

ORDINANCE NO. 17-13

AN ORDINANCE AMENDING THE MUNICIPAL CODE AND DEVELOPMENT CODE TO BAN ALL MARIJUANA (CANNABIS) USES, EXCEPT FOR PERSONAL INDOOR CULTIVATION AND DELIVERY OF MEDICAL MARIJUANA TO QUALIFIED PATIENTS

WHEREAS, in 1970, Congress enacted the Controlled Substances Act (CSA), which, among other things, makes it illegal to import, manufacture, distribute, possess, or use marijuana in the United States; and

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, known as the Compassionate Use Act (CUA), codified as California Health and Safety Code Section 11362.5. The CUA creates a limited exception from criminal liability for seriously ill persons who are in need of medical marijuana for specified medical reasons and who obtain and use medical marijuana under limited, specified circumstances; and

WHEREAS, in 2004, the State legislature adopted the Medical Marijuana Program Act (MMPA), codified as California Health and Safety Code Section 11362.7 et seq., to clarify the scope of the CUA and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with the MMPA. The CUA expressly anticipates the enactment of additional local legislation and 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 non-medical purposes.” (Health and Safety Code Section 11362.5); and

WHEREAS, on September 27, 2005, the City Council adopted Ordinance 05-9, amending the Concord Municipal Code by prohibiting the establishment of medical marijuana dispensaries, fixed or mobile, due to the inconsistencies between Federal and State law and to protect the public health, safety, and general welfare; and

WHEREAS, on April 9, 2013, the City Council adopted Ordinance 13-1, amending the Concord Development Code, prohibiting outdoor cultivation of medical marijuana to provide for the public health, safety, and welfare, to limit odor caused by marijuana from impacting adjacent properties, and to prevent the attractive nuisance created by marijuana cultivation, which creates the

1 risk of burglary, trespass, robbery, and armed robbery, posing the threat of serious injury or death, and
2 requiring the expenditure of scarce police and public safety resources; and

3 **WHEREAS**, on November 8, 2016, the Control, Regulate, & Tax Adult Use of Marijuana Act
4 (AUMA) was approved by California voters through the passing of Proposition 64. Effective
5 November 9, 2016, the AUMA legalizes for persons 21 years or older the right to: (1) smoke or ingest
6 marijuana or marijuana products, (2) possess, process, transport, purchase, obtain, give away without
7 compensation to persons 21 years or older 28.5 grams of marijuana or 8 grams of concentrated
8 marijuana, and (3) possess, plant, cultivate, harvest, dry, or process up to six living marijuana plants
9 per legal dwelling unit for personal use. Additionally, the AUMA will create a state regulatory and
10 licensing system governing the commercial cultivation, testing, and distribution of non-medical
11 marijuana, and the manufacturing of non-medical marijuana products, which the State anticipates will
12 become effective as of January 2, 2018; and

13 **WHEREAS**, on January 10, 2017, the City Council adopted Ordinance 16-9, which (among
14 other things) prohibited outdoor cultivation of medical and non-medical marijuana. The City Council
15 also directed the Council Committee on Policy Development and Internal Operations (“PD&IO”) to
16 comprehensively study potential regulations for medical and non-medical marijuana uses; and

17 **WHEREAS**, on May 24, 2017, the PD&IO Committee held a public meeting on marijuana
18 regulations and recommended that the City Council consider an ordinance removing any prohibitions
19 or bans on delivery of medical marijuana from licensed dispensaries, while keeping the existing
20 restrictions and bans on marijuana cultivation and dispensaries (fixed or mobile) in place; and

21 **WHEREAS**, in June 2017, the California Legislature passed Senate Bill 94, which effectively
22 repealed the Medical Cannabis Regulation and Safety Act and incorporated certain provisions of
23 MCRSA in the licensing provisions of the AUMA, and replaced it with the Medical and Adult Use
24 Cannabis Regulation and Safety Act (“MAUCRSA”); and

25 **WHEREAS**, on June 27, 2017, the City Council directed staff to develop a ban on all
26 marijuana uses and activities, except for uses that are required by the AUMA, to allow the Council
27 and the community time to explore its options and develop any desired new regulations after the State
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1 commences the licensing of marijuana uses as of January 2, 2018; and

2 **WHEREAS**, on July 25, 2017, the City Council adopted Ordinance No. 17-10, which
3 amended the Concord Municipal Code to allow delivery of medical marijuana from licensed
4 dispensaries to qualified patients. The Council recognized the adverse effects and impacts of
5 marijuana processing, cultivation and dispensing activities, while also respecting the right of qualified
6 patients to use medical marijuana for relief of their ailments. The Council found that allowing delivery
7 of medical marijuana from licensed dispensaries located outside the City to qualified patients located
8 in the City would be the least onerous method of affording access of medical marijuana to qualified
9 patients within the City; and

10 **WHEREAS**, the adoption of text amendments (collectively referred to as “Amendment,”
11 attached as Exhibit A) to the Concord Municipal Code (“CMC”) including the CMC Chapter 18,
12 referred to as the “Development Code” will ban all marijuana (cannabis) uses, except for personal
13 indoor cultivation and delivery of medical marijuana to qualified patients from licensed dispensaries
14 located outside the City;

15 **WHEREAS**, pursuant to the California Environmental Quality Act of 1970, Public Resources
16 Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of
17 the California Code of Regulations (collectively, “CEQA”), the proposed changes to the Municipal
18 and Development Code do not constitute a “project” within the meaning of the California
19 Environmental Quality Act of 1970 (CEQA) Guidelines Section 15060(c)(2) because there is no
20 potential that it will result in a direct or reasonably foreseeable indirect physical change in the
21 environment and CEQA Guidelines Section 15378 because it has no potential for either a direct
22 physical change to the environment, or a reasonably foreseeable indirect physical change in the
23 environment. Moreover, even if the Ordinance does comprise a project for CEQA analysis, it falls
24 within the “common sense” CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3),
25 excluding projects where “it can be seen with certainty that there is no possibility that the activity in
26 question may have a significant effect on the environment.” In the alternative, the Amendments are
27 categorically exempt pursuant to Section 15308 of the CEQA Guidelines because these changes are
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1 actions taken by the City, as authorized by the State or local ordinance, to ensure protection of the
2 environment; and

3 **WHEREAS**, the Planning Commission, after giving all public notices required by State Law
4 and the Concord Municipal Code, held a duly noticed public hearing on September 6, 2017, on the
5 proposed Amendment and adopted Resolution No. 17-17PC, recommending City Council adoption of
6 an ordinance to amend the Development Code and Municipal Code; and

7 **WHEREAS**, the Planning Commission recommended that the uses for non-storefront medical
8 marijuana delivery services and testing laboratories be strongly considered to not be banned and to
9 consider non-storefront medical marijuana delivery services as a first priority in any work plan
10 approved by the City Council; and

11 **WHEREAS**, the City Council, after giving all public notices required by State Law and the
12 Concord Municipal Code, held a duly noticed public hearing on October 24, 2017, on the proposed
13 Amendment and declared their intent to approve and adopt the Amendment.

14 **THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:**

15 **Section 1.** All of the facts set forth in the Recitals are true and correct and are hereby
16 incorporated and adopted as findings of the City Council as if fully set forth herein.

17 **Section 2.** Pursuant to the California Environmental Quality Act of 1970, Public Resources
18 Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of
19 the California Code of Regulations (collectively, “CEQA”), the proposed changes to the Municipal
20 and Development Code do not constitute a “project” within the meaning of the California
21 Environmental Quality Act of 1970 (CEQA) Guidelines Section 15060(c)(2) because there is no
22 potential that it will result in a direct or reasonably foreseeable indirect physical change in the
23 environment and CEQA Guidelines Section 15378 because it has no potential for either a direct
24 physical change to the environment, or a reasonably foreseeable indirect physical change in the
25 environment. Moreover, even if the Ordinance does comprise a project for CEQA analysis, it falls
26 within the “common sense” CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3),
27 excluding projects where “it can be seen with certainty that there is no possibility that the activity in
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1 question may have a significant effect on the environment.” In the alternative, the Amendments are
2 categorically exempt pursuant to Section 15308 of the CEQA Guidelines because these changes are
3 actions taken by the City, as authorized by the State or local ordinance, to ensure protection of the
4 environment.

5 **Section 3.** The Concord Municipal Code (including the Development Code) is hereby
6 amended as outlined in Exhibit A, attached hereto and made a part hereof.

7 **Section 4.** This ordinance shall become effective thirty (30) days following passage and
8 adoption. In the event a summary of said Ordinance is published in lieu of the entire Ordinance, a
9 certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least
10 five (5) days prior to its adoption and within fifteen (15) days after its adoption, including the vote of
11 the Councilmembers. Additionally, a summary prepared by the City Attorney’s Office shall be
12 published once at least five (5) days prior to the date of adoption of this Ordinance and once within
13 fifteen (15) days after its passage and adoption, including the vote of the Councilmembers, in the East
14 Bay Times, a newspaper of general circulation in the City of Concord.

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16 _____
17 Laura M. Hoffmeister
18 Mayor

19 ATTEST:

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21 By: _____
22 Joelle Fockler, MMC
23 City Clerk
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25 (Seal)
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Ordinance No. 17-13 was duly and regularly introduced at a regular meeting of the City Council of the City of Concord held on October 24, 2017, and was thereafter duly and regularly passed and adopted at a regular meeting of the City Council held on November 14, 2017, by the following vote:

AYES: Councilmembers -

NOES: Councilmembers -

ABSTAIN: Councilmembers -

ABSENT: Councilmembers -

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

By: _____
Joelle Fockler, MMC
City Clerk

Exhibit A: ~~Strikethrough~~ & Underlined Version of Amendments

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapter 5.80

MARIJUANA

Sections:

- 5.80.010 Definitions.
 5.80.020 ~~Medical M~~marijuana dispensary as a prohibited use.
 5.80.030 Outdoor marijuana cultivation (personal, non-medical, medical, or commercial) prohibited.
 5.80.040 Commercial, retail, and industrial marijuana use prohibited
 5.80.0450 Miscellaneous provisions

5.80.010 Definitions.

Accessory building or structure means a building or structure that is not part of the principal dwelling unit on the parcel, the use of which is incidental and subordinate to the use of the principal dwelling. Examples of accessory buildings or structures include, but are not limited to: garages, tool shed, storage shed, carport, greenhouse, pool cabana, and other outbuildings and structures.

AUMA means the Control, Regulate and Tax Adult Use of Marijuana Act.

Commercial, retail, and industrial marijuana use shall have the same meaning as the term “commercial cannabis activity” as defined in the California Business and Professions Code Section 26001(k), or any successor statute thereto, including the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of marijuana and marijuana products.

Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana and also includes agricultural uses (such as crop production, orchard, vineyard, or community gardens).

Delivery shall have the same meaning as the term “delivery” as defined in California Business and Professions Code Section 26001(p) 49300.5(m) for medical marijuana delivery, or any successor statute thereto, including the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the State to a primary caregiver or qualified patients. “Delivery” also includes the use by a dispensary of any technology platform owned or controlled by the dispensary, or independently licensed by the State, which enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

Indoor means any location that is within a fully enclosed nonresidential building or structure, or private residence.

License shall have the same meaning as the term “license” as defined in California Business and Professions Code Section 26001(y), or any successor statute thereto, including a license issued by the State for a marijuana use or activity and any applicable approval or permit issued by a local jurisdiction.

Marijuana or cannabis shall have the same meaning as defined in California Health and Safety Code Sections 11018, or any successor statute thereto, including but not limited to all parts of the plant *Cannabis sativa L.*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It 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; (1) industrial hemp, as defined in Health and Safety Code Section 11018.5 or any successor statute thereto; or (2) the weight of any ingredient combined with cannabis marijuana to prepare topical or oral administrations, food, drink, or other product. All references to “marijuana” include and equally apply to “cannabis.”

Marijuana dispensary or “dispensary” refers to any Medical Marijuana Dispensary and any Non-Medical Marijuana Dispensary, as those terms are defined below.

Marijuana product means marijuana that has undergone a process whereby the plant has been transformed into a concentrate, including but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients, as defined in California Health and Safety Code Section 11018.1, or any successor statute thereto.

MAUCRSA means the Medical and Adult Use Cannabis Regulation and Safety Act.

MCRSA means the Medical Cannabis Regulation and Safety Act.

Medical marijuana or medical marijuana use means the use of marijuana for the purposes set forth in the Compassionate Use Act and the Medical Marijuana Program Act, as defined in California Health and Safety Code Section 11362.5, or any successor statute thereto.

Medical Marijuana Dispensary or Dispensary means any facility or location, as defined by California Business and Professions Code Section 19300.5(n), or any successor statute thereto, whether fixed or mobile, where medical marijuana is made available to or distributed by or distributed to one (1) or more of the following: a primary caregiver, a qualified patient, or a patient with an identification card. All three of these terms are identified in strict accordance with California Health and Safety Code Section 11362.75 et seq., or any successor statute thereto. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or applicable law: A clinic licensed pursuant to Chapter 1.05 of Division 2 of the Health and Safety Code; A healthcare facility licensed pursuant to Title 2 of Divisions 2 of the Health and Safety Code; A facility licensed pursuant to Title 2 of Division 2 of the Health and Safety Code; A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; A residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including but not limited to, Health and Safety Code Section 11362.75 et seq. The term “medical marijuana dispensary” also means a medical marijuana retailer, with a storefront establishment or building or non-storefront business.

Non-medical marijuana or non-medical marijuana use means all uses of marijuana not included within the definition of medical marijuana use, or as defined by state law. The term “non-medical” is also referred to as recreational, personal, or adult marijuana uses and are used interchangeably.

Non-medical marijuana dispensary means any facility or location, whether fixed or mobile, retail storefront or wholesale component of any establishment, cooperative or collective that delivers, dispenses, distributes, exchanges, transmits, transports, sells or provides non-medical marijuana to any person for any reason, including members of any marijuana cooperative or collective, as those terms are defined in California Business & Professions Code Sections 26001, or any successor statute thereto. The term “non-medical marijuana dispensary” is also referred to as non-medical marijuana retailer, with a storefront establishment or building or non-storefront business.

Outdoor means any location within the city that is not within a fully enclosed nonresidential building or structure, or within a private residence.

Parcel means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (California Government Code Section 66410 et seq.). A parcel may or may not be improved, including but not limited to: buildings, structures, and/or private residences.

Person includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, received, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

Primary caregiver means an individual, who is at least 18 years of age, designated by a qualified patient or by the person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, as defined in Health and Safety Code Section 11362.7, or any successor statute thereto.

Private residence means a house, an apartment unit, a mobile home, or other similar dwelling. To the extent allowed by law, “private residence” shall mean a fully enclosed and secure house, apartment unit, mobile home, or other similar dwelling. To the extent allowed by law, a private residence must be currently, presently, and lawfully utilized as the primary dwelling of one or more natural persons.

Qualified patient means a patient, who has verified his or her identity and address to a delivering dispensary, that uses or ingests medical marijuana as that term is defined in California Health and Safety Code Section 11362.5, or any successor statutes thereto.

5.80.020 ~~Medical-m~~ Marijuana dispensary as a prohibited use.

A medical marijuana dispensary or non-medical marijuana dispensary as defined in Section 5.80.010 is prohibited in all zones and no stamp, signature or other notation on approved plans, business license, zoning clearance, administrative permit, minor use permit, conditional-use permit, or other regulatory approval shall be issued therefore.

(a) *Exception of deliveries from licensed marijuana dispensaries.* ~~Medical-m~~ marijuana dispensaries are prohibited in the City; however, delivery of medical marijuana from marijuana dispensaries located outside of the City of Concord may be allowed to qualified patients or primary caregivers, subject to the following restrictions:

(1) Only marijuana dispensaries that are licensed under the applicable laws of the State of California, including but not limited to the MCRSA and MAUCRSA, and are operating in compliance with the applicable laws and regulations of the local jurisdiction in which the marijuana dispensary is located shall be allowed to provide medical marijuana delivery to a qualified patient or primary caregiver in the City of Concord; and

(2) Prior to commencing medical marijuana deliveries to qualified patients or primary caregivers in the City of Concord, the marijuana dispensary shall register with the Concord Police Department and provide proof that the marijuana dispensary is licensed under the applicable laws of the State of California and operating in compliance with the applicable laws and regulations of the local jurisdiction in which the marijuana dispensary is located; and

(3) Prior to commencing medical marijuana deliveries to qualified patients or primary caregivers in the City of Concord, the marijuana dispensary shall provide the Concord Police Department with the names, ages, and driver’s license numbers of all persons who will be conducting the deliveries. The marijuana dispensary shall notify the Concord Police Department of any changes in the identifies of the persons conducting the deliveries within twenty-four (24) hours of any change in that information; and

(4) Thereafter, on an annual basis and prior to July 1 of each year, the marijuana dispensary shall provide the Concord Police Department with proof that the marijuana dispensary continues to be licensed under the applicable laws of the State of California and is authorized to operate in the local jurisdiction in which the marijuana dispensary is located. In addition to this annual reporting requirement, the marijuana dispensary shall promptly report any thefts of personal property, marijuana, or money, or damage to real property, related to the delivery of medical marijuana in the City of Concord to the Concord Police Department.

5.80.030 Outdoor marijuana cultivation (personal, non-medical, medical, or commercial) prohibited.

(a) *Purpose and intent.* It is the purpose and intent of this provision to limit marijuana cultivation for personal use to locations within a private residence or inside an accessory building or structure on a parcel developed with a private residence, within a fully enclosed, secure, locked space, and so as not to be visible to the general public, to provide for the health, safety and welfare of the public, to limit odor created by marijuana from impacting adjacent properties, and to prevent the attractive nuisance created by marijuana cultivation, ~~which creates the risk of burglary, trespass, robbery, and armed robbery, posing the threat of serious injury or death, and requiring the expenditure of scarce police and public safety resources.~~ Outdoor marijuana cultivation for any purpose is expressly prohibited.

(b) *Prohibitions.*

(1) No person owning, renting, leasing, occupying or having charge or possession of any parcel shall cause or allow such parcel to be used for the outdoor cultivation of marijuana, either for personal or commercial purposes.

(2) Indoor Personal Cultivation. No person owning, renting, leasing, occupying, or having charge or possession of any parcel, building, or structure shall cause or allow indoor cultivation of marijuana on such parcel, or within any building or structure thereon, except within a private residence or inside an accessory building or structure on a parcel developed with a private residence, within a fully enclosed, secure, locked space, for noncommercial use/purposes consistent with AUMA, the Compassionate Use Act (California Health and Safety Code Section 11362.5) and/or the Medical Marijuana Program Act (California Health and Safety Code Section 11362.7 et seq.), or successor statutes.

(3) No person owning, renting, leasing, occupying, or having charge or possession of any parcel, building, or structure shall cause or allow indoor cultivation of marijuana on such parcel or within any building or structure thereon to be visible by normal unaided vision from any public place including any street, sidewalk, or other place freely accessible by the public.

(4) Indoor marijuana cultivation for any purpose other than personal use as specified above is expressly prohibited.

5.80.040 Commercial, retail, and industrial marijuana uses prohibited.

(a) Purpose and Intent. It is the purpose and intent of this provision to prohibit all commercial, retail, and industrial activities and uses of or for recreational, personal and non-medical marijuana in order to provide for the health, safety and welfare of the public, to limit odor created by marijuana from impacting adjacent properties, and to prevent the attractive nuisance created by commercial or retail use or sale of marijuana.

(b) Prohibitions. No use permit, minor use permit, zoning clearance, variance, exception, building permit, license, or other applicable entitlement or approval shall be granted for the following activities or businesses:

(1) Any commercial, retail, or industrial marijuana activity or use, which includes but is not limited to the following uses involving marijuana: operating as dispensaries (storefront or non-storefront), collectives, microbusinesses, home-based businesses, cultivating, manufacturing, processing, laboratory testing, labeling, storing, dispensing, transporting, non-medical delivery, wholesale, distribution, sale, retail of marijuana and marijuana products, and any other uses or activities for which the State of California issues marijuana licenses. These uses are expressly prohibited in every zoning district within the City.

(c) Exceptions.

(1) Deliveries. This Chapter does not apply to delivery of medical marijuana, as the term “delivery” is defined in California Business and Professions Code Section 26001(p) or any successor statute, from marijuana dispensaries located outside the City of Concord to qualified patients in the City of Concord, subject to the restrictions in Section 5.80.020.

5.80.0450 Miscellaneous provisions.

(a) *Violations declared nuisance.* Any violation of this chapter is hereby declared to be a public nuisance and may be abated pursuant to the provisions of Code of Civil Procedure Section 731. Any violation of this chapter shall also be subject to any of the enforcement remedies available under Chapter 1.05 (General Provisions) such as monetary fines charged for infractions and misdemeanors. These remedies are in addition to any other remedy provided by law, including the provisions of the Concord Municipal Code.

(b) *Conflicts.* In the event of any conflict with other provisions of the Concord Municipal Code, the more restrictive standards shall apply.

(f) *Severability.* If any section, subsection, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have adopted the ordinance codified in this chapter and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapter 9.05

OFFENSES AND MISCELLANEOUS PROVISIONS

9.05.020 Sale and display of prohibited substances and other paraphernalia.

(a) No owner, manager, proprietor, or other person in charge of any room in any place of business shall allow or permit the sale or display of prohibited substances.

(b) *Display or sale in rooms to which persons under the legally permitted age are admitted.* No owner, manager, proprietor, or other person in charge of any room in any place of business selling any paraphernalia shall allow or permit to be, remain in, enter, or visit such room any person who is under the legally permitted age.

(c) *Persons excluded from rooms used for sale or display.* A person under the legally permitted age shall not be, remain in, enter, or visit any room in any place used for the sale of paraphernalia.

(d) *Requirements for sale and display rooms.* A person shall not maintain, in any place of business to which the public is invited, the display for sale of paraphernalia unless within a separate room or enclosure to which persons under the legally permitted age are excluded. Each entrance to such a room shall have a sign posted in visible and legible words to that effect. For the purpose of this section, an “enclosure” shall mean an area of a room separated in such a manner that no material regulated by this section shall be visible from any area of the room open to persons under the legally permitted age.

(e) *Violations declared nuisance.* Any violation of this section is hereby declared to be a public nuisance and may be abated pursuant to the provisions of Code of Civil Procedure Section 731. This remedy is in addition to any other remedy provided by law, including the penalty provisions of the Concord Municipal Code.

(f) *Penalty.* Violation of this section shall constitute a misdemeanor.

(g) *Definitions.* As used in this section:

AUMA means the Control, Regulate and Tax Adult Use of Marijuana Act.

Ingest means smoking, inhaling, injecting, ingesting, consuming, or otherwise ingesting, inhaling, or otherwise introducing prohibited substances into the human body or an animal body.

Legally permitted age means (1) under the age of 18 years unless accompanied by one of his/her/their parents or a legal guardian, or (2) the minimum age set by ~~the AUMA MAUCRSA~~ (currently 21 years); provided, however, that to the extent allowed by law, the more restrictive standard shall apply.

~~*Marijuana, marijuana products, marijuana accessories, and the verb smoke are as defined in the AUMA.*~~

~~*Marijuana or cannabis shall have the same meaning as defined in California Health and Safety Code Section 11018, or any successor statute thereto, including but not limited to all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It 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; (1) industrial hemp, as defined in Health and Safety Code Section 11018.5 or any successor statute thereto; or (2) the weight of any ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. All references to “marijuana” include and equally apply to “cannabis.”*~~

Marijuana product means marijuana that has undergone a process whereby the plant has been transformed into a concentrate, including but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients, as defined in California Health and Safety Code Section 11018.1, or any successor statute thereto.

MAUCRSA means the Medical and Adult Use Cannabis Regulation and Safety Act.

Paraphernalia means any device, contrivance, instrument, marijuana accessories, roach clips and rollers designed for the smoking any prohibited substance, or any item used, altered, or modified for the purpose of ingesting any prohibited substance, other paraphernalia used, altered, or modified for the purpose of ingesting prohibited substances.

Prescription drugs. To the extent allowed by law, marijuana and marijuana products shall be excluded from the term “prescription drugs” even if prescribed under the AUMA, Compassionate Use Act (California Health and Safety Code Section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code Section 11362.7 et seq.), and/or otherwise.

Prohibited substances means any narcotics, marijuana, marijuana products, PCP, similar substances, any controlled substance as defined in the Health and Safety Code of the state, or any products or substances derived from any of the foregoing, other than prescription drugs. Notwithstanding the foregoing, to the extent allowed by law, “prohibited substances” shall include marijuana and marijuana products even if prescribed under the AUMA, Compassionate Use Act (California Health and Safety Code Section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code Section 11362.7 et seq.), and/or additional substances prohibited under federal, state, or local law.

Sale or selling means the sale, administering, furnishing, giving away, exhibition, display, or offering of prohibited substances and/or paraphernalia.

(h) In the event of any conflict with other provisions of the Concord Municipal Code, the more restrictive standards shall apply.

(i) If any section, subsection, clause, phrase, or portion of this section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have adopted the ordinance codified in this section and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Title 18

DEVELOPMENT CODE

Chapter 18.20

GENERAL TERMS

Article I. Use Classifications

18.20.020 Use classifications.

Marijuana Uses

“Commercial, retail, and industrial marijuana use”. See Chapter 5.80.

“Indoor Personal Marijuana Cultivation”. See Chapter 5.80.

“Medical Marijuana Delivery”. See Chapter 5.80.

Medical Marijuana Dispensary”. See Chapter 5.80.

Medical Marijuana Use”. See Chapter 5.80.

“Non-Medical Marijuana Dispensary”. See Chapter 5.80.

“Non-Medical Marijuana Use”. See Chapter 5.80.

Medical Services.

“Hospital, medical center” means hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds for overnight stays, emergency services, and equipment and facilities to provide complete health care. These facilities may also include accessory uses such as on-site clinics, laboratories, emergency heliports, nursing facilities, extended care facilities, physical therapy, gift shops, retail pharmacies, cafeterias or restaurants, and related uses operated primarily for the benefit of patients, staff, and visitors and on-site ambulance dispatch facilities.

~~Medical Marijuana Dispensary. See CMC 5.80.010.~~

“Medical clinic” means an outpatient facility operated by one or more physician, dentist, or other licensed health care practitioner that provides medical, dental, or counseling services to the public generally at reduced cost.

Medical and Dental Offices. (See “Medical and dental” under “Offices.”)

“Nursing facility/extended care” means state-licensed residential facilities that provide 24-hour nursing and health-related care as a primary use with inpatient beds. Examples include board and care homes, convalescent hospitals, rest homes, extended care facilities, and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under residential care facility.

“Urgent care facility” means state-licensed facilities other than a hospital that provide medical care services and treatment on an outpatient basis, with an emphasis on minor emergency care. These facilities may also include incidental medical laboratories. This classification does not include private medical and dental offices (see “Medical and dental” under “Offices”).

Article II. Definitions

18.20.030 Definitions

“AUMA” means the Control, Regulate and Tax Adult Use of Marijuana Act.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana, and also includes agricultural uses (such as crop production, orchard, vineyard, or community gardens).

“Indoor” means any location that is within a fully enclosed nonresidential building or structure, or private residence.

“Marijuana” or “cannabis” shall have the same meaning as defined in California Health and Safety Code Section 11018, or any successor statute thereto, including but not limited to all of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It 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; (1) industrial hemp, as defined in Health and Safety Code Section 11018.5 or any successor statute thereto; or (2) the weight of any

ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. All references to “marijuana” include and equally apply to “cannabis”.

“Marijuana product” means marijuana that has undergone a process whereby the plant has been transformed into a concentrate, including but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients, as defined in California Health and Safety Code Section 11018.1, or any successor statute thereto.

“MAUCRSA” means the Medical and Adult Use Cannabis Regulation and Safety Act.

“MCRSA” means the Medical Cannabis Regulation and Safety Act.

“Outdoor” means any location within the city that is not within a fully enclosed nonresidential building or structure, or within a private residence.

“Parcel” means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (California Government Code Section 66410 et seq.). A parcel may or may not be improved, including but not limited to: buildings, structures, and/or private residences.

“Primary caregiver” means an individual, who is at least 18 years of age, designated by a qualified patient or by the person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, as defined in Health and Safety Code Section 11362.7, or any successor statute thereto.

“Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling. To the extent allowed by law, “private residence” shall mean a fully enclosed and secure house, apartment unit, mobile home, or other similar dwelling. To the extent allowed by law, a private residence must be currently, presently, and lawfully utilized as the primary dwelling of one or more natural persons.

“Qualified patient” means a patient, who has verified his or her identity and address to a delivering dispensary, that uses or ingests medical marijuana as that term is defined in California Health and Safety Code Section 11362.5, or any successor statutes thereto.

Division II. Zoning Districts – Uses and Standards

Chapter 18.25

DEVELOPMENT AND LAND USE APPROVALS

18.25.060 Prohibited uses.

A. ~~Medical~~-Marijuana Dispensary. A medical marijuana dispensary or marijuana dispensary, as defined in Chapter 18.20 CDC, General Terms, is a prohibited use in all zones in the city of Concord. No use permit, minor use permit, zoning clearance, variance, exception, building permit, license, or other applicable entitlement or approval temporary permit, or permit of any nature shall be issued for a prohibited land use.

B. ~~Medical~~-Marijuana Cultivation (Indoor or Outdoor).

1. Purpose and Intent. It is the purpose and intent of this provision to prohibit any commercial, personal, or other cultivation of marijuana (indoor or outdoor) in all zones in the City of Concord and to limit ~~medical-personal~~ marijuana cultivation as permitted by State law to indoors or enclosed, occupied dwellings, dwelling units and housing units, so as not to be visible to the general public, to provide for the health, safety and welfare of the public, to limit odor created by marijuana plants from impacting adjacent properties, and to prevent the attractive nuisance created by outdoor medical marijuana cultivation, which creates the risk of burglary, trespass, and armed robbery, posing the threat of serious injury or death, and requiring the expenditure of scarce police and public safety resources.

~~2. Applicable Definitions.~~

~~a. Cultivation. The planting, growing, harvesting, drying or processing of any marijuana plants or any part thereof, for medical use consistent with the Compassionate Use Act (California Health and Safety Code Section 11362.5) and the Medical Marijuana Program Act (California Health and Safety Code Section 11362.7 et seq.).~~

~~b. Parcel. Any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (California Government Code Section 66410 et seq.).~~

~~c. Occupied. Currently, presently, and lawfully utilized as the primary dwelling of one or more persons.~~

~~d. Outdoor. Any location within the city that is not within a fully enclosed, occupied (as defined in this section) dwelling, dwelling unit or housing unit, as defined in CDC 18.20.020.~~

32. Prohibitions.

a. Outdoor cultivation. No person owning, renting, leasing, occupying or having charge or possession of any parcel shall cause or allow such parcel to be used for the outdoor cultivation of any marijuana plant, either for personal, commercial, or other purposes.

b. Indoor cultivation. No person owning, renting, leasing, occupying, or having charge or possession of any parcel shall cause or allow indoor cultivation of marijuana as permitted by State law on such parcel to be visible from any street, sidewalk, or other place freely accessible by the public.

43. Compliance with Building, Fire Code and Permitting Requirements. Any person(s) cultivating indoor medical personal marijuana with the use of grow lights, fans, ventilation devices or any other electrical or mechanical equipment shall comply with all applicable building and fire code requirements adopted by the city of Concord, and shall obtain all permits required for such installation.

54. Enforcement. Violations of this provision shall be considered a public nuisance, and may be enforced according to the procedures set forth in CDC 18.540.080 and by the enforcement remedies conferred upon the city by Civil Code Section 3494, Code of Civil Procedure Section 731, Government Code Section 38773, or other lawful authority. Nothing in this provision is intended to impair any viable legal defense to a person using or in possession of medical marijuana pursuant to the Compassionate Use Act (California Health and Safety Code Section 11362.5) or the Medical Marijuana Program Act (California Health and Safety Code Section 11362.7 et seq.), Medical Cannabis Regulation & Safety Act, Medical and Adult Use Cannabis Regulation and Safety Act, or successor statutes. ~~Nothing in this chapter is intended to authorize the cultivation, possession or use of marijuana for nonmedical purposes in violation of state or federal law.~~

C. Commercial, retail, or industrial marijuana use.

1. Purpose and Intent. It is the purpose and intent of this provision to prohibit all commercial, retail, and industrial marijuana activity or use in all zones of the City in order to provide for the health, safety and welfare of the public, to limit odor created by marijuana from impacting adjacent properties, and to prevent the attractive nuisance created by commercial or retail use or sale of marijuana.

2. Prohibitions. No use permit, minor use permit, zoning clearance, variance, exception, building permit, license, or other applicable entitlement or approval shall be granted for the following activities or businesses:

a. Any commercial, retail, or industrial marijuana activity or use, which includes but is not limited to the following uses involving marijuana: dispensaries (storefront or non-storefront), microbusinesses, distributors, home-based businesses, cultivating, manufacturing, processing, laboratory testing, labeling, storing, dispensing, transporting, non-medical delivery, clubs, bars, collectives, vending machines, drive-through, facilities, wholesale, distribution, sale, and retail of marijuana and marijuana products. These uses are expressly prohibited in every zoning district within the City.

3. Exceptions.

a. Deliveries. This Chapter does not apply to delivery of medical marijuana, as the term “delivery” is defined in California Business and Professions Code Section 26001(p), or any successor statute, from marijuana dispensaries located outside the City of Concord to qualified patients in the City of Concord, subject to the restrictions in Section 5.80.020.

Chapter 18.30

RESIDENTIAL DISTRICTS (RR, RS, RL, RM AND RH)

18.30.020 Table 18.30.020 – Residential districts – Allowed uses and permit requirements.

Table 18.30.020 identifies the uses allowed by the development code in each residential zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

<p>Table 18.30.020 Residential Districts Allowed Uses and Permit Requirements</p>						<p>ZC = Permitted Use, Zoning Clearance AP = Administrative Permit Required MP = Minor Use Permit Required UP = Use Permit Required ADU = Accessory Dwelling Unit Application – = Use Not Allowed</p>
Land Use Classifications	Permit Required by District					Additional Requirements
	RR	RS	RL	RM	RH	
<u>Marijuana Uses</u>						
<u>Commercial, Retail, and Industrial Marijuana Use</u>	=	=	=	=	=	
<u>Medical Marijuana Delivery</u>	ZC	ZC	ZC	ZC	ZC	<u>Only permitted from licensed dispensaries, subject to the restrictions in Section 5.80.020.</u>
<u>Medical Marijuana Dispensary</u>	=	=	=	=	=	
<u>Medical Marijuana Use</u>	=	=	=	=	=	
<u>Indoor Personal Marijuana Cultivation</u>	ZC	ZC	ZC	ZC	ZC	<u>Up to 6 plants per residence, pursuant to State law.</u>
<u>Non-Medical Marijuana Dispensary</u>	=	=	=	=	=	
<u>Non-Medical Marijuana Use</u>	=	=	=	=	=	
<u>Medical Services</u>						
Hospital, Medical Center	–	–	–	–	–	
Medical Marijuana Dispensary	–	–	–	–	–	–
Medical Clinic	–	–	–	–	–	
Nursing Facility/Extended Care	–	–	–	UP	MP	
Urgent Care Facility	–	–	–	–	–	

Table 18.30.020 Residential Districts Allowed Uses and Permit Requirements						ZC = Permitted Use, Zoning Clearance AP = Administrative Permit Required MP = Minor Use Permit Required UP = Use Permit Required ADU = Accessory Dwelling Unit Application – = Use Not Allowed
Land Use Classifications	Permit Required by District					Additional Requirements
	RR	RS	RL	RM	RH	

Chapter 18.35

NORTH TODOS SANTOS DISTRICT (NTS)

18.35.020 Table 18.35.020 – North Todos Santos district – Allowed uses and permit requirements.

A. Applicability. Table 18.35.020 identifies the uses allowed in the NTS zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

Table 18.35.020 North Todos Santos District Allowed Uses and Permit Requirements		ZC = Permitted Use, Zoning Clearance Required AP = Administrative Permit Required MP = Minor Use Permit Required UP = Use Permit Required ADU = Accessory Dwelling Unit Application – = Use Not Allowed	
Land Use Classifications	Permit Required by District	Additional Requirements	
<u>Marijuana Uses</u>			
<u>Commercial, Retail, and Industrial Marijuana Use</u>	=		
<u>Medical Marijuana Delivery</u>	<u>ZC</u>	<u>Only permitted from licensed dispensaries, subject to the restrictions in Section 5.80.020.</u>	
<u>Medical Marijuana Dispensary</u>	=		
<u>Medical Marijuana Use</u>	=		
<u>Indoor Personal Marijuana Cultivation</u>	<u>ZC</u>	<u>Up to 6 plants per residence or as permitted by State law.</u>	
<u>Non-Medical Marijuana Dispensary</u>	=		
<u>Non-Medical Marijuana Use</u>	=		
<u>Medical Services</u>			
Hospital, Medical Center	–		
Medical Marijuana Dispensary	–		
Medical Clinic	–		
Nursing Facility, Extended Care	UP		
Urgent Care Facility	–		

Chapter 18.40

OFFICE AND COMMERCIAL DISTRICTS (CO, CMX, NC, SC, AND RC)

18.40.020 Table 18.40.020 – Office and commercial districts – Allowed uses and permit requirements.

A. Applicability. Table 18.40.020 identifies the uses allowed by the development code in each office and commercial zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

Table 18.40.020 Office and Commercial Districts Allowed Uses and Permit Requirements						ZC – Permitted Use, Zoning Clearance AP – Administrative Permit Required MP – Minor Use Permit Required UP – Use Permit Required ADU – Accessory Dwelling Unit Application – Use Not Allowed
Land Use Classifications	Permit Required by District					Additional Requirements
	CO	CMX	NC	SC	RC	
<u>Marijuana Uses</u>						
<u>Commercial, Retail, and Industrial Marijuana Use</u>	-	-	-	-	-	
<u>Medical Marijuana Delivery</u>	ZC	ZC	ZC	ZC	ZC	<u>Only permitted from licensed dispensaries, subject to the restrictions in Section 5.80.020.</u>
<u>Medical Marijuana Dispensary</u>	=	=	=	=	=	
<u>Medical Marijuana Use</u>	=	=	=	=	=	
<u>Indoor Personal Marijuana Cultivation</u>	ZC	ZC	ZC	ZC	ZC	<u>Up to 6 plants per residence or as permitted by State law.</u>
<u>Non-Medical Marijuana Dispensary</u>	=	=	=	=	=	
<u>Non-Medical Marijuana Use</u>	=	=	=	=	=	
<u>Medical Services</u>						
Hospital, Medical Center	-	-	-	-	-	
Medical Marijuana Dispensary	-	-	-	-	-	
Medical Clinic	ZC	-	ZC ⁽²⁾	ZC ⁽²⁾	ZC	
Nursing Facility/Extended Care	-	UP	UP	UP	-	
Urgent Care Facility	ZC	ZC ⁽⁴⁾	ZC ⁽²⁾	ZC	ZC	

Chapter 18.45

DOWNTOWN DISTRICTS (DP, DMX, AND WMX)

18.45.020 Table 18.45.020 – Downtown districts – Allowed uses and permit requirements.

A. Applicability. Table 18.45.020 identifies the uses allowed by the development code in each downtown zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

Table 18.45.020 Downtown Districts Allowed Uses and Permit Requirements				ZC = Permitted Use, Zoning Clearance AP = Administrative Permit Required MP = Minor Use Permit Required UP = Use Permit Required ADU = Accessory Dwelling Unit Application – = Use Not Allowed
Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
<u>Marijuana Uses</u>				
<u>Commercial, Retail, and Industrial Marijuana Use</u>	=	=	=	
<u>Medical Marijuana Delivery</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>Only permitted from licensed dispensaries, subject to the restrictions in Section 5.80.020.</u>
<u>Medical Marijuana Dispensary</u>	=	=	=	
<u>Medical Marijuana Use</u>	=	=	=	
<u>Indoor Personal Marijuana Cultivation</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>Up to 6 plants per residence or as permitted by State law.</u>
<u>Non-Medical Marijuana Dispensary</u>	=	=	=	
<u>Non-Medical Marijuana Use</u>	=	=	=	
<u>Medical Services</u>				
Hospital, Medical Center	–	–	–	
Medical Marijuana Dispensary	–	–	–	
Medical Clinic	–	–	–	
Nursing Facility/Extended Care	–	UP	–	
Urgent Care Facility	–	–	ZC	

Chapter 18.50

BUSINESS PARK AND INDUSTRIAL DISTRICTS (OBP, IBP, IMX, AND HI)

18.50.020 Table 18.50.020 – Business park and industrial districts – Allowed uses and permit requirements.

A. Applicability. Table 18.50.020 identifies the uses allowed by the development code in each business park and industrial district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

Table 18.50.020 – Business Park and Industrial Districts ⁽⁷⁾ Allowed Uses and Permit Requirements					ZC = Permitted Use, Zoning Clearance Required AP = Administrative Permit Required MP = Minor Use Permit Required UP = Use Permit Required ADU = Accessory Dwelling Unit Application – = Use Not Allowed
Land Use Classifications	Permit Required by District				Additional Requirements
	OBP	IBP	IMX ⁽⁷⁾	HI	
<u>Marijuana Uses</u>					
<u>Commercial, Retail, and Industrial Marijuana Use</u>	=	=	=	=	
<u>Medical Marijuana Delivery</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>Only permitted from licensed dispensaries, subject to the restrictions in Section 5.80.020.</u>
<u>Medical Marijuana Dispensary</u>	=	=	=	=	
<u>Medical Marijuana Use</u>	=	=	=	=	
<u>Indoor Personal Marijuana Cultivation</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>Up to 6 plants per residence or as permitted by State law.</u>
<u>Non-Medical Marijuana Dispensary</u>	=	=	=	=	
<u>Non-Medical Marijuana Use</u>	=	=	=	=	
<u>Medical Services</u>					
Hospital, Medical Center	–	–	–	–	
Medical Marijuana Dispensary	–	–	–	–	
Medical Clinic	AP	AP	–	–	
Nursing Facility/Extended Care	–	–	–	–	
Urgent Care Facility	MP ⁽¹⁾	MP ⁽¹⁾	–	–	

Chapter 18.55

PUBLIC / QUASI-PUBLIC DISTRICT (PQP)

18.55.020 Table 18.55.020 – Public/quasi-public district – Allowed uses and permit requirements.

Table 18.55.020 identifies the uses allowed by the development code in each public/quasi-public zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

Table 18.55.020 Public/Quasi-Public District Allowed Uses and Permit Requirements		ZC = Permitted Use, Zoning Clearance Required AP = Administrative Permit Required MP = Minor Use Permit Required UP = Use Permit Required ADU = Accessory Dwelling Unit Application – = Use Not Allowed	
Land Use Classifications	Permit Required by District	Additional Requirements	
<u>Marijuana Uses</u>			
<u>Commercial, Retail, and Industrial Marijuana Use</u>	=		
<u>Medical Marijuana Delivery</u>	ZC	<u>Only permitted from licensed dispensaries, subject to the restrictions in Section 5.80.020.</u>	
<u>Medical Marijuana Dispensary</u>	=		
<u>Medical Marijuana Use</u>	=		
<u>Indoor Personal Marijuana Cultivation</u>	ZC	<u>Up to 6 plants per residence or as permitted by State law.</u>	
<u>Non-Medical Marijuana Dispensary</u>	=		
<u>Non-Medical Marijuana Use</u>	=		
Medical Services			
Hospital, Medical Center	UP		
Medical Marijuana Dispensary	-		
Medical Clinic	AP		
Nursing Facility, Extended Care	AP		
Urgent Care Facility	MP		

Chapter 18.60

COMMUNITY LAND USE DISTRICTS (OS, PR, RLC, AND WRC)

18.60.020 Table 18.60.020 – Community land districts – Allowed uses and permit requirements.

Table 18.60.020 identifies the uses allowed by the development code in each community land zoning district and the type of permit required to establish each use. See CDC 18.25.030(B) or Division VII of this title (Permits and Permit

Procedures). Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

Land Use Classifications		Permit Required by District				Additional Requirements
		OS	PR	RLC	WRC	
Table 18.60.020 Community Land Districts Allowed Uses and Permit Requirements		ZC = Permitted Use, Zoning Clearance Required AP = Administrative Permit Required MP = Minor Use Permit Required UP = Use Permit Required ADU = Accessory Dwelling Unit Application - = Use Not Allowed				
<u>Marijuana Uses</u>						
<u>Commercial, Retail, and Industrial Marijuana Use</u>	=	=	=	=		
<u>Medical Marijuana Delivery</u>	ZC	ZC	ZC	ZC		<u>Only permitted from licensed dispensaries, subject to the restrictions in Section 5.80.020.</u>
<u>Medical Marijuana Dispensary</u>	=	=	=	=		
<u>Medical Marijuana Use</u>	=	=	=	=		
<u>Indoor Personal Marijuana Cultivation</u>	ZC	ZC	ZC	ZC		<u>Up to 6 plants per residence or as permitted by State law.</u>
<u>Non-Medical Marijuana Dispensary</u>	=	=	=	=		
<u>Non-Medical Marijuana Use</u>	=	=	=	=		
<u>Medical Services</u>						
Hospital, Medical Center	-	-	-	-		
Medical Marijuana Dispensary	-	-	-	-		-
Medical Clinic	-	-	-	-		
Nursing Facility/Extended Care	-	-	-	-		
Urgent Care Facility	-	-	-	-		

Division IV. Development Standards

Chapter 18.180

SIGNS

18.180.080 Prohibited signs.

The following types and locations of signs or advertising devices are prohibited, except where exempted by CDC 18.180.120, Temporary signs, or allowed by Table 18.180.110:

P. All commercial signs advertising or depicting any paraphernalia, prohibited substances, marijuana products, marijuana uses (including but not limited to commercial, retail, and industrial, indoor personal cultivation, medical

delivery, medical dispensary, medical use, non-medical dispensary, or non-medical marijuana uses), and/or any other uses or activities for which the State of California issues marijuana licenses are prohibited.

Q. All commercial signs advertising or depicting any use or activity which is prohibited by local, state, or federal law.