

ORDINANCE NO. 1117

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO  
AMENDING SAN ANSELMO MUNICIPAL CODE TITLE 10 (PLANNING AND ZONING)  
CHAPTER 3 (ZONING) ARTICLE 17 (DEFINITIONS) DEFINITION FOR HOME  
OCCUPATION TO PROHIBIT MEDICAL AND NON-MEDICAL CANNABIS BUSINESSES  
AS HOME OCCUPATIONS

WHEREAS, pursuant to California Business and Professions Code section 26200 the Town may adopt and enforce local ordinances to regulate cannabis businesses, including completely prohibiting their establishment; and

WHEREAS, most medical and non-medical cannabis business uses are currently banned in the Town of San Anselmo under the principles of permissive zoning; and

WHEREAS, the Town currently allows businesses that are not listed as permitted or conditionally permitted uses in the Town Land Use Table to be established as home occupations, subject to certain restrictions; and

WHEREAS, medical and non-medical cannabis businesses are not appropriate as home occupations since they can require increased security, odor control, lighting control, and can pose a potential threat to the public peace, health, and safety and also constitute a public nuisance; and

WHEREAS, this Ordinance is reflective of existing San Anselmo law and intended to clarify the Town of San Anselmo's position with regard to the establishment and operation of both medical and non-medical cannabis home occupations; and

WHEREAS, the Town Council finds and determines that the following amendments to the Zoning ordinance to prohibit medical and non-medical cannabis business uses as home occupations are reasonable and necessary for public health, safety and welfare, and are consistent with the General Plan;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

**SECTION 1:** The Town Council finds and determines that the adoption of this ordinance, which is intended to protect the public from the impacts of medical and non-medical cannabis related businesses as home occupations, is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061 because it can be seen with certainty that there is no possibility that adoption of the ordinance may have a significant effect on the environment. (14 Cal. Code Regs. § 15061(3)).

**SECTION 2:** Title 10 Planning and Zoning, Chapter 3 Zoning, Article 17 Definitions, is modified to read as follows with additions indicated by underline text:

"Home occupation" means a business, profession, or non-profit

organization conducted by the principal resident or residents of a residential unit, subject to the following conditions: (1) not more than one (1) person who is not a principal resident of the residential unit shall be employed; (2) to be conducted wholly within the main residence, and not conducted within a garage, carport, or accessory structure; (3) shall not increase vehicular traffic on the street on which the residential unit is located by more than four (4) individual visits per day, and which does not increase parking demands on the street on which the residential unit is located; (4) shall not include outdoor display, storage, or signage; and (5) shall not create noise levels exceeding levels permitted by Chapter 7 of Title 4 of the San Anselmo Municipal Code, and which does not create dust, vibration, odor, smoke, fumes, glare, electrical interference, fire hazards, or other hazards, nuisances, or disturbances. Home occupation shall not include the establishment, maintenance, or operation of any medical or non-medical cannabis business, including, but not limited to, cultivation, processing, manufacture, distribution, testing, and sale, which would require a state license to be issued pursuant to California Business and Professions Code Section 26000 et. seq.

**SECTION 3:** Severability. The Town Council hereby declares every section, paragraph, sentence, clause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.


**SECTION 4:** Inclusion in the San Anselmo Municipal Code. It is the intention of the San Anselmo Town Council that the text in Section 2 be made a part of the San Anselmo Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

**SECTION 5:** This Ordinance shall go into effect thirty (30) days from its adoption, and shall be posted or published as required by State law.

**THE FOREGOING ORDINANCE** was introduced at a regular meeting of the San Anselmo Town Council on August 8, 2017, and was adopted at a regular meeting of the San Anselmo Town Council on September 12, 2017, by the following vote:

**AYES:** Coleman, McInerney, Wright, Brown  
**NOES:** Greene  
**ABSENT:** None  
**ABSTAIN:** None

  
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Kay Coleman, Mayor

**ATTEST:**  
  
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Carla Kaemar, Town Clerk