

ORDINANCE # 04 - 2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE RELATING TO COMMERCIAL CANNABIS BUSINESSES AND TO PERMIT SUCH USES IN SPECIFIED ZONING DISTRICTS IN COORDINATION WITH THE ADOPTION OF A NEW COMMERCIAL CANNABIS ORDINANCE AMENDING TITLE 5 OF THE SONOMA MUNICIPAL CODE AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3), AND CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 26055(H)

THE CITY COUNCIL OF THE CITY OF SONOMA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings and Purpose.

A. The City of Sonoma, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California.

B. On November 8, 2016, California voters approved the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA"). The AUMA added Division 10 to the California Business and Professions Code, sections 26000, *et seq.*, which grants State agencies the authority to create, issue, renew, discipline, suspend, or revoke licenses for cannabis businesses. The AUMA provides that the State shall begin issuing licenses to cannabis businesses under Division 10 of the California Business and Professions Code by January 1, 2018. California Business and Professions Code section 26055(d) provides that a State licensing authority shall not approve an application for a State license for commercial non-medicinal cannabis activity if approval of the State license will violate the provisions of any local ordinance.

C. On June 27, 2017, the Governor signed into law Senate Bill 94 which repealed the MCRSA, included certain provisions of the MCRSA in the licensing provisions of the AUMA, and created a single regulatory scheme for both medicinal and non-medicinal cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). The MAUCRSA retains the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether commercial cannabis activity could occur in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that the MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the State, within that local jurisdiction. Furthermore, the MAUCRSA provides that a State licensing authority shall not approve an application for a State license for a business to engage in commercial cannabis activity if approval of the State license will violate the provisions of any local ordinance or regulation. The MAUCRSA requires that a State licensing authority begin issuing licenses to cannabis businesses beginning January 1, 2018.

D. On October 1, 2018, the City Council adopted Ordinance No. 05-2018 which regulates personal cultivation activities and commercial cannabis deliveries within the city; and

E. On March 4, 2019, the City Council directed staff to prepare an ordinance that regulates commercial cannabis activities in the City and to prepare accompanying resolutions if

necessary to implement its direction and also directed staff to present draft ordinances to the Planning Commission in order for it to provide the City Council the former's recommendations; and

F. On April 11, 2019 the Planning Commission conducted a study session on commercial cannabis regulations; and

G. On April 15, 2019, the City Council conducted a second study session and provided additional direction to staff to prepare any necessary documents to regulate commercial cannabis businesses within the City; and

H. All legal prerequisites to the adoption of this Ordinance have occurred.

SECTION 2. Section 19.50.032(c) of the Sonoma Municipal Code is hereby repealed.

SECTION 3. Section 19.92.020 of the Sonoma Municipal Code is hereby amended to add the following definitions thereto:

C. Definitions, "C".

Cannabis Delivery Permit

"Cannabis Delivery Permit" means a permit issued by the Chief of Police to a business allowing that business to deliver cannabis and cannabis products within the city limits of the City of Sonoma.

"Commercial cannabis activity" includes the possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in this chapter.

"Commercial cannabis business" means any business or operation which engages in medicinal or adult-use commercial cannabis activity.

D. Definitions, "D".

Dispensary - Cannabis

"Dispensary" means a business that holds a valid State License and conducts the retail sale of cannabis or cannabis products. "Dispensary" means the same thing as "Retail Cannabis Store."

Distribution - Cannabis

"Distribution" means the procurement, sale, and transport of cannabis and cannabis products between commercial cannabis businesses licensed by the State.

M. Definitions, "M".

Manufactured – Cannabis

"Manufactured cannabis" means (1) a cannabis product that has been (i) produced using infusion or other processes as permitted under a Type N State License or (ii) packaged or re-packaged as permitted under a Type P State License or (2) a cannabis product package that has been labeled or relabeled as permitted under a Type P State License.

Manufacturing Site

"Manufacturing site" means a location that (1) produces cannabis products by methods permitted under a Type N State License, (2) packages and/or repackages cannabis products under a Type P State License, (3) labels and/or re-labels cannabis product packages under a Type P State License, and (4) is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of Sonoma and a valid State License Type N or Type P, as the case may be .

N. Definitions, "N".

Non-Store Front Retail Business

"Non-Store Front Retail Business" means a non-storefront cannabis business that sells and delivers cannabis or cannabis products to customers from a premises that is not open to the public. While the business shall have a physical location within the City of Sonoma, all sales are conducted exclusively by delivery.

T. Definitions, "T".

Testing Laboratory – Cannabis

"Testing laboratory" means a business that holds a valid State License that offers or performs tests of cannabis or cannabis products and that is both of the following:

- (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
- (2) Licensed by the Bureau of Cannabis Control.

SECTION 4. Tables 2-1, 2-2, 2-3 and 2-4 set forth in Sonoma Municipal Code section 19.10.050 are amended to read as set forth in Exhibit "A".

SECTION 5. Section 19.10.060 is added to Chapter 19.10 of the Sonoma Municipal Code to read as follows:

19.10.0 60 Location of Commercial Cannabis Businesses.

Commercial cannabis businesses are required to locate outside of the areas delineated with and encompassed by the dash lines in Figures 1 through 4 below:

FIGURE – 1

Plaza Retail
Overlay District
(PROD)

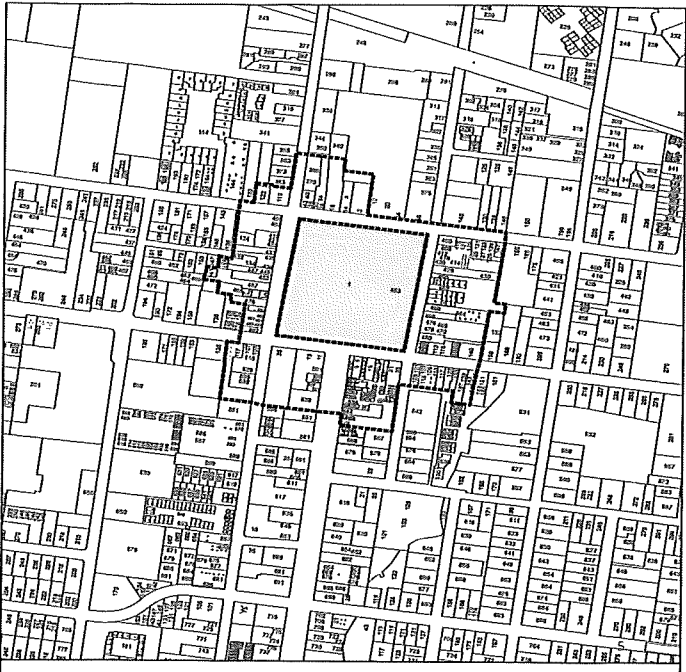


FIGURE - 2

600 Foot Buffer

Sonoma Valley
High School (9-12)

Adele Harrison
Middle School (6-8)

Prestwood
Elementary School
(PreK, K-5)

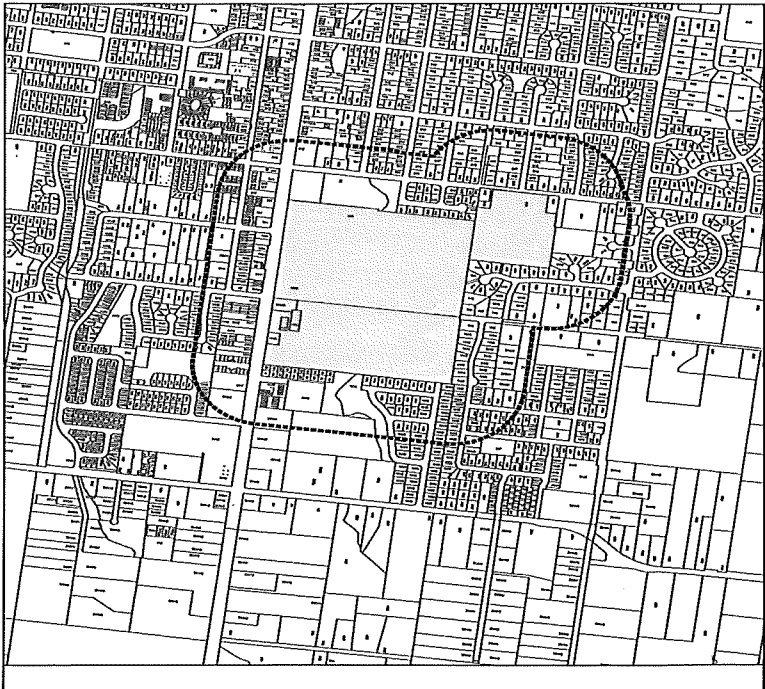


FIGURE - 3

Estimated
600 Foot Buffer
removing
Safeway, Sonoma Market and
Whole Foods Shopping Centers

Sassarini
Elementary School (K-5)

St. Francis
Solano School (K-8)

Soloquest
Learning Center (6-12)

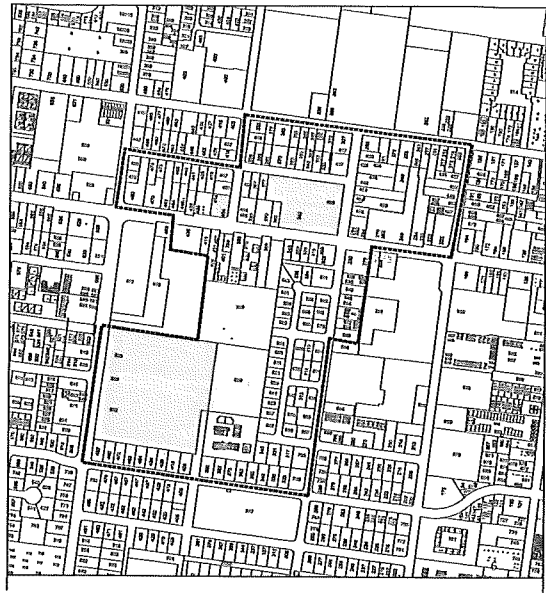
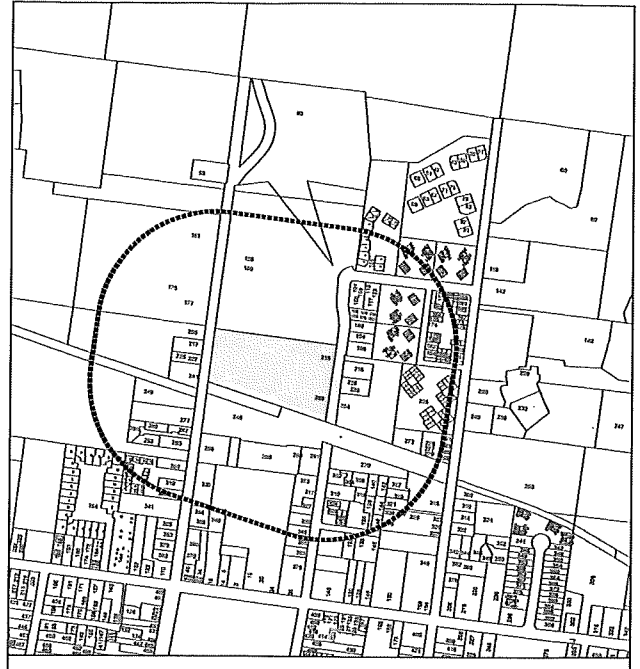


FIGURE - 4

600 Foot Buffer

Sonoma
Little League



SECTION 6. Section 19.82.060 is added to the Sonoma Municipal Code to read as follows:

19.82.060 Non-Conforming Commercial Cannabis Businesses.

The following shall apply to all non-conforming commercial cannabis businesses in the City.

1. Nonconforming commercial cannabis businesses may be continued subject to the following provisions, except as otherwise provided by subsection 3 below.

2. Nonconforming Uses of Land. A nonconforming commercial cannabis business use may be continued provided, that:

a. The use shall conform to all conditions of approval for any previously issued Use Permit, if any, and in all circumstances, the use shall not be enlarged, increased, extended to occupy a greater floor area or portion of the site or structure, than it lawfully occupied before becoming a nonconforming use; and no modifications to the business shall be permitted without the issuance of a Use Permit by the Planning Commission.

b. Additional uses on the site shall not be allowed unless the nonconforming use is first discontinued or made to conform, and any replacement use complies with all applicable provisions of this development code.

c. The use shall be operated in ongoing compliance with applicable requirements and licensing of the California Bureau of Cannabis Control (BCC), the California State Department of Food and Agriculture and the California State Department of Public Health.

d. Hours of operation of the commercial cannabis business shall be as set forth in any Use Permit conditions of approval or as otherwise provided in Chapter 5.36.

3. Loss of nonconforming status. If a nonconforming commercial cannabis business use is discontinued for a continuous period of sixty (60) calendar days, it shall be concluded that the use has been abandoned. Without further action by the city, further use of the site or structure shall comply with all the regulations of the applicable zoning district and all other applicable provisions of this development code. The owner of the property in which a non-conforming commercial cannabis business is located and the owner of the non-conforming commercial cannabis business, shall notify the City Clerk, on a form approved and provided by the City, and delivered to the City Clerk of the date that the commercial cannabis business use of any site or structure ceases for any period of time and the date that such use is re-established after a period of discontinuance. Such notice shall be delivered by personal delivery or certified mail, to the City Clerk no later than ten (10) days following the date that any commercial cannabis business use of any site or structure ceases. The failure to provide notice pursuant to this subsection shall result in a presumption that the discontinuance has been in effect for a continuous period in excess of sixty (60) calendar days.

SECTION 7. 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. City Planning staff has determined that the adoption and implementation of the Ordinance is exempt from environmental review in accordance with

Business and Professions Code section 26055(h), the exemption for the adoption of an ordinance that requires discretionary review of cannabis business permits. Additionally, approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions without any physical project being approved, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. As part of the review of any Proposal (defined and regulated pursuant to the companion ordinance adding Chapter 5.36 to the Sonoma Municipal Code) to establish and operate a cannabis business in the City, the City has the authority to determine the appropriate level of environmental review and should same be necessary, require the Proposer to conduct that review as a condition to the awarding of any entitlement or permit under these Ordinances. The City Council concurs in these findings and adopts them as its own. 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 8. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 9. Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

SECTION 10. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933(c)(1).

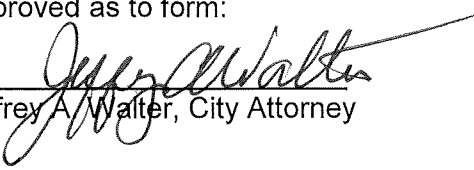
SECTION 11. This Ordinance Prevails Where There is Conflict. To the extent that this Ordinance conflicts with any other provision in the Sonoma Municipal Code or city ordinance (urgency or otherwise), policy or regulation, this Ordinance will control.

APPROVED:




Amy Harrington, Mayor

Approved as to form:



Jeffrey A. Walter, City Attorney

ATTEST:



Rebekah Barr, MMC, City Clerk

* * * * *

I HEREBY CERTIFY the foregoing ordinance was duly adopted at a Regular Meeting of the City Council of the City of Sonoma held on June 30, 2019 by the following vote:

AYES: **HARVEY, HUNDLEY, HARRINGTON**

NOES: **AGRIMONTI, COOK**

ABSENT:

ABSTAIN:

A handwritten signature in black ink, appearing to read "Rebekah Barr", is written over a horizontal line.

Rebekah Barr, MMC, 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 Use permitted UP Use Permit L License required — 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 Regulation s</i>
AGRICULTURE, RESOURCE AND OPEN SPACE USES									
Animal Keeping	P	P	UP	—	—	—	—	—	Chapter 8.08 SMC
Crop Production and Horticulture	P	P	UP	—	—	—	—	—	
Produce Stands for On-Site Production	P	P	UP	—	—	—	—	—	SMC 19.50.070
MANUFACTURING AND PROCESSING USES									
Existing Uses	—	—	—	—	—	—	—	—	SMC 19.82.020
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES									
Equestrian Facilities	UP	UP	—	—	—	—	—	—	
Parks and Playgrounds	P	P	P	P	P	P	P	—	
Religious Facilities	—	—	UP	UP	UP	UP	—	—	
Schools – Public and Private	—	—	UP	UP	UP	UP	—	—	
RESIDENTIAL USES (2)									
Commercial Cannabis Activities (except delivery services as indicated below)	=	=	=	=	=	=	=	=	19.50.032. C

<i>Cannabis Delivery Services (destination only)</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>19.50.032. C</i>
Duplex	—	—	UP	P	P	UP	UP	—	
Emergency Shelters	—	—	—	—	UP	UP	UP	—	SMC 19.50.033
Home Occupation	P	P	P	P	P	P	P	P	SMC 19.50.035
Live/Work Facilities	—	—	—	—	UP	—	—	—	
Mobile Home Park	—	—	—	—	—	—	—	UP	SMC 19.50.035
Multi-family Dwelling (Four or fewer units)	—	—	—	UP	P	P	P	—	
Multi-family Dwelling (Five or more units)	—	—	—	UP	UP	UP	P	—	
Personal Indoor Cannabis Cultivation (4)	P	P	P	P	P	P	P	P	SMC 19.50.032. A
Personal Outdoor Cannabis Cultivation (4)	P	P	P	P	P	P	P	P	SMC 19.50.032. B (Prohibited if multifamily dwelling or mobile home)
Residential Accessory Structures	P	P	P	P	P	P	P	P	
Residential Care Homes, Six or fewer clients	—	—	P	P	P	—	—	—	
Residential Care Homes, Seven or more clients	—	—	—	—	UP	—	—	—	
Single-Family Dwellings	P	P	P	P	P	UP	—	—	SMC 19.50.035
Accessory Dwelling Units	P	P	P	P	P	P	P	P	SMC 19.50.090

Accessory Dwelling Units, Junior	P	P	P	P	P	P	P	P	SMC 19.50.090
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	—	—	
RETAIL TRADE AND SERVICES									
Art, Antique, Collectible and Gift Sales	—	—	—	UP	—	—	—	—	
Artisan Shops	—	—	—	UP	—	—	—	—	
Bed and Breakfast Inns (B&Bs)	UP	UP	UP	—	—	—	—	—	SMC 19.50.030
Child Day Care Center	—	UP	UP	UP	UP	UP	UP	—	
Child Day Care: Small Family Day Care Home	—	UP	UP	UP	UP	UP	—	—	
Child Day Care: Large Family Day Care Home	—	—	UP	UP	UP	UP	UP	—	
General Retail	—	—	—	UP	—	—	—	—	
Governmental and Public Facilities	—	UP	UP	UP	UP	UP	UP	—	
Libraries and Museums	—	—	—	UP	—	—	—	—	
Medical Services – Extended Care	—	—	—	UP	UP	—	—	—	
Offices, Professional and Administrative	—	—	—	UP	—	—	—	—	
Personal Services	—	—	—	UP	—	—	—	—	
Restaurant	—	—	—	UP	—	—	—	—	
Senior Residential Care Facilities	—	—	—	—	UP	—	—	—	
Telecommunications Facilities, Commercial	See Chapter 5.32 SMC, Telecommunications Facility and Antenna Criteria								
SPECIAL PURPOSE USES									

Public Utility Facilities	—	—	—	—	—	—	—	—	
Public Utility Equipment	P	P	P	P	P	P	P	P	
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. Personal cultivation of cannabis (Indoor and Outdoor) only allowable in conjunction with residential use subject to SMC 19.50.032.									

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)		<i>P</i> Use permitted <i>UP</i> Use Permit required <i>L</i> License required <i>—</i> Use not allowed
	C	CG	
Land Use	C	CG	Specific Use Regulations
MANUFACTURING AND PROCESSING USES			
Artisans/Craft Product Manufacturing	UP	<i>UP</i>	
Food and Beverage Manufacturing	UP	<i>UP</i>	
Furniture/Fixtures Manufacturing, Cabinet Shops	UP	<i>UP</i>	
Recycling Facilities – Reverse Vending Machines	UP	<i>P</i>	
Recycling Facilities – Small Collection Facilities	UP	<i>UP</i>	
Research and Development (R&D)	UP	—	
Warehousing, Wholesaling and Distribution	UP	—	
RECREATION, EDUCATION, and PUBLIC ASSEMBLY USES			
Clubs, Lodges and Private Meeting Halls	—	<i>UP</i>	
Community Centers	UP	UP	
Health/Fitness Facilities	P	UP	

Indoor Amusement/Entertainment Facilities	UP	UP	
Libraries and Museums	P	P	
Nightclubs and Bars	UP	UP	
Outdoor Commercial Recreation	UP	UP	
Religious Facilities	P	—	
Schools – Specialized Education and Training	UP	UP	
Studios for Art, Dance, Music, Photography, Etc.	P	UP	
Theaters and Auditoriums	UP	UP	
RESIDENTIAL USES (4)			
Emergency Shelters	UP	UP	SMC 19.50.033
Live/Work Facilities	UP	UP	SMC 19.50.050
Multi-family Dwelling (Four or fewer units)	UP	UP	
Multi-family Dwelling (Five or more units)	UP	UP	
Personal Indoor Cannabis Cultivation (7)	P	P	SMC 19.50.032.A
Personal Outdoor Cannabis Cultivation (7)	P	P	SMC 19.50.032.B (Prohibited if multifamily dwelling or mobile home)
Single Room Occupancy Housing	UP	—	
Supportive Housing	UP	UP	
Transitional Housing	UP	UP	
RETAIL TRADE (3)			
Accessory Retail Uses	P	P	
Adult Business	UP	—	
Art, Antique, Collectible and Gift Sales	P	P	
Artisan Shops	P	UP	
Auto and Vehicle Sales/Rental	UP	—	
Building Material Stores	UP	UP	
Commercial Cannabis Activities (except delivery)	—	—	19.50.032.C

services as indicated below)			
<i>Cannabis Delivery Services (destination only)</i>	<i>P</i>	<i>P</i>	<i>19.50.032.C</i>
<u>Commercial Cannabis Activities (8):</u>			<u>SMC Chapter 5.36</u>
<u>Manufacturing</u>	<u>UP</u>	<u>=</u>	
<u>Non-store front retail</u>	<u>UP</u>	<u>=</u>	
<u>Store-front retail</u>	<u>UP</u>	<u>=</u>	
<u>Testing laboratory</u>	<u>UP</u>	<u>=</u>	
Drive-In and Drive Through Sales	UP	—	
Furniture, Furnishings and Equipment Stores	P	P	
General Retail	P	P	
Grocery Store	P	P	
Music Venue	L	L	SMC Chapter 5.34
Outdoor Retail Sales and Activities	UP	UP	
Plant Nurseries and Garden Supply Stores	P	P	
Restaurant	UP	UP	
Second Hand Stores	P	P	
Shopping Center	UP	UP	
Special Event Venue (6)	UP	UP	
Wine Tasting Facilities/Wine Bars	WTUP	WTUP	SMC 19.50.120
Tap Rooms	UP	UP	SMC 19.50.130
SERVICES			
Banks and Financial Services	P	P	
Bed and Breakfast Inns (B&Bs)	UP	UP	SMC 19.50.030
Business Support Services	P	UP	
Child Day Care Facilities	P	P	
Drive-In and Drive-Through Services	UP	—	
Equipment Rental	UP	—	
Governmental and Public Facilities	P	P	
Hotel or Motel	UP	UP	
Medical Services – Clinics, Offices, Laboratories	UP	UP	
Medical Services – Hospitals	UP	UP	

Mortuaries and Funeral Homes	UP	—	
Offices, Professional and Administrative	P	UP	
Personal Services	P	P	
Storage – Outdoor	UP	—	
Storage – Personal Storage Facility (Mini-Storage)	UP	—	
Telecommunications Facilities, Commercial	See Chapter 5.32 SMC, Telecommunications Facility and Antenna Criteria		
Auto Parts Sales	P	—	
Vacation Rental	—	—	SMC 19.50.110
Vehicle Services, Car Washes	UP	—	
Vehicle Services, Repair and Maintenance	UP	—	
Vehicle Services, Service Station	UP	—	SMC 19.50.100
Repair Services, for Consumer Products	P	UP	
SPECIAL CIRCUMSTANCES COMMERCIAL DEVELOPMENT			
Commercial Development, Large	UP	UP	Chapter 5.34 SMC
Development Adjacent to a Residential Zone (4)	UP	UP	
Formula Business, Small	P/UP (5)	P	SMC 19.50.035
Formula Business, Large	UP	UP	SMC 19.50.035
Formula Restaurant, Large	UP/– (6)	UP	SMC 19.50.035
Shopping Center, Reconfiguration	UP	UP	
SPECIAL PURPOSE USES			
Public Utility Facilities	—	—	
Public Utility Equipment	P	P	
Notes:			
<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 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. Defined as new commercial construction or an addition to an existing commercial building, having an area of 1,000 square feet or greater. 			

- 5. Use Permit required within the historic overlay zone
- 6. Prohibited in /P Plaza Retail District. See SMC 19.50.035.
- 7. Personal cultivation of cannabis (indoor and outdoor) only allowable in conjunction with residential use subject to SMC 19.50.032.
- 8. **No commercial cannabis activity may occur in these zoning districts unless and until a commercial cannabis business permit has been issued for that activity under Chapter 5.36.**

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

Allowed Uses and Permit Requirements for Mixed Use Zoning Districts (1)	Permit Required by District (2)	<i>P</i> <i>UP</i> <i>L</i> <i>—</i>	<i>Use permitted</i> <i>Use Permit required</i> <i>License required</i> <i>Use not allowed</i>
Land Use	MX		<i>Specific Use Regulations</i>
MANUFACTURING AND PROCESSING USES (3)			
Artisans/Craft Product Manufacturing	UP		
Food and Beverage Manufacturing	UP		
Furniture/Fixtures Manufacturing, Cabinet Shops	UP		
Change in Existing Nonconforming Uses	UP		SMC 19.82.020
Recycling Facilities – Small Collection Facilities	—		
Research and Development (R&D)	UP		
Warehousing, Wholesaling and Distribution	—		
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES (3)			
Clubs, Lodges, and Private Meeting Halls	UP		
Community Centers	UP		
Health/Fitness Facilities	UP		
Indoor Amusement/Entertainment Facilities	UP		
Libraries and Museums	UP		
Outdoor Commercial Recreation	—		
Religious Facilities	UP		
Schools – Specialized Education and Training	UP		

Studios for Art, Dance, Music, Photography, Etc.	UP	
Theaters and Auditoriums	UP	
RESIDENTIAL USES (4)		
Emergency Shelters	UP	SMC 19.50.033
Live/Work Facilities	UP	SMC 19.50.050
Multi-family Dwelling (Four or fewer units)	P	
Multi-family Dwelling (Five or more units)	UP	
Personal Indoor Cannabis Cultivation (7)	P	SMC 19.50.032.A
Personal Outdoor Cannabis Cultivation (7)	P	SMC 19.50.032.B (Prohibited if multifamily dwelling or mobile home)
Residential Care Homes, Seven or more clients	UP	
Single-Family Dwellings	P (5)	
Supportive Housing, four or fewer units	P	
Supportive Housing, five or more units	UP	
Transitional Housing, four or fewer units	P	
Transitional Housing, five or more units	UP	
RETAIL TRADE (3)		
Accessory Retail Uses	UP	
Art, Antique, Collectible and Gift Sales	UP	
Artisan Shops	UP	
Auto and Vehicle Sales/Rental	—	
Building Material Stores	—	
<i>Commercial Cannabis Activities (except delivery services as indicated below)</i>	—	<i>19.50.032.C</i>
<i>Cannabis Delivery Services (destination only)</i>	<i>P</i>	<i>19.50.032.C</i>
<u>Commercial Cannabis Activities (8):</u>		
<u>Manufacturing</u>	<u>UP</u>	<u>SMC Chapter 5.36</u>
<u>Non-store front retail</u>	<u>UP</u>	<u>SMC Chapter 5.36</u>

<u>Testing laboratory</u>	<u>UP</u>	<u>SMC Chapter 5.36</u>
Drive-In and Drive-Through Sales	UP	
Farmers Market	UP	
Fueling Station	UP	
Furniture, Furnishings and Equipment Stores	UP	
General Retail	UP	
Grocery Store	UP	
Music Venue	L	Chapter 5.34 SMC
Outdoor Retail Sales and Activities	UP	
Plant Nurseries and Garden Supply Stores	UP	
Restaurant	UP	
Second Hand Stores	UP	
Shopping Center	UP	
Special Event Venue (6)	UP	
Wine Tasting Facilities/Wine Bars	WTUP	SMC 19.50.120
Tap Rooms	UP	SMC 19.50.130
SERVICES (3)		
Auto Parts Sales	UP	
Banks and Financial Services	UP	
Bed and Breakfast Inns (B&Bs)	UP	
Business Support Services	UP	
Child Day Care Facilities	UP	
Drive-In and Drive-Through Facilities	UP	
Equipment Rental	UP	
Governmental and Public Facilities	UP	
Hotel or Motel	UP	
Medical Services – Clinics, Offices, Laboratories	UP	
Medical Services – Hospitals	—	
Mortuaries and Funeral Homes	UP	
Offices, Professional and Administrative	UP	
Personal Services	UP	

Storage – Outdoor	—	SMC 19.40.100(D)
Storage – Personal Storage Facility (Mini-Storage)	—	
Telecommunications Facilities, Commercial	See Chapter 5.32 SMC, Telecommunications Facility and Antenna Criteria	
Vacation Rental	—	SMC 19.50.110
Vehicle Services, Repair and Maintenance	UP	
Vehicle Services, Service Stations	—	SMC 19.50.100
Repair Services for Consumer Products	UP	
SPECIAL CIRCUMSTANCES COMMERCIAL DEVELOPMENT		
Formula Business, Small	UP	SMC 19.50.035
Formula Business, Large	UP	SMC 19.50.035
Formula Restaurant, Large	UP	SMC 19.50.035
SPECIAL PURPOSE USES		
Public Utility Facilities	—	
Public Utility Equipment	P	
<p>Notes:</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. On sites of one acre in size or larger. 7. Personal cultivation of cannabis (indoor and outdoor) only allowable in conjunction with residential use subject to SMC 19.50.032. 8. <u>No commercial cannabis activity may occur in these zoning districts unless and until a commercial cannabis business permit has been issued for that activity under Chapter 5.36.</u> 		

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

Allowed Uses and Permit Requirements for Special Purpose Zoning Districts	Permit Required by District				<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>
	A	Pk	P	W	
Land Use (1)	A	Pk	P	W	Specific Use Regulations
AGRICULTURAL AND OPEN SPACE USES					
Crop Production and Horticulture	P	—	—	P	
Livestock Raising	P	—	—	—	SMC 19.50.020
Prescribed Grazing	—	UP	—	—	
Produce Stands for On-Site Production	P	—	—	—	SMC 19.50.070
Trails, Hiking and Bicycling	P	P	P	—	
MANUFACTURING AND PROCESSING USES					
Agricultural or Food Processing	—	—	—	UP	
Wineries	—	—	—	UP	
Winery Accessory Uses	—	—	—	UP	SMC 19.50.020
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES					
Community Centers	—	—	UP	—	
Community Garden	—	UP	UP	—	
Equestrian Facilities	UP	UP	—	—	SMC 19.50.020
Libraries and Museums	—	UP	UP	—	
Parks and Playgrounds	—	P	P	—	
Recreational Facilities	—	UP	P	—	
Schools, Public and Private	—	—	P	—	
Theaters and Auditoriums	—	UP	P	—	
RESIDENTIAL USES (2)					
Agricultural Employee Housing	P	—	—	—	
<i>Commercial Cannabis Activities (except delivery services as indicated below)</i>	—	—	—	—	<i>19.50.032.C</i>
<i>Cannabis Delivery Services (destination only)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>19.50.032.C</i>
Caretaker and Employee Housing	UP	UP	UP	UP	

Emergency Shelters, 15 or fewer beds	—	—	P	—	SMC 19.50.035
Emergency Shelters, 16 or more beds	—	—	UP	—	
Personal Indoor Cannabis Cultivation (3)	P	P	P	P	SMC 19.50.032.A
Personal Outdoor Cannabis Cultivation (3)	P	P	P	P	SMC 19.50.032.B (Prohibited if multifamily dwelling or mobile home)
Residential Accessory Structures and Uses	P	—	—	—	SMC 19.50.035
Single-Family Dwellings	P	—	—	—	SMC 19.50.035
Supportive Housing (4)	—	—	UP	—	
Transitional Housing (4)	—	—	UP	—	
Vacation Rental	—	UP	—	—	SMC 19.50.110
SERVICES					
Offices – Administrative	—	UP	UP	—	
Cemeteries	—	—	P	—	
Child Day Care Facilities	—	—	P	—	
Corporation Yard	—	—	P	—	
Farmers Market	P	P	P	—	
Governmental and Public Facilities	—	UP	UP	—	
Kennel	—	—	UP	—	
Medical Services – Hospitals	—	—	UP	—	
Telecommunications Facilities, Commercial	See Chapter 5.32 SMC, Telecommunications Facility and Antenna Criteria				
SPECIAL PURPOSE USES					
Public Utility Facilities	—	—	UP	—	
Public Utility Equipment	P	P	P	P	
Notes:					
1. See Section 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. Personal cultivation of cannabis (indoor and outdoor) only allowable in conjunction with residential use subject to SMC 19.50.032.					
4. Supportive and transitional housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone.					