

## ***TITLE 19 – ZONING***

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### **Chapter 19.146 - NORTHSIDE SPECIFIC PLAN ZONE (NSP)**

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#### **19.146.025 - Prohibited uses.**

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

~~B.~~ Commercial marijuana cultivation, manufacturing, distribution, or sale is also strictly prohibited.

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Chapter 19.147 - DOWNTOWN SPECIFIC PLAN ZONE (DSP)

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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. ~~Commercial marijuana cultivation, manufacturing, distribution, or sale is also strictly prohibited.~~

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Chapter 19.150 - BASE ZONES PERMITTED LAND USES

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19.150.020 Permitted land uses.

- A. ~~A.~~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.
- B. ~~B.~~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.

19.150.020.A Permitted Uses Table																						
This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the <b>Temporary</b> Uses Table.																						
Use	Zones																					Location of Required Standards in the Municipal Code
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
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<del>Cannabis Cultivation, Personal</del>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	See <a href="#">Also</a> Incidental Uses Table
<a href="#">Cannabis, Microbusiness</a>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<del>Cannabis Uses and Activities</del> <a href="#">Storefront Retail</a>																					<a href="#">See Retail Sales</a>	
<del>Cannabis Non-storefront Retail</del>																					<a href="#">See Retail Sales</a>	
<a href="#">Cannabis Testing Laboratory</a>																					<a href="#">See Laboratories - Research</a>	

19.150.020.A Permitted Uses Table																						
This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the <b>Temporary</b> Uses Table.																						
Use	Zones																				Location of Required Standards in the Municipal Code	
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		NC Overlay
<del>Cannabis , Warehousing &amp; Warehouse/Distribution Facilities</del>																						<a href="#">See Warehousing &amp; Distribution Facilities</a>
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19.150.020.B Incidental Uses Table																						
This table identifies uses which are generally only permitted as an incidental use to some other permitted use on the property.																						
Use	Zones																				Location of Required Standards in the Municipal Code	
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY		NC Overlay
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<del>Marijuana Cannabis</del> Cultivation:																						19.342 - <del>Marijuana Cannabis</del> Uses and Activities See Article X (Definitions)
<del>Commercial, including Medical Cannabis Cultivation,</del> (Prohibited use)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<del>Personal - Indoor</del>	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<del>Personal - Outdoor (Prohibited Use)</del>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
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## Chapter 19.220 - SPECIFIC PLAN OVERLAY ZONE (SP)

### 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 ~~\_, with the exception of marijuana-related uses which shall be exclusively regulated by the underlying zone and are specifically prohibited.~~ Specific plans shall be prepared and processed to Chapter 19.820 (Specific Plan/Specific Plan Amendments).

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## Chapter 19.342 ~~MARIJUANACANNABIS~~ PERSONAL USES AND ACTIVITIES

### 19.342.010 Purpose.

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

### 19.342.020 - Prohibition.

- ~~A. All marijuana cultivation, processing, delivery, sales and dispensaries, or any similar use, shall be prohibited activities in all zones and all specific plan areas in the City. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of marijuana cultivation, processing, delivery, sales, the establishment or operation of a marijuana dispensary or retail store, or any similar use, in the City, and no person shall otherwise establish or conduct such activities in the City.~~
- ~~B. This section is meant to prohibit all activities for which a State license is required. Accordingly, the City shall not issue any permit, license, except for testing laboratories, or other entitlement for any activity for which a State license is required under the Medicinal and Adult Use Cannabis Regulation and Safety Act.~~
- ~~C. Except as set forth in Section 19.342.040 below, cultivation of marijuana for medical purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zones and all specific plan areas in the City. No person, including a qualified patient or primary caregiver, shall cultivate any amount of marijuana in the City, even for medical purposes.~~

~~(Ord. 7431 § 5, 2018)~~

### 19.342.030 - 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.
- B. Indoor. No individual or entity may plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, in excess of the limitations imposed by California Health and Safety Code section 11362.2. No individual or entity may plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure within any zone or specific plan area of the City which is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence.

**19.342.040 Personal use.**

~~Pursuant to California Health and Safety Code sections 11362.1 and 11362.2, a~~An individual may cultivate marijuanacannabis for personal use only within a residential structure or other fully enclosed and locked accessory structure located entirely on residential property owned or legally possessed by him or her, pursuant to the following regulations:

- A. The cultivation of marijuanacannabis may take place only inside a lawfully existing and fully enclosed and secure private residence, or inside a lawfully existing and fully enclosed and secure accessory structure to a private residence that is located on the same parcel as the private residence. No cultivation shall occur outside of a fully enclosed structure.
- B. The primary use of the property shall be for a residence and cultivation is to be considered an incidental use.
- C. All areas used for cultivation of marijuanacannabis shall comply with all Buildings Codes and Regulations of the Riverside Municipal Code and the State of California, as well as all other applicable laws.
- D. Indoor grow lights are not allowed in any structure used for human habitation. Indoor grow lights in any other structure shall not exceed 1,000 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the City.
- E. The use of gas products or volatile solvents, or dangerous poisons, toxins or carcinogens (including but not limited to CO 2 , butane, propane, natural gas, xylene, styrene, gasoline, kerosene, O2 H2, methanol, isopropyl alcohol, methylene chloride, acetone, benzene, toluene, and trichloro-ethylene,) or generators for cultivation of marijuanacannabis is prohibited.
- F. Any structure used for the cultivation of marijuanacannabis must have a ventilation and filtration system installed that shall prevent marijuanacannabis plant odors from exiting the interior of the structure and designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence and cultivating the marijuanacannabis. This ventilation shall at a minimum consist of a system meeting the requirements of the current, adopted edition of the California Building Code section 1203.4 (Natural Ventilation) or section 402.3 (Mechanical Ventilation), or their equivalent(s).

- G. Any accessory structure used for the cultivation of marijuanacannabis shall be located in the rear yard area of the parcel or premises and must maintain a minimum setback equal to the greater of (1) the setback imposed pursuant to the applicable zoning provisions of this Code, or (2) ten feet from any property line. The yard where the structure is maintained must be enclosed by a solid fence at least six feet in height.
- H. Adequate mechanical locking or electronic security systems must be installed as part of the structure prior to the commencement of cultivation.
- I. MarijuanaCannabis cultivation shall be limited to six marijuanacannabis plants per private residence, regardless of whether the marijuanacannabis is cultivated inside the residence or in an accessory structure. The limit of six plants per private residence shall apply regardless of how many individuals reside at the private residence.
- J. The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping and sanitation facilities with proper ingress and egress. No room used for cooking of meals, sleeping or bathing shall be used for cultivation.
- K. Cultivation of marijuanacannabis shall take place only on impervious surfaces.
- L. There shall be no exterior evidence of marijuanacannabis cultivation occurring on the parcel.
- M. No more than one room in any structure may be used for cultivation.
- N. The marijuanacannabis cultivation area shall not exceed 32 square feet and not exceed ten feet in height per residence. This limit applies regardless of the number of individuals residing in the residence.
- O. No room or area in a structure that is used for cultivation shall be accessible to persons under 21 years of age.
- P. Written consent of the property owner to cultivate marijuanacannabis within the residential structure shall be obtained and shall be kept on the premises, and available for inspection by agents of the City.
- Q. A portable fire extinguisher, that complies with the regulations and standards adopted by the State Fire Marshal and applicable law, shall be kept in any room used for cultivation of marijuanacannabis.
- R. No one other than a full-time resident of the residence shall be involved or take part in the cultivation and said full-time resident may not participate in cultivation in any other location within the City.
- S. No chemical fertilizers, pesticides, or other chemical agents shall be used for marijuanacannabis cultivation.
- T. The marijuanacannabis 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 impacts; and shall not be conducted in a manner that is hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.

- U. For the protection of local groundwater resources and indoor air quality, and to avoid disposal of harmful substances into sewers or septic systems, no chemical shall be used for ~~marijuana~~cannabis cultivation that contains any substance on the list prepared pursuant to California Health and Safety Code section 25249.8; provided, that any chemical specifically approved by the California Department of Pesticide Regulation for indoor use on ~~marijuana~~cannabis may be used in amounts prescribed by the Department. No chemical used for ~~marijuana~~cannabis cultivation shall be stored in a manner visible from neighboring residences or to individuals located outside the property line or in the public right-of-way.
- V. Cultivation shall be limited exclusively for the personal use of lawful residents of the property on which the cultivation is occurring.

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## ARTICLE X: - DEFINITIONS

### Chapter 19.910 – DEFINITIONS

#### 19.910.020 "A" Definitions

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

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

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#### 19.910.040 "C" Definitions

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~~Cannabis~~ shall have the same meaning as defined in ~~Title~~Section 5.77.060 of this Code.

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

~~Cannabis means the term "cannabis" shall mean all items included in the California Health and Safety Code sections 11018 and 11018.1.~~

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

~~means the planting, growing harvesting, drying, trimming, clipping or processing of any kind, number, or size of cannabis plants or any part thereof. Cannabis shall be synonymous with cannabis, hemp, and any other cannabis derivatives.~~

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

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

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

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

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

~~Cannabis, Microbusiness means~~

~~Cannabis cultivation, delivery means the transport, shipment, conveyance, delivery, or transfer of cannabis for any purpose.~~

~~Cannabis, mobile dispensary. See definition in Chapter 9.65— Mobile Cannabis Dispensaries~~

~~Cannabis, primary caregiver. See the definition for primary caregiver set forth in California Health and Safety Code Sections 11362.5 and 11362.7 et seq.~~

~~Cannabis, qualified patient. See the definition for qualified patient set forth in California Health and Safety Code Sections 11362.5 and 11362.7 et seq.~~

~~Cannabis, medical dispensary means a facility where cannabis is made available for medical purposes in accordance with Health and Safety Code Section 11362.5 (Proposition 215).~~

~~Cannabis. See "marijuana."~~

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#### 19.910.090 "H" Definitions.

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

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**19.910.140 "M" Definitions.**

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*Marijuana* – See Cannabis.

~~Marijuana means the term "marijuana" shall mean all items included in the California Health and Safety Code sections 11018 and 11018.1.~~

~~Marijuana cultivation means the planting, growing harvesting, drying, trimming, clipping or processing of any kind, number, or size of marijuana plants or any part thereof. Marijuana shall be synonymous with cannabis, hemp, and any other cannabis derivatives.~~

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

~~Marijuana cultivation, delivery means the transport, shipment, conveyance, delivery, or transfer of marijuana for any purpose.~~

~~Marijuana, mobile dispensary. See definition in Chapter 9.65 – Mobile Marijuana Dispensaries~~

~~Marijuana, primary caregiver. See the definition for primary caregiver set forth in California Health and Safety Code Sections 11362.5 and 11362.7 et seq.~~

~~Marijuana, qualified patient. See the definition for qualified patient set forth in California Health and Safety Code Sections 11362.5 and 11362.7 et seq.~~

~~Massing means the unified composition of a structure's volume, affecting the perception of density and bulk. See definition in the Downtown Specific Plan.~~

~~Material processing facility (MPF) means a facility where source separated (presorted) recyclable materials are further sorted and separated, then bulked or converted for reprocessing, by hand or by use of machinery.~~

~~Material recovery facility (MRF) means a solid waste facility where mixed municipal solid waste is sorted or separated, by hand or by use of machinery, for the purpose of recovering recyclable materials.~~

~~Medical marijuana dispensary means a facility where marijuana is made available for medical purposes in accordance with Health and Safety Code Section 11362.5 (Proposition 215).~~

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