City Council Report

915 I Street, 1st Floor
Sacramento, CA 95814
www.cityofsacramento.org

File #: 2016-01131 **Consent Item 03**

Title: (Pass for Publication) Ordinance Amending Various Sections of Title 17 of the Sacramento City Code Relating to Marijuana Cultivation (M15-017)

Recommendation: 1) Review an ordinance amending the Planning and Development Code (Title 17) regarding marijuana cultivation; and 2) pass for publication the ordinance title as required by Sacramento City Charter section 32(c) to be adopted on October 25, 2016.

Location: Citywide

Contact: Joy Patterson, Principal Planner (916) 808-5607, Community Development Department

Presenter: None

Department: Community Development Department

Attachments:
1-Description/Analysis
2-Title 17 Ordinance (Redline)
3-Title 17 Ordinance (Clean)
4-Title 17 Ordinance with additional C-2 requirements (Redline)
5-Title 17 Ordinance with additional C-2 requirements (Clean)
6-Map with A, C-2, C-4, M-1/M-1S and M-2/M-2S zones and indicating 600-foot radius around schools
7- Map with C-2 zone properties and indicating 600-foot radius around schools and parks and 300-foot radius around residential zones

Description/Analysis

Issue Detail: In September of 2015, Governor Brown signed three bills affecting state and local government licensing/permitting of medical marijuana businesses (Assembly Bill 243, Assembly Bill 266, and Senate Bill 643). These bills protect local control of the medical marijuana industry and create a statewide framework for additional oversight of industry practices.

On February 2, 2016, the Sacramento City Council approved amendments to Title 17, which permitted conditional use permits (CUP) for marijuana cultivation in the General Commercial, Heavy Commercial, Industrial and Agricultural zones. Subsequently, the Council asked the City Manager to direct his staff to come back to Council with the level of conditional use permit review. The Council also requested the City Manager to direct his staff to make recommendations on the distance from sensitive uses.

Staff has completed its research and has prepared ordinances amending Title 17 with recommendations on level of permit review and distance from sensitive uses. Staff recommends that the City Council adopt the ordinance as recommended by the Planning and Design Commission and Law and Legislation Committee (Attachments 2 and 3).

Staff Outreach and Research

Planning Division staff is a part of a Citywide team that is developing regulations for marijuana cultivation. The team is comprised of staff from the City Manager's office, Revenue, Planning, Building, Police, Fire, Economic Development, and the City Attorney's office. Since the February 2, 2016 City Council meeting, staff has visited cultivation operations in Oakland, Sacramento and Sparks, NV; and has researched ordinances of communities throughout the state as well as out-of-state, where cultivation is permitted. Several meetings with various stakeholders from neighborhood associations, business organizations, and marijuana related businesses and organizations were held between February and September to keep them up-to-date on the review process and gather input.

Proposed Amendments to Title 17

The proposed ordinance takes into account the research of staff as well as input from the stakeholder meetings. The City Attorney's office has also reviewed the wording found in the ordinance text for consistency throughout Title 17 and the rest of the City Code. A clean and red-lined versions of the ordinance are attached as recommended by the Planning and Design Commission and Law and Legislation Committee (Attachment 2 and 3). Staff has also

included for reference the ordinances presented to the commission and committee which include additional modifications to the C-2 zone (Attachments 4 and 5).

Section 1 through Section 9-Consistency Changes: These sections of the ordinance propose amendments to Title 17 text to remove the word “cannabis” and replace it with the word “marijuana”. These amendments are proposed in order to avoid confusion and be consistent throughout the City Code.

Section 1 through Section 9-Level of Public Hearing Review for Conditional Use Permit: The second change in Section 1 through Section 9 is the addition of a recommendation for the level of review for the conditional use permit in each of the zones where cultivation permits are allowed. The City Council asked for staff’s recommendation on whether the conditional use permit should be heard at the Zoning Administrator (ZA) level or the Planning and Design Commission level. Based on experience with dispensary permits, staff recommends that the hearings be conducted at the commission level. All of the dispensaries heard at the ZA level were in the industrial zone and met location criteria. Of those 11 dispensaries, three of the decisions were appealed to the commission. Twenty-two dispensary permits were heard at the commission level. The sites were in the general commercial, heavy commercial and industrial zones. Of those 22 permits only one was appealed to the City Council.
The Planning and Design Commission concurred with staff’s recommendation. The Law and Legislation Committee voted to not recommend a level of review and instead have a full discussion of the proposal at City Council with all council members.

Section 10-Distance from Sensitive Uses in all Permitted Zones: Section 10 of the proposed ordinance indicates staff’s recommendations for distance requirements. Potential cultivators have indicated that, unlike medical dispensaries that have people visiting the site daily, cultivation sites do not have visitors and the cultivators do not wish to draw attention to their operations. The proposed amendment indicates that all cultivation sites, regardless of zone, will be required to meet the following:

- Inside a fully enclosed building and not visible from the public right-of-way;
- Compliance with all applicable state and local laws;
- No more than one sign, attached or detached, non-illuminated and not exceeding six square feet in area.
- Site cannot be located within 600 feet of a school, in accordance with section 11362.768 of the California Health and Safety Code

The definition of school includes public and private schools, K-12. Six hundred feet is also the minimum distance required by State law. Again, the four requirements listed above apply to all zones, A, C-2, C-4, M-1, M-1S, M-2 and M-2S zones.

Section 10-Additional Requirements in the C-2 zone: Staff initially recommended additional provisions for the General Commercial (C-2) zone. The C-2 zone is found primarily in the city's commercial corridors with more pedestrian activity and active retail storefronts. Manufacturing, processing, packaging and wholesale operations are permitted but limited to 6,400 square feet in area. These commercial areas are also typically closer to residences than heavy commercial and industrial areas. Staff presented to the Planning and Design Commission and the Law and Legislation Committee an ordinance with these additional requirements for the C-2 zone:

- The cultivation site cannot be located within 600 feet of a park;
- The cultivation site cannot be located within 1,000 feet of any other cultivation site;
- The cultivation site cannot be located within 300 feet of any existing residential zone;
- The cultivation site cannot exceed 6,400 square feet in area.

The Planning and Design Commission and the Law and Legislation Committee, however, indicated that they believed the conditional use permit process provides the means to review any potential impact(s) a cultivation site would have on adjacent sensitive uses on a case by case basis. They were also concerned that placing these limitations on C-2 properties further limits the number of sites in the general commercial zone and results in an additional concentration of cultivation sites in the northeast and southeast industrial areas of the city. The Planning and Design Commission and the Law and Legislation Committee found that the additional requirements in the C-2 zone were not necessary and recommend that the City Council adopt the ordinance without these provisions (Attachment 2 and 3).

Zoning Maps

Two zoning maps are included in this report for the City Council's reference:

- A map showing General Commercial (C-2), Heavy Commercial (C-4), Industrial (M-1, M-1S, M-2 and M-2S) and Agricultural (A) zones and a 600-foot radius from schools (Attachment 6).
- A map showing General Commercial zoned property and a 300-foot radius around residential zoned property and a 600-foot radius around parks and schools (Attachment 7).

These two maps indicate zoning; the maps do not indicate sites that are necessarily appropriate for cultivation or are available for lease or sale. The conditional use permit process evaluates whether or not the site is appropriate for cultivation and whether or not the site results in an undue concentration of marijuana cultivation establishments.

Policy Considerations: On February 2, 2016, when the City Council approved the conditional use permit requirement for cultivation, Assembly Bill 243 (California Medical Marijuana Regulation and Safety Act) allowed for local government to ban or regulate medical marijuana cultivation if an ordinance was in place by March 1, 2016. The City Council also adopted at that time a moratorium on cultivation permits so City staff could develop additional regulations related to cultivation land use and licensing. This included a recommendation on level of review and distance requirements from sensitive uses. The proposed ordinance addresses these land use policies as requested by the City Council.

Economic Impacts: None.

Environmental Considerations: This action is not a project subject to the California Environmental Quality Act (CEQA) because it involves only general policy and procedure making and does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines, sections 15002(d), 15378, 15061 (b)(3).)

Sustainability: Not applicable.

Commission/Committee Action: The proposed ordinance amending the Planning and Development Code (Title 17) was reviewed by the Planning and Design Commission on July 21, 2016. After listening to public testimony from city residents, business associations and potential cultivators in the city, the commission reviewed the provisions of the proposed ordinance. As previously noted, the commission expressed concern that the additional requirements for C-2 zoned property limited the number of cultivation operations that potentially could locate in the zone and could result in a further concentration of marijuana cultivation sites in the City's two primary industrial areas found in the north and south portions of the city. The commission, by a vote of 11 ayes, three noes, and one absent, voted to recommend approval of the proposed ordinance amending Title 17 subject to the deletion of provision C in its entirety from Section 10.

The proposed ordinance was reviewed by the Law and Legislation Committee on August 9, 2016. The committee agreed with the commission's recommendation to delete the additional provisions in the C-2 zone. The committee also did not recommend a hearing level for the conditional use permit instead recommending a full discussion of the provision at the City Council. By a vote of four ayes and zero noes the committee recommended the proposed ordinance be adopted by the City Council with revisions.

Rationale for Recommendation: On February 2, 2016, the City Council adopted a conditional use permit requirement for cultivation in the General Commercial, Heavy Commercial,

Industrial and Agricultural zones. The ordinance, however, did not specify a level of review nor the final distance requirements from sensitive uses. The Planning and Development Code needs to be amended before potential applicants can apply for a conditional use permit.

Financial Considerations: None.

Local Business Enterprise (LBE): Not applicable.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 17 OF THE SACRAMENTO CITY CODE RELATING TO MARIJUANA CULTIVATION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Legislative findings.

The city council adopts this amendment to title 17 of the Sacramento City Code based on findings stated in the public hearing and as stated below:

a. As amended, this title complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city's specific plans and transit village plans because allowing marijuana cultivation creates new business and employment opportunities, and reuses vacant and underutilized buildings in the city; and

b. Marijuana cultivation uses may have impacts on the public and the adjacent land uses, such as security, air quality, parking, and traffic impacts. The amendment promotes the public health, safety, convenience, and welfare of the city by ensuring that those impacts are reviewed and mitigated through the conditional use permit process.

SECTION 2.

The definition of "cannabis cultivation" in section 17.108.040 of the Sacramento City Code is deleted.

> ~~"Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. As used in this definition, "cannabis" has the same meaning as in section 19300.5 of the California Business and Professions Code, which includes marijuana as defined in section 11018 of the California Health and Safety Code.~~

SECTION 3.

A. The definition of "marijuana cultivation" is added to section 17.108.140 to read as follows:

"Marijuana cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana. As used in this definition, "marijuana" has the same meaning as "cannabis" in section 19300.5 of the California Business and Professions Code, which includes marijuana as defined in section 11018 of the California Health and Safety Code.

B. Except as specifically amended in section A above, all other provisions of section 17.108.140 remain unchanged and in full effect.

SECTION 4.

A. The table set forth in subsection B.2 (Industrial and Agricultural Uses) of section 17.200.110 (A zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.200.110 remain unchanged and in full effect.

SECTION 5.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.216.710 (C-2 zone—Permitted Uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.216.710 remain unchanged and in full effect.

SECTION 6.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.216.910 (C-4 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.216.910 remain unchanged and in full effect.

SECTION 7.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.110 (M-1 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.110 remain unchanged and in full effect.

SECTION 8.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.210 (M-1(S) zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.210 remain unchanged and in full effect.

SECTION 9.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.310 (M-2 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.310 remain unchanged and in full effect.

SECTION 10.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.410 (M-2(S) zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.410 remain unchanged and in full effect.

SECTION 11.

Section 17.228.127 of the Sacramento City Code is amended to read as follows:

17.228.127 ~~Cannabis~~ Marijuana cultivation.

A. A conditional use permit approved by the planning and design commission is required to establish ~~cannabis~~ marijuana cultivation in the A, C-2, C-4, M-1, M-1(S), M-2, and M-2(S) zones. The commission may approve a conditional use permit for marijuana cultivation based on the findings set forth in section 17.808.200.C and the following:

1. The proposed marijuana cultivation will not adversely affect the peace or general welfare of the surrounding neighborhood; and

2. The proposed marijuana cultivation will not result in undue concentration of marijuana cultivation establishments.

B. ~~Cannabis cultivation generally.~~ In any zone, ~~cannabis~~ marijuana cultivation must comply with the following provisions:

1. ~~Cannabis~~ Marijuana cultivation must be within a fully enclosed building and must not be visible from the public right-of-way.

~~2. The total canopy size of cannabis growing on one premises must not exceed 22,000 square feet.~~

2. The cultivation site cannot be located within 600 feet of a school, in accordance with section 11362.768 of the California Health and Safety Code.

3. The cultivation site cannot have more than one sign. The sign may be attached or detached. The sign cannot be illuminated and cannot exceed six square feet in area.

~~3~~4. ~~Cannabis~~Marijuana cultivation must comply with all applicable state and local laws.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

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SECTION 1.

Legislative findings.

The city council adopts this amendment to title 17 of the Sacramento City Code based on findings stated in the public hearing and as stated below:

a. As amended, this title complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city's specific plans and transit village plans because allowing marijuana cultivation creates new business and employment opportunities, and reuses vacant and underutilized buildings in the city; and

b. Marijuana cultivation uses may have impacts on the public and the adjacent land uses, such as security, air quality, parking, and traffic impacts. The amendment promotes the public health, safety, convenience, and welfare of the city by ensuring that those impacts are reviewed and mitigated through the conditional use permit process.

SECTION 2.

The definition of "cannabis cultivation" in section 17.108.040 of the Sacramento City Code is deleted.

SECTION 3.

A. The definition of "marijuana cultivation" is added to section 17.108.140 to read as follows:

> "Marijuana cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana. As used in this definition, "marijuana" has the same meaning as "cannabis" in section 19300.5 of the California Business and Professions Code, which includes marijuana as defined in section 11018 of the California Health and Safety Code.

B. Except as specifically amended in section A above, all other provisions of section 17.108.140 remain unchanged and in full effect.

SECTION 4.

A. The table set forth in subsection B.2 (Industrial and Agricultural Uses) of section 17.200.110 (A zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.200.110 remain unchanged and in full effect.

SECTION 5.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.216.710 (C-2 zone—Permitted Uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.216.710 remain unchanged and in full effect.

SECTION 6.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.216.910 (C-4 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.216.910 remain unchanged and in full effect.

SECTION 7.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.110 (M-1 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.110 remain unchanged and in full effect.

SECTION 8.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.210 (M-1(S) zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.210 remain unchanged and in full effect.

SECTION 9.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.310 (M-2 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.310 remain unchanged and in full effect.

SECTION 10.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.410 (M-2(S) zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.410 remain unchanged and in full effect.

SECTION 11.

Section 17.228.127 of the Sacramento City Code is amended to read as follows:

17.228.127 Marijuana cultivation.

A. A conditional use permit approved by the planning and design commission is required to establish marijuana cultivation in the A, C-2, C-4, M-1, M-1(S), M-2, and M-2(S) zones. The commission may approve a conditional use

permit for marijuana cultivation based on the findings set forth in section 17.808.200.C and the following:

1. The proposed marijuana cultivation will not adversely affect the peace or general welfare of the surrounding neighborhood; and

2. The proposed marijuana cultivation will not result in undue concentration of marijuana cultivation establishments.

B. In any zone, marijuana cultivation must comply with the following provisions:

1. Marijuana cultivation must be within a fully enclosed building and must not be visible from the public right-of-way.

2. The cultivation site cannot be located within 600 feet of a school, in accordance with section 11362.768 of the California Health and Safety Code.

3. The cultivation site cannot have more than one sign. The sign may be attached or detached. The sign cannot be illuminated and cannot exceed six square feet in area.

4. Marijuana cultivation must comply with all applicable state and local laws.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 17 OF THE SACRAMENTO CITY CODE RELATING TO MARIJUANA CULTIVATION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The definition of "cannabis cultivation" in section 17.108.040 of the Sacramento City Code is deleted.

> ~~"Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. As used in this definition, "cannabis" has the same meaning as in section 19300.5 of the California Business and Professions Code, which includes marijuana as defined in section 11018 of the California Health and Safety Code.~~

SECTION 2.

A. The definition of "marijuana cultivation" is added to section 17.108.140 to read as follows:

> "Marijuana cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana. As used in this definition, "marijuana" has the same meaning as "cannabis" in section 19300.5 of the California Business and Professions Code, which includes marijuana as defined in section 11018 of the California Health and Safety Code.

B. Except as specifically amended in section A above, all other provisions of section 17.108.140 remain unchanged and in full effect.

SECTION 3.

A. The table set forth in subsection B.2 (Industrial and Agricultural Uses) of section 17.200.110 (A zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.200.110 remain unchanged and in full effect.

SECTION 4.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.216.710 (C-2 zone—Permitted Uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.216.710 remain unchanged and in full effect.

SECTION 5.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.216.910 (C-4 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.216.910 remain unchanged and in full effect.

SECTION 6.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.110 (M-1 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.110 remain unchanged and in full effect.

SECTION 7.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.210 (M-1(S) zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.210 remain unchanged and in full effect.

SECTION 8.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.310 (M-2 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.310 remain unchanged and in full effect.

SECTION 9.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.410 (M-2(S) zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

~~Cannabis cultivation~~	~~Subject to special use regulations in section 17.228.127~~	

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.410 remain unchanged and in full effect.

SECTION 10.

Section 17.228.127 of the Sacramento City Code is amended to read as follows:

17.228.127 ~~Cannabis~~ Marijuana cultivation.

A. A conditional use permit approved by the planning and design commission is required to establish ~~cannabis~~ marijuana cultivation in the A, C-2, C-4, M-1, M-1(S), M-2, and M-2(S) zones. The commission may approve a conditional use permit for marijuana cultivation based on the findings set forth in section 17.808.200.C and the following:

1. The proposed marijuana cultivation will not adversely affect the peace or general welfare of the surrounding neighborhood; and

2. The proposed marijuana cultivation will not result in undue concentration of marijuana cultivation establishments.

B. ~~Cannabis cultivation generally.~~ In any zone, ~~cannabis~~ marijuana cultivation must comply with the following provisions:

1. ~~Cannabis~~ Marijuana cultivation must be within a fully enclosed building and must not be visible from the public right-of-way.

~~2. The total canopy size of cannabis growing on one premises must not exceed 22,000 square feet.~~

2. The cultivation site cannot be located within 600 feet of a school, in accordance with section 11362.768 of the California Health and Safety Code.

3. The cultivation site cannot have more than one exterior sign identifying the occupants or the use. The sign may be attached or detached. The sign cannot be illuminated and cannot exceed six square feet in area.

~~3~~4. ~~Cannabis~~Marijuana cultivation must comply with all applicable state and local laws.

C. In the C-2 zone, marijuana cultivation must comply with the following additional provisions:

1. The cultivation site cannot be located within 600 feet of a park, measured from the nearest property lines of each of the affected parcels.

2. The cultivation site cannot be located within 1,000 feet of any other cultivation site, measured from the nearest property lines of each of the affected parcels.

3. The cultivation site cannot be located within 300 feet of any existing residential zone, measured from the nearest property lines of each of the affected parcels.

4. The cultivation site cannot exceed 6,400 square feet in area.

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BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The definition of "cannabis cultivation" in section 17.108.040 of the Sacramento City Code is deleted.

SECTION 2.

A. The definition of "marijuana cultivation" is added to section 17.108.140 to read as follows:

> "Marijuana cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana. As used in this definition, "marijuana" has the same meaning as "cannabis" in section 19300.5 of the California Business and Professions Code, which includes marijuana as defined in section 11018 of the California Health and Safety Code.

B. Except as specifically amended in section A above, all other provisions of section 17.108.140 remain unchanged and in full effect.

SECTION 3.

A. The table set forth in subsection B.2 (Industrial and Agricultural Uses) of section 17.200.110 (A zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.200.110 remain unchanged and in full effect.

SECTION 4.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.216.710 (C-2 zone—Permitted Uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.216.710 remain unchanged and in full effect.

SECTION 5.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.216.910 (C-4 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.216.910 remain unchanged and in full effect.

SECTION 6.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.110 (M-1 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.110 remain unchanged and in full effect.

SECTION 7.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.210 (M-1(S) zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.210 remain unchanged and in full effect.

SECTION 8.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.310 (M-2 zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.310 remain unchanged and in full effect.

SECTION 9.

A. The table set forth in subsection B.3 (Industrial and Agricultural Uses) of section 17.220.410 (M-2(S) zone—Permitted uses) of the Sacramento City Code is amended as follows:

1. The row for cannabis cultivation is deleted.

2. A row is added to read as follows:

Marijuana cultivation	Subject to special use regulations in section 17.228.127	PDC

B. Except as specifically amended in subsection A above, the tables set forth in section 17.220.410 remain unchanged and in full effect.

SECTION 10.

Section 17.228.127 of the Sacramento City Code is amended to read as follows:

17.228.127 Marijuana cultivation.

A. A conditional use permit approved by the planning and design commission is required to establish marijuana cultivation in the A, C-2, C-4, M-1, M-1(S), M-2, and M-2(S) zones. The commission may approve a conditional use permit for marijuana cultivation based on the findings set forth in section 17.808.200.C and the following:

1. The proposed marijuana cultivation will not adversely affect the peace or general welfare of the surrounding neighborhood; and

2. The proposed marijuana cultivation will not result in undue concentration of marijuana cultivation establishments.

B. In any zone, marijuana cultivation must comply with the following provisions:

1. Marijuana cultivation must be within a fully enclosed building and must not be visible from the public right-of-way.

2. The cultivation site cannot be located within 600 feet of a school, in accordance with section 11362.768 of the California Health and Safety

Code.

3. The cultivation site cannot have more than one exterior sign identifying the occupants or the use. The sign may be attached or detached. The sign cannot be illuminated and cannot exceed six square feet in area.

4. Marijuana cultivation must comply with all applicable state and local laws.

C. In the C-2 zone, marijuana cultivation must comply with the following additional provisions:

1. The cultivation site cannot be located within 600 feet of a park, measured from the nearest property lines of each of the affected parcels.

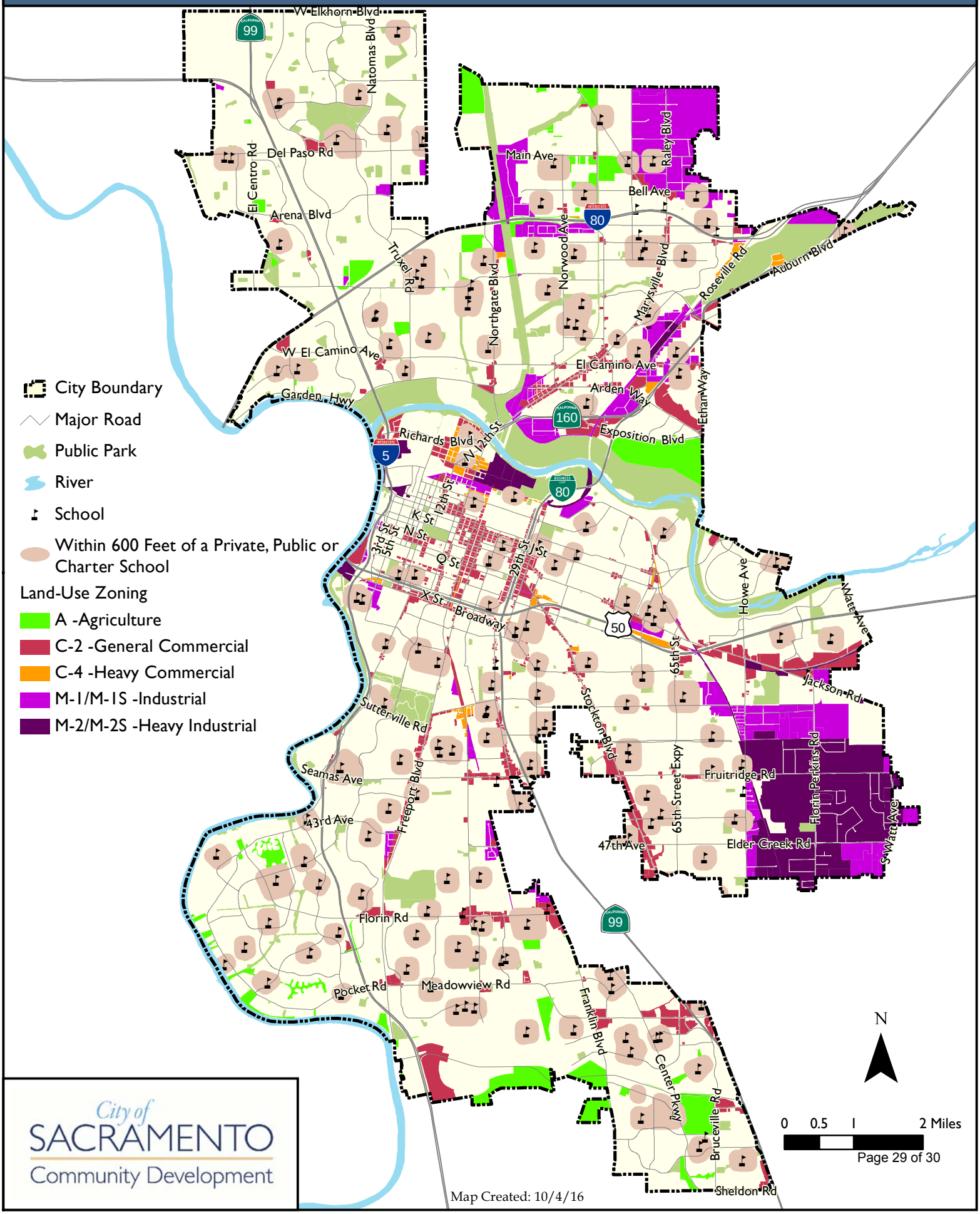
2. The cultivation site cannot be located within 1,000 feet of any other cultivation site, measured from the nearest property lines of each of the affected parcels.

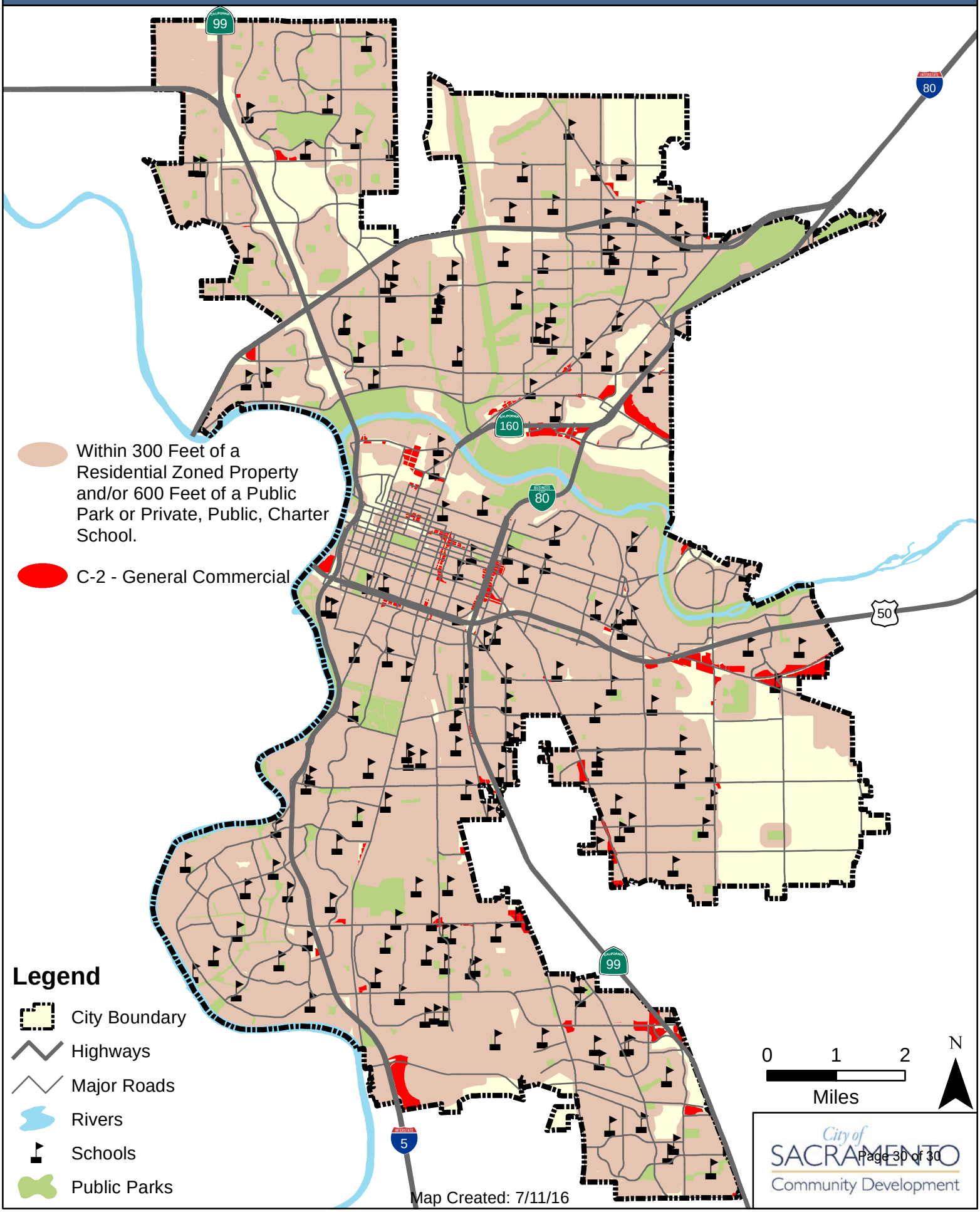
3. The cultivation site cannot be located within 300 feet of any existing residential zone, measured from the nearest property lines of each of the affected parcels.

4. The cultivation site cannot exceed 6,400 square feet in area.

City of Sacramento

Zones A, C-2, C-4, M-1/M-1S, M-2/M-2S - Schools



City of Sacramento

C-2 - Schools, Parks, & Residential