

**SANTA CRUZ COUNTY PLANNING DIRECTOR  
ZONING ORDINANCE INTERPRETATION**

Interpretation No.: DWELL-DET-01 (REVISED)  
Single family dwelling (SFD) units in Residential or Agricultural zoning districts: Interpretation of “detached”  
Effective Date: 11/8/2016  
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**Question**

*The Residential Uses Chart and Agricultural Uses Chart each include within the lists of uses a “Dwelling Unit, one detached Single-Family per parcel”, usually with only a building permit or administrative review. How is “detached” to be interpreted – is it mandatory that an allowed SFD not be attached to another type of use? Can a SFD be located as part of a structure that contains another use, such as a winery?*

**Applicable Ordinance Section(s)**

§13.01.130; §13.10.170; §13.10.700  
§13.10.312; §13.10.313; §13.10.314; §13.10.322; §13.10.323;

**ZONING INTERPRETATION:**

This interpretation of the Zoning Ordinance, Santa Cruz County Code (SCCC) Chapter 13.10, as guided by the analysis herein of the intent of the General Plan/Local Coastal Program (GC/LCP) as well as the purposes and identified allowable uses of the relevant Residential and Agricultural zoning districts, is that a single-family dwelling is considered consistent with the GP/LCP and the SCCC whether it is detached or attached, and that “attached/detached” is not a factor that changes a single-family dwelling from one land use type to another land use type. Accordingly, a structure containing a single-family residence and a winery is, at minimum, essentially the same as other permitted uses in the Agricultural Use Chart, including “dwelling unit, one detached single-family per parcel”.

Further, in light of the definition of “Dwelling, single-family” in the Zoning Ordinance, a “detached” single-family dwelling unit, as used in the Residential and Agricultural Use Charts, means a dwelling unit that does not share a common wall with an adjacent dwelling unit. As such, a single-family dwelling may be attached to a different allowed use within a single structure, but a single-family dwelling must be physically detached or semi-detached from other dwellings, except when attached to an Accessory Dwelling Unit. (Although a Planned Unit Development or similar alternatives may be interpreted differently.)

**NEED FOR ZONING INTERPRETATION**

In the Residential and Agricultural zoning district Use Charts, single family residential units are allowed uses, with the use listed as “Dwelling Unit, one detached single-family per parcel”. Including the word “detached” raises the question of whether the Code is to be interpreted such that one single-family detached unit on a parcel is a *different land use type* than one single-family attached unit on a parcel (the dwelling occurs in one structure that also accommodates another non-dwelling use), or whether a structure containing a single-family residence and other, non-residential

uses (such as a winery) is “essentially the same” use as a “Dwelling Unit, one detached single-family per parcel.” Additionally, because the Zoning Ordinance does not expressly define the term “detached” or “detached single-family”, but does describe two different types of “Dwelling Units” in defining that term, the question is raised whether “detached” as used in the Use Chart means detached from all other uses or detached from another dwelling unit.

In order to address this question, an analysis of relevant General Plan/Local Coastal Program and Zoning Ordinance provisions is provided in this Planning Director’s Zoning Interpretation.

## ANALYSIS

### GENERAL PLAN POLICIES

Interpretation of the Zoning Ordinance is guided by the requirement that the zoning plan and regulations established by the Zoning Ordinance are required to be consistent with and implement the General Plan/Local Coastal Program (GP/LCP). Santa Cruz County Code (SCCC) Section 13.10.170 “General Plan Consistency” provides guidance, as follows:

- SCCC Section 13.10.170(A) “Consistency Requirement” provides: “*Consistent with’ as used in this section means that the allowable uses and development standards established by this chapter and the zoning plan created pursuant to SCCC 13.10.210 are in harmony with and compatible with the County General Plan including the Local Coastal Program Land Use Plan, and that they implement the objectives, policies and programs of the General Plan and do not inhibit or obstruct the orderly attainment of the General Plan within its time frame.*”
- SCCC Section 13.10.170(B) “Discretionary Uses” provides: “*Land uses which are allowed by discretionary approval shall be deemed to be consistent with the General Plan, providing the approving body finds such consistency before approving the use.*”
- SCCC Section 13.10.170(C) “Maintaining Consistency” provides: “*The zoning plan and regulations established by this chapter shall not be amended out of conformity with the General Plan. Whenever an amendment to either the zoning ordinance or the General Plan is considered, a concurrent amendment to the other document shall be considered where necessary to maintain consistency.*”

The GP/LCP contains seven types of Residential Land Use Designations: Mountain Residential (RM), Rural Residential (RR), Suburban Residential (RS), Urban Very Low Residential (R-UVL), Urban Low Residential (R-UL), Urban Medium Residential (R-UM) and Urban High Residential (R-UH). Clearly, in these residential districts the intent of the GP/LCP is that residential dwelling units be allowed on parcels with these designations.

A footnote to the Zoning Implementation Table states that “*Zone district designations shall be considered consistent with the General Plan and Local Coastal Land Use Plan when in conformance with the residential density allowed by Figure 2-3 of the General Plan and Local Coastal Land Use Plan.*” This emphasis on residential density as a factor determining “consistency” underscores the point that there are established “land use type” distinctions within the residential designations and districts, and the factor that makes one residential land use type a different residential land use type is density. Different development standards within different zoning districts do not themselves change one type of residential development into another land use

type, but rather govern the manner in which the allowed land use is accommodated and arranged on a parcel.

Other non-residential GP/LCP land use designations also allow residential dwellings to be established, but sometimes with greater scrutiny about the extent and manner of accommodating the dwelling(s). For example, the Special Use, Agriculture, Commercial, Public Facility, Parks and Open Space, and Timber Resource GP/LCP land use designations each allow single-family residential dwellings but there may be different factors evaluated in deciding whether and how dwellings may be established in the zoning districts that implement those GP/LCP designations.

SCCC Section 13.10.170(D) addresses “Consistent Zoning Districts”: *“The following table denotes the basic and combining districts which implement and are consistent with the various General Plan land use, resource and constraint designations.”* It is relevant to note that the zoning districts shown as implementing districts for the seven Residential GP/LCP Land Use Designations described above include, in addition to all of the residential zoning districts in the residential use chart, but also **Timber Production (TP), Agriculture (A), and Parks, Recreation and Open Space (PR)**. **Through this chart, it is clear that the intent of the GP/LCP is that at least one dwelling per parcel is an allowable use, subject to applicable development constraints on a particular lot or parcel.**

#### **“ATTACHED” AND “DETACHED” RESIDENTIAL USES ARE NOT DISTINCT LAND USE TYPES**

Within the non-residential zoning districts that allow residential land uses, there are also code sections that present density and development standards applicable to the types of residential uses that are allowed, and none of those zoning districts identify “attached” or “detached” as a distinguishing land use type.

- The Commercial Uses Chart lists “Residential Uses, such as: Dwelling units, single-family and multifamily, up to 50% (67% if project is 100% affordable) of the floor area of the entire development[.]”
- Within the Special Use SU district, there are no references to “attached” or “detached”. Residential uses of the R-1 and RA district are allowed. Section 13.10.382(B) “Principal Permitted Uses” provides that “The allowed uses in the Special Use SU district are not principal permitted uses, *except for a single-family dwelling on an existing parcel of record and agricultural uses*, for the purposes of Coastal Zone appeals ...” Regarding Development Standards, “for single-family dwellings and accessory structures, the district development standards shall be the same as those contained in SCCC 13.10.323(B) pertaining to residential districts ...”.
- The PR district use chart lists “One single-family dwelling”, and “dwelling units” in the chart, with no reference to attached or detached. The PR district does not identify “attached” or “detached” as distinguishing between different “land use types”.
- Section 13.10.353 presents “Development Standards” for the PR district, which primarily related to densities for different types of visitor accommodation land uses (e.g. hostels, hotel units, organized camps), minimum site area for commercial recreation, and references to other regulations such as for parking and signage. There is no reference to “attached” or “detached” as a development standard. A footnote to the PR Site and Structural Dimensions

Chart states “(1) For single-family dwellings and accessory structures, the district development standards shall be the same as those contained in SCCC 13.10.323 pertaining to residential districts and shall further be based on the size of the parcel for purposes of applying SCCC 13.10.323(B).”

- The TP District provides in Section 13.10.372 “Uses in the Timber Production TP District” that “(A)(1) In the coastal zone, the principal permitted uses shall be ..., and one single-family dwelling per parcel including appurtenant uses and structures” ... and the TP Uses Chart in paragraph (B) lists “Residential: one single-family dwelling per existing parcel of record”. The TP district does not identify “attached” or “detached” as distinguishing between different “land use types”. Section 13.10.373 “Development Standards for the Timber Production TP District” identifies site width, frontage, yard dimensions, lot coverage, building height limit, minimum parcel size, maximum residential density, clustering, and timber rights. These, as well as other design criteria and special standards and conditions in the TP district regulations, do not identify “attached” or “detached” as a development standard.

In summary, in all of the zoning districts listed above that allow single-family dwellings, in the “uses” and “development standards” sections of the zoning districts that precede the use charts, there are no references to “attached” or “detached” single-family dwellings. This conclusion triggers a question of why the Residential and Agricultural Use Charts DO contain the “detached” qualification.

## **HISTORY AND RATIONALE FOR AMENDMENTS TO PRIOR ZONING CODE DEFINITIONS RELATED TO SINGLE-FAMILY DWELLINGS**

As shown by Attachment 1, the Zoning Ordinance currently contains definitions for a variety of relevant terms.

The definitions for “Detached structure” and of the terms “Attached” and an “Attached Structure” are both included in the current Zoning Ordinance. However, the code does not include a stand-alone definition of the word “Detached” where it refers to a different use that may exist within the same structure but be physically separated from portions of a building used for another use.

In older versions of the zoning ordinance prior to 2003, a “Detached Structure” was defined as a “Structure that is freestanding or attached to another structure by a breezeway or attached to another structure with no access provided between.” Under this definition of a detached structure, an area of a building used for one type of use, such as a single-family dwelling, could be physically attached to other structures and still meet the definition of the word detached. However, it became common practice for applicants to circumvent size restrictions on detached accessory structures by placing two such “detached” structures that individually met the maximum size restriction together into one larger building but with no access between them. As a result the ordinance was changed to delete the language that permitted a detached structure that is physically attached to or within a larger structure as long as it is self contained.

At the time that the definition of a detached structure was revised, which occurred in a manner that accommodates intent with regard to residential and accessory structures, there was no further consideration of how the “detached” qualification as shown in the Agricultural Use Chart could conflict with the intent of the General Plan and Zoning Ordinance with regard to the fact that both a single-family residence and agricultural uses and structures are principally permitted, and there is

no policy rationale to require separate detached structures. In fact, the policy guidance in the GP/LCP for agricultural parcels is generally to minimize footprint of structures and covering of agricultural soils, and arranging development to maximize and not preclude agricultural uses on agricultural properties. It may be argued that allowing a residential use in a single structure with other uses on an agricultural parcel, where Code expressly disallows a structure housing livestock to be attached to a structure used for human habitation (SCCC 13.10.313(B)), would reduce future agricultural use on the parcel; however, for structures not presently housing livestock, the use of a structure for residential uses as well as agricultural uses such as a winery does preserve agricultural land for so long as that use is anticipated to be continued. Moreover, if in the future a new structure is necessary for housing livestock, or the original structure is converted back to non-residential use and a new residential structure is constructed, the effect on agricultural soils would be substantially the same.

Although multiple “detached” accessory structures are no longer permitted in a single structure, single-family dwellings have continued to be allowed where the main structure can contain a dwelling and another non-residential “detached” or “separated” use. In such a “mixed use” structure, in order to meet the definition of a “Dwelling Unit” all portions of the dwelling are required to be connected and an interior stairway is required to be provided between all stories. Each separate use type must comply with Building Code standards for each occupancy type.

### **SINGLE FAMILY DWELLINGS AND WINERIES**

As such, a single-family dwelling may be attached to a different allowed use within a single structure. Wineries are allowed in all residential and agricultural zone districts and on timber production parcels, subject to the approval of a Use/Development Permit. Furthermore, certain small wineries that qualify as a Home Occupation are a principal permitted use in these zone districts and require no such discretionary approval. As a result, several wineries that have a dwelling attached to the winery building have been approved by the Planning Department subject to the approval of a Use/ Development Permit.

Because a single-family dwelling in a residential or agricultural zone is consistent with the GP/LCP whether it is detached or attached, and “attached/detached” is not a factor that changes a single-family dwelling from one land use type to another land use type, a structure containing a single-family residence and a winery is therefore determined to be essentially the same as other permitted uses in the Agricultural Use Chart, including “dwelling unit, one detached single-family per parcel”.

### **DETACHED SINGLE FAMILY DWELLING MEANS DETACHED FROM ANOTHER DWELLING UNIT**

Finally, the term “detached” is as used in the Use Chart for residential and agricultural zones is determined to mean detached from another dwelling unit.

As stated above, the Use Charts for residential and agricultural zones allow a “Dwelling unit, one detached single-family per parcel.” There is no definition in the Zoning Ordinance for the terms “detached” or “detached single-family.” Under SCCC 13.10.700-D, a “Dwelling, single-family” can be one of two types: either (1) a “detached building” or (2) a “semi-detached building sharing one common wall with an adjacent dwelling unit.” Either must contain one dwelling unit. Under the definitions in SCCC 13.10.700-D and -S, a “dwelling unit” is a “structure” for human habitation, and a “structure” is anything “constructed or erected which requires a location on the

ground.” Thus a building which requires a “location on the ground” and is used for human habitation is a “dwelling unit.”

Since a “Dwelling, single-family” is defined as one of the two types above (either (1) a “detached building” or (2) a “semi-detached building sharing one common wall with an adjacent dwelling unit”), it can be deduced that the relevant Use Charts allow the first but not the second type; that is, they allow a “detached building which contains one dwelling unit” but not “a semi-detached building sharing one common wall with an adjacent dwelling unit.” This explains the purpose of the word “detached” as it appears in the Use Chart for residential and agricultural zones but not other zones, and allows a detached building which contains one structure for human habitation and does not share one common wall with an adjacent dwelling unit, such a mixed use building which includes both human habitation and another, non-residential use, such as a winery.

Moreover, this interpretation is consistent with past approvals which allow single-family dwellings in residential zones to contain both a dwelling and another accessory structure for non-residential use such as workshops or store rooms, or, where a home occupation is permitted, commercial uses such as a yoga studio.

This interpretation appropriately implements the objectives, policies and programs of the General Plan and does not inhibit or obstruct the orderly attainment of the General Plan.

Kathy Molloy Previsich  
Kathy Molloy Previsich, Planning Director

11-8-2016  
Date

## **ATTACHMENT 1: 13.10.700 –Definitions** (Excerpts; October 2016 existing Code language)

**Attached.** For purposes of determining the requirement for minimum separation between structures, any two structures shall be considered attached and not required to maintain a minimum separation if they are connected by a continuous roofline which conforms to the architectural style of the structures.

**“Attached structure”** means a structure joined by a common wall or floor/ceiling assembly to another structure with a door or stairs providing interior access from the one to the other.

**“Building”** means any wood frame structure or more lasting type of construction, having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of any person or animal, but not including any tent, recreational vehicle, or mobile home, and not including preconstructed buildings (see definition).

**“Detached structure”** means a structure that is freestanding or attached to another structure by a breezeway.

**“ Dwelling ”** means a one-family dwelling, multiple-family dwelling, or lodging house. For purposes of this definition, automobile trailers, mobile homes, hotels, motels, labor camps, tents, railroad cars, and temporary structures shall not be deemed dwellings, except that a mobile home may be deemed to be a dwelling when it has been authorized to be used for single-family residential purposes by a permit issued pursuant to the provisions of SCCC 13.10.682.

**“ Dwelling group ”** means a group of two or more detached or semi-detached one-family or multiple-family dwellings occupying a parcel of land in one ownership and having any yard or court in common.

**“ Dwelling, single-family ”** means a detached building, or a semi-detached building sharing one common wall with an adjacent dwelling unit, which contains one dwelling unit.

**“ Dwelling unit ”** means a structure for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, with the restrictions that only one kitchen or set of food preparation facilities is allowed in each dwelling unit and an interior stairway shall be provided between all stories.

**“ Family ”** means one person living alone, or two or more persons related by blood or marriage or a group of not exceeding five persons (excluding servants) who need not be related by blood or marriage, living together as a single housekeeping unit, in a dwelling unit as distinguished from a group occupying a hotel, club, fraternity or sorority house.

**“ Garage ”** or **“ carport ”** means an accessory structure or a portion of a main structure, having a permanent roof, and designed for the storage of motor vehicles.

**“ Habitable accessory structure ”** means a detached, subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains some or all of the required amenities and some or all of the allowed amenities shown in Table 13.10.611-1, Amenities Regulations, for habitable accessory structures.

**“ Multifamily dwelling ”** means a structure containing more than one dwelling unit, designed for occupancy or occupied by more than one family, as distinguished from a motel or hotel.

**“ Nonhabitable accessory structure ”** means a detached subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains some or all of the features and amenities shown in Table 13.10.611-1, Amenities Regulations, for nonhabitable accessory structures.

**“ Second unit ”** (Accessory Dwelling Unit) means a structure for human habitation, subject to the requirements of SCCC 13.10.681 and limited in size to 640 gross square feet within the urban services line (USL) and up to 1,200 square feet outside the USL, providing complete independent living facilities, including permanent provision for living, sleeping, eating, cooking and sanitation, with the restriction that only one kitchen is allowed.

**“Structure”** means anything constructed or erected which requires a location on the ground, including a building, but not including a swimming pool, a fence, or a wall used as a fence (including retaining walls), or a deck less than 18 inches in height.

**“Structure, main”** means a structure housing the principal use of a site or functioning as the principal use.

**“Winery”** means structures, facilities, and equipment used for the production of more than 200 gallons of wine per year. “The production of wine” means the conversion of grapes, berries, or other fruit into wine, including fermentation and bottling. May include crushing of fruit, storage of bulk or bottled wine made on the premises, and related activities where permitted.