



MARIJUANA DISPENSARIES, CULTIVATION & DELIVERY

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INFORMATION
BULLETIN

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The information in this bulletin applies to marijuana dispensaries, cultivation, and delivery in the City of Lemon Grove in accordance with Chapter 17.32 of the Municipal Code. This bulletin is intended to provide guidelines and answer basic questions relating to marijuana regulations. The information in this bulletin supplements and supports the regulations contained in the Lemon Grove Municipal Code (LGMC), which is available online at <http://qcode.us/codes/lemongrove/>. All terms presented in **italicized bold letters** are specifically defined in LGMC Section 17.32.050.

1) What happens if I open a marijuana establishment without appropriate permits?

Immediate code enforcement shall commence which may include up to \$1,000 daily fines to both the property and business owners, substantial property liens, court injunctions and other legal means. Interest and late payment penalties will also apply as applicable. Eligibility to obtain appropriate permits will be jeopardized.

2) What is the difference between **medical marijuana** and recreational marijuana?

Medical marijuana is a marijuana product used by qualified patients for the treatment of pain and suffering caused by diseases and ailments. **Medical marijuana** does not include marijuana used for other purposes such as recreational marijuana.

3) What marijuana uses are permissible in the City?

Dispensaries or retail marijuana establishments are prohibited in the City, however, a **medical marijuana dispensary** (MMD) located within designated commercial and industrial zones and in conformance with the **protected use** and **regulated use** distance or separation requirements may apply for a conditional use permit. A conditional use permit requires public noticing in the local newspaper and property owner notifications to properties within 500 feet of the subject property. City Council approval and conformance to Municipal Code Section 17.32.090 is required. On-site security personnel, routine inspections, and background checks of employees and managers will be required. In addition, the City will require other conditions of approval and submittal requirements. On-site cultivation and/or consumption is prohibited. Estimate three to 12 months to process and the project may be denied for non-compliance.

Cultivation of marijuana is prohibited in the City, however, a **qualified patient** may be allowed to cultivate **medical marijuana** within his/her private residence within an existing single-family residence in the Residential Low (RL) or Residential Low/Medium (RL/M) zoning districts subject to issuance of a zoning clearance as specified in Section 17.32.100 of the Municipal Code or as otherwise specified in State Law. The City will require minimum conditions of approval and submittal requirements for a zoning clearance. Significant tenant improvements with a building permit may be required. Estimate two to six months to process and the project may be denied for non-compliance. In accordance with Proposition 64, the City will also allow for indoor cultivation of up to six plants per residence and processes and procedures are forthcoming.

Delivery of marijuana is prohibited except as specified in State Law.

Consumption or smoking of marijuana is prohibited except as specified in State Law.

4) Who is considered a **qualified patient**?

A **qualified patient** is a person who has obtained a written recommendation or approval from a **licensed physician** to use marijuana for personal medical purposes. A State issued Medical Marijuana Identification Card (MMIC) may be obtained for each qualified patient.

5) What is a conditional use permit and what are the application requirements?

A conditional use permit is a discretionary permit granted by the Lemon Grove City Council to conduct a specified use. The permit is considered discretionary because the City Council may grant the permit, deny the permit, or grant the permit subject to conditions. Obtaining a conditional use permit requires the submittal of a planning permit application, application materials, the payment of a deposit to reimburse City costs, the noticing of surrounding property owners within 500 feet of the subject property, and the conduct of a public hearing by the Lemon Grove City Council for consideration. City staff will use the zoning clearance process described below to initially screen conditional use permit applications for completeness. In order to grant a conditional use permit, the City Council must make certain findings in support of its decision in accordance with Section LGMC Section 17.32.080. Application materials may include: a) site, floor, elevation, sign, and/or landscape plans prepared by a professional designer or architect, b) noise, drainage and storm water management, traffic and parking, line-of-sight, biological and/or cultural resources, and/or air quality studies prepared by an appropriate professional, c) an Environmental Initial Study application, d) interior/exterior site photographs, e) a chain of title, f) a preliminary title report, g) phase I and II environmental assessments, and h) other items determined reasonable by the Development Services Director. Landscape and irrigation maintenance with approved plans shall be required within the operations manual. A three year renewal may be required to ensure compliance with the minimum requirements. Check with the Planning Division for specific submittal requirements. Permits may be revoked for failure to fully comply with the minimum requirements and appropriate code enforcement action will be taken.

6) What is a zoning clearance and what are the application requirements?

A zoning clearance is a ministerial permit granted by Development Services Director to conduct a specified use or to make a zoning determination. The permit is considered ministerial because the Director may grant the permit based on findings that the project meets the minimum conditions of approval within the Municipal Code. Obtaining a zoning clearance requires the submittal of a planning permit application, application materials, and the payment of a deposit to reimburse City costs. In order to grant a zoning clearance, the Development Services Director must find that application complies with applicable Municipal Code regulations. For MMDs, this includes meeting the separation requirements and providing the materials listed in the Planning Permit Submittal Checklist for MMDs. Application materials are not required for an initial submittal, but for a complete determination, the Planning Division may require: a) site, floor, elevation, sign, and/or landscape plans prepared by a professional designer or architect, b) noise and/or air quality studies prepared by an appropriate professional, c) interior/exterior site photographs, d) other items determined reasonable by the Development Services Director. Check with the Planning Division for specific submittal requirements. Permits may be revoked for failure to fully comply with the minimum requirements and appropriate code enforcement action will be taken.

The zoning clearance process is used for two purposes related to medical marijuana. It is used to authorize personal cultivation in the home of a qualified patient, and it is also used to perform the initial completeness check for a MMD conditional use permit application.

6) What are distance requirements and **regulated uses** and **protected uses**?

MMDs must maintain a physical separation of at least 1,000 feet from other **regulated uses** (MMDs) and **protected uses** in accordance with LGMC Section 17.32.090(B). A **protected use** includes any of the following land uses: parks and playgrounds, licensed daycare facilities, preschools and schools, and alcohol and substance abuse treatment facilities.