

EMERGENCY ORDINANCE NO. 2000-12

Medical Marijuana Provider Association Production and Dispensaries
Zoning Text Amendment, Case No. 00-10-08.

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 24.10.730, 24.10.930, 24.10.1210, 24.10.1510 AND 24.10.1830 AND CREATING NEW SECTIONS 24.12.1300 AND 24.22.539 OF THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO THE CREATION OF A NEW USE CATEGORY, SITING CRITERIA, PERFORMANCE STANDARDS AND PROCEDURES FOR CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW MEDICAL MARIJUANA PROVIDER ASSOCIATION DISPENSARIES IN THE COMMUNITY COMMERCIAL (C-C), THROUGHFARE COMMERCIAL (C-T) AND GENERAL INDUSTRIAL (I-G) DISTRICTS AND TO ALLOW PRODUCTION OF MEDICAL MARIJUANA BY MEDICAL MARIJUANA PROVIDER ASSOCIATIONS AS A SPECIAL USE WITHIN THE GENERAL INDUSTRIAL (I-G) AND EXCLUSIVE AGRICULTURAL (E-A) DISTRICTS.

WHEREAS, the City Council, on April 11, 2000 finally adopted Ordinance No. 2000-06 pertaining to personal medical marijuana use in the City of Santa Cruz;

WHEREAS, in conjunction with that action, the City Council instructed City staff to promulgate administrative guidelines for the implementation of Ordinance No. 2000-06 to be adopted by City Council resolution before the effective date of Ordinance No. 2000-06;

WHEREAS, Ordinance No. 2000-06 was originally scheduled to go into effect on May 11, 2000;

WHEREAS, in the wake of the adoption of Ordinance No. 2000-06 a number of land use issues pertaining to the appropriate location and regulation of medical marijuana provider association distribution centers and medical marijuana gardens came to light as the result of the location of a medical marijuana provider association distribution center in the Seabright neighborhood near residences and an elementary school;

WHEREAS, in response to complaints and concerns registered by City residents and other governmental agencies pertaining to the need to definitively address legitimate public health and safety issues implicated by the potential location of medical marijuana provider association distribution centers and medical marijuana gardens in certain zoning districts and near certain public facilities within the City of Santa Cruz, the City Council, on May 9, 2000, determined that appropriate land use regulations should be in effect as of the effective date of Ordinance No. 2000-06 so as to constructively address those legitimate public health and safety concerns;

WHEREAS, in light of the above-referenced concerns, on May 9, 2000, two days before the originally scheduled effective date of Ordinance No. 2000-06, the City Council adopted Emergency Ordinance No. 2000-09 which went into effect immediately and postponed the

ORDINANCE NO. 2000-12

effective date of Ordinance No. 2000-06 by providing that Ordinance No. 2000-06 shall take effect upon the effective date of the City Council resolution adopting guidelines for the implementation of Ordinance No. 2000-06 or the effective date of the City Council ordinance adopting land use regulations pertaining to the establishment of medical marijuana provider association distribution centers and medical marijuana gardens in the City of Santa Cruz, whichever date is later;

WHEREAS, the City Council is now prepared to adopt by ordinance the referenced land use regulations and to adopt by resolution the referenced administrative guidelines;

WHEREAS, the same public health and safety concerns which necessitated adoption of Ordinance No. 2000-06 in the first place and now necessitate adoption of this ordinance pertaining to appropriate performance standards and land use regulations relative to the location of medical marijuana distribution centers and medical marijuana gardens persist to a degree that it is not in the public interest to postpone the effective date of these regulations any longer; and

WHEREAS, it is therefore necessary to adopt this ordinance as an emergency ordinance in order to protect the health, safety and welfare of the community in accordance with Santa Cruz City Charter section 612;

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

[PLEASE NOTE THAT ADDITIONS ARE NOTED BY DOUBLE-UNDERLINED TEXT AND DELETIONS ARE NOTED BY TEXT IN ((DOUBLE-PARENTHESES)).]

Section 1. Section 24.10.730, the Use Permit Requirement of Part 8: C-C Community Commercial District, of the Santa Cruz Municipal Code is hereby amended to read as follows:

“24.10.730 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. Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;

b. Ambulance services (410B);

c. Auto services and repair subject to performance standards in Section 24.12.900 (350);

d. Bakery, microbrewery (subject to alcohol regulations in Part 12 of Chapter 24.12), handicrafts or similar light manufacturing and assembly uses associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least 30% of the floor area;

e. Bar and cocktail lounges subject to alcohol regulations in Part 12 of Chapter 24.12 (280C);

- f. Brewpubs, subject to alcohol regulations in Part 12 of Chapter 24.12;
- g. Boat repairs (340D);
- h. Building materials/garden supplies (220);
- i. Churches (500);
- j. Communication and information services (550);
- k. Community organizations, associations, clubs and meeting halls (570);
- l. Developed parks (710);
- m. Educational facilities (public/private) (510);
- n. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to alcohol regulations in Part 12 of Chapter 24.12 (280H);
- o. Foster family homes;
- p. Government and public agencies (530);
- q. Lodging (300);
- r. Mixed residential and commercial/office developments involving permitted or administrative uses on the ground floor and from three to nine dwellings above the first floor;
- s. Motor vehicle dealers and supplies (260);
- t. Three to nine multifamily units subject to the minimum (net) land area per dwelling unit of the R-M District (830);
- u. Off-site public/private parking facilities, five or more spaces (930);
- v. Recycling collection facilities;
- w. Single-room occupancy (SRO) housing, fifteen units or fewer (860);
- x. Temporary structures and uses;
- y. Thrift stores (290m);
- z. Undeveloped parks and open space (700);
- aa. Utilities and resources (540);
- bb. Veterinarians (410A).

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 100 to 155 shall be limited to operations that occupy less than five thousand square feet of floor area and 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 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. Carpenter, electrical, plumbing, heating, and furniture upholstery shops;
- b. Community care facilities;
- c. Large family daycare.
- d. Contractor/building (310E);
- e. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- f. Fabricated metal products (manufacturing) (150);
- g. Fabricated wire products (manufacturing) (155A);
- h. Food and beverage preparation (manufacturing) (100);
- i. Furniture and fixtures (manufacturing) (120);
- j. Hospitals (520);

- k. Laboratory research experimentation, testing, software development;
- l. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- m. Local/interurban passenger transit (bus, cab) (560B);
- n. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- o. Mixed residential and commercial/office developments, with ten or more dwellings. Either above commercial uses or units on the same lot (840);
- p. Ten or more residential units subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- q. Mortuaries (310I);
- r. Motion picture production (manufacturing) (155E);
- s. Nightclubs (amplified live entertainment) subject to alcohol regulations in Part 12 of Chapter 24.12 (630);
- t. Rental services (360);
- u. Single-room occupancy (SRO) housing sixteen units or more (860);
- v. Solar equipment (manufacturing) (155C);
- w. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- x. Stone, clay, glass products (manufacturing) (140);
- y. Storage and warehouse when connected with permitted use (330);
- z. Wholesale trade (nondurable goods) (200);
- (a) Bakery,
- (b) Confectionery,
- (c) Dairy,
- (d) Health foods;
- aa. Wholesale trade (durable goods) (210);
- (a) Paper products and related (210E),
- (b) Special equipment (machine supply) 210F).
- bb. Medical Marijuana Provider Association Dispensaries, as defined in Section 24.22.539 and subject to the siting criteria and performance standards of Section 24. 12. 1300 in Part 14 of Section 24.12. "

Section 2. Section 24.10.930, the Use Permit Requirement of Part 10: C-T Throughfare Commercial District, of the Santa Cruz Municipal Code is hereby amended to read as follows:

"24.10.930 Use Permit Requirement.

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

- a. Ambulance service.
- b. Automatic car wash.
- c. Bakery; soft-drink bottling plant; laundry, cleaning and dyeing establishment.
- d. Large family daycare homes.
- e. Garages for the repair of automobiles, trucks and other heavy equipment, subject to performance standards as set forth in this title for principal permitted uses in the I-G District.

f. Multiple dwellings and dwelling groups, nine units or fewer, subject to the minimum land area (net) per dwelling unit of the R-M District.

g. Recycling collection facilities.

h. Souvenir and gift shops.

i. Single-family dwellings.

j. Small community care residential facilities.

k. Stores, shops and general retail, subject to alcohol regulations in Part 12 of Chapter 24.12.

l. Temporary structures and uses.

m. Truck, boat, trailer, farm equipment, and other heavy equipment sales, service and rental.

n. Two-family dwellings.

o. Veterinary hospitals and clinics.

p. 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. Administrative, executive, and financial offices.

b. Any use employing live amplified entertainment, subject to alcohol regulations in Part 12 of Chapter 24.12.

c. Business and technical schools; schools and studios for arts and crafts, photography, music and dance.

d. Cemeteries, crematories, mausoleums, columbariums.

e. Commercial fishing and fish marketing facilities, and retailing and jobbing of fish only when conducted wholly within a building, or upon a wharf.

f. Commercial recreation facilities such as bowling alleys, billiard parlors, skating rinks, and video games.

g. Community care facilities.

h. Community care residential facilities.

i. Drive-in refreshment stands, eating places, or any other use involving a drive-in or drive-through function, subject to performance standards established in Section 24.14.290 herein.

j. Fast-food restaurants, subject to alcohol regulations in Part 12 of Chapter 24.12.

k. Mortuaries.

l. Outdoor theaters, golf driving ranges, and other similar open-air commercial recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12.

m. Multiple dwellings and dwelling groups, ten units or more, subject to the minimum land area (net) per dwelling unit of the R-M District.

n. Printing and publishing or lithographic shops and plants.

o. Public and private commercial parking of more than five spaces.

p. Public and private noncommercial recreation areas, buildings and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs, subject to alcohol regulations in Part 12 of Chapter 24.12.

q. 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, subject to alcohol regulations in Part 12 of Chapter 24.12.

- r. Service stations, subject to alcohol regulations in Part 12 of Chapter 24.12.
- s. Social halls, lodges, fraternal organizations, and clubs, except, those operated for a profit.
- t. Medical Marijuana Provider Association Dispensaries, as defined in Section 24.22.539 and subject to the siting criteria and performance standards in Part 14 of Chapter 24.12. 1300.”

Section 3. Section 24.10.1210, Principal Permitted uses of Part 13: P-A Professional and Administrative Office District, of the Santa Cruz Municipal Code is hereby amended to read as follows:

“24.10.1210 Principal Permitted Uses.

1. The following uses are allowed outright if a design permit is obtained for new structures. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Financial, insurance, real estate offices (420);
- b. Financial services (320);
- c. Off-site parking fewer than five spaces (930);
- d. Professional offices (400);
- e. Professional/personal services (except contractors yards and mortuaries) (310);
- f. Medical/health offices (except veterinarians, Medical Marijuana Provider Association Dispensaries, as defined in Section 24.22.539, ambulance services and emergency medical clinics open earlier than 7:00 a.m. and later than 9:00 p.m.) (410);
- g. Museums and art galleries (600);
- h. One to two units above ground floor office use with no additional parking required (810).
- i. Small family daycare facility in a single-family home or duplex.”

Section 4. Section 24.10.1510, the Use Permit Requirement of Part 16: I-G, General Industrial District, of the Santa Cruz Municipal Code is hereby amended to read as follows:

“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 alcohol regulations in Part 12 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. Single-room occupancy (SRO) housing, fifteen units or fewer (860);
- r. Stone, clay, glass products (140);
- s. Temporary structures;
- t. Transportation facilities (560);
- u. Utilities and resources (540).

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 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. Chemicals and allied products, subject to performance standards (130);
- b. Large family daycare;
- c. Group quarters (850);
- d. All multifamily dwellings subject to R-M district regulations (840);
- e. Nightclubs/music halls (amplified live music), subject to alcohol regulations in Part 12 of Chapter 24.12 (630);
- f. Paper and allied products subject to performance standards (125);
- g. Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- h. Primary metals and material subject to performance standards (145);
- i. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- j. Single-room occupancy (SRO) housing, sixteen units or more (860).
- k. Medical Marijuana Provider Association Dispensaries, as defined in Section 24.22.539 and subject to the siting criteria and performance standards in Part 14 of Chapter 24.12. 1300.

1. Horticulture, cultivating, harvesting and processing of medical marijuana by a bona-fide Medical Marijuana Provider Association provided that: (1) The medical marijuana product is used solely by a bona-fide Medical Marijuana Provider Association for distribution to its member patients at a legally-authorized Dispensary operation within the City; (2) security measures satisfactory to the Santa Cruz Police Department are met; (3) off-street freight loading and parking requirements of Section 24.12.240(q) are met; and (4) no marijuana product is consumed on-site.

Section 5. Section 24.10.1830, the Use Permit Requirement of Part 19: E-A, Exclusive Agricultural District, of the Santa Cruz Municipal Code is hereby amended to read as follows:

“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((.));

- k. Horticulture, cultivating, harvesting and processing of medical marijuana by a bona-fide Medical Marijuana Provider Association provided that: (1) The medical

marijuana product is used solely by a bona-fide Medical Marijuana Provider Association for distribution to its member patients at a legally-authorized Dispensary operation within the City; (2) security measures satisfactory to the Santa Cruz Police Department are met; (3) off-street freight loading and parking requirements of Section 24.12.240(q) are met; and (4) no marijuana product is consumed on-site. “

Section 6. Section 24.12. of the Santa Cruz Municipal Code is hereby amended to add the following Section 24.12.1300 as Part 14 to Section 24.12:

Part 14: MEDICAL MARIJUANA PROVIDER ASSOCIATION DISPENSARIES.

Section 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 24.22.662, 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 750 (for C-C Districts), 24.10.900 through 950 (for C-T Districts), and 24.10.1500 through 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 (50) 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 (600) 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 2000-006.

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 seven in the morning (7:00 AM) to seven in the evening (7:00 PM), Monday through Friday if located within 50 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 50 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 (50) feet of the premises.

j. 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 20 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 50 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.

Section 7. Section 24.22 , Definitions, of the Santa Cruz Municipal Code is hereby amended to add the following section as follows:

24.22.539 Medical Marijuana Provider Association Dispensaries.

A nonresidential occupancy that is limited 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.

Section 8: Severability. If any section, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not

ORDINANCE NO. 2000-12

affect the validity of the remaining portion of the ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subdivision, subsection, paragraph, sentence, clause or phrase of this ordinance.

Section 9. This ordinance shall take effect and be in full force immediately upon final adoption due to the emergency circumstances enumerated in the prefatory paragraphs of this ordinance.

PASSED FOR FINAL ADOPTION on this 27th day of June, 2000 by the following votes:

AYES: Councilmember: Fitzmaurice, Beiers, Rotkin, Hernandez,
Mathews, Krohn; Mayor Sugar.

NOES: Councilmember: None.

ABSENT: Councilmember: None.

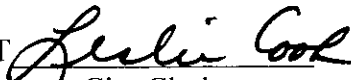
DISQUALIFIED: Councilmember: None.

APPROVED



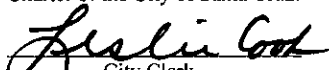
Mayor

ATTEST



City Clerk

This is to certify that the above and foregoing document is the original of Ordinance No. 2000-12 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.



City Clerk