

## Amendments to Title 19 and Title 5 of the RMC for the Prohibition of Marijuana Uses

Community & Economic Development Department

City Council  
July 10, 2018

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### EXISTING CITY STANDARDS

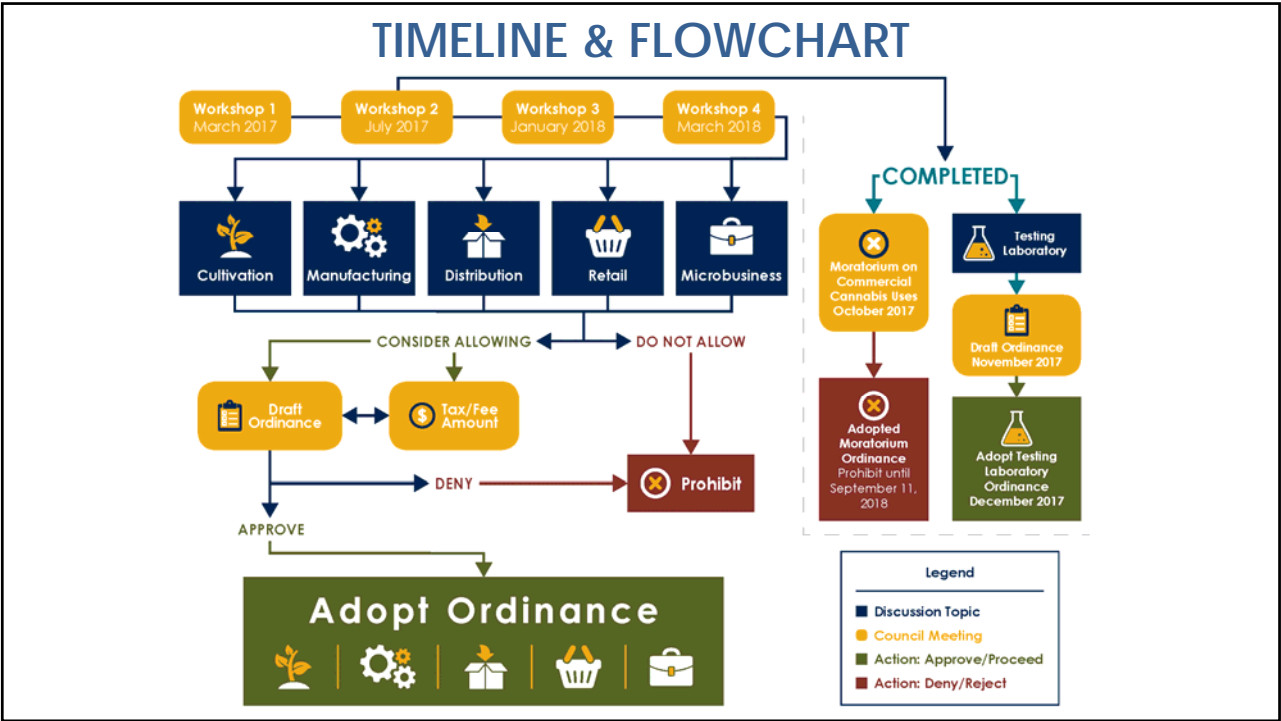
1. Medical marijuana dispensaries and commercial marijuana cultivation specifically prohibited
2. Other commercial and non-medical marijuana land uses prohibited by exclusion (not specifically listed)
3. Chapter 19.342 – *Marijuana Cultivation* currently provides a limited exemption for the non-commercial cultivation of no more than eight (8) marijuana plants by primary caregivers and qualified patients for their own medical use

Prop 64 now allows personal cultivation of up to 6 plants in private residences



2

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## CITY COUNCIL DIRECTION – 3/27/18

	Manufacturing	Distribution	Retail	Cultivation	Microbusiness
<b>Prohibit</b> X	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Consider</b> ✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4

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## PROPOSED AMENDMENTS

### 1. Amend *Chapter 19.147 – Downtown Specific Plan Zone (DSP)*

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

### 2. Amend *Chapter 19.150.020 – Permitted and Incidental Uses Tables*

- A. Replace " *Marijuana Cultivation Commercial*" with " *Marijuana Uses and Activities*"
- B. Revise " *Marijuana Cultivation Personal*" to distinguish between indoor cultivation (permitted in residential zones) and outdoor cultivation (prohibited in all zones)



5

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## PROPOSED AMENDMENTS

### 3. Amend *Chapter 19.220 – Specific Plan Overlay Zone (SP)*

- A. Refers to the underlying zone for marijuana uses

### 4. Replace in whole *Chapter 19.342 – Marijuana Cultivation* with the new *Chapter 19.342 – Marijuana Uses and Activities*

- A. Becomes the primary regulating chapter for marijuana uses. See Exhibit 8.

### 5. Amend *Chapter 19.485 – Home Occupations*

- A. The cultivation, manufacturing, distribution, transport, or sale of marijuana or marijuana products ~~A medical marijuana dispensary~~ is not a permitted home occupation.



6

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## PROPOSED AMENDMENTS

6. Revise the following Definitions in *19.910 – Definitions*:

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

B. **Agricultural use** - 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 or hemp.**

C. **Cannabis** – See Marijuana



7

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## PROPOSED AMENDMENTS

6. Revise the following Definitions in *19.910 – Definitions*:

D. **Home occupation** - 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 or marijuana products is not a permitted home occupation.**

E. **Marijuana** - The term "marijuana" shall mean all items included in the Health and Safety Code sections 11018 and 11018.1.

F. **Marijuana Cultivation Personal** - Marijuana Cultivation **in a private residence for the exclusive personal use of a resident of the residence who is twenty-one (21) years of age or older, as permitted by Health and Safety Code sections 11362.1 and 11362.2.**



8

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## PROPOSED AMENDMENTS

7. Amend *Title 5 – Business Taxes, Licenses and Regulations*:
  - A. *Chapter 5.77 – Cannabis Testing Laboratories* includes specific permitting processes and operational requirements
  - B. Cannabis Testing Labs were excluded from March 27 City Council direction for prohibition of marijuana uses
  - C. Amendments clarify additional regulations related to Delivery, Public Nuisance, and Penalties



9

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## PLANNING COMMISSION ACTION

1. May 31, 2018 – Item presented to Planning Commission
2. Zoning Code Text Amendments require a minimum of 4 affirmative votes
3. Planning Commission denied the Zoning Code Amendments by a vote of 2 ayes, 5 noes, and 1 abstention
4. Councilmember Conder, with Councilmember Adams concurring, referred/appealed this item to City Council for further consideration



10

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## ORDINANCE ADOPTION TIMELINE

<i>Ordinance Steps/Council Action</i>	<i>Key Dates</i>
Ordinances Introduced	7/10
Ordinances Adopted (Second Reading)	7/24
Effective Date of Amendments	8/24
Moratorium Expiration	9/11



11

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## RECOMMENDATIONS

That the City Council:

1. Determine that Planning Case P18-0337 is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment) and additionally find that this action is categorically exempt from review under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment), CEQA Guidelines section 15308;



12

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## RECOMMENDATIONS CONT.

2. Approve Planning Case P18-0337 based on the analysis outlined in the staff report;
3. Introduce and subsequently adopt the attached Ordinance amending Chapters 19.147 – Downtown Specific Plan, 19.150.020 – Permitted and Incidental Uses Table, 19.220 – Specific Plan Overlay Zone, 19.342 – Marijuana Uses and Activities, 19.485 – Home occupations, and 19.910 – Definitions of the Riverside Municipal Code; and
4. Introduce and subsequently adopt the attached Ordinance amending Chapter 5.77 – Cannabis Testing Laboratories of the Riverside Municipal Code.

