



County of San Diego

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DIRECTOR

May 6, 2022

Update No. 107

10-21

TO: Persons Holding Copies of the San Diego County Zoning Ordinance
FROM: Planning & Development Services
RE: AMENDMENT PAGES FOR THE COUNTY ZONING ORDINANCE

Attached are pages containing changes to the San Diego County Zoning Ordinance amended by adoption of Ordinance No. 10749 (N.S.), effective November 5, 2021.

Ordinance No. 10749 makes additions and amendments to regulations and definitions related to Cannabis Facilities. These amendment pages are known as the ‘Amendment to the San Diego County Zoning Ordinance Related to Definitions, Medical Marijuana Collective Facilities, And Prohibition of Marijuana Facilities – Medical or Non-Medical, and Adding Section 6861 Related To Nonconforming Cannabis Facilities’ (POD 21-001), adopted by the Board of Supervisors on October 6, 2021.

Please substitute these pages in your hard copy of the Zoning Ordinance by removing the obsolete pages and adding the new pages as follows:

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
Table of Contents Part 6 (2 pages)	Table of Contents Part 6 (2 pages)	Updates table sections to reflect the repeal of Section 6935, the addition of Section 6861, and the changes in language to Section 6976.
1110 Definitions C (2 pages)	1110 Definitions C (2 pages)	Reclassifies the definition of “Marijuana Facility as “Cannabis Facility” and updates the existing definition.
1110 Definitions M (2 pages)	1110 Definitions M (2 pages)	Reclassifies the definition of “Marijuana Facility” as “Cannabis Facility.”

6862-6864 (2 pages)	6861-6864 (4 pages)	Adds Section 6861 which identifies the five legal Nonconforming Cannabis Facilities and the regulations which apply to these facilities exclusively.
6930-6940 (2 pages)	6930-6940 (2 pages)	Repeals Section 6935 which provided guidelines for the authorization of Nonconforming Medical Marijuana Collective Facilities.
6975-6976 (2 pages)	6975-6976 (2 pages)	Updates Section 6976 to reflect changes in language and definition regarding the prohibition of Cannabis Facilities.

Upon insertion of these pages, we suggest you fill in the space provided for Update No. 107 inside the front cover of your Zoning Ordinance. This will serve as a record that your copy has been updated. If you have any questions regarding this update, please contact staff at PDS.LongRangePlanning@sdcounty.ca.gov.



Dahvia Lynch, Director

Department of Planning & Development Services

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Cable Television (CATV) System: Any facility which, in whole or in part, receives directly or indirectly from the air and amplifies or otherwise modifies electronic or microwave signals transmitting programs broadcast by one or more television stations and/or originates or purchases programs or electronic or microwave signals and distributes such signals or any of them by wire or cable to subscribing members of the public who pay for such service.

California Coastal Zone: That portion of the Coastal Zone described in Section 30103 of the California Coastal Act of 1976 (Public Resources Code Section 20000 et seq.) which is within the unincorporated territory of the County of San Diego.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

Cannabis Facility – Medical and Non-Medical: (a) Any store, office, business, building, property or other facility in or from which cannabis is sold, given, traded, supplied, bartered, consumed, raised, processed, stored, used, cultivated indoors or outdoors, possessed, or transported; (b) This definition shall not apply to personal cultivation of cannabis allowed under state law.

(Added by Ord. No. 10062 (N.S.) adopted 6-30-10)
(Amended by Ord. No. 10461 (N.S.) adopted 4-14-17)
(Amended by Ord. No. 10749 (N.S.) adopted 10-6-21)

Caretaker: A person who takes care of a parcel or building.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

Cargo Container: Any portable, reusable container generally referred to as a sea cargo container or cargo container and primarily designed or used for transporting freight by commercial transportation. When used for any purpose other than transporting freight a Cargo Container is a structure.

(Added by Ord. No. 9844 (N.S.) adopted 4-18-07)

Carnival or circus: A use meeting the definition of these terms as set forth in Section 21.2401(a) of the San Diego County Code.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)

Carport: A type of garage which is a roofed structure, or a portion of a building, open on 2 or more sides primarily for the parking of automobiles belonging to the occupants of the property.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

Cat: A feline that has reached the age of 4 months.

Categorical Exemption: Certain classes of projects found by the Secretary for Resources of the State of California not to have substantial adverse effects on the environment, and thus are exempt from the EIR requirement.

Cellar: That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in these regulations) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Def. C

Cemetery: Land used or intended to be used for the burial of one or more dead human bodies or cremated remains thereof, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

(Amended by Ord. No. 7850 (N.S.) adopted 1-16-91)

Certified Farmers' Market: A temporary marketplace, either indoors or outdoors, for the display and sale of produce and other agricultural products such as, but not limited to, fresh fruits, vegetables, nuts, honey, shell eggs, flowers, and nursery stock, for which a Certified Farmers' Market Certificate has been issued by the County Agricultural Commissioner pursuant to California Code of Regulations, Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

Certified Recycling Facility: A recycling facility which has been certified by the California Department of Conservation as meeting the requirements of the California Beverage Container and Litter Reduction Act of 1986.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Chimney: A hollow shaft containing one or more passages vertical or nearly so, for conveying products of combustion.

Child Care Center: A state-licensed facility of any capacity other than a family day care home for children in which less than 24 hour per day nonmedical care and supervision is provided for children in a group setting.

(Added by Ord. No. 6782 (N.S.) adopted 5-16-84)

Child Care Facility: A child day care facility other than a family day care home including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Civic Plaza: Property owned by a public or non-profit civic organization for purposes of accommodating the public in the conduct of outdoor events of general community interest including, but not limited to, assemblages of persons for: hobby shows; club meetings; the display and/or sale of art and craft objects; farmer's market, home-grown agricultural products only; and, passive recreational uses.

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)

Clinic: Any place, establishment or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other work or phrase of like or similar import, either independently or in connection with any other purpose, for the purpose of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances or apparatus, to persons not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.

DEFINITIONS (M)

Main Building: A building or structure which is devoted primarily to a principal use or uses; or, the only building on a lot or building site.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

Major Use Permit: (See Use Permit, Major)

Manufactured Home: (See Mobilehome)

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)

Manufacturing Zone: A zone including a use regulation set forth in Sections 2500 through 2599, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

Market Rate Unit: A dwelling unit that is not a reserved unit.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Marijuana Facility: (See Cannabis Facility)

(Amended by Ord. No. 10749 (N.S.) adopted 10-6-21)

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of California.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

Master Antenna Television (MATV) System: A facility as described in Cable Television (CATV) System, but differentiated from the definition of a (CATV) System by virtue of (a) serving fewer than 50 subscribers, or (b) serving only the residents of an apartment dwelling under common ownership and consisting of not more than two buildings, or (c) providing service without charge.

Def. M

Materials Recovery Facility: A facility that accepts source-separated or commingled recyclable materials, usually in an enclosed building, from collection facilities and the public; processes the materials into resalable condition, and markets the materials to companies for reuse. The end-products are materials recovered through the process. A materials recovery facility is considered to be a General Industrial use type and as such is permitted in the same locations and under the same conditions as other general industrial uses.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Maximum Allowable Residential Density: The density calculated under Section 4115 of the Zoning Ordinance. If the density allowed under the Zoning Ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Meteorological Testing (MET) Facility: A tower with or without guy wires and any other equipment with a component, such as an anemometer or SODAR device, to measure meteorological phenomena, such as wind speed, wind direction, air pressure, rain, snow or sun exposure. A MET Facility shall not include a Wind Turbine.

(Added by Ord. No. 9971 (N.S.) adopted 02-25-09)

Mezzanine or Mezzanine Floor: An intermediate floor placed in any story or room. When the total area of any such Mezzanine Floor exceeds 33 1/3 percent of the total floor area in that room, it shall be considered as constituting an additional story. The clear height above or below a Mezzanine Floor construction shall be not less than 7 feet. An enclosed Mezzanine shall be counted as a story.

(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)

Microbrewery: A brewery that produces no more than 15,000 barrels of ales, beers, meads, hard ciders, and/or similar beverages on-site per year, in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and other applicable state and local requirements. (See Brewery)

(Added by Ord. No. 10359 (N.S.) adopted 10-29-14)

Microbrewery, Agricultural: A Microbrewery allowed as an accessory use to active Commercial Agriculture operation producing hops, barley or grain grown on the premises for brewing on-site. (see Section 6157.d)

(Added by Ord. No. 10463 (N.S.) adopted 4-14-17)

Micro-Distillery, Agricultural: A distillery allowed as an accessory use to an active Commercial Agriculture operation producing grains or vegetables the premises for distilling on-site. (see Section 6157.d)

(Added by Ord. No. 10463 (N.S.) adopted 4-14-17)

6861 NONCONFORMING CANNABIS FACILITIES

- a. Five Nonconforming Cannabis Facilities. Nonconforming Cannabis Facilities which were lawfully established before April 14, 2017, and documented by the Department include only facilities at the five following locations:
- 8157 Wing Ave, El Cajon, CA 92020 (APN 387-150-21-00)
 736 Montecito Way, Ramona, CA 92065 (APN 281-521-13-00)
 618 Pine St, Ramona, CA 92065 (APN 281-065-26-00)
 1210 Olive St, Ramona, CA 92065 (APN 281-121-12-00)
 8530 Nelson Way, Escondido, CA 92026 (APN 127-222-19-00)
- b. Cannabis Activities. A Nonconforming Cannabis Facility may engage in Medical Cannabis Collective, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer activities as those terms are defined in Chapter 25 of Division 1 of Title 2 of the San Diego Code of Regulatory Ordinances. A Nonconforming Cannabis Facility operating as a Medical Cannabis Collective shall update its Operating Certificate before engaging in Commercial Cannabis Microbusiness or Commercial Cannabis Retailer activities.
- c. Operation and Construction. Each of the five Nonconforming Cannabis Facilities may do the following:
1. Continue Operation. Continue operations beyond April 14, 2022.
 2. Existing Facilities.
 - i. Repair, maintain, or alter existing structures.
 - ii. Add to one or more structures that were permitted before June 9, 2021, up to a cumulative total of 10,000 square feet in floor area.
 3. New Construction or Conversion of Small Structures.
 - i. Construct a structure that will not involve the use of significant amounts of hazardous substances and will not exceed 2,500 square feet in floor area.
 - ii. In urbanized areas, as is defined in Section 15387 of Title 14 of the California Code of Regulations, construct up to four commercial cannabis buildings that will not involve the use of significant amounts of hazardous substances and will not exceed a cumulative total of 10,000 square feet in floor area.
- d. Cumulative New Square Footage Limit. A Nonconforming Cannabis Facility may not build more than a cumulative total of 10,000 square feet of new floor area, either by an addition to an existing facility, new construction or conversion of small structures, or a combination thereof.
- e. Ministerial Building Permits. Repair, maintenance, alteration, addition to an existing structure, or construction of a new structure in accordance with this section and used for cannabis purposes shall require approval of a ministerial building permit. Nothing within

6861

this Zoning Ordinance shall exempt Nonconforming Cannabis Facilities from the requirements of the Grading Ordinance.

- f. Exemptions from Designators. Repair, maintenance, alteration, an addition to an existing structure, or construction of a new structure in accordance with this section and used for cannabis purposes shall be exempt from B and S Special Area Designators.
- g. Expansions Above Cumulative New Square Footage Limit. A Nonconforming Cannabis Facility may build more than a cumulative total of 10,000 square feet of new floor area, either by an addition to an existing facility, new construction or conversion of small structures, or a combination thereof, upon approval of a Site Plan. Expansions above the cumulative new square footage limit shall not be exempt from any Special Area Designators.
- h. No Visibility or Outdoor Use. Nonconforming Cannabis Facilities shall be designed, constructed, and operated such that no cannabis is visible from any location off the property on which a Nonconforming Cannabis Facility is located. All cannabis activities shall be enclosed within a building.
- i. Other Nonconforming Regulations. Nonconforming Cannabis Facilities are not subject to any other nonconforming regulations outlined in the Zoning Ordinance.
- j. Change to Conforming Use. A Nonconforming Cannabis Facility may change its use to a non-cannabis related conforming use. A Nonconforming Cannabis Facility shall transition to a conforming cannabis facility upon the County adopting regulations making cannabis activities a conforming use.

(Added by Ord. No. 10749 (N.S.) adopted 10-20-21)

6862 NONCONFORMING WIND TURBINES.

- a. A nonconforming wind turbine, or a series of wind turbines, which meets the definition of "Wind Turbine, Non-Operational" in Section 1110 shall be removed within 60 days of becoming non-operational at the property owner's expense, and the site shall be restored to a condition compatible with surrounding properties as determined by the Director. Upon written request by the Department of Planning and Development Services, the owner of a property on which a nonconforming wind turbine is located shall provide documentation to the satisfaction of the Director that the Director may use to determine the operational status of the wind turbine.

(Added by Ord. No. 7220 (N.S.) adopted 10-22-86)

(Amended by Ord. No. 10261 (N.S.) and Ord. No. 10262 (N.S.) adopted 5-15-13)

6863 EXISTING CUSTOM MANUFACTURING OPERATIONS

Any existing custom manufacturing operation located in the A70, A72, S90 or S92 Zone meeting the definition of the "Custom Manufacturing Use Type" as set forth in this ordinance at Section 1610 and as determined by the Director may continue operation after September 13, 1991. However, the Nonconforming Regulations commencing at Section 6850 shall apply to such operations.

(Added by Ord. No. 7964 (N.S.) adopted 8-14-91)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6864 EXISTING GROUNDWATER EXTRACTION OPERATIONS

Any existing activity meeting the definition of a "Groundwater Extraction Operation", as determined by the Director, shall be considered a nonconforming use and may continue said operations after May 8, 1992. However, the Nonconformity Regulations commencing at Section 6850 shall apply to such operation.

(Added by Ord. No. 8050 (N.S.) adopted 4-8-92)

- g. As used in this section, "Transfer of Ownership or Control" shall mean:
1. The sale, lease or sublease of such establishment; or
 2. The transfer of securities which constitute a controlling interest in such establishment, whether by sale, exchange or similar means; or
 3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of such establishment, except for transfers by bequest or other operation of law upon the death of the person possessing such ownership or control.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)
 (Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
 (Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

- h. Exception to Section 1019. Notwithstanding Section 1019, no application for an Administrative Permit or a building permit for an adult entertainment establishment shall be accepted or approved where the proposed use or facility would violate Section 6930 b.

(Added by Ord. No. 8015 (N.S.) adopted 12-04-91)
 (Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

6935 MEDICAL MARIJUANA COLLECIVE FACILITIES

(Added by Ord. No. 10061 (N.S.) adopted 6-30-10)
 (Amended by Ord. No. 10118 (N.S.) adopted 1-25-11)
 (Amended by Ord. No. 10461 (N.S.) adopted 4-14-17)
 (Repealed by Ord. No. 10749 (N.S.) adopted 10-06-21)

6940

6940 TRAILER COACHES OUTSIDE MOBILEHOME PARKS.

The use of a trailer coach outside a mobilehome park is permitted for the following purposes:

- a. Administrative office, business office, sales office, or living quarters for security personnel upon approval of a Site Plan or its Modification when such office or quarters is incidental to a business or civic use permitted by applicable use or special area regulations requiring a Site Plan. A use permit or its Modification shall be required for such office or quarters if no Site Plan is otherwise required for the use of the property.
- b. Classroom for public or private schools where the trailer coach and use thereof complies with subdivision (b) of Section 39248 of the Education Code.
- c. Dwelling for security personnel on a public or private school site.
- d. Dwelling on a private lot established pursuant to Section 6502.
- e. Housing established pursuant to the Accessory Use Regulations.
- f. Owner-occupied independent mobilehome, one-unit mobilehome park, or single-unit farm employee mobilehome legally established pursuant to the former provisions of Ordinance 1402.
- g. Temporary uses pursuant to Section 6118.
- h. Housing as an accessory use in a County Park or parks operated by a Community Services District or other public agency.

The above mentioned trailer coaches shall comply with the provisions of Chapter 2, of Division 6, Title 5, of the County Code of Regulatory Ordinances relating to trailer coaches.

(Added by Ord. No. 6082 (N.S.) adopted 6-10-81)

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)

(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

15. Air contaminants including but not limited to smoke, charred paper, dust, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any emissions that endanger human health, cause damage to vegetation or property or cause soiling, vibration or noise above levels allowed by the Performance Standards commencing at Section 6300, shall not be permitted.
 16. Incidental sale of products produced from recycled material is allowed on-site.
- b. Recycling Processing Facility, Heavy
1. In a C37, C38 or C40 Commercial Use Regulation or M54 or M58 Industrial Use Regulation upon meeting the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2.;
 2. In any other Commercial or Industrial Use Regulation upon the issuance of a Major Use Permit. The conditions of said Major Use Permit shall require compliance with the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2. as well as any others necessary in order to make the findings required for the granting of a Major Use Permit.
- c. Recycling Processing Facility, Wood and Green Materials
1. A facility devoted exclusively to the processing (not including composting) of wood and green materials is considered a General Industrial Use Type, and as such, shall be conducted in accordance with the regulations applicable to said Use Type except that a Wood and Green Materials Recycling Processing Facility may be permitted in an Agricultural or Special Purpose Use Regulation upon issuance of a Minor Use Permit. The conditions of said Minor Use Permit shall require compliance with the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2., except for the requirement that the operations be conducted entirely within an enclosed building; except for the requirements of subsection a.4 relating to size and scope of operation; subsection a.6. relating to storage within containers; and, subsection a.10. relating to noise level limits. The conditions of the Minor Use Permit shall address the above-mentioned requirements as well as any others necessary in order to make the findings required for the granting of a Minor Use Permit. Said Minor Use Permit may include composting of wood and/or green waste provided the conditions relating to composting are satisfactory to the Director of the Department of Public Works.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
 (Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6976

6976 PROHIBITION OF CANNABIS FACILITIES – MEDICAL OR NON-MEDICAL

No person shall cause or permit the establishment of a Cannabis Facility for medical or non-medical purposes, meeting the definition "Cannabis Facility – Medical and Non-Medical" in Section 1110, which was not lawfully established before April 14, 2017. To the maximum extent allowed by state law this prohibition shall apply throughout all use regulations.

(Added by Ord. No. 10062 (N.S.) adopted 6-30-10)

(Amended by Ord. No. 10461 (N.S.) adopted 4-14-17)

(Amended by Ord. No. 10749 (N.S.) adopted 10-6-21)