



City of Davis Zoning Regulations Related to Medical Marijuana

This handout provides an overview of current permitted and prohibited uses in the City of Davis related to medical marijuana cultivation, dispensing, and testing, pursuant to existing zoning restrictions contained in the City's Municipal Code.

Please note that the City is currently in the process of reviewing existing medical marijuana uses and regulations. As such, all uses, requirements, and restrictions referenced below are subject to change. This guide is intended only to provide a general overview for informational purposes, and is not exhaustive of all state and local regulations that may apply to medical marijuana uses.

Permitted Uses and Conditionally Permitted Uses

The following use is a currently Permitted Use in the City of Davis, so long as all requirements are satisfied. This use does not require a zoning permit or special licensing by the City or the Department of Community Development & Sustainability. Additional state laws and regulations may apply.

Indoor Cultivation. Indoor cultivation of marijuana is permitted in all residential districts, all residential uses within planned development districts of a similar nature, and residential uses within mixed-use districts, subject to all of the following minimum performance standards:

1. All indoor cultivation, including by a qualified patient or primary caregiver, shall occur in a dwelling or fully-enclosed accessory building or structure, as those terms are defined in section 40.01.010 of the City of Davis Municipal Code.
2. The medical marijuana is cultivated by:
 - (A) A qualified patient exclusively for his or her own personal medical use but who does not provide, donate, sell, or distribute medical marijuana to any other person; or
 - (B) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides medical marijuana exclusively for the personal medical purposes of no more than five (5) specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code Section 11362.765(c).
3. Structures and equipment used for indoor cultivation, such as indoor grow lights, shall comply with all applicable building, electrical and fire code regulations as adopted by the city.

4. All accessory buildings and structures used for indoor cultivation shall comply with the locational and other requirements set forth in section 40.26.010 of this Chapter.
5. Indoor marijuana cultivation may occur inside a dwelling and/or an accessory building or structure on the same parcel, so long as the cumulative cultivation area totals no larger than fifty contiguous square feet per qualified patient, and no larger than two hundred fifty contiguous square feet for primary caregivers, regardless of how many qualified patients or primary caregivers reside at the premises.
6. Cultivation of marijuana shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s).
7. No exterior evidence of medical marijuana cultivation occurring at the property shall be discernable from the public right of way.
8. Either a qualified patient or primary caregiver shall reside full-time on the premises where the marijuana cultivation occurs.
9. Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting medical marijuana cultivation by tenants.

The following use is a Permitted Use or may be Conditionally Permitted in the City of Davis. The use may require a zoning or use permit and/or a business license. Contact the Department of Community Development & Sustainability for specific requirements.

Laboratories for Testing. Laboratories for testing are permitted or may be conditionally permitted in districts zoned for research and light industrial uses, including Commercial Service (C-S), Industrial Research (I-R), Industrial (I), and similar planned development districts, subject to special use findings pursuant to City of Davis Municipal Code Section 40.01.010 (Hazardous Materials), and/or Section 40.24 (Performance Standards).

PROHIBITED USES

The following uses are explicitly prohibited in the City of Davis.

Outdoor cultivation. Outdoor marijuana cultivation, including by a qualified patient or primary caregiver, is prohibited in all zoning districts in the city. (City of Davis Municipal Code, Section 40.26.276 (e), Marijuana cultivation).

Commercial cultivation. Commercial cultivation of marijuana is prohibited in all zoning districts in the city. (City of Davis Municipal Code, Section 40.26.276 (f), Marijuana cultivation).

Dispensary. Medical marijuana dispensaries are prohibited in all zoning districts, including without limitation to all planned development districts. (City of Davis Municipal Code Section 40.26.275, Prohibition of medical marijuana dispensaries).

DEFINITIONS

For purposes of the above Permitted and Prohibited Uses, the following words and phrases shall have the meanings respectively ascribed to them as follows:

- **Marijuana, Medical** shall have the same meaning as the definition of “cannabis” set forth in California Business and Professions Code Section 19300.5(f) and “marijuana” set forth in California Health and Safety Code Section 11018. Marijuana includes “medical marijuana” or medical marijuana products cultivated and distributed in conformance with the California Compassionate Use Act, Medical Marijuana Program, and Medical Marijuana Regulation and Safety Act, as amended. (City of Davis Municipal Code, Section 40.01.010, Definitions).

- **Marijuana cultivation** means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana. (City of Davis Municipal Code, Section 40.01.010, Definitions).
 - Commercial cultivation means cultivation of medical marijuana licensed by the State of California and the city in accordance with the Medical Marijuana Regulation and Safety Act, California Business and Professions Code Section 19300 et seq., and contemplated by the definition of “commercial cannabis activity” set forth in California Business and Professions Code Section 19300.5(k), as amended.*Commercial cultivation is currently prohibited in all zoning districts in the City.

- **Medical Marijuana Dispensary** means any facility or location where medical marijuana is made available to and/or distributed by or to two or more persons in the following categories: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. (City of Davis Municipal Code, Section 40.01.010, Definitions). *Medical Marijuana Dispensaries are currently prohibited in all zoning districts in the City.

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**For questions, contact the Department of Community Development & Sustainability,
Planning Division, (530) 757-5610.**