

ORDINANCE NO. 2010-08

AN ORDINANCE OF THE CITY OF SANTA CRUZ
AMENDING TITLE 24 OF THE SANTA CRUZ MUNICIPAL CODE
MODIFYING STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES

BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

Section 1. Title 24 of the Santa Cruz Municipal Code is hereby amended as follows:

IG Zone District

24.10.1510 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Agriculture (000);
- b. Auto services and repairs, including trucks, heavy equipment and auto towing, subject to performance standards in Section 24.12.900 (350);
- c. Boat repairs (340D);
- d. Churches (500);
- e. Communication and information services (550);
- f. Community organizations, associations, clubs and meeting halls (570);
- g. Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- h. Educational facilities (public/private) (510);
- i. Fabricated metal products (150);
- j. Food and beverage stores (except liquor and convenience stores) (240);
- k. Forestry services (010);
- l. Government and public agencies (530);
- m. Leather tanning (110);
- n. Off-site public/private parking facilities, five or more spaces (930);
- o. Other manufacturing and processing industries (except bulk petroleum, scrap and waste materials) (155);
- p. Parks (700);
- q. Stone, clay, glass products (140);
- r. Temporary structures;
- s. Transportation facilities (560);
- t. Utilities and resources (540);
- u. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

2. The following uses require a special use permit and are subject to other applicable requirements of the Municipal Code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions. (Numerical references at the end of these categories reflect the general use

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classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Building material/garden supply stores (220) with 40,000 square feet or more including indoor floor area and outdoor storage, display, or sales areas. For building materials/garden supply stores of which 50% or more of the square footage will occupy an existing building, this threshold will be 75,000 square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG zone exceeds 400,000 square feet. When the vacant, available square footage is less than 400,000 square feet, the 40,000 square foot threshold will apply;
 - b. Chemicals and allied products, subject to performance standards (130);
 - c. Large family daycare;
 - d. Group quarters (850);
 - e. Multiple dwellings or condominiums subject to R-M district regulations (830, 840);
 - f. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
 - g. Paper and allied products subject to performance standards (125);
 - h. Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
 - i. Primary metals and material subject to performance standards (145);
 - j. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
 - k. Medical marijuana provider association dispensaries, as defined in Section 24.22.539 and subject to the siting criteria and performance standards in Section 24.12.1300;
 - l. Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile, (1,320 feet), of a grocery store.
 - (2) The lot size is less than 6,000 square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540.2, and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the non-residential use is either at a minimum equal to the SRO or residential use or the non-residential use occupies the entire ground floor of the development.
 - (4) Ambient interior noise levels can be mitigated below 45 decibels.
 - (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use.
- (Ord. 2005-30 § 12, 2005: Ord. 2005-15 § 14, 2005: Ord. 2004-27 § 12, 2004: Ord. 2004-24 § 1 (part), 2004: Ord. 2002-02 § 1 (part), 2002: Ord. 2000-12 § 4, 2000: Ord. 96-39 § 23, 1996: Ord. 95-04 § 8, 1995: Ord. 93-21 § 10, 1993; Ord. 89-37 § 2, 1989; Ord. 88-26 § 14, 1988; Ord. 87-22 § 8, 1987: Ord. 85-05 § 1 (part), 1985).

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24.10.1830 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval administrative use permit and a design permit:

- a. Daycare and foster homes for children;
- b. Eating and drinking establishments;
- c. Foster family homes;
- d. Guest ranches;
- e. Off-street parking facilities accessory and incidental to an adjacent commercial use;
- f. Temporary structures;
- g. Veterinary hospitals and clinics;
- h. Accessory buildings containing plumbing fixtures subject to the provisions of

Section 24.12.140.

2. The following uses are subject to approval of a special use permit and a design permit:

- a. Agricultural processing plant;
 - b. Group care homes;
 - c. Helipads;
 - d. Institutions for children or the aged;
 - e. Kennels and riding stables;
 - f. Off-street parking facilities serving commercial districts within three hundred (300) feet of the site;
 - g. Outdoor theaters, golf driving ranges, and other similar open-air commercial recreation facilities;
 - h. Public and private noncommercial recreation areas, buildings and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs;
 - i. Public and quasi-public buildings and uses including administrative, recreational, educational, religious, cultural, public utility or public service uses; but not including corporation yards, storage or repair yards, and warehouses;
 - j. Quarters, accommodation, or areas for transient labor, such as labor cabins or labor supply camps;
- (Ord. 2000-12 § 5, 2000: Ord. 88-60 § 29, 1988; Ord. 88-26 § 15, 1988: Ord. 85-05 § 1 (part), 1985).

24.22.539 MEDICAL MARIJUANA PROVIDER ASSOCIATION DISPENSARIES.

A nonresidential occupancy that is limited to the cultivation, production, acquisition and dispensing of medical marijuana and further by the siting criteria, performance standards and conditions of approval imposed on each establishment by the zoning board and zoning administrator, pursuant to Sections 24.08.040 and 24.12.1300 of this code. In addition, this use shall not be permitted as an accessory use to any other principal, special, or conditional use nor may it be permitted as a home business within any district of the city.
(Ord. 2000-12 § 7, 2000).

24.12.1300 SPECIAL USE PERMIT REQUIREMENT FOR MEDICAL MARIJUANA PROVIDER ASSOCIATION DISPENSARIES.

1. Special Use Permit Required. Medical marijuana provider association dispensaries, as defined by Section 24.22.539, may be allowed in C-C (Community Commercial), C-T (Thoroughfare Commercial) and I-G (General Industrial) districts, provided that they meet the siting criteria and performance standards described below and are so authorized pursuant to the procedures described in Section 24.08.040 for a special use permit. Special use permits shall be limited to no more than two dispensaries operating within the City of Santa Cruz and shall include the following conditions and operating procedures, in addition to the other requirements set forth in Sections 24.10.700 through 24.10.750 (for C-C Districts), 24.10.900 through 24.10.950 (for C-T Districts), and 24.10.1500 through 24.10.1540 (for I.G. Districts).

2. Siting Criteria. Applicants for a special use permit for a medical marijuana provider association dispensary must meet the following siting criteria prior to city consideration of a special use permit application:

a. The proposed location shall lie within a Community Commercial (C-C), Thoroughfare Commercial (C-T), or General Industrial (I-G) District.

b. If the proposed location is located within fifty feet of any legal dwelling unit or other residential use, the applicant shall be required to demonstrate to the zoning board that the use would not create an intensity of use that is incompatible with the nearby residential use and that the association would employ security measures that would insure that the use would not adversely affect the security and safety of the residential uses.

c. The proposed location shall not be located within six hundred feet of any residential zone district, any other medical marijuana provider association dispensary establishment, any public or private educational establishment serving persons under the age of 18 years, a public park with a children's playground, an alcohol or other drug abuse recovery or treatment facility, or any community care residential facility providing mental health/social rehabilitation services. For the purpose of this subsection, the six-hundred-foot distance requirement shall be measured from the periphery of the property boundary of such establishments. With respect to a public park with children's playground, the six-hundred-foot distance shall be measured from the periphery of the playground area.

d. The planning commission or the city council on appeal, may grant an exception to the six-hundred-foot distance requirement between the medical marijuana provider association dispensary and the above-referenced uses, except in the case of proximity to public educational uses, only if findings are made that the general public benefit that could be served by the issuance of the special use permit would outweigh concerns regarding intensity of use, land use compatibility and public health and safety. The burden of proof is on the Applicant to demonstrate that the overall effect would be positive.

3. Performance Standards. Medical marijuana provider association dispensaries, once permitted, shall meet the following operating procedures and performance standards for the duration of the use:

a. The association shall meet all the operating criteria for the cultivation, production, acquisition and dispensing of medical marijuana as may be required of the Santa Cruz city council and police department, including security concerns, and/or the county health department or their designee.

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b. The association shall meet all the operating criteria for the cultivation, production, acquisition and dispensing of medical marijuana as required by the city council's administrative guidelines for the operation of medical marijuana dispensaries and gardens adopted pursuant to Ordinance 2000-06. (See Chapter 6.90, Personal Medical Marijuana Use.)

c. Dispensaries may possess no more dried marijuana or plants per qualified member patient or caregiver than permitted in strict accordance with State Law. The area within the dispensary used for cultivation of marijuana shall be limited to no more than 3,000 square feet of ADA complaint floor area.

d. No product shall be smoked, ingested or otherwise consumed on the premises.

e. The hours of operation shall be limited to no more than 7:00 AM to 7:00 PM, Monday through Friday if located within fifty feet of a residential use, and shall be limited to no more than 7:00 AM to 7:00 PM Monday through Saturday if located at a distance greater than fifty feet from a residential use.

f. Parking shall be provided according to the standard for retail pharmacy use as set forth in Section 24.12.240(aa). In addition to that requirement, whenever feasible, a passenger drop-off and pick-up parking zone shall be provided on the premises or immediately adjacent to the site. In no case shall double-parking by clients, caretakers, visitors or delivery vehicles be permitted.

g. The association shall prohibit loitering by persons outside the establishment, either on the premises or within fifty feet of the premises.

h. The association shall provide litter removal services each day of operation on and in front of the premises and, if necessary, on public sidewalks within fifty feet of the premises.

i. The association shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft.

j. Exterior lighting of the parking area shall be kept at a sufficient intensity so as to provide adequate lighting for patrons, while not disturbing surrounding residential or commercial areas.

k. Signage for the establishment shall be limited to one wall sign not to exceed twenty square feet in area, and one identifying sign not to exceed two square feet in area; such signs shall not be directly illuminated.

l. The association shall provide the zoning administrator, the chief of police and all neighbors located within fifty feet of the establishment with the name, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the establishment. The association shall make every good faith effort to encourage neighbors to call this person to try to solve operating problems, if any, before any calls or complaints are made to the police department or the zoning administrator.

m. The association shall post a copy of the conditions of approval for the special use permit on the premises in a place where it may be readily viewed by any member of the general public.

n. The association shall meet any specific additional operating procedures and measures as may be imposed as conditions of approval by the zoning board or zoning administrator at the time of issuance of the special use permit in order to insure that the association will be a good neighbor.

o. In addition to the required application materials, the association shall submit an operations manual to describe the operation of the facility in conformance with these performance standards and Chapter 6.90, Personal Medical Marijuana Use.

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p. To offset power consumption, the association shall install solar panels to provide as much power as possible for the indoor cultivation of medical marijuana.

q. No association shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided by members towards the associations actual expenses for the growth, cultivation, and provision of medical marijuana shall be allowed provided that they are in strict compliance with State Law. All such cash and in-kind amounts and items shall be fully documented and a report of such shall be submitted to the City in accordance with Section 6.90 of the Municipal Code.

4. Findings. In approving a special use permit, it shall be determined by the hearing body that all of the following apply:

a. The proposed use complies with all of the mandatory requirements of this section and other applicable sections of this code and applicable policies of the General Plan;

b. The proposed use will not adversely affect the health, safety or welfare of area residents or businesses, or uses, or will not result in an undue concentration in any one neighborhood or district and will not be located within proximity of an incompatible use, such as a children's school, day care facility or children's play area;

c. The operational characteristics of the proposed use, such as hours of operation, noise, odor, amount and location of parking, signage, loitering and litter, will not have a negative impact upon the surrounding area;

d. The proposed use is compatible with the sizes and types of other neighboring uses in the surrounding area, particularly those used primarily by persons under the age of 18;

e. The proposed use is not located in what has been determined by the Santa Cruz police department to be a high-crime area, where a disproportionate number of police service calls occur, or where there is currently parking congestion; and

f. The proposed use, as a nonresidential occupancy, shall meet all the building code requirements for such occupancy and, if proposing to locate in a legal dwelling unit, shall comply with all local standards, requirements and provisions for converting dwelling units to nonresidential use.

5. Conditions. The planning commission, or city council on appeal, may deny any application which is inconsistent with the above-noted findings, or may impose any additional conditions on the applicant or proposed location reasonably related thereto, or to the health, safety or welfare of the community, in addition to the specific requirements set forth in Section 24.12.1300.

6. Violations and Abatement. The zoning administrator may issue a cease and desist order or "stop order" for all activities subject to this special use permit for any establishment deemed by the zoning administrator to be in violation of any condition of approval of the special use permit or to otherwise constitute a public nuisance. The stop order shall be in effect immediately, pursuant to the procedures of Section 24.04.221. Upon issuance of the stop order, the zoning administrator shall schedule a public hearing to consider the revocation of the special use permit pursuant to Section 24.04.225.

(Ord. 2000-12 § 6, 2000).

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Section 2. This Ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 9th day of March, 2010, by the following vote:

AYES: Councilmembers Lane, Mathews, Beiers, Madrigal, Robinson;
Mayor Rotkin.

NOES: None.

ABSENT: Vice Mayor Coonerty.

DISQUALIFIED: None.

APPROVED: ss/Mike Rotkin, Mayor

ATTEST: ss/Lorrie Brewer, City Clerk

PASSED FOR FINAL ADOPTION this ____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

This is to certify that the above
and foregoing document is the
original of Ordinance No. 2010-08
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

City Clerk