manner that violates any of the provisions of State law or this code; or
- b. The Microbusinesses does not have a valid cannabis operator permit as required by Chapter 5.100.

- I. **Prohibition of Certain Cannabis Businesses.** The following cannabis businesses shall be prohibited in the City of Stockton:

Any cannabis business engaging in the sale of medical or adult-use cannabis or cannabis products at a location other than those permitted by a validly obtained Cannabis Operators Permit.

- J. **Prohibition of Outdoor Personal Cannabis Cultivation.**

1. Cannabis cultivation for personal use must be located inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure.
2. All cannabis cultivation for personal use within a private residence must be conducted in a manner that prevents cannabis plants from being visible from any street, sidewalk, or other place freely accessible by the public and prevents the odor of cannabis from permeating beyond the boundaries of the parcel or property where the indoor cultivation is occurring. (Ord. 2018-09-18-1502 § 20; Ord. 2017-11-07-1502 C.S. § 1; Ord. 2016-06-28-1503-01 § III; Ord. 2013-07-30-1603-01 C.S. § 2; Ord. 013-10 C.S. § 1, eff. 9-23-10)

- K. **Limited Cannabis Business Expansion Process: Equity Program**

1. The City shall create an equity program to aid those persons from economically disadvantaged communities that experience high rates of poverty.
2. To qualify to be an equity applicant, greater than 50% of the ownership, as determined by equity sharing, of the permit must be:
 - a. A resident of Stockton AND
 - b. One of the following: be an MBE/WBE business, live in an Opportunity Zone, live in the SB 535 Disadvantaged Area, or live in a HUD designated area.
3. On an annual basis, the City of Stockton shall allow for the following number of new permits for cannabis businesses:
 - a. Two (2) Retail Conditional Use Permits
 - b. Two (2) Cultivator Conditional Use Permits
 - c. Two (2) Volatile Manufacturer Conditional Use Permits
4. Permits shall be issued in the following manner:
 - a. Lottery System:
 - i. All applicants, equity and non-equity, shall annually submit an intent to apply with paperwork that proves that the applicant has identified property that meets all City locational criteria and zoning requirements. All applications for the year will be due by a date determined by the City.
 - ii. If the applicant wishes to be designated as an equity applicant, then they must submit paperwork establishing that over 50% of the business owners, as determined by equity sharing, meet the

requirements as listed. All applicants wishing to be designated as an equity applicant must do so at the time of submitting an intent to apply for a permit.

- iii. After closing the application process, the City will randomly select 1 (one) application from the general pool first for each of the following permit types: retail operator, cultivator operator, and volatile manufacturer operator. Then the City will randomly select 1 (one) application from the equity applicants for each of the following permit types: retail operator, cultivator operator, and volatile manufacture.
 - iv. All applications must show continual good faith efforts to obtain the permit or else communicate that he/she is no longer pursuing the application.
 - v. If the City determines that the application is not progressing, the City shall notify the applicant of the intent to deny the application and the required next steps for the applicant to rectify. The applicant shall have 30 days from the date of the issuance of the notification to meet the next steps, or the application shall be denied.
 - vi. If an application is denied or the Applicant decides not to pursue the application, the City shall select at random from the pool of applicants from which the denied or abandoned application was selected.
5. **Exemptions.** Testing laboratory, non-storefront retailer, distributor, microbusiness, and non-volatile manufacturer permits shall not be subject to the lottery system as described in this title. There are no limitations on the number of land-use permits allowed for said commercial cannabis business types.

SECTION IV: AMENDMENT OF CODE

Title 16, Chapter 16.240, Section 16.240.020 is amended to read as follows:

Annual State License. Shall mean an annual commercial cannabis business license issued by the California Bureau of Cannabis Control, California Department of Food and Agriculture, or California Department of Public Health.

Cannabis. Shall mean 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 shall also mean the separated resin, whether crude or purified, obtained from cannabis, "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 germinations. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

Cannabis Business. Shall mean a Cultivator Operator Permit, Distributor Operator Permit, Manufacturer Operator Permit, Non-Storefront Delivery Operator Permit, Retailer

Operator Permit, Testing Laboratory Operator Permit, or Microbusiness Operator Permit, issued by the City pursuant to this Chapter.

Cannabis Cultivation Operator Permit. Shall mean a license issued by the City to plant, grow, harvest, dry, cure, grade, or trim cannabis and that holds an authorized Annual State License with an A-License or M-License designation.

Cannabis Distributor Operator Permit. Shall mean a permit issued by the City to procure, sell, and transport cannabis and cannabis products to a person or persons who hold an authorized Annual State License with an A-License or M-License designation.

Cannabis Manufacturer Operator Permit. Shall mean a permit to conduct the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container to a person or persons who hold an authorized Annual State License with an A-License or M-License designation.

Cannabis Manufacturing site. Shall have the same meaning as set forth in Business and Professions Code Section 19300.5 (a-f) as the same may be amended from time to time.

Cannabis Non-Storefront Delivery Operator Permit. Shall mean a cannabis business that holds a valid retail Annual State License that delivers cannabis and cannabis products to customer from a licensed premise that is not accessible by or open to members of the public.

Cannabis Retailer Operator Permit. Shall mean a retail storefront permitted by the City where medical and/or adult-use cannabis products can be sold. For purposes of this chapter, “retailer operator permit” shall also include a cooperative. “Retailer Operator Permit” shall not include the following uses: (1) a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; (2) a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; (3) a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; (4) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; or (5) a residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

City. Shall mean the City of Stockton.

Code. Shall mean the Stockton Municipal Code.

Commercial Cannabis Activity. Shall mean the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products or any other activity provided for in this Code and in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Business and Professions Code, Division 10).

Medicinal and Adult-Use Cannabis Regulation and Safety Act or “MAUCRSA”. Shall mean Senate Bill 94, which passed June 2017, or Business and Professions Code, Division 10, which integrated Medical Cannabis Regulation and Safety Act (MCRSA) and Adult

Use of Marijuana Act (AUMA) to create a single regulatory system governing the medical and adult-use cannabis industry in California.

Microbusiness means a person holding a state license issued under paragraph (3) of subdivision (a) of California Business and Professions Code Section 26070. A microbusiness may act (in part or whole) as a retailer, distributor, manufacturer (Level 1), and cultivator (on an area less than 10,000 sq. ft.). A microbusiness must engage in at least three (3) of the following commercial cannabis business activities:

- A. Retailer or Retailer – Non-Storefront
- B. Distributor or Distributor – Transport Only
- C. Cultivation (less than 10,000 sq. ft.)
- D. Manufacturer (Level 1, Type 6)

“Microbusiness, Subtypes” means the four (4) different types of microbusiness combinations as permitted by state law, see “Microbusiness” above. The four (4) subtypes are:

RDC	RDM	RCM	DCM
Retailer or Retailer – Non-Storefront Distributor or Distributor – Transport Only Cultivation (less than 10,000 sq. ft.)	Retailer or Retailer – Non-Storefront Distributor or Distributor – Transport Only Manufacturer (Level 1, Type 6)	Retailer or Retailer – Non-Storefront Cultivation (less than 10,000 sq. ft.) Manufacturer (Level 1, Type 6)	Distributor or Distributor – Transport Only Cultivation (less than 10,000 sq. ft.) Manufacturer (Level 1, Type 6)

Self-Distribution. Shall mean distribution that is limited to cannabis product cultivated or manufactured onsite.

Testing Laboratory Permit. Shall mean a permit issued to a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products for medical and/or adult use that hold a valid Annual State License.

SECTION V: SEVERABILITY

If any of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end, the provisions of this act are severable.

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SECTION VI: EFFECTIVE DATE

The Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

CHRISTIAN CLEGG
Deputy City Manager
Interim City Clerk of the City of Stockton