

ORDINANCE No. 5018

AN ORDINANCE RESCINDING SECTIONS II, III, IV, V, VI, VII, IX, X, XI, XII, XIII, XIV, XV, XVI, XXV, XXVI, AND XXVII OF ORDINANCE NO. 4808 RELATING TO FAMILY CHILD CARE HOMES AND ADOPTING A NEW ORDINANCE RELATING TO VARIOUS CORRECTIONS TO SANTA CRUZ COUNTY CODE CHAPTERS 13.10 AND 18.10 TO INCORPORATE THE COASTAL COMMISSION'S MODIFICATIONS

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

SECTION I

Sections II, III, IV, V, VI, VII, IX, X, XI, XII, XIII, XIV, XV, XVI, XXV, XXVI and XXVII of Ordinance No. 4808 are hereby rescinded.

SECTION II

The category "Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes" under "Agricultural Support and Related Facilities" in the Agricultural Uses Chart in Section 13.10.312 (b) of the Santa Cruz County Code is hereby amended to read as follows:

Inside the Coastal Zone, non-habitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of Section 13.10.611 and 13.10.313(a)).			
Total area of 500 square feet or less	BP2	BP2	BP2
Total area of 501 to 1,000 square feet	BP3	BP3	BP3
Total area of more than 1,000 square feet	3	3	3

SECTION III

The category "Riding academies or public stables, subject to the provisions of Section 16.22.060" under "Agricultural Support and Related Facilities" in the Agricultural Uses Chart in Section 13.10.312 (b) of the Santa Cruz County Code is hereby added below the category "Reservoirs or ponds" to read as follows:

Riding academies or public stables, subject to the provisions of Section 16.22.060	5	5	5
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SECTION IV

The category "Timber harvesting and associated Operations (outside the Coastal Zone only)" under "Agricultural Support and Related Facilities" in the Agricultural Uses Chart in Section 13.10.312 (b) of the Santa Cruz County Code is hereby added below the category "Stands for the display and sale of agricultural commodities produced on site**" and above the category "Veterinary offices and animal hospitals subject to the provisions of Section 13.10.642" to read as follows:

Timber harvesting and associated Operations (outside the Coastal Zone only)	P	-	-
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SECTION V

The category "Wireless Communication Facilities, subject to Section 13.10.660 through 13.10.668, inclusive" under "Agricultural Support and Related Facilities" in the Agricultural Uses Chart in Section 13.10.312 (b) of the Santa Cruz County Code is hereby added below the category "Wineries" and above the category "Zoos and natural science museums" to read as follows:

Wireless Communication Facilities, subject to Section 13.10.660 through 13.10.668, inclusive	5	5	5
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SECTION VI

Subsection (16) of subdivision (e) of Section 13.10.684 of the Santa Cruz County Code is hereby deleted.

SECTION VII

The category "*** = Second Units located within the Coastal Zone and not excludable under Section 13.20.071 requires a Coastal Permit which is processed pursuant to Section 13.10.681" under "Key" of the "Residential Uses Chart" in Section 13.10.322 (b) of the Santa Cruz County Code is hereby deleted.

SECTION VIII

The "front and rear setbacks" for the category "Semi-detached dwellings and dwellings adjacent to pedestrian rights-of-way" within the category of "RB > or = 4,000 sq.ft." in the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS

SITE AND STRUCTURAL DIMENSIONS CHART” in Section 13.10.323 (b) of the Santa Cruz County Code are hereby amended to read as follows:

RB > or = 4,000 sq.ft.	Semi-detached dwellings and dwellings adjacent to pedestrian rights-of-way	10	0&5	10
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SECTION IX

The “side setbacks” for the categories “Corner lots – existing parcels” and ... creating new parcels” within the category of “R-1-6 to R-1-9.9 6,000 to 40,000 sq. ft.” in the “R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART” in Section 13.10.323 (b) of the Santa Cruz County Code are hereby amended to read as follows:

R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft.	Corner lots – existing parcels	20	5&10
	- creating new parcels		5&20

SECTION X

The “MAXIMUM PARCEL COVERAGE***” for the category “Parcels 4 to <5,000 sq. ft.” within the category of “R-1-5 to R-1-5.9 5,000 to <6,000 sq. ft.” in the “R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART’ in Section 13.10.323 (b) of the Santa Cruz County Code is hereby amended to read as follows:

R-1-5 to R-1- 5.9 5,000 to <6,000 sq. ft.	Parcels 4 to <5,000 sq. ft.	20	5&8	15	40%
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SECTION XI

The title “Zone District and Minimum Gross Site Area per Dwelling Unit” in the “RM MULTI- FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART” in Section 13.10.323 (b) of the Santa Cruz County Code is hereby amended to read as follows:

Zone District and Minimum Net Site Area per Dwelling Unit

SECTION XII

The "MAXIMUM PARCEL COVERAGE***" for the category "Parcels >4,000 to <5,000 sq. ft." within the category of "RM-5 to RM- 5.9 5,000 to <6,000 sq. ft." in the "RM MULTI- FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART" in Section 13.10.323 (b) of the Santa Cruz County Code is hereby amended to read as follows:

RM-5 to RM-5.9 5,000 to <6,000 sa. ft.	Parcels >4,000 to <5,000 sq. ft.	20	5&8	15	40%
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SECTION XIII

The phrase "Net Site Area x Floor Area Ratio (F.A.R.) = Total Allowable Gross Building Area for All Buildings on Site" under "Calculating Allowable Gross Building Area." in Section 13.10.323 (c) of the Santa Cruz County Code is hereby amended to read as follows:

Net Site Area x Floor Area Ratio (F.A.R.) = Total Allowable Gross Building Area for All Buildings on Site

SECTION XIV

The section "Side and Rear Yards." under Section 13.10.323(e)(6)(B) of the Santa Cruz County Code is hereby amended to read as follows:

Side and Rear Yards. An accessory structure which is attached to the main building shall be considered a part thereof, and shall be required to have the same setbacks as the main structure. A detached accessory structure which is located entirely within the required rear yard and which is smaller than one hundred twenty (120) square feet in size and ten (10) feet or less in height may be constructed to within three feet of the side and rear property lines.

SECTION XV

The category "Signs" under Section 13.10.323 (h) of the Santa Cruz County Code is hereby added below the category "Parking" and above the category "Trip reduction requirements" to read as follows:

Signs 13.10.580,
et seq.

SECTION XVI

Section 13.10.458 of the Santa Cruz County Code is hereby amended to read as follows:

13.10.458 Use and development standards in the Mobile Home Park “MH” Combining District.

All properties in the Mobile Home Park “MH” Combining District shall be maintained for mobile home park use and shall be subject to all of the regulations governing mobile home park development, operation, rental, sale and conversion as provided by state and federal statutes and regulations, and the provisions of County Code. The location, design and approval of new mobile home parks shall be consistent with Section 13.10.684 of the Zoning Regulations. Each mobile home installed on or after March 8, 2003 outside the California coastal zone and each mobile home installed on or after September 10, 2003 inside the California coastal zone shall be required to meet the off-street parking requirements of County Code Section 13.10.552. Conversion of a mobile home park to another use shall be subject to the provisions of County Code Chapter 13.30, Mobile Home Park Conversion, and shall require amendment of the County Code Zoning Plan to remove the Mobile Home Park Combining District from the property. The regulatory provisions of this Section are in addition to any existing requirements for a Coastal Development Permit under Chapter 13.20 of the County Code.

SECTION XVII

Section 18.10.134, Permit amendment (project and plan changes), of the Santa Cruz County Code is hereby amended to read as follows:

18.10.134 Permit amendment (project and plan changes)

(a) Grounds for Amendment. Amendment to a planning approval may be made on the following grounds: Change of circumstances, new information, correction of errors, or public health, safety, and welfare considerations.

(b) Types of Amendment. The following types of amendment apply to all planning approvals, including (without limitation) development permits and land division approvals.

1. Minor Variations. A minor variation is an amendment to a planning approval, including (without limitation) project design, improvements, or conditions of approval, if the amendment does not affect the overall concept, density, or intensity of use of the approved project, and if it does not involve either a modification of a design consideration, an improvement, or a condition of

approval which was a matter of discussion at the public hearing at which the planning approval was granted.

2. Corrections. A correction is a change which corrects an error or omission in a planning approval which is not at variance with the decision of the approving body or not at variance with County ordinances or regulations, and which does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

3. Modifications. A modification is a change to a final map or parcel map based on a finding that changed circumstances or new information make one or more aspects of such planning approval no longer appropriate or necessary, which change does not impose any additional burden on the present fee owner of the property and does not alter any right, title, or interest in the real property reflected in any recorded map (see Government Code Section 66472.1 and any successor provisions), and which does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

4. Major Amendments. Any change to a planning approval which does not qualify as a minor variation, correction, or modification shall be deemed a major amendment.

(c) Procedures for Amendments.

1. Initiation. Except as otherwise provided herein, any amendment (including a minor variation, correction, modification, or major amendment) may be initiated by the current holder of the planning approval, the Planning Director, the Planning Commission, or the Board of Supervisors.

2. Processing Level.

(i) Except as otherwise provided herein, including Section 18.20.100(a), the processing level and applicable application, notice, hearing and other requirements shall be as follows:

(1) Level III for Minor Variations and Corrections;

(2) The processing level for Major Amendments and Modifications initiated by the current holder of the planning approval shall be the processing level applicable to the planning approval sought, and the processing level for Major Amendments or Modifications initiated by the Planning Commission or the Board of Supervisors shall be Level VI or the processing level applicable to the planning approval to be amended, whichever is the higher level.

(ii) If the Board of Supervisors or the Planning Commission initiates any type of amendment, such Board or Commission may order that the Processing Level be at Level VI or VII rather than at the Level established by subparagraph (i) above. Furthermore, all types of amendment decisions are subject to the appeal and special consideration provisions set forth in Sections 18.10.300 through 18.10.360 of this Code.

(iii) The provisions of Section 18.10.124 of this Code authorizing referral to the next higher level are applicable to all types of amendments, and any amendment which was a matter of substantial controversy at the public hearing at which the

original planning approval was given shall be immediately referred to such approving official or body.

(d) Limitation of Authority.

1. Required Findings. No amendment of any type may be approved unless the approving official or body is able to make the findings required by Section 18.10.230 in the event of a development permit, and Sections 14.01.401 through 14.01.407 inclusive, in the event of a land division approval.
2. Limitation to Amendment Initiated. The hearing on an application for amendment filed by the current holder of the planning approval shall be limited to that part of the planning approval affected by the application, unless the approving official or body finds that the amendment proposed should not be considered in isolation from all or any part of the effective planning approval.
3. Limitation as to Amendment of Final Land Division Maps. Corrections and modifications of Final Maps or Parcel Maps recorded following land division approvals shall be limited as provided in Government Code Sections 66469 through 66472.2, inclusive, and County Code Sections 14.01.340 through 14.01.343, inclusive.
4. Limitation on Major Amendment Applications by Current Holder of Planning Approval. No current holder of a planning approval may apply for a major amendment within one year from the date such approval or a major amendment thereto became final without the approval of the decision maker authorized to make decisions at the level at which the original planning approval was granted.
5. Limitation on Major Amendments Initiated by County. Any major amendment initiated by the County shall be processed in accordance with the procedures and standards set forth in Section 18.10.136 as to Resolution of Intention and notification to affected property owners.

SECTION XVIII

Section 18.10.210 (b), Regular Projects, of the Santa Cruz County Code is hereby amended to read as follows:

(b) Regular Projects. Processing Level IV (Public notice) and Level V (Zoning Administrator) Applications:

1. Items 1 through 7 from paragraph (a) above. (Levels IV--V)

SECTION XIX

Section 18.10.210 (c)(1), of the Santa Cruz County Code is hereby amended to read as follows:

1. Preliminary applications for review by the Development Review Group (DRG) shall include items 1 through 7 from paragraph (a) above, plus conceptual drawings of the proposed project.

Attachment 2

SECTION XX

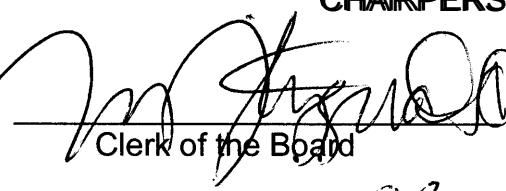
This Ordinance shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 26th day Of August, 2008, by the following vote:

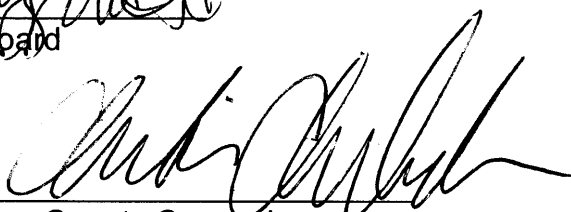
AYES:	SUPERVISORS	Beautz, Stone, Campos and Pirie
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	Coonerty
ABSTAIN:	SUPERVISORS	None



 CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: 

 Clerk of the Board

APPROVED AS TO FORM: 

 County Counsel

Copies to: Planning
 County Counsel

IN THE SUPERIOR COURT of the STATE OF CALIFORNIA
in and for the County of Santa Cruz

CERTIFICATE OF PUBLICATION

Ad No.: 02513573

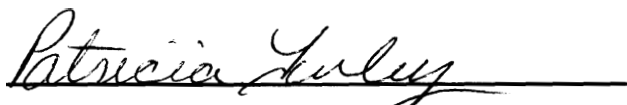
STATE OF CALIFORNIA }
COUNTY OF SANTA CRUZ } ss

I, **Patricia Turley**,
hereby certify that the **Watsonville Register Pajaronian**, a newspaper of general circulation, within the provisions of the government code of the State of California, printed and published in the City of Watsonville, County of Santa Cruz, State of California; that I am the principal clerk of the printer of said newspaper; that the

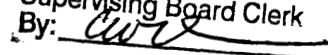
Legal Notice;PUBLIC NOTICE

of which the annexed clipping is a true printed copy was published in said newspaper on the following dates, to wit: **August 30, 2008**

I certify under penalty of perjury that the foregoing is true and correct, at Watsonville, California, on the **August 30,2008**


Patricia Turley, Legal Clerk

I, Tess E. Fitzgerald, Supervising Clerk of the Board of Supervisors of the County of Santa Cruz, do hereby certify that Ordinance No. 5018, adopted on Aug. 26, 2008 has been duly published in accordance with Section 25124 of the Government Code.

Tess E. Fitzgerald,
Supervising Board Clerk
By: 

PUBLIC NOTICE

**ADOPTED ORDINANCE NO. 5018
(SUMMARY)**

(Pas) NOTICE IS HEREBY GIVEN that at its regularly scheduled meeting on August 26, 2008, the Board of Supervisors of the County of Santa Cruz adopted Ordinance No. 5018 rescinding Sections II, III, IV, V, VI, VII, IX, X, XI, XII, XIII, XIV, XV, XVI, XXV, XXVI, and XXVII or Ordinance No. 4808 relating to Family Child Care Homes and adopting a new Ordinance relating to various corrections to the Santa Cruz County Code Chapters 13.10 and 18.10 to incorporate the Coastal Commission's modifications. This Ordinance was passed by the following vote:

AYES: Beautz, Stone, Campos, and Pine
NOES: None
ABSENT: Coonerty
ABSTAIN: None

Copies of the full text of this ordinance are available at the Office of the Clerk of the Board, Room 500, Governmental Center Building, 701 Ocean Street, Santa Cruz, California 95060.

Date: August 28, 2008
September 30, 2004 ←
02513573

"Proof of Publication must be filed with the County Clerk's Office within 30 days of the last publication date, pursuant to Civil Code Section 2466."