

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING VARIOUS CHAPTERS AND TABLES IN TITLE 19 OF THE RIVERSIDE MUNICIPAL CODE.

The City Council of the City of Riverside does ordain as follows:

Section 1: Section 19.146.025 of the Riverside Municipal Code is hereby amended as follows:

“Section 19.146.025 Prohibited uses.

Any use which is listed as prohibited in the adopted Northside Specific Plan or prohibited by state and/or federal law is strictly prohibited.”

Section 2: Section 19.147.025 of the Riverside Municipal Code is hereby amended as follows:

“Section 19.147.025 Prohibited uses.

Any use which is listed as prohibited in the adopted Downtown Specific Plan or prohibited by state and/or federal law is strictly prohibited.”

Section 3: Section 19.150.020 of the Riverside Municipal Code is hereby amended as follows:

“Section 19.150.020 Permitted land uses.

Table 19.150.020 A. (Permitted Uses Table), Table 19.150.020 B. (Incidental Uses Table) and Table 19.150.020 C. (Temporary Uses Table) in Chapter 19.150 (Base Zones Permitted land uses) identify permitted uses, permitted accessory uses, permitted temporary uses, and uses permitted subject to the approval of a minor conditional use permit (Chapter 19.730 - Minor Conditional Use Permit), or conditional use permit (Chapter 19.760 - Conditional Use Permit), or uses requiring some other permit. Table 19.150.020 A. also identifies those uses that are specifically prohibited. Uses not listed in tables are prohibited unless the Community & Economic Development Department Director, or his/her designee, pursuant to Chapter 19.060 (Interpretation of Code), determines that the use is similar and no more detrimental than a listed permitted or conditional use. Any use which is prohibited by state and/or federal law is also strictly prohibited.

Chapter 19.149 - Airport Land Use Compatibility includes additional Airport Land Use Compatibility Plan requirements for discretionary actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater

land use, restrictions for airport compatibility may apply per the applicable Airport Land Use Compatibility Plan.”

Section 4: Table 19.150.020.A of Title 19 of the Riverside Municipal Code entitled “Permitted Uses Table” is hereby amended as shown in Exhibit “A,” attached hereto and incorporated by reference.

Section 5: Table 19.150.020.B of Title 19 of the Riverside Municipal Code entitled “Incidental Uses Table” is hereby amended as shown in Exhibit “B,” attached hereto and incorporated by reference.

Section 6: Section 19.220.020 of the Riverside Municipal Code is hereby amended as follows:

“Section 19.220.020 Permitted land uses and development standards.

For those properties where the Specific Plan Overlay Zone is applied, all permitted use restrictions, development standards, and other applicable standards or regulations governing development as contained within the adopted specific plan shall apply. To the extent that the specific plan does not enumerate use restrictions, development standards, or other applicable regulations, the standards associated with the underlying base zone shall apply. In the event that provisions of the adopted specific plan conflict with or do not correspond with the provisions of the underlying base zone, the provisions as contained in the adopted specific plan shall apply and supersede the underlying base zone requirements. Specific plans shall be prepared and processed to Chapter 19.820 (Specific Plan/Specific Plan Amendments).”

Section 7: Chapter 19.342 of the Riverside Municipal Code is hereby amended as follows:

“Chapter 19.342 CANNABIS PERSONAL USE

Section 19.342.010 Purpose.

The purpose of this Chapter is to provide regulations related to personal use pursuant to California Health and Safety Code sections 11362.1 and 11362.2.

Section 19.342.020 Cultivation.

A. *Outdoor.* No individual or entity may plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zone or specific plan area of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

1 B. *Indoor.* No individual or entity may plant, cultivate, harvest, dry, or process marijuana plants
2 inside a private residence, or inside an accessory structure to a private residence located upon the
3 grounds of a private residence, in excess of the limitations imposed by California Health and Safety
4 Code section 11362.2. No individual or entity may plant, cultivate, harvest, dry, or process marijuana
5 plants inside any enclosed structure within any zone or specific plan area of the City which is not
6 either a private residence or an accessory structure to a private residence located upon the grounds
7 of a private residence.

8 **Section 342.030 Personal use.**

9 An individual may cultivate cannabis for personal use only within a residential structure or other
10 fully enclosed and locked accessory structure located entirely on residential property owned or
11 legally possessed by him or her, pursuant to the following regulations:

12 A. The cultivation of cannabis may take place only inside a lawfully existing and fully enclosed
13 and secure private residence, or inside a lawfully existing and fully enclosed and secure accessory
14 structure to a private residence that is located on the same parcel as the private residence. No
15 cultivation shall occur outside of a fully enclosed structure.

16 . . .

17 C. All areas used for cultivation of cannabis shall comply with all Buildings Codes and
18 Regulations of the Riverside Municipal Code and the State of California, as well as all other
19 applicable laws.

20 . . .

21 E. The use of gas products or volatile solvents, or dangerous poisons, toxins or carcinogens
22 (including but not limited to CO₂, butane, propane, natural gas, xylene, styrene, gasoline, kerosene,
23 O₂ H₂, methanol, isopropyl alcohol, methylene chloride, acetone, benzene, toluene, and trichloro-
24 ethylene,) or generators for cultivation of cannabis is prohibited.

25 F. Any structure used for the cultivation of cannabis must have a ventilation and filtration
26 system installed that shall prevent cannabis plant odors from exiting the interior of the structure and
27 designed to prevent mold and moisture and otherwise protect the health and safety of persons
28 residing in the residence and cultivating the cannabis. This ventilation shall at a minimum consist
of a system meeting the requirements of the current, adopted edition of the California Building Code

1 section 1203.4 (Natural Ventilation) or section 402.3 (Mechanical Ventilation), or their
2 equivalent(s).

3 G. Any accessory structure used for the cultivation of cannabis shall be located in the rear yard
4 area of the parcel or premises and must maintain a minimum setback equal to the greater of (1) the
5 setback imposed pursuant to the applicable zoning provisions of this Code, or (2) ten-feet from any
6 property line. The yard where the structure is maintained must be enclosed by a solid fence at least
7 six feet in height.

8 ...

9 I. Cannabis cultivation shall be limited to six cannabis plants per private residence, regardless
10 of whether the cannabis is cultivated inside the residence or in an accessory structure. The limit of
11 six plants per private residence shall apply regardless of how many individuals reside at the private
12 residence.

13 ...

14 K. Cultivation of cannabis shall take place only on impervious surfaces.

15 L. There shall be no exterior evidence of cannabis cultivation occurring on the parcel.

16 ...

17 N. The cannabis cultivation area shall not exceed 32 square feet and not exceed ten feet in height
18 per residence. This limit applies regardless of the number of individuals residing in the residence.

19 ...

20 P. Written consent of the property owner to cultivate cannabis within the residential structure
21 shall be obtained and shall be kept on the premises, and available for inspection by agents of the
22 City.

23 Q. A portable fire extinguisher, that complies with the regulations and standards adopted by the
24 State Fire Marshal and applicable law, shall be kept in any room used for cultivation of cannabis.

25 ...

26 S. No chemical fertilizers, pesticides, or other chemical agents shall be used for cannabis
27 cultivation.

28 T. The cannabis cultivation area shall not adversely affect the health or safety of the nearby
residents by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other

1 impacts; and shall not be conducted in a manner that is hazardous due to the use or storage of
2 materials, processes, products or wastes, or from other actions related to the cultivation.

3 U. For the protection of local groundwater resources and indoor air quality, and to avoid
4 disposal of harmful substances into sewers or septic systems, no chemical shall be used for cannabis
5 cultivation that contains any substance on the list prepared pursuant to California Health and Safety
6 Code section 25249.8; provided, that any chemical specifically approved by the California
7 Department of Pesticide Regulation for indoor use on cannabis may be used in amounts prescribed
8 by the Department. No chemical used for cannabis cultivation shall be stored in a manner visible
9 from neighboring residences or to individuals located outside the property line or in the public right-
10 of-way.

11 V. Cultivation shall be limited exclusively for the personal use of lawful residents of the
12 property on which the cultivation is occurring.”

13 **Section 19.342.040 Medical Use.**

14 The outdoor cultivation of medical marijuana, the establishment or operation of any medical
15 marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider
16 shall be considered a prohibited use in all zones and specific plan areas of the City. No use permit,
17 variance, building permit, or any other entitlement or permit, whether administrative or
18 discretionary, shall be approved or issued for the cultivation of medical marijuana or the
19 establishment of any collective, cooperative, dispensary, delivery service, operator, establishment,
20 or provider in any zone or specific plan area of the City, and no person shall otherwise establish
21 such businesses or operations in any zone or specific plan area of the City.

22 **Section 19.342.050 Public nuisance.**

23 Any use or condition caused, or permitted to exist in violation of this chapter, and each and every
24 violation of the provisions of this chapter shall be and are hereby declared to be deemed unlawful
25 and a public nuisance and may be summarily abated by the City.

26 **Section 19.342.060 Penalties.**

27 In addition to any other enforcement permitted by State law, a civil action for injunctive relief and
28 civil penalties pursuant to Chapter 1.17 of this Code may be brought against any person or entity

1 that violates this chapter. In any civil action brought pursuant to this chapter, a court of competent
2 jurisdiction may award reasonable attorney's fees and costs to the prevailing party.

3 **Section 19.342.070 Severability.**

4 If any provision of this ordinance or chapter or the application thereof to any person or circumstance
5 is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such
6 invalidity shall not affect other provisions or applications of this ordinance or chapter which can be
7 implemented without the invalid provision or application and to this end the provisions of this
8 ordinance and chapter are declared to be severable.”

9 Section 8: Section 19.910.020 of the Riverside Municipal Code is hereby amended as follows:

10 **“Section 19.910.020 “A” Definitions.**

11 *Abandon* means to cease to use, operate or occupy.

12 . . .

13 *Agricultural stand* means, in the RA-5 Zone, a stand for the sale of agricultural products produced
14 or raised on the same premises, excluding cannabis and hemp.

15 *Agricultural use* means the use of land for the commercial or non-commercial purpose of planting,
16 growing, raising, and harvesting of crops, livestock, or poultry; all of which shall be subject to any
17 applicable state license, to a conditional use permit where required under this Code, and to the
18 limitations and exclusions presented in this definition or as set forth for specific zones created under
19 this Code. For the purpose of this definition, crops shall not include cannabis or hemp.

20 . . .”

21 Section 9: Section 19.910.040 of the Riverside Municipal Code is hereby amended as
22 follows:

23 **“Section 19.910.040 “C” Definitions.**

24 *California beverage container recycling center.* See "recycling center, California beverage container." .

25 . .

26 *Cannabis* Shall have the same meaning as defined in Section 5.77.060 of this Code.

27 *Cannabis cultivation, commercial* shall have the same meaning as defined in Section 5.77.060 of this
28 Code.

1 *Cannabis cultivation, personal* means cannabis cultivation inside a lawfully existing and fully enclosed
2 and secure private residence, or inside a lawfully existing and fully enclosed and secure accessory
3 structure to a private residence that is located on the same parcel as the private residence for the
4 exclusive personal use of a resident of the residence who is 21 years of age or older, as permitted by
5 California Health and Safety Code sections 11362.1 and 11362.2.

6 *Cannabis Distribution* shall have the same meaning as defined in Section 5.77.060 of this Code.

7 *Cannabis Non-storefront Retail* shall have the same meaning as defined in Section 5.77.060 of this
8 Code.

9 *Cannabis Products* shall have the same meaning as defined in Section 5.77.060 of this Code.

10 *Cannabis Storefront Retail* shall have the same meaning as defined in Section 5.77.060 of this Code.

11 *Cannabis Testing Laboratory* shall have the same meaning as defined in Section 5.77.060 of this Code.

12 ...”

13 Section 10: Section 19.910.090 of the Riverside Municipal Code is hereby amended as
14 follows:

15 **“Section 19.910.090 “H” Definitions.**

16 *Habitable floor area*, as defined in the Building Code as currently adopted by the City.

17 ...

18 *Home occupation* means any use of a dwelling unit and related property for employment or
19 occupational purposes that is incidental to the residential use of the dwelling unit. The cultivation,
20 manufacturing, distribution, transport, or sale of cannabis or cannabis products is not a permitted
21 home occupation.

22 ...”

23 Section 11: Section 19.910.140 of the Riverside Municipal Code is hereby amended as
24 follows:

25 **“Section 19.910.140 “M” Definitions.**

26 *Major street frontage*. See "frontage, major street."

27 *Marijuana* – see Cannabis.

28 ...”

Section 12: The City Council has reviewed the matter and, based upon the facts and

1 information contained in the staff reports, administrative record, and written and oral testimony,
2 hereby finds that this ordinance is not subject to CEQA pursuant to Section 15061(b)(3) (General
3 Rule), as it can be seen with certainty that approval of the project will not have an effect on the
4 environment.

5 Section 13: The City Clerk shall certify to the adoption of this ordinance and cause publication
6 once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City
7 of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

8 ADOPTED by the City Council this _____ day of _____, 2023.

9
10 _____
11 PATRICIA LOCK DAWSON
Mayor of the City of Riverside

12 Attest:

13 _____
14 DONESIA GAUSE
City Clerk of the City of Riverside

15 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
16 foregoing ordinance was duly and regularly introduced on the _____ day of _____,
17 2023, and duly and regularly adopted at a meeting of the City Council on the _____ day of
18 _____, 2023, by the following vote, to wit:

19 Ayes:

20
21 Noes:

22 Absent:

23 Abstain:

24 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
25 City of Riverside, California, this _____ day of _____, 2023.

26 _____
27 DONESIA GAUSE
City Clerk of the City of Riverside

28 22-2104.1 02/06/23\\Rc-citylaw\cycom\WPDOCS\D031\P020\00701864.DOCX