



CHAPTER 13.10 ZONING REGULATIONS

PART VI. REGULATIONS FOR SPECIAL USES

ARTICLE V. COMMERCIAL USES

Changes to SCCC 13.10.651-657 are related to aligning the code with modern planning practice and regulations.

Content of SCCC 13.10.650 and SCCC 13.10.660-668 has been omitted from this document for brevity, since no changes are proposed to these code sections.

- 13.10.650 Non-retail commercial cannabis uses. [no change]
- ~~13.10.651 Restaurants, bars and food outlets in the PA Zone District.~~
- 13.10.652 Drive-through uses.
- 13.10.653 Machine shops in commercial zone districts. [no change]
- 13.10.654 Night clubs, on-site liquor sales, live entertainment.
- 13.10.655 Radio and TV towers. [no change]
- ~~13.10.656 Construction of new gas stations, and conversion of existing gas stations.~~
- 13.10.657 Regulation of sale of alcoholic beverages at ~~gas stations~~ automobile fueling/charging stations.
- 13.10.658 Recycling facilities. [no change]
- 13.10.659 Regulations for the siting, design, and construction of wireless communication facilities. [no change]
- 13.10.660 Regulations for the siting, design, and construction of wireless communication facilities. [no change]
- 13.10.661 General requirements for wireless communications facilities. [no change]
- 13.10.662 Application requirements for wireless communication facilities. [no change]
- 13.10.663 General development/performance standards for wireless communication facilities. [no change]
- 13.10.664 Non-ionizing electromagnetic radiation (NIER) safety and monitoring requirements for wireless communication facilities. [no change]
- 13.10.665 Required findings for wireless communication facilities. [no change]



13.10.666 Site restoration upon termination/abandonment of wireless communication facilities. [no change]

13.10.667 Indemnification for wireless communication facilities. [no change]

13.10.668 Telecommunications Act exception procedure. [no change]

13.10.670 Medical marijuana cooperatives. [no change]

SCCC 13.10.651 is removed because restaurants and services are now encouraged to be near offices and places of work to reduce vehicle miles traveled and the need for people to drive during their work hours.

~~13.10.651 Restaurants, bars and food outlets in the PA Zone District.~~

~~Restaurants, bars and food outlets of over 500 square feet combined indoor and outdoor space shall only be allowed in the PA Zone District with the restriction that the facility will be open for public service during the evening and weekend periods when offices are not normally open and the office parking facilities are available to accommodate the parking needs of patrons.~~

SCCC 13.10.652 is updated to allow drive-through uses associated with non-restaurant businesses such as banks and pharmacies. This change aligns with recent project approvals and reflects modern business practices. Corresponding design standards for drive-through facilities have been provided in SCCC 13.16.091.

13.10.652 Drive-through uses.

No drive-through uses as defined in SCCC 13.10.700-D dining establishments shall be permitted. Drive-through uses associated with other commercial businesses such as pharmacies, banks, car washes and automobile repair shall be allowed subject to approval of an Administrative Site Development Permit and Administrative Use Permit. The use permit may apply additional conditions on the drive-through use, such as limited hours of operation, as appropriate to the use and location. Drive-through facilities shall meet the design requirements in SCCC 13.16.091: Drive through facilities.

SCCC 13.10.654 is updated to reflect the new proposed use permit framework, and to provide clarity regarding types of businesses subject to various use permit approvals pursuant to this code section.

13.10.654 Night clubs, on-site liquor sales, live entertainment.

No dance hall, road house, night club, commercial club, or any establishment where liquor is served, or commercial place of amusement or recreation, or any place where entertainers are



provided whether as social companies or otherwise shall be established in any district closer than two hundred (200) feet to the boundary of any residential or recreational district, unless a Conditional Use Permit is first secured in each case. Dining establishments where beer or wine, but no liquor, is served with meals may be established less than 200 feet from a residential or recreational district upon issuance of an Administrative Use Permit. If the beer or wine service is not exclusively incidental to meal service, the enterprise may be established only upon issuance of a Conditional Use Permit. The distance from the establishment to the residential zone district is measured from the building or parking area, whichever is closest, to the nearest property boundary of the nearest residentially or recreationally zoned parcel.

Section 13.10.656 is no longer required, as the construction and conversion of automobile service stations is regulated by state law, Building and Professions Code Sections 13650-13702. Gasoline Service Stations are already required by state law to provide accessible restrooms and to provide refueling service to disabled drivers. The law exempts from the restroom requirement any gas stations built before 1990 that would be required to construct permanent restroom facilities to comply with the law. The law exempts from the refueling service requirement any gas stations employing only one attendant. Local ordinances cannot exceed state law in areas specifically limited by state law. The existing SCCC 13.10.656 provisions requiring split-bay stations or stations with attendants trained to replace fan belts and water hoses are inconsistent with most or all existing service stations in Santa Cruz County. SCCC 13.10.700 has been updated to clarify allowable repair activities.

~~13.10.656 Construction of new gas stations, and conversion of existing gas stations:~~

~~Construction or operation of new gas stations, which do not meet the definition of "Gas Stations, Full Service," and conversions of existing gas stations shall not be issued a permit unless and until the following occur:~~

~~(A) The required public notice shall include a 1/8 page display ad published in a newspaper of general circulation printed and published within the County at least ten calendar days prior to the public hearing on the permit.~~

~~(B) The County Seniors Commission, Commission on Disabilities, and Convention and Visitors Bureau shall be notified at least thirty calendar days prior to the public hearing on the permit and their written comments solicited.~~

~~(C) A finding shall be made that the new construction or operation of the proposed gas station, or conversion of an existing gas station will not significantly adversely affect the public health, safety or welfare in any of the following respects:~~

~~(1) Availability of minor emergency health and safety services such as public restrooms and minor automobile repair.~~

~~(2) Discrimination against individuals needing refueling assistance.~~



~~(D) Reasonable conditions may be added, including but not limited to the following:~~

- ~~(1) Appropriate signing may be required to inform the public of the method and location of additional automotive services such as air, water, public restrooms, emergency towing and automobile repair.~~
- ~~(2) A requirement for split island service (i.e., full service at one island, self-service at another).~~
- ~~(3) A requirement for the sale and installation of minor auto-related parts such as fan belts, water hoses, windshield wiper blades, tires, transmission oil, brake fluid, or maps.~~
- ~~(4) Provision of refueling service to individuals needing same.~~

13.10.657 Regulation of sale of alcoholic beverages at ~~gas stations~~ automobile fueling/charging stations.

- (A) Authority. This section is adopted pursuant to and in conformity with Section 23790.5 of the California Business and Professions Code.
- (B) Purpose. The Board of Supervisors of the County of Santa Cruz deems it necessary to regulate the concurrent sale of alcoholic beverages and motor vehicle fuel for the purpose of protecting and promoting the health, safety and welfare of the general public and the inhabitants of Santa Cruz County.
- (C) Prohibition as to Concurrent Sale of Alcoholic Beverages other than Beer or Wine. The concurrent retailing of alcoholic beverages (other than beer or wine for off-premises consumption) and motor vehicle fuel is prohibited.
- (D) Permit Required as to Concurrent Sale of Beer or Wine. A Development Permit including a Level V use approval shall be required to be obtained from the County by any new or by any existing ~~gas station~~ automobile fueling/charging station which proposes to commence on or after January 1, 1989, the concurrent retailing of motor vehicle fuel with beer and wine for off-premises consumption. All procedures for application, review, approval, appeal, enforcement, et cetera, shall be in accordance with Chapter 18.10 of the County Code.
- (E) ~~Requiring~~ Required Findings. No Development Permit shall be issued for the concurrent retailing of motor vehicle fuel with beer and wine for off-premises consumption unless the following findings are made, supported by substantial evidence in view of the whole record:
- (1) The concurrent retailing of motor vehicle fuel with beer and wine for off-premises consumption will not significantly adversely affect the public health, safety, or welfare from increases in noise, traffic and/or violations of traffic and other laws; and
 - (2) The findings specified in Section 18.10.230 of this Code.



(F) Conditions. Reasonable conditions shall be added to a Development Permit for the concurrent retailing of motor vehicle fuel with beer and wine, including but not limited to the following conditions:

- (1) No display of beer and/or wine shall be permitted within five feet of the cash register or of the front door unless it is a permanently affixed cooler as of January 1, 1988;:
- (2) No advertisement or advertising of beer and/or wine shall be permitted on or at motor vehicle fuel islands;:
- (3) No sale of beer and/or wine shall be permitted from a drive-in window;:
- (4) No sale or display of beer and/or wine shall be permitted from an ice tub;:
- (5) No self-illuminated advertising for beer and/or wine shall be located on buildings or in windows;:
- (6) Employees on duty who sell beer and/or wine at gas stations automobile fueling/charging stations shall be at least 21 years of age; and
- (7) A period of time shall be specified requiring renewal or review of the Development Permit.

(G) Violations. If there is a finding that a licensee or ~~his or her~~their employee has sold any alcoholic beverages (including beer and/or wine) to a minor at an establishment engaged in the concurrent retailing of motor vehicle fuel with beer and wine, the alcoholic beverage license at the establishment shall be suspended for a minimum period of 72 hours. This shall not constitute the exclusive remedy for such violation, but rather shall be cumulative to all other enforcement methods available to the County, including, without limitation, those enforcement methods available where the County Zoning Ordinance has been violated. (Ord. 3965, 12/13/88)

(H) Severability. If any part of this ordinance is for any reason held to be invalid by the final ~~judgement~~ judgment of any court, such ~~judgement~~ judgment shall not affect the validity of the remaining portion of this ordinance.