ORDINANCE NO. 2012-06

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING PORTIONS OF TITLE 24, INCLUDING CHANGES TO SECTIONS 24.01.130, 24.08.430, 24.10.1540, 24.12.190; AND ADDING NEW SECTION 24.12.200 TO THE SANTA CRUZ MUNICIPAL CODE AND TO THE LOCAL COASTAL IMPLEMENTATION PLAN.

Section 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AS FOLLOWS:

Chapter 24.04.130 of the Santa Cruz Municipal Code is hereby amended to read as follows:

Chapter 24.04 ADMINISTRATION

Sections:	
24.04.010	Purpose.
24.04.020	Decision-making bodies and officials.
24.04.030	Types of permits and other actions authorized by this title.
24.04.040	Environmental review.
24.04.050	Permit application, submittal and processing.
24.04.051	Requirements for preparers.
24.04.052	Completeness of application.
24.04.060	Time limits.
24.04.070	Fees – Applications or appeals – Penalties.
24.04.080	Conditions of application approval.
24.04.090	Public hearing requirement.
24.04.100	Notice of hearing.
24.04.101	Required public notice.
24.04.110	Continuance of hearing.
24.04.120	Findings required.
24.04.130	Decision-making body with final authority on application approval.
24.04.140	Effective date of actions.
24.04.150	Multiple permit processing and action.
24.04.160	Life of permit.
24.04.165	Application withdrawal – Procedure.
24.04.170	Resubmittal of denied or withdrawn applications.

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24.04.175 City council review. 24.04.180 Appeal procedure. 24.04.181 Where to file appeals. 24.04.182 Procedure for appeals. 24.04.183 Notice of appeal. 24.04.184 Stay, pending appeal. 24.04.185 Hearing on appeal. Appeals to Coastal Commission. 24.04.186 24.04.187 Emergency permits. 24.04.188 Occupancy permits. 24.04.190 Limitation of actions attacking decisions. 24.04.200 Court action – Burden of proof. 24.04.210 Enforcement authority. 24.04.212 Deed restrictions. 24.04.214 Issuance of permit. 24.04.220 Administrative enforcement – Investigations. 24.04.221 Stop orders. Zoning enforcement hearing. 24.04.222 24.04.223 Procedure for zoning enforcement hearings. 24.04.224 Notice of violation. 24.04.225 Revocation of zoning permits. 24.04.226 Cumulative remedies. 24.04.230 Judicial enforcement. 24.04.240 Coastal permit enforcement. 24.04.250 Violations.

24.04.130: DECISION-MAKING BODY WITH FINAL AUTHORITY ON APPLICATION APPROVAL.

The following table indicates the decision-making body who can approve, deny or conditionally approve an application, whether or not a public hearing is required and the bodies to which appeals can be made:

- 1. The planning commission and city council may refer certain aspects of any application to the zoning administrator for final action.
- 2. The zoning administrator may refer any of the matters on which he/she is authorized to act to the planning commission or historic preservation commission.
- 3. Recommendations for approval on General Plan matters and Zoning Ordinance text and map amendments shall require a majority vote of the planning commission; all other actions shall require a majority of the hearing body present at the meeting.

	Public Hearing Requirement and Decision making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in
Permits/Actions****	Action	Recommendation	Action	order)
Coastal Permit	ZA (ADU)		ZA*	CPC/CC/CCC*
Administrative Use Permit			ZA	CPC/CC
Conditional Driveway Permit			ZA	CPC/CC
Conditional Fence Permit	ZA		ZA	CPC/CC
Slope Regulations Modifications (Variance)			CPC	CC
Slope Regulations Modifications (Design Permit)	ZA			CPC/CC
Design Permit –	ZA			CPC/CC
Substandard lots: new two-story structures and second-story additions			ZA	CPC/CC
Large homes per Section 24.08.450			ZA	CPC/CC
Signs Over 30 Sq. Ft.	ZA			CPC/CC
Wireless telecommunications facilities	ZA		ZA	CPC/CC
New structures or improvements to existing structures in the WCD Overlay which are exempt or excluded from coastal permit requirements	ZA			CPC/CC
New structures or improvements to existing structures in the WCD Overlay			ZA	CPC/CC

	Decisi	Public Hearing Requirement and Decision making Body Which Can Approve an Application		
	No Public Hearing	Public Hearing		Appeal Bodies (in
Permits/Actions****	Action	Recommendation	Action	order)
which require a coastal permit				
Demolition Permit				
Single-family residential	ZA			CPC/CC
2. Multifamily residential			CPC	СС
3. Historic demolition permit			HPC	СС
General Plan Text and Map Amendments		CPC	CC/CCC***	
Historic Alteration Permit			HPC	CC
Administrative Historic Alteration Permit	ZA			HPC/CC
Historic Building Survey:				
Building designation, deletion		HPC	СС	
Historic District Designation		HPC/CPC	CC	
Historic Landmark Designation		HPC	СС	
Mobile Homes (Certificate of Compatibility)	ZA			CPC/CC
Mobile Home Park Conversion			CPC	CC
Outdoor Extension Areas per 24.12.200	ZA			CPC/CC
Planned Development Permit		CPC	CC	
Project (Major) Modification	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Project (Minor) Modification	ZA			CPC/CC
Relocation of Structures Permit	ZA			CPC/CC
Revocation Permit		ng by ZA or body ving application		Appeal to next highest body(ies)

Public Hearing Requirement an Decision making Body Which C Approve an Application		ich Can		
	No Public Hearing	Public Hearing		Appeal Bodies (in
Permits/Actions****	Action	Recommendation	Action	order)
Special Use Permit			CPC	СС
Variance			ZA	CPC/CC
Watercourse Variance			CPC	CC
Watercourse Development Permit	ZA			CPC/CC
Zoning Ordinance Text and Map Amendments				
Amendments recommended by CPC		CPC	CC/CCC***	
Amendments not recommended by CPC		CPC		CC/CCC***

- * For projects seaward of the mean high tide line, and in the case of appealable actions, the California Coastal Commission shall be the decision-making body which can finally approve an application.
- *** California Coastal Commission in case of CLUP policy, CLIP elements.

(Ord. 2008-17 § 2 (part), 2008: Ord. 2006-02 § 1 (part), 2006: Ord. 2004-27 § 3, 2004: Ord. 2004-02 § 6, 2004: Ord. 2003-17 § 10, 2003: Ord. 2003-16 § 10, 2003: Ord. 2000-27 § 1, 2000: Ord. 99-17 § 2, 1999: Ord. 94-34 § 2, 1994: Ord. 94-33 § 5, 1994: Ord. 91-14 § 1, 1991; Ord. 90-09 § 1, 1990; Ord. 86-12 § 1, 1986: Ord. 85-05 § 1 (part), 1985).

Section 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AS FOLLOWS:

At a regularly scheduled meeting, a majority of the council may take an action to direct any project or amendment to be called from a lower hearing body prior to a final action or during an appeal period in accordance with Section 24.04.175(2).

24 00 400 B

Chapter 24.08 Part 5 of the Santa Cruz Municipal Code is hereby amended to modify the following sections.

Chapter 24.08 LAND USE PERMITS AND FINDINGS

24.08.400	Purpose.
24.08.410	General provisions.
24.08.420	Procedure.
24.08.430	Findings required – General.
24.08.440	Findings required – Substandard residential lot development.

24.08.450 Guidelines for large homes in single-family areas.

Part 5: DESIGN PERMIT

24.08.400 PURPOSE.

The purpose of the design permit is to promote the public health, safety and general welfare through the review of architectural and site development proposals and through application of recognized principles of design, planning and aesthetics and qualities typifying the Santa Cruz community. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

(Ord. 2002-17 § 1 (part), 2002: Ord. 94-33 § 16, 1994: Ord. 85-05 § 1 (part), 1985).

24.08.410 GENERAL PROVISIONS.

A design permit shall be required for the following types of projects:

- 1. Multiple dwellings and dwelling groups containing three or more dwelling units;
- 2. New structures intended for commercial use;
- 3. New structures intended for industrial use;
- 4. Commercial or industrial uses of land not involving a building;
- 5. Accessory structures and uses except those accessory uses of structures associated with a single-family dwelling;

- 6. Any structure on, or use of, a substandard residential lot, except for structures which provide access to the first floor for the physically challenged;
- 7. Any exterior remodeling and/or site alteration of either fifty thousand dollars or twenty-five percent additional floor area to any existing commercial or industrial building or structure, except within the Downtown Recovery Plan (DRP) area within which a Design Permit shall be required for any exterior alteration or remodeling, including signage, for which the construction costs of such work exceeds ten thousand dollars; the design of such exterior improvements shall provide an attractive, visually interesting, and pedestrian-scale facade treatment;
- 8. All signs except the following:
 - a. Any permanent freestanding sign or signs five feet in height or lower as measured from grade and containing an aggregate area of thirty square feet or less;
 - b. Real estate signs of six square feet or less in area, placed on a property and advertising that property for sale, lease or rent;
 - c. Signs placed within windows;
 - d. Any sign required by law or placed to protect health and safety;
 - e. Public art;
 - f. Construction project signs conforming to other requirements of Part 6 of this chapter;
- 9. Short-term signs;
- 10. Banners;
- 11. Any project where the applicant is a public agency over which the city may exercise land use controls;
- 12. Public projects in the Coastal Zone, including but not limited to buildings, roads, bridges, wharf structures, shoreline riprap, and port district projects;
- 13. Any project which requires a design permit as a result of a specific city action or as a result of a condition of a prior project approval;
- 14. Parking lots with capacity for five or more spaces;
- 15. Any project which requires a planned development permit;

- 16. Single-family homes over four thousand square feet in R-1-10, three thousand five hundred square feet in R-1-7, and three thousand square feet in R-1-5 zoning districts;
- 17. Any structures in the West Cliff Drive Overlay District;
- 18. New development and remodels with a cost of more than ten thousand dollars within the Mission Street Urban Design Plan Overlay District shall be consistent with the Development standards and Design Guidelines found in that plan;
- 19. Wireless telecommunications facilities.

(Ord. 2004-27 § 2, 2004: Ord. 2004-02 § 1, 2004: Ord. 2002-17 § 1 (part), 2002: Ord. 2001-01 § 1, 2001: Ord. 2000-27 § 2, 2000: Ord. 2000-20 § 2, 2000: Ord. 95-30 § 2, 1995: Ord. 94-34 § 8, 1994: Ord. 94-33 § 17, 1994: Ord. 92-18 § 1, 1992; Ord. 88-20 § 1, 1988: Ord. 85-05 § 1 (part), 1985).

24.08.420 PROCEDURE.

Applications for design permits shall be acted upon by the zoning administrator unless the design permit is accompanied by an application which must be heard by a higher body (planning commission or city council) or pertains to new two-story structures and/or second-story additions on substandard residential lots, in which case the permit shall be acted upon by the zoning administrator at a public hearing.

(Ord. 94-34 § 9, 1994: Ord. 89-19 § 2, 1989: Ord. 85-05 § 1 (part), 1985).

24.08.430 FINDINGS REQUIRED - GENERAL.

All applications for design permits shall be reviewed in relation to established criteria for design review. Applications for design review shall be approved if proposed buildings, structures, streets, landscaping, parking, open space, natural areas and other components of the site plan conform with the following criteria, as applicable.

- 1. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.
- 2. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.
- 3. Design of the site plan shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious, materials and colors which blend with elements of the site plan and surrounding areas. Location of

structures should take into account maintenance of public views; rooftop mechanical equipment shall be incorporated into roof design or screened from public rights of way to the extent possible. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters shall be accessible and screened.

- 4. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan shall take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.
- 5. The orientation and location of buildings, structures, open spaces and other features of the site plan shall be such as to maintain natural resources including significant trees and shrubs to the extent feasible, maintain a compatible relationship to and preserve solar access of adjacent properties, and minimize alteration of natural land forms, building profiles, location, and orientation must relate to natural land forms.
- 6. The site plan shall be situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan shall restore and enhance visual quality of visually degraded areas.
- 7. The site plan shall minimize the effect of traffic conditions on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.
- 8. The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists, including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate, and other incentive provisions considered which encourage nonauto travel.
- 9. The site shall provide open space and landscaping which complement buildings and structures. Open space should be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.
- 10. The site plan shall reasonably protect against external and internal noise, vibration and other factors which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.

- 11. Signs shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the buildings or structures to which they are attached. Multiple signs on a given site should be of a consistent theme.
- 12. Building and structures shall be so designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling and ventilation.
- 13. The site plan shall incorporate water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting shower heads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.
- 14. In all projects in Industrial (I) Zones, building design shall include measures for reusing heat generated by machinery, computers and artificial lighting.
- 15. In all projects in Industrial (I) Zones, all buildings and structures shall be so designed and oriented to make use of natural lighting wherever possible.
- 16. Heating systems for hot tubs and swimming pools shall be solar when possible but in all cases energy efficient.
- 17. Enhance the West Cliff Drive streetscape with appropriate building mass, modulation, articulation, coloring and landscaping that is compatible with and would not diminish the visual prominence of the public open space.

(Ord. 2000-27 § 3, 2000: Ord. 85-05 § 1 (part), 1985).

Section 3. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AS FOLLOWS:

Chapter 24.10 Part 16 of the Santa Cruz Municipal Code is hereby amended to modify the following sections.

Chapter 24.10 LAND USE DISTRICTS

- 24.10.1500 Purpose.
- 24.10.1505 Principal permitted uses.
- 24.10.1510 Use permit requirement.
- 24.10.1520 Accessory uses.
- 24.10.1525 Prohibited uses.

24.10.1530 Use determination.

24.10.1540 District regulations.

Part 16: I-G GENERAL INDUSTRIAL DISTRICT

24.10.1500 PURPOSE.

To encourage sound industrial development by providing and protecting an environment for such development, subject to regulations necessary to ensure the purity of the land, air, and waters in Santa Cruz County, and the protection of nearby residential, commercial, and industrial uses of the land from hazards, noise, and other disturbances. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

(Ord. 2012-01 § 2 (part), 2012: Ord. 2004-24 § 1 (part), 2004: Ord. 94-33 § 41, 1994: Ord. 93-21 § 10, 1993; Ord. 89-37 § 1, 1989: Ord. 85-05 § 1 (part), 1985).

24.10.1505 PRINCIPAL PERMITTED USES.

- 1. The following uses are allowed outright, subject to other requirements of the municipal code. (Numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)
 - a. Acting/art/music/dance schools and studios (610);
 - b. Building materials/garden supply stores (220) with less than forty thousand square feet including indoor floor area and outdoor storage, display, or sales area. For building materials/garden supply stores of which fifty percent or more of the square footage will occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG zone exceeds four hundred thousand square feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply;
 - c. Financial, insurance, real estate offices (420);
 - d. Food and beverage preparation (100);
 - e. Furniture and fixtures (120);
 - f. Laboratories and related facilities for research, experimentation, testing, film processing, software development;
 - g. Medical/health offices/laboratories (410);

- h. Millwork textile products (105);
- i. Printing and publishing or lithographic shops and plants;
- j. Professional offices (400);
- k. Professional/personal service (except mortuaries) (310);
- 1. Rental service (360);
- m. Repair, alterations, maintenance (except boat repairs) (340);
- n. Small family daycare facility in a single-family home or duplex;
- o. Start-up fabrication assembly or packaging from light metals, prepared materials, or prefabricated parts, including electrical devices if operated in an area no greater than three thousand square feet, and no hazardous materials are used during the operation;
- p. Storage warehousing (330);
- q. Wholesale trade durable goods (210);
- r. Wholesale trade nondurable goods (200).

(Ord. 2012-01 § 2 (part), 2012: Ord. 2004-24 § 1 (part), 2004: Ord. 96-39 § 22, 1996: Ord. 93-21 § 10, 1993: Ord. 85-05 § 1 (part), 1985).

24.10.1510 USE PERMIT REQUIREMENT.

- 1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code. (Numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)
 - a. Agriculture (000);
 - b. Auto services and repairs, including trucks, heavy equipment and auto towing, subject to performance standards in Section 24.12.900 (350);
 - c. Boat repairs (340D);
 - d. Churches (500);
 - e. Communication and information services (550);
 - f. Community organizations, associations, clubs and meeting halls (570);

- g. Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- h. Educational facilities (public/private) (510);
- i. Fabricated metal products (150);
- j. Food and beverage stores (except liquor and convenience stores) (240);
- k. Forestry services (010);
- 1. Government and public agencies (530);
- m. Leather tanning (110);
- n. Off-site public/private parking facilities, five or more spaces (930);
- o. Other manufacturing and processing industries (except bulk petroleum, scrap and waste materials) (155);
- p. Parks (700);
- q. Stone, clay, glass products (140);
- r. Temporary structures;
- s. Transportation facilities (560);
- t. Utilities and resources (540);
- u. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.
- 2. The following uses require a special use permit and are subject to other applicable requirements of the Municipal Code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions. (Numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)
 - a. Building material/garden supply stores (220) with forty thousand square feet or more including indoor floor area and outdoor storage, display, or sales areas. For building materials/garden supply stores of which fifty percent or more of the square footage will occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant,

available space in existing buildings in the IG zone exceeds four hundred thousand square feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply;

- b. Chemicals and allied products, subject to performance standards (130);
- c. Large family daycare;
- d. Group quarters (850);
- e. Multiple dwellings or condominiums subject to R-M district regulations (830, 840);
- f. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- g. Paper and allied products subject to performance standards (125);
- h. Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- i. Primary metals and material subject to performance standards (145);
- j. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- k. Medical marijuana provider association dispensaries, as defined in Section 24.22.539 and subject to the siting criteria and performance standards in Section 24.12.1300;
- 1. Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
 - (2) The lot size is less than six thousand square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.

- (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
- (4) Ambient interior noise levels can be mitigated below forty-five decibels.
- (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use.
- m. Smoking lounges as defined in Section 24.22.748.2 and subject to the siting criteria and performance standards in Chapter 5.54.
- n. Emergency shelters subject to regulations in Part 17 of Chapter 24.12.

(Ord. 2012-01 § 2 (part), 2012: Ord. 2010-15 § 1 (part), 2010; Ord. 2010-08 § 1 (part), 2010: Ord. 2009-20 § 2, 2009: Ord. 2005-30 § 12, 2005: Ord. 2005-15 § 14, 2005: Ord. 2004-27 § 12, 2004: Ord. 2004-24 § 1 (part), 2004: Ord. 2002-02 § 1 (part), 2002: Ord. 2000-12 § 4, 2000: Ord. 96-39 § 23, 1996: Ord. 95-04 § 8, 1995: Ord. 93-21 § 10, 1993; Ord. 89-37 § 2, 1989; Ord. 88-26 § 14, 1988; Ord. 87-22 § 8, 1987: Ord. 85-05 § 1 (part), 1985).

24.10.1520 ACCESSORY USES.

Uses and buildings customarily appurtenant or incidental to uses listed in Section 24.10.1510 subject to the provisions of Section 24.12.140, including service facilities such as bank ATMs, cafeterias, employee recreation centers, daycare and other similar installations; intended solely for use by the occupants of a principal permitted use or uses.

(Ord. 2012-01 § 2 (part), 2012: Ord. 2004-24 § 1 (part), 2004: Ord. 93-21 § 10, 1993: Ord. 85-05 § 1 (part), 1985).

24.10.1525 PROHIBITED USES.

- 1. Any manufacturing use involving the primary production of products from new materials found to be incompatible with the neighborhood or the city as a whole based on noise, odor, air quality or other adverse environmental impact shall be prohibited.
- 2. No use which either produces or utilizes asbestos in any manufacturing process shall be permitted.
- 3. Refinery of petroleum products or other industrial activities in support of off-shore oil drilling shall not be permitted.

(Ord. 2012-01 § 2 (part), 2012: Ord. 2004-24 § 1 (part), 2004: Ord. 93-21 § 10, 1993; Ord. 85-47 § 5, 1985).

24.10.1530 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing principal permitted uses, and which will not impair the present or potential use of adjacent properties, may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08 of this title.

(Ord. 2012-01 § 2 (part), 2012: Ord. 2004-24 § 1 (part), 2004: Ord. 93-21 § 10, 1993: Ord. 85-05 § 1 (part), 1985).

24.10.1540 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Principal (feet)	50
• Accessory (feet)	25
b. Minimum lot area (net) (sq. ft.)	20,000
c. Front yard (feet)	20
d. Rear yard (feet)	10 ²
e. Side yard	
• Interior (feet)	0 1
• Exterior (feet)	10
f. Distance between buildings on same lot (feet)	10
g. Lot coverage – Maximum (percent)	80 ²

- 1. Except where abutting the boundary of any other zoning district, then not less than the minimum yard required for the adjacent yard in said abutting zoning district.
- 2. Up to an additional five percent of surfaced area may be installed if that area serves as a usable outdoor employee amenity such as recreation or eating facilities, children's play area or similar features.
- 2. Additional Setback Requirement. In any I-G District directly across a street or thoroughfare, not including a freeway, from any R- District, parking and loading facilities shall be at least ten

feet distant from the property line, and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.

3. Other Requirements.

- a. All uses shall be conducted wholly within a completely enclosed building, except for service stations and parking facilities, or other outdoor uses when appropriately screened and as approved by the zoning administrator.
- b. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12.

(Ord. 2012-01 § 2 (part), 2012: Ord. 2004-24 § 1 (part), 2004: Ord. 93-21 § 10, 1993; Ord. 93-20 § 1, 1993: Ord. 85-05 § 1 (part), 1985).

Section 4. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AS FOLLOWS:

Chapter 24.12 Part 2 of the Santa Cruz Municipal Code is hereby amended to modify the following sections:

Chapter 24.12 COMMUNITY DESIGN

24.12.100	Minimum building site.
24.12.110	Setback requirements modifications.
24.12.115	Special street setback requirements for designated streets.
24.12.120	Projections into required yard areas, setbacks and easements.
24.12.125	Landscaping requirement.
24.12.130	Extended storage or parking in yard areas.
24.12.140	Accessory buildings.
24.12.145	Food preparation facility (special purpose).
24.12.150	Height limits modifications.
24.12.160	Fencing and screening.
24.12.170	Overhead transmission lines.

- 24.12.180 Community housing project requirements.
- 24.12.190 Outdoor storage, display or sale of merchandise.
- 24.12.195 Live entertainment
- 24.12.200 Outdoor Extension Areas

Part 2: GENERAL SITE STANDARDS

24.12.190 OUTDOOR STORAGE, DISPLAY OR SALE OF MERCHANDISE.

All merchandise storage, display or sales areas shall be wholly within a completely enclosed building or structure or shall be screened so as not to be visible from an adjacent public street or publicly operated parking lot; except that the area within a completely roofed street alcove or entryway may be utilized for merchandise display, provided that such merchandise is displayed inside the line of the building face and does not present a hazard to pedestrians or encroach on a required building exit.

- 1. Exceptions. The following outdoor sales and commercial activities shall not be subject to the provisions of this section:
 - a. Automobiles, boat, trailer, camper, motorcycle, and motor-driven vehicle sales and rentals;
 - b. Building material and supplies areas in the I-G District;
 - c. Fish markets and beach, surfing, and fishing equipment in the C-B and OF-R-District:
 - d. Fruit and vegetable stands;
 - e. Horticultural nurseries;
 - f. Vending machines, when located in service stations, motels and other drive-in businesses:
 - g. Gasoline pumps, oil racks and accessory items when located on pump islands;
 - h. Vending carts and stands;
 - i. Activities similar to the above, as determined by the zoning administrator;
 - j. Parking lot sales not to exceed three days during any six-month period;

- k. Sidewalk sales, when sponsored by business or civic organizations, not to exceed three days during any six-month period;
- 1. Garage sales when conducted on residentially used property, for a period not to exceed three days during any six-month period;
- m. Sidewalk cafes on private property, subject to approval of an administrative use permit;
- n. Outdoor extension areas for commercial uses, including outdoor sidewalk cafes or retail areas on public property, subject to approval of an administrative use permit and a revocable license per Section 24.12.200;
- o. Temporary circus or carnival activities, subject to approval of an administrative use permit;
- p. Cut flowers.

(Ord. 85-05 § 1 (part), 1985).

24.12.200 OUTDOOR EXTENSION AREAS.

The purpose of outdoor extension areas is to enhance streetscape on the City's corridors by introducing uses attractive to pedestrians into the pedestrian environment, configured and arranged in ways which activate and enliven the public street. These uses include outdoor eating areas, retail areas and landscaping. In this section the term "adjacent business" shall apply to the business using the extension area. If the sidewalk width allows it – the adjacent business maybe separated by the extension area by the public walk way. Section 24.12.196 is applicable citywide, except for areas within the Downtown Recovery Plan which is subject to 24.10.2340.

- 1. Administrative Use Permit and Revocable License. No person shall use an extension area unless an Administrative Use Permit and Revocable License are obtained pursuant to this part.
- 2. Outdoor Extension Area Application. Application for an Outdoor Extension Area shall be made jointly by the property owner and the business operator of the business located on the property adjacent to the extension area, and shall be filed with the planning department on the appropriate application form, accompanied with the following information:
 - a. Name and address of the property owner and business operator. Both parties and/or their authorized representatives shall sign the application.
 - b. The expiration date of the business license of the business intending to operate the extension area.
 - c. A drawing showing the extension area in its relationship to the building, sidewalk and street, for the extension area and thirty feet along the sidewalk in either direction. The drawing shall show dimensions of the extension area, locating doorways and

access points, show width of sidewalk (distance from curb to building face and property line), existing and projected pedestrian traffic movements, location of utilities that might affect or be affected by the application proposal, parking meters, bus stops, benches, trees, landscaping, trash receptacles and other street furniture, or any other potential sidewalk obstruction. The drawing of the extension area shall show its intended use, any furniture or display stands, fixtures, signs, canopies and other overhead appurtenances, landscaping and planters, trash receptacles, and any other matter to be placed in the area.

3. Location and Design Requirements.

- a. The extension area for cafes shall project no more than 10 feet from the property line into the public right-of-way, and in no case shall a cafe extension area result in a unobstructed public walk way of less than 6 feet.
- b. The elevation of the extension area shall be the same as the public sidewalk, and shall meet ADA accessibility standards outlined below.
- c. No permanent structures will be allowed within the public right-of-way, with the exception of ADA complying barriers.
- d. If a separation between the cafe and the public walkway is desired this shall be achieved through low planters or fencing; the maximum height of such planters (including the planting) shall be no more than 4 feet in order to maintain the public view of the extension area. Wind block types of clear fencing can exceed 4 feet.
- e. A canvas awning will be permitted to extend over the full depth of the cafe extension area; no columns or supporting poles will be permitted within the public right-of-way.
- f. The use of removable umbrellas within sidewalk extension areas is also encouraged, provided that 7 feet of clearance is provided from the sidewalk.
- g. Removable wind screens that are of a transparent material and that are an integral part of the planter may be permitted to extend the seasonal use of the cafe area. Such screens shall not exceed a height of 6 feet and shall be separated from the awning to provide for air movement.
- h. Extension areas that include a "take-out" or service window shall submit a management plan that includes specifics on outdoor trash collection and disposal, security and customer queuing. The management plan will include designated staffing and will be designed to ensure that the site is kept clean, trash is managed, that the outdoor area is attractive and that customer queuing does not impeded access to the side walk.
- 4. Conditions of Approval. The Administrative Use Permit and Revocable License may be conditioned to achieve the purpose of this part. In addition to any other appropriate conditions, standard conditions shall include:

- a. The approval for this use shall be issued to the operator of the adjacent business, and shall not be transferable.
- b. The extension area shall be permitted only in conjunction with the establishment which is operating in the adjacent building and to which the extension area is appurtenant.
- c. The applicant shall notify the planning department and police department at least three working days in advance of the date work is to begin to establish the outdoor use.
- d. The applicant shall take actions to assure that the use of the extension area in no way interferes with pedestrians or limits their free and unobstructed passage.
- e. The extension area and all its contents shall at all times be maintained in a clean and attractive condition; all landscaping and planting shall be maintained in a presentable and healthy condition.
- f. The extension area shall be operated in conformance with the hours specified in the approval.
- g. The extension area shall be operated in conformance with any applicable city, county or state laws.
- h. Use of the extension area is approved for an indefinite term, except as it may be limited as a condition of the approval, but shall be subject to termination at any time on thirty days' prior written notice upon a determination by the city that the public interest requires vacating the extension area, or as provided in Section 24.10.2340 subsection (4)(g).
- i. The licensee shall meet the liability and insurance requirements of the City's Risk Manager. A certificate of insurance shall be furnished to the city prior to the use of an extension area.
- Denial, Revocation or Suspension of License. The zoning administrator may deny, revoke, or suspend a license for use of an extension area if it is found:
 - a. That the provisions of this part or conditions of approval have been violated, or
 - b. Any necessary health permit has been suspended, revoked or canceled, or
 - c. The licensee does not meet the insurance requirements of the license, or
 - d. The City determines that the public interest requires vacating the extension area.

City Clerk Administrator

PASSED FO	R PUBLICATION this 22nd day of May, 2012, by the following vote:
AYES:	Councilmembers Madrigal, Beiers, Robinson, Coonerty, Terrazas, Vice Mayor Bryant; Mayor Lane.
NOES:	None.
ABSENT:	None.
DISQUALIFIED:	None.
ATTEST: <u>ss/Bren L</u> City Clerk	APPROVED: <u>ss/Don Lane</u> Mayor <u>ehr</u> Administrator
PASSED FO	R FINAL ADOPTION this 12 th day of June, 2012, by the following vote:
AYES:	
NOES:	
ABSENT:	
DISQUALIFIED:	
	APPROVED:
ATTEST:City Cler	k Administrator
This is to certify that the abo and foregoing document is to original of Ordinance No. 20 and that it has been published posted in accordance with the Charter of the City of Santa	he 012-06 ed or ne