

## **OTHER EXCEPTIONS IN THE SANTA CRUZ COUNTY CODE**

### **Residential setback exceptions:**

#### 13.10.323(d) Site and Structural Dimension Exceptions Relating to Parcels.

##### 5. Parcels with Steep Slopes.

(A) In all residential zone districts, if the elevation of the lot at a point 50 feet from the center line of the traveled roadway is 7 feet or more above or below the elevation of said center line, an attached or detached carport which (in the interest of public safety) is unenclosed on all sides may be built to within 5 feet of the front property line or edge of right-of-way of the lot. Open safety railings may be constructed to the property line.

##### 2. Structures Designed for Solar Access.

(A) Criteria for New Construction. In cases where it is not possible to orient a new building southward within the applicable yard requirements for the purpose of incorporating an active or passive solar energy system, a reduction in such yard requirements may be authorized as a Level III Approval pursuant to Chapter 18.10, provided that:

- (i) The purpose of the reduction is to incorporate an active or passive solar energy system into the new building;
- (ii) The building envelope would comply with all zoning provisions if oriented parallel to the lot lines;
- (iii) The reduced yard requirement will not restrict emergency access or present a fire hazard; and
- (iv) The reduced yard requirement will not be detrimental or injurious to property or improvements in the neighborhood, and will not limit solar energy access on neighboring property to a greater extent than if the building envelope complied with the required setbacks.

(B) Criteria for Structural Additions. In cases where it is not possible to make additions to an existing structure within the applicable yard requirements for the purpose of attaching an active or passive solar energy system, reduction in such yard requirements may be authorized as a Level III Approval pursuant to Chapter 18.10 provided that:

- (i) The reduced yard requirement will not restrict emergency access, or present a fire hazard;
- (ii) The reduced yard requirement will not be detrimental or injurious to property or improvements in the neighborhood, and will not limit solar energy access on neighboring property to a greater extent than if the building envelope complied with the required setbacks; and

(iii) The portion of the addition within the required setback is designed for the primary purpose of collecting solar energy.

13.10.323(e) Site and Structural Dimension Exceptions Relating to Structures.

1. Structural Encroachments. Eaves, chimneys, bay windows (less than 60' in height), uncovered, unenclosed porches, decks, stairways and landings may extend into required front and rear yard 6 feet, provided, that balconies, or decks must be cantilevered in order to encroach. Eaves, chimneys and uncovered, unenclosed stairways and landings may extend into required side yards 3 feet. Decks less than 18 inches high may be constructed to property lines. Second story rooftop decks and landings are not permitted.

7. Front Yard Averaging.

(A) On a site situated between sites improved with buildings, the minimum front yard for the first floor of structures other than garages or carports may be the average depth of the front yards on the improved sites adjoining the side lines of the site but in no case shall be less than ten (10) feet.

(B) Where a site is not situated between sites improved with buildings and where sites comprising forty (40) percent of the frontage on a block are improved with buildings, the minimum front yard for the first floor of structures other than garages or carports may be the average of the existing front yard depths on the block but in no case shall be less than ten (10) feet.

(C) In computing average front yard depths, the figure thirty (30) feet shall be used in lieu of any front yard depth greater than thirty (30) feet.

(D) Proposed garages or carports shall meet the minimum front yard setbacks shown in this section, Site and Structural Dimensions Charts, or as allowed by subsection (d)(5) of this section, Parcels with Steep Slopes. The required front yard setback for other accessory structures may be reduced as allowed by subsection (e)(6) of this section.

**Residential Height Exceptions:**

13.10.323(e)5(A). Structures Exceeding 28 Feet.

(A) With Increased Yards. Building heights which exceed those specified in subsection (b) above are allowable if all required yards are increased five feet for each foot over the permitted building height and planning approvals are obtained according to the following table:

Parcel Size (net site area)	Maximum Height Above Existing Grade	Planning Approvals Required
Less than 2-1/2 acres	Over 28 ft.	Level IV Approval
2-1/2 acres or larger	Over 28 ft. up to 35 ft.	Level III Approval
	Over 35 feet	Level IV Approval

(B) With Design Review. Building heights up to a maximum of thirty three (33) feet may be allowed without increased yards or variance approval, subject to review and recommendation by the Urban Designer and approval by the Zoning Administrator following a public hearing. Appeals from this decision shall be processed pursuant to Chapter 18.10.

**General Height exceptions (apply to all zone districts unless specified)**

**13.10.510(d)**

(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. 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 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 structure shall be permitted to exceed height restrictions by three 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.

**General setback exception:**

(f) Building Setback Lines. The Planning commission may establish building setback lines different from those required by the district standards of this Chapter when such district standards would impose a purposeless hardship on new buildings compared to the setback of existing buildings in the same block or area, or where the topography of the area may call for a building setback line contrary to the requirements of any district under this Chapter. This provision does not supersede any building setback which may be established under other chapters of the County Code, such as for riparian corridors, geologic hazards, sensitive habitats, or agricultural buffers. When building setback lines are established by the Planning Commission, they may be shown on the sectional district maps of such districts or on such other maps as may be designated.