



THE CITY OF  
NOVATO  
CALIFORNIA

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**STAFF REPORT**

MEETING

DATE: October 9, 2018

TO: City Council

FROM: Terrie Gillen, City Clerk

SUBJECT: **ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO ADDING SECTION 19.34.065 TO CHAPTER 19 (ZONING) OF THE NOVATO MUNICIPAL CODE IN ORDER TO ESTABLISH REGULATIONS FOR PERSONAL CULTIVATION OF CANNABIS INDOORS ONLY AND MAKING RELATED AMENDMENTS TO SECTIONS 19.08.030, 19.10.040, 19.12.030, AND 19.14.040 OF THE MUNICIPAL CODE AND FINDING THAT ADOPTION THEREOF IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTIONS 15061(b)(3), 15301, 15304 AND 15305**

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**REQUEST**

Adopt the ordinance.

**BACKGROUND**

This ordinance was introduced by Community Development Director Bob Brown at the City Council meeting of October 2, 2018. Once the ordinance is adopted, it will go into effect thirty days after the date of its passage and adoption.

**RECOMMENDATION**

Adopt the ordinance.

**ATTACHMENT**

1. Draft ordinance

## CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO ADDING SECTION 19.34.065 TO CHAPTER 19 (ZONING) OF THE NOVATO MUNICIPAL CODE IN ORDER TO ESTABLISH REGULATIONS FOR PERSONAL CULTIVATION OF CANNABIS INDOORS ONLY AND MAKING RELATED AMENDMENTS TO SECTIONS 19.08.030, 19.10.040, 19.12.030, AND 19.14.040 OF THE MUNICIPAL CODE AND FINDING THAT ADOPTION THEREOF IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTIONS 15061(b)(3), 15301, 15304 AND 15305

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, which was codified as California Health and Safety Code section 11362.5, and entitled “the Compassionate Use Act of 1996”; and

WHEREAS, the intent of Proposition 215 was to enable persons who are in need of cannabis for medical purposes to legally obtain and use it under limited, specific circumstances without fear of criminal prosecution. Proposition 215 further provides that “[n]othing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes.” (Health & Safety code, § 11362.5, subd. (b)(2).) The ballot arguments supporting Proposition 215 expressly acknowledged that “Proposition 215 does not allow ‘unlimited quantities of marijuana to be grown anywhere.’”; and

WHEREAS, in 2003, the California Legislature passed Senate Bill 420 (codified as California Health and Safety Code § 11362.7 *et seq.*) to clarify the scope of Proposition 215 and expressly allow cities and counties to adopt and enforce ordinances that are consistent with SB 420; and

WHEREAS, in November 2016, California voters approved Proposition 64, which enacted the Control, Regulate, and Tax Adult Use of Marijuana Act. Proposition 64 makes it legal under state law for anyone 21 years of age or older to possess, plant, cultivate, harvest, dry, and process up to six cannabis plants per private residence for personal use (Health & Safety Code, §§ 11362.2 & 11362.3 (as amended by Senate Bill No. 94 §§ 130 & 131).) Proposition 64 also explicitly provides for local control over personal use cultivation, enabling cities to “enact and enforce reasonable regulations to regulate” indoor cultivation of cannabis for personal use and to prohibit all outdoor cultivation of cannabis for personal use on the grounds of a private residence (Health & Safety Code § 11362.2, subds. (b)(1) & (b) (3) (as amended by Senate Bill No. 94 § 130); and

WHEREAS, on June 27, 2017, the Governor approved Senate Bill 94, which repealed the Medical Marijuana Regulation and Safety Act (MMRSA) and includes certain provisions of MMRSA in the licensing provisions of the Control, Regulate, and Tax Adult Use of Marijuana Act; and

WHEREAS, the unregulated cultivation of cannabis in the City of Novato can adversely affect the health, safety, and well-being of the city's residents and environment. 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. 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. Further, 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 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-fungus/mold agents; and exposure to potential property crimes targeting the residence; and

WHEREAS, the City wishes to amend the Novato Municipal Code to implement state law by providing a means for regulating the cultivation of medicinal and personal use cannabis in a manner that is consistent with state law and which 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 City; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases this decision to amend the Municipal Code includes, but is not limited to: (1) the staff reports, City files and records and other documents, prepared or and/or submitted to the City relating to the proposed amendment; (2) all documentary and oral evidence received at public meeting and hearings or submitted to the City during the comment period relating to this amendment; (3) the City of Novato 1996 General Plan and its EIR; and (4) all other matters of common knowledge to the City Council including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas. The custodian of records is the City Clerk of the City of Novato, 922 Machin Avenue, Novato, CA 94945.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NOVATO DOES FIND AND ORDAIN AS FOLLOWS:

**SECTION 1.**

The City Council hereby finds that the adoption of this ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act

("CEQA"), the State CEQA Guidelines, and the environmental regulations of the city. Community Development Department ("CDD") staff has determined that the adoption and implementation of the ordinance and its allowance of the cultivation of medicinal and/or adult-use cannabis, as limited and regulated by this ordinance, is eligible for Class 4 and 5 categorical exemption for minor changes in land use limitations and/or minor alterations in the condition of land and/or vegetation and will not have a significant environmental impact pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the adoption and implementation of the ordinance will have a significant effect on the environment for all of the reasons stated hereafter. Since Proposition 64 and SB 94 already authorize the cultivation of up to 6 cannabis plants (and potentially more for qualified patients and primary caregivers) and this ordinance does not increase that amount, this ordinance will have no impact on existing conditions as regards the cultivation of cannabis. Furthermore, cultivation is limited: in existing residential structures or fully enclosed and secure structures, the latter of which can be built in backyards and sideyards, only up to 6 plants (and potentially more for qualified patients and primary caregivers) can be cultivated therein, it is not anticipated such structures will be large or require significant changes to the landscape or other improvements. In short, the ordinance is exempt from the environmental review requirements of CEQA pursuant to Sections 15304 and 15305 of Title 14 of the California Code of Regulations. CDD staff has also determined that this ordinance is exempt under CEQA as a Class 1 exemption (CEQA Guidelines sec. 15301) as a minor alteration of existing residential structures, for this ordinance permits cultivation of up to 6 cannabis plants (and potentially more for qualified patients and primary caregivers) under certain conditions, which said conditions may result in fencing and other minor improvements to be built on or in private residences. But the erection of such improvements is already permitted under existing laws and city regulations or involves alterations and improvements such as interior electrical conveyances or similar interior or exterior facilities and features that entail negligible or no expansion of an existing use. Additionally, permitting up to 6 cannabis plants to be grown on the grounds of a private residence is not significantly different from the indoor and outdoor plant growing and maintenance that occupants of private residences are already permitted to perform on residential and other properties and, as such, does not constitute an expansion of use within the contemplation of the Class 1 CEQA exemption and is otherwise exempt under CEQA Guidelines section 15304. The City Council has reviewed CDD's Staff's determination of exemption, and based on its own independent judgment, concurs with Staff's determination of exemption. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Marin in accordance with CEQA Guidelines.

## **SECTION 2.**

The City Council hereby finds that the adoption of this ordinance is consistent with the policies and programs of the General Plan as most currently amended and furthers the following goals and objectives to:

- a. Reduce fire hazards (SF Objective 5) in that the proposed ordinance changes will establish health and safety requirements for indoor cultivation, and
- b. Continue to enforce the State Building Code (SF Policy 19) in that the proposed ordinance changes will require that structural, electrical, and mechanical modifications and equipment associated with cannabis cultivation comply with existing building code standards, and

- c. Maintain effective police services (SF Objective 6) in that the proposed ordinance changes include provisions for security to reduce potential for property crimes associated with cannabis cultivation.

**SECTION 3.** The City Council hereby amends the Novato Municipal Code to add Section 19.34.065 to read as follows:

***19.34.065 –Cannabis—Personal Cultivation***

A. *Purpose and Intent.* The purpose of this section is to impose regulatory restrictions on the personal cultivation of cannabis pursuant to state law. Nothing in this section is intended to allow commercial cannabis activities as defined in section 19.60.020. This section is not intended to interfere with a patient’s right to use medicinal cannabis pursuant to state law, as may be amended, nor does it criminalize cannabis possession or cultivation otherwise authorized by state law. This section is not intended to give any person or entity independent legal authority to operate a cannabis business, as it is intended simply to impose regulatory restrictions regarding personal cultivation of cannabis in the City pursuant to this Code and state law.

B. *Applicability.* Nothing in this section shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law, nor shall it be construed, to exempt any activity related to the cultivation of cannabis from any applicable electrical, plumbing, land use or other building or land use standards or permitting requirements. No provision of this section shall be deemed a defense or immunity to any action brought against any person by the Marin County District Attorney’s office, the Attorney General of the State of California or the United States of America.

C. *Maximum limits.*

1. No indoor, mixed-light or outdoor cannabis cultivation may occur without full compliance with this section.
2. No personal cultivation of cannabis may occur on a parcel of property unless a private residence is located on the same parcel.
3. Notwithstanding any other provisions of this Code to the contrary, outdoor cultivation of cannabis (for any purpose) is prohibited.
4. Except as may be permitted by state law with respect to qualified patients and/or primary caregivers, no more than six (6) cannabis plants may be cultivated inside a private residence and/or on the parcel on which that private residence is located.

D. *Medical cannabis cultivation.* Medical cannabis shall only be cultivated by:

- 1) A qualified patient exclusively for his or her own personal medical use but who does not provide, donate, sell, or distribute medical cannabis to any other person and who can provide a written doctor’s recommendation to the City; or

- 2) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides medical cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code Section 11362.765(c).

E. *Nonmedicinal cannabis cultivation.* For persons other than qualified patients or primary caregivers, all personal cultivation of cannabis for nonmedicinal purposes shall be conducted by persons twenty-one (21) years of age or older.

F. *Indoor Cannabis Cultivation for Personal Use.* Indoor cannabis cultivation for personal use is permitted within all private residences as defined in Health and Safety Code Section 11362.2 and Fully Enclosed and Secure Structures located on the same parcels as the private residences within all zoning districts, subject to all of the following minimum standards:

- 1) All indoor cannabis cultivation for personal use, including by a qualified patient or primary caregiver, shall occur in a private residence or Fully Enclosed and Secure Structure located on the same parcel of property as that private residence, subject to the following restrictions:
  - a) Structures and equipment used for indoor cannabis cultivation, such as indoor grow lights, shall comply with all applicable zoning, building, electrical and fire code regulations as adopted by the City;
  - b) All Fully Enclosed and Secure Structures shall comply with all applicable requirements set forth in this Chapter and in addition shall be setback by a minimum of ten (10) feet from all parcel property lines;
  - c) Personal cultivation of cannabis shall not interfere with the primary occupancy of the residence, building or structure, including regular use of kitchen(s) or bathroom(s);
  - d) The use of generators to power any cultivation equipment is prohibited, except as an emergency back-up system. The use of extension cords in the cultivation room is likewise prohibited;
  - e) Indoor grow lights used for cultivation shall not exceed 1,200 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the City;
  - f) Any Fully Enclosed and Secure Structure or private residence used for the cultivation of indoor cannabis shall have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with the Building Codes as adopted and amended by Chapter 4 (Building and Housing) of the Novato Municipal Code;

- g) From the ground level of a street, public right-of-way or adjoining parcel, there shall be no visible evidence whatsoever of cannabis cultivation occurring anywhere on the parcel;
- h) Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation of cannabis by tenants;
- i) Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis;
- j) Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in this Code;
- k) Except as may otherwise be permitted by state law with respect to the cultivation of medicinal cannabis by qualified patients and/or primary caregivers, the cultivation area shall not be accessible to minors; and
- l) Tenants and all other non-owners of property shall have written consent from the property owner in accordance with the following requirements:
  - 1) Written consent from the property owner to cultivate cannabis within the residence or in a Fully Enclosed and Secure Structure that otherwise meets the requirements of this section shall be obtained and shall be kept on the premises, and available for inspection by the chief of police or his/her designee;
  - 2) If there is more than one owner of the residence, all owners must have acknowledged, consented to and granted permission to the authorized grower for the cultivation. The written consent shall be dated and signed by the owner or owners of the residence.
  - 3) The written consent shall be valid for twelve (12) months from the signing of the written consent. If ownership of the residence changes during the twelve (12) months period after the previous owner or owners had granted permission for the cultivation, the authorized grower must obtain, with thirty (30) days of the change of ownership, a new permission statement from the new owner or owners of the residence; and
  - 4) Upon request, the authorized grower shall provide the written consent from the owner or owners of the residence as proof that the owner or owners have acknowledged, consented to and granted permission to the authorized grower.
  - 5) The area of cultivation shall not adversely affect the health or safety of the occupants of the private residence or the parcel on which the residence is located or any other property by creating dust, noise, noxious gasses, smoke, odors, vibration, mold, or other impacts, and shall not be maintained as to constitute a hazard due to use or storage of materials, processes, products or wastes.
  - 6) The area used for cultivation shall comply with all California Building, Electrical, Fire, Mechanical and Plumbing Codes as adopted and

amended by Chapter 4 (Building and Housing) of the Novato Municipal Code; and (1) the private residence must have a permanent connection to a public water source drawing water, (2) the cultivator may not engage in unlawful or unpermitted surface drawing of water for such cultivation, (3) the cultivator may not permit illegal discharges of water from the parcel, and (4) the residence where the cultivation takes place shall be connected to a public sewer system.

- 7) The cannabis plants shall be in a locked space so to prevent access by children (except as may otherwise be permitted by state law with respect to the cultivation of medicinal cannabis by qualified patients and/or primary caregivers), visitors, casual passersby, vandals, or anyone not authorized to possess cannabis.
- 8) Adequate mechanical locking or electronic security systems must be installed as part of the Fully Enclosed and Secure Structure or the private residence prior to the commencement of cultivation.
- 9) A portable fire extinguisher that complies with the regulations and standards adopted by the state fire marshal and applicable law shall be kept in the Fully Enclosed and Secure Structure used for cannabis cultivation. If cultivation occurs in a private residence, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs.

*G. Outdoor cannabis cultivation - Personal Use.* Outdoor cannabis cultivation is prohibited under this Section and shall constitute a public nuisance. No personal cultivation of cannabis may occur except within a private residence or Fully Enclosed and Secure Structure.

*H. Cannabis Cultivation Activities Prohibited Unless Specifically Authorized by this Section.* Except as specifically authorized in this section, the cultivation of cannabis for personal use is expressly prohibited in the City of Novato.

*J. Enforcement.*

- 1) Nuisance. Any violation of this Section is declared to be a public nuisance and may be abated by the city pursuant to Section 1-6 of this Code.
- 2) Penalty. A violation of this section is punishable as a criminal offense in accordance with Section 1-5 of this Code. However, notwithstanding anything in this code to the contrary, persons violating this section shall not be subject to criminal liability under this Code solely to the extent such conduct or condition is immune from criminal liability pursuant to state law, including the Compassionate Use Act of 1996 (Health and Safety Code Section 11362.5), the Medical Marijuana Program (Health and Safety Code Section 11362.7 et seq.), the Medicinal and Adult-Use Cannabis Regulation and Safety Act or the Control, Regulate and Tax Adult Use of Marijuana Act, as they may be amended. This



section does not prohibit the city from abating violations of this section by any administrative, civil or other non-criminal means.

**SECTION 4.** The City Council hereby amends the Novato Municipal Code to add the following definitions to Section 19.60.020 (Definitions of Specialized Terms and Phrases) to read as follows in the order in which they would alphabetically appear:

*Cannabis.* All parts of the plant *Cannabis sativa linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; 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" includes cannabis that is used for medicinal, non-medicinal, or other purposes.

"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.

"Cannabis" also does not include industrial hemp, as defined in California Health and Safety Code section 11018.5.

*Cannabis concentrate.* Manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency.

*Cannabis cultivation.* Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

*Cannabis product.* Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

*Commercial cannabis activity.* The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medicinal, non-medicinal, or any other purpose and includes (i) the production of hashish oil and the distillation or extraction of cannabidiol ("CBD") from industrial hemp having more than three-tenths of one percent THC contained in the dried flowering tops and (ii) the activities of any business licensed by the State or other government entity under Division 10 of the California Business and Professions Code, or any provision of State law that regulates the licensing of cannabis businesses.

*Fully Enclosed and Secure Structure.* A space within a building that complies with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 4 (Building and Housing) of the Novato Municipal Code, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and

roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material. Plastic sheeting, canvas, vinyl, or similar products or materials, regardless of gauge, are not considered solid materials;

A Fully Enclosed and Secure Structure must be an accessory structure to a private residence located upon the parcel on which that private residence is situated.

*Indoor cannabis cultivation.* Cultivation of cannabis using exclusively artificial lighting.

*MAUCRSA.* The Medicinal and Adult-Use Cannabis Regulation and Safety Act, as the same may be amended from time to time.

*Medical cannabis or medicinal cannabis.* Cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act (“CUA,” Health and Safety Code section 11362.7 et seq.), the Medical Marijuana Program Act (“MMPA,” Health and Safety Code section 11362.7 et seq.), and the Medicinal Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA).

*Outdoor cannabis cultivation.* Cultivation of cannabis in any area, place or location that is not inside a private residence or a Fully Enclosed and Secure Structure.

*Personal cultivation of cannabis.* Cannabis cultivation conducted by an individual strictly for that individual’s personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Code and state law, including but not limited to Health and Safety Code Sections 11362.1 and 11362.2, as may be amended. Personal cultivation also means and includes cultivation of medical cannabis conducted by a qualified patient exclusively for his or her personal medical use, and cultivation conducted by a primary caregiver for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, in accordance with state law, including Health and Safety Code Sections 11362.7 and 11362.765, as may be amended. Except as herein defined, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of cannabis.

*Primary caregiver.* As set forth in Health and Safety Code section 11362.7, as amended from time to time.

*Qualifying patient or qualified patient.* As set forth in Health and Safety Code section 11362.7, as the same may be amended from time to time.

**SECTION 5.** The City Council hereby amends the Novato Municipal Code, Section 19.08.030 to amend Table 2-2 Allowed Uses and Permit Requirements for Agricultural and Resource Zoning Districts - Residential Uses to read as follows, with the remainder of Table 2-2 to remain unchanged:

**19.08.030 - Agricultural and Resource Zoning District Land Uses and Permit Requirements.**

Table 2-2 identifies the uses of land allowed by this Zoning Ordinance in each agricultural and resource zoning district, and the land use permit required to establish each use, in compliance with Section 19.06.030 (Allowable Land Uses and Permit Requirements). In addition to the land use permit required by Table 2-2, special provisions related to certain land uses may apply, and Design Review may also be required for certain uses in compliance with Section 19.42.030 (Design Review). A Building Permit shall be required prior to any construction.

Note: Where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

TABLE 2-2 Allowed Uses and Permit Requirements for Agricultural and Resource Zoning Districts		P Permitted Use (2)				Specific Use Regulations
		UP Use Permit required (3)				
LAND USE (1)		PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
		A	OS	ROS	C	
<b>AGRICULTURE, RESOURCE &amp; OPEN SPACE USES</b>						
Agricultural accessory structures	P	P	P	P		
Agricultural processing	UP	—	—	—		
Community gardens	P	P	—	P		
Crop production and horticulture	P	P	—	P		
Dairy farming	UP	—	—	—		
Farm produce stands	UP	—	—	—		
Livestock operations - Grazing & Hay Production	P	P	P	P		
Livestock operations - Large animals	UP	—	—	—		
Livestock operations - Small animals	P	—	—	—		
Nurseries and greenhouses, no on-site sales	P	—	—	—		
Nurseries and greenhouses, with on-site sales	UP	—	—	—		
Storage and use of hazardous materials as accessory use	UP (4)	—	—	UP (4)		
<b>RECREATION, EDUCATION &amp; ASSEMBLY USES</b>						
Clubs, lodges and membership meeting halls	UP	—	—	—		
Equestrian facilities	UP	—	—	—		
Golf courses and country clubs	UP	—	—	UP		
Hiking trails	P	P	P	P		
Marinas, docks, piers	UP	UP	UP	UP		
Nature preserves	P	P	P	P		
Outdoor recreation facilities, active	UP	—	—	—		
Outdoor recreation facilities, passive	P	P	P	P		
Parks and playgrounds	UP	UP	—	UP		

KEY TO ZONING DISTRICT SYMBOLS

A	Agricultural	ROS	Restricted Open Space
OS	Open Space	C	Conservation

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Accessory use may be allowed in accordance with standards as promulgated by the Novato Fire Protection District and all other applicable local, state and federal laws and regulations.

TABLE 2-2 Allowed Uses and Permit Requirements for Agricultural and Resource Zoning Districts	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	PERMIT REQUIRED BY DISTRICT				
	A	OS	ROS	C	
	P	Permitted Use (2)			
	UP	Use Permit required (3)			
	—	Use not allowed			
RESIDENTIAL USES					
Accessory dwelling units/junior accessory dwelling units	UP	—	—	UP	19.34.030 and 19.34.031
Accessory residential uses and structures	P	—	—	P	19.34.032
<u>Cannabis cultivation – personal indoor</u>	<u>P</u>	<u>P</u>	—	<u>P</u>	<u>19.34.065</u>
<u>Cannabis cultivation – personal outdoor</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>19.34.065</u>
Caretaker quarters	UP	UP	—	—	
Farm labor housing	UP	—	—	—	
Group homes, 6 or fewer persons	P	—	—	—	
Group homes, 7 or more persons	UP	—	—	—	
Home occupations	P	—	—	P	19.34.080
Single-family dwellings	P	—	—	P	
SERVICE USES					
Bed and breakfast inns (B&Bs)	UP	—	—	—	
Cemetery	—	—	—	P	
Child/adult day care, 8 or fewer clients	P	—	—	P	
Child/adult day care, 9 to 14 clients	P	—	—	—	19.34.070
Child/adult day care, 15 or more clients	UP	—	—	—	19.34.070
Funeral Homes	—	—	—	UP	

Kennels	UP	—	—	—	
TRANSPORTATION AND COMMUNICATION USES					
Wireless communications facilities	UP	UP	UP	UP	19.38

KEY TO ZONING DISTRICT SYMBOLS

A	Agricultural	ROS	Restricted Open Space		
OS	Open Space	C	Conservation		

Notes:

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.

**SECTION 6.** The City Council hereby amends the Novato Municipal Code, Section 19.08.040 to amend Table 2-4 Allowed Uses and Permit Requirements for Residential Zoning Districts - Residential Uses to read as follows, with the remainder of Table 2-4 to remain unchanged:

**19.10.040 - Residential Zoning District General Development Standards.**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-5 and 2-6, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations						
	RR	RVL, R1	R4, R5	R10	R20							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">TABLE 2-4 Allowed Uses and Permit Requirements for Residential Zoning Districts</td> <td style="width: 50%;">P Permitted Use (2)</td> </tr> <tr> <td></td> <td>UP Use Permit required (3)</td> </tr> <tr> <td></td> <td>— Use not allowed</td> </tr> </table>							TABLE 2-4 Allowed Uses and Permit Requirements for Residential Zoning Districts	P Permitted Use (2)		UP Use Permit required (3)		— Use not allowed
TABLE 2-4 Allowed Uses and Permit Requirements for Residential Zoning Districts	P Permitted Use (2)											
	UP Use Permit required (3)											
	— Use not allowed											
<b>AGRICULTURE, RESOURCE &amp; OPEN SPACE USES</b>												
Animal keeping	P (4)	P (4)	P (4)	P (4)	P (4)	19.34.060						
Crop production & horticulture, community gardens	P	UP	—	—	—							
Kennel	UP	UP (5)	—	—	—							
Livestock raising, small	P	UP	—	—	—	19.34.060						
Nature preserves	P	P	P	—	—							

Plant, nurseries and greenhouses, with on-site retail	UP	UP	UP	—	—	
Plant, nurseries and greenhouses, without on-site retail	P	UP	—	—	—	
<b>RECREATION, EDUCATION &amp; ASSEMBLY USES</b>						
Clubs, lodges and membership meeting halls	UP	UP	UP	UP	UP	
Community centers	UP	UP	UP	UP	UP	
Equestrian facilities	UP	—	—	—	—	
Golf courses and country clubs	UP	UP	—	—	—	
Libraries and museums	UP	UP	UP	UP	UP	
Outdoor recreation facilities - active	UP	UP	UP	UP	UP	
Outdoor recreation facilities - passive	P	P	P	P	P	
Private residential recreational facilities	UP	UP	UP	UP	UP	
Religious facilities	UP	UP	UP	UP	UP	
Schools - Public and private	UP	UP	UP	UP	UP	
<b>RESIDENTIAL USES</b>						
Accessory dwelling units/junior accessory dwelling units	P	P	P	P	P	19.34.030 and 19.34.031
Accessory residential uses and structures	P	P	P	P	P	19.34.032
<u>Cannabis cultivation – personal indoor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>19.34.065</u>
<u>Cannabis cultivation – personal outdoor</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>19.34.065</u>
Group homes, 6 or fewer persons	P	P	P	P	P	
Group homes, 7 or more persons	UP	UP	UP	UP	UP	
Home occupations	P	P	P	P	P	19.34.080
Mobile home parks	UP	UP	UP	UP	UP	19.34.120
Multi-family dwellings	—	—	—	P	P	
Rooming and boarding houses	UP	UP	UP	UP	UP	
Single-family dwellings	P	P	P	P	P	
Two-family dwellings, two single-family dwellings	—	—	P	P	P	

**KEY TO ZONING DISTRICT SYMBOLS**

RR	Rural Residential	R10	Medium Density Multi-Family Residential
RVL, R1	Very Low Density & Low Density Res.	R20	High Density Multi-Family Residential
R4, R5	Medium Density Multi-Family Residential		

**Notes:**

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.

- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Standards and additional permit requirements determined by Section 19.34.060.
- (5) Kennel is not a permitted land use in an R1 Zoning District.

TABLE 2-4 Allowed Uses and Permit Requirements for Residential Zoning Districts		P Permitted Use (2)					Specific Use Regulations
		UP Use Permit required (3)					
LAND USE (1)		PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
		RR	RVL, R1	R4, R5	R10	R20	
<b>RETAIL USES</b>							
Accessory retail and service uses	—	—	—	—	P	19.34.034	
Marijuana Dispensaries	—	—	—	—	—		
<b>SERVICE USES</b>							
Bed and breakfast inns (B&Bs)	UP	UP	UP	UP	UP		
Child/adult day care, 14 or fewer persons	P	P	P	P	P	19.34.070	
Child/adult day care, 15 or more persons	UP	UP	UP	UP	UP	19.34.070	
Massage establishments	—	—	—	—	—		
Massage establishments - small	—	—	—	—	—		
Personal services, accessory, within housing complex	—	—	—	—	—		
Public utility facilities	UP	UP	UP	UP	UP		
Residential care facilities for the elderly	—	—	—	UP	UP	19.34.160	
Wireless communication facilities: New towers or monopoles or new building-mounted facilities	UP	UP	UP	UP	UP	19.38	
Wireless communication facilities: New facilities co-located on existing towers, monopoles or buildings with existing permitted antennas	P(2)	P(2)	P(2)	P(2)	P(2)	19.38	

**KEY TO ZONING DISTRICT SYMBOLS**

RR	Rural Residential	R10	Medium Density Multi-Family Residential
RVL, R1	Very Low Density & Low Density Res.	R20	High Density Multi-Family Residential
R4, R5	Medium Density Multi-Family Residential		

**Notes:**

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.

- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.

**SECTION 7.** The City Council hereby amends the Novato Municipal Code, Section 19.12.030 to amend Table 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts - Residential Uses to read as follows, with the remainder of Table 2-7 to remain unchanged:

**19.12.030 - Commercial/Industrial District Land Uses and Permit Requirements.**

Table 2-7 identifies the uses of land allowed by this Zoning Ordinance in the commercial and industrial zoning districts, and the land use permit required to establish each use, in compliance with Section 19.06.030 (Allowable Land Uses and Permit Requirements). In addition to the land use permit required by Table 2-7, special provisions related to certain land uses may apply, and Design Review may also be required for certain uses in compliance with Section 19.42.030 (Design Review). A Building Permit shall be required prior to any construction.

Note: Where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		P Permitted Use (2) UP Use Permit required (3) — Use not allowed							
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations	
	BPO	CN	CG	CDR	CDB	CI	LIO		
<b>MANUFACTURING &amp; PROCESSING USES</b>									
Assembly of products from parts produced off-site	—	—	—	—	—	P	P		
Electronics, equipment, and appliance manufacturing	—	—	—	—	—	P	P		
Food and beverage product manufacturing	—	—	UP	—	—	P	P		
Furniture/fixtures manufacturing, cabinet shops	—	—	—	—	—	P	P		
Handcraft industries, small-scale manufacturing	—	—	UP	—	—	P	P		
Laundries and dry cleaning plants	—	—	—	—	—	P	P		
Metal products fabrication, machine/welding shops	—	—	—	—	—	P	P		
Printing and publishing	—	—	UP	—	—	P	P		
Quarry materials storage and processing	—	—	—	—	—	UP	UP		
Recycling facilities - Large collection facilities	—	—	—	—	—	UP	UP	19.34.150	
Recycling facilities - Processing, light	—	—	—	—	—	—	UP	19.34.150	



Recycling facilities - Reverse vending machines	P	P	P	P	P	P	P	19.34.150
Recycling facilities - Scrap and dismantling yards	—	—	—	—	—	—	UP	19.34.150
Recycling facilities - Small collection facilities	—	UP	UP	—	—	P	P	19.34.150
R&D (Research and development)	P	—	P	—	—	P	P	
R&D - Biotechnology, chemical, pharmaceutical	UP	—	UP	—	—	UP	UP	
Storage or use of hazardous materials as accessory use	UP (4)	—	UP (4)	—	—	UP (4)	UP (4)	
Warehouses, wholesaling and distribution	—	—	—	—	—	P	P	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Accessory use may be allowed in accordance with standards as promulgated by the Novato Fire Protection District and all other local, state and federal laws and regulations.

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		P Permitted Use (2) UP Use Permit required (3) — Use not allowed							
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations	
	BPO	CN	CG	CDR	CDB	CI	LIO		
<b>RECREATION, EDUCATION &amp; ASSEMBLY USES</b>									
Adult-oriented businesses	—	—	—	—	—	—	UP (6)	19.23	
Clubs, lodges and membership meeting halls	—	UP	UP	UP(5)	UP	—	—		
Community centers	—	UP	UP	UP	UP	—	—		
Health/fitness facilities	UP	P	P	UP	P	P	P		
Indoor amusement/entertainment facilities	—	UP	UP	UP	UP	UP	UP		
Libraries, museums, galleries	UP	UP	UP	UP	UP	UP	UP		

Outdoor recreation facilities, active	—	UP	UP	—	—	—	UP	
Outdoor recreation facilities, passive	P	P	P	P	P	P	P	
Parks and playgrounds	—	—	—	P	P	—	—	
Religious Facilities	—	UP	UP	UP(5)	UP	—	—	
Schools - Private	UP	UP	UP	UP (5)	UP	—	UP	
Schools - Specialized education and training	UP	UP	UP	UP (5)	UP	—	P	
Studios - Art, dance, martial arts, music, etc.	UP	UP	P	UP (5)	UP	P	P	
Theaters and auditoriums	—	—	UP	UP	UP	—	—	
RESIDENTIAL USES								
<u>Cannabis cultivation – personal indoor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>19.34.065</u>
<u>Cannabis cultivation – personal outdoor</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>19.34.065</u>
Caretaker quarters	UP	—	UP	—	—	UP	UP	
Emergency Shelter	—	—	—	—	—	—	—	19.34.072
Residential shelters	—	—	UP	—	—	—	—	
Home occupations	P	P	P	P	P	—	—	19.34.080
Live/work projects	P	—	P	P	P	P	P	19.34.090
Multi-family dwellings and duplexes, in a mixed use project	—	UP	—	UP (5)	UP (5)	—	—	19.34.100
Single family dwellings	—	—	—	—	—	—	—	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (5) Use allowed only on upper floors or rear of site, with ground floor street frontage reserved for retail, entertainment and personal service uses.
- (6) Permit requirement established by Division 19.23 (Adult-Oriented Businesses).

<p>TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts</p>	<p>P Permitted Use (2) UP Use Permit required (3) — Use not allowed</p>
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LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	BPO	CN	CG	CDR	CDB	CI	LIO	
<b>RETAIL USES</b>								
Accessory retail and service uses	P	P	P	P	P	P	P	19.34.034
Alcoholic beverage sales, on or off-site (15)	UP	UP	UP	UP	UP	UP	UP	19.34.050
Art, antique, collectible, and gift stores	—	P	P	P	P	P	—	
Auto parts sales	—	P	P	P	P	P	P	
Auto sales and rental	—	—	UP	—	—	UP	P	
Bars and night clubs	—	—	UP	UP	UP	—	UP	
Book stores	—	P	P	P	P	P	P	
Building material stores	—	—	UP	—	—	UP	P	
Construction/heavy equipment sales and rental	—	—	—	—	—	UP	UP	
Convenience stores	—	UP	UP	UP	UP	—	—	
Drive-in and drive-through sales	—	UP	UP	—	—	—	UP	
Equipment rental	—	—	UP	UP	UP	P	P	
Extended hour businesses (11 p.m. to 6 a.m.)	P (8)	UP	P (8)	P (8)	P (8)	P (8)	P (8)	
Florists	—	P	P	P	P	P	P	
Furniture, furnishings & appliance stores	—	—	P	P	P	—	—	
General retail	—	P	P	P (9)	P (9)	P	P	7-10
Grocery stores	—	UP	P	P	P	—	—	7-10
Gun sales	—	—	UP	—	—	UP	—	
Marijuana Dispensaries	—	—	—	—	—	—	—	
Mobile home, RV, and boat sales	—	—	—	—	—	UP	P	
Outdoor displays retail sales, temporary	—	P	P	P (10)	P (10)	P	P	19.34.130
Outdoor displays retail sales, permanent	—	UP	UP	UP	UP	UP	UP	19.34.130
Plant nurseries and garden supply stores	—	UP	P	UP	UP	P	P	
Restaurants and outdoor dining areas, including incidental on-site alcohol sales	UP	P	P	P (9)(10)	P (9)(10)	UP	UP	19.34.050
Tobacco product shops	—	—	—	UP	UP	—	—	19.34.166
Warehouse retail	—	—	UP	—	—	—	—	

**KEY TO ZONING DISTRICT SYMBOLS**

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office

CDR	Downtown Core Retail
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Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (7) Permitted if in compliance with the design standards of the Downtown Specific Plan.
- (8) Use Permit required if located within 300 feet of a residential zone.
- (9) Related uses are permitted which meet all of the following criteria: open during weekdays 10 a.m. to 5 p.m. and Saturday; provides window displays which are changed monthly; and has two-hour customer turnover.
- (10) Also permitted in the public right-of-way with a license agreement pursuant to Section 15-4 of the Municipal Code.
- (14) Except for restaurants with incidental on-site alcohol.

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
LAND USE (1)	BPO	CN	CG	CDR	CDB	CI	LIO		
P Permitted Use (2) UP Use Permit required (3) — Use not allowed									
SERVICE USES									
Animal Grooming	—	UP	UP	UP (5)	UP	UP	UP		
Auto repair and maintenance - Major	—	—	—	—	—	UP	UP		
Auto repair and maintenance - Minor	—	—	UP	—	—	P	P		
Automated teller machines (ATMs) (non-drive through)	P	P	P	P	P	P	P		
Banks	P	P	P	UP (13)	P(13)	—	P		
Business support services	P	P	P	P (5)	UP (5)	P	P		
Car wash	—	—	UP	—	—	—	UP		
Check Cashing	—	—	UP	—	—	—	—		
Child/adult day care centers	UP	UP	UP	UP (5)	UP	—	UP	19.34.070	
Congregate care/group facilities	UP	—	UP	—	—	—	—		
Contractor storage yard	—	—	—	—	—	UP	UP		
Drive-in and drive-through services, including ATM	—	UP	UP	UP	UP (11)	—	—		
Financial Services	P	P	P	P (5)	P (12)	—	P		

Gas stations	—	UP	UP	—	—	—	UP	19.34.050.F
Hotels and motels	UP	UP	UP	UP	UP	UP	UP	
Kennels & boarding	—	—	UP	—	—	UP	UP	
Massage Establishments	UP	UP	UP	UP	UP	UP	UP	19.34.190 see also Sec. 8-4
Massage establishments - small	P	P	P	P	P	P	P	see also Sec. 8-4
Medical - Clinics, offices, and laboratories	P	P	P	P (5)	P (6)	—	—	
Medical - Extended care	UP	—	UP	—	—	—	—	
Medical - Hospitals	UP	—	UP	—	—	—	—	
Mortuaries & funeral homes	UP(15)	—	UP(15)	—	—	—	UP(15)	
Offices	P	P	P	P (5)	P (6)	P	P	
Pawn Shops	—	—	UP	—	—	—	—	
Personal services	P	P	P	P	P	P	P	
Public utility facilities	UP	UP	UP	UP	UP	UP	UP	
Residential care facility for the elderly (RCFE)	—	UP	—	—	—	—	—	19.34.160
Real Estate Offices	P	P	P	P	P	P	P	
Storage Facilities - Indoor	—	—	UP	—	—	UP	UP	
Storage - Outdoor	—	—	UP	—	—	UP	UP	
Tattoo Parlor	—	—	—	—	—	—	UP	19.34.168
Travel Agency	P	P	P	P	P	P	P	
Upholstering shops	—	—	—	—	UP	P	P	
Veterinary clinics, outpatient treatment only	—	UP	UP	—	UP	UP	UP	
Veterinary clinics, animal hospitals	—	—	UP	—	UP	UP	UP	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.

- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (5) Use allowed only on upper floor or rear of site, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (11) Drive-through banking services only.
- (12) See Section 19.030.040, Table 3-7 for parking requirements of ground floor offices, medical, business and financial services in the Downtown Business Core.
- (13) Use allowed only on upper floors and up to a maximum of 25% of the ground floor in rear of a building, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (15) Crematories are only allowed in the LIO District, and must be located a minimum of 1,000 feet from residential uses, schools and day care centers.

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts								P Permitted Use (2) UP Use Permit required (3) — Use not allowed
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	BPO	CN	CG	CDR	CDB	CI	LIO	
<b>TRANSPORTATION &amp; COMMUNICATIONS USES</b>								
Broadcasting studios	UP	—	UP	UP (5)	UP (5)	P	P	
Heliports	UP	—	—	—	—	—	—	19.34.074
Parking facilities	—	—	P	P(16)	P(16)	P	P	
Telecommunications facilities	UP	UP	UP	UP	UP	UP	UP	19.38
Truck and freight terminals	—	—	—	—	—	UP	UP	
Vehicle storage	—	—	—	—	—	UP	UP	
Wireless communication facilities: New towers or monopoles or new building-mounted facilities	UP	UP	UP	UP	UP	UP	UP	19.38
Wireless communication facilities: New facilities co-located on existing towers, monopoles or buildings with existing permitted antennas	P (2)	P (2)	P (2)	P (2)	P (2)	P (2)	P(2)	19.38

**KEY TO ZONING DISTRICT SYMBOLS**

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (5) For properties with building frontage on Grant Avenue or Redwood Boulevard: Use allowed only on upper floor or rear of building, with ground floor street frontage reserved for retail, entertainment and personal service uses.
- (16) Parking facilities shall not front on Grant Avenue or Redwood Boulevard.

COMPLETE LIST OF NOTES FOR TABLE 2-7 (Reflects all revised notes above and highlighted as new additions to Ordinance).

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Accessory use may be allowed in accordance with standards as promulgated by the Novato Fire Protection District and all other local, state and federal laws and regulations.
- (5) For properties with building frontage on Grant Avenue or Redwood Boulevard: Use allowed only on upper floor or rear of building, with ground floor street frontage reserved for retail, entertainment and personal service uses.
- (6) Permit requirements established by Division 19.23 (Adult-oriented Businesses).
- (7) Permitted if in compliance with the design standards of the Downtown Specific Plan.
- (8) Use Permit required if located within 300 feet of a residential zone.
- (9) Related uses are permitted which meet all of the following criteria: open during weekdays 10 a.m. to 5 p.m. and Saturday; provides window displays which are changed monthly; and has two-hour customer turnover.
- (10) Also permitted in the public right-of-way with a license agreement pursuant to Section 15-4 of the Municipal Code.
- (11) Drive-through banking services only.
- (12) Ground floor offices, medical, business and financial services in the Downtown Business Core shall provide required parking at 1 space per 250 sq. ft. of gross floor area.
- (13) Use allowed only on upper floors and up to a maximum of 25% of the ground floor in rear of a building, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (14) Except for restaurants with incidental on-site alcohol sales.
- (15) Crematories are only allowed in the LIO District, and must be located a minimum of 1,000 feet from residential uses, schools and day care centers.
- (16) Parking facilities shall not front on Grant Avenue or Redwood Boulevard.

**SECTION 8.** The City Council hereby amends the Novato Municipal Code, Section 19.14.040 to amend Table 2-9 Allowed Uses and Permit Requirements for Special Purpose Zoning Districts - Residential Uses to read as follows, with the remainder of Table 2-9 to remain unchanged:

### 19.14.040 - Special Purpose District General Development Standards.

- A. *General Standards.* Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-10, in addition to any other applicable requirements of this Article, and the development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).
- B. *PD District.* Development standards for projects within the PD (Planned) zoning district shall be determined by the Council through the adoption of a Precise Development Plan in accordance with Section 19.42.060, provided that the standards are found to be consistent with the objectives, policies and programs of the General Plan. Where the Precise Development Plan is silent on a general development standard or specific use, the standards from the most comparable zoning district and special provisions and standards of this Zoning Ordinance shall apply pursuant to Section 19.02.
- C. *REI District.* See Section 19.14.050.
- D. *PL District.* Development standards for projects within the PL district shall be determined through project review and approval.

TABLE 2-9 Allowed Uses and Permit Requirements (2) for Special Purpose Zoning Districts	P Permitted Use (2)			
	UP Use Permit required (3)			
	— Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	MU	CF	PL	
<b>AGRICULTURE &amp; OPEN SPACE USES</b>				
Community gardens	P	P	P	
Nature preserves	P	P	P	
<b>MANUFACTURING &amp; PROCESSING USES</b>				
Recycling facilities - All types	—	UP	—	19.34.150
Recycling facilities - Reverse vending machines	P	—	—	
Recycling facilities - Small collection facilities	UP	UP	UP	
R&D (Research & Development)	P	UP	—	
R&D - Biotechnology, chemical, pharmaceutical	UP	UP	—	
<b>RECREATION, EDUCATION &amp; ASSEMBLY USES</b>				
Community centers	UP	UP	UP	
Golf courses, public	—	UP	UP	
Health/fitness facilities	UP	UP	UP	
Indoor amusement/entertainment facilities	UP	UP	—	
Libraries, museums, galleries	UP	UP	—	
Outdoor recreation facilities - Active	UP	UP	UP	
Outdoor recreation facilities - Passive	P	P	P	
Parks and playgrounds	P	P	P	
Religious facilities	UP	UP	—	



Schools - Private	UP	UP	—	
Schools - Colleges and universities	UP	UP	—	
Schools - Elementary and secondary	UP	UP	—	
Studios - Art, dance, martial arts, music, etc.	UP	UP	—	
Theaters and auditoriums	UP	UP	—	
<b>RESIDENTIAL USES</b>				
Accessory residential uses and structures	P	UP	—	19.34.032
<u>Cannabis cultivation – personal indoor</u>	<u>P</u>	<u>P</u>	<u>—</u>	<u>19.34.065</u>
<u>Cannabis cultivation – personal outdoor</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>19.34.065</u>
Caretaker quarters	—	UP	—	
Live/work	P	—	—	19.34.090
Emergency Shelter	—	—	—	19.34.072
Multi-family dwellings and duplexes, in a mixed-use project.	UP	UP	—	19.34.100
Single-family dwellings	P	—	—	

**KEY TO ZONING DISTRICT SYMBOLS**

MU	Mixed Use	PL	Parkland
CF	Community Facilities and Parkland		

**Notes:**

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.

TABLE 2-9 Allowed Uses and Permit Requirements (2) for Special Purpose Zoning Districts	P Permitted Use (2)			
	UP Use Permit required (3)			
	— Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	MU	CF	PL	
<b>RETAIL TRADE</b>				
Accessory retail and service uses	P	—	—	
Alcoholic beverage sales, on or off-site (4)	UP	—	—	19.34.050
Convenience stores	UP	—	—	
General retail	P	—	—	

Grocery stores	UP	—	—	
Restaurants	UP	—	—	
<b>SERVICES</b>				
Automated teller machines (ATMs)	P	—	—	
Banks and financial institutions	P	—	—	
Bed and breakfast inns	UP	—	—	
Business support services	UP	UP	—	
Child/adult day care (small or large)	UP	—	—	19.34.070
Hotels and motels	UP	—	—	
Massage establishments	UP	—	—	19.34.190 see also Sec. 8-4
Massage establishments - small	P	—	—	see also Sec. 8-4
Medical - Clinics, offices, and laboratories	UP	UP	—	
Medical - Hospitals	—	UP	—	
Offices	P	—	—	
Personal services	UP	UP	—	
Public utility or safety facilities	UP	P	—	
Residential care facilities for the elderly (RCFE)	—	—	—	
<b>TRANSPORTATION AND COMMUNICATIONS USES</b>				
Heliports	—	UP	—	19.34.074
Parking facilities	—	UP	—	
Vehicle storage	—	—	—	
Wireless communications facilities: New towers or monopoles or new building-mounted facilities	UP	UP	—	19.38
Wireless communications facilities: New facilities co-located on existing towers, monopoles or buildings with existing permitted antennas	P(2)	P(2)	—	19.38

**KEY TO ZONING DISTRICT SYMBOLS**

MU	Mixed Use
CF	Community Facilities and Parkland
PL	Parkland

**Notes:**

- (1) See Article 6 for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.

- (4) Use Permit for the sale of alcohol not required for restaurants with incidental on-site alcohol sales.

**SECTION 9.** Repeal.

Ordinances No. 1626 (“An Urgency Ordinance of the City Council of the City of Novato Extending a Temporary Moratorium (Except Under Certain Conditions) On the Indoor Cultivation of Nonmedical Marijuana and Approving a Report on Steps Taken to Alleviate Conditions Leading to the Moratorium (Second Extension)”) and No. 1625 (“An Urgency Ordinance of the City Council of the City of Novato Extending a Temporary Moratorium (Except Under Certain Conditions) On the Outdoor Cultivation of Nonmedical Marijuana and Approving a Report on Steps Taken to Alleviate Conditions Leading to the Moratorium (Second Extension)”) are repealed in their entirety as of the date that this ordinance takes effect. Those portions of Ordinance No. 1633 (“An Urgency Ordinance of the City Council of the City of Novato Extending a Temporary Moratorium on the Indoor (Except Under Certain Circumstances) And Outdoor Cultivation of Medicinal Cannabis and All Commercial Cannabis Activities Except Deliveries of Medicinal Cannabis and an Existing Testing Laboratory and Pharmaceutical Company, Approving a Report on the Conditions Leading to the Adoption of the Ordinance and Making Findings that the Approval of Said Resolution is Exempt Under CEQA Pursuant to CEQA Guidelines Section 15061, Among Other Provisions”) relating to personal cultivation are repealed as of the date that this ordinance takes effect.

**SECTION 10.** Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Novato hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 11.** Effective Date.

This ordinance shall become effective thirty (30) days after its adoption.

**SECTION 12 .** Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

Publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption, or

Publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

\* \* \* \* \*

THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 2nd day of October, 2018, and adopted at a regular meeting of the Novato City Council on the 9<sup>th</sup> day of October, 2018.

AYES: Councilmembers  
NOES: Councilmembers  
ABSTAIN: Councilmembers  
ABSENT: Councilmembers

\_\_\_\_\_  
Mayor of the City of Novato

Attest:

\_\_\_\_\_  
City Clerk of the City of Novato

Approved as to form:

\_\_\_\_\_  
City Attorney of the City of Novato