



## CHAPTER 13.10 ZONING REGULATIONS

### PART II. ORDINANCE AND PERMIT ADMINISTRATION

Sections SCCC 13.10.210 and 13.10.215 are moved to SCCC 13.10.180, 13.10.185, and 18.40.055. Changes to SCCC 13.10.210 – 280 include minor revisions. See SCCC 18.40 for amended language to that section. Amendments to 13.220 - 280 include edits for consistency with proposed changes in SCCC 18.40. The new language will assist staff and the public in permit application, review and approval, and help distinguish use permits from site development permits, and the appropriate conditions for each. Some findings are removed in SCCC 13.10.261(F) and 13.10.262 (C) as they are duplicative of findings in revised SCCC 18.10.230.

- ~~13.10.210~~ — ~~Zoning plan.~~ [moved]
- ~~13.10.215~~ — ~~Zoning plan amendment.~~ [moved]
- 13.10.220 Use approval permits.
- 13.10.225 Emergency use approval permits.
- 13.10.227 Site development permits.
- 13.10.230 Variance ~~approvals.~~
- 13.10.235 Minor exceptions.
- 13.10.240 Previous permits.
- 13.10.250 Interpretation. [no changes]
- 13.10.260 Nonconforming uses and structures—General provisions. [no changes]
- 13.10.261 Nonconforming uses.
- 13.10.262 Nonconforming structures.
- ~~13.10.265~~ — ~~Repealed.~~
- 13.10.270 Appeals. [no changes]
- 13.10.275 Violations of zoning use regulations. [no changes]
- 13.10.276 Violations of conditions of approval development permits authorizing uses and variances.
- 13.10.277 Violations of development standards. [no changes]



13.10.278 Violations of density limitations. [no changes]

13.10.279 Continuing violations. [no changes]

13.10.280 Enforcement penalties, remedies and procedures for violations. [no changes]

13.10.220 Use permitsapprovals.

(A) ~~Description. A use approval is a discretionary authorization of a land use allowed in accordance with the regulations of the governing zone district and issued as part of a development permit pursuant to Chapter 18.10 SCCC. A use approval shall be granted at the approval level specified by the governing zone district for the project property, and may only authorize such development or use of the property as is allowed by the zone district or as otherwise provided in this chapter.~~ Purpose. To regulate discretionary uses to ensure that these uses, and their location and operation, are compatible and appropriately integrated with surrounding land uses; protect health, safety, welfare and the environment; comply with all pertinent county policies and ordinances; and are consistent with the General Plan.

(B) Definitions. "Use Permit" means is a discretionary permit which authorizes uses of land on a site that are not principally permitted or "by right" uses within the zoning district and rules that apply to the site. A "Conditional Use Permit" ("CUP") is considered after public notice and through a required public hearing, and if approval is granted it is usually subject to identified conditions of approval. A "Minor Use Permit" ("MUP") does not require public notice or public hearing. An "Administrative Use Permit" ("AUP") requires public notice but does not require a public hearing. Any type of Use Permit may be granted subject to conditions of approval.

(C) ~~(B)~~ Procedures. All regulations and procedures regarding application, review, findings and conditions of approval, findings on appeal of a denial, enforcement, etc., and other requirements for a use approval permit shall be in accordance with the provisions of Chapters SCCC 18.10 and 19.01-SCCG. Pursuant to SCCC 18.10.240, the approving body may apply permit conditions related to the operational aspects of a use including but not limited to the following: hours of operation; use of outdoor areas; exterior lighting; safe and adequate site access; use of parking and loading areas; and adequate control of noise, dust, heat, glare, odors, smoke, hazardous materials, pollutants and other environmental or neighborhood impacts. A proposed use may be conditioned to require the installation of or improvements to landscaping, in conformance with SCCC 13.11.075. Conditions of approval of existing valid discretionary permits relating to a site may also be in effect or applied to a use permit.



### **13.10.225 Emergency use ~~permit.~~ approval.**

- (A) Emergency use ~~approvals~~ permits may be granted at the discretion of the Planning Director to allow the temporary relocation of a use when the use has been displaced from its original location as a result of damage or destruction by a natural disaster for which a local, state or federal emergency has been declared by the Board of Supervisors or as a result of a catastrophic event such as an earthquake, fire, or flood.
- (B) Application for review of the occupancy under the provisions of this chapter and ~~Chapter~~ SCCC 18.10 ~~SCCC~~ shall be made within 90 days of the date of issuance of the emergency permit or the use shall be terminated.

### **13.10.227 Site development permit.**

- (A) Purpose. To regulate the physical development of a site to ensure the proposed development, and its design and location, is compatible and appropriately integrated with surrounding land uses; protects health, safety, welfare and the environment; and complies with the SSCC and all pertinent county policies and ordinances and is consistent with the General Plan.
- (B) Definition. "Site Development Permit" ("SP") means a discretionary permit authorizing the physical development or improvement of a site. A "Conditional Site Development Permit" ("CSP") is considered after public notice and through a required public hearing, and if approval is granted it may be subject to identified conditions of approval. A "Minor Site Development Permit" ("MSP") does not require public notice or public hearing. An "Administrative Site Development Permit" ("ASP") requires public notice but does not require a public hearing. Any type of site development permit may granted subject to conditions of approval. Modification of an existing site or structure with a valid discretionary permit may be processed as an amendment to the existing discretionary permit in accordance with SCCC 18.10.134. Modifications to a legal nonconforming structure, or modifications to a structure accommodating a legal nonconforming use are processed in accordance with SCCC 13.10.260 et. seq.
- (C) Site Development Chart. For permitting requirements, see SCCC 13.11037.

### **13.10.230 Variance approvals.**

- (A) Description. A variance approval is a discretionary authorization of exceptions to the zoning district site and development standards for a property including design standards and guidelines and regulations for special uses. The power to grant variance approvals does not allow changes in use which are affected only by use approvals pursuant to SCCC 13.10.220, rezoning of the property pursuant to SCCC 13.10.215, or amendment to the regulations of this chapter. Variances to site area requirements may be approved only in the case where no new additional building sites would thereby be created (relief in which



case may be provided only through rezoning of the property), or in any of the following instances:

- (1) To facilitate certificates of compliance.
- (2) To facilitate dedications of rights-of-way or other required improvements for public benefit.
- (3) To allow the consideration of the creation of new lots when the size of the lot is within one percent of the zoning requirement and is consistent with the General Plan.

(B) Procedures. All regulations and procedures regarding application, review, approval, appeal, enforcement, etc., for a variance approval shall be in accordance with the provisions of SCCC 18.10 and 19.01 ~~SCCC~~ for a Level V approval and “findings” in subsection (C) of this section except that site area variances which create new building sites under the circumstances described in subsection (A) of this section shall be processed at Level VII.

(C) Findings. The following findings shall be made prior to granting a variance approval in addition to the findings required for the issuance of a development permit pursuant to SCCC 18.10 ~~SCCC~~:

- (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.
- (2) That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.
- (3) That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

### **13.10.235 Minor exceptions.**

(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. 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; residential districts; commercial districts; industrial districts; parks, recreation and open space districts; public and community facilities districts; timber production districts; and special use districts. Minor exceptions do not apply to special site standards contained in combining zone districts, specific plans or PUDs, unless specifically indicated.



Minor exceptions shall be limited to the following:

- (1) Height. Up to a five percent increase in the allowed height. For example, a 28-foot height limit could be increased by up to 16.8 inches (28 feet times 0.05 = 1.4 feet).
- (2) Setbacks. Up to a 15 percent reduction in the required front, side or rear setback. For example, a five-foot setback may be reduced by up to nine inches (five feet times 0.15 = 0.75 feet).
- (3) Separation Between Structures. Up to a 15 percent 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.
- (4) Floor Area Ratio. Up to a 7.5 percent increase in the total allowable 50 percent FAR for lots 4,000 square feet or less, allowing up to 57.5 percent FAR.
- (5) Lot Coverage. On parcels with a net site area of 6,000 square feet or greater, up to a 15 percent increase of the total allowable lot coverage; on smaller parcels, up to a 25 percent increase of the total allowable lot coverage, resulting in the following maximum allowable increases:

<b>Table 13.10.235-1 Maximum Additional Lot Coverage</b>		
Lot Coverage Allowed by Applicable Zone District	Maximum Additional Lot Coverage Allowed with a 25% Minor Exception on Parcels of Less than 6,000 Square Feet	Maximum Additional Lot Coverage Allowed with a 15% Minor Exception on Parcels of 6,000 Square Feet or Greater
40%	10%	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. If a coastal development permit is required (pursuant to SCCC Chapter 13.20 SCCC), then the minor exception shall be processed as part of and pursuant to the coastal development permit process, including that hearing requirements, noticing, appeal procedures, etc., shall be those as are required for coastal development permits, and all required coastal development permit findings shall also be required.

(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. Noticing shall be as provided by SCCC 18.10.222 and 18.10.224.
- (4) Required Findings. Findings shall be in accordance with findings required for variance approvals in SCCC 13.10.230(C), and in accordance with the findings required in SCCC 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, use permeable paving material, reduce existing impermeable area, or incorporate 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 SCCC 18.10.240.
- (6) Appeal. The procedures for appeals shall be as provided by SCCC 18.10.310 and 18.10.324.

### 13.10.240 Previous permits.

Any planned unit development ~~permit~~approved pursuant to SCCC 18.30, ~~planned development permit~~, variance, use permit or other approval or development permit previously issued by the County pursuant to previous regulations of the zoning ordinance shall continue to be administered ~~in the same manner as~~ in accordance with existing permits. Actions to amend, review, revoke, or enforce such permits shall be subject to the regulations and procedures of this chapter and ~~Chapter SCCC 18.10 SCCC~~, except for existing PUD ~~planned unit development permits which that were adopted by ordinance and which must be administered in the same manner as existing ordinances.~~ accordance with the ordinance by which the PUD was adopted.

### 13.10.250 Interpretation.

The Zoning Administrator shall be responsible for the interpretation of the provisions of this chapter for their application to any specific case or situation, ~~interpretation of whether a proposed use is essentially the same as a use allowed in the zone district~~, or interpretation of the boundary location of a zone district, based on the following guidelines, subject to appeal to the Board of Supervisors pursuant to ~~Chapter SCCC 18.10 SCCC~~:



- (A) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.
- (B) Whenever the district boundary is indicated as being a road or a property line, then, unless otherwise definitely indicated on the zoning plan map, the center line of the road or the property line shall be assumed to be the district boundary.
- (C) Where the location of district boundary lines is not indicated by dimensions, the boundaries shall be located by use of the scale to which the map is drawn.

### 13.10.260 Nonconforming uses and structures—General provisions.

- (A) Purpose. To establish regulations for nonconforming structures and uses that recognize the prevalence of legally established nonconforming uses and structures, the neighborhood benefit of well-maintained buildings, and the need to preserve and improve existing housing stock and commercial space. To allow legal nonconforming uses and structures to continue to exist, and to be improved, within appropriate parameters that address potential impacts to public health, safety and welfare. To establish a threshold for when changes to existing nonconforming uses and structures are subject to discretionary review, and establish findings for approval of discretionary permits to protect public health, safety, welfare and the environment. To establish provisions whereby nonconforming uses that are determined to be detrimental to public health, safety or welfare may be terminated by the Board of Supervisors.
- (B) Definitions. The following words and phrases, whenever used in this section, or SCCC 13.10.261 or 13.10.262, shall have the following meanings:
  - (1) “Intensification of Use, Nonresidential:” means any Any change or expansion of a nonresidential use which will result in (a) both a greater than 10 percent increase in vehicle trips or more than 110 new daily vehicle trips, whichever is smaller; or parking need and more than two spaces or which is determined by the Planning Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors; (b) 10 percent increase in hazardous materials use or storage, water use, and/or sewage generation shall be an “intensification of use” for the purposes of this chapter.
  - (2) “Intensification of Use, Residential:” means any Any change to a residential use which will result in an increase of its-in the number of bedrooms, as defined in SCCC 13.10.700(B), shall be an “intensification of use” for the purposes of this chapter.
  - (3) “Major structural components” means the foundation, floor framing, exterior wall framing and roof framing of a structure. Exterior siding, doors, window glazing, roofing materials, decks, chimneys and interior elements including but not limited to interior



walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements are not considered major structural components. The extent of alterations to major structural components will be calculated in accordance with administrative guidelines adopted by resolution of the Board of Supervisors.

- (4) "Nonconforming structure" means a structure that was lawfully erected prior to the adoption, revision or amendment of this chapter but that does not conform with standards for lot coverage, setbacks, height, number of stories, distance between structures, or floor area ratio currently prescribed in the regulations for the zoning district in which the structure is located.
- (5) "Nonconforming use" means a use of structure or land that was legally established and maintained prior to the adoption, revision or amendment of this chapter, but does not conform to the current use standards, and density standards where applicable, of both the zone district and/or the General Plan/Local Coastal Program land use designation in which the use is located. A nonconforming structure is not a nonconforming use. A legally established use shall not be deemed nonconforming due to the lack of a use permit.
- (6) "Reconstruction" means modification or replacement of 65 percent or more of the major structural components (see subsection (B)(3) of this section) of an existing structure within any consecutive five-year period. The extent of alterations to major structural components will be calculated in accordance with administrative guidelines adopted by resolution of the Board of Supervisors.

(C) General Requirements.

- (1) Determination of Nonconforming Status. The property owner shall have the burden of proof in establishing the legal status of any nonconforming use or structure, in accordance with any administrative procedures that may be established by the Planning Director.
- (2) Compliance with Other Provisions of the County Code. The permits required in this section and SCCC 13.10.261 and 13.10.262 are in addition to all other reviews and permits required by the Santa Cruz County Code, including requirements in SCCC Chapters 13.11, 13.20 and 18.10 SCCC and in ~~SCCC~~ Title 16. Approvals issued pursuant to this section and SCCC 13.10.261 and 13.10.262 do not alter or supersede the permit and review requirements of other provisions of the Santa Cruz County Code. Work performed on a nonconforming structure or a structure accommodating a nonconforming use shall be pursuant to a building permit as required by Chapter SCCC 12.10-~~SCCC~~, and shall meet the requirements of these nonconforming structures and uses regulations (this section, SCCC 13.10.261, and 13.10.262) unless a waiver or exception is granted as provided in these regulations. Except as provided by



SCCC 13.10.262(A)(6), Reconstruction of a ~~n~~Nonconforming ~~s~~Structure ~~a~~After a ~~e~~Catastrophic ~~e~~Event, or as specifically authorized by other provisions of the SCCC ~~Santa Cruz County Code~~, relocation of a nonconforming structure that does not result in a conforming structure shall require either variance approval or minor exception in accordance with SCCC 13.10.230 or 13.10.235.

- (3) Regulations in Effect at the Time of Construction. Nothing contained in this section shall be deemed to require any change in the plans, construction, or designated use of any structure upon which actual construction or operation was or will be lawfully initiated in accordance with applicable regulations in effect at the time when a planning or building permit was approved.
- (4) Nonconforming Parking. In accordance with the limitations of SCCC 13.10.575, no legal existing use of land or structure shall be deemed to be a nonconforming use solely because of the lack of off-street parking or loading facilities.
- (5) Exception for Compliance with Accessibility Requirements. Work performed solely to comply with the Americans with Disabilities Act or with Chapter 11 of the State Building Code shall be excluded from calculations of reconstruction or alteration for the purposes of this section, SCCC 13.10.261 and 13.10.262.
- (6) Exception for Properties That Have Been Designated as Historic Resources Pursuant to SCCC~~Chapter 16.42 SCCC~~, or for Corrective Work on Dangerous Building Elements. Work performed solely to comply with Federal standards for rehabilitation of historic properties or with SCCC~~Chapter 16.42 SCCC~~, or solely to comply with a notice or requirement of the County Building Official to correct dangerous building elements, shall be excluded from calculations of reconstruction or structural alteration for the purposes of this section, SCCC 13.10.261 and 13.10.262.
- (7) Other Regulations Pertaining to Nonconformity. The following code sections establish additional regulations for nonconforming uses or structures:
  - (a) Nonconforming Signs. See SCCC 13.10.585.
  - (b) Nonconforming Greenhouses. See SCCC 13.10.636(C).
  - (c) Nonconforming Farm Worker Housing. See SCCC 13.10.631.
  - (d) Nonconforming Recycling Collection Facilities. See SCCC 13.10.658(B).
  - (e) M-1 Zone District Uses Not in Compliance with SCCC 13.10.345(A). Uses in the M-1 Light Industrial Zone District which are not in compliance with the provisions of SCCC 13.10.345(A)(1) through (6) are considered nonconforming uses subject to SCCC 13.10.345(A)(7) and 13.10.345(A)(8).



- (f) Lands designated with a P Combining District. Modification or expansion of uses on lands designated with a P Agricultural Preservation Combining District shall be processed as set forth in SCCC 13.10.473.
- (g) Expansion of Organized Camps with Nonconforming Densities. See SCCC 13.10.353(B)(3).

### 13.10.261 Nonconforming uses.

(A) Applicability. This section applies to nonconforming uses in all zone districts.

(B) General Requirements.

- (1) Continuation of Nonconforming Uses and Nonconforming Rights. The lawful use of land existing on the effective date of the adoption, revision or amendment of the zoning designation or of the zoning regulations that affect a property may be continued, even if the use no longer conforms to the regulations specified by ~~SCCC~~Chapter 13.10 ~~SCCC~~ for the district in which the land is located. A nonconforming use that is not in use for at least three out of the past five years loses its status as a legal nonconforming use, and use of the land or site must conform to current uses allowed by the zone district. If cessation of use is caused involuntarily by fire or other catastrophic event, nonconforming rights are retained for three years after the event, by which time a building permit must be obtained and exercised to repair or reconstruct the nonconforming use in order to retain nonconforming rights. If nonconforming rights are lost due to failure of the use to be continued in three of the past five years or due to the failure to obtain and exercise a building permit within three years after a catastrophic event, and a conforming use has not been subsequently established at the site, the property owner may apply for a conditional use permit (~~Level V~~) to reinstate the legal nonconforming use. The conditional use permit for reinstatement shall be subject to the findings required in subsection (F) of this section, as well as to all applicable requirements of the Santa Cruz County Code, and consistent with applicable General Plan and Local Coastal Program policies.
- (2) Termination of Use. The Board of Supervisors may order a nonconforming use to be terminated, upon recommendation of the Planning Commission, if such a use represents a threat to public health, safety, welfare, or the environment, or has been determined to be a public nuisance. The Planning Commission shall conduct a public hearing 15 or more days after written notice to the operator of the nonconforming use and the property owner. If the operator and/or property owner has not made a substantial investment in furtherance of the use, or if the investment can be substantially utilized or recovered through a currently permitted use, the order may require complete termination of the nonconforming use within a minimum of one year after the date of the order. If the operator and/or property owner has made a substantial investment in



furtherance of the use, or if the investment cannot be substantially utilized or recovered through a currently permitted use, the order may require complete termination of the nonconforming use within a longer reasonable amount of time. Nonconforming uses that are determined to be an imminent threat to public health or safety may be terminated immediately, pursuant to ~~SCCC~~ Chapter 1.14 ~~SCCC~~. In making a recommendation or determination, the Planning Commission and the Board of Supervisors shall consider:

- (a) The total cost of land and improvements;
- (b) The length of time the use has existed;
- (c) Adaptability of the land and improvements to a currently permitted use;
- (d) The cost of moving and reestablishing the use elsewhere;
- (e) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
- (f) The degree of threat to public health, safety or welfare; and
- (g) Other relevant factors.

Failure to comply with a Board of Supervisors order to terminate a nonconforming use shall constitute a violation of this chapter and shall constitute a determination that the use is a public nuisance subject to abatement in accordance with ~~Chapter~~ SCCC 1.14-~~SCCC~~.

- (3) Dwelling Groups—Conforming Unit. Where two or more residential dwelling units exist on a parcel of land as nonconforming units because the zoning of the property no longer allows more than one primary dwelling unit, one of the units shall be deemed as conforming to the zone district. The owner may choose, one time only, which unit shall be considered as conforming. Accordingly, that unit may be repaired, structurally altered, enlarged, or reconstructed in accordance with the site and structural dimensions of the zone district in which the parcel is located. The other unit(s) shall be considered nonconforming and subject to the requirements of this section.

(C) Changes to Nonconforming Uses—Permits Required.

- (1) Modifications to a Structure Accommodating an Existing Nonconforming Use. The following types of modifications may be allowed to a structure that accommodates a nonconforming use, subject to obtaining the required permit and to the required findings noted in subsection (F) of this section.



<b>Table 13.10.261-1 Changes to Nonconforming Use</b>	
Modifications to a Structure Accommodating a Nonconforming Use	Permit Required
Repairs and improvements to an existing structure, altering up to 65 percent of the major structural components.	Permitted upon issuance of a building permit and any approvals that may be required by other sections of the County Code and General Plan/Local Coastal Program, <u>including a Site Development Permit where indicated in Site Development regulations for the zone district.</u>
Reconstruction (as defined in SCCC 13.10.260(B)(6)) of an existing structure.	Conditional Use Permit ( <del>Level V Approval</del> ) (see subsections (E) and (F) of this section)
Conforming additions not exceeding 50 percent of the square footage of the existing building, limited to once within a five-year period.	Administrative Use Permit ( <del>Level IV Approval</del> ) (see subsections (D) and (F) of this section)
Conforming additions exceeding 50 percent of the square footage of the existing building, limited to once within a five-year period.	Conditional Use Permit ( <del>Level V Approval</del> ) (see subsections (E) and (F) of this section)
Reconstruction (as defined in SCCC 13.10.260(B)(6)) of a structure accommodating a nonconforming use after a catastrophic event.	Administrative Use Permit ( <del>Level IV Approval</del> ) (see subsections (D) and (F) of this section)

(2) Modifications to an Existing Nonconforming Use. The following changes related to an existing legal nonconforming use may be allowed, subject to obtaining the required permit and to the required findings noted in subsection (F) of this section.

<b>Table 13.10.261-2 Changes to Nonconforming Use</b>	
Type of Change to a Nonconforming Use	Permits Required
Expansion of an existing nonconforming use throughout an existing structure, with no intensification of the use	Administrative Use Permit ( <del>Level IV Approval</del> ) (see subsections (D) and (F) of this section)
Intensification of an existing nonconforming use as defined in SCCC 13.10.260(B)(2) for residential uses and SCCC 13.10.260(B)(1) for nonresidential uses	Conditional Use Permit ( <del>Level V Approval</del> ) (see subsections (E) and (F) of this section)
Change of an existing nonconforming use to another nonconforming use with no intensification	Administrative Use Permit ( <del>Level IV Approval</del> ) (see subsections (D) and (F) of this section)

(D) Procedures for Administrative Use Permit. Procedures for an administrative use permit shall be in accordance with those established for Level IV administrative approvals in SCCC Chapter 18.10-SCCC. In addition, the findings in subsection (F) of this section shall be required for approval of an administrative use permit.



- (E) Procedures for a Conditional Use Permit. Procedures for a conditional use permit shall be in accordance with those established for Level V approvals in Chapter SCCC 18.10-SCCG, including the requirement for a public hearing and required findings. In addition, the findings in subsection (F) of this section shall be required for approval of a conditional use permit.
- (F) Additional findings required. Findings. Approval of an administrative or conditional use permit pursuant to subsections (D) and (E) of this section is subject to the following additional findings:
- (1) ~~That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.~~
  - (2) ~~That the proposed location of the project and the conditions under which it would be operated or maintained will be in substantial conformance with County ordinances.~~
  - (3) ~~That the proposed use will not overload utilities, and will not generate more than an acceptable level of traffic on streets in the vicinity.~~
  - (4) That the proposed project, as it may be conditioned, will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.
  - (1) ~~(5)~~ That additional parking requirements created by the project can be met in accordance with SCCC 13.10.551.
  - (2) ~~(6)~~ That the proposed project will not significantly impair economic development vitality goals or key land use goals of the General Plan.
  - (3) ~~(7)~~ For a change of a use to a different nonconforming use of a site, conformance with uses currently allowed for the zone district is not feasible due to conditions on the site and surrounding land uses, or due to economic conditions.
  - (4) ~~(8)~~ For a nonconforming commercial, industrial or residential use on a site adjacent to residential property, the proposed modification to the nonconforming use, or the proposed reestablishment of a legal nonconforming use pursuant to subsection (B)(1) of this section, does not unreasonably infringe on adequate light, air, solar access, privacy or the quiet enjoyment of adjacent residences, and does not create excessive noise, vibration, illumination, glare, odors, dust, dirt, smoke or hazards such as noxious fumes to a level that substantially exceeds that of the existing or former legal nonconforming use of the site.

**13.10.262 Nonconforming structures.**



(A) Changes to Nonconforming Structures—Permits Required. The requirements of this section are in addition to and do not supersede requirements or permit approvals required in other sections of the Santa Cruz County Code, including but not limited to SCCC Titles 12, 13, 16 and 18.

(1) Structural Alterations. Except as noted in subsection (A)(4) of this section, structural alterations to an existing nonconforming structure within a consecutive five-year period that do not constitute reconstruction as defined by SCCC 13.10.260(B)(6) are permitted upon issuance of a building permit and any approvals or permits that may be required by other sections of the ~~County Code~~ SCCC including a Site Development Permit where indicated in Site Development regulations for the zone district.

(2) Conforming Additions. Conforming additions that do not increase the nonconforming dimensions of the structure are permitted upon issuance of a building permit and any approvals that are required by other sections of the ~~County Code~~ SCCC, including a Site Development Permit for sites in the Commercial and Industrial zone districts where indicated in Site Development regulations for the District. Nonconforming additions are not permitted unless a variance or minor exception is granted in accordance with SCCC 13.10.230 or 13.10.235.

(3) Reconstruction. Reconstruction of a nonconforming structure requires an administrative site development permit (see subsection (B) of this section). Except as provided by subsections (A)(6) and (7) of this section, or as specifically authorized by other provisions of the Santa Cruz County Code, any relocation of a nonconforming structure shall require approval of a variance or minor exception in accordance with SCCC 13.10.230 or 13.10.235.

(4) Structural Alteration or Reconstruction of a Nonconforming Structure Located Over a Property Line, Within a Riparian Corridor, Within Five Feet of a Vehicular Right-of-Way or Within Five Feet of a Planned Vehicular Right-of-Way Improvement. Altering more than 50 percent of the major structural components (up to and including reconstruction) within any consecutive five-year period requires an administrative site development permit. The purpose of this review is to provide adequate opportunity to address potential impacts to the environment or public health, safety or welfare. For nonconforming structures located within five feet of a vehicular right-of-way or within five feet of a planned vehicular right-of-way improvement, the Planning Director may waive the requirement for an administrative site development permit for altering more than 50 percent of the major structural components if they ~~he or she~~ determines that the proposed project will not adversely affect the environment or public health, safety or general welfare. If the requirement is waived, then the requirement for an administrative site development permit for reconstruction as specified in subsection (A)(3) of this section shall apply. Nothing in this chapter is intended to allow encroachment without



necessary legal authorization, either by easement, quiet title action or other legal means.

(5) Exceptions. Exceptions to the requirements of subsections (A)(1) through (4) of this section are as follows:

(a) Exception for Structures Designated as Historic Resources. Modifications to a nonconforming structure which has been designated as a historic resource pursuant to ~~SCCC~~Chapter 16.42 ~~SCCC~~ are permitted upon issuance of only those building permits and/or development permits that are required by other sections of the County Code, including ~~SCCC~~Chapter 16.42 ~~SCCC~~, if one or more of the following criteria are met:

- (i) The proposed alteration, reconstruction or addition conforms to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties, and does not increase the nonconforming dimensions of the structure; or
- (ii) The proposed alteration, reconstruction or addition does not conform to the lot coverage, yard setback, floor area ratio or height regulations of the zoning district in which it occurs, but is within the structural outline of the structure and does not expand the perimeter foundation line of the structure. The structural outline of a structure shall include that space which is enclosed by the structural posts, columns, beams, trusses and girders of the structure; or
- (iii) The proposed modifications are required to provide access for persons with disabilities to the structure.

(b) Exception for Corrective Work on Dangerous Building Elements. Work performed to comply with a notice or requirement of the County Building Official to correct dangerous building elements shall not count towards overall limits on reconstruction in subsection (A)(3) of this section.

(6) Reconstruction of a Nonconforming Structure After a Catastrophic Event. Except as noted in subsection (A)(7) of this section, reconstruction of a legal nonconforming structure after a catastrophic event is allowed upon issuance of a building permit and any approvals that may be required by other sections of the County Code, including a Site Development Permit where indicated in Site Development regulations for the District, if the reconstructed structure does not increase the nonconforming dimensions of the structure and is located in substantially the same location as the current/prior structure. New locations on the site may be considered without the need for an administrative site development permit, if the Planning Director finds that the new location results in greater conformance with code requirements. Relocation that does not result in greater conformance with code requirements requires variance approval in accordance with SCCC 13.10.230 or minor exception pursuant to SCCC 13.10.235.



(Note: Additional permits may be required for reconstruction after a catastrophic event by other provisions of the ~~Santa Cruz County Code~~SCCC, including SCCC Title 16 and Chapter SCCC 13.20-~~SCCC~~.)

- (7) Structural Alteration and Reconstruction After a Catastrophic Event, for a Nonconforming Structure Located Over a Property Line, Within a Riparian Corridor, Within Five Feet of a Vehicular Right-of-Way or Within Five Feet of a Planned Vehicular Right-of-Way Improvement. Structural alteration after a catastrophic event, altering less than 65 percent of the major structural components, is allowed upon issuance of a building permit and permits that may be required by other sections of the County Code.

Reconstruction after a catastrophic event requires an administrative site development permit. The purpose of this review is to provide adequate opportunity to address potential impacts to the natural environment or public health, safety or welfare. New locations on the site may be considered as part of the administrative site development permit, if it is determined that the new location results in greater conformance with code requirements. Relocation that does not result in greater conformance with code requirements shall require approval of a variance or minor exception in accordance with SCCC 13.10.230 or 13.10.235.

For nonconforming structures located within five feet of a vehicular right-of-way or within five feet of a planned vehicular right-of-way improvement, the Planning Director may waive the requirement for an administrative site development permit for reconstruction if ~~he or she~~ they determines that the proposed project will not adversely affect the natural environment or public health, safety or general welfare. If the requirement is waived, then reconstruction shall conform to the requirements noted in subsection (A)(6) of this section.

(Note: Additional permits may be required for reconstruction after a catastrophic event by other provisions of the Santa Cruz County Code, including SCCC Title 16 and SCCCChapter 13.20-~~SCCC~~. Nothing in this chapter is intended to allow encroachment without necessary legal authorization, either by easement, quiet title action or other legal means.)

- (B) Procedures for a Nonconforming Structure Administrative Site Development Permit. Procedures for an administrative site development permit as required pursuant to this section shall be in accordance with those established for ~~Level IV approvals in in~~ Chapter SCCC 18.10-~~SCCC~~, subject to the additional findings in subsection (C) of this section.
- (C) Findings. The following findings apply to site development permits for nonconforming structures as required under subsection (A) of this section:



- ~~(1) That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.~~
- ~~(2) That the proposed location of the project and the conditions under which it would be operated or maintained will be in substantial conformance with County ordinances and the purpose of the zone district in which the site is located.~~
- ~~(3) That the proposed structure and use is in substantial conformance with the County General Plan and with any specific plan which has been adopted for the area.~~
- ~~(4) That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.~~
- ~~(5) That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.~~
- (1) ~~(6)~~ Any additional parking requirements created by the project can be met in accordance with SCCC 13.10.551.
- (2) ~~(7)~~ The proposed project will not significantly impair economic development goals or key land use goals of the General Plan.
- (3) ~~(8)~~ For nonconforming commercial, industrial or residential structures adjacent to residential property, the nonconforming structure does not unreasonably infringe on adequate light, air, solar access, privacy or the quiet enjoyment of adjacent residences.
- (4) ~~(9)~~ For nonconforming structures over a property line, within a riparian corridor, or within five feet of an existing or planned right-of-way, the proposed project has been conditioned to require greater conformance to current site development standards, or has been required to eliminate the nonconformity where feasible, considering economic factors and site conditions including size, shape, topography, existing development or improvements, and environmental constraints.
- (5) ~~(10)~~ For projects within a riparian corridor, a condition of approval of the site development permit has been imposed to require riparian protection, preservation and/or enhancement on the site, as reasonably related to the project and in accordance with General Plan/Local Coastal Program Policy ARC-3.35-2.2.



**13.10.265 Nonconforming structures.**

~~Repealed by Ord. 5119. [Ord. 4921 § 1, 2008; Ord. 4836 §§ 9, 10, 2006; Ord. 4771 § 3, 2004; Ord. 4642 § 1, 2001; Ord. 4525 § 4, 1998; Ord. 4368 § 1, 1995; Ord. 4160 § 2, 1991; Ord. 4024 § 1, 1989; Ord. 3927 § 1, 1988; Ord. 3746 § 4, 1986; Ord. 3432 § 1, 1983].~~

The remaining sections formerly in Part 2 of SCCC 13.10 do not have any proposed changes except for SCCC 13.10.276 which is proposed to have a change in title of the section. (Please see index at the beginning of this document). The content of these code sections is omitted from this document for brevity.