

**ORDINANCE No. \_\_\_\_\_**

**ORDINANCE AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE TO ALLOW FOR EXCEPTIONS FROM CERTAIN ZONING SITE STANDARDS AND ALLOW GARAGES WITHIN REQUIRED SIDE AND REAR YARDS**

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

**SECTION I**

Subsection 13.10.230 (c)(1) of the Santa Cruz County Code is hereby amended to read as follows:

1. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

**SECTION II**

Section 13.10.235 is hereby added to Chapter 13.10 of the Santa Cruz County Code to read as follows:

**13.10.235 Minor Exceptions within the Urban and Rural Services Lines**

a) Purpose. To provide a streamlined discretionary review process to allow consideration of minor variations from the zoning district site standards established for height, setbacks, separation between structures on the same property, lot coverage and floor area ratio.

b) Applicability. Within the Urban Services Line, and within the Rural Service Line areas of La Selva Beach, Felton, Ben Lomond, Boulder Creek, Bear Creek Estates and Davenport, minor exceptions to the zoning site standards contained in the site and structural dimensions charts may be considered for the following zone districts: Agricultural districts (13.10.313(a)); Residential districts (13.10.323(b) and 13.10.323(e)6(c)); Commercial districts (13.10.333(a)); Industrial districts (13.10.343(a)); Parks, Recreation and Open Space Parks districts (13.10.353(a)); Public and Community Facilities districts (13.10.363(a)); Timber Production districts (13.10.373(a)); and Special Use districts (13.10.383(a)). Minor exceptions do not apply to special site standards contained in combining zone districts, specific plans or PUD's, unless specifically indicated.

Minor exceptions shall be limited to the following:

Height: Up to a 5% increase in the allowed height. For example, a 28-foot height limit could be increased by up to 16.8 inches ( $28' \times .05 = 1.4'$ ).

Setbacks: Up to a 15% reduction in the required front, side or rear setback. For example, a 5-foot setback may be reduced by up to 9 inches ( $5' \times .15 = .75'$ ).

Separation between structures: Up to a 15% exception from the 10-foot separation requirement between structures on the same property, allowing a reduction of up to 1.5 feet, or an 8.5-foot separation.

Floor Area Ratio: Up to a 7.5% increase in the total allowable 50% FAR for lots 4,000 square feet or less, allowing up to 57.5% FAR.

Lot Coverage: Up to a 15% increase of the total allowable lot coverage, resulting in the following maximum allowable increases:

Allowable Lot Coverage	Maximum Additional Lot Coverage Allowed with a 15% Minor Exception
40%	6%
20%	3%
10%	1.5%

Minor exceptions apply only to the zoning site standards noted above, and do not apply to or supersede limits or building setbacks required in other sections or chapters of the County Code, such as for riparian corridors, geologic hazards, sensitive habitats, or agricultural buffers.

(c) Procedures

1) Application. The application for the minor exception shall contain such information as required by the Planning Department.

2) Application Review. The Planning Director or designee shall review and make a determination on the application for a minor exception. At the discretion of the Planning Director, the project may be referred to the Zoning Administrator or Planning Commission for a public hearing.

3) Noticing. Not less than 21 days prior to the County taking action on an application for a minor exception, notice of the pending decision shall be posted on the County of Santa Cruz Planning Department Website and shall also be sent to owners and occupants of property adjacent to the subject parcel and across a right of way that overlap any part of the frontage of the subject parcel. The notice shall include the date after which a decision will be made on the project, the final date on which comments will be accepted, and information regarding the appeal process. The contents of the notice shall be consistent with Section 18.10.222(d).

4) Required findings. Findings shall be in accordance with findings required for variance approvals in Section 13.10.230 (c), and in accordance with the findings required in Section 18.10.230 for discretionary approvals. In addition, the following finding shall be required for minor exceptions allowing an increase in lot coverage:

A. That there is no increase in stormwater leaving the property as a result of additional impermeable area created by a minor increase in lot coverage. The project as approved incorporates measures or conditions that direct runoff to the landscape, uses permeable paving material, reduce existing impermeable area, or incorporates other low impact drainage design practices to control any increase in stormwater runoff.

5) Project conditions. The project may be conditioned as needed to ensure compliance with County policies and ordinances, in accordance with Section 18.10.240.

6) Appeal. The determination on the minor exception may be appealed by any person whose interests are adversely affected. Appeals shall be heard at a public hearing before the Zoning Administrator, or by the Planning Commission if the Planning Director determines this to be in the public interest. A notice of the public hearing for the appeal shall be sent to all property owners and occupants within 300 feet of the subject property, and to local agencies that provide essential services to the subject parcel, at least 10 days prior to the hearing. A notice shall also be posted on site in accordance with Section 18.10.224. As is consistent with Section 18.10.340, any person whose interests are adversely affected by an appeal determination of the Zoning Administrator may appeal the decision to the Planning Commission, and any person whose interests are adversely affected by an appeal determination of the Planning Commission may appeal the decision to the Board of Supervisors. Appeals shall be conducted in accordance with Section 18.10.310.

### **SECTION III**

Subsection (e) 6E of Section 13.10.323 of the Santa Cruz County Code is hereby amended to read as follows:

Distance from Alleys. Detached accessory structures including garages shall not be located within three feet of any alley.

### **SECTION IV**

Section 13.10.323(e) 6F is hereby added to the Santa Cruz County Code to read as follows:

Garages within the Urban Services Line or Rural Services Line located in Required Rear and Side Yards.

Applicability. This subsection applies to residentially zoned parcels within the Urban Services Line, and to residentially zoned parcels within the Rural Service Line areas of La Selva Beach, Felton, Ben Lomond, Boulder Creek, Bear Creek Estates and Davenport.

Provisions. On residentially zoned parcels smaller than 10,000 square feet, an attached or detached garage ("garage" as defined under 13.10.700-G but excluding carports) may be located within side and rear setback areas with up to a 50% reduction of the required setback distances to the rear and interior side property lines, provided that:

- (i) There shall be no windows, doors or other openings on garage walls that are less than five (5) feet from the side or rear property lines;
- (ii) The garage shall be located a minimum of forty (40) feet from the front property line;
- (iii) Eaves or other projections on garages with reduced setbacks shall extend no more than two additional feet closer to the rear and side yard property lines, and no closer than allowed by the California Residential Building Code (CRC).
- (iv) The garage shall have a maximum depth of thirty (30) feet.
- (v) On residential parcels 10,000 square feet or larger in size, an attached or detached garage may be located within side and rear setback areas with up to a 50% reduction of the required setback distances to the rear and interior side property lines, subject to subsections (i) through (iv) above, and provided that a minor exception is obtained in accordance with Section 13.10.235.
- (vi) The garage shall not exceed 17 feet in height or 1 story, unless a Level 4 approval is obtained pursuant to the provisions of Chapter 18.10, and it is found that the garage will not be detrimental or injurious to property or improvements in the neighborhood, and will not unreasonably infringe on adequate light, air or privacy of adjacent residences.
- (vii) A garage may be located up to zero (0) feet from the rear or interior side property line if a Level 4 approval is obtained pursuant to the provisions of Chapter 18.10, and it is found that the garage will not be detrimental or injurious to property

or improvements in the neighborhood, and will not unreasonably infringe on adequate light, air or privacy of adjacent residences.

## SECTION V

Section 13.10.510(d) 2, entitled Height Exceptions, is hereby amended to read as follows:

(2) Height Exceptions. Chimneys, church spires and steeples, water tanks, cooling towers, elevators, flagpoles, monuments, non-commercial radio and television antennas, fire towers, and similar structures not used for human habitation and not covering more than ten percent of the ground area covered by the structure, may be erected to a height of not more than twenty-five (25) feet above the height limit allowed in any district. Parapets (a low screen or barrier wall) for non-residential buildings located at least 5 feet from the edge of any exterior wall that are constructed for the purpose of screening mechanical equipment or other building features may exceed the height limit by up to 3.5 feet. Firewall parapets for non-residential buildings that are upward extensions of an exterior wall and are required by the Building Code for fire safety purposes may exceed the height limit by up to 3 feet. Utility and commercial poles and towers may not be subject to the height limits prescribed in the district regulations. Height limits on windpowered generators shall be as established in Section 12.24. Non-commercial radio and television towers or free-standing antennas may exceed the height limits above by twenty-five (25) feet with the approval of a Level IV Use Approval. Flat plate solar collectors on existing structures shall be permitted to exceed height restrictions by four feet.

In an RM-5 to RM-9 District, for multiple dwelling projects of five or more units which are designed to contain all the required parking spaces under the dwelling structures, a maximum height of thirty-five (35) feet is permitted, provided that one foot of additional side yard beyond the ten (10) foot required minimum side yard is added for every foot of height above twenty-eight (28) feet. Solar access on neighboring sites shall not be obstructed.

In any commercial or industrial zone district, a building may exceed the height limit as established by the zone district by up to 5 feet, subject to review and recommendation by the Urban Designer and approval by the Zoning Administrator following a public hearing. In addition to the findings required in Chapter 18.10 for discretionary approvals, the project shall be subject to the following additional findings:

- A. The additional height complements or completes the architectural design.
- B. For properties located in the Coastal Zone, the proposed project complies with LCP policies, including policies protecting scenic corridors and public viewsheds.

**SECTION VI**

Subsection 13.10.510(f) of the Santa Cruz County Code is hereby deleted.

**SECTION VII**

Subsection 13.10.510(i) is hereby added to Section 13.10.510 to read as follows:

(i) Reductions in the front setback to protect the environment or public safety.

Within the Urban Services Line, and within the Rural Service Line areas of La Selva Beach, Felton, Ben Lomond, Boulder Creek, Bear Creek Estates and Davenport, up to a 25% reduction in the required setback established by the zone district for front yards or other yards fronting on a street or vehicular right of way may be allowed, subject to review and approval by the Planning Director (Level 3 approval), for any of the following purposes:

- 1) To minimize grading on steep lots;
- 2) To protect environmentally sensitive resources such as significant trees or sensitive habitats such as riparian corridors; or
- 3) To facilitate conformance with regulations for geologic hazards (Chapter 16.10).

In addition to the findings required in Section 18.10.230 for discretionary approvals, the following additional findings shall be required:

- 1) The reduced setback would result in an environmentally superior outcome or improved public safety, either by minimizing grading, affording better protection to an environmentally sensitive habitat or resource, or resulting in greater conformance with geologic hazard regulations.
- 2) The proposed project shall not unreasonably infringe on adequate light, air, or privacy of adjacent residential property.

**SECTION VIII**

This Ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage outside the Coastal Zone and on the 31<sup>st</sup> day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later, inside the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the following vote:

AYES:           SUPERVISORS  
 NOES:           SUPERVISORS  
 ABSENT:       SUPERVISORS

ABSTAIN: SUPERVISORS

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Chair of the Board of Supervisors

ATTEST:

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Clerk of the Board

APPROVED AS TO FORM:

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County Counsel

Copies to: County Counsel  
Planning Department