

The Santa Cruz Municipal Code

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 (Throughfare Commercial) and I-G (General Industrial) districts, provided 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. The special use permit 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), Throughfare 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 neighborhood.

c. The proposed location shall not be located within six hundred feet of 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 zoning board, 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 public educational uses, only if the applicant can establish that any public benefit that could be served by the issuance of the special use permit would outweigh concerns regarding intensity of use, and public health and safety. The burden of proof is on the Applicant to show 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 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.
- b. The association shall meet all the operating criteria for the dispensing of medical marijuana as is 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. No product shall be grown or harvested on the premises.
- 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.

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 childrens' 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 zoning board, 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).

PART 15: WIRELESS TELECOMMUNICATIONS FACILITIES

24.12.1400 PURPOSE.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the development, siting and installation of wireless telecommunications facilities. The regulations contained herein are designed to protect and promote public safety, community welfare, and the aesthetic quality of the city, while at the same time not unduly restricting the development of wireless telecommunications facilities, and not unreasonably discriminating among wireless