

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: AS-HEIGHT (Accessory structures: Approvals required to exceed height or story limits)

Effective Date: May 26, 2009

Originally Issued:

Question

What approvals are required for habitable and non-habitable accessory structures that exceed the specified height or story limits?

Applicable Ordinance Sections

13.10.611(c)(3)

13.10.323 (b)

13.10.323(e)(5)

INTERPRETATION:

The approvals required for non-habitable and habitable accessory structures that exceed height or story limits are as follows:

	Non-habitable Accessory Structures	Habitable Accessory Structures
Permits required for accessory structure exceeding height and/or story restrictions:	<p>Within USL: Level 5 Use Approval and Variance for structure over 28 feet or over 2 stories*</p> <p>Outside USL: Level 5 Use Approval and Variance for structure over 28 feet *</p>	<p>Throughout County: Level 5 Use Approval for structure exceeding 17 ft but less than 28 feet, or for 2 stories</p> <p>Within USL: Level 5 Use Approval and Variance for structure over 28 feet, or for 3 stories*</p> <p>Outside USL: Level 5 Use Approval and Variance for structure over 28 feet</p>

* See County Code Section 13.10.323(e)(5) for exceptions to the requirement for a Variance for structures exceeding the specified height limit.

Reason:

Language in Table Two of County Code Section 13.10.611(c)(3), as amended in April 2008, states that either a Level IV or Level V Use approval is required for an accessory structure to exceed the specified height and story limits. This requirement appears to contradict requirements for a variance for all residential structures exceeding height and story limits in Section 13.10.323(b) of the Zoning Ordinance. The “Site and Structural Dimensions” Chart in Section 13.10.323 (b) specifies a height limit of 28 ft for structures in residential zone districts, and a 2-story limit on residential structures within the USL. Section 13.10.323(b) continues, “*These standards shall apply within all residential "R" zone districts, except as noted elsewhere in this Section and uses inconsistent therewith shall be prohibited absent a variance approval.*”

The intention of the amendments to Section 13.10.611(c)(3) was to allow accessory structures exceeding the size or height limits specific to accessory structures only to be processed with a Level 5 Use Approval only. The intention was not to eliminate the requirement in Section 13.10.323(b) for a variance for an accessory structure exceeding the residential site standards specified in the Site and Structural Dimensions Chart, including the 28’ height limit for all structures or the 2-story limit within the Urban Services Line. Accordingly, the requirements in Section 13.10.611(c)(3) for a variance for residential structures exceeding the specified story limit or exceeding the 28’ structure height limit continue to apply to accessory structures, as indicated in the table on the previous page.

As noted above, an exception to the requirement for a Variance for structures exceeding the 28’ height limit is provided in Section 13.10.323(e)(5), which allows structures on parcels meeting the minimum size criteria to exceed the specified height limit if setbacks are increased, and allows an exception to the specified height limit with Design Review and approval by the Zoning Administrator.

Tom Burns, Planning Director

Date