

ORDINANCE NO. 987

AN ORDINANCE OF THE TOWN COUNCIL OF CORTE MADERA AMENDING TITLE 18 OF THE CORTE MADERA MUNICIPAL CODE TO (1) BAN ALL CANNABIS BUSINESSES EXCEPT ALLOWING CANNABIS DELIVERY SERVICES PROVIDED BY BUSINESSES LOCATED OUTSIDE OF THE TOWN AND (2) REGULATING CULTIVATION OF CANNABIS FOR PERSONAL USE

WHEREAS, Corte Madera is a vital and active Town that retains a strong sense of community. The Town strives to retain this atmosphere and a diverse mix of business establishments while promoting the long-term economic health of the community as a whole; and

WHEREAS, Corte Madera desires to protect its existing character, including its vibrant and diverse business sector and at the same time create a supportive environment for a variety of uses, including existing residential areas, to thrive in a manner consistent with the community character; and

WHEREAS, the Compassionate Use Act of 1996 (also known as Proposition 215) was enacted in California allowing the use of medical marijuana; and

WHEREAS, in September 2015, the California Legislature adopted the *Medical Cannabis Regulation and Safety Act* (MCRSA) in effort to clarify and establish a statewide regulatory framework to oversee the medical cannabis-related businesses; and

WHEREAS, on November 8, 2016, California voters approved Proposition 64, known as the *Control, Regulate and Tax Adult Use of Marijuana Act* (with a designated short title of the “Adult Use of Marijuana Act,” or “AUMA”), which, among other things, legalized the adult use of marijuana for individuals 21 years of age or older and established a state-wide scheme to license businesses in the adult use cannabis-related industry; and

WHEREAS, on June 15, 2017, the California Legislature passed SB 94 known as the “Medicinal and Adult Use Cannabis Regulations and Safety Act” (with a designated short title of “MAUCRSA”) to combine regulations pertaining to adult use and medical cannabis, and coordinate government oversight of the State’s medical and adult use cannabis industries into one master regulatory regime. The State began issuing licenses to medical and adult use cannabis-related businesses after January 1, 2018; and

WHEREAS, under the express terms of AUMA and MAUCRSA, the Town retains the authority to prohibit any cannabis businesses from operating within its borders, and to the extent such businesses are allowed to operate in the Town, the Town may impose regulations on those businesses in addition to those imposed by the State; and

WHEREAS, the Town of Corte Madera’s Zoning Ordinance currently prohibits “medical marijuana dispensaries” within the Town’s boundaries, as such uses are defined in Zoning Ordinance, but does not currently expressly prohibit adult use marijuana dispensaries or any other business related to medical or adult use cannabis from operating in the Town, nor does it impose any industry-specific regulations on those businesses; and

WHEREAS, to amend the Zoning Ordinance to adopt cannabis industry specific regulations, the Planning Commission and then Town Council must proceed through a public hearing process – with careful analysis and appropriate community outreach and engagement – to determine whether any type of cannabis-related businesses should be allowed to operate in the Town and, if allowed to operate, how those businesses should be regulated; and

WHEREAS, on September 19, 2017, the Town Council of Corte Madera adopted an urgency ordinance (Corte Madera Ordinance No. 971) pursuant to California Government Code Section 65858 (“Section 65858”) adopting a 45-day moratorium prohibiting all medical and adult use cannabis-related businesses from locating and operating in the Town of Corte Madera pending the analysis and consideration of new zoning amendments and other regulations appropriate for this new industry. The moratorium did not prevent businesses located outside of the Town from providing cannabis delivery services to customers located within the Town; and

WHEREAS, on October 17, 2017, pursuant to Section 65858, the Town Council adopted an urgency

ordinance (Ordinance 972) extending the moratorium established in Ordinance No. 971 through September 18, 2018, to give the Town time to complete the process of analyzing and considering possible zoning amendments to regulate the cannabis industry; and

WHEREAS, on August 21, 2018, pursuant to Section 65858 the Town Council adopted an urgency ordinance (Ordinance No. 978) extending the moratorium originally established in Ordinance 971 for one additional year to September 18, 2019; and

WHEREAS, on September 12, 2018 and September 15, 2018 Town staff conducted two public workshops at Town Hall to provide information and gather community input about (1) possible regulations that would apply to medical and adult use cannabis businesses, including whether to allow cannabis businesses to operate in Town, (2) whether to restrict or regulate outdoor cannabis cultivation for personal use, and (3) whether to regulate indoor cultivation of cannabis for personal use; and

WHEREAS, a public opinion survey was posted on the Town's website from September 7, 2018 to November 4, 2018. The survey was publicized in the Town newsletter, at both public workshops, and on Nextdoor. The intent of the survey was to gather information and opinions from residents, business people and others as to their views concerning cannabis regulations in Corte Madera. Questions were asked regarding demographic information, medical cannabis and non-medical cannabis businesses, indoor and outdoor cultivation as well as what effect outdoor cannabis cultivation might have on the community. A total of 409 surveys were completed with 81% of the respondents being Corte Madera residents; and

WHEREAS, on October 23, 2018, the Planning Commission held a noticed public hearing regarding the development of a Town ordinance regulating cannabis-related businesses and personal cultivation which included a summary of the public workshops and a summary of the public opinion survey; and

WHEREAS, at the conclusion of the Planning Commission meeting on October 23, 2018, the general consensus of the Commissioners was that the Town should (1) allow outdoor cannabis cultivation with some restrictions, (2) allow indoor cannabis cultivation as required by the State without additional regulations, (3) allow businesses located outside of the Town to provide cannabis delivery services to customers located in Corte Madera; and

WHEREAS, on December 4, 2018, staff presented to Town Council an overview of cannabis legislation at the State and local level, a summary the October 23, 2018 Planning Commission hearing, and information and comments collected during the public workshops and public survey, and the Town Council discussed possible options for regulating cannabis businesses and cultivation of cannabis for personal use; and

WHEREAS, during the December 4, 2018 Town Council meeting, the Council directed staff to develop draft amendments to the Zoning Ordinance to (1) ban all cannabis-related businesses from locating in the Town but to allow businesses located outside of the Town to provide cannabis delivery services to customers located in the Town, (2) regulate outdoor cannabis cultivation for personal use to minimize neighborhood impacts, and, (3) allow indoor cultivation for personal use without additional restrictions other than those imposed by the State; and

WHEREAS, on March 26, 2019, the Planning Commission held a public hearing to consider a draft ordinance banning cannabis-related businesses and regulating cultivation of cannabis for personal use, and unanimously approved Resolution #19-014 recommending that the Town Council approve the draft ordinance prohibiting cannabis related businesses and allowing for limited indoor and outdoor cultivation of cannabis for personal use. The Commission also recommended that the ordinance be reviewed by the Town in three years from the date of its adoption; and

WHEREAS, the Town Council finds that: (1) The unregulated cultivation of cannabis for personal use in the Town of Corte Madera may adversely affect the health, safety, and well-being of the Town's residents and environment; (2) Regulating the cultivation of cannabis is proper and necessary to avoid the risks of criminal activity from increased risk of burglary and other property crimes, degradation of the natural environment, offensive odor, fire hazards, and violation of building codes that may result from unregulated cannabis cultivation; (3) Children are particularly vulnerable to the effects of cannabis use, and the presence of cannabis plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children including schools, parks, and other similar locations; and (4) the potential for criminal activities associated with cannabis cultivation in such locations poses heightened risks that children will be involved or endangered; and

WHEREAS, the unregulated indoor cultivation of substantial amounts of cannabis within a residence presents potential health and safety risks to those living in the residence, especially children, including,

but not limited to, increased risk of fire from grow light systems; potential adverse effects on the structural integrity of a building; exposure to fertilizers, pesticides and anti-fungal/mold agents; and exposure to potential property crimes targeting the residence; and

WHEREAS, the Town wishes to amend the Corte Madera Municipal Code (CMMC) to supplement state law by providing a means for regulating the cultivation of medical and adult use cannabis for personal use in a manner that is consistent with state law and that balances the needs of medical patients and their caregivers and the interests of personal use cultivators, while promoting the health, safety and welfare of the residents and businesses within the Town; and

WHEREAS, upon adoption and passage of this ordinance, the Moratorium adopted by Ordinance No. 978 shall be repealed; and

WHEREAS, the Council finds that it is in the interest of the Town and its residents to preserve the quality of life in Corte Madera, and to protect the public health, safety, and general welfare by banning all cannabis relating businesses from operating within the Town but allowing delivery of cannabis and cannabis-related products from businesses located outside of Corte Madera to customers within the Town, and adopting reasonable regulations pertaining to the cultivation of cannabis for personal use.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES ORDAIN AS FOLLOWS:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 2. Compliance with the California Environmental Quality Act (CEQA)

The proposed ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) as it has no potential for causing a significant impact on the environment and 15308 as a regulatory action that will protect the environment.

Section 3. General Plan Consistency

The Town Council of the Town of Corte Madera hereby finds that the proposed Zoning Ordinance Amendments regarding cannabis regulations are consistent with the 2009 General Plan policies and programs. The Council finds that the proposed ordinance results in changes to the Corte Madera Municipal Code, but no changes are proposed to the General Plan. The proposed ordinance will further protect the public health, safety and/or welfare of Corte Madera residents by prohibiting any cannabis-related businesses from locating in Town and by regulating indoor and outdoor cultivation of cannabis for personal use. These measures are consistent with the policies and programs of the Corte Madera General Plan in all aspects. The specific policies and programs on which the Town Council makes this finding include, but are not limited to:

Implementation Program LU-1.1a Ordinance Revisions

Prepare and adopt revisions to the Municipal Code, including the Zoning and Subdivision Ordinances that organize and update existing resolutions and ordinances of the Town to ensure consistency with the General Plan, including land uses, lot sizes and floor area ratios. Uses and structures made non-conforming by adoption of the General Plan will be allowed to be continued, and further addressed in the Zoning Ordinance update.

Section 4. Amendment to the Corte Madera Municipal Code

This ordinance, if approved by the Town Council of the Town of Corte Madera, hereby amends Title 18 – Zoning of the Corte Madera Municipal Code by (1) amending existing Chapters 18.02, 18.04, and 18.08 as shown on Exhibit A, and (2) adding Chapter 18.23 Regulations Pertaining to Cultivation of Medicinal and Adult Use Cannabis for Personal Use as shown on Exhibit B.

Section 5. Repeal of Moratorium

The Town Council hereby repeals the moratorium adopted on August 21, 2018, referenced as Ordinance

No. 978, but that repeal shall be effective only when and if the prohibition on commercial cannabis activity this Ordinance 987 adds to Section 18.02.120 (a) of the CMMC takes effect.

Section 6. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

Section 7. Effective Date

This ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

Section 8. Posting

The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage and within 15 days after passage.

* * * * *

This ordinance was introduced on the 7th day of May 2019, and adopted on the 21st day of May 2019, by the following vote:

AYES: Councilmembers: Andrews, Bailey, Beckman, Ravasio

NOES: Councilmembers: Kunhardt

ABSTAIN: Councilmembers: - None -

ABSENT: Councilmembers: - None -



BOB RAVASIO, MAYOR

ATTEST:



REBECCA VAUGHN
TOWN CLERK

EXHIBIT A

PROPOSED AMENDMENTS TO EXISTING PROVISIONS OF TITLE 18 – ZONING

CHAPTER 18.02 - GENERAL; CHAPTER 18.04 - DEFINITIONS; AND CHAPTER 18.08 - R-RESIDENTIAL DISTRICTS

The following revisions are proposed in red with deletions in ~~strikeouts~~ and additions in *italics*.

CHAPTER 18.02 - GENERAL

18.02.120 – ~~Medical Marijuana Dispensaries~~ *Commercial cannabis activity* prohibited.

- ~~(a) A medical marijuana dispensary is not an allowable use in any zoning district within the town. The establishment or operation of a cannabis dispensary in the town is hereby expressly prohibited in all zoning districts of the town.~~
- ~~(b) No permit, variance, building permit, approval or any other applicable license or entitlement for use, including, but not limited to any land use entitlement, or the issuance of a business license, shall be approved or issued for the establishment or operation of a marijuana dispensary in the town.~~
- (a) All commercial cannabis activity is prohibited in every zoning district within the Town of Corte Madera.*
- (b) Exception for cannabis delivery services provided by licensed businesses located outside of the Town. Notwithstanding the prohibition in subdivision (a) above, delivery of cannabis or cannabis products from a business located outside the Town of Corte Madera is permitted subject to the conditions of Business and Professions Code § 26090, as amended from time to time. This section does not permit any temporary, persistent, or fixed physical presence used for commercial cannabis activities besides delivery vehicles in the active state of making a delivery to a specific person and location.*

CHAPTER 18.04 - DEFINITIONS

18.04.101 *Cannabis.*

“Cannabis” means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not, or any other strain or varietal of the genus Cannabis that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means cannabis as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as amended from time to time. Any reference to cannabis or cannabis products shall include medicinal and adult use cannabis and medicinal and adult use cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, as amended from time to time. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

18.04.127 *Commercial cannabis activity.*

“Commercial cannabis activity” means a business or activity licensed under the Business and Professions Code, § 26001(k), as amended from time to time, including cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products, and any other activities that may be licensed. “Commercial cannabis activity” includes both medicinal and adult use cannabis and cannabis products in accordance with Business & Professions Code §26000(b), as amended from time to time. “Commercial cannabis activity” does not include personal uses allowed by Cal. Health and Safety Code §§ 11362.1

and 11362.2, as amended from time to time, or personal medicinal uses allowed by §§ 11362.765 and 11362.77, as amended from time to time.

18.04.497 Marijuana

“Marijuana” has the same meaning as “cannabis” as set forth in this code.

18.04.500 Medical marijuana dispensary.

- (a) ~~"Marijuana" means all parts of the plant cannabis sativa L., whether growing or not, the resin extracted from any part of the plant; cannabis; concentrated cannabis; edible products containing any part of marijuana; any form of marijuana that may be eaten, injected, ingested, digested or otherwise introduced into the human body; and every active compound, manufacture, derivative, or preparation of the plant, or resin~~
- (b) ~~"Medical marijuana dispensary" means any location, structure, vehicle, store, co-op, residence, storefront or mobile retail outlet (as "storefront" and "mobile retail outlet" are used in Cal. Health and Safety Code Sec. 11362.768) or similar facility used, in full or in part, as a place at or in which or from which marijuana is sold, traded, exchanged, or bartered for in any way, whether or not said sale, trade, exchange or barter is accomplished by or through a club, membership, collective, cooperative, other entity or organization or in any other manner. "Collective" and "cooperative" shall have the same meaning as set forth in the "State Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use", August 2008. "Medical Marijuana Dispensary" shall include but not limited to facilities which make available and/or distribute marijuana in accordance with California Health and Safety Code Sec. 11362.5 et seq.~~
- (c) ~~"Medical marijuana dispensary" shall not include the following uses, as long as the location of such uses are otherwise permitted by this code: a pharmacy regulated under Chapter 9, Division 2 of the Business and Profession Code and/or the Federal Controlled Substances Act of 1970 and its implementing regulations; a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; a residential hospice licensed pursuant to Chapter 8.5 of Division 2 of the California Health and Safety Code; or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code, as long as any such use complies strictly with applicable law, including, but not limited to California Health and Safety Code Sections 11362.5 et seq.~~

CHAPTER 18.08 –R: RESIDENTIAL DISTRICTS

The following schedule indicates by the symbol "X" the uses that are permitted uses and the uses that are conditional uses in each residential district:

Permitted Uses	Multiple Dwelling R-3 and R-2	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(1) Single-family dwellings	X	X	X	X	X
(2) Multiple dwellings	X				
(3) Home occupations, complying with the provisions of Section 18.08.030(1)	X	X	X	X	X
(4) Incidental and accessory structures and uses for the exclusive use of residents on the site and their guests limited to the following:					
(A) Garages and carports	X	X	X	X	X
(B) Garden structures, including, but not limited to, arbors and pool houses.	X	X	X	X	X
(C) Greenhouses	X	X	X	X	X

(D) Storage buildings	X	X	X	X	X
(E) Recreation rooms	X	X	X	X	X
(F) Hobby shops and studios not containing noisy or objectionable machinery or equipment, and not involving on-premises sales	X	X	X	X	X
(5) Keeping of household pets not exceeding three adult pets of any given species, not exceeding six pets total	X	X	X	X	X
(6) Temporary subdivision sales offices complying with Section 18.08.030(3)	X	X	X	X	X
(7) Private swimming pools and hot tubs complying with the provisions of Section 18.08.030(4)	X	X	X	X	X
(8) Residential care facilities as defined in Section 18.04.650	X	X	X	X	X
(9) Group homes for six or fewer persons	X	X	X	X	X
Permitted Uses	Multiple Dwelling R-2 and R-3	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(10) Small family day care home	X	X	X	X	X
(11) One accessory dwelling unit or junior accessory dwelling unit which conforms with the size and standards of Chapter 18.31 of this title	X	X	X	X	X
(12) Keeping of chickens (excluding roosters, quacking ducks, guinea fowl or pea fowl) in compliance with the provisions of Chapter 18.21	X	X	X	X	X
<i>(13) Outdoor Cultivation of Cannabis for Personal Use in compliance with the provisions of Chapter 18.23</i>		<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>
<i>(14) Indoor Cultivation of Cannabis for Personal Use in compliance with the provisions of Chapter 18.23</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>

EXHIBIT B

The following Chapter shall be added to Title 18 of the Corte Madera Municipal Code

Chapter 18.23

REGULATIONS PERTAINING TO CULTIVATION OF MEDICINAL AND ADULT USE CANNABIS FOR PERSONAL USE

Sections:

- 18.23.010 Purpose and intent***
- 18.23.020 Definitions***
- 18.23.030 Requirements for the Cultivation of Cannabis for Personal Use***

18.23.010 Purpose and intent

The purpose and intent of this Chapter is to regulate the cultivation of medicinal and adult use cannabis for personal use in a manner that is consistent with state law and that balances the needs of medical patients and their caregivers, and the interests of personal use cultivators, while promoting the health, safety and welfare of the residents and businesses within the Town and to provide for the health, safety and welfare of the public, and to ensure that cannabis grown for personal use remains secure and does not find its way to persons under the age of twenty-one who are not authorized patients, or to illicit markets. This Chapter shall not be enforced to conflict with state law rights of qualified patients or qualified primary caregivers. Nothing in this section is intended to authorize the cultivation, possession, or use of cannabis in violation of state law.

18.23.020 Definitions

For purposes of this Chapter, the following definitions shall apply, unless indicated otherwise.

"Adult use cannabis" refers to that term as set forth in California Business and Professions Code § 26000(2), as amended from time to time, and shall be synonymous with "Adult Use cannabis".

"Cannabis cultivation" shall have the same meaning set forth in California Business & Professions Code Section 26001, as amended from time to time.

"Cultivation site" shall have the same meaning set forth in California Business & Professions Code Section 26001(m), as amended from time to time.

"Indoor cultivation" refers to cannabis cultivation within a building that complies with applicable provisions of the California Building Standards Code as adopted that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials.

"Medicinal or medical cannabis" shall have the same meaning set forth in California Business and Professions Code § 26001(ai), as amended from time to time, and shall be synonymous with "medical cannabis".

"Outdoor cultivation" refers to cannabis cultivation at a location other than an indoor cultivation site.

"Personal use" means for individual cultivation and consumption of cannabis products. Any cannabis cultivation requiring a state license under California Business and Professions Code, § 26001, as amended from time to time, is not "Personal use."

"Primary caregiver" shall have the same meaning set forth in California Health and Safety Code 11362.5(e), as amended from time to time.

“Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling as defined in California Health and Safety Code Section 11362.2, as amended from time to time.

“Qualified patient” shall have the same meaning set forth in California Health & Safety Code Section 11362.7(f), as amended from time to time.

“Residential structure” means any building or portion thereof legally existing that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation on a premises or legal parcel located within a zoning district that allows residential uses. Also, see Residence as defined in CMMC Section 18.04.645.

“Sell,” “sale,” and “to sell” shall have the same meaning set forth in California Business & Professions Code Section 26001, as amended from time to time.

“School” means an institution of learning for persons under twenty-one (21) years of age, whether public or private, offering regular course of instruction including, without limitation, a preschool, a kindergarten, elementary school, middle or junior high school, or senior high school.

18.23.030 Requirements for the Cultivation of Cannabis for Personal Use

- A. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the Town to cause or allow such parcel to be used for the indoor or outdoor cultivation of cannabis plants except as provided in subsections B. and C. of this section.*
- B. Persons permitted to cultivate cannabis for personal use.*
 - a. Only a person who is (1) at least eighteen (18) years of age and a qualified patient, (2) at least twenty-one (21) years of age, or (3) a primary caregiver may engage in cultivation of cannabis for personal use.*
 - b. The person cultivating the cannabis shall reside full-time (at least 51% of the time over a given year) on the premises where the cultivation of cannabis occurs.*
- C. Cultivation Standards. Cannabis cultivation for personal use within the Town shall be in conformance with each of the following standards:*
 - a. General*
 - i. Cultivation of cannabis for personal use is allowed in all residential zoning districts and in no other zoning district.*
 - ii. The personal cultivation of adult use cannabis is limited to no more than six mature plants per private residence, regardless of the number of residents at the residence.*
 - iii. Cultivation areas, cannabis plants and any cannabis products derived from the plants and cannabis growing equipment shall be completely secured, by locked doors or gates or other security device that prevents unauthorized entry and shall not be visible from a public right-of-way, park or school from the ground level with the unaided eye.*
 - iv. The use of gas products (CO2, butane, etc.) or generators for cannabis cultivation or processing is prohibited.*
 - v. A parcel that is being used for cannabis cultivation must include a legal residence that shall be occupied and is required to maintain a functioning kitchen and bathroom(s), and the use of the primary bedrooms for their intended purpose.*
 - vi. The planting, harvesting, drying, or processing of cannabis for personal use shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious odor, smoke, traffic, vibration or other impacts or be hazardous due to use or storage of materials, processes, products or waste associated with cannabis cultivation.*
 - vii. Cultivation of cannabis for personal use is allowed subject to the property owner(s) consent. Proof of consent must be maintained on the property.*
 - b. Indoor Cultivation*

- i. *Indoor cultivation for personal use shall comply with all applicable regulations of the CMMC and the California Building, Electrical and Fire Codes as adopted by the Town.*
- ii. *Modifications to existing structures or plumbing, electrical, or mechanical systems for construction of indoor cannabis cultivation areas for personal use may require a permit from the Building Department.*

c. *Outdoor Cultivation*

- i. *Outdoor cultivation for personal use must be enclosed by a solid fence at least six feet (6') in height with a locked gate or gates.*
- ii. *Outdoor cultivation for personal use is prohibited on any parcel that is not zoned R-1, R-1-A, R-1-B, R-1-C, even if the parcel contains a residential structure or a residential use.*
- iii. *For outdoor cultivation, all cannabis plants and growing equipment shall be located at least 10 (ten) feet from all property lines and shall not be located in a front setback.*
- iv. *Outdoor cultivation for personal use is prohibited on parcels that share one or more property lines with a school.*