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📖 ARTICLE VI. MEDICAL MARIJUANA DISPENSARIES

📖 § 25.29.160 PROHIBITION OF ESTABLISHING OR OPERATION OF MARIJUANA DISPENSARIES.

(A) The establishment, development, construction, maintenance, or operation of a marijuana dispensary is hereby prohibited, and is not a permitted use in any zoning district, even if located within an otherwise permitted use. No person shall establish, develop, construct, maintain, or operate a marijuana dispensary, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any marijuana dispensary shall be approved by the County of San Benito or any officer or employee thereof.

(B) (1) **MARIJUANA DISPENSARY** means any of the following:

(a) Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where any person(s) (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)" or "person(s) with an identification card") makes available, sells, gives, distributes, or otherwise provides marijuana to any two or more other persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)" or "person(s) with an identification card") pursuant to Cal. Health and Safety Code §§ 11362.5 *et seq.* and/or §§ 31362.7 *et seq.* or otherwise; or

(b) Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to make available, sell, give away, distribute, or otherwise provide marijuana for medicinal or other purposes. **MARIJUANA DISPENSARY** includes medicinal marijuana "cooperatives," "collectives," and/or "clubs."

(2) **MARIJUANA DISPENSARY** shall not include the following uses, as long as the location of such uses is otherwise regulated by the San Benito County Code: a clinic licensed pursuant to Cal. Health and Safety Code Chapter 1 of Division 2; a health care facility licensed pursuant to Cal. Health and Safety Code Chapter 2 of Division 2; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Cal. Health and Safety Code Chapter 3.01 of Division 2; a residential care facility for the elderly licensed pursuant to Cal. Health and Safety Code Chapter 3.2 of Division 2; a residential hospice or a home health agency licensed pursuant to Cal. Health and Safety Code Chapter 8 of Division 2; as long as any such use complies strictly with applicable law including, but not limited to, Cal. Health and Safety Code §§ 11362.5 *et seq.* and §§ 11362.7 *et seq.* and the San Benito County Code, including, but not limited, to the Zoning Code (Title 25 of the San Benito County Code).

(3) The terms "primary caregiver," "qualified patient," "person with an identification card," "cooperative," and "collective" shall be as defined in

Proposition 215 (Cal. Health and Safety Code § 11362.5) and Senate Bill 420 (Cal. Health and Safety Code §§ 11362.7 *et seq.*).

(C) This section shall not affect the right to possess, use or cultivate marijuana for medicinal purposes as it is presently authorized by the laws of the State of California as set forth in the Cal. Health and Safety Code, Cal. Penal Code, or other state law, or by any federal law.

(D) The word **MARIJUANA** shall have the same meaning as that set forth in Cal. Health and Safety Code § 11018. The term "medical marijuana" is marijuana used for medicinal purposes in strict accordance with Cal. Health and Safety Code §§ 11362.5 and §§ 11362.7 *et seq.*

(E) Conflicting laws. To the extent that there is any conflict between the provisions of this article and the provisions of any other county code, ordinance, resolution, or policy, the provisions of this article shall prevail.

(Ord. 878, § 3, 2011)

ARTICLE VII. TREE PROTECTION

§ 25.29.210 TITLE.

This article shall be known as the San Benito County Permanent Tree Protection Article.

(Ord. 936, § 3 (part), 2015)

§ 25.29.211 PURPOSE AND INTENT AND FINDINGS.

(A) Trees in the residential areas of the county improve the lives of residents;

(B) Residents living in the R-1 and RM zones of San Benito County may have less opportunity on a day to day basis to enjoy the natural environment as compared to other county residents living in Rural or Agricultural Districts of the county and in order to preserve and enhance quality of life of such residents, it is important to preserve existing mature trees within these zoning areas of the county;

(C) Tree protection and preservation is necessary for the health and welfare of San Benito County. Trees growing within the county are a natural, aesthetic resource, which help define the character of the county and provide many social, economic and environmental benefits. Trees are worthy of protection in order to preserve the scenic beauty, prevent soil erosion, provide shade and wind protection, serve as a natural buffer between adjacent land uses and counteract air pollution;

(D) It is pertinent to the public peace, harmony and welfare that such trees be protected from indiscriminate cutting or removal of mature trees. Trees have a positive economic effect on the county by making the county a more attractive place in which to live, visit and do business;