

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

Interpretation No.: RES-VACANT-01 (Uses & Activities Allowed on a Vacant Residential Parcel)
Effective Date: 05-17-06
Originally Issued: None

Question:

What uses and activities are allowed on a vacant residential parcel?

**Applicable Ordinance Section(s)
And/or General Plan/LUP Policy(ies)**

13.10.322(b), 13.10.683,
13.10.556, 16.20.080(d),
13.10.611(c), and 16.22.080(a)

INTERPRETATION:

The following uses and activities are allowed on vacant residential* parcels:

1. Family gardening;
2. Family animal raising (as defined) in the RA*, RR and R-1 districts;
3. Noncommercial animal keeping (as defined) in the RA* zone district;
4. Private stables and paddocks (on a minimum one-acre site) in the RA* and R-1-32 and lower density R-1 zone districts or in the RR zone district (requires Level 5 Permit);
5. Signs allowed in the residential zone districts (see 13.10.580);
6. Private, non-commercial open space uses such as a picnic table or horseshoe pit;
7. Fences and gates;
8. Land disturbance limited to the extent necessary to allow for a determination of adequate water source, sewage disposal, or other required site investigation to determine buildability or to provide appropriately-sized access to a permitted structure or use;
9. Land disturbance (including retaining walls) necessary to prevent or correct landsliding or slope instability;
10. Shoreline protection structures meeting the restrictions in Section 16.10.070(h)3(i);
11. Land clearing in accordance with Section 16.22.080(a). Land clearing shall be kept to a minimum;
12. One nonhabitable structure meeting the restrictions in Section 13.10.611(c);
13. The overnight or longer extended parking of unoccupied vehicle(s), but not including RVs, owned by the property owner and intended for private use, only if ancillary, incidental, and necessary to a permitted use on site (such as a pickup needed for noncommercial animal keeping). Vehicle(s) must be operable and registered;
14. The storage of personal property (including boats) within a permitted nonhabitable structure but not including RVs, travel trailers, fifth wheels, campers or mobile homes;
15. Electric service as allowed in the ES-01 Policy Interpretation dated 6/18/04.

**also allowed in the SU zone district if the General Plan designation allows primary residential use.*

Note: all structures require building permits. All structures and uses must be located in conformance with environmental protection regulations.

The following uses and activities are not allowed on vacant residential parcels:

1. Those uses listed in the Residential Use Chart and other Sections that first require a residence on site such as home occupations, habitable accessory structures, etc.
2. Camping, living in vehicles, tents, tepees, or other overnight or longer stays;
3. Outdoor storage of personal property and materials (including boats) except for those materials, bins, and dumpsters reasonably required for work under construction on the premises pursuant to a valid and effective building permit;
4. Large or small-scale commercial agriculture;
5. Storage or use of a RV, travel trailer, fifth wheel, camper or mobile home except as allowed by Section 13.10.683;
6. Land disturbance for the creation of, or access to, a building site (absent an issued building permit for the structure);
7. Shoreline protection structures not meeting the restrictions in Section 16.10.070(h)3(i).

Reason:

The purposes of the Residential Zone Districts (Sections 13.10.321(b) through (f)) specify that the main use of land in these districts is single-family and/or multi-family dwellings. The purposes of the Residential Districts (Section 13.10.321(a)) also state that the objectives of the districts are to protect residential properties from various disturbances and hazards such as noise, nuisances, unsightliness, allow development that does not impair the natural environment, and protect light, air, and privacy.

The allowed uses on vacant residential land are either specifically listed in the Residential Use Chart (Items 1-6), other County Code Sections (7, 8, 10, 11, 12, 14), or are uses that meet the purposes cited above (9, 13, 15).

The uses not allowed on vacant residential land do not meet the purposes of the Residential Zone District or are prohibited in other County Code Sections.

In particular, camping and overnight or longer stays can be detrimental to the health and safety of the campers and neighboring properties due to possible inadequacy of water and sanitation facilities and due to potential fire dangers. Also, certain areas of the County are designated as “No Camping” areas in Section 10.16.040.

Section 13.10.556 states that “No portion of any undeveloped or vacant site...” shall be used for the outdoor storage of personal property and materials. With the exception of building or construction materials reasonably required for work under construction pursuant to a valid and effective building permit, outdoor storage is prohibited even if the items are located in the rear yard and screened from public view (such as behind a fence).

The specific purposes of the RA zone district (Section 13.10.321(b)) state “...and where small-scale commercial agriculture, such as animal keeping, trucking farming and specialty crops, can take place in conjunction with the primary use of the property as residential.” The phrase “in conjunction” implies that use of a parcel totally for these uses is prohibited.

Tom Burns
Planning Director

Date