



# County of Santa Cruz

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## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060

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ALVIN D. JAMES, DIRECTOR

November 15, 2001

Agenda: December 4, 2001

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, California 95060

**SUBJECT: PUBLIC HEARING TO CONSIDER EXTENDING AN INTERIM  
ORDINANCE AMENDING CHAPTER 13.10 REGARDING  
RESIDENTIAL NON-HABITABLE ACCESSORY STRUCTURES**

Members of the Board:

At your October 23, 2001 meeting, your Board reviewed and adopted Interim Ordinance No. 4641 which amended various sections of Chapter 13.10 of the County Code pertaining to non-habitable accessory structures. That ordinance will expire on December 7, 2001, unless extended. At the October 23, 2001 meeting, your Board directed the Clerk of the Board to schedule a public hearing for this date to consider the adoption of an extension to Interim Ordinance No. 4641. Your Board also directed Planning staff to report back on the necessity and appropriateness of imposing the limitations on properties in the Urban and Rural Services Lines and a discussion of the reduction in allowable square footage from 1000 to 640 square feet.

## DISCUSSION

Our current site regulations for residential non-habitable accessory structures can lead to the issuance of ministerial building permits for accessory structures that may not be in character with the neighborhood. The site regulations, such as height and setbacks, are identical to those for a single-family dwelling, with the exception that non-habitable accessory structures exceeding 1000 square feet require discretionary approval. An accessory structure is allowed to be constructed to 28 feet – the same height limitation imposed on single-family dwellings – without discretionary review or any type of public hearing. Examples of non-habitable accessory structures include garages, workshops, and storage buildings.

In addition, the residential site regulations contain an exception allowing small (120 square foot maximum) accessory structures to be located within the required rear yard of the property as close as 3 feet to a rear or side property line. There is currently no height restriction for such a structure other than the 28-foot residential height limitation. While this exception is intended for

small structures such as garden sheds and dog houses, there is no prohibition against obtaining a building permit to build a two-story accessory structure within 3 feet of a neighbor's property.

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While a 28-foot height limitation may be appropriate for non-habitable accessory structures on large rural parcels, it may not be appropriate for non-habitable accessory structures on smaller parcels. Discretionary review would ensure that larger accessory structures be evaluated for consistency with neighborhood character.

Habitable accessory structures, such as art studios, offices, and guest houses, currently require discretionary review if they exceed 640 square feet in size, one story, or 17 feet in height. The interim ordinance before your Board creates a similar discretionary review process for non-habitable accessory structures exceeding 640 square feet in size, one story or 17 feet in height, or height exceeding that of the primary residence on parcels located within the Urban Services Line or Rural Services Line. This limits the overall height and size of accessory structures in residential neighborhoods that can be built with just a ministerial building permit. Accessory structures on larger, rural parcels are not affected by this proposed ordinance. The interim ordinance also imposes a 10-foot height limitation for accessory structures that qualify for the reduced setbacks as discussed above. A 10-foot height and 120 square foot size limitation would be identical to the criteria for accessory structures not requiring a building permit found in Chapter 12.10 Building Regulations.

#### Urban Services Line and Rural Services Line Applicability

The purpose of the interim ordinance is to provide for a discretionary review for non-habitable accessory structures on small parcels. Most of the residential parcels within the Urban Services Line are small; however, small parcels also exist outside of this area. Those areas within the Rural Services Line – Davenport, La Selva, Sand Dollar, Place de Mer, Pajaro Dunes, Felton, Mt. Hermon, Ben Lomond, Boulder Creek – are developed at urban densities on predominantly smaller parcels. The impacts on these parcels of large accessory structures would be as acute as those within the Urban Services Line. There are, additionally, smaller parcels that are located outside of both Lines that would not be affected by the interim ordinance. For the purposes of simplicity in applying the interim ordinance, staff is RECOMMENDING that the provisions be applicable to parcels within the Urban Services Line and Rural Services Line. In preparation of a permanent ordinance, staff will analyze the appropriateness of requiring that parcels smaller than a specific size be subject to the ordinance county-wide or that parcels smaller than a specific size within the Urban Services Line, Rural Services Line, or both be subject to the ordinance.

#### 640 Versus 1000 Square Foot Size Limitation

The interim ordinance reduces the size threshold for requiring discretionary review from 1000 to 640 square feet. Section 13.10.611(c) of the County Code states that accessory structures shall be “clearly appurtenant, subordinate and incidental to the main structure or use of the land as specified in the purposes of the appropriate zone district”. Since small parcels can accommodate only relatively small houses, accessory structures of 1000 square feet may not be subordinate to the main structure. Requiring a discretionary review of structures greater than 640 square feet in size allows the Zoning Administrator to make an informed determination of consistency with the above County Code Section; whereas, having the current threshold presumes that all ministerial building permit applications for 1000 square foot structures are consistent. Also, habitable accessory structures greater than 640 square feet in size currently require discretionary review; this change will create a consistent standard for accessory structures, both habitable and nonhabitable.

## SUMMARY AND RECOMMENDATION

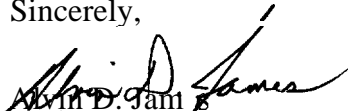
Staff believes that the extension of the interim ordinance is appropriate and necessary while permanent regulations are drafted and taken through the public hearing process.

Approval of the extension of the interim ordinance requires a four-fifths vote by your Board.

It is, therefore, **RECOMMENDED** that your Board take the following actions:

- 1) Adopt the Ordinance extending interim zoning regulations relating to non-habitable residential accessory structures (Attachment 1);
- 2) Direct Planning staff to process an ordinance amendment to permanently adopt the regulations contained in the interim ordinance.

Sincerely,

  
Alvin D. James  
Planning Director

RECOMMENDED:

  
\_\_\_\_\_  
SUSAN A. MAURIELLO  
County Administrative Officer

Attachments: 1. Proposed Interim Ordinance Extension

cc: County Counsel  
California Coastal Commission

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF SANTA CRUZ  
INTERIM ZONING REGULATIONS RELATING TO NON-HABITABLE ACCESSORY  
STRUCTURES

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

SECTION I

WHEREAS, California Government Code Section 65858 enables local legislative bodies to utilize interim zoning regulations pending the study, development, and consideration of permanent zoning regulations; and

WHEREAS, on October 23, 2001, the Board of Supervisors adopted Ordinance No. 4641 establishing interim zoning regulations relating to non-habitable accessory structures and pursuant to Government Code Section 65858 said ordinance will expire on December 7, 2001, unless further extended;

The Board of Supervisors of the County of Santa Cruz makes the following findings:

1. Policy 8.1.3 of the General Plan/Local Coastal Program Land Use Plan and the Purposes of the Residential Districts contained in the Zoning Ordinance recognizes the necessity of providing for the protection of light, air, privacy, solar opportunities and open space for private and public properties.
2. Objective 8.4 of the General Plan/Local Coastal Program Land Use Plan seeks to preserve the character of existing urban neighborhoods.
3. Policy 8.4.2 of the General Plan/Local Coastal Program Land Use Plan encourages the maintenance and repair of existing residential structures where it can be accomplished without detrimental impacts on the health, safety and welfare of the surrounding neighborhood.
4. The construction of non-habitable structures inside the Urban Services Line or the Rural Services Line greater than 1 story or 17 feet in height without input from the neighborhood through a public hearing process can result in structures which are not in character with the neighborhood and which pose threats to the public health, safety and welfare by impairing privacy and obstructing light, air and solar opportunities.

## SECTION II

County Code Section 13.10.322(b) - Residential Uses is hereby amended to read:

(b) Allowed Uses.

(1) The uses allowed in the residential districts shall be as provided in the following Residential Uses Chart below. A discretionary approval for an allowed use is known as a “Use Approval” and is given as part of a “Development Permit” for a particular use. The type of permit processing review, or “Approval Level,” required for each use in each of the residential zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 Permit and Approval Procedures. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.

(2) Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Residential zone districts.

### RESIDENTIAL USES CHART

KEY:

A = Use must be ancillary and incidental to a principal permitted use on the site

P = Principal permitted use (see Section 13.10.312(a)); no use approval necessary if “P” appears alone

1 = Approval Level I (administrative, no plans required)

2 = Approval Level II (administrative, plans required)

3 = Approval Level III (administrative, field visit required)

4 = Approval Level IV (administrative, public notice required)

5 = Approval Level V (public hearing by Zoning Administrator required)

6 = Approval Level VI (public hearing by Planning Commission required)

7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)

-- = Use not allowed in this zone district

\* = Level IV for projects of less than 2,000 square feet

Level V for projects of 2,000 to 20,000 square feet

Level VI for projects of 20,000 square feet and larger

\*\* = Second Units located within the Coastal Zone and not excludable under Section 13.20.071 requires a Coastal

Permit which is processed at Level 5

BP = Building Permit Only

USE	RA	RR	R-1	RB	RM
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**Accessory structures and uses, including:**

One Accessory structure, habitable  
(subject to Sections 13.10.611 and .323  
installation of certain plumbing fixtures  
may require Level 4 approval)

Total area of 640 square feet or less and not to exceed 1-story and 17 feet in height	BP only	BP only	BP only	BP only	BP only
Total area of more than 640 square feet or exceeding 1-story or 17 feet in height	5	5	5	5	5

Accessory structures, non-habitable, outside the  
Urban ServicesLine and Rural ServicesLine (subject  
to Section 13.10.611 and 13.10.323; installation of  
certain plumbing fixtures may require Level 4  
approval) comprised of:

USE	RA	RR	R-1	RB	RM
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Animal enclosures: barns, stables, paddocks, hutches and coops (subject to the provisions of Sections 13.10.644 Family Animal Raising; .643 Animal Keeping in the RA Zone; .645 bird and small animal raising; .641 Stables and Paddocks; .646 Turkey Raising: these provisions require Level 5 in some cases).

When total area of the structure is:

1,000 square feet or less	BP only	3	3	--	--
more than 1,000 square feet	3	5	5	--	--

Carports, detached; garages, detached; garden structures; storage sheds (subject for Sections 13.10.611 and .323, installation of certain plumbing fixtures may require Level 4 approval) when total area of structure is:

1,000 square feet or less	BP only	BP only	BP only	BP only	BP only
more than 1,000 square feet	3	5	5	5	5

Accessory structures, non-habitable, inside the Urban Services Line and Rural Services Line (subject to Section 13.10.611 and 13.10.323; installation of certain plumbing fixtures may require Level 4 approval) comprised of:

USE	RA	RR	R-1	RB	RM
Animal enclosures: barns, stables, paddocks, hutches and coops (subject to the provisions of Sections 13.10.644 Family Animal Raising; .643 Animal Keeping in the RA Zone; .645 bird and small animal raising; .641 Stables and Paddocks; .646 Turkey Raising: these provisions require Level 5 in some cases).					
When total area of the structure is:					
640 square feet or less, limited to 1-story or 17-feet in height, and not taller than the primary residence	BP only	3	3	--	--
more than 640 square feet, or more than 1-story, or greater than 17-feet in height, or taller than the primary residence	5	5	5	--	--
Carports, detached; garages, detached; garden structures; storage sheds (subject for Sections 13.10.611 and .323, installation of certain plumbing fixtures may require Level 4 approval) when total area of structure is:					
640 square feet or less, limited to 1-story or 17-feet in height, and not taller than the primary residence	BP only	BP only	BP only	BP only	BP only
more than 640 square feet, or more than 1-story, or greater than 17-feet in height, or taller than the primary residence	5	5	5	5	,
Dwelling unit, accessory subject to Section 13.10.681""					



USE	RA	RR	R-1	RB	RM
Inside the Urban Services Line	4	4	4	4	4
Outside the Urban Services Line	4	4	4	4	4
Air strips (see Section 13.10.700-A definition) including: (continued)	5	5	--	--	--
Parking, including:					
Parking, on-site, for principal permitted uses (subject to Sections 13.10.550 et seq.)	2	2	2	2	2
Parking, on-site, for non-principal permitted uses (subject to Sections 13.10.580 et seq.)	4	4	4	4	4
Recycling collection facilities in association with a permitted community or public facility, subject to Section 13.10.658, including:					
reverse vending machines	1	1	1	1	1
small collection facilities	3	3	3	3	3
Signs, including:					
Signs for non-principal permitted uses (subject to Sections 13.10.580, et seq.)	4	4	4	4	4
Signs for principal permitted uses (subject to Sections 13.10.580, et seq.)	P	P	P	P	P
Storage tanks, water or gas, for use of persons residing on site					
less than 5,000 gallons	2	2	2	--	--

USE	RA	RR	R-1	RB	RM
more than 5,000 gallons	3	3	3	--	--
Swimming pools, private and accessory equipment	3	3	3	--	3

**Agricultural uses, including:**

Agriculture, small-scale commercial, such as the raising of specialty crops (see also Animal-Keeping)	P	--	--	--	--
Agriculture, with on-site retail sales, such as Christmas tree farms	5	--	--	--	--
Bee-keeping, commercial (see Section 13.10.700-B definition)	5	--	--	--	--
Gardening, family (see Section 13.10.700-G definition)	P	P	P	P	P
Greenhouse, one private of 500 square feet or smaller	2	2	2	2	2
Greenhouses, private, larger than 500 square feet	5	5	5	--	--
Greenhouse replacement, reconstruction, or structural alteration (see Section 13.10.636(b) and (c))	2	2	2	--	--
Nurseries, commercial	5	--	--	--	--

**Animal-related uses, including:**

Animal-keeping (subject to Section 13.10.643) (see also "Animal enclosures" above)	P	--	--	--	--
Animal-raising, family (subject to Section 13.10.644) (see also "Animal enclosures" above)	P	P	P	--	--

USE	RA	RR	R-1	RB	RM
Cats and dogs	P: 4 cats  or dogs  or combo	P: 4 cats  or dogs  o r combo	P: 2 cats  and 2 dogs  per unit	P: 2 cats and 1 dog per unit	P: 2 cats and 1 dog per unit
Kennels for five or more dogs or cats over the age of four months (subject to Section 13.10.642)	5	--	--	--	--
Stables, private, and paddocks (subject to Section 13.10.641) (see also "animal enclosures" above)	P	5	P : A B O VE R- 1-325: up to R-1-32	--	--

**Commercial uses, including:**

In conjunction with residential uses on a site containing ten acres or more, any use which is allowed in the C-1 District, which meets the regulations of Section 13.10.335(a) Paragraphs 2 and 3, and which is consistent with the General Plan	7	7	7	7	7
Electrical connection to existing non-habitable storage shed not larger than 600 sq. ft. and legally existing prior to 10/27/87 where non-accessory because land use regulations prohibited main structure or use upon the owner's recordation of declarant of restriction that the structure shall remain non-habitable and shall not be rented, let, or leased	3	3	3	3	3

USE	RA	RR	R-1	RB	RM
Nursing homes; convalescent care hospitals (see Section 13.10.700-N definition)	5	5	5	--	5
Radio and TV transmission tower (subject to Section 13.10.655)	5	5	5	5	5
Tract offices	5	5	5	5	5

**Community facilities, including**

Churches and other religious centers	5	5	5	--	5
Community centers	5	5	5	--	5
Day-care centers (see Section 13.10.700-D definition)	5	5	5	--	5
Schools: pre-schools and K-12 including church schools, and incidental art, craft, music or dancing schools but not including business, professional or trade schools or colleges	5	5	5	--	5
Energy systems, community (see Section 13.10.700-E definition and subject to Section 13.10.661)	5	5	5	5	5
Facilities, public structures and facilities	5	5	5	5	5

**Open space and recreation uses, including:**

Clubs, private, such as garden clubs, fraternal lodges, community service organizations	5	5	5	--	5
Conference centers (subject to the provisions of the PR District Section 13.10.350 et seq.)	5	5	5	--	5

USE	RA	RR	R-1	RB	RM
Country clubs, private, associated with residential development; including such facilities as club houses, golf courses, tennis courts, swimming pools.	5	5	5	--	5
Fish hatcheries	5	5	5	--	--
Organized camps (subject to the provisions of the PR District Section 13.10.350 et seq.)	5	5	5	--	5
Open space uses, private, non-. commercial, not involving structures, such as:	P	P	P	P	P
Beach uses					
Ecological preserves; wildlife and biotic habitat reserves					
Hiking and horseback riding trails					
Open space					
Picnicking facilities					
Playgrounds, non-paved					
Sports fields, non-paved					
Watershed management					
Parks, local, public, and associated facilities	5	5	5	5	5
Stables, boarding and public riding (subject to Section 13.10.641)	5	--	--	--	--

USE	RA	RR	R-1	RB	RM
<b>Residential uses:</b>					
Congregate					
Senior Housing					
2--19 units	--	--	--	--	6
20+ units	--	--	--	--	7
Day-care homes, family (See Section 13.10.700-Definition)	P	P	P	P	P
Dwelling unit, one detached single-family per parcel, 7,000 square feet or larger, exclusive of accessory structures, but specifically excluding barns or similar accessory structures subject to the provisions of Section 13.10.325	5	5	5	5	--
Dwelling unit, accessory, subject to Section 13.10.681	5	5	5	5	5
Dwelling unit, one detached single-family per parcel	3	3	3	3	3
Dwelling unit, one semi-detached (in RE3 and RM in groups of 6 units or less; in R-1 only in R-1-4 or R-1-3.5 with maximum of 2 units per group)					
2--4 units	--	--	5	5P	5P
5--19 units	--	--	6	6P	6P
20+ units	--	--	7	7P	7P

USE	RA	RR	R-1	RB	RM
Dwelling units, dwelling groups (subject to Rural Residential Density Determinations Chapter 13.14; in R-1: detached units only)					
2--4 units	5	5	5	--	5P
5--19 units	6	6	6	--	6P
20+ units	7	7	7	--	7P
Dwelling units, multi-family					
2--4 units	--	--	--	--	5P
5--9 units	--	--	--	--	6P
20+ units	--	--	--	--	7P
Foster homes for 6 or fewer children, not including those of the proprietary family (see Section 13.10.700-F definition)	P	P	P	P	P
Foster homes for 7 or more children, not including those of the proprietary family (see Section 13.10.700-F definition)	5	5	5	5	5
Home occupations (subject to Section 13.10.613: Level 5 Approval required in certain cases)	P	P	P	P	P
Lodging houses; boarding houses (see Section 13.10.700-L definition)	--	--	--	--	5
Manufactured home as a single-family dwelling on the property (subject to Section 13.10.682)	3	3	3	5	3

USE	RA	RR	R-1	RB	RM
Mobilehome parks (subject to section 13.10.684)					
2--4 units	--	--	--	--	5
5 - 19 units	--	--	--	--	6
20+ units	--	--	--	--	7
Residential care homes for 6 or fewer persons (see Section 13.10.700-R definition)	P	P	P	P	P
Residential care homes for 7 or more persons (see Section 13.10.700-R definition)	5	5	5	5	<b>5</b>
Second unit, subject to Section 13.10.681	4	4	4	4	4

**Visitor Accommodations**, such as

Bed and breakfast inns (subject to Section 13.10.691)	4	4	4	--	4
Visitor accommodations, small-scale, in Special Communities in the Coastal Zone (subject to Chapter 13.20 and VA District Regulations Section 13.10.330, et seq.)	--	--	5	--	5
Visitor accommodations small scale in the Coastal Zone, upon conversion of existing structure (subject to Chapter 13.20 and VA District Regulations Section 13.10.300, et seq.)	5	<b>5</b>	--	--	--
Wineries, under 1,000 gallons annual production as a home occupation, subject to the provisions of Section 13.10.613	P	P	P	P	P



USE	RA	RR	R-1	RB	RM
Wineries, subject to the provisions of Section 13.10.637:					
Under 1,000 gallons and not a home occupation	3	3	--	--	--
Over 1,000 gallons and under 20,000 gallons annual production:					
On parcels under 2.5 acres in size	5	5	--	--	--
On parcels 2.5 acres or larger	3	5	--	--	--
Over 20,000 gallons and under 50,000 gallons annual production on any size parcel	5	5	--	--	--
Over 50,000 gallons annual production on any size parcel	6	6	--	--	--

### SECTION III

County Code Section 13.10.323(e) is hereby amended to read:

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

1. Structural Encroachments. Eaves, chimneys, uncovered, unenclosed porches, decks, stairways and landings may extend into required front and rear yard 6 feet, provided, that balconies, porches, 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.

2. Structures Designed for Solar Access.

(i) 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:

a. The purpose of the reduction is to incorporate an active or passive solar energy system into the

new building; and

b. The building envelope would comply with all zoning provisions if oriented parallel to the lot lines; and

c. The reduced yard requirement will not restrict emergency access or present a fire hazard; and

d. 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.

(ii) 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:

a. The reduced yard requirement will not restrict emergency access, or present a fire hazard; and

b. 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

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

3. Structures Larger Than 7,000 Square Feet. No residential structure shall be constructed which will result in 7,000 square feet of floor area or larger, exclusive of accessory structures, unless a Level V approval is obtained pursuant to the provisions of Section 13.10.325. (Ord. 4194, 5/12/92; 4286, 12/14/93)

4. Structures Exceeding Two Stories. Outside the Urban Services Line, the number of stories in a residential structure shall not be limited by the provisions of Section 13.10.323(b) above. (Ord. 4371, 5/23/95)

5. Structures Exceeding 28 Feet.

(i) 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	MAXIMUM HEIGHT ABOVE EXISTING GRADE	PLANNING APPROVALS REQUIRED
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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

(Ord. 3593, 11/6/84; 4194, 5/12/92; 4496-C, 8/4/98)

(ii) With Design Review. Building heights up to a maximum of 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. (Ord. 4194, 5/12/92)

#### 6. Accessory Structures.

(i) Water Tanks and Propane Tanks. Water tanks which are required for fire protection and/or domestic use may be erected to within 3 feet of any property line provided that the proposed location is a written requirement from the County Fire Marshal, appropriate fire agency or Environmental Health Service. Propane/LP gas tanks may be erected to within 5 feet of any property line provided that the proposed location is a written requirement from the County Fire Marshal or appropriate fire agency. A landscaped screen shall be provided for any tank located within the required front yard.

(ii) 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 120 square feet in size and 10-feet or less in height may be constructed to within 3 feet of the side and rear property lines. A detached second unit subject to the provisions of Section 13.10.681, may be located within five feet of the side and ten feet of rear property lines, provided the design guidelines of Section 13.10.681 are satisfied and the approval of the Zoning Administrator is obtained. (Ord. 4324A, 8/9/94; 4495, 3/24/98)

(iii) Separation. The minimum distance between any two detached structures shall be 10 feet with the following exceptions: eaves, chimneys, cantilevered, uncovered, unenclosed balconies, porches, decks; and uncovered, unenclosed stairways and landings may encroach 3 feet into the required 10 foot separation.

(iv) On Reversed-Corner Lots. On a reversed-corner lot, accessory structures shall be located not closer to the rear property line than the required side yard on the adjoining key lot, and not closer to the side property line adjoining the street than the required front yard of the adjoining key lot.

(v) Distance from Alleys. Detached accessory structures shall not be located within **6** feet of any alley.

#### SECTION IV

Severability. If any provision of this section or its application to any person or circumstance is declared invalid or unenforceable by a court of competent jurisdiction, this section, to the extent it can be given effect, or the application of this section to persons other than the person whom it is held invalid, shall not be affected thereby, and to this end, the provisions of this section are severable.

#### SECTION V

The Board of Supervisors hereby finds, determines, and declares that this ordinance is adopted consistent with Government Code Section 65858 and is necessary for the protection of the public health, safety, and general welfare. The facts constituting the need for such a measure are set forth in the preamble to this ordinance.

In accordance with Government Code Section 65858, this ordinance shall be in force and effect for a period of 10 months and 15 days from its adoption unless, after formal public hearing, the Board of Supervisors, by four-fifths vote, extends the interim ordinance in accordance with Government Code Section 65858.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2001 by the Board of Supervisors of the County of ~~Santa~~ Cruz by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

\_\_\_\_\_  
Chairman of the Board of Supervisors

Attest: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant County Counsel