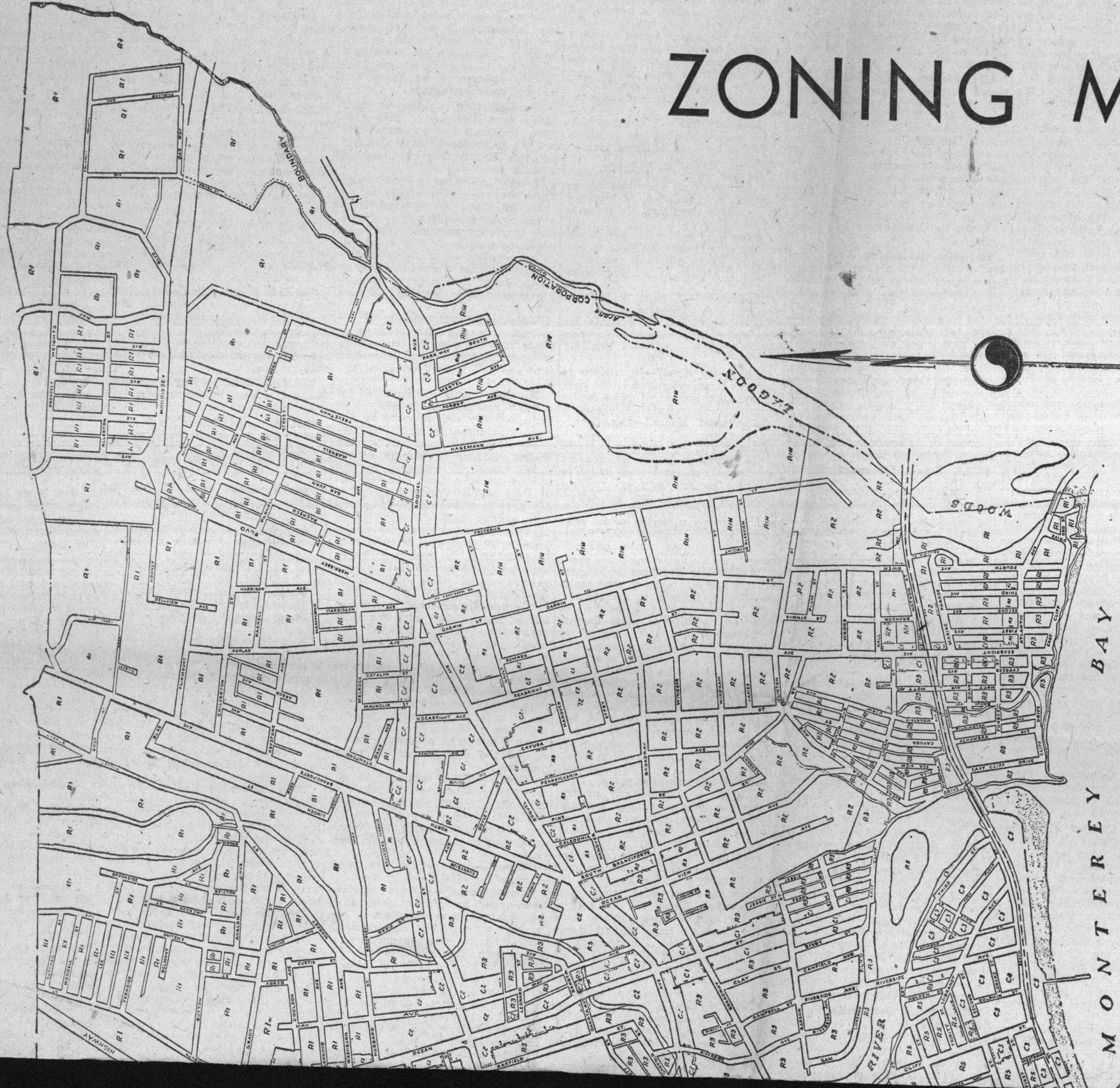


# ZONING MAP



## CITY OF SANTA CRUZ ZONE DISTRICT MAP

### LEGEND

- |  |  |
|--|--|
| <b>A-1</b> Single Family<br>Residence District     | <b>R-5</b> Beach Apartment<br>District       |
| <b>R-1-H</b> Residential-Horticultural<br>District | <b>C-1</b> Neighborhood Business<br>District |
| <b>R-1</b> Single Family<br>Residence District     | <b>C-2</b> General Business<br>District      |
| <b>R-2</b> Two Family Residence<br>District        | <b>C-3</b> Beach Business<br>District        |
| <b>R-3</b> Group of Dwelling<br>District           | <b>M-1</b> Light Industrial<br>District      |
| <b>R-4</b> Apartment<br>District                   | <b>M-2</b> Heavy Industrial<br>District      |







Friday, February 6, 1953

sued under the same procedure that specified in Section 9219 this Chapter, except that:

**9218.1. Same. Use Not Detrimental.** The findings of the Planning Commission, except as otherwise specified in this section, need include only that the establishment of the proposed use will not be detrimental to the health, safety, morals, convenience or welfare of persons residing or working in the neighborhood of such proposed use and will not be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

(a) All other provisions of Section 9, including the designation by the Planning Commission of any conditions upon which the permit may be issued and guarantees that such conditions will be complied with, shall apply to the granting of use permit.

**9218.2. Same.** In additions thereto, following shall govern in the use of special use permits:

(a) Churches upon condition that the building site area and location be approved, and (2) plans for exterior treatment of the building and ground lay-out or parking areas thereof be approved.

(b) Public or Private schools and public or Private colleges upon condition that (1) a site large enough in area has been secured, in the judgment of the Planning Commission, to prevent interference or conflict with adjoining residential uses or an adverse effect upon residential values, (2) adequate off-street parking space has been provided, and (3) building and plot plans are approved.

(c) Day care or nursery schools, hospitals, rest and convalescent homes upon condition that the area be sufficient and the general building and ground arrangement is approved.

(d) Golf and country clubs, upon condition that the area is adequate for all prospective uses, including off-street parking and service facilities.

(e) Churches and religious institutions, upon condition that the area be sufficient and general building arrangement is approved.

(f) Parking lots, upon condition that the location and area of the site and the general landscaping plan are approved.

(g) Public service uses and structures upon condition the location and area of the site conform to or do not materially conflict with the Master Plan.

(h) Resort hotels, upon condition that the plans submitted comply with the definition herein, and sufficient off-street parking is provided.

(i) Motor courts, apartment houses and hotels upon condition that the plans therefor meet the open space and height regulations of the district and that sufficient off-street parking space has been provided and that the plans of building and ground have been approved.

**9219—Adjustment of Regulations and Variances.**

**9219.1. Same. Planning Commission — Power to Recommend.** The Planning Commission subject to the approval and confirmation of the City Council in each case, as hereinafter provided, shall have the power to recommend adjustments and variances in the application of any of the provisions of this Chapter to the extent of the following and no

be not less than fifteen (15) days, nor more than thirty-five (35) days after the filing of the said application; notice of the time, place and purpose thereof shall be given by one (1) publication in a newspaper of general circulation in the City, within the ten (10) days next preceding the date of said hearing. At said hearing the applicant shall present a statement and adequate evidence, in such form as the Planning Commission may require, showing to the effect:

(1) That there are exceptional, extraordinary or special circumstances or conditions applicable to the land, building or use involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same vicinity or district.

(2) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant possessed by other property in the same vicinity or district.

(3) That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood in which the property is located.

(4) That the granting of such variance will not adversely affect the Comprehensive General Plan.

(f) Meetings of the Planning Commission for the purpose of considering zoning adjustments shall be held at least once each month or at the call of the Chairman at such other times as the Planning Commission may determine. The Planning Commission shall adopt its own rules of procedure and keep a record of its proceedings showing action of the Planning Commission on each question considered, and shall transmit its findings and recommendations thereon to the City Council.

(g) The Planning Commission shall thereupon make its decision upon said application and shall report such decision to the City Council within forty-five (45) days after the receipt of the application by the Secretary of the Planning Commission.

(h) In recommending any adjustment or variance under the provisions of this section, the Planning Commission shall designate such conditions in connection therewith as will in its opinion, secure substantially the objectives of the regulation or provision to which such adjustment or variance is granted.

(i) No permit shall be issued under the provisions of this section unless a decision of the Planning Commission, as aforesaid, approving the same, shall be approved and confirmed by the City Council or if the application is disapproved by the Planning Commission, the permit shall not be issued except by an affirmative vote of five-sevenths (5/7) of all members of the City Council. In reporting its decision to the City Council, the Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth any adjustment or variance recommended and the conditions designated. Upon receipt of such report, the City Council either shall, by resolution, approve and confirm said decision of the Planning Commission or shall

red to the Commission for report and recommendation. The Planning Commission shall hold at least two public hearings thereon at least fifteen (15) days apart. Notice of the Time and Place of each of which and of the proposed amendment shall be given by one publication in a newspaper of general circulation in said City, designated for that purpose by the Council. Each such notice shall be so published within not less than (10) days or more than fifteen (15) days next preceding the date of the hearing stated in such notice. In case the proposed amendment consists of a change of the boundaries of a zone or a district thereof, the Planning Commission shall give additional notice of the time and place of such hearings and the purpose thereof by:

(a) Posting public notice thereof not less than ten (10) days prior to the date of such hearing. Such notices shall be placed not more than one hundred (100) feet apart along both sides of each and every street upon which the property proposed to be reclassified abuts and such posting shall extend along said street or streets a distance of not less than three hundred (300) feet from the exterior limits of such properties as are proposed for reclassification. Such notice shall consist of the words "Notice of Proposed Change of Zone" printed in plain type with letters not less than one and one-half (1½) inches in height and in addition thereto, a statement in small type setting forth a description of the property involved in the proposed change in zone and the time and place at which the public hearing on the proposed change will be held, and by,

(b) Mailing a postal card notice not less than ten (10) days prior to the date of the first of such hearings to the owner or owners of all property within the posting area above defined, using for this purpose the last known name and address of such owner or owners as shown upon the records of the City Clerk or of the assessment roll of the County Assessor of Santa Cruz County. Such notice shall contain the same information as required in a posted notice as above described.

(c) In the case of a hearing concerning only the amending, supplementing or change of the text of this Chapter in any district, the published notice of public hearing, as provided above in this Section, shall suffice. Resolutions of Intention of the City Council and Planning Commission shall follow the same procedure as set forth in this particular paragraph.

**9220.2. Same. Conduct of Public Hearing.** The Planning Commission may cause to be made by its own members, or members of its staff, such investigation of facts bearing upon such application set for hearing, including an analysis of precedent cases as will serve to provide all necessary information to assure action on each case consistent with the purpose of the Chapter and with previous amendments. Public hearings by the Planning Commission shall be conducted before a quorum of the Planning Commission. The Commission may establish its own rules for the conduct of public hearings and the member of the Commission presiding at such public hearing is hereby empowered to administer oaths to any person testifying before said Commission.

(e) If the petition for the change or reclassification is denied, no part of the fee is returnable to the applicant. No other petition for the change, amendment, reclassification, of the same property, or any portion thereof, shall be filed within a period of one year from the date of the denial, except upon the recommendation of the Planning Commission or upon the initiative of the City Council.

**9221—Procedure For Zoning Annexed Territory.** Upon the completion of proceedings for the annexation of such new territory to the City of Santa Cruz, the areas thus annexed to the City after the effective date of this ordinance shall be and become immediately subject to the zoning regulations of the City of Santa Cruz. The ordinance providing for the annexation of such territory shall designate the zone or zones for the territory to be annexed.

**9222—Non-Conforming Uses.** The lawful use of land (where no building is involved) existing at time of the adoption of this ordinance, although such use does not conform to the provisions hereof, may be continued, provided:

(a) That if any such non-conforming use of the land is discontinued prior to the above date, any future use of said land shall be in conformity with the provisions of this Chapter.

(b) That no such non-conforming use of the land shall in any way be expanded or extended either on the same or adjoining property.

**9222.1. Same. Structural Alterations.** The lawful use of a business or industrial building existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions thereof, and such use may be extended throughout the building provided no structural alterations are made, except those required by law or ordinance are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

**9222.2. Same. Authorized Maintenance.** No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations of this Chapter for the district in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted under the regulations specified in this Chapter for such district in which said building is located; provided, however, that authorized maintenance shall be permitted not exceeding a total amount, during any period of five (5) years, of fifty (50) percent of the average assessed value of the building during the five (5) year period, according to the assessment thereof by the Assessor of the City or County of Santa Cruz; and further provided that such authorized maintenance work shall not extend or nullify the termination date for such non-conforming use.

**9222.3. Same. Destruction By Fire, Explosion, Flood, etc.** If at any time any building in existence or maintained at the time of the adoption of this ordinance which does not conform to the regulations for the

the City of Santa Cruz, and "Planning Commission" shall mean the City Planning Commission of the City of Santa Cruz. The word "City" when used shall mean the incorporated City of Santa Cruz.

**"Accessory Building"**—A portion of the main building or a detached subordinate building located on the same lot, the use of which is purely incidental to that of the main building structure, or to the use of the land, and which shall not contain living or sleeping quarters or storage space for commercial motor vehicles.

**"Accessory Use"**—A use incidental or subordinate to the principal use of a lot or a building located upon the same lot.

**"Agency"**—An office or commercial establishment in which goods, material, or equipment is received for servicing, treatment or processing elsewhere.

**"Alley"**—A public or permanent private way twenty (20) feet or less in width which affords a secondary means of access to abutting property.

**"Apartment"**—A room or suite of two or more rooms in a multiple dwelling, occupied or suitable for occupancy as a residence for one family and having only one (1) kitchen.

**"Apartment Hotel"**—A building or portion thereof designed for or containing both individual guest rooms or suite of rooms and dwelling units.

**"Apartment House"**—See Dwelling Multiple.

**"Auto Court"**—A building or group of buildings designed for use by tourists or transients with living or sleeping rooms, garages, parking spaces and related facilities advertised or offered on a commercial basis, including a tourist court, auto camp, court, motel, and motor lodge, but not including trailer court or camp.

**"Automobile Wrecking"**—The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or parts thereof.

**"Basement"**—A story partly or wholly underground and having one-half or more its height, measured from its floor to its finished ceiling, below the average adjoining grade. If the finished floor level directly above a basement is more than seven (7) feet above grade at any point, such basement shall be considered a story. A basement when designed for, or occupied as dwellings, business, or manufacturing, shall be considered a story.

**"Block"**—All property fronting upon one side of a street between intersecting and intersecting streets or between a street and right-of-way, waterway, end of dead-end street or city boundary. An intersecting street shall determine only the boundary of the block on the side of the street which it intercepts.

**"Boarding House"**—A building or portion thereof, other than a hotel where lodging, and regular meals are provided for compensation or profit for at least five (5), but not more than fifteen (15), persons, but wherein meals are not furnished to occasional or transient customers.

**"Building"**—A structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any persons, animals, chattels or property of any kind. Where a dwelling is separated

not more than two (2) families, living independently of each other, including all necessary employees of each family.

**"Dwelling, Multiple-Family"**—A building of a permanent character placed in a permanent location designed and/or used as a residence to house three or more families, living independently of each other, and doing their own cooking in said building, including all necessary employees of each such family, including apartments, apartment hotels and group dwellings.

**"Dwelling Unit"**—Two or more rooms in a dwelling or apartment hotel designed for occupancy by one (1) family for living or sleeping purposes and having only one (1) kitchen.

**"Family"**—One person living alone, or two or more persons related by blood or marriage or a group of not exceeding five (5) persons (excluding servants) who need not be related by blood or marriage, living together as a single householding unit, in a dwelling unit as distinguished from a group occupying a hotel, club, fraternity, or sorority house.

**"Frontage"**—That portion of all property abutting on a side of a street between two (2) intersecting or terminating streets, or the end of such street if it does not meet another.

**"Garage, Private"**—A detached accessory building or portion of a main building with capacity for not more than three (3) motor vehicles designed and/or used only for the shelter, parking or storage of vehicles owned or operated by the occupants of the main dwelling, including covered parking space or car port; provided, however, a private garage may exceed a three (3) vehicle capacity if the lot whereupon such garage is located contains, in area, not less than fifteen hundred (1500) square feet for each vehicle stored. (See definition of Accessory Building).

**"Garage, Commercial"**—A building or premise other than a private garage used for the parking, storage, care, repair and/or servicing of motor vehicles, or where such vehicles are parked or stored for remuneration, here or sale.

**"Garage, Parking"**—Any building or premise, except those described as a private or commercial garage, designed and/or used by the general public on a commercial basis for the storage only of motor vehicles.

**"Grade"**—The average of the finished ground level at the center of all walls of a building. If case walls are parallel to and within five (5) feet of a public sidewalk, the ground level shall be measured at said sidewalk.

**"Guest"**—Any person who rents a room for sleeping purposes.

**"Guest Room"**—A room occupied or intended, arranged or designed to be occupied or is occupied by one or more guests, but not including dormitories for sleeping purposes or rooms with cooking facilities.

**"Height"**—The height of a building, the vertical distance from the grade to the highest point of the coping or a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof.

**"Home Occupations"**—Are uses customarily conducted within a

**"Lot, Corner"**—A lot situated at the junction of two (2) or more intersecting streets, with a boundary line, or lot line thereof bordering on each of the two (2) streets.

**"Lot, Depth"**—The horizontal distance from the street line or front line of the lot and rear line measured in the mean direction of the side lines of the lot.

**"Lot, Interior"**—A lot other than a corner lot.

**"Lot, Key"**—The first lot to the rear of a reversed corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

**"Lot, Lines"**—The lines bounding a lot as herein defined.

**"Lot, Line Front"**—That dimension of a lot or portion of a lot abutting on a street, except the side of a corner lot.

**"Lot Line Rear"**—Ordinarily, that line of a lot which is generally opposite the lot along the frontage of said lot. In cases in which this definition is not applicable, the Planning Commission shall designate the rear lot line.

**"Lot Line, Side"**—Any boundary line not a front line or a rear lot line.

**"Lot, Reversed Corner"**—A corner lot; the side street line of which is substantially a continuation of the front line of the lot upon which it rears.

**"Lot, Through"**—A lot having frontage on two (2) parallel or approximately parallel streets.

**"Lot, Width"**—The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**"Motels"**—See Tourist Court.

**"Motor Court"**—See Auto Court.

**"Motor Lodges"**—See Tourist Court.

**"Non-Conforming Building"**—A building or structure or portion thereof lawfully existing at the time this Chapter became effective, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located, or a building, or structure that does not conform to all height or area regulations of the district in which it is located.

**"Non-Conforming Use"**—A use which lawfully occupied a building or was conducted upon the land on the date this ordinance became effective and which does not conform with the use regulations of the district in which it is located. Any use existing in annexed territory at the time of annexation shall be considered a non-conforming use.

**"Nursing Home"**—Shall be deemed to include any occupancy for the reception and care of persons both ambulatory and non-ambulatory which has been duly licensed by the State Health Department and the State Fire Marshal's Office.

**"One Ownership"**—Ownership of property (or possession thereof under a contract to purchase or under a lease the term of which is not less than ten (10) years by a person or persons, firm, corporation or

**"Story, Half"**—A story under a gable, hip or gambrel roof, the wall plates of which are at least two opposite exterior walls are not more than two (2) feet above the floor of such story.

**"Street"**—A public way more than twenty (20) feet in width which affords a primary or principal means of access to abutting property.

**"Street Side"**—That street bounding a corner lot and which extends in the same general direction as the line determining the width of the lot.

**"Structure"**—Anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground. Pipelines, poles, wires and similar installations erected or installed by public utility districts or companies shall not be construed as structures requiring a permit under this Chapter.

**"Structural Alterations"**—Any change in the supporting members of a building such as bearing walls, columns, beams, girders, floor, ceiling or roof joists and roof joists and roof rafters or change in roof or exterior lines which would prolong the life of the supporting members of a building.

**"Super Service Station"**—A filling station to supply motor fuel and oil to motor vehicles, and including grease racks, wash racks or pits, tire repairs, including recapping, but with equipment limited to three molds; battery servicing and repairing, ignition service, accessory automotive sales and other customary services for automobiles, but excluding painting, body work and steam cleaning.

**"Tourist Court"**—A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking or parking space conveniently located to each unit, for the temporary use by automobile tourists or transients, including auto courts, motels, or motor lodges.

**"Trailer, Automobile"**—A vehicle with or without motor power, designed to be drawn by a motor vehicle when necessary, and to be used for human habitation and for carrying persons and property, including a trailer coach or house trailer.

**"Trailer Court"**—See Camp Trailer.

**"Trailer Park"**—See "Camp Trailer."

**"Use"**—The purpose for which land or building is arranged, designed or intended or for which either is or may be occupied or maintained.

**"Warehouse"**—A building used primarily for the more or less temporary storage of commercial goods to be sold elsewhere.

**"Yard"**—An open space other than a court on the same lot with a building unoccupied and unobstructed from the ground upward except for such encroachments as provided in Section 9217.

**"Yard Front"**—A yard extending across the full width of the lot the depth of which is the minimum horizontal distance between the front line of the lot and the nearest line



(a) To vary or modify the strict application or literal interpretation of any of the foregoing regulations provisions contained in this Chapter in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.

(b) To permit the extension of a district where the boundary line thereof divides a lot in a single ownership at the time of adoption of this Chapter.

(c) To permit the reconstruction, alteration and/or enlargement of a building in which a non-conforming use is located when such reconstruction, alteration and/or enlargement will be of a distinct benefit to the district in which such building use is located.

(d) To permit a temporary building for residence, commerce or manufacturing, in an "A" or an "R" zone, which is incidental to the residential development, such permit shall be issued for a period not to exceed one (1) year. The issuance of such a permit may be conditioned upon the execution of a bond guaranteeing the removal of such temporary building at the expiration of such permit.

(e) To allow an increase in the height regulations or a reduction of front, side and rear yard regulations where in its judgment the shape of the building site, topography, the location of existing buildings or other conditions make a strict compliance with regulations impossible without practical difficulty or hardship.

**9219.2. Same. Filing Application.** Application for any variance or adjustment permissible under the provisions of this section shall be filed with the City Planning Commission through the Secretary thereof on forms and accompanied by such data as may be prescribed by the Commission, so as to assure the most practicable presentation of facts for the permanent record. The application shall be accompanied by:

(a) One complete copy of plans and description of the property involved and the proposed use, with ground plans and elevations of all proposed buildings.

(b) A statement that work upon the building or improvement for which a variance is sought has not been started.

(c) A written statement citing the reasons for the variance request and proof of hardship.

(d) Evidence, satisfactory to the Commission, of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within one year after issuance of a permit.

Before accepting any application for approval or denial, the applicant shall pay a filing fee of ten dollars (no part of which shall be returnable to the applicant) for the purpose of defraying the expense of preparing maps, publication of notice of public hearing and administrative and incidental expenses involved in the application for such variance. A written receipt shall be issued to the persons making such payment and a record of such payment shall be attached to the application as filed with the Planning Commission or in such a manner as prescribed by law. Upon the filing of such application, or upon its own motion or on motion of the City Council, the Planning Commission shall hold at least one (1) public hearing thereon, which date shall

refuse to approve and confirm such decision. When the adjustment or variance has been approved by the City Council the permit as applied for may be issued. When disapproved by the City Council, no application for the same or a similar permit shall be valid for one (1) year from the date of action by the City Council. In all cases in which adjustments or variances are recommended under the provisions of this section, the Planning Commission shall require such evidence and guarantee as it may deem necessary that the conditions designated in connection therewith are being and will be complied with.

**9220—Amendments.** Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Council may by ordinance, after report thereon by the Planning Commission, amend, supplement, reclassify, alter, or change the regulations, boundaries of districts or zones, or classification of property, now or hereafter established, by following the procedure specified in this section. Such amendment, supplement, reclassification, alteration, or change may be initiated by:

(a) The verified petition by one or more property owners for any change or amendment of district boundaries or supplement, change or reclassification of a district or portion thereof, as shown upon the Zoning Map, shall be filed in triplicate with the Planning Commission in the office of the Department of Engineering, and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning Commission. Before accepting for filing any petition for zoning change or amendment, the petitioner or petitioners shall pay a filing fee of thirty dollars (\$30.00) for the purpose of defraying the expense of postage, posting, preparing maps, publication of notices of public hearings and other administrative and incidental expenses involved in a petition for change of district boundaries. A written receipt shall be issued to the person making such payment, and records of such payment shall be attached to the petition as filed with the Planning Commission, or in such manner as prescribed by law.

(b) Resolution of Intention of the City Council, or by,

(c) Resolution of Intention of the Planning Commission.

(1) Applications for any change of district boundaries or reclassification of districts, shall be filed with the Secretary of the Planning Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of the facts for permanent record. Each such application presented by an owner of property desirous of reclassification of property within the area proposed to be changed, shall present to the Planning Commission a petition duly verified by him requesting an amendment, supplement, or change of the regulations prescribed for the particular district, and such petition shall be duly attested to by said owner or owners as regards the truth and correctness of all facts and information presented with the application.

**9220.1. Same. Notice of Public Hearing.** Upon the filing of such verified petition or the adoption of such Resolution of Intention by the Council, the matter shall be referred

to a public hearing and the names of persons testifying shall be recorded and made a part of the permanent files of the case. If for any reason, testimony on any case set for public hearing cannot be completed on the day set for such hearing, the Commissioner presiding at such public hearing may, before the adjournment or recess thereof, publicly announce the time and place to, and at which said hearing will be continued and such announcement shall serve as sufficient notice of such continuance and without recourse to the form of public notice as provided for in the first instance.

(a) Upon the completion of the final public hearing upon a matter and from the facts presented, the Planning Commission finds that public necessity, convenience, general welfare or good zoning practice requires the change of reclassification involved, or any portion thereof, the Commission shall make a report of its findings and recommendations, with respect to the proposed amendment, supplement, or change of regulations prescribed for such district or part thereof and shall file with the City Council an attested copy of such report within ninety (90) days after the filing of the petition or the adoption of the Resolution of Intention, as aforesaid. Failure of the Planning Commission to so report to the City Council within said ninety (90) days shall serve to automatically and immediately refer the whole matter to the City Council for such action as it deems warranted under the circumstances, and the Secretary of the Planning Commission shall immediately deliver to the City Council all the records of the matter involved. Such failure on the part of the Planning Commission to so report within said time limit, shall be deemed to be approval of the proposed amendment by the said Commission.

(b) Upon receipt of such report from the Planning Commission, or upon the expiration of such ninety (90) days, as aforesaid, the City Council shall set the matter for public hearing after notice thereof, and of the proposed amendment, published at least once (1) time in a newspaper of general circulation in the City of Santa Cruz, not less than ten (10) days prior to the date of such hearing. At the conclusion of such hearing the City Council may adopt the report of the Planning Commission or any part thereof as set forth in the original petition or in the Resolution of Intention, and shall pass an ordinance adopting the same.

(c) The decision of the Council shall be rendered within ninety (90) days after the receipt of a report and recommendation from the Planning Commission or after the expiration of such ninety (90) days, as aforesaid.

(d) Upon the consent of the Planning Commission any petition for amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The City Council or the Planning Commission, as the case may be, may, by resolution, abandon any proceedings for an amendment initiated by its own Resolution of Intention, provided that such abandonment may be made only when such proceedings are before such body for action and provided that any hearing of which public notice has been given shall be held.

(e) Upon the completion of the final public hearing upon a matter and from the facts presented, the Planning Commission finds that public necessity, convenience, general welfare or good zoning practice requires the change of reclassification involved, or any portion thereof, the Commission shall make a report of its findings and recommendations, with respect to the proposed amendment, supplement, or change of regulations prescribed for such district or part thereof and shall file with the City Council an attested copy of such report within ninety (90) days after the filing of the petition or the adoption of the Resolution of Intention, as aforesaid. Failure of the Planning Commission to so report to the City Council within said ninety (90) days shall serve to automatically and immediately refer the whole matter to the City Council for such action as it deems warranted under the circumstances, and the Secretary of the Planning Commission shall immediately deliver to the City Council all the records of the matter involved. Such failure on the part of the Planning Commission to so report within said time limit, shall be deemed to be approval of the proposed amendment by the said Commission.

be destroyed by fire, explosion, flood, wind, earthquake, or other calamity or Act of God, or act of the public enemy to the extent of more than seventy-five (75) percent of the assessed value thereof, according to the assessment thereof by the said Assessor of the City or County of Santa Cruz for the fiscal year during which such destruction occurs, then and without further action by the City Council the said building and the land on which said building was located or maintained shall from and after the date of such destruction be subjected to all the regulations specified by this Chapter for the district in which such land and building are located.

The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed or established.

**9224.4. Same. Use and Occupancy Permit.** The owner or occupant of any land or building classified as a non-conforming use under the provisions of this Chapter shall, upon notification by the Building Inspector, make application for a use and occupancy permit, and shall annually thereafter apply for renewal of said permit.

**9223—Building Permits.** Building Permits shall be obtained as required in the Santa Cruz Building Code.

**9224—Certificate of Use and Occupancy.** No vacant land in any district established under the provisions of this Chapter shall hereafter be occupied or used except for agricultural purposes and the use of an existing building shall not be changed to a less restricted use until a certificate of occupancy shall have been issued by the Building Inspector. No new building, nor remodeled building, nor addition to an existing building shall be occupied or used for any use other than that shown on the application for a Building Permit, until a certificate of occupancy shall have been issued by the Building Inspector.

(a) Application for a certificate of use and occupancy for a new or change in use of land, for a new building, or a remodeled building, or an addition to an existing building which has been altered or moved shall be made in writing on forms furnished by the Building Inspector.

(b) Written application for a certificate of use and occupancy for the use of vacant land or for a change in the character of the use of land, as herein provided, shall be made before any such land shall be so occupied or used. Such certificate of use and occupancy shall be issued within three days after the application therefor has been made, provided such use is in conformity with the provisions of this Chapter. No permit for excavation for any building shall be issued before application has been made for a certificate of use and occupancy.

(c) Certificates of use and occupancy except for vacant land shall be issued as provided in the Santa Cruz Building Code.

(d) Change of ownership of either the property or occupancy will require a new certificate.

**9225—Definitions.** Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure," and the word "shall" is mandatory and not directory. The term "City Council" when used shall mean the City Council of

each such district, or the Board of Supervisors, as the case may be, as a separate building.

**"Building Coverage"** — The land area covered by all buildings on a lot, including all projections except eaves.

**"Building Height"** — The vertical distance measured from the average level of the highest and lowest point of that portion of the site covered by the building to the highest point of the roof, ridge or parapet wall.

**"Building Site"** — The ground area of a building or group of buildings together with all open spaces as required by this Chapter.

**"Bungalow Court"** — A group of three or more detached one-story, one or two-family dwellings located upon a single lot, together with all open spaces as required by this Chapter.

**"Business or Commerce"** — The purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for livelihood or profit, or the ownership or management of office buildings, offices, recreational or amusement enterprises or the maintenance and use of offices by professions and trades rendering services.

**"Camp-Trailer"** — Any area or tract of land intended, maintained or designed, for the purpose of supplying a location of accommodation for one or more automobile trailers for human habitation, including trailer camps or trailer parks, whether or not a charge is made for the use of the trailer camp, and its facilities.

**"Carport or Porte Cochere"** — An accessory residential structure open on two or three sides and attached to the side or end of a dwelling and established for the convenient loading and unloading of passengers and the storage of an automobile.

**"Club"** — An association of persons for some common non-profit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

**"Convalescent Home"** — A building and premise in which two or more sick, injured, aged or infirm persons are housed or intended to be housed for compensation.

**"Court"** — An open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two (2) or more sides by such building.

**"Court Apartments"** — One (1), two (2) or three (3) multiple dwellings arranged around two (2) or three (3) sides of a court, which opens onto a street.

**"Dwelling"** — A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, boarding and lodging houses.

**"Dwelling, Group"** — Two or more detached, one or two-family dwellings, other than a commercial tourist or motor court, designed to be operated as a single unit upon a building site as defined by this Chapter.

**"Dwelling, One-Family"** — A detached building of a permanent character placed in a permanent location, containing one kitchen designed for and/or used exclusively to house not more than one (1) family including all necessary employees of such family.

**"Dwelling, Two-Family"** — A building of a permanent character placed in a permanent location, containing not more than two kitchens, designed and/or used exclusively to house

Surgeon, Dentist, Chiropractor, Osteopath, Beauty Shop, Dressmaker, Milliner, Artist, Musician and Chiroprapist. A Home Occupation shall be operated and maintained only by a resident of the dwelling in which such home occupation occurs and where no assistants are employed.

**"Homes for Children"** — See Homes and Institutions for Aged Persons and Children.

**"Homes and Institutions for Aged Persons and Children"** — Shall be deemed to include any occupancy for the reception and care of aged persons who are ambulatory or normal children under the age of sixteen (16) years, on a twenty-four (24) hour basis.

**"Hotel"** — Any building or portion thereof designed for occupancy as, the more or less temporary abiding place of individuals who are lodged with or without meals in which there are six (6) or more guest rooms designed or intended to be used, let or hired out, and in which no provision is made for cooking in any individual room or suite, to be occupied or which are occupied by six (6) or more guests, whether the compensation be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise and shall include hotels, lodging and rooming houses, dormitories, bachelor hotels, studio hotels, public and private clubs and any such building of any nature whatsoever so designed or intended to be occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes, and similar buildings where human beings are housed or detained under legal restraint, are specifically not included.

**"Junk Yard"** — An area of more than three-hundred (300) square feet of any lot or of any portion of the front half of any lot for the storage of junk, including scrap metals or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.

**"Kitchen"** — Any room used, or intended or designed to be used for cooking or the preparation of food.

**"Livestock Farming"** — The raising and keeping of more than twelve (12) chicken hens or twelve (12) pigeons or twelve (12) rabbits or any roosters, quacking ducks, geese, guinea fowl, peafowl, goats, sheep or similar livestock, provided that the term "livestock farming" as used in this Chapter shall not include hog farming, dairying or the raising and keeping of horses, mules or similar livestock, as determined by the Planning Commission, except as otherwise provided in Section 9217 of this Chapter.

**"Lodging House"** — A building, or portion thereof, other than a hotel, providing rooms or sleeping accommodations for five (5), but not more than ten (10) persons for compensation, including rooming house.

**"Lot"** — A parcel of land under one ownership occupied or capable of being occupied by a building and its accessory buildings, together with such open spaces as are required under the regulations of this Chapter and having its principal frontage upon dedicated street or officially accepted place, but not including an alley.

**"Lot Area"** — The total horizontal area included within the lot lines of the lot, including one-half (1/2) the width of any alley or portion thereof abutting any such lot line.

whereby such property is under single or unified control. The term "Owner" shall be deemed to mean the person, etc., exercising one ownership as herein defined.

**"Parking Lot Public"** — An open area of land, a yard or other open space on a lot other than a street or alley, used for or designed for use as temporary parking of more than four automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

**"Parking Space"** — Land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designated to be used for temporary parking or storage by standard motor vehicles.

**"Public Service Use or Structure"** — A building or use required for public utility service to the neighborhood in which located, including City, County or State Institutions, except where human beings are housed under restraint.

**"Resort Hotel"** — A hotel located on a parcel of land not less than three (3) acres in area, providing no outside entrances for business purposes and using no streets for business or business displays. Hotel and necessary accessory buildings shall not cover more than 40% of the parcel of land upon which located and each building shall be surrounded by open spaces not less than double those required in the district in which said hotel is located, provided further that one automobile parking space shall be provided on the premises for each guest room or unit provided.

**"Rest Homes"** — See "Homes and Institutions for Aged Persons and Children."

**"School, Elementary, Junior and Senior High"** — An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California.

**"Service Station"** — A retail business establishment supplying gasoline and oil and minor accessories and services for automobiles.

**"Servant's Quarters"** — Living accommodations attached to the main building, such quarters having no kitchen facilities and designed for and used by persons regularly employed on the property, and not rented or otherwise used as a separate dwelling.

**"Special Care Home"** — A dwelling converted or used as a place for the care of invalids.

**"Stable, Private"** — An accessory building with capacity for not more than two (2) horses provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains area of not less than twenty thousand (20,000) square feet, for each horse stabled and to be used exclusively by the owners thereof and not kept for remuneration, hire or sale.

**"Stable, Public"** — A stable other than a private stable.

**"Story"** — That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than seven (7) feet above grade at any point, such basement or cellar shall be considered a story.

front line of the lot shall be construed as the least dimension of the lot fronting on a street.

**"Yard Rear"** — A yard extending across the full width of the lot, and measured between the rear line of the main building or enclosed or covered porch nearest the rear line of the lot; the depth of the required rear yard shall be measured horizontally.

**"Yard Side"** — A yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the lot and the nearest part of the main building or enclosed or covered porch.

**"Wrecking Yard"** — See "Junk Yard."

**9226—Enforcement, Legal Procedure, Penalties.** It shall be the duty of the Building Inspector to issue permits and to enforce the provisions of this Chapter. Any person, firm or corporation violating any provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five-hundred (\$500.00) Dollars, or imprisonment in the Santa Cruz County Jail for a term not exceeding six (6) months, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which such violation of this Chapter is committed, continued or permitted by such person, firm, or corporation and shall be punishable as herein provided.

Any building set up, erected, built, moved or maintained and/or any use of property contrary to the provisions of this Chapter shall be and the same is hereby declared to be unlawful and a public nuisance, and the City Attorney shall, upon order of the City Council immediately institute any necessary action or actions, legal proceeding or proceedings to enforce the provisions of this Chapter, for the abatement, removal, and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or use and restrain and enjoin any person, firm or corporation from setting up, erecting, building, moving or maintaining any such building or using any property contrary to the provision of this Chapter.

All remedies provided for herein shall be cumulative and not exclusive.

**9227—Sale of Copies.** Copies of the Zoning Ordinance and Map shall be sold by the Planning Commission Secretary at the uniform charge of None and 50/100 Dollars (\$0.50) per copy, and all monies received therefrom shall be paid into the City Treasury as provided by law.

**9228—Appeal to City Council.** All actions of the Planning Commission are subject to appeal to the City Council. Provided, however, that if the Planning Commission shall deny any application for a use permit or a variance, the decision of the Planning Commission shall be final unless the applicant shall, within fifteen (15) days after the date of the denial of said application for a use permit or variance, file with the City Clerk a statement, in writing, that the applicant appeals from the decision of the Planning Commission.