

ORDINANCE No. 5061

ORDINANCE AMENDING CHAPTERS 5.08, 12.02, 13.10, 13.20, 14.01, 16.42, AND 18.10 OF THE SANTA CRUZ COUNTY CODE TO BE CONSISTENT WITH STATE LAW, CORRECT TYPOGRAPHICAL ERRORS, AND CORRECT INCONSISTENCES WITHIN THE COUNTY CODE.

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subsection B. of Section 5.08.050, "Operation Requirements", of the Santa Cruz County Code is hereby repealed.

SECTION II

Subsection 8 of Section 12.02.020, "Definitions", of the Santa Cruz County Code is hereby amended to read as follows:

8. Building permits for structures appurtenant to an existing or approved residence, provided that any subsequent conversion of such structures to permanent residential use shall not be exempt;

SECTION III

Section 13.10.278, "Violations of density limitations", of the Santa Cruz County Code is hereby amended to read as follows:

13.10.278 Violations of density limitations.

It shall be unlawful for any person to do, cause, permit, aid, abet or furnish equipment or labor to construct, enlarge, or modify a building or otherwise make a new use of a building for an additional dwelling unit on a single parcel of land within any zone district unless a Development Permit has been obtained and is in effect which authorizes an additional dwelling unit.

SECTION IV

The categories "Inside the Coastal Zone", and "Outside the Coastal Zone" under "Dwelling unit, one detached single-family per parcel, subject to the provisions of Section 13.10.314", under "Agricultural Support and Related Facilities", in the "Agricultural Uses Chart" in Section 13.10.312(b) of the Santa Cruz County Code, are hereby amended to read as follows:

Inside the Coastal Zone
(Requires APAC review in the CA and AP zone districts)

5	BP3	5
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Outside the Coastal Zone

BP3	BP3	BP3
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SECTION V

The category "Habitable accessory structure when incidental to a residential use and not for agricultural purposes, subject to the provisions of Section 13.10.611" under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312 (b) of the Santa Cruz County Code, is hereby amended to read as follows:

Habitable accessory structure when incidental to a residential use and not for agricultural purposes, subject to the provisions of Section 13.10.611

BP/4/5	BP/4/5	BP/4/5
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SECTION VI

The category "Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of Section 13.10.611 and 13.10.323(a))" under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312 (b) of the Santa Cruz County Code, is hereby amended to read as follows:

Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of Section 13.10.611 and 13.10.323(a))

BP/4/5	BP/4/5	BP/4/5
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SECTION VII

The category "Home occupations subject to the provisions of Section 13.10.613" under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312(b) of the Santa Cruz County Code, is hereby amended to read as follows:

Home occupations subject to the provisions of Section 13.10.613

P/5	P/5	P/5
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SECTION VIII

The category "Residential Care Home serving 6 or fewer residents" is hereby added under the category "Reservoirs or ponds" and above the category "Second Units..." under "Agricultural Support and Related Facilities" in the "Agricultural Uses Chart" in Section 13.10.312 (b) of the Santa Cruz County Code, to read as follows:

Residential Care Home serving 6 or fewer residents, (see Section 13.10.700-R definition)

P	P	P
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SECTION IX

The category "One Accessory structure, habitable (subject to Sections 13.10.611 and .323)" under "Accessory structures and uses, including", in the "Residential Uses Chart" in Section 13.10.322(b) of the Santa Cruz County Code, is hereby amended to read as follows:

One Accessory structure, habitable (subject to Sections 13.10.611 and .323)

BP/4/5	BP/4/5	BP/4/5	BP/4/5	BP/4/5
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SECTION X

The category "Animal enclosures..." under "Accessory structures and uses, including" in the "Residential Uses Chart" in Section 13.10.322(b) of the Santa Cruz County Code, is hereby amended to read as follows:

Animal enclosures: barns, stables, paddocks, hutches and coops (subject to the provisions of Sections 13.10.641 Stables and Paddocks; .643 Animal Keeping in the RA Zone; .644 Family Animal Raising; .645 bird and small animal raising; .646 Turkey Raising: these provisions require Level 5 in some cases. Also subject to Section 13.10.611(c)(3)).

BP/4/5	BP/4/5	BP/4/5	--	--
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SECTION XI

The category "Carports, detached; garages, detached; garden sheds" under "Accessory structures and uses, including" in the "Residential Uses Chart" in Section 13.10.322 (b) of the Santa Cruz County Code, is hereby amended to read as follows:

Carports, detached; garages, detached; garden sheds (subject to Sections 13.10.611 and 13.10.323)

BP/4/5	BP/4/5	BP/4/5	BP/4/5	BP/4/5
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SECTION XII

The category "Dwelling units, multi-family" under "Residential Uses" in the "Residential Uses Chart" in Section 13.10.322(b) of the Santa Cruz County Code, is hereby amended to read as follows:

Dwelling units, multi-family

2-4 units

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--	--	--	--	6P
--	--	--	--	7P

5-19 units

20+ units

SECTION XIII

A new category is hereby added under the category of "Nursing homes..." under "Residential Uses, such as" in the "Commercial Uses Chart" in Section 13.10.332(b) of the Santa Cruz County Code, to read as follows:

Residential Care Home serving 6 or fewer residents,
(see Section 13.10.700-R definition)

P	P	P	P	P	P
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SECTION XIV

The first sentence of subsection 10.10.552(a)3 of Section 13.10.552, "Schedule of off-street parking space requirements", of the Santa Cruz County Code, is hereby amended to read as follows:

"No replacement mobile home may be installed in a mobile home park prior to approval of a parking certification or an exception."

SECTION XV

Subsection 13.10.556(c) of Section 13.10.556, "Outdoor storage of personal property and materials", of the Santa Cruz County Code, is hereby amended to read as follows:

(c) Operative vehicles in excess of those allowed in the front yard pursuant to Section 13.10.554(d) must be parked in side or rear yards provided that the vehicle is screened from public view or stored within an approved structure constructed with the required building and zoning permits. Only one recreational vehicle or travel trailer may be stored on a property, pursuant to Section 13.10.683(i).

SECTION XVI

Section 13.10.611(c)(3), "Table Two, Level of Review, Size, Height, Number of Stories and Locational Regulations" of the Santa Cruz County Code is hereby amended to read as follows:

Attachment 2

Section 13.10.611(c)(3)		
TABLE TWO		
LEVEL OF REVIEW, SIZE, HEIGHT, NUMBER OF STORIES AND LOCATIONAL REGULATIONS		
	NON-HABITABLE	HABITABLE
SIZE, STORY AND HEIGHT RESTRICTIONS AND PERMIT REQUIRED	<p>Within the Urban Services Line (USL): Building Permit only for up to 640 square foot size, 2 story and 28-foot height.</p> <p>Outside the USL: Building Permit only for up to 1,000 square foot size, 3 story and 28-foot height.</p>	Building Permit only for up to 640 square foot size, 1 story and 17-foot height.
PERMIT REQUIRED IF EXCEEDS SIZE RESTRICTIONS	<p>Outside the Urban Services Line (USL): Level IV use approval</p> <p>Inside the USL: Level V use approval</p>	Level V use approval
PERMIT REQUIRED IF EXCEEDS HEIGHT RESTRICTIONS (SEE SECTION 13.10.323(e)(5) FOR EXCEPTIONS)	Variance	<p>Level V use approval for structures exceeding 17 feet, up to 28 feet</p> <p>Variance to exceed 28 feet</p>
PERMIT REQUIRED IF EXCEEDS STORY RESTRICTIONS	Variance	<p>Inside the USL: Level V use approval for 2 stories Variance for exceeding 2 stories</p> <p>Outside the USL: Level V use approval for 2 or 3 stories Variance for exceeding 3 stories</p>
NUMBER OF ACCESSORY STRUCTURES ALLOWED	No limit, if in compliance with the site regulations of the zone district.	One with Building Permit only. Maximum of two with Level V use approval.
LOCATIONAL RESTRICTIONS	None, if in compliance with the site regulations of the zone district	In addition to the site regulations of the zone district, shall be no more than 100 feet from the main residence, shall not be accessed by a separate driveway or right-of-way, nor constructed on a slope greater than 30%, unless a Level IV use approval is obtained.

SECTION XVII

Subsection 13.10.611(c)(4) of Section 13.10.611, "Accessory Structures" of the Santa Cruz County Code is hereby amended to read as follows:

4. No habitable accessory structure incidental to a residential use shall be located more than 100 feet from the main dwelling, or be accessed by a separate driveway or right-of-way, or be constructed on a slope greater than 30% unless a Level V Use Approval is obtained. (Ord. 4324A, 8/9/94)

SECTION XVIII

Subsection (e)(2) of Section 13.10.623, "Massage and bath establishments", of the Santa Cruz County Code is hereby deleted.

SECTION XIX

Subsection (a)2(xvi) of Section 13.10.658 of the Santa Cruz County Code is hereby amended to read as follows:

(xvi) Parking requirements for small collection facilities shall conform to Section 13.10.553(f).

SECTION XX

Section 13.10.683(i) of the Santa Cruz County Code is hereby amended to read as follows:

(i) A recreational vehicle or travel trailer, maintained for the property owner's or occupant's recreational use, may be stored on the property. No utility connection is allowed, nor is any occupancy allowed. Such storage may not occur on any vacant parcel.

SECTION XXI

The definition for "Lot, Reversed Corner" in Section 13.10.700-L, "L Definitions", of the Santa Cruz County Code is hereby amended to read as follows:

Lot, Reversed Corner. A corner lot with three frontages, the side line of which is substantially a continuation of the front property line of the first lot to its rear. Property owner has only one opportunity to choose which yard is front and which yard is side.

SECTION XXII

Subsection (a)2(i) of Section 13.20.068, "Improvements to existing structures exemption", of the Santa Cruz County Code is hereby amended to read as follows:

- (i) Construction of habitable accessory structures;

SECTION XXIII

Subsection (a)2(iv) of Section 13.20.068, "Improvements to existing structures exemption" of the Santa Cruz County Code, is hereby amended to read as follows:

- (iv) Where the residence or proposed improvement is located within 50 feet of the edge of a coastal bluff;

SECTION XXIV

Section 13.20.073(f) of the Santa Cruz County Code is hereby amended to read as follows:

- f) Water Supply Facilities. Water wells, well covers, pump houses, water storage tanks of less than ten thousand (10,000) gallons capacity and water distribution lines, including up to fifty (50) cubic yards of associated grading, provided that such water facilities are not in a groundwater emergency area as designated pursuant to Section 11.90.130 of the County Code pertaining to Groundwater Emergencies and will be used for on-site agriculturally-related purposes only.

SECTION XXV

The first sentence of Subsection (b)2(i) of Section 13.20.150 of the Santa Cruz County Code is hereby amended to read as follows:

- i) System Master Plan based on buildout level in the Coastal Zone as defined in the General Plan and Local Coastal Program Chapter 1 and Policies 2.1.6 and 2.1.7 of the General Plan and Local Coastal Program Land Use Plan.

SECTION XXVI

The first sentence of Section 14.01.319 of the Santa Cruz County Code is hereby amended to read as follows:

Attachment 2

The State Department of Transportation may file with the Director a map or an amended map of any territory within one mile on either or both sides of any state highway in which territory it believes the subdivision would have an effect upon an existing state highway or a future state highway, the route of which has been adopted by the California Highway Commission.

SECTION XXVII

The first sentence of Section 14.01.620(b) of the Santa Cruz County Code is hereby amended to read as follows:

(b) The amount of any fee imposed on a subdivision development with an approved or conditionally approved vesting tentative map shall be determined at the time the final map or parcel map is deemed complete (unless expressly provided otherwise in the County Code) in accordance with the County Unified Fee Schedule.

SECTION XXVIII

Subdivision (B) of Section 16.42.030(c)(2) of the Santa Cruz County Code is hereby amended to read as follows:

(B) The demolition is other than minor, inconsequential or insignificant and has been determined by the Planning Director to affect the significance of the landmark or contributing resource.

SECTION XXIX

The third sentence, starting with "The amount of any recovery of rent", of Section 18.10.240(e), "Development Permit Agreement Condition", of the Santa Cruz County Code is hereby amended to read as follows:

The amount of any recovery of rents or of the reasonable rental value of any illegally converted structure or building shall be deposited into a fund designated by the Board of Supervisors.

SECTION XXX

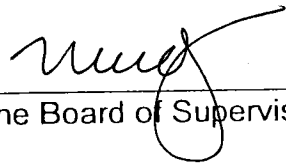
If any section, subdivision, paragraph, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the ordinance. The Board of Supervisors hereby declares that 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 the ordinance codified in this chapter.

SECTION XXXI

This Ordinance shall take effect on the 31st day after the date of final passage, or upon certification by the California Coastal Commission, whichever date is later.

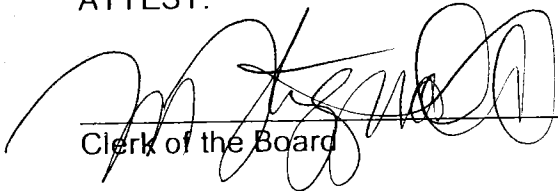
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 15th day of December, 2009 by the following vote:

AYES:	SUPERVISORS	Campos, Leopold, Stone and Coonerty
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	Pirie
ABSTAIN:	SUPERVISORS	None



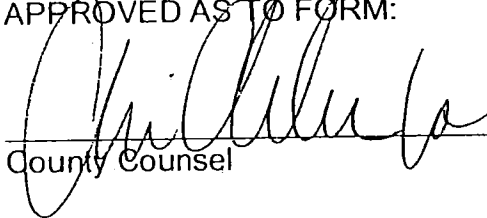
 Chair of the Board of Supervisors

ATTEST:



 Clerk of the Board

APPROVED AS TO FORM:



 County Counsel

Copies to: County Counsel
Planning Department

CLEAN-UP AMENDMENTS TO THE SANTA CRUZ COUNTY CODE

Internal Code Consistency:

1. Amend subsections 12.02.020(8), 13.10.611(c) 4, and 13.20.068(a)(2)(i) to delete references to “guesthouse” and “servant’s quarters” in the County Code, as we have deleted these terms from our definitions.
2. Amend Section 13.10.278, removing the reference stating that it is unlawful for a person to construct a second unit unless a Development Permit is obtained. A development permit for a second unit is no longer required by State law or the County Code.
3. Amend 13.10.312(b), removing the reference to APAC review for a dwelling unit located outside the Coastal Zone, to instead state that APAC review is required for dwelling units inside the Coastal Zone in the CA and AP Zone Districts, as is consistent with Section 13.10.314.
4. Amend 13.10.312(b), the Agricultural Uses Chart to include a Level 4 Use Approval as an additional approval level for habitable accessory structures, as is consistent with Section 13.10.611(c) 3.
5. Amend 13.10.312(b) “Agricultural Uses Chart” to include a Level 5 Use Approval for non-habitable accessory structures, as is consistent with Section 13.10.611(c) 3.
6. Amend 13.10.312(b) “Agricultural Uses Chart” to include a Level 5 Use Approval for home occupations, as is consistent with the requirements in Section 13.10.613.
7. Amend 13.10.322(b) “Residential Uses Chart” to include a Level 4 Use Approval for habitable accessory structures, as is consistent with Section 13.10.611(c) 3.
8. Amend 13.10.322(b), “Residential Uses Chart” to include a Level 5 Use Approval for animal enclosures, as is consistent with Section 13.10.611(c) 3.
9. Amend 13.10.322(b), “Residential Uses Chart” to include a Level 4 or Level 5 Use Approval for carports, detached garages, and garden sheds, as is consistent with Section 13.10.611(c) 3.
10. Amend Section 13.10.556(c), “Outdoor storage of personal property and materials”, to state that only one RV or travel trailer may be stored on a property, as is consistent with Section 13.10.683(i).
11. Amend 13.10.611(c)(3) to clarify that a variance is required for habitable and non-habitable accessory structures exceeding the 28’ height limit, or exceeding the 2-story limit in the Urban Services Line or the 3-story limit outside the USL, as is consistent with the requirements for other residential structures as specified in Section 13.10.323(b).
12. Amend Section 13.10.700-L, the definition of “Lot- Reversed Corner” to clearly indicate that a reversed corner lot has three frontages.
13. Amend 18.10.240(e), Development Permit Agreement Condition, reflecting changes already made to Section 13.10.611(d), to state that recovery of rents from illegally converted structure shall be “deposited into a fund designated by the Board of Supervisors”.

