

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 24.04 – ADMINISTRATION; 24.08 – LAND USE PERMITS AND FINDINGS; 24.10 – LAND USE DISTRICTS; 24.12 – COMMUNITY DESIGN; 24.16 – AFFORDABLE HOUSING PROVISIONS; 24.18 – NON-CONFORMING USES AND STRUCTURES; AND 24.22 – DEFINITIONS OF THE SANTA CRUZ MUNICIPAL CODE

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Section 24.04.090 – Public Hearing Requirement of Chapter 24.04 – Administration of the Santa Cruz Municipal Code is hereby amended as follows:

24.04.090 PUBLIC HEARING REQUIREMENT.

A public hearing shall be required for the following:

1. Appeals;
2. Coastal permit except for an accessory dwelling unit;
- ~~3. Conditional driveway permit;~~
- ~~34.~~ Conditional fence permit when required by Section 24.08.062;
- ~~45.~~ Design permit:
 - a. When accompanying another permit requiring a public hearing or upon a zoning administrator determination that a public hearing is required;
 - b. For new two-story structures and/or second-story additions on substandard residential lots;
 - c. For large homes in R-1 Districts per Section 24.08.450;
- ~~56.~~ Demolitions: residential, except for a single-family residence, and historical buildings;
- ~~67.~~ Historic building survey: building designation, deletion;
- ~~78.~~ Historic landmark alteration permit;
- ~~89.~~ Historic landmark designation;
- ~~940.~~ Mobile home park conversion;
- ~~1044.~~ Planned development permit;

~~11~~12. Relocation of structures;

~~12~~13. Revocation of permits;

~~14.~~ Sign permit—public art exception;

~~13~~15. Use permits:

a. Administrative use permit, except when the proposed use is temporary, as defined in this title and half baths in accessory structures;

b. Special use permit (including historic district/historic landmark use permit);

~~14~~16. Variance;

~~15~~17. Watercourse variance;

~~16~~18. Project modifications, pursuant to Section 24.04.160(4)(c);

~~17~~19. Zoning Ordinance and General Plan text and map amendments.

Section 2. Section 24.04.130 – Decision-Making Body with Final Authority on Application Approval of Chapter 24.04 – Administration of the Santa Cruz Municipal Code is hereby amended as follows:

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	
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Permits/Actions*****	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU)*		ZA*	CPC/CC/CCC*
Administrative Use Permit: Large Family Daycare Homes, Temporary Uses, and half baths in accessory buildings	ZA			CPC/CC
<u>Administrative Use Permit: Variations to Parking Design Requirements OR Variations to Number of Required Spaces</u>	<u>ZA</u>			<u>CPC/CC/CCC</u>
Other uses as listed by individual zoning districts as requiring an 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 – Substandard lots: new two-story structures and second-story additions, excluding ADUs	ZA		ZA	CPC/CC CPC/CC

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Large homes per Section 24.08.450			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 which require a coastal permit			ZA	CPC/CC
Demolition Permit				
1. Single-family residential	ZA			CPC/CC
2. Multifamily residential			CPC	CC
3. Historic demolition permit			HPC	CC
4. Nonresidential	ZA**		ZA**	CPC/CC
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	CC	

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Historic District Designation		HPC/CPC	CC	
Historic Landmark Designation		HPC	CC	
Mobile Homes (Certificate of Compatibility)	ZA			CPC/CC
Mobile Home Park Conversion			CPC	CC
Outdoor Extension Areas per Section 24.12.192	ZA			CPC/CC
Planned Development Permit		CPC	CC	
Project (Major) Modification	<u>Reviewed</u> 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	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Sign Permit	ZA			CPC/CC
Special Use Permit			CPC	CC
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***

CCC = California Coastal Commission CC = City Council CPC = City Planning Commission

HPC = Historic Preservation Commission ZA = Zoning Administrator

* 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. In the coastal zone, all proposed accessory dwelling units shall require a Coastal Permit (unless they are exempt or excluded from Coastal Permit requirements) and shall be processed in the manner described in Chapter 24.04 and Sections 24.08.200 et seq. (including in terms of public noticing and process for appeal to the Coastal Commission) except that no public hearing shall be required. In addition to all other applicable LCP requirements, standards for ADUs in the coastal zone are specified in Section 24.12.140.10.

** Such permits shall be issued administratively, without a public hearing, unless a cultural resources evaluation, prepared by a qualified consultant as determined by the zoning administrator, determines that the building or structure is eligible for listing on the city Historic Building Survey.

*** California Coastal Commission in case of CLUP policy, CLIP elements.

**** 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).

Section 3. Section 24.04.160 – Life of Permit of Chapter 24.04 - Administration of the Santa Cruz Municipal Code is hereby amended as follows:

24.04.160 LIFE OF PERMIT.

Sections 24.04.160(1) through (3) remain unchanged.

4. Modifications.

a. Minor Modifications. The zoning administrator may modify conditions imposed on any permit at the request of the permit holder where evidence has been submitted that the requested modifications:

- (1) Will not significantly alter the approved permits; and

(2) Are made on the basis of changed circumstances since the original approval; and

(3) ~~Amend a project with a previously approved design permit.~~ Would not contradict or go against any direction in the record that was instrumental in the approval of the original permit.

b. Minor Modification Criteria. The zoning administrator may approve any requested minor modifications on any permit which involves minor increases in floor area that do not exceed fifteen percent of the approved project or involve use intensifications permitted by the zone that do not increase parking above fifteen percent of the approved parking for the project without a public hearing as long as the proposed modification is consistent with all sections of the Zoning Ordinance. Only one such modification or project will be allowed within any five-year period without review by the ~~zoning board~~ Planning Commission or at a publicly noticed Zoning Administrator hearing if the original approval was administrative or was decided at a public hearing before the Zoning Administrator. Additional modifications not related to such increases in floor area or use intensifications may be approved without a public hearing.

c. Major Modifications. The zoning administrator shall refer to the decision-making body with final authority for review and action ~~of~~ any requested modifications which involve significant increases in size or nature of an approved project beyond those limits set in subsection (b). A public hearing will be required unless the permit proposed for modification was approved administratively, in which case the modification may also be decided administratively.

Section 4. Section 24.08.025 – Use Permit Modifications of Part 1: Use Permits of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

24.08.025 USE PERMIT MODIFICATIONS.

~~Except as set forth in Section 24.04.160 (4)(a) and (4)(b), a~~ An application for modification to a use permit for property or portion thereof upon which a use permit has been previously issued, shall be treated as an application for a new use permit and, in the coastal zone, for a new coastal permit or coastal exclusion with the exception of minor amendments conforming with Section 24.04.160(4)(a) and (b) that are consistent with current General Plan Policies and Zoning regulations, which can be processed as a Minor Modification pursuant to the procedures set forth in Section 24.04.160(4)(a) and (b). Consistency with Section 24.04.160(4)(a) and (b) does not preclude a referral of a Minor Modification to the Planning Commission for action. ~~Use permit modifications include applications for a new use, for a different intensity of existing use or for a change of conditions of existing use permit. A new use permit supersedes or revokes only those use permits authorizing use of the same space authorized by the existing permit. It will not affect other uses or use permits on the same site.~~

Section 5. Section 24.08.030 – Procedure – Administrative Use Permit of Part 1: Use Permits of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

24.08.030 PROCEDURE – ADMINISTRATIVE USE PERMIT.

1. The zoning administrator is hereby authorized to issue use permits for all uses designated in the district regulations of this title as being subject to the issuance of an administrative use permit.
2. A public hearing shall be held, except in the following cases:
 - a. ~~Where~~ Where the proposed use is temporary, as defined herein; ~~or~~
 - b. Where the proposed use pertains to a large family daycare home as defined in Section 24.22.355; or
 - c. Where the proposed use is for the construction of a half bathroom in an accessory building, subject to the requirements in section 24.12.140.

Section 6. Section 24.08.410 – General Provisions of Part 5: Design Permit of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

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 or structures customarily associated with and accessory to a single-family dwelling unless a design permit is otherwise required in this title;
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 and accessory structures that are less than 120 square feet and less than 15 feet in building height. Such accessory structures shall be included in the calculation of maximum lot coverage pursuant to Section 24.08.440 of this title;

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 Central Business District (CBD) zone and for properties within the Mission Street Urban Design Plan area, within which a design permit shall be required for any exterior alteration or remodeling for which the construction costs of such work exceed ten thousand dollars; the design of such exterior improvements shall ~~provide an attractive, visually interesting, and pedestrian-scale facade treatment~~ be consistent with the applicable design requirements contained in the Downtown Plan or Mission Street Urban Design Plan.
8. Any project where the applicant is a public agency over which the city may exercise land use controls;
9. Public projects in the Coastal Zone, including but not limited to buildings, roads, bridges, wharf structures, shoreline riprap, and port district projects;
10. 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;
11. Parking lots with capacity for five or more spaces;
12. Any project which requires a planned development permit;
13. 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;
14. Any structures in the West Cliff Drive Overlay District.

Electric vehicle charging stations are exempt from the requirement for a design permit.

Section 7. Section 24.08.430 – Findings Required - General of Part 5: Design Permit of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

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 and building design are ~~shall be~~ consistent with ~~physical~~ design and development policies of the General Plan, any ~~required or optional~~ element of the General Plan, and any area plan, ~~or~~ specific plan, or other city policy for physical development. If located in the Coastal Zone, ~~a~~ the site plan and building design are ~~shall~~ also be consistent with policies of the Local Coastal Program.

2. For non-residential projects, the project's location, size, height, operations, and other significant features and characteristics are compatible with and do not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, safety, and welfare. For residential projects, the project complies with the objective standards and requirements of the zoning district in which it is located, as well as any objective standards of any area plan or other regulatory document that applies to the area in which the project is located.

3. For non-residential projects, the project provides for an arrangement of uses, buildings, structures, open spaces, and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

24. 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.

35. Design of the site plan ~~shall respects~~ design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious, and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures ~~should~~ takes into account maintenance of public views; rooftop mechanical equipment ~~shall be is~~ 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~~ are accessible and screened.

46. 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.

57. To the extent feasible, 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,~~ minimize impacts to solar access of adjacent properties, and minimize alteration of natural land forms; building profiles, location, and orientation must relate to natural land forms.

68. The site plan ~~shall be~~ ensures that the scale, bulk, and setbacks of new development preserves important public situated and designed to protect views along the ocean and of designated scenic coastal areas. Where appropriate and feasible, the ~~site plan~~ project 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.~~

109. 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.

104. 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, and lighting.

~~112. 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.~~

~~13. In all projects in Industrial (I) Zones, building design shall include measures for reusing heat generated by machinery, computers and artificial lighting.~~

~~14. 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.~~

~~15. Heating systems for hot tubs and swimming pools shall be solar when possible but in all cases energy efficient.~~

~~16. Enhance the West Cliff Drive streetscape with appropriate building mass, modulation, articulation, coloring and landscaping that are compatible with and would not diminish the visual prominence of the public open space.~~

Section 8. Section 24.08.440 – Standards for Substandard Lot Residential Development of Part 5: Design Permit of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

24.08.440 STANDARDS FOR SUBSTANDARD RESIDENTIAL LOT DEVELOPMENT.

Whenever a project is proposed for a substandard residential lot, as defined in Section 24.22.520, applications for design review shall be approved if the findings set forth in Section 24.08.430 can

be made and proposed buildings, structures, landscaping and other components of the site plan conform to the following additional criteria:

1. The maximum allowable lot coverage for structures shall be forty-five percent. Lot coverage shall include the footprints of the first floor, garage and other accessory buildings (attached and detached), decks and porches (greater than thirty inches in height and not cantilevered), ~~accessory buildings (attached and detached)~~, and any second-story cantilevered projection (enclosed or open) beyond two and one-half feet. Decks under thirty inches in height or fully cantilevered with no vertical support posts do not count toward lot coverage for this purpose. Second-story enclosed cantilevered areas that project less than thirty inches from the building wall do not count toward lot coverage. For such areas that project more than thirty inches from the building wall, only the floor area that projects more than thirty inches shall be counted as toward lot coverage.

Sections 24.08.440(2) through (7) remain unchanged.

Section 9. Section 24.08.450 – Guidelines for Large Homes in Single-Family Areas of Part 5: Design Permit of Chapter 24.08 – Land Use Permits and Findings of the Santa Cruz Municipal Code is hereby amended as follows:

24.08.450 GUIDELINES FOR LARGE HOMES IN SINGLE-FAMILY AREAS.

1. Purpose. The intent of the design permit findings for large-scale residential buildings is to protect existing neighborhood character and identity by development guidelines that promote a variable streetscape by requiring a variety of building massing and placements, and also by maintaining existing neighborhood patterns to limit obtrusive visual impacts on nearby properties.

2. Determination of Large Home. Single-family homes over four thousand square feet in R-1-10 zoning districts, three thousand five hundred square feet in R-1-7 zoning districts, and three thousand square feet in R-1-5 zoning districts are considered “large homes.” The square footage of the home shall be calculated based on the gross square footage of the main structure, including any attached and detached garages or other accessory structures, not including accessory dwelling units ~~accessory structures such as ADUs and garages, plus any square footage of a detached garage~~. For properties with detached garages in the rear one-half of the lot, a credit shall be given for the size of the garage up to four hundred twenty square feet, which shall not be counted toward the square footage of the home. Detached garage square footage over four hundred twenty square feet shall be included in the square footage of the home. The square footage of accessory dwelling units shall not be counted as part of the home.

Section 10. Section 24.10.330 – Use Permit Requirement of Part 4: R-1 Single-Family Residential District of Chapter 24.10 – Land Use Districts of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.330 USE PERMIT REQUIREMENT.

Section 24.10.330(1) remains unchanged.

2. The following uses are subject to approval of an administrative use permit and a design permit:

Sections 24.10.330(2)(a) through (g) remain unchanged.

h. Two-family dwellings (duplexes) on corner lots having an area of seven thousand five hundred square feet or more, and subject to the following limitations:

- ~~(1) The area is characterized by mixed residential uses;~~
- ~~(2) Such uses shall be permitted in entirely new structures only;~~
- ~~(3) Duplexes will not be approved on properties within five hundred feet of existing duplexes or approved duplex locations;~~
- ~~(4) Such duplexes shall maintain at least two thousand square feet of usable open space, one thousand square feet of which shall be directly accessible to each unit within the duplex;~~
- ~~(5) The units shall be designed so that each faces on one of the streets forming the intersection;~~
- ~~(6) Setbacks from the street shall be the same as for a single-family dwelling, i.e., the setback from one street shall be considered a front yard setback and the setback from the other street shall be considered an exterior side yard setback; however, garages or carports shall have a minimum setback of twenty feet from the property line to the vehicle entrance of the structure be arranged so that at least one faces each of the intersecting streets, and in all cases shall be set back at least twenty feet from the property line.~~
- ~~(7) There shall be a differential of at least twenty percent in the total floor area of the individual units.~~

Section 11. Section 24.10.410 – Principal Permitted Uses of Part 5: R-L Multiple Residence - Low Density District of Chapter 24.10 – Land Use Districts of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.410 PRINCIPAL PERMITTED USES.

The following uses are permitted outright if a design permit is obtained for new structures and environmental review is conducted in accordance with city and state guidelines. Design permits are not required for accessory structures and additions that are less than 120 square feet and less

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than 15 feet in building height. (Numerical references at the end 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):

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structure(s). (830, 840)
2. Community care facilities including daycare (except family daycare homes), retirement homes and foster homes (six or fewer).
3. Small family daycare homes.
4. Large family daycare homes in single-family dwellings or duplexes.
5. Two-family dwellings, subject to the density requirements in the General Plan.
6. Community garden.
7. Single-family dwellings, subject to the density requirements in the General Plan.
8. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
 - a. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
 - b. Park and recreational facilities.
 - c. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - d. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings, and Section 24.10.430.
9. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.
10. Supportive and transitional housing.

Section 12. Section 24.10.510 – Principal Permitted Uses of Part 6: R-M Multiple Residence - Medium Density District of Chapter 24.10 – Land Use Districts of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.510 PRINCIPAL PERMITTED USES.

The following uses are permitted outright if a design permit is obtained for new structures and environmental review is conducted in accordance with city and state guidelines. Design permits

are not required for accessory structures and additions that are less than 120 square feet and less than 15 feet in building height. (Numerical references at the end 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):

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
2. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
3. Community garden.
4. Small family daycare homes.
5. Large family daycare homes in single-family home or duplex.
6. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
 - a. Park and recreational facilities.
 - b. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
 - c. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - d. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings, and Section 24.10.530.
7. Supportive and transitional housing.
8. Accessory Dwelling Units on parcels with an approved residential use, subject to the provisions of Chapter 24.16 Part 2, except accessory dwelling units are not subject to approval of a design permit.

Section 13, Section 24.10.565 – Principal Permitted Uses of Part 6A: R-H Multiple Residence - High Density District of Chapter 24.10 – Land Use Districts of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.565 PRINCIPAL PERMITTED USES.

The following uses are permitted subject to a design permit for new structures in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (numerical references at the end 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

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found in the land use codes, but they are not intended to be an exhaustive list of potential uses). Design permits are not required for accessory structures and additions that are less than 120 square feet and less than 15 feet in building height. Environmental review must be conducted in accordance with city and state guidelines:

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures; (830, 840)
2. Small community care residential facilities including daycare (except family daycare homes), foster homes, and retirement homes, with six or fewer persons; (800A)
3. Small family daycare homes; (510a)
4. Large family daycare homes in single-family dwellings or duplexes; (510a)
5. Supportive and transitional housing.
6. Accessory Dwelling Units on parcels with an approved residential use, subject to the provisions of Chapter 24.16 Part 2, except accessory dwelling units are not subject to approval of a design permit.

Section 14. Section 24.10.570 – Accessory Uses of Part 6A: R-H Multiple Residence - High Density District of Chapter 24.10 – Land Use Districts of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.570 ACCESSORY USES.

Accessory uses are principally permitted subject to a Design Permit when they are a subordinate use to the principal use of the lot: -Design permits are not required for accessory structures and additions that are less than 120 square feet and less than 15 feet in building height.

1. Garages and parking areas, private;
2. Home occupations subject to home occupancy regulations as provided in Section 24.10.160;
3. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Sections 24.12.140 and 24.10.575.

Section 15. Section 24.12.130 – Extended Storage or Parking in Yard Areas of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of the Santa Cruz Municipal Code is hereby amended as follows:

24.12.130 EXTENDED STORAGE OR PARKING IN YARD AREAS.

1. General. The extended parking or storage of vehicles, trailers, airplanes, boats, building materials or the like, within the front and exterior side yard creates a fire hazard; constitutes a nuisance per se; constitutes an attractive nuisance to children; may create a traffic hazard by obscuring vision of cross traffic at corners; may cut off light and air from adjacent buildings; and detracts from the attractiveness of the city and lowers property values therein, defeats the purposes of this title and does not conform with the intent and purpose of the General Plan.
2. Parking and Storage Prohibited. No motor vehicle, mobilehome, trailer, airplane, boat, parts of any of the foregoing, or the like or building materials or discarded or salvaged materials shall be parked or stored in any front or exterior side yard for more than forty-eight consecutive hours. This regulation shall not apply to:
 - (i) Building materials for use on the premises and stored therein during the time a valid building permit is in effect for construction on the premises; nor to
 - (ii) Motor vehicles that are registered for operation and are in fully assembled condition when parked on a paved surface.

Section 16. Section 24.12.140 – Accessory Buildings of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of the Santa Cruz Municipal Code is hereby amended as follows:

24.12.140 ACCESSORY BUILDINGS.

Accessory buildings are subject to the regulations and permit requirements of the zoning district in which they are located. Accessory buildings are separate and distinct from Accessory Dwelling Units, which are subject to the regulations in Part 2 of Chapter 24.16 of this title.

1. No setback shall be required for an accessory building except as otherwise provided.
2. No accessory building shall be located in a front or exterior side yard. The vehicle entry side of a garage or other covered parking may not be located closer than twenty feet from front or exterior side yard lot lines; except that the vehicle entry side of a garage or other covered parking may be built to the front and exterior side yard lot lines where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation.
3. Accessory buildings that are less than one hundred twenty square feet in floor area are not required to conform to the distance-between-buildings requirement set forth in the district regulations, Chapter 24.10; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California building standards code.
4. Accessory buildings that are less than one hundred twenty square feet in floor area and less than 15 feet in height are not subject to Design Permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires Design Permit

approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California building standards code.

5. Habitable accessory buildings shall not be located within the front yard nor closer than six feet to the nearest point of the principal building; and shall conform to principal building rear and side yard requirements of the district in which they are located. No habitable accessory building shall be used as a separate dwelling unit except accessory dwelling units as described in Part 2 of Chapter 24.16. Guesthouses for nonpaying guests are allowed only if permitted in the zoning district in which they are located.

6. Accessory buildings may not cover an area in excess of thirty percent of any required yard setback area for the primary structure. In the coastal zone, standards applicable to accessory dwelling units can be found in Section 24.12.140.10. The footprint of accessory dwelling units shall count toward the maximum allowable lot coverage by other accessory structures in yard setback areas; however, the maximum allowable lot coverage does not apply to the accessory dwelling unit itself.

7. An accessory building attached to a main building by a breezeway is not part of the main building.

8. An accessory building may have one sink and/or a clothes washer installed in it if a building permit is obtained. A property with multiple accessory buildings may have a sink in only one accessory building without approval of an administrative use permit. Any additional plumbing fixtures would require an administrative use permit subject to findings listed in subsection (9) and a building permit for the approved improvements.

9. Except for accessory dwelling units, accessory buildings may contain a full bathroom only when an administrative use permit is approved in accordance with district regulations and all of the following findings are made:

- a. The structure and use are subordinate to the principal use; and
- b. The purpose of the use is incidental to the principal use; and
- c. The use is customarily or reasonably appurtenant to the permitted use; and
- d. The structure will not be used as a dwelling unit except as set forth in Chapter 24.16, Part 2, Accessory Dwelling Units; and
- e. A deed restriction will be recorded limiting the use of the structure to that approved under the permit unless otherwise authorized by the city.

10. In the coastal zone, and in addition to meeting all other applicable requirements (e.g. standards specified in Sections 24.16.100 et seq.), ADUs shall meet the following additional standards:

- a. ADUs are allowed in any zone that allows residential uses on lots of any size, in conjunction with a proposed or existing residential use, provided they are sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable LPC policies and standards, including those that govern wetlands, streams, environmentally sensitive habitat areas, public views, and coastal bluffs.

- b. Off-street parking shall be required in compliance with Section 24.12.240.1.

Section 17. Section 24.12.190 – Outdoor Storage, Display, or Sale of Merchandise of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of the Santa Cruz Municipal Code is hereby amended as follows:

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 Districts;
- 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;~~
- ji. Parking lot sales not to exceed three days during any six-month period;
- kj. Sidewalk sales, when sponsored by business or civic organizations, not to exceed three days during any six-month period;
- lk. Garage sales when conducted on residentially used property, for a period not to exceed three days during any six-month period;
- ml. Sidewalk cafes on private property, subject to approval of an administrative use permit;
- nm. 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 24.12.192;
- on. Temporary circus or carnival activities, subject to approval of an administrative use permit;
- po. Cut flowers-;
- p. Activities similar to the above, as determined by the zoning administrator.

Section 18. Sections 24.12.300 through 24.12.352 of Part 4: Advertising Devices, Signs and Billboards of Chapter 24.12 – Community Design of the Santa Cruz Municipal Code is hereby amended as follows:

24.12.300 PURPOSE.

Regulations in this ordinance governing signs (not in public right-of-way) are established in order to:

1. Accommodate the community’s need to communicate political, civic, public service, religious and other noncommercial messages with a minimum of restraint and to regulate commercial signs;
2. Protect the aesthetic amenities on which the city’s economy and quality of life depend;
3. Promote traffic safety and minimize structural hazards posed by unsafe signs;
4. Achieve consistency between General Plan goals and regulations dealing with size, location and content of exterior signs.

24.12.310 CLASSIFICATION AND REGULATION.

The zoning administrator shall designate an appropriate classification from the following categories (Sections 24.12.320 through 24.12.342 inclusive) for each sign. This section shall apply to all signs citywide unless superseded by regulations specific to an area plan, overlay district, or similar special regulations. Disputes concerning the proper sign category may be appealed to the ~~zoning board~~ **Planning Commission**. In calculating the area of signs, only one side of a two sided sign shall be counted if the parallel planes are not more than twenty inches apart. Time and temperature devices are not included in the sign area, but may not exceed twenty percent of the allowed sign area.

24.12.312 DEFINITIONS

- a. “A-frame sign/sandwich board” shall mean a portable freestanding sign in the shape of the letter “A” as viewed from the side, typically with two sides facing opposite directions.
- b. “Animated sign” shall mean a sign or any device designed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign.
- b. “Canopy/awning sign” shall mean any sign that is part of a structural protective cover over a door or entrance.
- c. “Freestanding sign” shall mean any sign standing on the ground or the support for which stands or rests on the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts, or similar uprights, with or without braces.
- d. “Halo illumination” shall mean a light source that is not visible, where the light fixture is placed on the back side of the letter or sign face, resulting in a glow around the outside of the lettering or sign.

e. “Hanging sign” shall mean a projecting sign which is suspended from an overhang, canopy, marquee, or awning, or from a mounting attached directly to the building wall.

f. “Icon sign” shall mean hanging or projecting signs that depict a physical object, such as a shoe, as opposed to signs that utilize lettering to convey the sign message. Icon signs may or may not include the name of the establishment.

g. “Master Sign Program” shall refer to a program established to integrate all signs into a site or building design to achieve a unified architectural statement. A Master Sign Program provides a means for flexible application of sign regulations for properties with multiple signs, multi-tenant properties, and other properties with unified development, in order to encourage creativity and provide incentives to achieve, not circumvent, the intent of this division.

h. “Projecting sign” shall mean any sign which uses a building structure as its main source of support and contains copy that is mounted at an angle to the building face. Projecting signs may be mounted vertically or horizontally on the support structure.

i. “Public art” shall mean original works of art in any medium, whether two- or three-dimensional, created for placement in public places or integrated projects where the artwork is a part of the underlying architecture or landscape design and that is not prefabricated or a standard design. Artwork should not use letters, words, numerals, figures, emblems, logos or any part or combinations thereof for the purpose of advertising goods, services, or merchandise. Public art should enhance rather than impair pedestrian use of the area, particularly with respect to pedestrian visibility and circulation.

j. “Roof sign” shall mean any sign erected upon or over the roof or parapet of any building.

j. “Sign” shall mean any structure, device, or design and appurtenant light structures used principally to advertise or attract attention of the public. The term shall not include the United States flag, or any governmental flag, properly displayed in an approved manner, patriotic bunting, historic building plaques, and donor’s memorial plaques.

l. “Sign area” shall mean the area which is framed either physically or visually by the construction, design, or layout of the sign itself, but not including supporting structures.

k. “Sign valuation” shall mean the valuation of a sign shall prima facie be the total cost or contract price of the sign. In the event such a cost or price is not available or does not fairly represent the true value of the sign, the valuation shall be based on a reasonable value estimate established by the building official.

k. “Temporary sign” shall mean sign(s) placed for a time not to exceed thirty consecutive calendar days. These signs are generally used for special events or grand openings, but may include the name of a business. Banners are a type of temporary sign which hang over a public street, walkway, or wall to advertise a special event or business.

l. “Time and temperature device” shall mean any mechanism that displays the time and/or temperature, but does not display any advertising or establishment identification.

l. “Wall sign” shall mean any sign posted or painted on, suspended from, or otherwise affixed to the wall of any building or structure in an essentially flat position, or with the exposed face of the sign in a plane approximately parallel and in close proximity to the plane of such wall.

m. “Wind sign” shall mean a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate, or display other movement under the influence of wind.

m. “Window sign/graphics” shall mean any building sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window pane or glass and is visible from the exterior of the window.

24.12.315 TEMPORARY SIGNS.

1. Temporary signs not exceeding two in number and six square feet in total area for each business are allowed provided they meet the description in Section 24.12.312. Such signs shall be professionally designed and printed.
2. Temporary signs such as hastily hand-painted “Sale” signs printed on paper and plastered in windows are not permitted and shall be subject to the enforcement procedures provided under Title 4 of the City of Santa Cruz Municipal Code.
3. Temporary signs shall be allowed no more than three times per year for each individual business.

24.12.317 MASTER SIGN PROGRAM.

A Master Sign Program as described in Section 24.12.312 may be created to allow for a coordinated, long-term sign plan for a multi-tenant building or property, subject to approval of a Sign Permit per Chapter 24.08, Part 6 of this title.

24.12.320 FREESTANDING SIGNS.

1. Freestanding Signs Five Feet or Under. Freestanding signs five feet or less in height shall be permitted in all districts subject to the limitations in this chapter. Specific regulations for the CBD district are contained in Section 24.12.352.
 - a. Area. The area of such signs may be one-half square foot per lineal foot of frontage with a maximum area of thirty-two square feet.
 - b. Location. Except for projecting signs, every such sign shall be wholly on the owner’s property.
 - c. Number. There may be no more than one such sign for each frontage. In the case of shopping centers and other multiple occupancies sharing a common frontage, the frontage shall be deemed to be that of the shopping center or commonly used parcel and not the frontages of the individual businesses or occupancies.
2. Freestanding Signs Over Five Feet. Freestanding signs over five feet in height shall be permitted only in accordance with the terms of a Sign Permit.
 - a. Area. The maximum area of such signs shall be as indicated on Table 1, Section 24.12.390.
 - b. Height. No such sign shall exceed thirty feet in height.
 - c. Location. Subject to obtaining an encroachment permit, such signs may project over public property, or public vehicular or pedestrian easements or ways a distance determined

by the clearance of the bottoms thereof above the level of the sidewalk or grade of the public property immediately below, as set forth in the following table:

Clearance	Maximum Projection
Less than 8 feet	Not permitted
8 to 14 feet	1 foot plus 6 inches for each foot of clearance in excess of 8 feet
Over 14 feet	4 feet

No sign shall project within two feet of the curblin. No sign or sign structure shall project into any public alley whatsoever, below a height of fourteen feet above grade, nor more than six inches when over fourteen feet.

d. Number. Subject to the provisions of Section 24.12.334 below, there may be one such sign for each street frontage. In the case of shopping centers and other multiple occupancies having a common frontage, the frontage shall be deemed to be that of the shopping center or commonly used parcel and not the frontage of the individual businesses or occupancies.

e. Distance Apart. Where two or more signs are permitted because of multiple frontages (two or more street frontages), such signs shall be at least thirty feet apart.

3. Sandwich Board and Movable Freestanding Signs. Sandwich board and movable freestanding signs shall be prohibited.

No changes in Sections 24.12.322 through 24.12.344

24.12.350 SPECIAL PURPOSE SIGN REGULATIONS.

1. Construction Project Signs.

a. Signs may be erected in conjunction with construction projects onsite and used for the purpose of publicizing the future occupants of the building, or the architects, engineers and construction organizations participating in the project.

b. In all districts, no such sign shall exceed twelve square feet in area, and no freestanding sign shall exceed five feet in height.

c. All such signs shall be removed before a final release on the construction is given by the building official.

2. On-Site Directional Signs.

a. Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or onto private property and shall be located on the property to which they pertain.

b. Such signs shall not be used for advertising purposes.

c. Such signs shall not exceed an area of six square feet; nor a height of five feet, and shall be located at least twenty feet from the nearest property line. ~~provided they do not~~

~~project more than one foot into a public right-of-way.~~ A directional sign within twenty feet of a property line may be approved through express written permission by the Director of Planning or Public Works.

3. Off-Site Directional Signs. Off-site directional signs designating community service facilities (e.g., hospital, fire stations, municipal wharf, etc.) shall be permitted subject to the issuance of an administrative use permit for each such sign or series of signs.
4. Open House Signs. Open house signs, advertising real estate open for inspection for prospective sale, may be placed off the site of the open house only on private property in all districts, with the consent of the owner, lessee or occupant of the property on which the sign is to be placed. Such signs shall contain only the words “Open House” and a directional arrow, and may also contain the address of the open house. Such signs shall not exceed four square feet in area, nor three in number for any one sale.
5. Noncommercial Signs. Noncommercial signs containing political, civic, public service, religious or other noncommercial messages may be erected in conformity with this part in all districts. Such signs may be located on or off site.
6. Nameplate. One nameplate or marker shall be allowed for each dwelling unit, to indicate the occupant’s name; and shall not exceed one square foot in area, nor shall it contain an occupation designation.
7. Subdivision Signs.
 - a. Signs offering real estate or homes for sale in an approved subdivision may be erected under the following conditions:
 - (1) Not more than two such signs shall be allowed per subdivision.
 - (2) Such signs shall be located on the subdivision being advertised.
 - (3) No such sign shall be erected on or situated within one hundred feet of any occupied residential property.
 - (4) No such sign shall exceed forty square feet in area.
 - (5) No such sign shall be illuminated.
 - (6) Such signs shall be removed when all lots and houses in the subdivision have been sold.
 - b. The application for a permit for any such sign shall be accompanied, in addition to the permit fee, by a deposit of \$50.00 for each sign to guarantee proper maintenance and ultimate removal thereof.
 - (1) The permit for any such sign shall be issued for a period not to exceed twelve months. At the end of such period, additional extensions of six months each may be granted by the building official for good cause.
 - (2) Upon expiration of the permit or any extension thereof, the sign shall be removed by the applicant. Following the removal of the sign, and upon request, the deposit shall be refunded to the applicant.
 - (3) If for any reason the applicant fails to remove the sign, the city may cause it to be removed and shall apply the cost of such removal against the deposit, and return the remainder to the applicant.

24.12.351 PUBLIC ART EXCEPTION

The zoning administrator shall determine whether a proposal contains the characteristics of a sign, i.e., whether its principal function is to serve as an advertisement or notice of a business entity location. If the zoning administrator determines that the proposal is a sign, it shall be subject to the requirements of this part and may be subject to building and construction codes or other requirements of the municipal code.

24.12.352 SIGN REGULATIONS FOR CENTRAL BUSINESS DISTRICT (CBD) ZONE.

1. Purpose. The sign regulations have been created in order to: ensure the visibility of Central Business District (CBD) zoned businesses; to maintain safe and accessible public pedestrian areas; to ensure that signs are integrated with and harmonious to the buildings and sites which they occupy; to eliminate excessive and confusing sign displays; to preserve and improve the appearance of the CBD zone as a place in which to live and to work as an attraction to nonresidents, and to restrict signs which increase the probability of accidents by distracting attention or obstructing vision.

2. Permitting Requirements. Signs within the CBD zone are subject to the sign permit requirements of Chapter 24.08, Part 6 of the City of Santa Cruz Zoning Code, except as modified by this chapter.

a. Projecting signs and hanging signs that conform to all provisions provided under subsection (76)(b) shall be permitted and do not require a sign permit.

b. Exceptions and variations to the requirements may be considered by the zoning administrator without a public hearing, subject to the exception procedure set forth in Section 24.08.580; sign permit findings set forth in Section 24.08.530; and the following criteria:

The alternate sign design is necessary to achieve visibility due to: 1) the location of existing, permitted sign, awnings/canopies, or other architectural features on surrounding structures, 2) the location of existing vegetation, required landscaping, or other natural elements worthy of preservation, or 3) the physical location of the building.

3. Prohibited Signs. Signs prohibited within the CBD zone are subject to the regulations in Part 4 of Chapter 24.12. Additional types of signs prohibited include:

a. Sandwich board/A-frame signs.

b. Temporary signs that are displayed for longer than thirty days and/or that are prohibited under subsection (6)(f).

4. Definitions. The definitions listed in Section 24.12.312 apply to the CBD District Sign Regulations.

a. ~~“A-frame sign/sandwich board” shall mean a portable freestanding sign in the shape of the letter “A” as viewed from the side, typically with two sides facing opposite directions.~~

b. ~~“Canopy/awning sign” shall mean any sign that is part of a fabric or plastic structural protective cover over a door or entrance.~~

- e.—“Freestanding sign” shall mean any sign standing on the ground or the support for which stands or rests on the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts, or similar uprights, with or without braces.
- d.—“Halo illumination” shall mean a light source, which is not visible, where the light fixture is placed on the back side of the letter or sign face resulting in a glow around the outside of the lettering or sign.
- e.—“Hanging sign” shall mean a projecting sign which is suspended from an overhang, canopy, marquee, or awning, or from a mounting attached directly to the building wall.
- f.—“Icon sign” shall mean hanging or projecting signs that depict a physical object, such as a shoe, as opposed to signs that utilize lettering to convey the sign message. Icon signs may or may not include the name of the establishment.
- g.—“Master Sign Program” shall refer to a program that established to integrate all signs into a project’s design to achieve a unified architectural statement. A Master Sign Program provides a means for flexible application of sign regulations for properties with multiple signs, multi-tenant properties, and other properties with unified development, in order to encourage creativity and provide incentives to achieve, not circumvent, the intent of this division.
- h.—“Projecting sign” shall mean any sign which uses a building structure as its main source of support and contains copy that is mounted at an angle to the building face. Projecting signs may be mounted vertically or horizontally on the support structure.
- i.—“Public art” shall mean original works of art in any medium, whether two or three-dimensional, created for placement in public places or integrated projects where the artwork is a part of the underlying architecture or landscape design and that is not prefabricated or standard design. Artwork should not use letters, words, numerals, figures, emblems, logos or any part or combinations thereof for the purpose of advertising goods, services or merchandise. Public art should enhance rather than impair pedestrian use of the area, particularly with respect to pedestrian visibility and circulation.
- j.—“Sign” shall mean any structure, device, or design and appurtenant light structures used principally to advertise or attract attention of the public. The term shall not include the United States flag, or any governmental flag, properly displayed in an approved manner, patriotic bunting, and donor’s memorial plaques.
- k.—“Temporary sign” shall mean sign(s) placed for a time not to exceed thirty consecutive calendar days. These signs are generally used for special events or grand openings, but may include the name of a business. Banners are a type of temporary sign which hang over a public street, walkway or wall to advertise a special event or business.
- l.—“Wall sign” shall mean any sign posted or painted on, suspended from or otherwise affixed to the wall of any building or structure in an essentially flat position, or with the exposed face of the sign in a plane approximately parallel to the plane of such wall.
- m.—“Window sign/graphics” shall mean any building sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window pane or glass and is visible from the exterior of the window.

Sections 24.12.352(5) through 24.12.352(6)(e) remain unchanged

6. Development and Design Standards.

f.—Temporary Signs.

- (1) ~~Temporary signs, such as hastily, hand painted “Sale” signs printed on paper and plastered in windows, are not permitted and shall be subject to the enforcement procedures provided under Title 4 of the City of Santa Cruz Municipal Code.~~
- (2) ~~Temporary signs not exceeding two in number and six square feet in total area for each business are allowed.~~

~~g.—Public Art Exception. The zoning administrator shall determine whether a proposal contains the characteristics of a sign, i.e., whether its principal function is to serve as an advertisement. If the zoning administrator determines that the proposal is a sign, it shall be subject to the requirements of this part and may be subject to building and construction codes or other requirements of the municipal code.~~

Section 19. Chapter 24.18 – Nonconforming Uses and Structures of the Santa Cruz Municipal Code is hereby amended as follows:

Chapter 24.18 NONCONFORMING USES AND STRUCTURES*

24.18.010 PURPOSE.

The purpose of this chapter is to provide for the control, improvement and termination of uses or structures which do not conform to the regulations of this title for the district in which they are located. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.18.020 GENERAL APPLICATION.

1. Any lawfully established building or structure, or lawfully established use of a building or structure, existing at the effective date of this title, or of any amendments thereto, that does not conform to the regulations for the district in which it is located, shall be deemed to be legally nonconforming and may be continued, except as otherwise provided in this chapter.
2. Any legal nonconforming use may be continued as stipulated in this Chapter 24.18, provided there is no increase in the intensity of such use.
3. Any legal nonconforming building or structure shall not be made more nonconforming.
4. A building, structure or part thereof for which a building permit was issued prior to the enactment of amendments to this title making aspects of the building or structure nonconforming may be completed provided that work is prosecuted continuously and without delay. When completed, such building shall be deemed to be a legal nonconforming structure and shall thereafter be subject to the regulations set forth herein.

5. A building, structure, or use nonconforming only because of noncompliance with setbacks from a watercourse or wetland as required in Section 24.08.2100, shall be considered legally nonconforming.
6. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building official.

24.18.030 NONCONFORMING STRUCTURES – ENLARGEMENT AND ALTERATIONS.

A nonconforming structure may be enlarged or structurally altered, provided that it is not made more nonconforming.

1. Exception. When a single-family residence has nonconforming side or rear yards, additions to such structures shall be permitted on the first floor, while maintaining side and rear yards no less than existing yards, and provided a design permit is obtained. Additions above the first story must conform to required setbacks.

24.18.040 NONCONFORMING STRUCTURES AND USES – RECONSTRUCTION.

A nonconforming structure which is damaged or destroyed by fire, flood, wind, earthquake, or other disaster may be repaired or reconstructed. A nonconforming structure damaged to more than fifty percent of its value as determined by the chief building official shall require approval of a reconstruction permit (Chapter 24.08, Part 20). Buildings or structures damaged more than fifty percent as described above that are nonconforming only because of noncompliance with setbacks from a watercourse or wetland as required in Chapter 24.08, Part 21 may be reconstructed subject to a building permit only provided that the general requirements in Section 24.08.2030 are met.

24.18.050 NONCONFORMING USE – CHANGE.

1. Where a nonresidential use is nonconforming because of failure to meet parking requirements, another nonconforming use may be substituted, provided its sole nonconformity pertains to parking and its parking requirement does not exceed the parking requirement for the use it replaces.
2. When a nonconforming use in a residential R- District is changed to a permitted use, it shall meet the Zoning Ordinance requirement for the permitted use.
3. Variations to Nonconforming Use Regulations for Lots with Historic Buildings Listed on the City Historic Building Survey and on Lots with Contributing Buildings within an Historic District. Variations may be allowed in accord with Section 24.12.445.

24.18.060 NONCONFORMING USE – EXPANSION PROHIBITED.

Any nonconforming use may be maintained and continued, provided there is no expansion in the area or volume occupied or devoted to such nonconforming use, and further provided there is no increase in the intensity of such nonconforming use except as otherwise provided in this title. A home occupation in a nonconforming residential use shall not be considered an expansion of the use so long as the home occupation is in compliance with the home occupation regulations in Section 24.10.160 and the area devoted to the nonconforming residential use is not expanded in area or volume as a result of the home occupation.

Variations to nonconforming use regulations for Lots with Historic Buildings Listed on the City Historic Building Survey and on lots with Contributing Buildings within an Historic District. Variations may be allowed in accord with Section 24.12.445.

24.18.070 NONCONFORMING USE – DISCONTINUANCE.

1. Any nonconforming, nonresidential use that is nonconforming due to district use regulations and/or violates performance standards and which is discontinued or abandoned or otherwise ceases operation for a period of six months or more shall not be resumed, and all subsequent use of such structure or portion of structure or site shall conform to this title. An administrative use permit shall be required for a new use exceeding the parking requirement for the use it replaces. The approving body shall find that the reduction in parking requirements will not adversely affect parking on adjacent and nearby streets and properties.
2. Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this title, regardless of the period of time such conforming use occupies the building, such premises shall not thereafter be used or occupied by a nonconforming use.
3. Any uses nonconforming by reason of noncompliance with performance standards established herein shall be deemed illegal until compliance with performance standards is achieved.
4. Notwithstanding the provisions of subsection (1), above, any **legal** nonconforming use which operates on property being acquired by the city ~~or redevelopment agency~~ by eminent domain or under threat of condemnation and which is required to discontinue or otherwise cease operation because of construction activities undertaken by the city ~~or redevelopment agency~~ may resume said use without losing its status as **legal** nonconforming: (1) within two years; or (2) within six months after the city's ~~or redevelopment agency's~~ construction activities are completed so as to enable said use to resume, whichever is later. Nothing contained in this subsection shall be construed as having any effect upon the city's ~~or redevelopment agency's~~ proprietary interest in property acquired by eminent domain or under threat of condemnation.

24.18.080 NONCONFORMING USE – MAINTENANCE, REPAIRS AND NONSTRUCTURAL ALTERATIONS TO BUILDINGS.

1. Normal and routine maintenance or nonstructural alterations of any structure for the purpose of preserving its existing condition, retarding or eliminating wear and tear or physical

depreciation, rendering the space more usable, or complying with the requirements of law shall be permitted.

2. Structural alterations or enlargement of the building containing nonconforming, nonresidential uses shall be permitted only to accommodate a conforming use, or when made to comply with the requirements of the law.
3. Buildings containing nonconforming residential uses may be altered to improve livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

24.18.090 NONCONFORMING USE – CONVERSION TO CONDITIONAL USE.

Any use legally existing on the effective date of this title, or amendments thereto, which is listed as a conditional use in the district in which it is located but which has never obtained a conditional use permit, shall be and remain a nonconforming use until a conditional use permit is obtained as provided in this title.

24.18.100 RESERVED.

24.18.110 BURDEN OF PROOF.

1. In any administrative or judicial proceeding wherein it is claimed that a structure or use is allowable as a nonconforming structure or use, the party asserting that such nonconforming status exists shall have the burden of providing proof of the same.
2. In any administrative proceeding such burden of proof shall be met only if the following findings can be made:
 - a. That the structure or use was lawful when commenced; and
 - b. No conditions have occurred since then that would require its abatement; and
 - c. No unlawful expansion, enlargement, or intensification of this structure or use has occurred and remains in place.

Section 20. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this Xth day of X, 202X, by the following vote:

AYES:
NOES:
ABSENT:
DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ORDINANCE NO. 2020-XX

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this Xth day of X, 202X by the following vote:

AYES:
NOES:
ABSENT:
DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above
and foregoing document is the
original of Ordinance No. 202X-XX
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator