Article 1

Purpose and Applicability

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CHAPTER 800.1 - PURPOSE AND EFFECT OF ZONING ORDINANCE

800.1.010 - Title

This Title is and may be cited as the Fresno County Zoning Ordinance, Division 6 of the Fresno Ordinance Code, hereafter referred to as "this Zoning Ordinance."

800.1.020 - Purpose of this Zoning Ordinance

A. Implements the General Plan. This Zoning Ordinance classifies and regulates the highest and best use of structures and land located in the unincorporated area of Fresno County in a manner consistent with the Fresno County General Plan, including all of its elements, and any applicable specific plans.

B. Promote the public health, safety, and welfare. This Zoning Ordinance is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the County.

C. Other purposes. The overall purposes of this Zoning Ordinance are to:

1. Provide standards for the orderly growth and development of the County and to establish and maintain the unincorporated community's history and unique quality characteristics in appropriate locations;

2. Require quality planning and design that enhances the visual character of the County, ensures compatibility and avoids conflicts between land uses, and encourages the appropriate mixing of land uses;

3. Conserve and protect the County's important agricultural, cultural, natural, and scenic resources, along with its natural beauty and significant open space;

4. Protect sensitive environmental resources and promote an environmentally-sustainable pattern of conservation and development;

5. Protect and enhance the value of property and promote economic growth;

6. Create high-quality residential neighborhoods and commercial and industrial districts and preserve the quality of life and character of existing residential neighborhoods and commercial and industrial districts;

7. Protect the public from hazards associated with natural and man-made disasters; and

8. Create a comprehensive and stable pattern of land uses with which to plan drainage/flood control, energy, sewerage, transportation, water supply, and other public facilities and utilities.

800.1.030 - Authority, Relationship to General Plan

A. Applicable State laws. This Zoning Ordinance is enacted based on the authority vested in Fresno County by the State of California, including but not limited to the State Constitution; 65800 and subsequent sections of the State Government Code; the California Environmental Quality Act, the Uniform Building Code, the State Subdivision Map Act, and the State Health and Safety Code.

B. Consistency with General Plan and applicable specific plans required. This Zoning Ordinance is the primary tool used by Fresno County to implement the goals, policies, and programs of the Fresno County General Plan and various specific plans. The Fresno County Board of Supervisors intends that this Zoning Ordinance be consistent with the Fresno County General Plan and applicable specific plans, and that any land use, subdivision, or development approved in compliance with this Zoning Ordinance will also be consistent with the Fresno County General Plan and applicable specific plans. A proposed use is considered to be consistent with the General Plan and applicable specific plans when the following conditions exist:

1. **Compatible.** The proposed use is compatible with the description of the Land Use Designation in which the use is located, as shown on the Land Use Diagram, and as described in the text of the General Plan and applicable specific plans;

2. **Conformance.** The proposed use is in conformance with the goals, policies, programs, and maps, and the intent of the Fresno County General Plan and applicable specific plans; and

3. **Consistent.** The proposed use is to be established and maintained in a manner that is consistent with all elements of the General Plan and applicable specific plans and all applicable provisions contained within the plans.

800.1.040 - Applicability of this Zoning Ordinance

This Zoning Ordinance applies to all land uses, structures, subdivisions, lot line adjustments, and development within Fresno County, in the following manner.

A. New land uses or structures, changes to land uses or structures. It shall be unlawful, and a violation of this Zoning Ordinance, for any person to alter, construct, establish, reconstruct, or replace any use of land or structure except in compliance with the requirements of Section 804.1.020 (Requirements for Development and New Land Uses), and Chapter 870.6 (Nonconforming Uses, Structures, and Parcels).

B. Issuance of construction permits. Building, grading, or other construction permits may be issued by the Department only after the proposed land use and/or structure has been determined to satisfy the requirements of Subsection A. above, and the Director determines that the site was subdivided in compliance with all applicable requirements of Title 17 (Division of Land).

C. Subdivision of land. Any land subdivided within Fresno County after the effective date of this Zoning Ordinance shall be consistent with the minimum parcel size requirements of Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), all other applicable requirements of this Zoning Ordinance, and the subdivision requirements of Title 17 (Division of Land).

D. Continuation of an existing land use. An existing land use is considered to be lawful only when operated and maintained in compliance with all applicable provisions of this Zoning Ordinance. The requirements of this Zoning Ordinance are not retroactive in their effect on a land use that was lawfully established before the effective date of this Zoning Ordinance or any applicable amendment. A use that was legally established but does not fully comply with all of the requirements of this Zoning Ordinance may be maintained in compliance with Chapter 870.6 (Nonconforming Uses, Structures, and Parcels).

E. Effect of Zoning Ordinance changes on projects in progress. The enactment of this Zoning Ordinance or amendments to its requirements may impose different standards on new land uses. The following provisions determine how the requirements of this Zoning Ordinance apply to projects in progress at the time requirements are amended.

1. **Projects with pending applications.** Applications that have been accepted as complete, in compliance with State law (Government Code Section 65943) by the Department before the effective date of this Zoning Ordinance, shall be processed in compliance with the regulations and requirements in effect at the time the application was accepted as complete. Applications for extensions of time shall be consistent with this Zoning Ordinance.

2. **Approved projects not yet under construction.** An approved development for which construction has not begun as of the effective date of this Zoning Ordinance or amendment, may still be constructed as approved, as long as construction is diligently pursued, as determined by the Director, before the expiration of an applicable land use permit (Section 868.6.080, Expiration) or, where applicable, before the expiration of an approved time extension.

3. **Approved projects/uses not involving construction.** An approved land use not involving construction that has not been established as of the effective date of this Zoning Ordinance or amendment, may still be established in compliance with its approved permit, as long as establishment occurs before the expiration of the applicable land use permit (Section 868.6.080, Expiration) or, where applicable, before the expiration of an approved time extension.

4. **Approved subdivisions not yet recorded.** An approved subdivision for which a Parcel or Final Map, or waiver of Final Map, has not been recorded as of the effective date of this Zoning Ordinance or amendment, may still have a Parcel or Final Map recorded in compliance with the approved Tentative Map, as long as recordation occurs before the expiration of the Tentative Map or, where applicable, before the expiration of an approved time extension.

5. **Projects under construction.** A structure that is under construction on the effective date of this Zoning Ordinance or any amendment need not be changed to satisfy new or different requirements of this Zoning Ordinance.

F. Other requirements may still apply. Nothing in this Zoning Ordinance eliminates the need to obtain any other permits required by the County, or permits, approvals, or entitlements required by other provisions of the Fresno County Ordinance Code, the regulations of a County department, or a regional, State, or Federal agency.

G. Conflicting permits and licenses to be void. Permits or licenses shall be issued by the County in compliance with the provisions of this Zoning Ordinance after the effective date of this Zoning Ordinance or amendment. Permits or licenses issued in conflict with this Zoning Ordinance shall be void.

800.1.050 - Responsibility for Administration

A. Responsible bodies and individuals. This Zoning Ordinance shall be administered by the Fresno County Board of Supervisors, Planning Commission, Director of the Department of Public Works and Planning, and the Department of Public Works and Planning, in compliance with Chapter 866.6 (Administrative Responsibility).

B. Exercise of discretion. In the event that a provision of this Zoning Ordinance allows the review authority (designated County official or body) for a permit or other decision to exercise discretion in the application of a specific standard or requirement to a project, but does not identify specific criteria for a decision, the discretion shall be based on the following criteria:

1. The proposed project complies with all applicable provisions of this Zoning Ordinance;

2. The exercise of discretion will act to improve the compatibility of the proposed project with its site, surrounding properties, and the community, to a greater extent than if discretion were not exercised;

3. The manner in which discretion is exercised will result in a more practical application of the provisions of this Zoning Ordinance given specific characteristics of the site and its surroundings than if discretion were not exercised; and

4. The decision is consistent with the General Plan, any applicable specific plan, or any other applicable regulation or standard.

800.1.060 - Partial Invalidation of this Zoning Ordinance

If any article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this Zoning Ordinance is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, these decisions shall not affect the validity of the remaining portions of this Zoning Ordinance. The Fresno County Board of Supervisors hereby declares that this Zoning Ordinance and each article, chapter, section, subsection, paragraph, subparagraph, sentence,

clause, phrase, or portion would have been adopted irrespective of the fact that one or more portions of this Zoning Ordinance may be declared invalid, unconstitutional, or unenforceable.

800.1.070 - Use of Headings

The headings of the articles, chapters, sections, subsections, paragraphs, and subparagraphs of this Zoning Ordinance, together with the accompanying graphics, illustrations, examples, and explanatory notes, are inserted as a matter of convenience and in no way define, limit, or enlarge the scope or meaning of this Zoning Ordinance or its provisions.

CHAPTER 802.1 - INTERPRETATION OF REGULATIONS

802.1.010 - Purpose of Chapter

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Zoning Ordinance. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the provisions of this Zoning Ordinance, the General Plan, and applicable specific plans.

802.1.020 - Rules of Interpretation

A. Authority. The Director of the Department of Public Works and Planning is assigned the responsibility and authority to interpret the requirements of this Zoning Ordinance. The Director's interpretations shall be appealable, first to the Commission and then to the Board, in compliance with Chapter 876.6 (Appeals).

B. Language.

1. Abbreviated titles and phrases. For the purpose of brevity, the following phrases, personnel, and document titles are shortened hereafter in this Zoning Ordinance.

a. The word "County" shall mean the County of Fresno.

b. The County Assessor of the County of Fresno is referred to as the "Assessor."

c. The County Board of Supervisors of the County of Fresno is referred to as the "Board."

d. The word "City" shall mean any incorporated city situated in the County of Fresno.

e. The words "buildings and structures" are referred to as "structures."

f. The County Department of Public Works and Planning is referred to as the "Department."

g. The County Director of the Department of Public Works and Planning, or the Director's designee, is referred to as the "Director."

h. The County Recorder of the County of Fresno is referred to as the "Recorder."

i. The word "Federal" shall mean the Government of the United States of America.

j. Fresno County is referred to as the "County."

k. The Fresno County Board of Supervisors Master Schedule of Fees is referred to as the "Master Schedule of Fees."

l. The Fresno County Zoning Ordinance is referred to as "this or the Zoning Ordinance."

m. Goals, policies, and programs of the General Plan are understood to also include all related actions, diagrams, maps, objectives, standards, and tables contained in the General Plan.

n. The County Planning Commission of the County of Fresno is referred to as the "Commission."

o. The word "State" shall mean the State of California.

p. The State of California Government Code is referred to as the "Government Code."

q. The word "used" includes the words "arranged for, designed for, occupied or intended to be occupied for."

r. The words "Zone Map" shall mean the Official Zone Map of the County of Fresno which is a part of the comprehensive Zoning Ordinance of the County of Fresno.

2. Terminology. When used in this Zoning Ordinance, the words "shall," "must," "will," "is to," and "are to" are always mandatory. However, use of the word "shall" in this Zoning Ordinance is not intended to, nor shall it be deemed to, create a mandatory duty imposed by an enactment within the meaning of Government Code Section 815.6. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to..."

3. Conjunctions. The following conjunctions shall be interpreted as follows:

a. "And" means that all items or provisions so connected shall apply.

b. "Or" means that all items or provisions so connected may apply singularly or in any combination.

c. "And/or" means that all items or provisions so connected shall apply singularly or in combination.

d. "Either . . . or" means that the items or provisions so connected shall apply, but not in combination.

4. Number of days. Whenever a number of days is specified in this Zoning Ordinance, or in any permit, condition of approval, or notice issued or given as provided in this

Zoning Ordinance, the number of days shall be construed as calendar days. Time limits will extend to 5:00 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday when the Department is normally closed for business.

5. Minimum requirements.

a. The provisions of this Zoning Ordinance shall be considered the minimum requirements, unless stated otherwise (e.g., height limits and site coverage requirements for structures, and the numbers and size of signs allowed are maximums, not minimums), for the promotion of the public health, safety, and general welfare.

b. When this Zoning Ordinance provides for discretion on the part of a review authority, the discretion may be exercised to impose more stringent requirements than required by this Zoning Ordinance, as determined by the applicable review authority to be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Zoning Ordinance.

6. State law requirements. Where this Zoning Ordinance references applicable provisions of State law (e.g., the Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

C. Calculations.

1. Residential density. When the number of dwelling units allowed on a site is calculated based on density limits established by a zone, any fraction of a unit shall be rounded down to the next lowest whole number.

For example, within the "R-4" High Density Multi-Family Residential Zone, where both community water supply and public sewage disposal systems exist, there shall be a minimum of 1,000 square feet of parcel area for each dwelling unit allowed.

Consequently, where the parcel has 10,500 square feet of parcel area or more, but less than 11,000 square feet of parcel area, the parcel shall not be used for more than 10 dwelling units.

10,500 sq. ft. parcel ÷ 1,000 sq. ft. per dwelling unit = would allow 10.5 dwelling units, rounded down to 10 dwelling units.

2. All other calculations. For all other calculations required by this Zoning Ordinance, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5, unless otherwise specified.

D. Zone Map boundaries. If there is uncertainty about the location of any zone boundary shown on the official Zone Map, the following rules are to be used in resolving the uncertainty:

1. **Parcel, street, and alley lines.** Where zone boundaries approximately follow parcel, alley, or street lines, the parcel lines and street and alley centerlines shall be construed as the zone boundaries;

2. **Zone Map scale.** If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the Zone Map, the location of the boundary will be determined by using the scale appearing on the Zone Map; and

3. **Vacated street or alley.** Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

E. Allowable uses of land. If a proposed use of land is not specifically listed in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), the use shall not be allowed, except as follows.

1. **Director's determination.** The Director may determine that a proposed use not listed may be allowed as a permitted or conditional use, in compliance with Section 802.1.030 (Procedures for Interpretations), below. In making this determination, the Director shall first find that:

   a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, dust, intensity, noise, parking, population density, or traffic generation than the uses listed in the zone;

   b. The proposed use will meet the purpose and intent of the zone that is applied to the site;

   c. The proposed use will be consistent with the goals, policies, and programs of the General Plan or any applicable specific plan; and

   d. The proposed use is not listed as allowable in another zone.

2. **Applicable standards and permit requirements.** When the Director determines that a proposed but unlisted use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Zoning Ordinance apply.

3. **Commission determination.** The Director may forward questions about similar uses directly to the Commission for a determination.

F. Conflicting requirements.

1. Zoning Ordinance and County Ordinance Code provisions. If conflicts occur between requirements of this Zoning Ordinance, or between this Zoning Ordinance and other regulations of the County, the most restrictive shall apply.

2. Development agreements or specific plans. When conflicts occur between the requirements of this Zoning Ordinance and standards adopted as part of a development agreement or specific plan, the requirements of the development agreement or specific plan shall apply.

3. Private agreements.

a. This Zoning Ordinance and its requirements shall not abrogate, annul, interfere with, or repeal any private agreement, covenant, easement, or other restriction that existed at the time, or was entered into after, this Zoning Ordinance became effective.

b. This Zoning Ordinance applies to all land uses and development, regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (e.g., CC&Rs), without affecting the applicability of any agreement or restriction.

c. The County shall not enforce any private agreement or restriction unless it is a party or a third-party beneficiary to the agreement or restriction.

802.1.030 - Procedures for Interpretations

Whenever the Director determines that the meaning or applicability of the requirements of this Zoning Ordinance are subject to interpretation generally or as applied to a specific case, the Director may issue an official interpretation. Interpretations may also be requested in compliance with this Section.

A. Request for interpretation. A request for an interpretation or determination shall be made in writing to the Director and shall include all information described in the instructions for interpretation requests, available from the Department, and payment of the applicable fee in compliance with the Master Schedule of Fees.

B. Record of interpretations.

1. Official interpretations.

a. Contents of interpretations. Official interpretations shall be in writing, and shall:

(1) Quote the provisions of this Zoning Ordinance being interpreted, include a specific citation(s), and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation;

(2) Include a finding(s) stating the basis for the interpretation, which may include technological changes or new industry standards; and

(3) Include a finding(s) documenting the consistency of the interpretation with the General Plan and any applicable specific plan.

b. Distribution of interpretations. Shall be distributed to the Board, Commission, County Counsel, Clerk of the Board, and Department staff.

2. Amendment of Zoning Ordinance. Provisions of this Zoning Ordinance that are determined by the Director to need refinement or revision should be corrected by amending this Zoning Ordinance as soon as is practical. Until amendments can occur, the Director will maintain a record of official interpretations, available for public review, and indexed by the number of the Section that is the subject of the interpretation.

C. Appeals and referral.

1. Appeals. Interpretations of this Zoning Ordinance by the Director shall be appealable, first to the Commission and then to the Board, in compliance with Chapter 876.6 (Appeals).

2. Referral. The Director may also refer interpretations to the Commission for a determination.

802.1.040 - Official Version of Zoning Ordinance

A. Responsibility for maintaining official version.

1. The Clerk of the Board shall maintain the official version of this Zoning Ordinance.

2. In the event the County maintains an online version, an electronic version (e.g., Microsoft Word, PDF, etc.), and/or a printed (hard copy) version of the Zoning Ordinance or contracts with an outside vendor to provide online public access to the Zoning Ordinance, the printed (hard copy) version of the Zoning Ordinance shall be the controlling legal authority.

3. The County may provide an online version or an electronic version (e.g., Microsoft Word, PDF, etc.) of the Zoning Ordinance as a public service in order to enhance public access and interaction.

4. A disclaimer should be included indicating that the Zoning Ordinance and related materials that are posted to, or linked from, the County's website are provided as a

public service and may, from time to time, contain information that is not completely up-to-date.

B. Discrepancy between versions. In the case of a discrepancy between the online or electronic version and the official hard copy version of the Zoning Ordinance, the official hard copy version shall prevail.

CHAPTER 804.1 - LAND USE PERMIT REQUIREMENTS

804.1.010 - Purpose of Chapter

This Chapter describes the general requirements of this Zoning Ordinance for the approval of proposed development and new land use activities by the County. Land use requirements for specific land uses are established by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), Article 3 (Development and Operational Standards), and Article 4 (Standards for Specific Land Uses). Land use and development approval and administrative provisions are established by Article 5 (Land Use and Development Review Procedures) and Article 6 (Zoning Ordinance Administration).

804.1.020 - Requirements for Development and New Land Uses

No use of land or structures shall be allowed, altered, constructed, established, expanded, reconstructed, or replaced unless the use of land or structures complies with all of the following requirements.

A. Allowable use. The land use shall be identified by Chapters 810.2 (Residential Zones), 812.2 (Commercial Zones), 814.2 (Industrial Zones), 816.2 (Special Purpose Zones), or 818.2 (Overlay/Combining Zones) as being allowable in the zone applied to the site.

B. Permit requirements. Land use permits required by this Zoning Ordinance shall be obtained before the proposed use is constructed, otherwise established, or put into operation, unless the proposed use is listed in Section 804.1.030 (Exemptions from Land Use Permit Requirements), below.

C. Development standards. Uses and/or structures shall comply with the applicable development standards of this Zoning Ordinance, including Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), and the provisions of Article 3 (Development and Operational Standards) and Article 4 (Standards for Specific Land Uses), and other County standards and policies related to the use and development of land.

D. Conditions of approval. Uses and/or structures shall comply with all conditions imposed by a previously granted land use permit. Failure to comply with imposed conditions shall be grounds for revocation or modification of the subject permit in compliance with Section 878.6.060 (Revocation and Modifications).

E. State/Federal laws. Uses and/or structures shall comply with all applicable State and Federal laws

F. Development agreements. Uses and/or structures shall comply with an applicable development agreement approved by the County in compliance with Chapter 844.5 (Development Agreements), even if in conflict with this Zoning Ordinance.

G. Other development policies. The County may adopt policies separate from this Zoning Ordinance that may affect the use and development of land. All applicable policies, procedures, and standards related to land development shall apply when appropriate as determined by the applicable review authority.

804.1.030 - Exemptions from Land Use Permit Requirements

The land use permit requirements of this Zoning Ordinance do not apply to the activities, uses of land, and/or structures identified by this Section.

A. General requirements for exemption. The activities, uses of land, and/or structures identified by Subsection B., below are exempt from the land use permit requirements of this Zoning Ordinance only when:

1. **Compliance with applicable provisions.** The activity or use is established and operated in compliance with applicable development standards of Articles 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), 3 (Development and Operational Standards), and 4 (Standards for Specific Land Uses); and

2. **Other applicable permits.** Permits or approvals required by regulations other than this Zoning Ordinance are obtained in compliance with Section 804.1.050 (Additional Permits and Approvals May be Required), below.

B. Exempt activities and uses. The following activities uses of land, and/or structures are exempt from the land use permit requirements of this Zoning Ordinance when in compliance with Subsection A., above.

1. **Decks, paths, and driveways.** Decks, platforms, on-site paths, and driveways that are not required to have a Building Permit or Grading Permit and are not over 30 inches above natural grade.

2. **Fences and walls - residential zones.** Fences and walls in the residential zones are exempt from land use permit requirements as follows:

   a. **Interior lots:** Fences and walls up to three feet in height when located within the required front setback area, or up to seven feet in height when located outside the required front setback area; and

   b. **Corner lots:** Fences and walls up to three feet in height when located within the required front setback area, street side setback area on a reverse corner lot, and within a corner cut-off area, as defined by this Zoning Ordinance. Fences and walls up to seven feet in height, when located outside the required front setback area and corner cut-off areas. See Section 822.3.050 – Fences, Wall, and Hedges for additional fencing requirements.

3. **Governmental activities.** Any land use activities conducted by a City, County, State or an agency of the State, or the Federal government on land owned or leased by a governmental agency.

4. **Interior remodeling.** Nonstructural interior alterations that do not increase the number of rooms or the gross floor area within the structure or change the allowed use of the structure.

5. **Repairs and maintenance.** Ordinary repairs and maintenance, if the work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement or expansion of the structure, and if exterior repairs employ the same materials and design as the original structure. For nonconforming structures, the ordinary repairs and maintenance shall be limited in compliance with Chapter 870.6 (Nonconforming Uses, Structures, and Parcels).

6. **Small residential accessory structures.** Portable storage sheds and other small structures (e.g., fabric structures) in residential zones that are exempt from Building Permit requirements and are less than 120 square feet in gross floor area. These facilities shall comply with the front, side, and rear setback requirements established by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) for the applicable zone, and Section 834.4.020 (Accessory Uses and Structures), where applicable.

7. **Outdoor play equipment**. Outdoor play equipment (e.g., bridges, climbing towers, slides, swings, and similar elements) less than eight feet in height and a footprint of less than 120 square feet. These facilities shall comply with the front, side, and rear setback requirements established by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) for the applicable zone, and Section 834.4.020 (Accessory Uses and Structures), where applicable.

8. **Spas, hot tubs, and fishponds.** Portable spas, hot tubs, decorative ponds, and fishponds, etc., that do not exceed: 120 square feet in total area, including related equipment; contain more than 2,000 gallons of water; and exceed 18 inches in depth. These facilities shall comply with the front, side, and rear setback requirements established by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) for the applicable zone, and Section 834.4.020 (Accessory Uses and Structures), where applicable.

9. **Utilities.** The alteration, construction, erection, or maintenance by a public utility or public agency of underground or overhead utilities (e.g., electric, gas, supply or disposal systems, telecommunication, water, including cables, conduits, drains, fire-alarm boxes, hydrants, mains, pipes, police/sheriff call boxes, sewers, traffic signals, wires, etc.), but not including structures, shall be allowed in any zone. Satellite and cellular telephone antennas and related equipment are subject to Section 834.4.420 (Wireless Telecommunication Facility Standards).

10. **Walls, retaining walls.** Walls located within four feet from the bottom of a footing or at any height supporting a surcharge shall require a Building Permit.

804.1.040 - Temporary Land Uses Activities

Requirements for establishing a temporary land use activity (e.g., construction yards, seasonal sales lots, special events, temporary office trailers, etc.) are identified in Chapter 858.5 (Temporary Use Permits).

804.1.050 - Additional Permits or Approvals May be Required

A. Other permits required. An allowed land use that is exempt from a land use permit, or has been granted a land use permit, may still be required to obtain other permits before the use is constructed, or otherwise established and put into operation. Nothing in this Chapter shall eliminate the need to obtain any permits or approvals required by:

1. Other County permits. Other provisions of the Ordinance Code, including: Building Permits, Grading Permits, other construction permits, or a Business License; or

2. Other governmental permits. County, a special district, or any regional, State, or Federal agency.

B. Timing of other permits. All necessary permits shall be obtained before starting work or establishing a new use.

Article 2

Zones, Allowable Land Uses, and Zone-Specific Standards

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CHAPTER 806.2 - ZONES ESTABLISHED, ZONE MAP ADOPTED

806.2.010 - Zones Established

Fresno County shall be divided into appropriate zones, which directly correspond to the land use designations outlined in the Land Use Element of the General Plan. The following zones are established.

TABLE 2-1
ZONES

Zone Map Symbol	Zone Name	General Plan Land Use Designation Implemented by Zone
Agricultural		
AE	Exclusive Agricultural	Agriculture/Irrigated Agricultural, Westside/Eastside Rangeland
AL	Limited Agricultural	Agriculture/Irrigated Agricultural
A-1	Agricultural	Variable
A-2	General Agricultural	Variable
Residential		
R-A	Single Family Residential Agricultural	Low Density Residential
R-R	Rural Residential	Rural Residential, Foothill Rural Residential, Mountain Urban
R-1-A, R-1-AH	Single Family Residential	Low Density Residential
R-1-B	Single Family Residential	Low Density Residential
R-1-C	Single Family Residential	Medium Density Residential
R-1-E, R-1-EH	Single Family Residential	Low Density Residential
R-1	Single Family Residential	Medium Density Residential
R-2	Low Density Multi-Family Residential	Medium High Density Residential
R-3	Medium Density Multi-Family Residential	Medium High Density Residential
T-P	Trailer Park Residential	Variable

Zone Map Symbol	Zone Name	General Plan Land Use Designation Implemented by Zone
Commercial		
AC	Agricultural Commercial Center	Agriculture, Regional Commercial, Service Commercial
C-P	Administrative and Professional Office	Office Commercial
C-R	Commercial Recreation	Special Commercial
C-1	Neighborhood Shopping Center	Neighborhood Commercial, Community Commercial
C-2	Community Shopping Center	Community Commercial, Regional Commercial
C-3	Regional Shopping Center	Regional Commercial
C-4	Central Trading	Central Business Commercial
C-6	General Commercial	Service Commercial
RCC	Rural Commercial Center	Rural Settlement
R-P	Residential and Professional Office	Office Commercial
Industrial		
C-M	Commercial and Light Manufacturing	Mountain Commercial and Mountain Urban, Limited Industrial, General Industrial
M-1	Light Manufacturing	Limited and General Industrial
M-2	General Industrial	General Industrial, Limited Industrial
M-3	Heavy Industrial	General Industrial, Limited Industrial
Special Purpose Zones		
O	Open Conservation Land Use	Open Space, Public Lands and Open Space
P	Off-Street Parking	Commercial, Industrial, Mountain Commercial, and Mountain Urban
R-C	Resource Conservation	Open Space, Public Lands and Open Space
R-E	Recreational	Eastside Rangeland, Open Space, Public Lands and Open Space
RS	Rural Settlement	Rural Settlement
TPZ	Timberland Preserve	Open Space and Public Lands and Open Space
Overlay/Combining Zones		
-M	Mountain Overlay	Mountain Residential and Mountain Commercial
-NB	Neighborhood Beautification	“Variable”
-HB	Highway Beautification	“Variable”

806.2.020 - Zone Maps Adopted

The Board hereby incorporates the Official Zone Map (hereafter referred to as the Zone Map) as part of this Zoning Ordinance, which is on file with the Department.

A. Inclusion by reference. The Zone Map together with all legends, symbols, notations, references, zone boundaries, map symbols, and other information on the map have been adopted by the Board in compliance with State law (Government Code Sections 65800 et. seq.) and are hereby incorporated into this Zoning Ordinance by reference as though they were fully included here.

B. Zone boundaries. The boundaries of the zones established by Section 806.2.010 shall be shown on the Zone Map as applicable.

C. Relationship to General Plan. The Zone Map shall implement the General Plan.

D. Map amendments. Amendments to the Zone Map shall follow the process established in Chapter 872.6 (Amendments).

E. Zone Map interpretation. The Zone Map shall be interpreted in compliance with Subsection B. (Zone boundaries), above.

806.2.030 – Allowable Land Uses and Permit Requirements

A. Purpose. Chapters 808.2 through 818.2 determine which land uses are allowed in each zone established by Section 806.2.010 (Zones Established), what permit, or approval is required to establish each use, and the basic development standards that apply to allowed land uses in each zone.

B. Permit requirements. Tables 2-2, 2-4, 2-6, and 2-8 within Chapters 808.2 through 819.2 provide for land uses that are:

1. Permitted subject to first obtaining a Zoning Clearance (Chapter 862.5) and compliance with all applicable provisions of this Zoning Ordinance. These are shown as "P" uses in the tables. Structures erected to accommodate any of the land use activities listed as permitted (P) shall require the approval of a Site Plan Review in compliance with Chapter 854.5.

2. Allowed subject to the approval of a Conditional Use Permit (Chapter 842.5), and shown as "C" uses in the tables;

3. Allowed subject to the approval of a Director’s Review and Approval (Chapter 846.5), and shown as "D" uses in the tables;

4. Allowed subject to the approval of a Site Plan Review (Chapter 854.5), and shown as "SPR" uses in the tables;

5. Allowed subject to the approval of a Temporary Use Permit (Chapter 858.5), and shown as “TUP” uses in the tables.

6. Certain specified land uses are allowed as unclassified uses through an Unclassified Conditional Use Permit (Chapter 842.5) or Unclassified Director’s Review and Approval (Chapter 846.5).

7. Not allowed in particular zones, and shown as a "blank" (i.e., empty cell) in the tables.

C. Obsolete and Deleted Zones. The following Zone Districts are considered obsolete or deleted. Obsolete Zone Districts may exist on the County-adopted zone map but applications to expand areas or propose additional parcels with these districts will not be accepted. Deleted districts have been removed as they no longer exist in unincorporated areas.

1. The A-1, A-2, AE-5 and R-A Zone Districts are obsolete districts and will not be expanded through the rezoning process.

2. The R-2-A, R-3-A, and R-4 Districts no longer exists in the unincorporated areas and has been deleted from the Zoning Ordinance.

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CHAPTER 808.2 – AGRICULTURAL ZONES

808.2.010 – Purpose of Individual Agricultural Zones

The purposes of the individual agricultural zones and the manner in which they are applied are as follows.

A. AE (Exclusive Agricultural) Zone.

1. The AE zone is intended to protect agricultural land and provide for those uses which are necessary and an integral part of an agricultural operation. This zone is intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses.

2. The AE zone shall be accompanied by an acreage designation which establishes the minimum size of parcels that may be created within the zone, including designations of 640, 320, 160, 80, 40, and 20 acres. The AE zone is consistent with the Agriculture, Irrigated Agriculture, and Westside/Eastside Rangeland land use designations of the General Plan.

3. See Section 806.2.030.C for Obsolete and Deleted Zones regarding AE-5.

B. AL (Limited Agricultural) Zone.

1. The AL zone is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas which may be incompatible with other less intensive agricultural operations.

2. The AL zone shall be accompanied by an acreage designation which establishes the minimum size of parcels that may be created within the zone, including designations of 640, 320, 160, 80, 40, and 20 acres. The AL zone is consistent with the Agriculture and Irrigated Agriculture land use designations of the General Plan. See Section 806.2.030.C for Obsolete and Deleted Zones.

C. A-1 (Agricultural) Zone. The A-1 zone is intended to provide for the development of those unincorporated parcels in the County which are not included in other zones. The A-1 zone is consistent with variable land use designations of the General Plan. See Section 806.2.030.C for Obsolete and deleted Zones.

D. A-2 (General Agricultural) Zone. The A-2 zone is intended to protect those parcels requiring more protection than the A-1 zone provides, which do not by their nature require an exclusive or limited agricultural zoning. The A-2 zone is consistent with variable land use designations of the General Plan. See Section 806.2.030.C for Obsolete and deleted Zones.

808.2.020 – Agricultural Zone Land Uses and Permit Requirements

A. Allowed land uses.

1. Table 2-2 indicates the uses allowed within each agricultural zone and the planning permit required to establish each use, in compliance with Article 5 (Land Use and Development Review Procedures).

2. Agricultural uses represent the principal allowed use, and only those additional uses that are complementary to, and can exist in harmony with, the agricultural character of each zone may be allowed as accessory, conditionally permitted, and/or temporary uses.

B. Prohibited land uses. If a land use is not listed in a specific zone district or if a table cell associated with a listed land use is "blank", that land use is prohibited in that specific zone district, unless listed as a permitted unclassified use in Chapter 842.5 or Chapter 846.5.

C. Unclassified uses. Certain specified land uses are allowed as unclassified uses through an Unclassified Conditional Use Permit (Chapter 842.5) or Unclassified Director's Review and Approval (Chapter 846.5).

D. Land uses not listed. For land uses not listed in Table 2-2, the provisions of Section 802.1.020 (Rules of Interpretation) shall apply.

E. Site Plan Review required. All construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) shall require Site Plan Review approval in compliance with Chapter 854.5 (Site Plan Review).

F. Applicable regulations. Where the last column in the tables ("Specific Use Regulations") includes a Section number, the regulations in the referenced section apply to the use; however, provisions in other Sections of this Zoning Ordinance may also apply.

G. Compliance with Airport Land Use Policy Plan. All land uses specified as "P" (Permitted use) in the following land use tables that are located on sites within an approach zone of an airport safety zone shall require a Director's Review and Approval to ensure compliance with the County's Airport Land Use Commission's Airport Land Use Policy Plans, as administered by the Fresno Council of Governments.

808.2.030 – Williamson Act Contracts and Specified Agricultural Zones

A. Minimum Parcel Size for Lands Under Contract.

1. Properties under Contract shall be subject to the County of Fresno's Interim Guidelines which include a parcel size minimum of 20 acres for prime farmland and 40 acres for non-prime farmland.

2. Homesite exception parcels shall maintain a minimum parcel size as required by state law (currently 10 acres).

TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR AGRICULTURAL ZONES

Land Use[1]	Permit Requirement by Zone[2]				
	AE	AL	A-1[3]	A-2[3]	See Section
Agricultural Uses					
Agricultural Accessory Storage, Structures, and Uses	P	P	P	P	See Article 7 for limitations
Agricultural Commercial Center	C		C		834.4.040
Agricultural Processing, Area Products, including Cooperatives	C		C		
Agricultural harvesting, curing, processing, packaging, packing, sales, shipping for products produced on-site (i.e., not subject to Section 834.4.390).	P	P			
Agricultural processing, packaging, sales, shipping, etc. (products may be from on- or off-site holdings when owned by the same entity as the facility.	P	P			834.4.390
Animal Raising, Specialty Commercial	D		D	D	834.4.050
Animal Uses (includes fish and fur bearing in the A-2)	P	P	P	P	834.4.050
Aquaculture (includes Fish Farms, Commercial)	D	D	D	D	
Apiaries	P	P	P	P	834.4.070
Cattle Dairies and Feedlot Facilities (Does **NOT** exceed a capacity of 500 cattle)	D		D		834.4.110
Cattle Dairies and Feedlot Facilities (Does exceed a capacity of 500 cattle)	C		C		834.4.110
Crop Production	P	P	P	P	
Grain Elevators, Commercial	C		C		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

3 See Section 806.2.030.C for Obsolete and Deleted Zones.

TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	AE	AL	A-1[3]	A-2[3]	See Section
Agricultural Uses (Continued)					
Hog/Swine Personal Use (4 max.)	P				834.4.050
Hog/Swine, Sheep, or Goat Feed Lots	C		C		834.4.050
Hog/Swine Ranches	C		C		834.4.050
Horticulture/Greenhouses	P	D	P	D	
Meat Processing, Commercial	C		C		834.4.230
Mushroom Growing	C	C	C		
Mushroom Growing, Incidental	C	C	C		
Poultry Raising, Large	D		D	D	834.4.290
Poultry Raising, Small	P		P	P	834.4.290
Poultry/Rabbit Processing	C		C		
Stock Yards/Feed Lots	C		C	C	
Value-added agricultural uses in addition to agricultural harvesting, curing, processing, packaging, packing, sales, and shipping for products produced on-site.	P				834.4.390
Commercial establishments for the processing of agricultural products and value-added uses not authorized under the by-right value-added uses above.	C				834.4.390
Wineries/Distilleries, Large	C		C	C	
Wineries/Distilleries, Small	D		D	D	834.4.410
Wholesale Limited Winery Distillery and Brewery	P	P			834.4.415
Micro Winery, Distillery and Brewery	P	P			834.4.415
Minor Winery, Distillery and Brewery	P	P			834.4.415
Agricultural Sales and Service Uses					
Agricultural Chemicals, Sales and Service	C		C		
Agricultural Auction /Sales Yards	C		C	C	
Agricultural Trucking Operations	D				
Building Materials Sales	C		C		
Commercial Dehydration Operations	C		C		
Contactors Storage Yard, Agricultural Services	D		D		
Dog Grooming (in conjunction with single-family residence)	D	D	D	D	

Farm Equipment and Machinery Sales, Rental, Storage and Maintenance	C		C		
Farm Labor Contractor Services	D		D		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

3 See Section 806.2.030.C for Obsolete and Deleted Zones.

TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	AE	AL	A-1[3]	A-2[3]	See Section
Agricultural Sales and Service Uses (Continued)					
Feed and Farm Supplies Sales	C		C		
Horticultural Services	D	C	C	C	
Horticultural Services, Accessory	P	D	P		
Liquefied Petroleum Gas Distribution Sales, and Storage	C	C	C		
Plant Nurseries	D				834.4.180
Plant Nurseries, Private	P				834.4.180
Roadside Agricultural Stands, Permanent	D	D	D	D	834.4.370
Roadside Agricultural Stands, Temporary	P	P	P	P	834.4.370
Stables, Commercial	D	D	D	D	834.4.050
Stables, Private	P	P	P	P	834.4.050
Veterinary Clinics and Animal Hospitals	D	D	D	D	
Water Well Drilling/Pump Installation	P	P	P	P	
Welding and Blacksmith (as part of farm equipment sales and service).	P		P		
Residential Uses					
Accessory Structures	P	P	P	P	834.4.020
Additional On-Site Dwellings					
Accessory Dwelling Units	P	P	P	P	834.4.030.B
Second Dwelling Units	D	D	D	D	834.4.030.C
Child Day Care Home, (up to 14 children)	P	P	P	P	834.4.100
Drug and Alcohol Treatment Facilities (HSC 11834.23) Six or fewer residents	P	P	P	P	See Art 7
Drug and Alcohol Treatment Facilities (HSC 11834.23) Seven or more residents	C	C	C	C	See Art 7
Employee Housing (six or fewer residents)	P	P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5

TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

3. See Section 806.2.030.C for Obsolete and Deleted Zones.

TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR AGRICULTURAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	AE	**AL**	**A-1**	**A-2**	**See Section**
Residential Uses (Continued)					
Farmworker Housing, Complexes	P	P	P	P	834.4.160
Farmworker Housing, Temporary	P	P	~~P~~	~~P~~	834.4.150
Home Occupations, Class I	P	P	P	P	834.4.190
Home Occupations, Class II	D	D	D	D	834.4.190
Household Pets	P	P	P	P	
Kennels, Private	P	D	P	D	
Manufactured/Factory Built Housing	P	P	P	P	
Mobile Home, Temporary (If 2nd Residence)	D	D	D	D	
Low Barrier Navigation Center					
Residential Care Facility, Licensed, Large	C	C	C	C	
Residential Care Facility, Unlicensed, Large	C	C	C	C	
Residential Care Facility, Licensed, Small	P	P	P	P	
Residential Care Facility, Unlicensed, Small	P	P	P	P	
Single-Family Dwelling	P	P	P	P	
Transitional Housing (GC 65583(c)(3)) six or fewer residents – subject to the restrictions and density of the underlying zone	P	P	P	P	See Article 7
Swimming Lessons	C		C		834.4.360
Temporary Uses	TUP	TUP			858.5
Nonresidential Uses					
Observatories	C	C	C	C	
Public Facilities	D	D	D	D	
Public Utility Facilities	C	C	C	C	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	AE	AL	A-1	A-2	See Section
Communication Facilities					
Microwave Relay Structures	D	D	D	D	834.4.420
Satellite Dish Antenna	P	P	P	P	834.4.420
Education, Public Assembly, and Recreation Uses					
Agricultural Tourism	P	P			834.4.025
Assembly/Meeting Facilities	D	D	D	D	
Golf Courses and/or Driving Ranges	C	C			
Guest Ranches	C	C			
Historic and Monument Sites	P	P	P	P	
Off Road Vehicles	C	C			
Philanthropic/Charitable, Agricultural Institutions	D	D	D		
Racetracks	C	C			
Schools, Private	D	D	D	D	
Schools, Public	D	D	D	D	
Stables, Commercial	D	D	D	D	
Stables, Private	P	P	P	P	
Other					
Airports, Small/Private	C	C	C	C	
Antique Sales	D	D	D		
Interstate Interchange Commercial Centers	C		C		834.4.200
Interstate Interchange Impact Areas	D		D		
Kennels, Boarding and Training	C				
Kennels, Breeding and Personal, on sites with up to five acres.	C				
Kennels, Breeding and Personal, on sites with five or more acres.	D				
Kennels, Commercial	C	C	C	C	
Personal/RV Storage		C			834.4.270
Solar Energy System, Private	P	P	P	P	
Surface Mining Operations	C	C	C	C	
Temporary Mill/Chipping Facilities	P				834.4.380

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

808.2.040 – Agricultural Zone General Development Standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-3, in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Development and Operational Standards).

TABLE 2-3
AGRICULTURAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE

Development Feature	AE	AL
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	20 acres (or by the stated zone designation: 20, 40, 80, 160, 320, 640 acres, as in AE-20 or AE-640), except as provided for in 822.3.080.F (Homesites). ***Rezoning to AE-5 is not allowed.***	20 acres (or by the stated zone designation: 20, 40, 80, 160, 320, 640 acres, as in AL-20 or AL-640), except as provided for in 822.3.080.F (Homesites).
Minimum Parcel Width/Frontage:		
Interior	5.0 acres or more none; below 5.0 acres 165 ft.	5.0 acres or more none; below 5.0 acres 165 ft.
Corner	5.0 acres or more none; below 5.0 acres 165 ft.	5.0 acres or more none; below 5.0 acres 165 ft.
Reversed Corner	5.0 acres or more none; below 5.0 acres 165 ft.	5.0 acres or more none; below 5.0 acres 165 ft.
Siding on freeways/railroad ROW	5.0 acres or more none; below 5.0 acres 165 ft.	5.0 acres or more none; below 5.0 acres 165 ft.
Curve lots/cul-de-sacs	5.0 acres or more none; below 5.0 acres 165 ft. 90 ft. cul-de sac	5.0 acres or more none; below 5.0 acres 165 ft. 90 ft. cul-de sac
Minimum Parcel Depth	5.0 acres or more none. Minimum depth to width ration not to exceed 4:1	5.0 acres or more none.
Parcels resulting from the division of sections with less than 640 acres into units of 1/2, 1/4, 1/8, 1/16, or 1/32 of a section shall also be deemed to be equivalent to the corresponding and respective parcel areas required by the acreage designations. The acreage shall be measured from the center of any abutting roadway, stream, railroad, or other public right-of-way that serve as a boundary line.		
Maximum (Gross) Population Density	1 DU/based upon zone designation, as in 1/20 or 1/640 Notwithstanding any other provision of this Division, all residences authorized for construction for which an application was accepted for process prior to August 1, 2001 that exceed the density standards herein, shall be deemed conforming and not subject to the provisions of Section 870.6 (Nonconforming Uses)	1 DU/based upon zone designation, as in 1/20 or 1/640 Notwithstanding any other provision of this Division all residences authorized for construction for which an application was accepted for processing prior to August 1, 2001 that exceed the density standards herein, shall be deemed conforming and not subject to the provisions of Section 870.6 (Nonconforming Uses)

Development Feature	AE	AL
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	35 ft.	35 ft.
Side (each)	20 ft.	20 ft.
Street side	35 ft.	35 ft.
Reversed corner (street side)	35 ft.	35 ft.
Rear	20 ft.	20 ft.
Accessory structures	See Section 834.4.020 (Accessory Structures). Exception: Zero-foot setback is 100 ft. from property line.	
Maximum Parcel Coverage (10)	None	None
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	20 acres (or by the stated zone designation: 20, 40, 80, 160, 320, 640 acres, as in AE-20 or AE-640), except as provided for in 822.3.080.F (Homesites). ***Rezoning to AE-5 is not allowed.***	20 acres (or by the stated zone designation: 20, 40, 80, 160, 320, 640 acres, as in AL-20 or AL-640), except as provided for in 822.3.080.F (Homesites).
Minimum Distance Between Structures on the Same Parcel	6 ft. (40 ft. when related to animals)	None
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	35 ft. (If exceeding two stories, an emergency exit (door/window no less than two feet wide and having a minimum area of six square feet shall be provided to the uppermost story no more than 28 feet above the finished grade below the opening.)	35 ft.

TABLE 2-3
AGRICULTURAL ZONES GENERAL DEVELOPMENT STANDARDS REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	AE	AL
Accessory Structure - Maximum Height	35 ft. (except non-dwelling structures [e.g., silos, water tanks, windmills, and other accessory farm structures])	35 ft. (except non-dwelling structures [e.g., silos, water tanks, windmills, and other accessory farm structures])
Silos, Water Tanks, Windmills, and other Accessory Farm Structures - Maximum Height	60 ft.	60 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

TABLE 2-3
AGRICULTURAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	A-1	A-2
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	100,000 sq. ft.	100,000 sq. ft.
Minimum Parcel Width/Frontage:		
Interior	165 ft.	165 ft.
Corner	165 ft.	165 ft.
Reversed Corner	165 ft.	165 ft.
Siding on freeways/railroad ROW	165 ft.	165 ft.
Curve lots/cul-de-sacs	90 ft.	90 ft.
Minimum Parcel Depth	170 ft.	170 ft.
Maximum (Gross) Population Density	1 DU per zone designation	1 DU per zone designation
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	Consistent with the zone in which the use is listed as allowed; or more than one zone, the least restrictive shall apply.	35 ft.
Side (each)	Consistent with the zone in which the use is listed as allowed; or more than one zone, the least restrictive shall apply.	20 ft.
Street side		35 ft.
Reversed corner (street side)		35 ft.
Rear		20 ft.
Accessory structures	See Section 834.4.020 (Accessory Structures). Exception: Zero-foot setback is 100 ft. from property line.	
Maximum Parcel Coverage (10)	None	None
Minimum Distance Between Structures on the Same Parcel	Consistent with the zone in which the use is listed as allowed; or more than one zone, the least restrictive shall apply.	6 ft. from main structure
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	Consistent with the zone in which the use is listed as allowed; or more than one zone, the least restrictive shall apply.	35 ft.
Accessory Structure - Maximum Height	Consistent with the zone in which the use is listed as allowed; or more than one zone, the least restrictive shall apply.	35 ft. (except non-dwelling structures [e.g., silos, water tanks, windmills, and other accessory farm structures])
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	

Development Feature	A-1	A-2
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	100,000 sq. ft.	100,000 sq. ft.
Signs	See Chapter 830.3 (Signs)	

CHAPTER 810.2 – RESIDENTIAL ZONES

810.2.010 – Purpose of Individual Residential Zones

The purposes of the individual residential zones and the manner in which they are applied are as follows.

A. R-A (Single Family Residential Agricultural) Zone. The R-A zone identifies areas appropriate for lower density development and small-scale agricultural uses, with not more than one primary dwelling unit per parcel. The R-A zone is consistent with the Low-Density Residential land use designation of the General Plan; see Section 806.2.030.C for Obsolete and Deleted Zones.

B. R-R (Rural Residential) Zone. The R-R zone identifies areas appropriate for large lot single-family uses, including limited agricultural activities (e.g., greenhouses, fruit and nut trees, and vines), within a semi-rural environment, with not more than one primary dwelling unit per parcel. The R-R zone is consistent with the Rural Residential, Foothill Rural Residential, and Mountain Urban land use designations of the General Plan.

C. R-1-A, R-1-AH (Single Family, Low Density Residential) Zones. The R-1-A and R-1-AH zones identify areas appropriate for large lot single-family uses with urban standards, with not more than one primary dwelling unit per parcel. The R-1-A and R-1-AH zones are consistent with the Low-Density Residential land use designation of the General Plan;

D. R-1-B (Single Family, Low Density Residential) Zone. The R-1-B zone identifies areas appropriate for large lot single-family uses with urban standards, with not more than one primary dwelling unit per parcel. The R-1-B zone is consistent with the Low-Density Residential land use designation of the General Plan.

E. R-1-C (Single-Family Residential Medium Density) Zone. The R-1-C zone identifies areas appropriate for conventional single-family uses, with not more than one primary dwelling unit per parcel, unless within a planned development. The R-1-C zone is consistent with the Medium Density Residential land use designation of the General Plan.

F. R-1-E, R-1-EH (Single-Family Residential Low Density) Zones. The R-1-E and R-1-EH zones identify areas appropriate for single-family residential estate uses, with not more than one primary dwelling unit per parcel. The standards for both zones are identical except that horses are an allowed use in the R-1-EH zone. The R-1-E and R-1-EH zones are consistent with the Low-Density Residential land use designation of the General Plan.

G. R-1 (Single-Family Residential Medium Density) Zone. The R-1 zone identifies areas appropriate for conventional single-family uses, with not more than one primary dwelling unit per parcel, unless within a planned development. The R-1 zone is consistent with the Medium Density Residential land use designation of the General Plan.

H. R-2 (Multi-Family Low Density) Zones. The R-2 zone identifies areas appropriate for low density multi-family residential uses, in order to provide for light, privacy, air, safety, and insulation against transmission of sound. The R-2 zone is consistent with the Medium-High Density Residential land use designation of the General Plan.

I. R-3 (Multi-Family Medium Density) Zone. The R-3 zone identifies areas appropriate for medium density multi-family residential uses. The R-3 zone is consistent with the Medium-High Density Residential land use designation of the General Plan.

J. T-P (Trailer Park Residential) Zone. The T-P zone identifies areas appropriate for the accommodation of residential mobile homes and manufactured housing. A T-P zone shall not be less than five acres in size. The T-P zone is consistent with variable land use designations of the General Plan.

810.2.020 – Residential Zone Land Uses and Permit Requirements

A. Allowed land uses.

1. Table 2-4 indicates the uses allowed within each residential zone and the planning permit required to establish each use, in compliance with Article 5 (Land Use and Development Review Procedures).

2. Residential uses represent the principal allowed use, and only those additional uses that are complementary to, and can exist in harmony with, the residential character of each zone may be allowed as accessory, conditionally permitted, and/or temporary uses.

3. The following types of residential projects shall be allowed by right pursuant to California Government Code section 65583.2(h) and (i): residential projects that include owner-occupied and/or rental multi-family residential units located on sites identified for rezoning in Table 1A-8 of the 2023-2031 Housing Element in order to meet the lower income Regional Housing Needs Allocation (RHNA), provide appropriate densities, and incorporate a minimum of 20 percent of the units in the development as affordable to lower income households. Additionally, any site listed in Table 1A-8 that was rezoned on or after January 1, 2024, that is identified for lower income capacity must be developed at a minimum density of 20 units per acre pursuant to California Government Code section 65583.2(c)(3).

4. Residential projects that include owner-occupied and/or rental multi-family residential units located on sites identified for rezoning in the 2023- 2031 Housing Element in order to meet the lower income RHNA, provide appropriate densities, and incorporate a minimum of 20 percent of the units in the development as affordable to lower income households shall be allowed by right pursuant to Government Code section 65583.2(h) and (i).

B. Prohibited land uses. If a land use is not listed in a specific zone district or if a

table cell associated with a listed land use is "blank", that land use is prohibited in that specific zone district, unless listed as a permitted unclassified use in Chapter 842.5 or Chapter 846.5.

C. Unclassified uses. Certain specified land uses are allowed as unclassified uses through an Unclassified Conditional Use Permit (Chapter 842.5) or Unclassified Director's Review and Approval (Chapter 846.5).

D. Land uses not listed. For land uses not listed in Table 2-4, the provisions of Section 802.1.020 (Rules of Interpretation) shall apply.

E. Site Plan Review required. Construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) may require Site Plan Review approval in compliance with Chapter 854.5 (Site Plan Review).

F. Applicable Regulations. Where the last column in the tables ("Specific Use Regulations") includes a Section number, the regulations in the referenced section apply to the use; however, provisions in other Sections of this Zoning Ordinance may also apply.

TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES

Land Use[1]	Permit Requirement by Zone[2]					
	R-A	R-R	R-2	R-3	T-P	See Section
Residential						
Accessory Structures	P	P	P	P	P	834.4.020
Accessory Vending Machines, expanded			D	D	D	834.4.400
Accessory Vending Machines, regular			P	P	P	834.4.400
Additional On-Site Dwellings						
Accessory Dwelling Units	P	P	P	P	P	834.4.030.B
Second Dwelling Units	D	D				834.4.030.C
Child Day Care Center	C	C	C	C	C	834.4.100
Child Day Care, (up to 14 children)	P	P	P	P	P	834.4.100
Drug and Alcohol Treatment Facilities (HSC 11834.23) – six (6) or fewer residents	P	P	P	P		
Drug and Alcohol Treatment Facilities (HSC 11834.23) – seven (7) or more residents	C	C	C	C		
Employee Housing (six or fewer residents)	P	P	P	P	P	834.4.160
Farmworker Housing Complexes	P	P				834.4.160
Fraternities/Sororities				D		
Home Occupations, Class I	P	P	P	P	P	834.4.190
Home Occupations, Class II	D	D	D	D	D	834.4.190
Household Pets	P	P	P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance

with Chapter 854.5 (Site Plan Review). For the R-2, R-3, and T-P a Site Plan Review shall be required. A single-family residence in the R-2 is excepted from this requirement.

TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]					
	R-A[3]	R-R	R-2	R-3	T-P	See Section
Residential (Continued)						
Manufactured/Factory Built Housing	P	P	P	P	P	834.4.330
Mobile Home Parks					P	
Mobile Home Park Services					D	834.4.240
Mobile Home Planned Residential Developments					C	
Mobile Home, Temporary	D	D				834.4.330
Multi-Family Dwellings			P	P		834.4.430
Planned Residential Developments		C	C	C		834.4.280
Low Barrier Navigation Center			P	P		
Residential Care Facility, Licensed, Large	C	C	C	C	C	
Residential Care Facility, Unlicensed, Large	C	C	C	C	C	
Residential Care Facility, Licensed, Small	P	P	P	P	P	
Residential Care Facility, Unlicensed, Small	P	P	P	P	P	
Single-Family Dwelling	P	P	P	P		
Single Room Occupancy, Small			P	P		834.4.340
Single Room Occupancy, Large			P	P		834.4.340
Supportive Housing or Transitional Housing (GC 65583(c)(3), 65650, and 65651) – subject to the restrictions and density of the underlying zone	P	P	P	P		See Article 7
Transitional Housing (GC 65583(3)) six or fewer residents – subject to the restrictions and density of the underlying zone	P	P				See Article 7
Nonresidential						
Broadcasting Studios	C	C				
Contractors Storage Yard, Agricultural Services	D	D				
Hospitals/Sanitariums			C	C		
Kennel, Commercial	C	C				
Kennel, Private	D	D				
Observatories, up to 3,000 sq. ft.		D				
Observatories, 3,001 sq. ft. or greater		C				
Observatories, any size	C		C	C	C	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review). For the R-2, R-3, and T-P a Site Plan Review shall be required. A single-family residence in the R-2 zone is excepted from this requirement.

3. See Section 806.2.030.C for Obsolete and Deleted Zones.

TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]					
	R-A[3]	R-R	R-2	R-3	T-P	See Section
Nonresidential (continued)						
Public Utility Facilities, Major	D	D	D	D	D	See Article 7
Public Utility Facilities, Minor	P	P	P	P	P	See Article 7
Rural Commercial Center		C				834.4.040
Storage or parking of boats, trailers, recreational vehicles, limited to the private non-commercial use by the occupants or the premises.	P	P				
Storage of Petroleum products for use by the occupants of the premises but not for resale or distribution	P	P				
Swimming Schools, Large	C	C				834.4.360
Swimming Schools, Small	D	D				834.4.360
Agricultural and Open Space Resources						
Agricultural accessory storage, structures, and uses.	P	P				
Agricultural product sales, produced on-site	P	P				
Animal uses, 20,000 sq. ft. or greater		P				834.4.050
Animal Uses, 36.000 sq. ft. or greater	P	P				834.4.050
Beekeeping	P	D				834.4.070
Commercial Crop Production	P	P				
Horticulture/ Greenhouses	C	C				834.4.180
Horticulture/ Greenhouses, Private	P	P				834.4.180

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review). For the R-2, R-3, and T-P a Site Plan Review shall be required. A single-family residence in the R-2 zone is excepted from this requirement.

3 See Section 806.2.030.C for Obsolete and Deleted Zones.

TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]					
	R-A[3]	R-R	R-2	R-3	T-P	See Section
Agricultural and Open Space Resources (Continued)						
Hog/Swine Ranches	C	C				
Plant Nurseries	C	C				
Plant Nurseries, Private	P	P				
Poultry Raising, Large	C	C				834.4.290
Poultry Raising, Small	D	D				834.4.290
Stables, Commercial		C				
Stables, Private	P	P				
Wholesale Limited Winery Distillery and Brewery		P				834.4.415
Micro Winery, Distillery and Brewery		D				834.4.415
Minor Winery, Distillery and Brewery		C				834.4.415
Landscaping/limited agriculture - Millerton Specific Plan Area (tertiary treated irrigation water)			C			834.4.440
Education, Public Assembly, and Recreation						
Clubs and Lodges			C	C		
Country Clubs and Golf Courses	C	C	C	C		
Libraries, Public			D	D		
Places of Worship	C	C	C	C		
Schools, Private	D	D	D	D		
Schools, Public	D	D	D	D		
Schools, Motorcycle Safety and Training		D				834.4.320
Recreational Vehicle Park					C	
Communication Facilities						
Microwave Relay Structures	D	D	D	D	D	834.4.420
Satellite Dish Antenna	P	P	P	P	P	834.4.420

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review). For the R-2, R-3, and T-P a Site Plan Review shall be required. A single-family residence in the R-2 zone is excepted from this requirement.

3 See Section 806.2.030.C for Obsolete and Deleted Zones.

TABLE 2-4-1
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES

Land Use[1]	Permit Requirement by Zone[2]					
	R-1, R-1-B, R-1-C	R-1-A	R-1-AH	R-1-E	R-1-EH	See Section
Residential						
Accessory Structures	P	P	P	P	P	834.4.020
Additional On-Site Dwellings						
Accessory Dwelling Units	P	P	P	P	P	834.4.030.B
Second Dwelling Units	D	D	D	D	D	834.4.030.C
Child Day Care Center	C	C	C	C	C	834.4.100
Child Day Care, (up to 14 children)	P	P	P	P	P	834.4.100
Drug and Alcohol Treatment Facilities (HSC 11834.23) - six (6) or fewer residents	P	P	P	P	P	
Drug and Alcohol Treatment Facilities (HSC 11834.23) - seven (7) or more residents	C	C	C	C	C	
Employee Housing (six or fewer residents)	P	P	P	P	P	834.4.160
Farmworker Housing Complexes		C	C	C	C	834.4.160
Farmworker Housing, Temporary						
Home Occupations, Class I	P	P	P	P	P	834.4.190
Home Occupations, Class II	D	D	D	D	D	834.4.190
Household Pets	P	P	P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-4-1
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]					
	R-1, R-1-B, R-1-C	R-1-A	R-1-AH	R-1-E	R-1-EH	See Section
Residential (Continued)						
Manufactured/Factory Built Housing	P	P	P	P	P	834.4.330
Mobile Home Parks						
Mobile Home Park Services						834.4.240
Mobile Home Planned Residential Developments						
Mobile Home, Temporary						834.4.330
Multi-Family Dwellings						
Planned Residential Developments	C	C	C	C	C	834.4.280
Residential Care Facility, Licensed, Large	C	C	C	C	C	
Residential Care Facility, Unlicensed, Large	C	C	C	C	C	
Residential Care Facility, Licensed, Small	P	P	P	P	P	
Residential Care Facility, Unlicensed, Small	P	P	P	P	P	
Single-Family Dwelling	P	P	P	P	P	
Transitional Housing (GC 65583(c)(3)) six or fewer residents – subject to the restrictions and density of the underlying zone	P	P	P	P	P	See Article 7
Temporary Uses						
Nonresidential						
Broadcasting Studios						
Contractors Storage Yard, Agricultural Services						
Hospitals/Sanitariums						
Kennel, Commercial						
Kennel, Private						
Observatories, up to 3,000 sq. ft.						
Observatories, 3,001 sq. ft. or greater						
Observatories, any size	C	C	C	C	C	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-4-1
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]					
	R-1, R-1-B, R-1-C	R-1-A	R-1-AH	R-1-E	R-1-EH	See Section
Nonresidential (continued)						
Public Utility Facilities, Major	D	D	D	D	D	See Article 7
Public Utility Facilities, Minor	P	P	P	P	P	See Article 7
Rural Commercial Center						834.4.040
Swimming Schools, Large	C	C	C	C	C	834.4.360
Swimming Schools, Small	D	D	D	D	D	834.4.360
Agricultural and Open Space Resources[3]						
Agricultural accessory storage, structures, and uses (private use).		P	P	P	P	
Agricultural product sales, produced on-site						
Animal uses, private 20,000 sq. ft. or greater		P	P	P	P	834.4.050
Animal Uses, 36.000 sq. ft. or greater (private use)		P	P	P	P	834.4.050
Beekeeping						834.4.070
Commercial Crop Production		C	C	C	C	
Horticulture/ Greenhouses						
Horticulture/ Greenhouses, Private		P(3)	P(3)	P(3)	P(3)	834.4.180
Landscaping/limited agriculture - Millerton Specific Plan Area (tertiary treated irrigation water)	C			C	C	834.4.440

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

3 Crop production for personal use only shall be limited to hay crops, orchards, pasture crops, row crops, and vineyards. Storage of petroleum products only for use of the occupants of the premises, but not for resale or distribution.

TABLE 2-4-1
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]					
	R-1, R-1-B, R-1-C	R-1-A	R-1-AH	R-1-E	R-1-EH	See Section
Agricultural and Open Space Resources (Continued)[3]						
Stables, Private		P(3)	P(3)	P(3)	P(3)	834.4.050
Education, Public Assembly, and Recreation						
Clubs and Lodges						
Country Clubs and Golf Courses	C	C	C	C	C	
Libraries, Public	C	C	C	C	C	
Places of Worship	C	C	C	C	C	
Public, Moderate Intensity Parks and Playgrounds	D	D	D			834.4.260
Public, High Intensity Parks	C	C	C			834.4.260
Schools, Private	C	C	C	C	C	
Schools, Public	D	D	D	D	D	
Communication Facilities						
Microwave Relay Structures	D	D	D	D	D	834.4.420
Satellite Dish Antenna	P	P	P	P	P	834.4.420

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

3 Crop production for personal use only shall be limited to hay crops, orchards, pasture crops, row crops, and vineyards. Storage of petroleum products only for use of the occupants of the premises, but not for resale or distribution.

810.2.030 - Residential Zone General Development Standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-5, in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Development and Operational Standards).

TABLE 2-5
RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS REQUIREMENTS BY INDIVIDUAL ZONE

Development Feature	R-A	R-R
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	36,000 sq. ft.	2.0 acres (or by zone designation: 5.0 acres)
Minimum Parcel Width/Frontage:		See Section 822.3.080-B.1 for parcels in the Sierra-North and Sierra-South Regional PlanAreas
Interior	130 ft.	165 ft.
Corner	130 ft.	165 ft.
Reversed Corner	130 ft.	165 ft.
Siding on freeways/railroad ROW	160 ft.	165 ft.
Curve lots/cul-de-sacs	90 ft.	90 ft.
Minimum Parcel Depth	170 ft.	170 ft.
Maximum (Gross) Population Density	1 DU/36,000 net sq. ft.	1 DU/parcel
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. Note: In the RR District front yard setbacks are required for areas constructed primarily/specifically for tennis courts or other game areas*	
Front	35 ft.	35 ft.
Front, curve lots/cul-de-sacs	25 ft.	25 ft.
Side (each)	15 ft.	20 ft.
Street side	25 ft.	35 ft.
Reversed corner (street side)	25 ft.	25 ft.
Rear	20 ft.	20 ft.
Minimum Distance Between Structures Housing Livestock & Poultry to Human Habitation	40 ft.	40 ft.
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	30%	None
Minimum Distance Between Structures on the Same Parcel	6 ft. from main structure*	6 ft. from main structure*
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	35 ft.	35 ft.
Accessory Structure - Maximum Height	12 ft.	25 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050.G (Fences, Walls, and Hedges – Residential Standards)	See Section 822.3.050.G (Fences, Walls, and Hedges – Residential Standards)
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

Notes:

*Where an accessory structure is used for garage purposes and where the garage is located within the area defined

by the projection of the side lines of any main structure, and where vehicular access to the garage faces any main structure and falls entirely or in part, within that area, the garage shall be located not less than 25 feet from the main structure.

TABLE 2-5
RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	R-1-A, R-1-AH	R-1-B
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	20,000 sq. ft.	12,500 sq. ft. 18,500 sq. ft. (Within the Fig Garden Neighborhood Plan and only when designated Low Density Residential)
Minimum Parcel Width/Frontage:		
Interior	110 ft.	80 ft.
Corner	110 ft.	90 ft.
Reversed Corner	110 ft.	95 ft.
Siding on freeways/railroad ROW	130 ft.	100 ft.
Curve lots/cul-de-sacs	80 ft.	60 ft.
Minimum Parcel Depth	130 ft. 130 ft. (Parcels facing on streets shown on the Circulation Element) 150 ft. (Parcels backing on freeways or railroad rights-of-way)	110 ft. 120 ft. (Parcels facing on streets shown on the Circulation Element) 150 ft. (Parcels backing on freeways or railroad rights-of-way)
Maximum (Gross) Population Density	1 DU/parcel	1 DU/parcel
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. Note: Front yard setbacks are required for areas constructed primarily/specifically for tennis courts or other game areas.*	
Front	35 ft.	35 ft.
Front, curve lots/cul-de-sacs	25 ft.	25 ft.
Side (each)	10 ft.	10 ft.
Street side	25 ft.	25 ft.
Reversed corner (street side)	25 ft.	25 ft.
Rear	20 ft.	20 ft.
Minimum Distance Between Structures housing Livestock & Poultry to Human Habitation	40 ft.	
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	30%	35%
Minimum Distance Between Structures on the Same Parcel	6 ft. from main structure*	6 ft. from main structure*
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	35 ft.	35 ft.
Accessory Structure - Maximum Height	12 ft.	12 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050.G (Fences, Walls, and Hedges – Residential Standards)	See Section 822.3.050 (Fences, Walls, and Hedges)

Landscaping	See Chapter 826.3 (Landscaping Standards)
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)

Development Feature	R-1-A, R-1-AH	R-1-B
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	20,000 sq. ft.	12,500 sq. ft. 18,500 sq. ft. (Within the Fig Garden Neighborhood Plan and only when designated Low Density Residential)
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

Notes:

*Where an accessory structure is used for garage purposes and where the garage is located within the area defined by the projection of the side lines of any main structure, and where vehicular access to the garage faces any main structure and falls entirely or in part, within that area, the garage shall be located not less than 25 feet from the main structure.

TABLE 2-5
RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	R-1-C	R-1-E, R-1-EH
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	9,000 sq. ft.	37,500 sq. ft.
Minimum Parcel Width/Frontage:		
Interior	70 ft.	150 ft.
Corner	80 ft.	150 ft.
Reversed Corner	85 ft.	150 ft.
Siding on freeways/railroad ROW	90 ft.	160 ft.
Curve lots/cul-de-sacs	50 ft.	100 ft.
Minimum Parcel Depth	110 ft. 120 ft. (Parcels facing on streets shown on the Circulation Element) 130 ft. (Parcels backing on freeways or railroad rights-of-way)	200 ft.
Maximum (Gross) Population Density	1 DU/parcel	1 DU/parcel
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100(Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. Note: Front yard setbacks are required for areas constructed primarily/specifically for tennis courts or other game areas.*	
Front	25 ft.	50 ft.
Front, curve lots/cul-de-sacs	25 ft.	40 ft.
Side (each)	7 ft.	15 ft.
Street side	15 ft.	35 ft.
Reversed corner (street side)	20 ft.	35 ft.
Rear	20 ft.	20 ft.
Minimum Distance Between Structures housing Livestock & Poultry to Human Habitation	40 ft.	40 ft.
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	40%	30%
Minimum Distance Between Structures on the Same Parcel	6 ft. from main structure*	6 ft. from main structure*
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	35 ft.	35 ft.
Accessory Structure - Maximum Height	12 ft.	12 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

Notes:
*Where an accessory structure is used for garage purposes and where the garage is located within the area defined by the projection of the side lines of any main structure, and where vehicular access to the garage faces any main structure and falls entirely or in part, within that area, the garage shall be located not less than 25 feet from the main structure.

TABLE 2-5
RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	R-1	R-2
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	6,000 sq. ft.	6,600 sq. ft.
Minimum Parcel Width/Frontage:		
Interior	60 ft.	60 ft.
Corner	65 ft.	65 ft.
Reversed Corner	70 ft.	70 ft.
Siding on freeways/railroad ROW	80 ft.	80 ft.
Curve lots/cul-de-sacs	40 ft.	40 ft.
Minimum Parcel Depth	100 ft. 120 ft. (Parcels facing on streets shown on the Circulation Element) 130 ft. (Parcels backing on freeways or railroad rights-of-way)	100 ft. 120 ft. (Parcels facing on streets shown on the Circulation Element) 130 ft. (Parcels backing on freeways or railroad rights-of-way)
Maximum (Gross) Population Density	1 DU/parcel	1 DU/2,175 sq. ft. (Parcels with less than 4,000 sq. ft. –no more than 1 DU) (Parcels with more than 4,000 sq. ft., but less than 6,000 sq. ft.– no more than 2 DU's)
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. Note: Front yard setbacks are required for areas constructed primarily/specifically for tennis courts or other game areas.*	
Front	20 ft.	20 ft.
Front, curve lots/cul-de-sacs	20 ft.	20 ft.
Side (each)	5 ft.	5 ft
Street side	10 ft.	10 ft.
Reversed corner (street side)	10 ft.	10 ft.
Rear	20 ft.	20 ft.
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	40%	50%
Minimum Distance Between Structures on the Same Parcel	6 ft. from main structure*	10 ft. for main structures** 6 ft. for accessory structures
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	25 ft.	35 ft. (R-2)
Accessory Structure - Maximum Height	12 ft.	12 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	

Development Feature	**R-1**	**R-2**
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	6,000 sq. ft.	6,600 sq. ft.
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

Notes:

*Where an accessory structure is used for garage purposes and where the garage is located within the area defined by the projection of the side lines of any main structure, and where vehicular access to the garage faces any main structure and falls entirely or in part, within that area, the garage shall be located not less than 25 feet from the main structure.

** Where an accessory structure is used for garage purposes and where the garage is located within the area defined by the projection of the side lines of any main structure, and where vehicular access to the garage faces any main structure and falls entirely or in part, within that area, the garage shall be located not less than 25 feet from the main structure. Ten ft. (minimum space for structures placed side to side), 15 ft. (minimum space for structures placed rear to side, front to side, with entries or exits into space), 20 ft. (minimum space for structures placed front to rear, rear to front, with entries or exits into space), and for structures placed front to front arranged about an interior court allowing a 10-foot wide driveway in the interior court, the driveway being access to the parking area or structure, the minimum space shall be 30 feet. Without the driveway, the space shall be 25 feet.

TABLE 2-5
RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	**R-3**
*Minimum dimensions required for each **NEWLY CREATED** parcel.*	
Minimum Parcel Size	7,500 sq. ft.
Minimum Parcel Width/Frontage:	
Interior	60 ft.
Corner	65 ft.
Reversed Corner	70 ft.
Siding on freeways/railroad ROW	110 ft.
Curve lots/cul-de-sacs	45 ft.
Minimum Parcel Depth	110 ft. 120 ft. (Parcels facing on streets shown on the Circulation Element) 150 ft. (Parcels backing on freeways or railroad rights-of-way)
Maximum (Gross) Population Density	1 DU/1,500 sq. ft. (with both community water supply and public sewage disposal systems) (As determined by the Health Department upon the basis of soil analysis tests for parcels without both community water supply and public sewage disposal systems, but not less than 1 DU/1,500 sq. ft.) Exceptions noted in Section 820.3.040.B See Section 810.2.020.A.3 for minimum density requirements for select sites listed in the Housing Element.
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. Note: Front yard setbacks are required for areas constructed primarily/specifically for tennis courts or other game areas.*
Front	15 ft.
Side (each)	5 ft.
Street side	10 ft.
Reversed corner (street side)	10 ft.
Rear	15 ft.
Accessory structures	Must meet standards above if standards in Section 834.4.020 (Accessory Structures) cannot be met.
Maximum Parcel Coverage	50% (As determined by the Health Department upon the basis of soil analysis tests for parcels without both community water supply and public sewage disposal systems, but not more than 50%)
Minimum Distance Between Structures on the Same Parcel	10 ft. for main structures* 6 ft. for accessory structures

TABLE 2-5
RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	R-3
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*
	40 ft. (R-3)
Accessory Structure - Maximum Height	12 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)
Landscaping	See Chapter 826.3 (Landscaping Standards)
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)
Signs	See Chapter 830.3 (Signs)

Notes:

*Where an accessory structure is used for garage purposes and where the garage is located within the area defined by the projection of the side lines of any main structure, and where vehicular access to the garage faces any main structure and falls entirely or in part, within that area, the garage shall be located not less than 25 feet from the main structure. Ten ft. (minimum space for structures placed side to side), 15 ft. (minimum space for structures placed rear to side, front to side, with entries or exits into space), 20 ft. (minimum space for structures placed front to rear, rear to front, with entries or exits into space), and for structures placed front to front arranged about an interior court allowing a 10-foot wide driveway in the interior court, the driveway being access to the parking area or structure, the minimum space shall be 30 feet. Without the driveway, the space shall be 25 feet.

TABLE 2-5
RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	T-P
Minimum dimensions required for each NEWLY CREATED parcel.	
Minimum Parcel Size	3 acres (Each trailer space shall have a min. area of 1,500 sq. ft. Each nonconforming trailer space shall have a min. area of 1,000 sq. ft.)
Minimum Parcel Width/Frontage:	(Note: Each trailer space shall have a min. width of 30 ft. and there is no required depth)
Interior	110 ft.
Corner	110 ft.
Reversed Corner	110 ft.
Siding on freeways/railroad ROW	130 ft.
Curve lots/cul-de-sacs	80 ft.
Minimum Parcel Depth	130 ft.
Maximum (Gross) Population Density	1 DU/2,400 sq. ft. (with both community water supply and public sewage disposal systems) (As determined by the Health Department upon the basis of soil analysis tests for parcels without both community water supply and public sewage disposal systems, but not less than 1 DU/2,400 sq. ft.)
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*
Front	15 ft.
Side (each)	5 ft.
Street side	10 ft.
Reversed corner (street side)	10 ft.
Rear	10 ft.
Accessory structures	Must meet standards above if standards in Section 834.4.020 (Accessory Structures) cannot be met.
Maximum Parcel Coverage	50% (As determined by the Health Department upon the basis of soil analysis tests for parcels without both community water supply and public sewage disposal systems, but not more than 50%)
Minimum Distance Between Structures on the Same Parcel	10 ft.*
Main Structure - Maximum Height (whichever is less)	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*
	35 ft.
Accessory Structure - Maximum Height	N/A
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)
Landscaping	See Chapter 826.3 (Landscaping Standards)
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)

Development Feature	T-P
Signs	See Chapter 830.3 (Signs)

Notes:

*10 ft. (minimum space for trailers or other structures placed side by side or end to side), 10 ft. (minimum space for trailers or other structures placed end to end, excepting where the trailers or other structures abut a roadway serving as access to and within the trailer park, in which case the minimum space for trailers or other structures shall be 36 ft.) Where residential trailers are located near any allowed structure other than another residential trailer, regardless of the side or end relationships, the minimum space between the trailer and the structure shall be 10 feet.

CHAPTER 812.2 - COMMERCIAL ZONES

812.2.010 – Purpose of Individual Commercial Zones

The purposes of the individual commercial zones and the manner in which they are applied are as follows.

A. AC (Agricultural Commercial Center) Zone. The AC zone is intended to provide for the location of commercial centers within agricultural areas for the purpose of providing food and services to the surrounding farm community, with not more than one primary dwelling unit allowed per parcel. The AC zone is applicable only to parcels designated with this zone prior to September 20, 1988. The AC zone is consistent with the Agriculture land use designation of the General Plan.

B. C-P (Administrative and Professional Office) Zone. The C-P zone is applied to areas appropriate for integrated, professional office uses including administrative, corporate, financial, government, institutional, legal, and medical, with multi-family dwelling units allowed in designated locations. The C-P zone is consistent with the Office Commercial land use designation of the General Plan.

C. C-R (Commercial Recreation) Zone. The C-R zone is intended to group commercial recreation uses within a planned, integrated center, including related service and commercial uses. The C-R zone is consistent with the Special Commercial land use designation of the General Plan.

D. C-1 (Neighborhood Shopping Center) Zone. The C-1 zone is intended to accommodate planned unified shopping centers which are intended to fit into the established residential pattern of development and create no architectural or traffic conflicts with adjacent the residential neighborhood. The C-1 zone is consistent with the Neighborhood Commercial land use designation of the General Plan.

E. C-2 (Community Shopping Center) Zone. The C-2 zone is intended to accommodate planned unified shopping centers to provide for the daily needs of a community, including retail shops, services, restaurants, professional and administrative offices, department stores, furniture stores, supermarkets, and similar compatible uses. The C-2 zone is consistent with the Community Commercial land use designation of the General Plan.

F. C-3 (Regional Shopping Center) Zone. The C-3 zone is intended to serve community needs by providing large clusters of commercial establishments within a regional trade area. Typical uses include retail, restaurants, specialty shops, entertainment, apparel stores, hotels and motels, and professional and administrative offices. The C-3 zone is consistent with the Regional Commercial land use designation of the General Plan.

G. C-4 (Central Trading) Zone. The C-4 zone is intended to serve as a central trading district for an urbanized area providing a full range of retail services and professional and governmental offices, and multi-family dwelling units, including allowable uses that should

not be dispersed into the smaller shopping areas. The C-4 zone is consistent with the Central Business Commercial land use designation of the General Plan.

H. C-6 (General Commercial) Zone. The C-6 zone is intended to provide for a wide range of uses allowed in the commercial zones which are not considered appropriate in the neighborhood, community, or central trading zones. Typical uses include repair, rental, sales, storage, and overnight lodging. The C-6 zone is consistent with the Service Commercial land use designation of the General Plan.

I. RCC (Rural Commercial Center) Zone. The RCC zone is intended to provide for an array of commercial activities ranging from a single commercial use to a group of uses serving a rural residential area and providing area residents with convenience goods, personal services, and general merchandise for their living needs. The RCC zone is intended to provide visual compatibility with the surrounding development pattern and protect the rural residential environment. The RCC zone is applicable only to parcels designated with this zone prior to September 20, 1988. The RCC zone is consistent with the Rural Settlement land use designation of the General Plan.

J. R-P (Residential and Professional Office) Zone. The R-P zone is intended to serve as a transitional zone with residential neighborhoods being protected from adverse impacts associated with neighborhood shopping centers, community shopping centers, or other adjacent nonresidential zones, with no more than one primary dwelling unit or maximum number of multi-family dwellings on a single parcel. The R-P zone is consistent with the Office Commercial land use designation of the General Plan.

812.2.020 – Commercial Zone Land Uses and Permit Requirements

A. Allowed land uses.

1. Table 2-6 indicates the uses allowed within each commercial zone and the planning permit required to establish each use, in compliance with Article 5 (Land Use and Development Review Procedures).

2. Commercial uses represent the principal allowed use, and only those additional uses that are complementary to, and can exist in harmony with, the commercial character of each zone may be allowed as accessory, conditionally permitted, and/or temporary uses.

B. Prohibited land uses. If a land use is not listed in a specific zone district or if a table cell associated with a listed land use is "blank", that land use is prohibited in that specific zone district, unless listed as a permitted unclassified use in Chapter 842.5 or Chapter 846.5.

C. Unclassified uses. Certain specified land uses are allowed as unclassified uses through an Unclassified Conditional Use Permit (Chapter 842.5) or Unclassified Director's Review and Approval (Chapter 846.5).

D. Land uses not listed. For land uses not listed in Table 2-6, the provisions of Section 802.1.020 (Rules of Interpretation) shall apply.

E. Site Plan Review required. All construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) and prior to establishment of any use/new use shall require Site Plan Review approval in compliance with Chapter 854.5 (Site Plan Review).

F. Applicable Regulations. Where the last column in the tables ("Specific Use Regulations") includes a Section number, the regulations in the referenced section apply to the use; however, provisions in other Sections of this Zoning Ordinance may also apply.

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES

Land Use[1]	Permit Requirement by Zone[2]				
	C-P	C-R	C-1	C-2	See Section
Education, Public Assembly, and Recreation					
Assembly/Meeting Facilities	P	P			
Auditoriums and Meeting Halls	D	P			
Billiard Parlors		P		P	
Bowling Alleys		P		P	
Golf Courses, Miniature		P			
Health/Fitness Facilities		P	P	P	
Indoor Amusement/ Arcade/Entertainment Centers		P		P	
Libraries and Museums	P	P	P	P	
Membership Organization Facilities	P	P			
Outdoor Recreation, Commercial		P			
Philanthropic/Charitable Institutions	P		P	P	
Reading Rooms	P		P	P	
Schools, Private	P				
Schools, Specialized Education and Training			P	P	
Sports Arenas		P			
Stables, Commercial,		C			
Studios – Art, Dance, Music, Photography, etc.	P			P	
Theaters and Theaters, Motion Picture		D		P	
Theaters, Drive In		D			

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-P	C-R	C-1	C-2	See Section
Manufacturing and Processing					
Recycling Facilities – Small Collection Facility			D	D	834.4.300
Recycling Facilities – Reverse Vending Machines			P	P	834.4.300
Motor Vehicle Retail Trade and Services					
Motor Vehicle – Batteries, Tires, and Accessory Parts			D	P	
Motor Vehicle Parts, Sales, and Service			C	P	
Motor Vehicle Rentals				C	
Motor Vehicle Repair and Major Maintenance, Within an Enclosed Structure			C	D	
Motor Vehicle Service Stations			C	P	
Motor Vehicle Service Stations, Heavy Trucks (aka Truck Stops)					
Motor Vehicle Washes, All				C	
Motor Vehicle Washes, Mechanical and only in Conjunction with a Service Station			C	C	
Retail Trade					
Appliance Stores			D	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-P	C-R	C-1	C-2	See Section
Retail Trade (Continued)					
Art, Antiques, Collectibles, and Gifts	P			P	
Bakeries, Retail			P	P	
Confectionery Stores			P	P	
Drive-in and Drive-up Uses/Services				C	834.4.130
Drive-Through Uses/Services				C	834.4.130
Electrical Supplies					
Farmer's Markets	D		P	P	834.4.170
Fruit and Vegetable Stores			P	P	
Furniture, Furnishings, and Equipment Stores. Large				C	
Furniture, Furnishings, and Equipment Stores, Small			C	P	
Garden Supply Stores				P	
Grocery Stores			D	P	
Hardware Stores			P	P	
Health Food Stores			P	P	
Hobby Shops			P	P	
Horticulture/Greenhouses					834.4.180
Ice Storage	P		P	P	
Leather Goods and Luggage Stores			P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-P	C-R	C-1	C-2	See Section
Retail Trade (Continued)					
Liquor Stores, Off-Site Consumption			P	P	
Lumber Sales (inside only)			C	D	
Mattress Shops				P	
Meat Markets			P	P	
Millinery Stores				P	
Neighborhood Food Markets			P		
Newsstands/News racks			P	P	
Pet Stores				P	
Photographic Studios				P	
Planned Commercial Developments				C	
Plant Nurseries			P	P	
Pottery Sales				P	
Radio and Television Sales and Service				P	
Retail Stores, General Merchandise			P	P	
Roadside Agricultural Stands, Temporary					834.4.370
Secondhand Stores, Within Completely Enclosed Structure				C	
Shoe Stores			P	P	
Soft Drink Fountains			P	P	
Sporting Goods Stores			P	P	
Superdrug Stores				P	
Supermarkets			P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-P	C-R	C-1	C-2	See Section
Retail Trade (Continued)					
Swimming Pool Supplies and Sales			P	P	
Temporary Uses	TUP	TUP	TUP	TUP	858.5
Fireworks Stands	P	P	P	P	834.4.175
Tobacco Shops			P	P	
Toy Stores			P	P	
Tropical Fish Raising/Sales				P	
Variety and Notion Shops			P	P	
Vending Machines, sales			P	P	
Video Stores			P	P	
Services					
Alcohol Sales (on-site)			P	P	
Auction House					
Automated Teller Machines			P	P	
Banks and Financial Services	P		P	P	
Bars and Alcoholic Beverage Drinking Places			C	C	834.4.080
Cafeteria			P	P	
Child Day Care Centers	P			D	834.4.100
Cleaning and Dyeing Shops, (Retail Only, dry cleaning clothes in enclosed machines, using non-flammable cleaning compounds)			P	P	
Copy Services			P	P	
Drive-in and Drive-up Uses/Service				D	834.4.130
Drive-Through Kiosk			D	D	834.4.130
Drive-Through Uses/Service				C	834.4.130
Frozen Food Lockers	P				

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

Notes (continued):

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-P	C-R	C-1	C-2	See Section
Services (Continued)					
Health/Fitness Facilities			D	D	
Hospitals, Sanitariums, and Hospice Facilities	C				
Laboratories	P				
Laundry and Dry Cleaning, Drop-Off/Pick Up Only			P	P	
Medical Services – Clinics and Laboratories				P	
Offices	P		P	P	
Offices, Ground Floor Only					
Personal Services	P		P	P	
Personal Services – Restricted	D				
Pet Grooming			C	P	
Pharmacies, Prescription	P		P	P	
Photographic and Commercial Art Studios.	P			P	
Post Offices			D	P	
Print Shops				D	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-P	C-R	C-1	C-2	See Section
Services (Continued)					
Repair and Maintenance, Consumer Products			D	P	
Restaurants			P	P	834.4.415a
Veterinary Clinics and Small Animal Hospitals				C	834.4.350
Transportation and Telecommunication Facilities					
Broadcast/Recording Studios	P				
Parking Lots/Garages			C	D	
Parking Lots/Garages, Short Term Parking				C	
Public Utilities, Major	C	C	C	C	
Public Utilities, Minor	P	D	P	P	
Residential					
Eligible Affordable or Mixed-Income Housing Developments in an Urban Area Commercial Zone[3]	P		P	P	824.3.160
Other Eligible Residential or Mixed Uses in Urban Area Commercial Zones[4]	P		P	P	824.3.170
Home Occupations, Class I					834.4.190
Home Occupations, Class II					834.4.190
Mixed Use			C	C	
Multi-Family Dwellings	P				834.4.440
Accessory Dwelling Units	P		P	P	834.4.030.B
Supportive Housing (GC 65650)	P		P	P	See Article 7
Transitional Housing (GC 655839(c)(3)) – subject to the restrictions and density of the underlying zone	P		P	P	See Article 7
Low Barrier Navigation Center	P		P	P	
Nonresidential					
Microwave Relay Structures	D	D	D	D	834.4.420
Observatories	C	C	C	C	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in

compliance with Chapter 854.5 (Site Plan Review).

3 Pursuant to AB 2011, as revised by AB 2243. See section 824.3.160 for eligibility details.

4 Pursuant to SB 6, as revised by AB 2243. See section 824.170 for eligibility details.

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES

Land Use[1]	Permit Requirement by Zone[2]				
	C-3	C-4	C-6	R-P	See Section
Education, Public Assembly, and Recreation					
Assembly/Meeting Facilities		D	P		
Auditoriums and Meeting Halls	D	D	D		
Billiard Parlors		D	P		
Bowling Alleys		D	P		
Golf Courses, Miniature			P		
Health/Fitness Facilities	P	P	P		
Indoor Amusement/ Arcade/Entertainment Centers	C	D	P		
Libraries and Museums	P	P	P	P	
Membership Organization Facilities		D	P		
Outdoor Recreation, Commercial			D		
Philanthropic/Charitable Institutions	P	P	P		
Reading Rooms	P	P	P	P	
Recreational Vehicle Parks			C		
Schools, Private	D	P	P		
Schools, Specialized Education and Training	P	P	P	D	
Sports Arenas			D		
Studios – Art, Dance, Music, Photography, etc.	P	P	P	C	
Swimming Pools		C	D		
Theaters and Theaters, Motion Picture	P	P	P		
Theaters, Drive In			D		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-3	C-4	C-6	R-P	See Section
Manufacturing and Processing					
Recycling Facilities – Small Collection Facility	P		P		834.4.300
Recycling Facilities – Reverse Vending Machines	P	P	P		834.4.300
Motor Vehicle Retail Trade and Services					
Motor Vehicle – Batteries, Tires, and Accessory Parts	P	P	P		
Motor Vehicle Parts, Sales, and Service	P	P	P		
Motor Vehicle Rentals	D	P	P		
Motor Vehicle Repair and Major Maintenance, Within an Enclosed Structure		C	P		
Motor Vehicle Sales	C	D	P		
Motor Vehicle Service Stations	P	P	P		
Motor Vehicle Service Stations, Heavy Trucks			C		
Motor Vehicle Washes, All	C	C	C		
Motor Vehicle Washes, Mechanical and only in Conjunction with a Service Station	C	C	D		
Motorcycle Shops	C	D	D		
Recreational Vehicle & Boats Storage			P		
Retail Trade					
Appliance Stores	P	P	P		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-3	C-4	C-6	R-P	See Section
Retail Trade (Continued)					
Art, Antiques, Collectibles, and Gifts	P	P	P		
Bakeries, Retail	P	P	P		
Building Material Stores			C		834.4.450
Building Material Stores, All Sales & Storage Indoors			P		834.4.450
Confectionery Stores	P	P	P		
Drive-in and Drive-up Uses/Services	C	D	P		834.4.130
Electrical Supplies			P		
Farmer's Markets	P	P	P	D	834.4.170
Farm Equipment and Supplies Sales	P	P	P		
Flea Markets, Outdoor Auction Sales, and Swap Meet Activities			C		
Fruit and Vegetable Stores	P	P	P		
Furniture, Furnishings, and Equipment Stores. Large	P	P	P		
Furniture, Furnishings, and Equipment Stores, Small	P	P	P		
Garden Supply Stores	P	P	P		
Hardware Stores	P	P	P		
Health Food Stores	P	P	P		
Hobby Shops	P	P	P		
Horticulture/Greenhouses.	C	D	P		834.4.180
Ice Storage	P		P		
Leather Goods and Luggage Stores	P	P	P		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-3	C-4	C-6	R-P	See Section
Retail Trade (Continued)					
Liquor Stores, Off-Site Consumption	P	P	P		
Lumber Sales (inside only)	D	P	P		
Machinery Sales and Rental			P		
Mattress Shops	P	P	P		
Meat Markets	P	P	P		
Millinery Stores	P	P			
Mobile Home Sales			P		
Neighborhood Food Markets	P	P	P		
Newsstands/News racks	P	P	P		
Pet Stores	P	P	P		
Photographic Studios	P	P	P		
Planned Commercial Developments		C	C		
Plant Nurseries	P	P	P		
Pottery Sales	P	P	P		
Radio and Television Sales and Service	P	P	P		
Retail Stores, General Merchandise.	P	P	P		
Roadside Agricultural Stands, Temporary			P		834.4.370
Secondhand Stores, Within Completely Enclosed Structure	C	D	P		
Soft Drink Fountains	P	P	P		
Sporting Goods Stores	P	P	P		
Superdrug Stores	P				
Supermarkets	P	P	P		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-3	C-4	C-6	R-P	See Section
Retail Trade (Continued)					
Swimming Pool Supplies and Sales	P		P		
Temporary Uses	TUP	TUP	TUP	TUP	858.5
Fireworks Stands	P	P	P	P	834.4.175
Tobacco Shops	P	P	P		
Toy Stores	P	P	P		
Tropical Fish Raising/Sales	P	P	P		
Variety and Notion Shops	P	P	P		
Vending Machines	D	P	P		
Video Stores	P	P	P		
Services					
Alcohol Sales (on-site)	P	P	P		
Auction House		P	D		
Automated Teller Machines	P	P	P	P	
Banks and Financial Services	P	P	P	C	
Bars and Alcoholic Beverage Drinking Places	C	D	D		834.4.080
Cafeteria	P	P			
Child Day Care Centers	D	P	P	D	834.4.100
Cleaning and Dyeing Shops, (Retail Only, dry cleaning clothes in enclosed machines, using non-flammable cleaning compounds)	P	P	P		
Copy Services	P	P	P		
Drive-in and Drive-up Uses/Service	P		P		834.4.130
Drive-Through Kiosks	P	P	P		834.4.130
Drive-Through Uses/Service	P	P	P		834.4.130
Equipment Rental/Sales			P		
Farm Equipment & Services			P		
Frozen Food Lockers	P		P		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-3	C-4	C-6	R-P	See Section
Services (Continued)					
Furniture Upholstery Shops	P	P	P		
Health/Fitness Facilities	P	P	P		
Hospitals and Sanitariums.					
Hotels/Motels	P	P	P		
Laboratories	D	P	P	D	
Laundry and Dry Cleaning, Drop-Off/Pick Up Only	P	P	P		
Laundries and Dry Cleaning – Full Service			P		
Massage Establishments		C			
Medical Services – Ambulance Service	C		P		
Medical Services – Clinics and Laboratories		P	P		
Mini-Storage Facilities	C	D	P		
Monument and Tombstone Works			P		
Mortuaries and Funeral Parlors	C	D	P		
Offices	P	P	P	P	
Offices, Ground Floor Only				P	
Personal Services	P	P	P		
Personal Services – Restricted	C	D	D		
Pet Grooming	P	P	P		
Pharmacies, Prescription	P	P	P		
Photographic and Commercial Art Studios	P	P	P		
Post Offices	P	P	P		
Print Shops.	P	P	P		
Printing and Publishing.		P	P		
Repair and Maintenance, Consumer Products	P	P	P		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-6
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-3	C-4	C-6	R-P	See Section
Services (Continued)					
Restaurants	P	P	P		834.4.415a
Sign Making Shops		P	P		
Taxidermists		P	P		
Veterinary Clinics and Small Animal Hospitals	C	D	P		834.4.350
Transportation and Telecommunication Facilities					
Broadcast and Recording Studios	P	P	P		
Parking Lots/Garages	D	P	P	C	
Parking Lots/Garages, Short Term Parking	C	D	P		
Public Utilities, Major	C	C	D	C	
Public Utilities, Minor	P	P	P	D	
Transit Stations and Terminals	C	C	D		
Truck Parking			C		
Residential					
Accessory Dwelling Units	P	P	P	P	834.4.030.B
Apartment Hotels		P	D		
Caretaker Housing		D	D		Per State law
Employee Housing (six or fewer residents)				P	
Emergency Shelters		P	P		834.4.140
Home Occupations, Class I				P	834.4.190
Home Occupations, Class II				D	834.4.190
Low Barrier Navigation Center	P	P	P	P	
Mixed Use	C	C	C	C	
Model Home Display			P		
Multi-Family Dwellings		P	C	P	
Single-Family Dwellings				P	
Single Room Occupancy, Small		P			834.4.340
Single Room Occupancy, Large		P			834.4.340
Supportive Housing (GC 65650) in multifamily development	C	P	C	P	See Article 7
Transitional Housing in multifamily development	C	P	C	P	See Article 7
Nonresidential					
Microwave Relay Structures	D	D	D		834.4.420
Observatories	C	C	C	C	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

812.2.030 - Commercial Zone General Development Standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-7, in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Development and Operational Standards).

TABLE 2-7
COMMERCIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE

Development Feature	A-C	C-P*
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	60,000 sq. ft.	10,000 sq. ft.
Minimum Parcel Width/Frontage:		
Interior	165 ft.	65 ft.
Corner	165 ft.	65 ft.
Reversed Corner	165 ft.	65 ft.
Siding on freeways/railroad ROW	165 ft.	65 ft.
Curve lots/cul-de-sacs	165 ft.	65 ft.
Minimum Parcel Depth	170 ft.	110 ft.
Maximum (Gross) Population Density	1 DU/parcel	1 DU/2,400 sq. ft. (Parcels with less than 4,000 sq. ft. – no more than I DU) (Parcels with more than 4,000 sq. ft., but less than 6,000 sq. ft.– no more than 2 DU's)
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	35 ft.	10 ft.
Side (each)	10 ft.	None 10 ft. if abutting residential zone
Street side	35 ft.	10 ft.
Reversed corner (street side)	35 ft.	10 ft.
Rear	10 ft. (Interior) 35 ft. (Corner)	None 10 ft. if abutting residential zone
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	None	None
Minimum Distance Between Structures on the Same Parcel	None	None
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	35 ft.	40 ft.
Accessory Structure - Maximum Height	35 ft.	40 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

Notes:
* The R-2 zone property development standards shall apply to all residential uses in the C-P zone.

TABLE 2-7
COMMERCIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE

Development Feature	C-R	C-1
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	None	None
Minimum Parcel Width/Frontage:		
Interior	None	None
Corner	None	None
Reversed Corner	None	None
Siding on freeways/railroad ROW	None	None
Curve lots/cul-de-sacs	None	None
Minimum Parcel Depth	None	150 ft.
Maximum (Gross) Population Density	None, other than existing residential uses	None, other than existing residential uses
Size of New Zone	The minimum amount of land that may be zoned for C-R purposes in any one location shall be four acres	The amount, depth, and width of land that may be zoned for C-1 purposes in any one location shall as follows.
Minimum Area		1 Acre
Maximum Area		5 Acres
Minimum Width		100 feet
Minimum Depth		150 feet
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	None, except when abutting or across the street from a residential zone, the front setback for the residential zone shall apply, but only to a maximum of 20 feet.	The front 10 feet of the front setback shall be landscaped and maintained However, when abutting or across the street from a residential zone, the front setback for the residential zone shall apply, but only to a maximum of 20 feet.
Side (each)	None, 10 ft, when abutting a residential zone	
Street side	Same as front setback	
Reversed corner (street side)	Same as front setback	
Rear	None, 10 ft, when abutting a residential zone	
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	33%	33%
Minimum Distance Between Structures on the Same Parcel	None	None
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	35 ft.	20 ft.
Accessory Structure - Maximum Height	35 ft.	20 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

TABLE 2-7
COMMERCIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE

Development Feature	C-2	C-3
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	None	None
Minimum Parcel Width/Frontage:		
Interior	None	None
Corner	None	None
Reversed Corner	None	None
Siding on freeways/railroad ROW	None	None
Curve lots/cul-de-sacs	None	None
Minimum Parcel Depth	None	150 ft.
Maximum (Gross) Population Density	None, other than existing residential uses	None, other than existing residential uses
Size of New Zone	*The amount of land that may be zoned for "C-2" or "C-3" purposes in any one location shall as follows.*	
Minimum Area Maximum Area	5 acres 15 acres	15 acres 50 acres
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	None, except when abutting or across the street from a residential zone, the front setback for the residential zone shall apply, but only to a maximum of 20 feet.	
Side (each)	None, 10 ft, when abutting a residential zone	
Street side	Same as front setback	
Reversed corner (street side)	Same as front setback	
Rear	None, 10 ft, when abutting a residential zone	
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	33%	33%
Minimum Distance Between Structures on the Same Parcel	None	None
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	35 ft.	50 ft.
Accessory Structure - Maximum Height	35 ft.	50 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

TABLE 2-7
COMMERCIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE

Development Feature	C-4	C-6
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	None	None
Minimum Parcel Width/Frontage:		
Interior	None	None
Corner	None	None
Reversed Corner	None	None
Siding on freeways/railroad ROW	None	None
Curve lots/cul-de-sacs	None	None
Minimum Parcel Depth	None	150 ft.
Maximum (Gross) Population Density	Residential Uses: 1 DU/2,175 sq. ft. Commercial Uses: None.	1 DU/2,400 sq. ft.
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	None, except when abutting a residential zone, the front setback shall be not less than 10 feet, which shall be landscaped and maintained.	
Side (each)	None, except when abutting a residential zone, the side setback shall be not less than 10 feet.	
Street side	None, except when abutting a residential zone, the side setback shall be not less than 10 feet, which shall be landscaped and maintained.	
Reversed corner (street side)	None, except when abutting a residential zone, the side setback shall be not less than 10 feet, which shall be landscaped and maintained.	
Rear	None, except when abutting a residential zone, the rear setback shall be not less than 10 feet.	
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	None	None
Minimum Distance Between Structures on the Same Parcel	None	None
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	75 ft.	35 ft.
Accessory Structure - Maximum Height	75 ft.	35 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

TABLE 2-7
COMMERCIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE

Development Feature	RCC	R-P
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	2 gross acres (However, a lesser area shall be allowed when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the parcel be less than one gross acre.)	7,500 sq. ft.
Minimum Parcel Width/Frontage:		
Interior	165 ft.	65 ft.
Corner	165 ft.	70 ft.
Reversed Corner	165 ft.	75 ft.
Siding on freeways/railroad ROW	165 ft.	65 ft.
Curve lots/cul-de-sacs	165 ft.	65 ft.
Minimum Parcel Depth	170 ft.	110 ft. 120 ft. (Parcels facing on major or secondary highways) 130 ft. (Parcels backing on freeways or railroad rights-of-way)
Maximum (Gross) Population Density	1 DU/per parcel	1 DU/2,175 sq. ft. Exceptions noted in Section 820.3.040.D
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	10 ft., except when abutting or across the street from a residential zone, the front setback for the residential zone shall apply. The setback shall be landscaped and maintained.	15 ft. (The setback shall be landscaped and maintained.)
Side (each)	None, except when abutting a residential zone, the side setback shall be not less than 20 feet.	10 ft (The setback shall be planted with trees at 20-foot intervals along its length.)
Street side	Same as front setback	10 ft (Private garages and/or carports designed to open onto a side street shall be setback at least 20 feet from the property line on the side street.)
Reversed corner (street side)	Same as front setback	10 ft

Development Feature	RCC	R-P
		(Private garages and/or carports designed to open onto a side street shall be setback at least 20 feet from the property line on the side street.)
Rear	None, except when abutting a residential zone, the rear setback shall be not less than 20 feet.	10 ft. (The setback shall be planted with trees at 20-foot intervals along its length.)
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	30%	50%
Minimum Distance Between Structures on the Same Parcel	None	None (Non-residential structures) 10 ft. (Residential structures) *
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	35 ft.	20 ft.**
Accessory Structure - Maximum Height (whichever is less)	35 ft.	12 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

Notes:

*Ten ft. (minimum space for structures placed side to side), 15 ft. (minimum space for structures placed rear to side, front to side, with entries or exits into space), 20 ft. (minimum space for structures placed front to rear, rear to front, with entries or exits into space), and for structures placed front to front arranged about an interior court allowing a 10-foot wide driveway in the interior court, the driveway being access to the parking area or structure, the minimum space shall be 30 feet. Without the driveway, the space shall be 25 feet. Unenclosed porch or entry facilities may extend into a required setback or space not more than three feet. Porch covers may extend into the space not more than 18 inches. The minimum space between exterior walls of main and accessory structures, and between accessory structures, on the same parcel shall be six feet. Garages and other non-dwelling structures shall be located not less than six feet from any main structure unless the structure is attached to the main structure with a common wall or party wall. Where an accessory structure is used for garage purposes and where the garage is located within the area defined by the projection of the side lines of any main structure, and where vehicular access to the garage falls entirely or in part, within that area, the garage shall be located not less than 25 feet from the main structure(s).

** In the event the height of developed structures in an abutting "R" or "C-P" zone exceeds these provisions, this height restriction may be waived by Director Review and Approval. The waiver shall not exceed the height of the existing abutting development or the maximum structure height allowed in the abutting zone, whichever is lower.

CHAPTER 814.2 - INDUSTRIAL ZONES

814.2.010 – Purpose of Individual Industrial Zones

The purposes of the individual industrial zones and the manner in which they are applied are as follows.

A. C-M (Commercial and Light Manufacturing) Zone. The C-M zone is intended to provide for a close relationship between retail and wholesale sales, light manufacturing, warehousing, and distributing and storage operations which do not create adverse impacts involving dust, gas, lighting, odor, smoke, sound, soot, or vibration to any degree on adjacent uses. The C-M zone is consistent with the Mountain Commercial and Mountain Urban land use designations of the General Plan.

B. M-1 (Light Industrial) Zone. The M-1 zone is applied to areas appropriate for restricted non-intensive manufacturing and storage uses, including fabrication, manufacturing, and assembly of processed materials, which do not adversely impact surrounding uses. The M-1 zone is consistent with the Limited Industrial and General Industrial land use designations of the General Plan.

C. M-2 (General Industrial) Zone. The M-2 zone is applied to areas appropriate for a wider range of fabrication, manufacturing, processing, and storage uses, including warehousing and distribution facilities, mini-warehouse storage, and a variety of light manufacturing uses adjacent to non-industrial uses. The M-2 zone is consistent with the General Industrial land use designation of the General Plan.

D. M-3 (Heavy Industrial) Zone. The M-3 zone is applied to areas appropriate for heavy industrial uses engaged in the mechanical or chemical processing of materials or substances into new products, the assembling of component parts, or the blending of materials, including animal and poultry slaughtering, automobile assembly or recycling, machine shops, petroleum refining, and a variety of heavy manufacturing uses, which may require appropriate buffering from adjacent commercial and residential uses. The M-3 zone is consistent with the General Industrial land use designation of the General Plan.

814.2.020 – Industrial Zone Land Uses and Permit Requirements

A. Allowed land uses.

1. Table 2-8 indicates the uses allowed within each industrial zone and the planning permit required to establish each use, in compliance with Article 5 (Land Use and Development Review Procedures).

2. Industrial uses represent the principal allowed use, and only those additional uses that are complementary to, and can exist in harmony with, the industrial character of each zone may be allowed as accessory, conditionally permitted, and/or temporary uses.

B. Prohibited land uses. If a land use is not listed in a specific zone district or if a table cell associated with a listed land use is "blank", that land use is prohibited in that specific zone district, unless listed as a permitted unclassified use in Chapter 842.5 or Chapter 846.5.

C. Unclassified uses. Certain specified land uses are allowed as unclassified uses through an Unclassified Conditional Use Permit (Chapter 842.5) or Unclassified Director's Review and Approval (Chapter 846.5).

D. Land uses not listed. For land uses not listed in Table 2-8, the provisions of Section 802.1.020 (Rules of Interpretation) shall apply.

E. Site Plan Review required. All construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) and prior to establishment of any use/new use shall require Site Plan Review approval in compliance with Chapter 854.5 (Site Plan Review).

F. Applicable Regulations. Where the last column in the tables ("Specific Use Regulations") includes a Section number, the regulations in the referenced section apply to the use; however, provisions in other Sections of this Zoning Ordinance may also apply.

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Education, Public Assembly, and Recreation					
Adult Businesses (Only when in compliance with Ordinance Code Chapter 6.33)		P	P	P	Ordinance Code Chapter 6.33
Libraries	P				
Reading Rooms	P				
Schools, Specialized Education and Training	P	P	P	P	
Sports and Recreational Facilities	C	C			

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Manufacturing and Assembly					
Blacksmith			P		
Boat Building and Repairing	P	P	P	P	834.4.450
Electrical Equipment Manufacturing	P	P	P	P	834.4.450
Jewelry Manufacturing	P	P	P	P	834.4.450
Leather Products Manufacturing		P	P	P	834.4.450
Motor Vehicle Manufacturing		C	C	C	834.4.450
Paint Manufacturing			C	D	834.4.450
Textile Products Manufacturing	P	P	P	P	834.4.450
Tire Recapping, Retreading, and Rebuilding	P	P	P	P	834.4.450
Transportation Product Assembly		C	C	C	
Warehousing and Wholesaling (up to 10,000 square feet in gross floor area)	P	P	P	P	834.4.450
Warehousing and Wholesaling (greater than 10,001 square feet in gross floor area)	D	D	D	D	834.4.450
Welding	P	P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Manufacturing and Processing					
Beverage Production	P	P	P	P	834.4.450
Canning and Kindred Food Products Manufacturing				C	834.4.450
Chemical Products Manufacturing				C	834.4.450
Clothing Products Manufacturing		P	P	P	834.4.450
Concrete and Cement Products Manufacturing		C	D	D	834.4.450
Concrete, Gypsum, and Plaster Product Manufacturing				C	834.4.450
Cosmetic Products Manufacturing	P	P	P	P	834.4.450
Dairy Products Manufacturing	D	P	P	P	834.4.450
Electronic Motor Rebuilding	D	P	P		
Explosives, Fireworks, and Ordinance Manufacturing				C	834.4.450
Fabric Product Manufacturing	P	P	P	D	834.4.450
Food and Beverage Manufacturing	P	P	P	D	834.4.450
Furniture/Fixture/Cabinet Shops	P	P	P	P	
Glass Products Manufacturing		P	P	D	834.4.450
Grain Elevators		P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Manufacturing and Processing (Continued)					
Handcraft Industries, Small – Scale Manufacturing.		P	P	P	
Laboratories	P	P	P	P	
Laundries and Dry Cleaning Plants	P	P	P	P	
Lumber and Wood Products	P	P	P	P	834.4.450
Lumber and Wood Products, Including Planing Mill		P	P	P	834.4.450
Machinery Manufacturing, General (No Punch Presses and/or Drop Hammers greater than 20 tons)	D	P	P	P	834.4.450
Machinery Manufacturing, Heavy (With Punch Presses and/or Drop Hammers greater than 20 tons)		C	C	C	834.4.450
Metal Industries			C	D	
Meat packing and processing (No On-Site Animal Slaughtering)	C	D	P	P	834.4.450
Meat processing, commercial (With On-Site Animal Slaughtering)				C	834.4.450
Monument and Tombstone Works		P	P	P	
Paper Products Manufacturing		P	P	P	834.4.450

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

Notes (continued):

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Manufacturing and Processing (Continued)					
Paving and Roofing Materials Manufacturing				C	834.4.450
Petroleum Bulk Plants	C	C	C	C	834.4.450
Petroleum Refining and Related Industries				C	834.4.450
Pharmaceutical Manufacturing	P	P	P	P	834.4.450
Plastics and Rubber Products	C	P	P	P	834.4.450
Plastics, Other Synthetics, and Rubber Product Manufacturing				C	834.4.450
Printing and Publishing	P	P	P	P	
Recycling Facilities – Large Collection Facility		P	P	P	834.4.300, 834.4.450
Recycling Facilities – Small Collection Facility		P	P	P	834.4.300
Recycling Facilities – Heavy Processing Facility				C	834.4.300, 834.4.450
Recycling Facilities – Light Processing Facility			P	P	834.4.300
Recycling Facilities – Reverse Vending Machines		P	P	P	834.4.300
Solid Waste Transfer Stations and Solid Waste Processing Facilities				C	
Structural Clay and Pottery Products Manufacturing	P	P	P	P	834.4.450

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Motor Vehicle Retail Trade and Services					
Motor Vehicle Dismantling				C	
Motor Vehicle Parts and Sales	P	P	P	P	
Motor Vehicle Repair and Maintenance (Only Within an Enclosed Structure)	P	P	P	P	
Motor Vehicle Sales	P	P	P		
Motor Vehicle Service Stations	P	P	P	P	
Motor Vehicle Washes, All	P	P	P	P	
Motorcycle Shops	P	D			
Truck Repairing and Overhauling (Only Within Completely Enclosed Structure)	P	P	P	P	834.4.450
Truck Service Stations	P	P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Retail Trade					
Accessory Retail Uses (Only Ancillary to an Industrial Use)	P	P	P	P	See Article 7
Bakeries, Retail	P				
Building Material Stores	P	P	P	P	834.4.450
Cleaning and Dyeing Shops, (Retail Only, Dry Cleaning Clothes In Enclosed Machines, Using Non-Flammable Cleaning Compounds)	P				
Convenience Stores with Automotive Service Station	P	P	P	P	
Department Stores	P				
Electric Supply Houses	P	P	P	P	
Equipment Rental/Sales Establishment	P	P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Retail Trade (Continued)					
Farm Equipment and Supply Sales, with Incidental Repairs	P	P	P	P	834.4.450
Flea Markets	C	C			
Frozen Food Lockers	P	P	P	P	834.4.450
Grocery Stores	P	P	P	P	
Ice Storage	P	P	P	P	834.4.450
Leather Goods and Luggage	P				
Music Stores	P				
Pawn Shops	P				
Plumbing Supplies (Only Within a Completely Enclosed Structure or Sound Wall)	P				834.4.450
Radio and Television Sales and Service	P				

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Retail Trade (Continued)					
Retail Stores, General Merchandise (under 5,000 sf.)	P	P	P		
Secondhand Stores (Only Within Completely Enclosed Structure)	P				
Sporting Goods	P				
Temporary Uses	TUP	TUP	TUP	TUP	858.5
Fireworks Stands	P	P	P	P	834.4.175
Toy Stores	P				
Variety and Notion Shops	P				
Vending Machines, Food and Dairy Products (Walk In, Reach In), On Premise Sales (Located Inside of a Structure)	P				
Vending Machines, Food and Dairy Products (Walk In, Reach In), On Premise Sales (Located Outside of a Structure)	P	P	P		
Video Stores	P				

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Services					
Advertising Structures	P	P	P	P	
Animal Hospitals/Veterinary Clinics	C	P	P	P	
Auction Houses	P	C			
Automated Teller Machines (ATM's), Drive-Up	P	P	P	P	
Automated Teller Machines (ATM's), Walk-Up	P	P	P	P	
Banks and Financial Services	P	P	P	P	
Bars and Alcoholic Beverage Drinking Places	P	P	P	P	834.4.080
Business Support Services	P				
Carpet and Rug Cleaning Plants	P				834.4.450
Cleaning and Dyeing Shops	P				
Copy Services	P				
Delicatessens	P	P	P	P	
Drive-Through Uses/Service	P	P	P	P	834.4.130
Equipment Rental/Sales	P	P	P		
Farm Equipment Services	P				
Kennels	C	P	P	P	
Laboratories	P	P	P		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Services (Continued)					
Laundry and Dry Cleaning, Drop-Off/Pick Up Only	D				
Medical Services – Clinics, and Laboratories	P	P	P	P	
Mini Storage Facilities	P	P	P	P	834.4.450
Mortuaries and Funeral Parlors	C				
Offices, Business	P	P	P	P	
Offices, Corporate	P	P	P	P	
Offices, Professional	P	P	P	P	
Personal Services (No Adult Businesses)	P	P	P	P	
Printing and Publishing	P	P	P	P	
Restaurants	P	P	P	P	
Sign Painting	P				
Storage Yards	P	P	P	P	834.4.450
Taxidermists	P				
Vehicle and Freight Terminals	P	P	P	P	834.4.450
Warehousing	P	P	P	P	834.4.450
Wholesaling and Distribution	P	P	P	P	834.4.450

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

TABLE 2-8
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR INDUSTRIAL ZONES (Continued)

Land Use[1]	Permit Requirement by Zone[2]				
	C-M	M-1	M-2	M-3	See Section
Transportation and Telecommunication Facilities					
Broadcast and Recording Studios	P				
Communication Equipment Structures/Buildings	P	P	P		
Microwave Relay Structures	D	D	D	D	834.4.420
Parking Lots/Garages	P	P	P	P	
Public Utility Facilities, Major	P	P	P	P	
Public Utility Facilities, Minor	P	P	P	P	
Satellite Dish/Antenna, Ground or Surface Mounted	P	D	D	P	
Satellite Dish/Antenna, Mast or Tower Mounted	C	C	C	C	
Residential					
Caretaker	D	D	P	P	
Emergency Shelters	P	P			834.4.140
Nonresidential					
Observatories	C	C	C	C	
Other					
Community Gardens	D	P	P	P	
Planned Industrial Developments	C	C	C	C	834.4.230

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
Blank	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit shall be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

814.2.030 Industrial Zone General Development Standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-9, in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Development and Operational Standards).

TABLE 2-9
INDUSTRIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE

Development Feature	C-M	M-1
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	None	
Minimum Parcel Width/Frontage:		
Interior	75 ft.	
Corner	75 ft.	
Reversed Corner	75 ft.	
Siding on freeways/railroad ROW	75 ft.	
Curve lots/cul-de-sacs	(Each curved and cul-de-sac parcel two acres in area or less shall have a minimum street frontage width of 60 feet.)	
Minimum Parcel Depth	120 ft.	
Maximum (Gross) Population Density	None, except for existing residential uses	
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	None, except that on any street or highway that is a boundary between industrial and residential zones, there shall be a front setback of not less than 15 feet. When the side lot line of an industrial zone adjoins a residential zone, there shall be a front setback of not less than 15 feet. These setbacks shall not be used for parking or loading.	
Side (each)	None, except that on any street or highway that is a boundary between industrial and residential zones, there shall be a side setback of not less than 15 feet. This setback shall not be used for parking or loading. When the side lot line of an industrial zone adjoins a residential zone, there shall be a side setback of not less than 15 feet. This side setback may be used for parking and/or storage, provided no material exceeds a height of six feet.	
Street side	When the rear lot line of a corner parcel in an industrial zone adjoins a residential zone, there shall be a side setback abutting the street of not less than 25 feet.	
Reversed corner (street side)	When the rear lot line of a reversed corner parcel in an industrial zone adjoins a residential zone, there shall be a side setback abutting the street of not less than 15 feet. This setback shall not be used for parking or loading.	
Rear	None, except that on any street or highway that is a boundary between industrial and residential zones, there shall be a rear setback of not less than 15 feet. This setback shall not be used for parking or loading. When the side lot line of an industrial zone adjoins a residential zone, there shall be a rear setback of not less than 15 feet. This side setback may be used for parking and/or storage, provided no material exceeds a height of six feet.	
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	None	

Development Feature	C-M	M-1
Minimum Distance Between Structures on the Same Parcel	None	
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	75 ft.	
Accessory Structure - Maximum Height	75 ft.	
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	

TABLE 2-9
INDUSTRIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	C-M	M-1
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

TABLE 2-9
SPECIAL PURPOSE ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	M-2	M-3
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	None	
Minimum Parcel Width/Frontage:		
Interior	75 ft.	
Corner	75 ft.	
Reversed Corner	75 ft.	
Siding on freeways/railroad ROW	75 ft.	
Curve lots/cul-de-sacs	(Each curved and cul-de-sac parcel two acres in area or less shall have a minimum street frontage width of 60 feet.)	
Minimum Parcel Depth	120 ft.	
Maximum (Gross) Population Density	None, except for existing residential uses	
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	None, except that on any street or highway that is a boundary between industrial and residential zones, there shall be a front setback of not less than 15 feet. When the side lot line of an industrial zone adjoins a residential zone, there shall be a front setback of not less than 15 feet. These setbacks shall not be used for parking or loading.	
Side (each)	None, except that on any street or highway that is a boundary between industrial and residential zones, there shall be a side setback of not less than 15 feet. This setback shall not be used for parking or loading. When the side lot line of an industrial zone adjoins a residential zone, there shall be a side setback of not less than 15 feet. This side setback may be used for parking and/or storage, provided no material exceeds a height of six feet.	
Street side	When the rear lot line of a corner parcel in an industrial zone adjoins a residential zone, there shall be a side setback abutting the street of not less than 25 feet.	
Reversed corner (street side)	When the rear lot line of a corner parcel in an industrial zone adjoins a residential zone, there shall be a side setback abutting the street of not less than 10 feet.	
Rear	None, except that on any street or highway that is a boundary between industrial and residential zones, there shall be a rear setback of not less than 15 feet. This setback shall not be used for parking or loading. When the side lot line of an industrial zone adjoins a residential zone, there shall be a rear setback of not less than 15 feet. This side setback may be used for parking and/or storage, provided no material exceeds a height of six feet.	
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	None	
Minimum Distance Between Structures on the Same Parcel	None	

Development Feature	M-2	M-3
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	None	None, except for advertising structures as provided in Chapter 830.3 (Signs)
Accessory Structure - Maximum Height	None	
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	

TABLE 2-9
INDUSTRIAL ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	M-2	M-3
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

CHAPTER 816.2 - SPECIAL PURPOSE ZONES

816.2.010 – Purpose of Chapter, Applicability

This Chapter provides regulations applicable to development and new land uses in the special purpose zones established by Section 806.2.010 (Zones Established). The purposes of the individual special purpose zones and the manner in which they are applied are as follows:

A. O (Open Space Conservation) Zone. The O zone is intended to provide for permanent open space in the unincorporated areas of the County and to safeguard the health, safety, and welfare of the community by limiting developments in areas where sheriff and fire protection, protection against flooding by storm water, and dangers from excessive erosion are not possible without excessive costs to the community. The O zone is consistent with the Open Space and Public Lands and Open Space land use designations of the General Plan.

B. P (Off-Street Parking) Zone. The P zone is intended to provide for permanent parking areas. The P zone is consistent with the Commercial and Industrial land use designations of the General Plan.

C. R-C (Resource and Conservation) Zone. The R-C zone is intended to conserve and protect natural resources and natural habitats involving land and water areas that are essentially undeveloped, with not more than one primary dwelling unit per parcel. The R-C

zone is consistent with the Open Space and Public Lands and Open Space land use designations of the General Plan.

D. R-E (Recreational) Zone. The R-E zone is intended to provide for the proper development of recreational areas, with appropriate regulations deemed necessary for the protection of the quality of the recreational areas and for the securing of the health, safety, and general welfare of the residents of the County. The R-E zone is consistent with the Eastside Rangeland, Open Space, and Public Lands and Open Space land use designations of the General Plan.

E. R-S (Rural Settlement) Zone. The R-S zone is intended to provide for small defined settlements by allowing a mixture of residential and commercial uses while protecting the rural character of the settlement area and the surrounding agricultural environment, with not more than one primary dwelling unit per parcel. The R-S zone is consistent with the Rural Settlement land use designation of the General Plan.

F. TPZ (Timberland Preserve) Zone. The TPZ zone is intended to provide for the exclusive management of lands and forests for the long-term commercial production and harvesting of trees, including uses which are an integral part of a timber management operation. The TPZ zone is consistent with the Open Space and Public Lands and Open Space land use designations of the General Plan.

816.2.020 – Special Purpose Zone Land Uses and Permit Requirements

A. Allowable uses in the O zone. Allowable uses and permit requirements in the O (Open Space Conservation) zone are as follows.

1. The following uses are permitted by right, without a Director's Review and Approval or a Conditional Use Permit:

    a. Agricultural Uses (crop production and animal grazing), without residential dwellings;

    b. Fisheries;

    c. Flood control channels, freeways, park drives, parkways, settlement basins, spreading grounds, and utility easements;

    d. Forest and Wildlife Preserves, including accessory structures; and

    e. Parks and Playgrounds, Moderate Intensity.

    f. Farmworker Housing Complexes subject to the provisions of Section 834.4.160.

2. The following uses may be allowed subject to a Director's Review and Approval:

a. Microwave relay structures.

3. The following uses may be allowed subject to the approval of a Conditional Use Permit:

a. Caretaker Housing;

b. Concrete and Cement Products Manufacturing; (Including manufacture of concrete products including batching plants, hot mix plants, or the use of asphalt or petroleum products.)

c. Logging Camp, Temporary; and

d. Timber Harvesting and Related Timber Product Processing Facilities, Temporary.

B. Allowable uses in the P zone. Allowable uses and permit requirements in the P (Off-Street Parking) zone are as follows.

1. The following uses are permitted by right, without a Director's Review and Approval or a Conditional Use Permit:

a. Off-Street Parking Lots; and

b. Nonresidential structures accessory to parking lot operation for maintenance purposes, not exceeding 100 square feet.

2. The following uses may be allowed subject to a Director's Review and Approval:

a. None

3. The following uses may be allowed subject to the approval of a Conditional Use Permit:

a. Incidental commercial uses contained within the parking structure;

b. Parking Garages; and

c. Recreational Vehicle Storage (Recreational vehicle and boat storage, including parking structures with a height not exceeding 12 feet).

C. Allowable uses in the R-C zone. Allowable uses and permit requirements in the R-C (Resource and Conservation) zone are as follows.

1. The following uses are permitted by right, without a Director's Review and Approval or a Conditional Use Permit:

a. Agricultural Grazing;

b. Beekeeping;

c. Forest Fire Lookout Stations;

d. Home Occupations, Class I;

e. Single-Family Dwelling (including Mobile Home Occupancy);

f. Temporary Mill/Chipping Facilities subject to the requirements of 834.4.380;

g. Timber Growing and Harvesting, not including processing facilities; and

h. Watershed and Wildlife Preservation and Management.

2. The following uses may be allowed subject to a Director's Review and Approval:

a. Ground Water Recharge;

b. Home Occupations, Class II;

c. Logging Camp, Temporary;

d. Microwave relay structures;

e. Mobile Home, Temporary;

f. Parks and Playgrounds, including Camping, Low Intensity;

g. Timber Harvesting and Related Timber Product Processing Facilities, Temporary; and

3. The following uses may be allowed subject to the approval of a Conditional Use Permit:

a. Boat Liveries;

b. Fisheries;

c. Stables, Commercial; and

d. Timber Harvesting and Related Timber Product Processing Facilities.

D. Allowable uses in the R-E zone. Allowable uses and permit requirements in the R-E (Recreational) zone are as follows.

1. The following uses are permitted by right, without a Director's Review and Approval or a Conditional Use Permit:

    a. Agricultural Uses (crop production and animal grazing);

    b. Forest Fire Lookout Stations; and

    c. Parks and Playgrounds, or Camps or Campgrounds, Low Intensity.

    d. Farmworker Housing Complexes subject to the provisions of Section 834.4.160

2. The following uses may be allowed subject to a Director's Review and Approval:

    a. Boat Liveries;

    b. Caretaker Housing; (Occupancy shall be restricted to a caretaker's use in conjunction with permitted and developed recreation or commercial uses.)

    c. Microwave relay structures;

    d. Parks and Playgrounds, or Camps or Campgrounds, Moderate Intensity;

    e. Stables, Commercial;

    f. Water Pumping Stations; and

3. The following uses may be allowed subject to the approval of a Conditional Use Permit:

    a. Assembly/Meeting Facilities;

    b. Commercial uses deemed necessary by the Commission for the proper development of a recreational area(s);

    c. Guest Ranches;

    d. Hotels/Motels;

    e. Mobile Home Parks (6 or more developed spaces);

    f. Off-Road Vehicle Areas; (**NOTE:** These areas may contain recreational facilities for the driving, testing, and racing of motorcycles, trail bikes, 4-wheel drive vehicles, or similar vehicles which are principally designed or commonly

used for off-highway recreational purposes. Features of these sites may include hill climb areas, race courses, or motor cross/auto-cross areas. The sites shall be located east of the Friant-Kern Canal or west of Interstate 5 and shall not be located on prime agricultural land as defined by the California Land Conservation Act.)

g. Parks and Playgrounds, or Camps or Campgrounds, High Intensity;

h. Planned Commercial Developments; (**NOTE:** Uses within a Planned Commercial Development shall be limited to those uses permitted in the underlying zone and shall be developed under a single theme with functional relationships to each other based on the needs of the surrounding community.)

i. Public Utility Facilities; and

j. Recreational Vehicle Parks.

E. Allowable uses in the R-S zone. Allowable uses and permit requirements in the R-S (Rural Settlement) zone are as follows.

1. The following uses are permitted by right, without a Director's Review and Approval or a Conditional Use Permit:

   a. Accessory Structures (Residential);

   b. Agricultural Accessory Storage, Structures, and Uses;

   c. Agricultural Product Sales, on-site;

   d. Animal Uses;

   e. Child Day Care Homes, Small;

   f. Crop Production;

   g. Home Occupations, Class I;

   h. Poultry Raising, Small; and

   i. Single-Family Dwelling (including Mobile Home Occupancy).

2. The following uses may be allowed subject to a Director's Review and Approval:

   a. Home Occupations, Class II;

   b. Mobile Home, Temporary;

c. Post Offices;

d. Public Utility Facilities (e.g., Telephone Communication Equipment);

e. Schools, Public; and

f. Second Dwelling Unit.

3. The following uses may be allowed subject to the approval of a Conditional Use Permit:

a. Agricultural Chemicals, Sales, and Service;

b. Antique Shops;

c. Assembly/Meeting Facilities;

d. Bakeries, Retail;

e. Barber and Beauty Shops;

f. Bars and Alcoholic Beverage Drinking Places;

g. Building Materials Sales;

h. Contactors Storage Yard, Agricultural Services;

i. Drug Stores;

j. Farm Equipment and Machinery Sales, Rental, Storage, and Maintenance;

k. Farm Labor Contractor Services;

l. Feed and Farm Supplies Sales;

m. Frozen Food Lockers; (Including meat cutting and packing.)

n. Garden Supplies;

o. Grocery Stores;

p. Hardware Stores;

q. Kennels, Commercial;

r. Liquefied Petroleum Gas Distribution Sales and Storage;

s. Microwave relay structures;

t. Motor Vehicle Repair and Maintenance, only when conducted within a fully enclosed structure;

u. Motor Vehicle Service Stations;

v. Offices;

w. Public Utility Facilities (e.g., Electric Distribution Facilities);

x. Restaurants;

y. Retail Stores, General Merchandise;

z. Truck and Trailer Maintenance and Storage, only when the vehicles are devoted exclusively to the transportation of agricultural equipment, products, and/or supplies; (Maintenance shall be allowed only when conducted within a fully enclosed structure.

aa. Veterinary Clinics and Animal Hospitals;

ab. Water Well Drilling/Pump Instillation;

ac. Welding and Blacksmith Shops, only when part of farm equipment sales and service; and

F. Allowable uses in the TPZ zone. The uses specified in this Section have been determined to be compatible uses consistent with the Timberland Productivity Act of 1982. Allowable uses and permit requirements in the TPZ (Timberland Preserve) zone are as follows.

1. The following uses are permitted by right, without a Director's Review and Approval or a Conditional Use Permit:

a. Agricultural Grazing;

b. Camps and/or Parks, Non-Intensive (with no permanent facilities);

c. Growing and Harvesting of Timber and Forest Products, including but not limited to roads, log landings and log storage areas, but not including processing facilities;

d. Management for Fish, Watershed, and Wildlife Habitat or Fishing and Hunting;

e. Parks, Low Intensity (with no permanent facilities); and

f. Temporary Mill/Chipping Facilities subject to the requirements of 834.4.380.

2. The following uses may be allowed subject to a Director's Review and Approval:

a. Camps and/or Parks, Private, Low Intensity (with no permanent facilities);

b. Caretaker Housing (Single-family dwelling and normal accessory structure(s) for owner or caretaker when the dwelling is necessary for the timber management operation, with not more than one dwelling per parcel);

c. Logging Camp, Temporary;

d. Parks, Private, Low Intensity (with no permanent facilities);

e. Single-Family Dwelling; and

f. Timber Harvesting and Related Timber Product Processing Facilities, Temporary.

3. The following uses may be allowed subject to the approval of a Conditional Use Permit:

a. Public Utility Facilities (Communication and Water Transmission Facilities Only); and

b. Timber Growing, Harvesting, and Related Timber Product Processing Facilities.

G. Unclassified uses. Certain specified land uses are allowed as unclassified uses through an Unclassified Conditional Use Permit (Chapter 842.5) or Unclassified Director's Review and Approval (Chapter 846.5).

816.2.030 – Special Purpose Zone General Development Standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-10, in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Development and Operational Standards).

TABLE 2-10
SPECIAL PURPOSE ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE

Development Feature	O	P
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	5 acres	None
Minimum Parcel Width/Frontage:		40 ft.
Interior	None	40 ft.
Corner	None	40 ft.
Reversed Corner	None	40 ft.
Siding on freeways/railroad ROW	None	40 ft.
Curve lots/cul-de-sacs	None	40 ft.
Minimum Parcel Depth	None	40 ft.
Maximum (Gross) Population Density	None, other than caretaker residential uses	None (No dwellings allowed.)
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	35 ft.	None
Side (each)	20 ft.	No structure or parking allowed closer than 10 ft. from an abutting residential zone.
Street side	35 ft.	
Reversed corner (street side)	35 ft.	
Rear	20 ft.	
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	10%	None, provided all setback requirements are complied with.
Minimum Distance Between Structures on the Same Parcel	None	None
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	35 ft.	75 ft.
Accessory Structure - Maximum Height	35 ft.	75 ft.
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

TABLE 2-10
SPECIAL PURPOSE ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE

Development Feature	R-C	R-E
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	Determined by zone's acreage designation (40, 60, 80 acres)	2.0 acres (The area and dimensional requirements of the T-P zone shall apply for mobile home and recreational vehicle spaces.)
Minimum Parcel Width/Frontage:		
Interior	None	165 ft.
Corner	None	165 ft.
Reversed Corner	None	165 ft.
Siding on freeways/railroad ROW	None	165 ft.
Curve lots/cul-de-sacs	None	165 ft.
Minimum Parcel Depth	None	170 ft.
Maximum (Gross) Population Density	1 DU/parcel	One caretaker residence/parcel (The density for the T-P zone shall apply for mobile home and recreational vehicle spaces, except that a lower density may be required in compliance with environmental limitations of the site.)
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	35 ft.	35 ft.
Side (each)	20 ft.	20 ft.
Street side	35 ft.	35 ft.
Reversed corner (street side)	35 ft.	35 ft.
Rear	20 ft.	20 ft.
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	One to 10% depending on parcel size*	50% (As determined by the Health Department upon the basis of soil analysis tests for parcels without both community water supply and public sewage disposal systems, but not greater than 50%)
Minimum Distance Between Structures on the Same Parcel	None	Mobile home and recreational vehicle parks (The T-P zone shall apply.) Guest ranches, hotels/motels (The R-2 zone shall apply.)
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	35 ft.	25 ft.
Accessory Structure - Maximum Height (whichever is less)	35 ft.	25 ft.

Development Feature	**R-C**	**R-E**
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	Determined by zone's acreage designation (40, 60, 80 acres)	2.0 acres (The area and dimensional requirements of the T-P zone shall apply for mobile home and recreational vehicle spaces.)
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

Notes:

*Allowed structures shall not exceed one percent of the total parcel area for parcels 10 acres or larger. Parcels less than 10 acres but more than 2.5 acres shall not exceed five percent parcel coverage. Parcels 2.5 acres or less, but more than 37,500 sq. ft. shall not exceed 10% parcel coverage. The parcel coverage of parcels 37,500 sq. ft. or less shall be determined by the residential zone whose minimum parcel size is closest to the area of the parcel.

TABLE 2-10
SPECIAL PURPOSE ZONES GENERAL DEVELOPMENT STANDARDS
REQUIREMENTS BY INDIVIDUAL ZONE (Continued)

Development Feature	RS	TPZ
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	2.0 acres (Except that parcels of 36,000 sq. ft. or larger shall be allowed if community water facilities are available.)	40/160 acres*
Minimum Parcel Width/Frontage:		
Interior	165 ft.	None
Corner	165 ft.	None
Reversed Corner	165 ft.	None
Siding on freeways/railroad ROW	165 ft.	None
Curve lots/cul-de-sacs	165 ft.	None
Minimum Parcel Depth	170 ft. (Parcel depth shall not exceed four times parcel width.)	None
Maximum (Gross) Population Density	1 DU/parcel, other than existing residential uses	None (Single-family dwellings and normal accessory structures for owner or caretaker when necessary for the timber management operation, but no more than one dwelling per parcel.)
Setbacks Required	*These are minimum setbacks required for primary structures. See Section 822.3.100 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions.*	
Front	35 ft.	35 ft.
Side (each)	10 ft.	20 ft.
Street side	25 ft.	35 ft.
Reversed corner (street side)	25 ft.	35 ft.
Rear	20 ft.	20 ft.
Accessory structures	See Section 834.4.020 (Accessory Structures)	
Maximum Parcel Coverage	None 30% for residential uses	10%
Minimum Distance Between Structures on the Same Parcel	6 ft. (Minimum distance between a structure used for human habitation and any other structure.)	None
Main Structure - Maximum Height	*Maximum height of structures without discretionary approval. See Section 822.3.060 (Height Measurement and Height Limit Exceptions) for possible increase in height limit.*	
	35 ft.	
Accessory Structure - Maximum Height (whichever is less)	35 ft.	
Antennae, Vertical	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Fences/Walls/Hedges	See Section 822.3.050 (Fences, Walls, and Hedges)	
Landscaping	See Chapter 826.3 (Landscaping Standards)	
Off-Street Parking	See Chapter 828.3 (Parking and Loading Standards)	

Development Feature	**RS**	**TPZ**
*Minimum dimensions required for each **NEWLY CREATED** parcel.*		
Minimum Parcel Size	2.0 acres (Except that parcels of 36,000 sq. ft. or larger shall be allowed if community water facilities are available.)	40/160 acres*
Satellite Antennae	See Section 834.4.420 (Wireless Telecommunication Facility Standards)	
Signs	See Chapter 830.3 (Signs)	

Notes:

* There shall be a minimum parcel area of 40 contiguous acres under a single ownership, provided that once zoned TPZ, a parcel may not be divided into parcels containing less than 160 acres unless the original owner prepares a joint timber management plan prepared and approved as to content by a registered professional forester for the parcels to be created. The joint timber management plan shall provide for the management and harvesting of timber by the original and any subsequent owners and shall be recorded with the County Recorder as a deed restriction on all newly created parcels. The deed restriction shall run with the land rather than with the owners and shall remain in force for a period of not less than 10 years from the date the division is approved by the Board. The division shall be approved only by a four-fifths vote of the full Board and only after recording of the deed restriction.

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CHAPTER 818.2 – OVERLAY/COMBINING ZONES

818.2.010 - Purpose of Chapter, Applicability

A. **Purpose.** The purpose of this Chapter is to describe the adopted overlay zones which are designed to modify specific provisions of the underlying zone(s). The purpose of an Overlay District is to modify specific provisions of the underlying zone district(s). Overlay Districts will generally be applied to areas that have different underlying zone districts but have unique features or characteristics that are common to the parcels that are located within the overlay district.

B. Applicability.

1. The applicability of any overlay zone to specific sites is illustrated by the overlay Zone Map symbol established by Section 806.2.010 (Zones Established).

2. Overlay zones will generally be applied to areas that have different underlying zones, but have unique features or characteristics that are common to the parcels that are located within the overlay zone.

C. **Identification.** Overlay zones shall be identified by suffixing the applicable overlay letters next to the underlying zone's map symbol.

D. **In the event of conflicts.** In the event of any conflict between the provisions of this Chapter and any other provision of this Zoning Ordinance, this Chapter shall control.

818.2.020 - Purpose of Overlay/Combining Zones

The purposes of the individual overlay/combining zones and the manner in which they are applied are as follows:

A. **M (Mountain) Overlay Zone.** The Mountain Overlay zone is intended to provide for residential and mixed retail and service uses within mountain and foothill communities. The Mountain Overlay zone may be applied to any zone, except the O (Open Conservation) and AE (Exclusive Agricultural) zones, which is identified as being consistent with the Mountain Residential and Mountain Commercial land use designations of the General Plan. This overlay zone shall be identified by suffixing the letter "m" next to the underlying zone's map symbol.

B. **NB (Neighborhood Beautification) Overlay Zone.** The Neighborhood Beautification Overlay zone is intended to protect and preserve the integrity of the County neighborhoods within designated unincorporated areas, which have a history of and reputation for well-kept properties. The general welfare of the County and its neighborhoods is founded, in part, upon the appearance and maintenance of private properties and tree-lined streets. This

overlay zone shall be identified by suffixing the letters "nb" next to the underlying zone's map symbol.

C. HB (Highway Beautification) Overlay Zone. The Highway Beautification Overlay Zone is intended to provide standards (HBOS) which are designed to promote consistent aesthetic provisions for future development within County jurisdictional lands located along Highway 99. These provisions allow for growth in commerce while securing an aesthetically attractive character for future development along Highway 99.

818.2.030 – M (Mountain) Overlay Zone Allowable Uses

A. Allowed uses. Uses Permitted, Uses Permitted Subject to Director Review and Approval, Uses Permitted Subject to Conditional Use Permit, and Uses Expressly Prohibited shall be those stated in the underlying zoning district, except that uses and development types as defined herein, may only be permitted subject to approval of a Director Review and Approval or a Conditional Use Permit.

B. Allowable uses in the M Overlay Zone. The following use may be allowed subject to the Director's Review and Approval:

1. Single-family dwellings in conjunction with a permitted commercial use subject to the population density standards of Section 818.2.040.C (existing Section 850.5-C-2).

818.2.040 – M (Mountain) Overlay Zone Property Development Standards

The following property development standards and those specified in Articles 3 (Development and Operational Standards) and 4 (Standards for Specific Land Uses) shall apply to all land and structures in the Mountain Overlay zone. Property development standards of the underlying zone shall be appropriate only when specific reference is provided in this Chapter. No parcel in a Mountain Overlay zone shall be developed that is not adequate in size to accommodate the proposed structure(s) and use(s), including required and essential vehicular movement and storage, pedestrian movement, landscaping, and sewage disposal fields with consideration for snow storage and preservation and enhancement of scenic and open space values.

A. Minimum parcel size. Parcel area shall be not less than the standards of the underlying zone.

B. Minimum parcel dimensions. Parcel dimensions shall be not less than the standards of the underlying zone.

C. Maximum (gross) density.

1. Underlying residential zones. For parcels with an underlying residential zone including R-P and T-P, the standards of the underlying zone shall apply subject to the following:

a. Maximum density shall not exceed one dwelling unit for each 4,350 square feet of parcel area in those areas in which the underlying zone provides a greater density (e.g., R-2, R-P, and T-P).

b. Multi-family dwellings shall occur only as planned unit developments.

c. Except for one single-family dwelling, all development on parcels which are 10 acres or larger shall be subject to the approval of a Conditional Use Permit in compliance with Chapter 842.5.

2. Underlying commercial zones.

a. For residential uses on parcels with an underlying commercial zone, the maximum density shall not exceed one dwelling unit for each 4,350 square feet of parcel area.

b. Only that portion of the parcel area devoted exclusively to residential use and to open space shall be considered in computing allowable density.

3. Commercial uses. For commercial uses, there are no density requirements.

D. Structure height requirements.

1. Structures subject to the following height standards:

a. Height shall be measured from the grade level abutting the structure on the side facing the street to the highest point of the structure.

b. Where the structure fronts on more than one street, the height shall be measured at the grade level abutting the structure on the side which faces the most prominent street thoroughfare.

c. Height shall not exceed 25 feet.

d. Where a sprinkler system with adequate water delivery is installed or where community fire protection facilities are capable of providing water delivery, height may be increased to 35 feet.

E. General setback requirements.

1. The setback requirements of the underlying zone shall apply.

2. Required setback areas shall not be paved except for allowed access and parking.

F. Minimum distance between structures located on the same parcel.

1. No specific requirements, except that the more restrictive standards of the R-2, T-P, and R-P underlying zones shall apply in those underlying zones.

2. No animal or fowl barn, coop, corral, pen, or stable shall be located within 40 feet of any structure used for human habitation or within 100 feet of the front property line.

G. Maximum Parcel Coverage. The requirements of the underlying zone shall apply.

H. Fences, Hedges and Walls.

1. For residential uses, the provisions of the R-R District, shall apply.

2. Trash storage areas for commercial or multi-family uses shall be screened from abutting properties or public rights-of-way on all sides by vegetation, wire and vegetation or solid wall.

3. For properties developed and zoned for commercial uses which abut properties zoned for residential uses:

   a. A solid masonry wall of earthen color tone not less than five (5) nor more than six (6) feet in height shall be erected along or parallel to side and rear property lines dividing the residential and non-residential properties. Other materials acceptable to the Director may be permitted or required if it can be determined that the substitute materials provide a reasonably equivalent protection for abutting residential properties from noise and glare.

   b. No fence, hedge or wall over three (3) feet in height shall be permitted in any required front yard or in the required side yard on the street side of a corner or a reversed corner lot.

I. Off-Street Parking.

1. General Requirements:

   a. All off-street parking facilities for commercial and multi-family uses shall be designed and developed so that vehicles leaving the property to enter the right-of-way will do so in a forward direction.

2. For Residential Uses:

   a. There shall be at least one parking space for each dwelling unit in addition to any required parking area for commercial uses.

   b. Parking spaces shall be on the same lot with the main building which they are intended to serve or on an adjacent lot. They shall not be located in any required yard which abuts a street except that where the required yard has a slope from

street to parking area greater than twenty-five (25) percent, the parking space may be in the required yard. No garage doors or other movable fixture shall project beyond a property line.

3. For Commercial Uses:

a. There shall be at least two square feet of off-street parking area for each one square foot of gross floor area devoted or incidental to a commercial use. If such use falls into any of the special uses set forth in Chapter 828.3, such conditions shall apply.

b. The parking area shall meet the standards prescribed below:

1) Said space shall be provided on a site not more than five hundred (500) feet from the external boundaries of the lot upon which the building it serves is located.

2) This required parking area shall be provided in any of the following ways:

(1) On the lot with the building served;

(2) On a contiguous lot or a lot within five hundred (500) feet of the building or use being served;

(3) By membership in an assessment district established for the purposes of providing off street parking for the uses located in said District;

(4) In a large parking area or compound, and where all the overall total relationship between the parking area and the total floor area planned is in conformity with the provisions of this Section, the off street parking requirements for individual uses will be considered to be complied with when such parking areas are placed in a "P" (Off Street Parking) zone.

J. Acces.

1. There shall be adequate vehicular access from a dedicated and improved street, service road or alley, the design of which shall be approved by the Director of Public Works.

2. The Director shall specify the location and number of ingress and egress points by conditions established at the time of site plan review or building permit.

K. Outdoor Advertisig. Only the signs listed below which meet the listed standards of aesthetics shall be permitted. Advertising structures and portable signs shall be prohibited except as permitted in 2(a), below.

1. Aesthetics

a. The supporting members of signs shall appear to be an integral part of the building or structure.

b. All signs, together with supports, shall be kept in repair.

c. Signs shall not be affixed to any tree or rock outcropping.

d. Signs, except those offering properties for sale, rent or lease, shall indicate only the name and nature of the business occupancy or owner by words or logo.

e. No signs, or portions of signs, shall move or revolve.

f. Lights used to illuminate signs shall be designed and installed so that light is not directed upon surfaces beyond the property line. No light bulb, tube filament or similar source of illumination shall be visible from a point off the property. Signs making use of stroboscopic light, rotary beacons, chasing or flashing effects, or intermittent or variable intensity lighting shall be prohibited.

2. Permitted Signs and Regulating Standards

a. Any sign which has no visual impact upon surrounding properties or public rights-of-way shall be permitted.

b. In areas with an underlying residential zoning district, excepting the "R-P" District, the sign provisions of the "R-1-A" District Section 822.5-K shall apply except that temporary real estate directional signs and offsite directional signs for major recreational uses, hospitals, and colleges shall be prohibited.

c. In areas with an underlying zoning of "R-P" the provisions of Section 831.5-K shall apply.

d. For commercial areas, the following standards shall apply:

(1) Building mounted signs (painted or flat)

(a) Such signs shall be limited to one per occupancy for each building frontage which has a public entrance to the occupancy for which the sign pertains.

(b) Buildings signs shall not exceed one hundred (100) square feet in area or one square foot per front foot of the facade of the building on which the sign is to be mounted whichever is the lesser area. Computation of area shall be based upon that portion of the structure wherein the pertaining use is conducted.

(2) Free-standing signs

(a) One free-standing sign shall be permitted per parcel under separate ownership when developed with permitted uses. Such parcel may be composed of one or more lots.

(b) Signs shall not exceed one hundred (100) square feet in area or one square foot per one linear foot of parcel frontage along the street on which the sign is to be located, whichever is the lesser area.

3. Signs Offering Property for Sale, Rent or Lease

a. One sale, rent or lease sign may be posted by the property owner or his authorized agent per road frontage for any one lot, building, or occupancy.

b. Signs offering property for sale, rent or lease shall not exceed six (6) square feet in area.

L. Loading.

The provisions of Chapter 828.3 shall apply.

M. Site Plan Review.

1. The site plan review requirements of the underlying district shall apply.

2. Where topographical features or trees with trunk diameters of six (6) inches or larger exist on the property, or within abutting required yards on adjacent properties, they shall be shown on maps, drawings, photographs, etc., which accompany the Site Plan Review application. Location of wells and sewage disposal systems (excluding community systems) shall be shown on the plans.

818.2.050 – NB (Neighborhood Beautification) Overlay Zone Allowable Uses

Uses permitted, uses permitted subject to Director Review and Approval, and uses permitted subject to Conditional Use Permit shall be those stated in the underlying zone.

818.2.060 – NB (Neighborhood Beautification) Property Development Standards

A. Property development standards. The following property development standards shall apply to all residentially-zoned property, land and structures in the Neighborhood Beautification Overlay District, unless there is a specific exception stated. The property development standards of the underlying zone and those specified in Articles 3 (Development and Operational Standards) and 4 (Standards for Specific Land Uses) shall apply except as modified herein.

NOTE: Lot area, lot dimensions, population density, building height, general yard requirements, space between buildings, lot coverage and fences, hedges and walls development standards of the underlying district shall apply.

1. On and Off-Street Parking:

   a. The general off street parking requirements of the underlying district and the provisions of the General Conditions of Chapter 828.3 shall apply. However, residentially-zoned property in the Neighborhood Beautification Overlay District shall be subject to all of the following requirements commencing upon the effective date of rezoning as part of a Neighborhood Beautification Overlay District. To the extent these Neighborhood Beautification Overlay District requirements are more restrictive than any general requirements, the more restrictive shall prevail. Unless specifically stated, the Neighborhood Beautification Overlay District provisions for on and off-street parking shall not apply to residentially-zoned properties having an underlying zoning of "R-A" or "R-R."

   b. In addition to, and notwithstanding Section 828.3.030.E and 828.3.030.F, the front yard storage, parking, keeping or maintaining on a lawn or other landscaped surface of trailers, vehicles, boats and personal watercraft (whether on-trailer or off-trailer), shall be prohibited. This prohibition shall also apply to any side yard abutting any street, except on a regular corner lot where the vehicle is behind a solid fence, hedge, or wall not less than five (5) feet high. Nonconforming status shall not be granted.

B. Property Maintenance Standards

1. No solid waste, solid waste containers, or bulk refuse shall be maintained, except during a collection period, in the front yard or within a side yard of any property, abutting a street, when that property is residentially-zoned property. This provision shall not apply to properties having an underlying zoning of "R-A" or "R-R".

2. The following items shall be prohibited on any residentially-zoned property:

   a. Dead, decayed, diseased or hazardous trees, or weeds which endangers the public safety by creating a fire hazard, or trees determined to be hazardous due to death, decay, disease, root intrusion or location;

   b. Residue from a fire or demolition which endanger the public safety;

   c. Rubbish, litter, items of machinery, refuse, garbage, scrap metal, lumber, concrete, asphalt, tin cans, tires and piles of earth, or furniture or household items (that have fallen into disuse or disrepair), which constitute an unsightly appearance;

This provision shall not apply to properties having an underlying zoning of "R-A" or "R-R.";

3. The front yard and any side yard of any lot abutting a street, including any parking strip, when that property or that lot is residentially-zoned property, shall be maintained and irrigated, so that any trees, shrubs and other landscaping therein are adequately irrigated and maintained. A tenant, lessee or occupant shall only be responsible therefor if he has not entered into a contract with the owner, a property manager, or another private party under which that other party is responsible to maintain such yards. These provisions shall include residentially-zoned properties having an underlying zoning of "R-A" or "R-R."

C. Trees in Park Strips or Public Rights-Of-Way

In addition to and notwithstanding the following provisions, an encroachment permit, is required, under other sections of the Fresno County Ordinance Code, including but not limited to, Ordinance Code Chapters 13.08 and 13.12, for private improvements within park strips and public rights of way.

1. Tree Irrigation and Maintenance in Park Strips / Public Rights-of-Way.

   a. Any trees in a park strip or the public right-of-way adjacent to or abutting a lot shall be properly irrigated by the owner or occupant of the adjacent or abutting lot, so long as the adjacent or abutting lot has a structure upon same.

   b. The County may prune trees in a park strip or the public right-of-way adjacent to or abutting property as part of regular maintenance or as necessary in order to maintain public roadways. In such instance, the County will provide notification that such an effort is forthcoming.

   c. Any person desiring to remove, for any reason, any tree (with a trunk diameter equal to or greater than six (6) inches at ground level), which is in a park strip or public right-of-way, shall apply to the Director of Public Works and Planning, or designee, for a permit as outlined in Section D of this Chapter. The County is not required to obtain a permit, nor are public utilities acting within the scope of their easement.

D. Tree Removal within Park Strips or Public Rights-Of-Way.

1. **Director's investigation.** The Director, or designee, shall investigate and may approve, with or without conditions, or deny, the issuance of a permit for removal of the tree(s) subject to the following procedure:

   a. Property owner of the property immediately adjacent to the park strip or right-of-way containing the subject tree shall complete a tree removal permit application;

b. The Director, or designee, shall notify the Supervisor of the supervisorial district in which the parcel is located;

c. Within 10 days of receipt the application, the County shall post a copy of the written notice of application adjacent to the tree(s) proposed to be removed for 10 days, in order to notify the residents of the area;

d. The Director, or designee, shall approve or deny the permit within 30 days of receipt of the application. The Director's determination is final.

2. **Health and Safety.** Any tree that presents a risk to the health and safety to the public and/or potential for damage to real or personal property, can be removed without adherence to the provisions cited above if, upon notification from the adjacent property owner, the Department of Public Works and Planning verifies the reported safety concern.

818.2.070 – HB (Highway Beautification) Overlay Zone Allowable Uses

Uses permitted, uses permitted subject to Director Review and Approval, and uses permitted subject to Conditional Use Permit shall be those stated in the underlying zone.

818.2.080 – HB (Highway Beautification) Overlay Zone Property Development Standards

A. Purpose and intent. The Highway Beautification Overlay Zone Standards (HBOS) are intended to promote consistent aesthetic provisions for future development within County jurisdictional lands along Highway 99. These provisions allow for growth in commerce while securing an aesthetically attractive character for future development along Highway 99.

B. Applicability.

1. The "HB" Overlay Standards shall apply to all property located within 1,000 feet of the outside boundaries of the Highway 99 ultimate right-of-way.

2. Any new use or expansion of an existing use approved after the effective date of this Zoning Ordinance and located within the "HBOS" boundaries shall be subject to the provisions of this Section.

C. Definitions. For purposes of this Section, the following definitions shall apply:

Advertising structure. Any notice or advertisement, pictorial or otherwise, and all structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known.

At-Grade. A section of highway, the grade of which is within five feet of the grade of adjacent properties.

Co-location. Locating more than one antenna on the same antenna mount.

Communication tower. A structure which supports equipment necessary for the conduct of a public communications business.

Depressed. A section of highway, the grade of which is more than five feet below of the grade of the adjacent properties.

Elevated. A section of highway, the grade of which is more than five feet above the grade of adjacent properties.

Freestanding sign. Any advertising structure supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Gateway sign. A freestanding sign that marks a perceptually designated city/county border.

Guyed tower. A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Lattice tower. A self-supporting communication tower consisting of an open-work structure made of crossing bars or rods forming a network used for support.

Marquee sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure; advertises multiple destinations within a set location.

Monopole. A self-supporting communication tower consisting of a single pole.

Monument sign. A freestanding sign in which the entire bottom of the sign is in contact with the ground.

Off-site advertising structures. An advertising structure referencing services and products not available at the location of the sign.

Wall sign. Any sign attached parallel to, but within six inches of a wall; painted on the surface of a wall; or erected and confined within the limits of an outside wall of any building or structure, which is supported by the wall or building, and which displays only one sign surface.

D. Permitted uses. Uses permitted shall be those uses permitted in the underlying zone.

E. Uses subject to Director Review and Approval. Uses permitted subject to review and approval by the Director as provided for in Chapter 846.5.

1. Those uses permitted subject to review and approval by the Director in the underlying zone.

2. Advertising structures referencing off-site services and products.

F. Uses subject to a Conditional Use Permit. Uses permitted subject to a Conditional Use Permit shall be those uses permitted subject to a Conditional Use Permit in the underlying zone as provided for in Chapter 842.5.

G. Unclassified uses. Certain specified land uses are allowed by Unclassified Use Permit in compliance with Chapter 842.5.

H. Uses expressly prohibited. Uses expressly prohibited shall be those uses expressly prohibited in the underlying zone. Excludes unclassified uses.

I. Property development standards. The following property development standards and those specified in Articles 3 (Development and Operational Standards) and 4 (Standards for Specific Land Uses) shall apply to all land and structures in the HBOS. Property development standards of the underlying zone shall be appropriate only when specific reference is made below.

1. Parcel area. Parcel area shall not be less than the parcel area standards of the underlying zone.

2. Parcel dimensions. Parcel dimensions shall not be less than the parcel dimension standards of the underlying zone.

3. Population density. Population density shall not exceed the population density standards of the underlying zone.

4. Structure Height. Structure height shall not exceed the structure height restrictions of the underlying zone.

5. Setbacks. Setbacks shall be as required in the underlying zone with the following exceptions:

a. Agricultural uses shall be exempt from the landscape buffer requirements of this Section.

b. Landscape buffers shall be placed along all property lines adjacent to the highway, except as noted in Subparagraph g., below, and maintained by the property owner, a homeowner’s association, or property management company responsible for the maintenance of common facilities.

c. No landscape buffer required by this Section shall result in the removal of existing trees.

d. For all landscape buffers required by this Section, a landscape and irrigation plan shall be prepared for review and approval by the Director.

e. Exceptions to the landscape buffer requirements due to site or structure location, property dimensions, or other factors may be considered through the Variance process (Chapter 860.5) with the understanding that the overall objectives of the HBOS must be achieved to the maximum extent feasible.

f. For residential subdivisions, the following yard requirements shall apply:

(1) Properties adjacent to at-grade highway sections shall require a landscape buffer of no less than 20 feet deep and the landscape buffer shall be placed along all property lines adjacent to the highway.

(a) The landscape buffer shall consist of groundcover and shrubs. Trees shall be provided within the landscape buffer at a minimum rate of one tree for each 25 feet of highway frontage, and may be spaced evenly or planted in groups or clusters.

(b) No structures, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

(2) Properties located adjacent to elevated highway sections shall require a landscape buffer of no less than 10 feet deep and the landscape buffer shall be placed along all property lines adjacent to the highway.

(a) The landscape buffer shall consist of trees provided at a minimum rate of one tree for each 25 feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters and shall be of a species which will grow tall enough to be visible from the highway.

(b) No structures, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

(3) Properties located adjacent to depressed highway sections shall require a landscape buffer of no less than 10 feet deep and the landscape buffer shall be placed along all property lines adjacent to the highway.

(a) The landscape buffer shall consist of groundcover and shrubs. Trees shall be provided within the landscape buffer at a minimum rate of one tree for each 25 feet of highway frontage and may be spaced evenly or planted in groups or clusters.

(b) No structures, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

g. For vehicle wrecking yards, vehicle storage yards, transit storage facilities, electrical distribution substations, garbage and green waste recycling, refuse incineration, solid waste transfer stations, power generating plants, junkyards, pallet yards, recycling facilities, surface mining operations, and waste-to-energy plants, or similar uses, the following yard requirements shall apply to all property lines that allow visibility into the site from the highway:

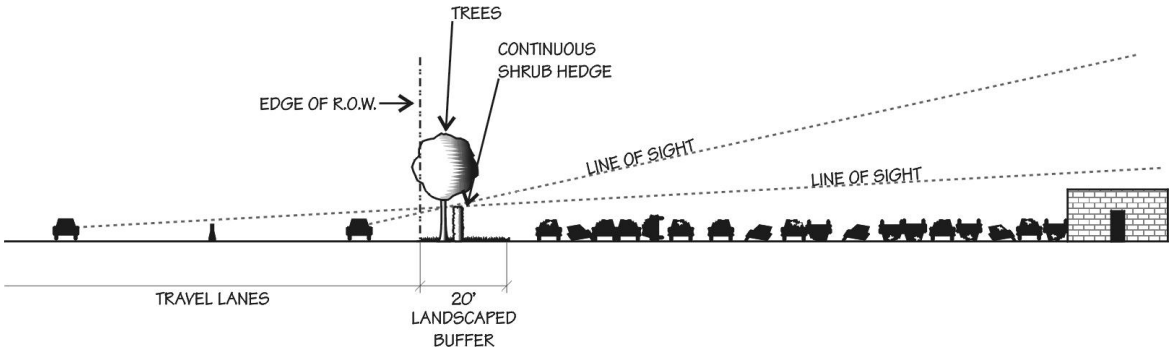


Figure 1
Required landscape buffer for land uses specified in Subparagraph 818.2.080.H.5.g(1) next to at-grade highway section

(1) Properties located adjacent to at-grade highway sections shall require a landscape buffer of no less than 20 feet deep.

(a) The landscape buffer shall contain, at a minimum, a continuous shrub hedge, interplanted 20 feet on center with trees. Shrub varieties used shall be fast growing and attain an ultimate height of no less than eight feet.

(b) No structures, parking areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

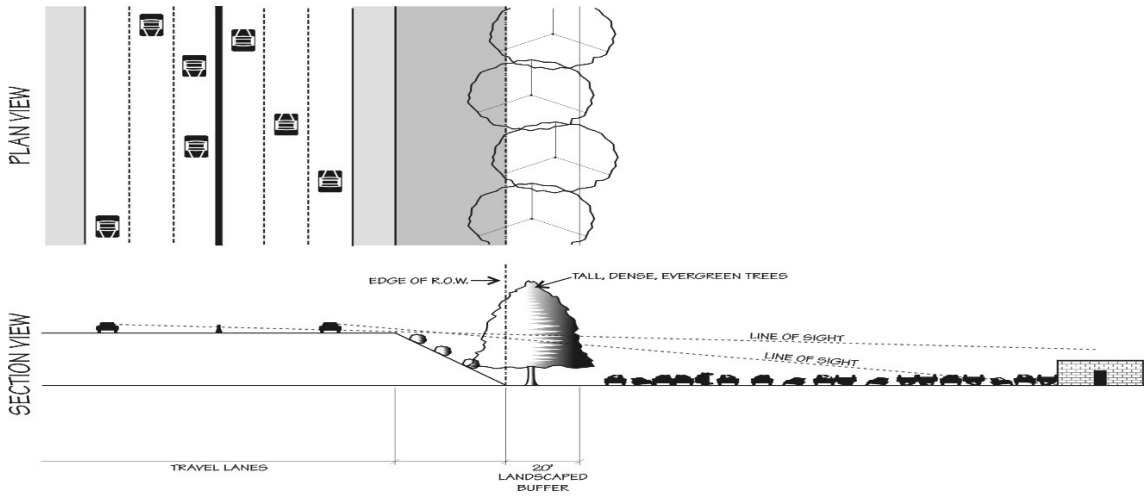


Figure 2

Required landscaped buffer for land uses specified in Subparagraph 818.2.080.H.5.g(1) next to above grade highway section

(2) Properties located adjacent to elevated highway sections shall require a landscape buffer of no less than 20 feet deep.

(a) The landscape buffer shall consist of trees spaced at 20 feet on center and staggered or triangularly spaced within the buffer to minimize visibility into the site from the highway. Species used shall be fast growing, dense, tall evergreen trees.

(b) No structures, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

(3) Properties located adjacent to depressed highway sections shall require a landscape buffer no less than 10 feet deep.

(a) The landscape buffer shall contain a continuous shrub hedge adjacent to the edge of the highway right-of-way. Trees shall be planted on center at a minimum rate of one tree for each 20 feet of highway frontage. Shrub varieties used shall be fast growing and attain an ultimate height of no less than eight feet.

(b) No structures, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

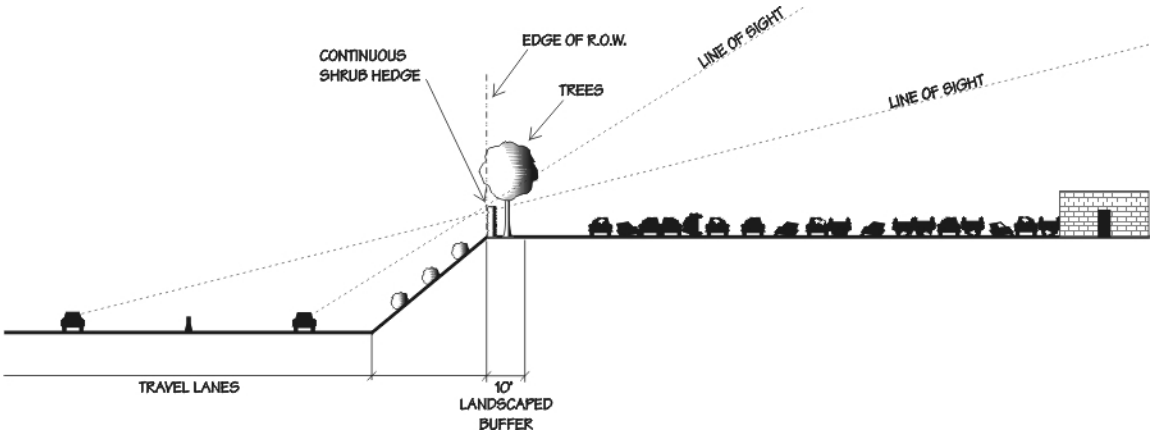


Figure 3
Required landscape buffer for land uses specified in Subparagraph 818.2.080.H.5.g(3) next to below grade highway section

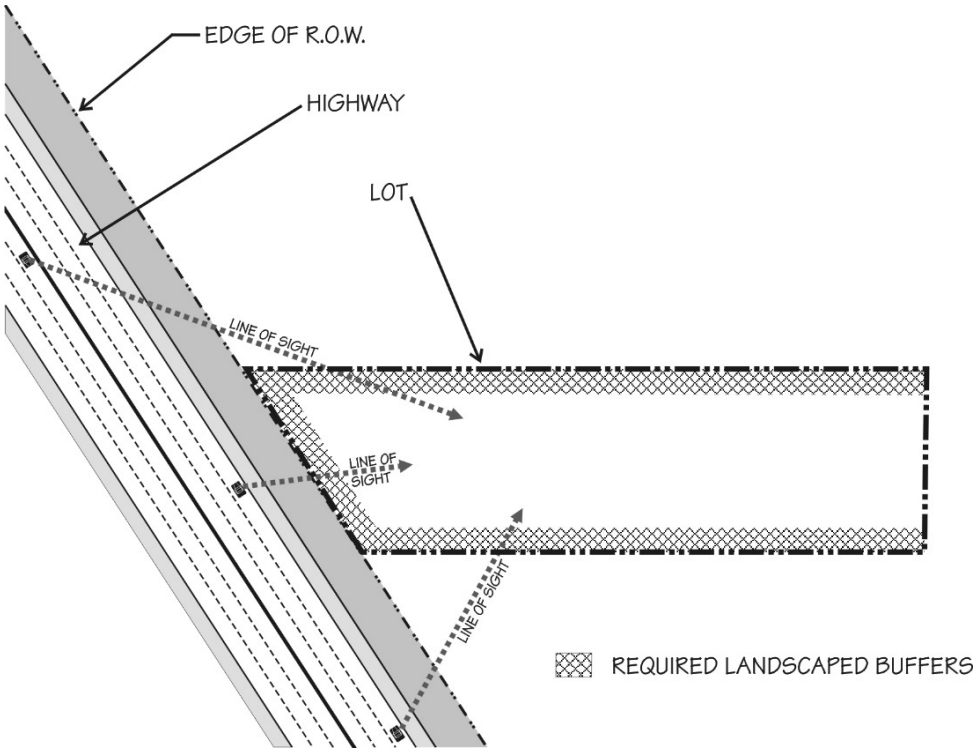


Figure 4
Possible required landscape buffers for land uses specified in Subparagraphs 818.2.080.H.5.g(1) thru (3). These uses must provide landscape buffers along all property lines that allow visibility into the site from the highway.

h. For all other uses not included in Subparagraphs f. and g., above, the following yard requirements shall apply:

(1) Properties located adjacent to at-grade highway sections shall require a landscape buffer of no less than 20 feet deep and the landscape buffer shall be placed along all property lines adjacent to the highway.

(a) The landscape buffer shall consist of groundcover or shrubs. Trees shall be provided within the landscape buffer at a rate of one tree for each 25 feet of highway frontage, and may be spaced evenly or planted in groups or clusters.

(b) No structures, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

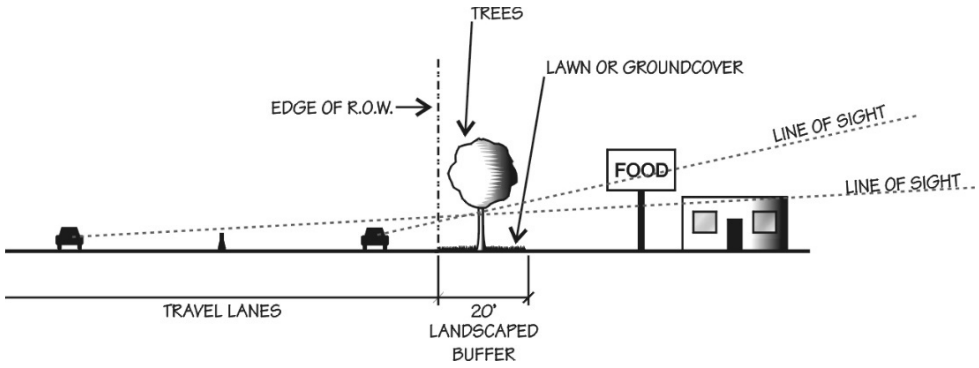


Figure 5
Required landscape buffer for land uses specified in Subparagraph 818.2.080.H.5.h(1). next to at- grade highway section

(2) Properties located adjacent to elevated highway sections shall require a landscape buffer of no less than 20 feet deep and the landscape buffer shall be placed along all property lines adjacent to the highway.

(a) Trees shall be provided within the landscape buffer at a minimum rate of one tree for each 25 feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters and shall be of a species which will grow tall enough to be visible from the highway.

(b) No freestanding signs or communication towers may be established within the landscape buffer.

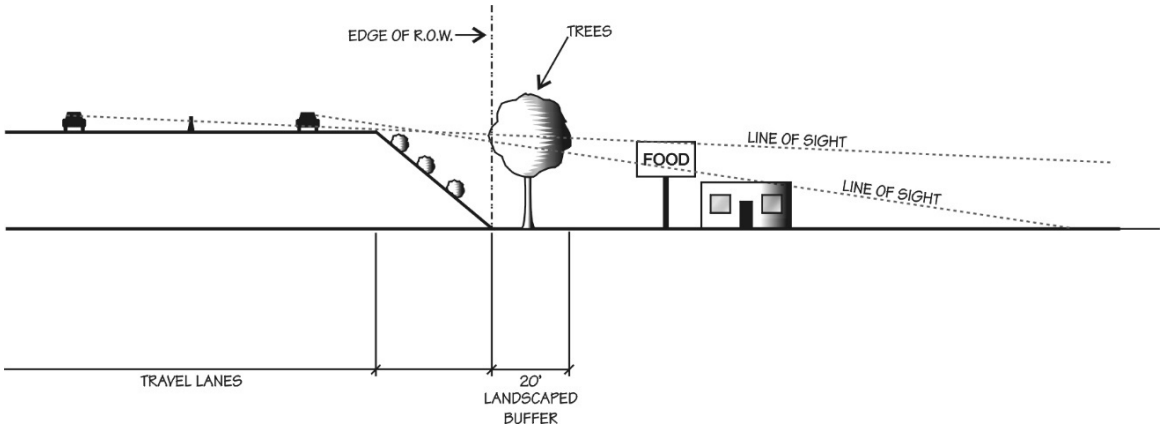


Figure 6
Required landscape buffer for land uses specified in Subparagraph 818.2.080.H.5.h(2). next to elevated highway section

(3) Properties located adjacent to depressed highway sections shall require a landscape buffer of no less than 20 feet deep and the landscape buffer shall be placed along all property lines adjacent to the highway.

(a) Trees shall be provided within the landscape buffer at a minimum rate of one tree per 25 feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters and shall be placed close enough to the right-of-way line that they will be visible from the highway.

(b) No structures, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

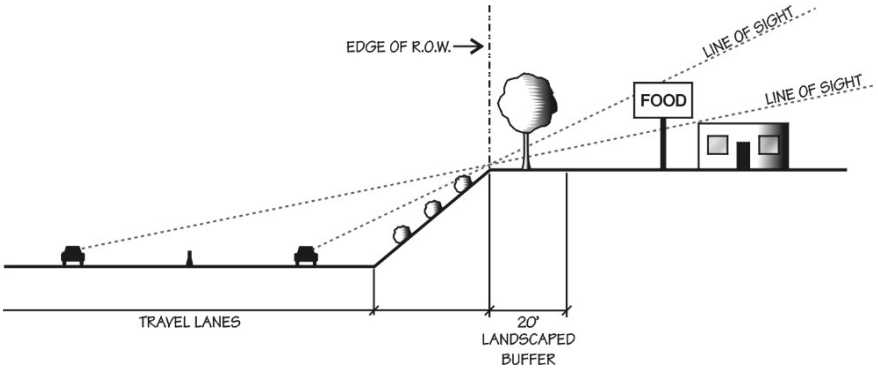


Figure 7
Required landscape buffer for land uses specified in Subparagraph 810.2.080.H.5.h(3). next to depressed highway section

Highway Beautification Overlay Yard Requirements*			
	Adjacent Highway Type		
Use Type	**At-Grade**	**Elevated**	**Depressed**
Agricultural Uses (See Subparagraph 818.2.080.H.5.b for details)	As required by underlying zone.	As required by underlying zone.	As required by underlying zone.
Residential (See Subparagraph 818.2.080.H.5.f for details)	20’ landscape buffer consisting of lawn, groundcover, or shrubs. 1 tree shall be planted for each 25 feet of highway frontage.	10’ landscape buffer. 1 tree shall be planted for each 25 feet of highway frontage.	10’ landscape buffer. 1 tree shall be planted for each 25 feet of highway frontage.
Wrecking Yards, Storage Yards, Recycling Facilities, Used Equipment Yards, or Similar Uses. (See Subparagraph 818.2.080.H.5.g for details)	20’ landscape buffer with a continuous shrub hedge, planted 20’ on center with trees.	20’ landscape buffer planted with large, dense evergreen trees 20’ on center.	10’ landscape buffer with a continuous shrub hedge and trees planted 20’ on center.
Other uses not previously specified	20’ landscape buffer consisting of lawn, groundcover, or shrubs. 1	20’ landscape buffer. 1 tall tree shall be planted for every 25	20’ landscape buffer. 1 tree shall be planted for every 25 feet of

(See Subparagraph 818.2.080.H.5.h for details)	tree shall be planted for every 25 feet of highway frontage.	feet of highway frontage.	highway frontage and trees shall be visible from the highway.

* *For illustrative purposes, only. Refer to text for complete requirements.*

6. **Space between structures.** Space between structures shall not be less than the space required by the underlying zone.

7. **Parcel coverage.** Parcel coverage shall not exceed the coverage allowed by the underlying zone.

8. **Fences, hedges, and walls.** Fences, hedges, and walls shall be as required in the underlying zone, excepting those standards prescribed by the HBOS.

9. **Off-street parking.** Off-street parking shall be as required in the underlying zone.

10. **Outdoor advertising.** Advertising structures shall be as regulated in the underlying zone with the following exceptions:

    a. Freestanding signs.

        (1) No freestanding sign shall be permitted on parcels in which the underlying zone prohibits freestanding signs.

        (2) No more than two freestanding signs may be permitted on any parcel. One may be permitted facing the highway, and one may be permitted facing the road which the parcel fronts. No more than one freestanding sign may be permitted on parcels that are not adjacent to the highway.

        (3) No freestanding sign may be permitted within a required landscaped buffer, with the exception of monument signs.

        (4) The maximum permitted sign area for monument signs in a required landscaped buffer shall be 60 square feet.

        (5) Sign height shall be as follows. The maximum permitted height of freestanding signs shall be the lesser of the underlying zone or dependent on the distance that the freestanding sign is set back from the highway calculated using the following formula: one foot of sign height shall be permitted for each one foot that the sign is set back from the highway to a maximum of 35 feet in height. Signs that do not meet the requirements require approval of a Conditional Use Permit.

        (6) The maximum permitted sign area for freestanding signs shall be the lesser of the underlying zone or dependent on the distance that the sign is set back from the highway calculated using the following formula:

three square feet of sign area shall be permitted for each one foot that the sign is set back from the highway to a maximum of 200 square feet in area.

b. Marquee signs.

(1) No marquee sign shall be permitted on parcels in which the underlying zone prohibits marquee signs.

(2) No more than one marquee sign may be permitted on any parcel.

(3) No marquee sign may be permitted within a required landscape buffer.

(4) Sign height shall be as follows. The maximum permitted height of marquee signs shall be the lesser of the underlying zone or dependent on the distance that the marquee sign is set back from the highway calculated using the following formula: one foot of sign height shall be permitted for each one foot that the sign is set back from the highway to a maximum of 100 feet in height. Signs that do not meet the requirements require approval of a Conditional Use Permit.

(5) The maximum permitted sign area for marquee signs shall be the lesser of the underlying zone or dependent on the distance that the sign is set back from the highway calculated using the following formula: three square feet of sign area shall be permitted for each one foot that the sign is set back from the highway to a maximum of 200 square feet in area.

c. Wall Signs

(1) No wall sign shall be permitted on parcels in which the underlying zone prohibits wall signs.

(2) The maximum permitted sign area for wall signs shall be the lesser of the underlying zone or 10 percent of the subject wall area.

d. Nonconforming signs.

(1) Signs that become nonconforming on or after the effective date of these standards, but which lawfully existed and were maintained before the effective date of these standards shall be removed or made to conform within 10 years after the effective date of these standards. During the interim 10-year period, the nonconforming signs shall be kept in good repair and visual appearance.

(2) Any sign determined to be of historical significance and identified as such in any community or specific plan, shall be exempt from the removal and conformance requirements of this Section.

(3) A nonconforming sign may be required to be removed before the 10-year amortization period if it meets any of the following criteria:

(a) The sign was erected without first complying with all ordinances and regulations in effect at the time of its construction and installation or use.

(b) The sign was lawfully erected, but its use has ceased, or its owner has abandoned it, for a period of not less than 90 days.

(c) The sign has been more than 50 percent destroyed, repair of the sign would require more than copy replacement, and the damage cannot be repaired within 30 days of the date of its occurrence.

(d) The sign owner remodels the sign, beyond a change of copy, without first complying with all ordinances and regulations in effect at the time of its remodeling.

(e) The property owner expands or enlarges the structure or land use upon which a lawfully erected, nonconforming sign is located, and the sign is displaced by the construction, enlargement, or remodeling.

(f) The sign is or may become a danger to the public or is unsafe.

(g) The sign constitutes a traffic hazard that was not created by relocation of streets or highways or by acts of the governing body.

11. Utility and mechanical equipment. Utility and mechanical equipment (e.g., heating units, air conditioners, antennas, satellite dishes, HVAC units, or similar devices) shall be integrated into the design of the structure or situated on the site so that they are not visible from the highway. When this is not possible, the equipment shall be screened from view of the highway by a masonry wall or other screening methods acceptable to the County.

12. Trash and recycling areas. Trash and recycling areas shall be located on site so that they are not visible from the highway. When this is not possible, the trash and recycling areas shall be screened from view of the highway by a masonry wall.

J. Communication towers. Communication towers and related facilities shall be as regulated in the underlying zone with the following exceptions:

1. No communication tower shall be permitted on parcels in which the underlying zone prohibits communication towers.

2. The permitting of communication towers on any parcel shall require approval of an Unclassified Conditional Use Permit in compliance with Chapter 842.5.

3. Each application for a communication tower shall be accompanied by the following:

    a. A signed statement from the applicant indicating their intention to share space on the tower with other providers (aka co-location).

    b. A copy of the lease between the applicant and the landowner. The lease shall contain the following provisions:

        (1) The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.

        (2) The landowner shall be responsible for the removal of the communications tower or facility in the event the lessee fails to remove it upon abandonment.

4. Communication towers shall be of a monopole design. Lattice tower and guyed tower designs are prohibited.

5. Communication towers may not be permitted within a required landscaped buffer.

6. The maximum permitted height of communication towers shall be the lesser of the underlying zone or dependent on the distance that the communication tower is set back from the highway calculated using the following formula: one foot of height shall be permitted for each one foot that the tower is set back from the highway to a maximum of one 150 feet in height. Lightning rods, not to exceed 10 feet in height, shall not be included within the height limitations.

7. Communication towers shall be designed to accommodate co-location opportunities.

8. Communication towers shall maintain a galvanized finish, unless camouflaged in some other manner.

9. Communication towers shall be spaced no closer than 1,500 feet from all other towers. Communication equipment mounted to existing towers, tall structures, water towers, grain silos, church steeples, or structures (e.g., light poles) shall not be subject to this requirement.

10. Mobile or immobile equipment not used in direct support of a communications tower facility shall not be stored or parked on the site of the communication tower unless repairs or maintenance of the tower are being conducted.

11. Accessory uses shall only include structures and facilities necessary for transmission functions and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas, or other similar uses not necessary for the transmission function.

12. Accessory structures related to the operation of a communication tower shall be constructed of building materials consistent with the primary use of the site and shall be subject to the Site Plan Review process as described in Chapter 854.5.

13. Communication towers shall only be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Administration. Security lighting around the base of the communication tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or right-of-way.

14. The base of the tower and related facilities shall be screened from view with a solid masonry wall a minimum of six feet in height. A landscaped buffer of no less than five feet in depth shall be provided outside of the screening wall.

15. Any communication tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of the tower shall remove the same within 90 days of a receipt of notice from the County notifying the owner of the abandonment. If the tower is not removed within the 90-day period, the County may remove the tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

818.2.090 – Historic Preservation

HP (Historic Preservation) Overlay District. The purpose of this overlay district is to promote the preservation historic resources as listed in the resource inventory maintained by the Fresno County Historic Landmarks and Records Advisory Commission (Commission) as a means encourage County/neighborhood pride, recognize, and preserve unique architectural features or places of historic significance that may otherwise be lost, and foster a sense of identity based on the recognition and use of historic resources.

A. Process. Any property owner whose property is listed on the resource inventory maintained by the Commission may opt to submit an Amendment (Rezone) Application on their property proposing to place the HP Overlay to the parcel to protect the historic resources of said site subject to the following requirements:

1. All sites located within the HP Overlay shall be considered historic.

2. Demolition, alteration, or addition to any structure shall be subject to review by the Commission.
3. If the Commission, upon consideration of the required Findings, determines that the proposed demolition, alteration, or addition is appropriate, the Commission shall issue a Certificate of Appropriateness authorizing, or conditionally authorizing, in whole or in part, the proposed activity.
4. No alterations, structural or otherwise, shall occur to any structure located within the HP Overlay without authorization from the Commission, unless said alterations any necessary to address a health and/or safety issue.
5. With the exceptions noted above, all provisions of the underlying Zone District shall apply.

B. Certificate of Appropriateness. A Certificate of Appropriateness is a permit that can be approved, conditionally approved, or denied based upon consideration of project associated with proposing the demolition, alteration or addition to any structure located within the HP Overlay District. The Certificate shall be issued by the Commission upon determination that the proposal is consistent with the required Findings as listed in Subsection C. The determination of the Commission is final in cases of approval or conditional approval.

In cases of denial, the determination of the Commission is appealable to the Board of Supervisors.

C. Required Findings.

1. The proposed work will not adversely affect the significant architectural features or character of the historic resource.
2. The project is consistent with any applicable requirements of the California Environmental Quality Act (CEQA).
3. The proposed work is consistent with applicable Zoning Ordinance provisions or those project elements that are not consistent are or have been addressed.
4. The proposed work is consistent with applicable General Plan policies.

CHAPTER 819.2 – SPECIFIC PLANS

819.2.010 - Purpose of Chapter, Applicability

A. Purpose. The purpose of this Chapter is to provide for the specific plans adopted by the County.

B. Applicability.

1. The specific plans contained in this Chapter contain the zoning regulations for and shall govern the development of properties covered by the respective specific plan.

2. In order to maintain the accuracy and integrity of each specific plan contained in this Chapter, the contents of each specific plan have been placed in this Chapter exactly as adopted by the County, with only minor formatting to better fit the accepted style and formatting of the entire Zoning Ordinance.

3. All internal references are to other articles, chapters, and sections of this Zoning Ordinance.

4. Certain specified land uses are allowed by Unclassified Use Permit in compliance with Chapter 842.5.

819.2.020 - PLACEHOLDER

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Article 3

Development and Operational Standards

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CHAPTER 820.3 - PERFORMANCE STANDARDS

820.3.010 - Purpose of Chapter

The purpose of this Chapter is to establish uniform performance standards that are designed to minimize and mitigate potential impacts of development within the County and to promote compatibility with surrounding areas and land uses.

820.3.020 - Applicability

A. New and existing uses in all zones. The provisions of this Chapter shall apply to all land, structures, and uses in all zones. The standards of this Chapter elaborate upon and otherwise augment the development standards specified for individual zones in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) and in Article 4 (Standards for Specific Land Uses).

B. Compliance of alterations or modifications. Uses of the land that existed on the effective date of this Chapter shall not be altered or modified so as to conflict with, or further conflict with, these standards.

C. Evidence of compliance with standards. If requested by the Director or the applicable review authority, applicants shall provide evidence to the Director that the proposed development is in compliance with the standards in this Chapter and other applicable standards in this Zoning Ordinance before the issuance of a Building Permit or business license.

820.3.030 - Air Quality

A. Air pollution.

1. Sources of air pollution shall comply with rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the California Air Resources Board.

2. No person shall operate a regulated source of air pollution without a valid operation permit issued by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

3. Owners/operators of uses, activities, or processes that require SJVAPCD approval of a permit to operate shall file a copy of the permit with the Department within 30 days of its approval.

B. Dust and dirt. Land use activities that may create dust emissions (e.g., construction, grading, etc.) shall be conducted in compliance with the rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

C. Exhaust emissions. Any gas or diesel fired back-up power generator rated at 50 horsepower or greater shall require prior approval from the San Joaquin Valley Air Pollution Control District (SJVAPCD).

822.3.040 - Density

A. Population Density General. The population density regulations specified in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) shall apply. Occupancy shall not be increased in any manner except in conformity with these regulations. Additional exceptions for the R-3, and R-P Zone Districts are noted below.

B. R-3 Zone District. A nonconforming parcel of record under separate ownership at the time it became nonconforming may be used for or occupied by any allowed use subject to the following limitation:

1. Where the parcel has less than 3,000 square feet of parcel area, the parcel shall not be used for more than one dwelling unit.

2. Where the parcel has 3,000 square feet of parcel area or more than but less than 4,500 square feet of parcel area, the parcel shall not be used for more than two dwelling units.

3. Where the parcel has 4,500 square feet of parcel area or more but less than 6,000 square feet of parcel area, the parcel shall not be used for more than three dwelling units.

4. Where the parcel has 6,000 square feet of parcel area or more but less than 7,000 square feet of parcel area, the parcel shall not be used for more than four dwelling units.

C. R-P Zone District. A nonconforming parcel of record under separate ownership at the time it became nonconforming may be used for or occupied by any allowed use subject to the following limitation:

1. Any parcel having less than 4,000 square feet of parcel area may not be used for residential purposes.

2. Where the parcel has 4,000 square feet of parcel area or more than but less than 6,500 square feet of parcel area, the parcel shall not be used for more than two dwelling units.

3. Where the parcel has 6,500 square feet of parcel area or more but less than 7,500 square feet of parcel area, the parcel shall not be used for more than three dwelling units.

820.3.050 - Easements

No structure shall be constructed which may be in conflict with a legally-established easement.

820.3.060 - Electrical Interference

Operators of activities, processes, and uses shall comply with all applicable Federal Communications Commission regulations regarding interference and public nuisance.

820.3.070 - Energy Conservation

A. Parcel design shall provide, to the extent feasible, for passive or natural heating or cooling opportunities and for other measures that conserve nonrenewable energy resources. Design measures to accomplish these objectives may include, but are not limited to, the arranging of streets, parcels, structures, and landscaping to (1) provide solar access for active solar water and space heating systems and passive space heating, (2) minimize solar heat gain in the summer, and (3) take advantage of prevailing breezes.

B. In providing for future passive or natural heating or cooling opportunities, consideration shall be given to local climate, to contour, to configuration of the original parcel, and to other design and improvement requirements. These provisions shall not result in reducing allowable densities or the percentage of a parcel which may be occupied by a structure under applicable zoning.

820.3.080 - Exterior Light and Glare

A. Exterior lighting.

1. Exterior lighting shall be:

    a. Directed downward and shielded so that all direct light and glare is confined within the boundaries of the subject parcel, thereby minimizing off-site glare;

    b. Installed so that lights do not blink, flash, or be of unusually high intensity or brightness; and

    c. Appropriate in height, intensity, and scale to the structures and uses they are serving.

2. Exterior lighting shall not:

    a. Exceed 150 watts or directly illuminate or be visible from abutting properties.

    b. Result in:

        (1) Indirect illumination of abutting properties in excess of 0.5-foot candles;

        (2) A point of overlap between light patterns greater than seven feet for pedestrian lighting systems; or

        (3) An intensity of lighting within the physical limits of an area required to be lighted that is greater than seven-foot candles.

B. Security lighting. Security lighting shall be provided at all entrances/exits to structures. The minimum illumination shall be two foot-candles at ground level in front of the entrance/exit.

C. Shielded lighting. Light sources shall be shielded to direct light rays onto the subject parcel only. The light source, whether bulb or tube, shall not be directly visible from an abutting property or public street rights-of-way. This Section does not apply to public street lighting, sign illumination, or traffic safety lighting.

820.3.090 - Fault Hazard Areas

All new development and modifications to existing development shall comply with the requirements of the Alquist-Priolo Earthquake Zoning Act (Public Resources Section 2621 et seq.) and County Ordinance Code Title 24.

820.3.100 - Noise

The following standards shall apply to new development and shall be administered in conjunction with Chapter 8.40 (Noise Control) of the County Ordinance Code.

A. Compliance with Table 3-1. The compatibility of proposed projects with existing and future noise levels shall be evaluated through a comparison to Table 3-1 (Land Use Compatibility for Community Noise Environments).

B. New noise-sensitive land uses. New noise-sensitive land uses (which include, but are not limited to, residential neighborhoods, schools, and hospitals) may only be approved in areas where existing or projected noise levels are "normally acceptable" or "conditionally acceptable" in compliance with Table 3-1 (Land Use Compatibility for Community Noise Environments). Noise mitigation measures may be required to reduce noise in outdoor activity areas and interior spaces to these levels.

C. Acoustical analysis required. An acoustical analysis shall be required for new projects as part of the environmental review process where:

1. Noise sensitive land uses are proposed in areas exposed to existing or projected noise levels that are "normally unacceptable" or higher according to the Table 3-1 (Land Use Compatibility for Community Noise Environments); and

2. Proposed projects are likely to produce noise at levels exceeding the levels shown in the Table 3-1 (Land Use Compatibility for Community Noise Environments) at existing or planned noise-sensitive uses.

D. Noise mitigation measures required. Where noise mitigation measures are required to achieve acceptable levels according to land use compatibility standards in Table 3-1 (Land Use Compatibility for Community Noise Environments**)**, the emphasis of these measures shall be upon site planning and project design. These measures may include, but are not limited to, structure orientation, setbacks, earthen berms, and building construction practices. The County shall consider the use of noise barriers (e.g., soundwalls) as a means

of achieving the noise standards after other design-related noise mitigation measures have been evaluated or integrated into the project.

E. Determination of impact. Where existing noise-sensitive uses may be exposed to increased noise levels due to roadway improvement projects, the County shall apply the following criteria to determine the significance of the impact:

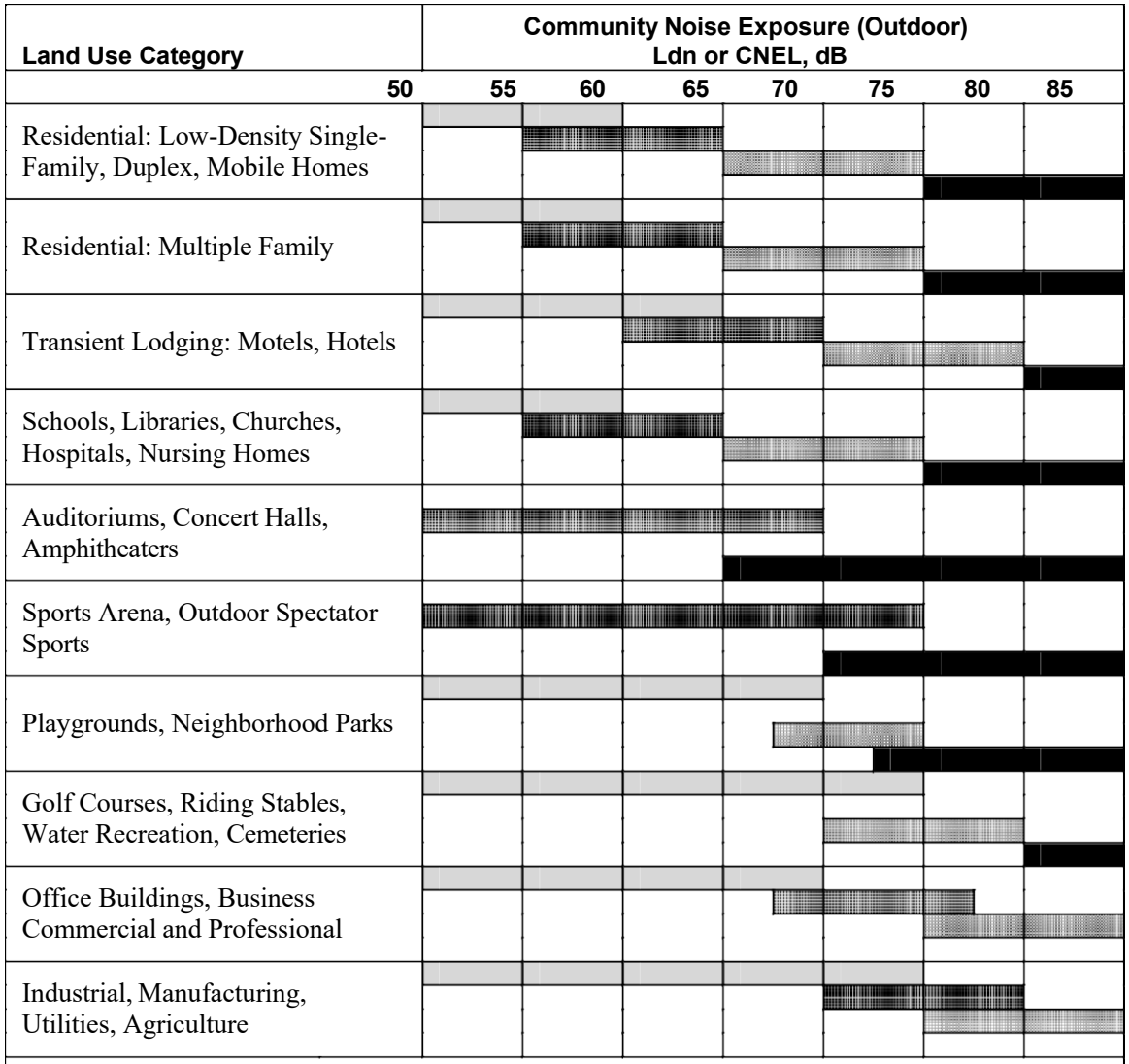
1. Where existing noise levels are less than 60 dBLdn at outdoor activity areas of noise-sensitive uses, a 5 dBLdn increase in noise levels will be considered significant;

2. Where existing noise levels are between 60 and 65 dBLdn at outdoor activity areas of noise-sensitive uses, a 3 dBLdn increase in noise levels will be considered significant; and

3. Where existing noise levels are greater than 65 dBLdn at outdoor activity areas of noise-sensitive uses, a 1.5 dBLdn increase in noise levels will be considered significant.

F. Aircraft operations. No new residential land uses shall be approved in areas exposed to existing or projected levels of noise from aircraft operations at any airport or air base which exceed 60 dBLdn or CNEL.

TABLE 3-1
LAND USE COMPATIBILITY FOR COMMUNITY NOISE ENVIRONMENTS



820.3.110 - Odor

Noxious odorous emissions in a matter or quantity that is detrimental to or endangers the public comfort, health, safety, or welfare is declared to be public nuisance and unlawful and shall be modified to prevent further emissions release.

820.3.120 - Specific Plan Lines

A. Method of adoption. Specific plan lines shall be adopted in compliance with County Ordinance Code Chapter 19.08.

B. Location of future street rights-of-way. Specific plan lines announce the location of future street rights-of-way. Before issuance of any permit, proponents shall be advised that structures should be located outside of the specific plan lines area. Failure to provide this information shall not affect the validity of the permit.

820.3.130 - Structures, Temporary

A temporary structure shall be subject to all applicable property development standards for the zone in which it is located.

820.3.140 - Subsidence Areas

All new development and modifications to existing development shall comply with County Ordinance Code Title 24.

820.3.150 - Vibration

A. No use shall generate vibrations that may be considered a nuisance or hazard on any abutting property.

B. Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks) are exempt from the provisions of this Section.

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CHAPTER 822.3 - PROPERTY DEVELOPMENT AND USE STANDARDS

822.3.010 - Purpose and Applicability

A. The purpose of this Chapter is to ensure that all development produces an environment of stable and desirable character that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.

B. The standards of this Chapter apply to all zones. These standards shall be considered in combination with the standards for each zone in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) and Article 4 (Standards for Specific Land Uses). Where there may be a conflict, the standards specific to the zone or specific land use shall override these general standards.

C. All structures, additions to structures, and uses shall conform to the standards of this Chapter as determined applicable by the Director, except as identified in Chapter 870.6 (Nonconforming Uses, Structures, and Parcels).

822.3.020 - Access

Vehicular and pedestrian access shall be provided according to the regulations pertaining to each zone.

822.3.030 - Dedications and Improvements Required

Because of changes that may occur in the local neighborhood due to increases in vehicular traffic generated by facilities requiring a Site Plan Review, and upon the principle that the development should be required to provide street dedications and improvements near as practicable in proportion to the increased vehicular traffic, but should not be required to provide the street facilities for non-related traffic, the following dedications and improvements may be deemed necessary by the Director and may be required by the Director as a condition to the approval of any Site Plan Review:

A. When the development borders or is traversed by an existing street.

1. **Minor streets, local streets, and cul-de-sacs.** Dedicate all necessary right(s)-of-way to widen street to its ultimate width as shown on any master or precise plan of streets and highways; install curbs, gutters, drainage, sidewalks, street trees, street signs, street lights, required utilities; and grade and improve from curb to existing pavement.

2. Major and collector streets.

a. Dedicate all necessary right(s)-of-way to widen the street to its ultimate width as established by any precise plan, Precise Plan of Streets and Highways, or

where the ultimate right-of-way lines are otherwise determinable and the grades have been established or can be determined; install curbs, gutters, drainage facilities, sidewalks, street trees, street signs, required utilities; and grade and improve the shoulder and one traffic lane abutting the development.

b. In no case shall a person be required to dedicate or improve the right-of-way for a length in excess of 30 feet as measured from the ultimate right-of-way line, unless as otherwise provided for in the County Ordinance Code.

3. Major thoroughfares (expressways, freeways, the State highways).

a. Dedicate all necessary right(s)-of-way to widen the thoroughfare to its ultimate width as established by any precise plan, Specific Plan of Streets and Highways, or where the ultimate right-of-way lines are otherwise determinable and the grades have been established or can be determined, except in cases where access does not exist.

b. Setback all facilities the required distance from the ultimate property line as shown on any master or specific plan; install curbs, gutters, drainage, sidewalks, street trees, street signs, streetlights, and required utilities.

c. In no case shall the required improvements or right-of-way dedication apply for distances in excess of 30 feet as measured from the ultimate right-of-way line, unless as otherwise provided for in the County Ordinance Code.

4. Street setbacks. Setback all structures and facilities the required distance from the ultimate property line as established for streets shown on any proposed, master, or specific plan, or where the ultimate property lines are otherwise determinable.

B. Frontage and other new roads.

1. All frontage roads or new roads of any class made necessary by the development shall be dedicated and fully graded and improved with curbs, gutters, drainage, sidewalks, street trees, street signs, street lights, required utilities, grading and paving, provided that where the street involved is indicated as an eventual major street or major thoroughfare upon any master or precise plan of streets and highways, the amount of grading and paving shall not exceed that required for the existing streets under Subsection A., above.

2. Where a frontage road is provided and improved, the improvements in Subparagraphs A.2. and A.3., above, will not be required.

C. All improvements to County standards. All improvements required by this Section shall be installed to adopted County standards.

822.3.040 - Environmental Compliance Regulations

As applicable, development proposals shall be evaluated for compliance with the California Environmental Quality Act (Public Resources Code Section 21,000 et seq), National Environmental Quality Act (NEPA), the County's CEQA Guidelines, and General Plan environmental policies, including policies regarding air quality, archaeological resources, geologic hazards, mineral resources, rare, threatened, and/or endangered species, riparian habitat, sensitive biological and botanical resources, and traffic.

822.3.050 - Fences, Walls, and Hedges

A. Purpose and intent. This Section is intended to provide for the regulation of the height and location of fences, walls, and hedges for the purpose of providing for air, light, and privacy, and safeguarding the public welfare by preventing visual obstructions at street and highway intersections. Nothing in this Section shall be deemed to set aside or reduce the requirements established for security fencing by local, State, or Federal law, or by safety requirements of the Board of Education.

B. General height limitations. Fences, hedges, and walls may be erected/maintained within required setback areas to the heights specified in Table 3-2, below.

TABLE 3-2
MAXIMUM HEIGHT OF FENCES, HEDGES, AND WALLS WITHIN SETBACKS

Zones	Maximum Height in Setbacks (1)			
	Front	Street Side	Interior Side	Rear
Commercial zones(2)	4 ft.	4 ft.	10 ft.	10 ft.
Industrial zones(2)	7 ft.	7-ft.	10 ft.	10 ft.
Urban Residential zones(3)	See Subsection G below.			
Rural Residential zone	See Subsection H below.			
All other zones (excluding A-E, A-L and R-C Zone Districts)	4 ft.	4 ft.	7 ft.	7 ft.

Note:
(1) Fence heights in excess of these standards may be allowed by an approved Conditional Use Permit, Variance, Tract or Parcel Map or when required by the County for reasons of the health and safety of the general public.
(2) Projects adjacent to residential zones shall use the standard of "All other zones."
(3) R-1-A, R-1-AH, R-1-E, R-1-EH, R-1-B, R-1-C, R-1, R-2, and R-3, Zone Districts.

C. Measurement of fence or wall height. Fence height shall be measured as the vertical distance between the highest finished grade of the ground abutting the fence and the top edge of the fence material. Adjacent grades shall not be artificially elevated in order to allow for a fence or wall that is higher than the allowable maximum height. Where there is a difference in the ground level between two abutting parcels, the height of a fence or wall constructed along the property line shall be determined by using the finished grade of the lowest contiguous parcel.

D. Allowed materials.

1. Fence materials may include chain link (except where prohibited), louvered glass, stake, steel mesh, wire mesh, and other similar materials. Planting shall be regulated to maintain the required open areas in the fence structure.

2. Wall materials shall include concrete, concrete block, wood, or any other similar materials that are solids and are assembled as to form a solid barrier.

E. Walls required between different zones. Walls shall be provided and maintained between different zones in the following manner:

1. **Nonresidential or multi-family.** Where a nonresidential zone abuts property in any residential zone, a solid masonry wall shall be constructed on the zone boundary line consistent with the height limitations contained in Table 3-2. If a public right-of-way separates a nonresidential zone from any residential zone, this wall requirement may not apply.

2. **Industrial.** Where an industrial zone abuts property in a nonindustrial zone, a solid masonry wall, a minimum of six feet in height, shall be constructed on the zone boundary line. Additional fencing and buffering standards may increase minimum fencing heights to either seven (7) or ten (10) feet based on Section 822.3.090.B.

3. **Design and construction.** Walls shall be of solid masonry construction and shall be of a decorative design when in view of public rights-of-way subject to the approval of the Director.

4. **Modification of requirements.** The Director may waive or modify requirements for walls between different zones where a solid masonry wall already exists on the abutting property if the following findings can be made in a positive manner:

   a. The existing wall meets, or would be modified to conform to, the intent of this Section.

   b. Suitable landscaping would be installed adjacent to the existing wall to supplement and enhance the desired physical separation.

   c. The existing wall would be protected to prevent vehicle damage, if necessary.

   d. Concurrence of the abutting property owner(s) would be obtained, to modify the existing wall to meet the requirements of this Section.

F. Dangerous areas. A fence or wall shall be constructed along the perimeter of all areas considered by the Director to be dangerous to the public health and safety. The height of the fence or wall shall be determined by the Director in relation to the danger or hazard involved. The fence or wall may be required when a use requires a permit or at the discretion of the Board according to the danger or hazard involved.

G. Urban Residential Zone Fence Requirements.

1. **Required Fences and Walls.** Where lots are one acre or less, a fence or wall not less than five feet nor greater than seven in height shall be constructed at the tops of all slopes when all of the following conditions apply:

   a. Where the top of the slope is a property line between adjoining lots held under separate ownerships,

b. Where the difference in vertical elevation between the top and the toe of the slope is six feet or more, and

c. Where the grade of the slope between the property line and the toe of said slope is two feet horizontal to one foot vertical (2:1) or greater.

2. **Swimming Pools.** The requirements in Subsection I below apply.

3. **Permitted Fences, Hedges, and Walls.**

a. Fences, hedges and walls, not greater than seven feet in height, shall be permitted on or within all rear and side property lines on interior lots and on or to the rear of all front yard setback lines.

b. No fence, wall or hedge over three feet in height shall be permitted in any required front yard, or in the required side yard on the street side of a reversed corner lot. Except in the (“R-1-A” and “R-1-AH”), ("R-1-E" & "R-1-EH"), ("R-1-B"), ("R-1-C"), ("R-1"), ("R-2"), ("R-3")Zone
Districts, fences not greater than seven feet in height shall be allowed in the required front yard when:

(1) Not located in a corner cut-off area, and

(2) The fence and gates have not less than 70 percent of the vertical surface open to permit the transmission of light, air, and vision; and is constructed of ether: vertical steel tubing or wrought iron, may incorporate brick or block columns, or gates shall not swing towards the public right-of-way.

(3) When a fence restricts the main access to a residence, a minimum four foot wide opening or gate shall be required.

(4) Locked gates shall be equipped with a knox-box or similar access system to permit emergency personnel access.

c. Fences, walls, lighting, or other associated appurtenances over seven (7) feet in height to enclose/illuminate tennis courts or other game areas shall be permitted to the rear of the required front yard subject to a Director Review and Approval (see DRA Chapter 846.5). See setback requirements for areas constructed specifically for tennis courts and game areas in Table No. 2-5 of Article 2, Chapter 810.2.

H. Rural Residential Zone Fence Requirements.

1. **Permitted Fences, Hedges, and Walls.**

a. Fences, hedges and walls, not greater than seven (7) feet in height, shall be permitted on or within all rear and side property lines on interior lots and on or to the rear of all front yard setback lines.

b. No fence, wall or hedge over four (4) feet in height shall be permitted in any required front yard, or in the required side yard on the street side of a reversed corner lot. However, fences not greater than seven (7) feet in height shall be allowed in the above referenced yard areas when not located in a corner cut off area, and when the fence has not less than 70 percent of the vertical surface open to permit the transmission of light, air, and vision. When said fence encloses the main access to the residence, a minimum four foot wide opening or gate is required.

c. Fences, walls, lighting, or other associated appurtenances over seven (7) feet in height to enclose/illuminate tennis courts or other game areas shall be permitted to the rear of the required front yard subject to a Director Review and Approval (see DRA Chapter 846.5). See setback requirements for areas constructed specifically for tennis courts and game areas in Table No. 2-5 of Article 2, Chapter 810.2.

2. Corner Cut-Off Areas.

a. There shall be a corner cut off area at all intersecting streets or highways. The cut offline shall be in a horizontal plane, making an angle of forty five (45) degrees with the side, front or rear property line as the case may be. It shall pass through the points located on both the side and front or (rear) property lines at a distance of thirty (30) feet from the intersection of lines at the corner of a street or highway.

b. There shall be a corner cut off area on each side of any private driveway intersecting a street. The cut off lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front, or rear property line as the case may be. They shall pass through a point not less than ten (10) feet from the edges of the driveway where it intersects the street right of way.

c. Where, due to an irregular lot shape, a line at a forty five (45) degree angle does not provide for intersection visibility, said corner cut off shall be defined by a line drawn from a point on the front (or rear) property line that is not less than thirty (30) feet from the intersection of the side and front (or rear) property lines and through a point on the side property line that is not less than thirty (30) feet from said intersection of the side and front (or rear) property lines.

3. Swimming Pools. The requirements in Subsection I below apply.

I. Swimming pools.

1. Swimming pools shall be entirely enclosed by fences or walls, in compliance with the specifications and standards of the County Ordinance Code, Title 15 (Buildings and Construction), except as provided in this Subsection.

2. Swimming pool enclosures shall not be required when either of the following conditions apply:

    a. There exists a natural barrier restricting physical access to the swimming pool that is essentially equivalent in effect to the required enclosures as determined by the Director; or

    b. The parcel is under one ownership of at least 20 acres and the swimming pool is located a minimum of 300 feet from any property line.

3. The required enclosure shall be in place and approved by the Building Official before water is run into the pool.822.3.060

822.3.060 - Height Measurement and Height Limit Exceptions

All structures shall meet the standards in this Section relating to height, except for fences and walls, which shall comply with Section 822.3.050 (Fences, Walls, and Hedges).

A. Maximum height allowed. The height of structures shall not exceed the standards established by the applicable zone in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), except as otherwise provided in this Section.

B. Height measurement. Height shall be measured as the vertical distance from the adjoining curb level to the highest point of the structure, exclusive of chimneys and ventilators; provided, however, that where structure(s) is set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the structure(s).

C. Allowed structure height increases. The maximum structure height development standards established by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) may be increased as specified by this Section, provided the increase shall not conflict with airport safety regulations or conditions of an approved land use permit.

1. Assembly and meeting facilities. Assembly and meeting facilities in zones that impose a height limitation of 35 feet or less may exceed the 35-foot height limit by up to 25 feet when the required front, side, and rear setbacks are increased an additional one foot in excess of minimum requirements for each four feet in height above 35 feet.

2. Miscellaneous structures. The maximum structure height specified in a zone may be exceeded by no more than 50 percent for the following structures, except that a greater maximum height may be specified in the conditions of an approved land use permit:

    a. Barns, silos, grain elevators, and other farm structures in the RC and RE zone districts.

    b. Birdhouses (in agricultural zone districts).

c. Cooling towers, smokestacks, or other structures that are required by allowed industrial processes in industrial zones.

d. Cupolas, domes, skylights (in agricultural, residential and commercial zone districts)

e. Distribution and transmission cables and towers.

f. Elevator housings.

g. Fire and hose towers.

h. Fire or parapet walls.

i. Flag poles.

j. Mechanical equipment and its screening to include roof-mounted wireless telecommunications support facilities.

k. Noncommercial antennae up to 65 feet in residential zones (see Section 846.5.020, Unclassified Director's Review and Approval).

l. Observation towers (in agricultural zone districts).

m. Radio and television station towers.

n. Residential chimneys, flues, smokestacks, and enclosures.

o. Solar energy collectors. These structures shall be set back from all property lines and habitable structures at least 100 percent of the height of the structure.

p. Stairway housing.

q. Water tanks and water towers.

r. Other roof structures and mechanical equipment similar to those listed above.

Note: The above-listed uses are in addition to those uses specified Section 834.4.420 (Wireless Telecommunication Facility Standards)

822.3.070 - Parcel Coverage

All structures hereafter designed or erected and existing structures which may be altered, maintained, moved, reconstructed, or enlarged, shall not exceed the maximum parcel coverage regulations specified in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

822.3.080 - Parcel Standards and Exceptions

A. Parcels. Except as stated in this Section, no structures shall be erected or located on a parcel unless the parcel conforms with the area regulations of the zone in which it is located.

1. After the effective date of any ordinance by which any area is first zoned for any zone, no land in the zone may be divided by the recordation of any map or by voluntary sale, contract of sale, or conveyance of any kind which creates a new parcel of land under separate ownership which consists of less than the minimum parcel area required for the zone of which the parcel is a part.

2. If part of an existing parcel of land is acquired for public utility use, the property development standards of the zone in which the parcels are located shall apply, except that parcel area standards shall not apply for the public utility parcel. Public utility parcels shall not attain a nonconforming status.

3. If part of an existing parcel of land is acquired for public use, the remainder of the parcel shall be considered a nonconforming parcel. A parcel having an established nonconforming parcel area status before the acquisition shall retain that status after the acquisition. The property development standards, except for parcel area, of the zone in which the above parcel(s) are located shall be met. (Examples of land required for public use are road or public construction projects).

4. When an unimproved parcel of land that is nonconforming as to parcel area is or was owned by a person who is or was also the owner of an adjoining parcel of land located in the same zone on or after March 1, 1991, the parcel for the purposes of this Section shall not be considered a developable parcel for which a Building Permit may be issued, unless one of the following actions occurs:

   a. The owner of the nonconforming parcel merges already acquired parcel(s) in compliance with County Ordinance Code Section 17.72.055 to create a new parcel of land which consists of the minimum parcel area required by the zone of which the parcel(s) are a part, except where the merged parcel(s) constitute the entire contiguous ownership of the applicant for the Building Permit and the new parcel remains substandard as to parcel area, then the newly created parcel shall be considered a developable parcel for which a Building Permit may be issued; or

   b. A determination of non-merger is made in compliance with the provisions of County Ordinance Code Chapter 17.74.

5. Despite the preceding requirements, the following shall apply to the Sierra-North Regional Plan area:

   a. All existing legally created contiguous parcels of record under the same ownership which were created after June 8, 1960, which are less than the minimum parcel size of the zone adopted on May 4, 1982, shall be considered developable parcels for which Building Permits may be issued.

b. Parcels smaller than required by the zones adopted or initiated on May 4, 1982, which were shown on a tentative parcel or tract map accepted for processing by March 30, 1982, shall, upon subsequent recordation of the map, be deemed legal parcels consistent with the Sierra-North Regional Plan.

c. Within the Eastside Rangeland, Specific Plan Reserve, and Public Lands and Open Space land use designations, all legally created parcels under a single ownership of 40 acres or (quarter/quarter section) or smaller and zoned A-1, A-2, AE-5, or R-E at the time of Plan adoption, may be divided one time to create up to four parcels, with a minimum parcel size of five acres or half of a quarter of a quarter/quarter section.

d. Parcels created in compliance with Subparagraph b and c above cannot be further divided.

6. Despite the preceding requirements, the following shall apply to the Sierra-South Regional Plan area: all existing legally created contiguous parcels of record under the same ownership which were created after June 8, 1960, which are less than the minimum parcel size of the zone adopted on September 25, 1984, shall be considered developable parcels for which Building Permits may be issued.

B. Parcel Dimensions

1. Every parcel shall have a minimum frontage width not less than the required minimum parcel width in the zone under consideration. Curve parcels and cul-de-sac parcels shall conform to the particular zone wherein provisions are specified for the parcels. Every parcel shall also have a minimum width and depth not less than that prescribed in the zone under consideration. For parcels zone Rural Residential within the Sierra-North and Sierra-South Regional Plan areas, each lot shall have a minimum gross area of five (5) acres unless a public road is provided. West of the Fiant-Kern Canal public road frontage shall not be required for lots twenty (20) acres or larger.

2. Each dimension is minimum only. One or both shall be increased to attain the minimum parcel area required.

3. Where a parcel has a minimum width or depth less than that prescribed by this Zoning Ordinance, and the parcel was of record under one ownership at the time that the area was first zoned whereby the parcel became nonconforming, the parcel may be used subject to all other property development standards of the zone in which the parcel is located.

4. If part of an existing parcel of land is acquired for public utility use, the property development standards of the zone in which the parcels are located shall apply, except that parcel dimension standards shall not apply for the public utility parcel. Public utility parcels shall not attain a nonconforming status.

5. If part of an existing parcel of land is acquired for public use, the remainder of the

parcel shall be considered a nonconforming parcel. A parcel having an established nonconforming parcel dimension status before the acquisition shall retain that status

after the acquisition. The property development standards, except for parcel dimensions, of the zone in which the above parcels or parcels are located shall be met.

6. When an unimproved parcel of land that is nonconforming as to parcel width, width to depth ratio, public road frontage requirements, or parcel depth is or was owned by a person who is or was also the owner of an adjoining parcel of land located in the same zone on or after March 1, 1991, the parcel for purposes of this Zoning Ordinance shall not be considered a developable parcel for which a Building Permit may be issued, unless one of the following actions occurs:

   a. The owner of the nonconforming parcel merges already acquired parcels in compliance with County Ordinance Code Section 17.72.055 to create a new parcel of land which consists of the minimum parcel dimensions required by the zone of which the parcel(s) are a part, except where the merged parcel(s) constitute the entire contiguous ownership of the applicant for the Building Permit and the new parcel remains substandard as to parcel width, width to depth ratio public road frontage, or parcel depth, then the newly created parcel shall be considered a developable parcel for which a Building Permit may be issued; or

   b. A determination of non-merger is made in compliance with County Ordinance Code Chapter 17.74.

C. Parcel Line, Front

1. On an interior parcel, the front parcel line is the property line abutting the street.

2. On a corner or reversed corner parcel, the front parcel line is the shorter property line abutting a street.

3. On a through parcel, or a parcel with three or more sides abutting a street, or a corner or reversed corner parcel with parcel lines of equal length, the Director shall determine which property line(s) shall be the front parcel line for purposes of compliance with yard and setback provisions of this Zoning Ordinance.

D. Parcel Line, Rear

1. In the case of an irregular, triangular, or gore-shaped parcel, the rear parcel line shall be a line within the parcel, parallel to and at a maximum distance from the front parcel line, having a length of not less than 10 feet.

2. A parcel which is bounded on all sides by streets may have no rear parcel line.

E. Parcel Line, Side. On a parcel with three or more sides abutting a street, all parcel lines abutting the street(s), other than the front parcel line(s), may be side parcel lines.

F. Homesite Provisions for AE and AL Districts. The creation of homesites less than the minimum acreage indicated by the District acreage designation, but not greater than 2.5 gross acres (5 gross acres in the Sierra-North and Sierra-South Regional Plan areas designated Eastside Rangeland) may be permitted in the Exclusive Agricultural and Limited Agricultural Zone Districts, excluding the AE-5 Zone District, subject to the following criteria.

1. The minimum lot size shall be 87,120 square feet of gross area as measured from the center of any abutting roadway, stream, railroad, or other public right-of-way forming a boundary line: and

   a. One of the following conditions exist:

      (1) The lot is to be created by the conveyance of a security instrument to finance a single family residence to be occupied by the owner thereof where the existing lot before division is not less than 20 gross acres; that said lot, together with the remaining acreage, shall not be separately conveyed or devised without meeting the district acreage designation, except for the purpose aforesaid, unless such division occurs by judicial foreclosure, trustee's sale or other legal proceedings which discharge the lien of the security instrument.

      (2) The lot or lots to be created are intended as a conveyance or devise exclusively for use by a person related to the owner by adoption, blood, or marriage within the second degree of consanguinity and only for persons involved in the farming operation; the existing lot before division contains a minimum of 20 gross acres; there is only one lot per related person, or per related married couple, and there is no more than one lot per each 20 gross acres, or

      (3) Outside of the Sierra-North and Sierra-South Regional Plan areas, the present owner owned the property prior to adoption of the Exclusive Agricultural Zone District or Limited Agricultural Zone District and wishes to retain his homesite and sell the remaining acreage for agricultural purposes where the remaining acreage is not less than 15 acres, or

      (4) The lot to be created is intended as a life estate.

(5) In the Sierra-North and Sierra-South Regional Plan areas the present owner owned the property at the time of Plan adoption (May 4, 1982, for Sierra-North, September 25, 1984 for Sierra-South), and wishes to retain his homesite and sell the remaining acreage for agricultural purposes where the acreage exceeded 15 acres.

b. Each homesite created pursuant to this Subsection F. shall be subject to execution of a Declaration of Intent and Acknowledgement of Penalty for Unlawful Conveyance.

c. Creation of homesites listed above excepting those for financing purposes or life estates shall not be permitted in addition to the divisions permitted pursuant to Subsections 822.3.080-A.5.c and 822.3.080-A.6.

d. Parcels under Williamson Act Contract are subject to minimum parcel sizes as required by the Act – homesite exception parcels currently 10 acres minimum.

2. The creation of lots less than the minimum parcel size of the zone district, but not less than five acres, may be considered as a part of the Conditional Use Permit for off-site rock, sand, and gravel trucking operations.

3. All parcels approved for creation through the former Agricultural Assessment process shall be deemed conforming and all legally created parcels shall not merge.

4. Despite any other provision of this Division, all parcels not in compliance with the above F.1.a.(1) through (5) of this Subsection shown on map applications accepted for processing prior to the effective date of August 1, 2001 shall upon subsequent recordation of the map and/or certificate be deemed conforming.

822.3.090 - Screening and Buffering

This Section provides standards for multi-family and non-residential land uses for the screening and buffering of adjoining land uses, equipment, and outdoor storage areas, and surface parking areas.

A. Screening between different land uses.

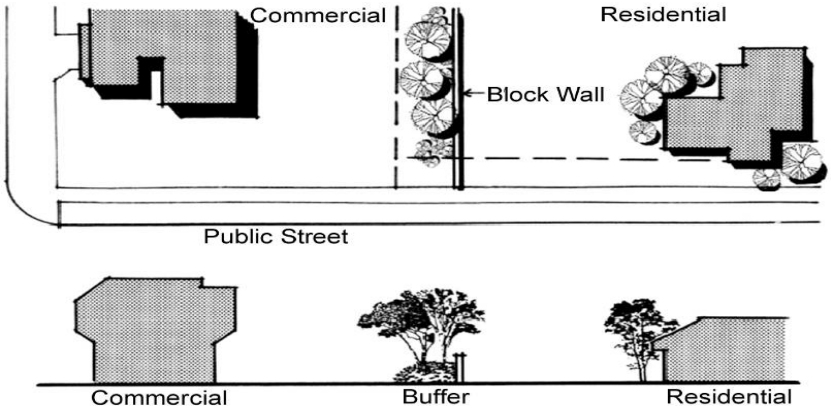
1. An opaque screen consisting of plant material, and a solid masonry wall, a minimum of six feet in height, shall be installed along parcel boundaries whenever a commercial, industrial, or institutional development adjoins a residential zone.

2. The maximum height of walls shall comply with the provisions of Section 822.3.040 (Fences, Walls, and Hedges).

3. The walls shall be architecturally treated or landscaped on both sides to avoid the appearance of unfinished precision block, subject to the approval of the Director.

4. Where the district boundary is a street, any wall constructed along said street in either a front yard or side yard shall be set back from the property line a distance of ten (10) feet, the space between the wall and the property line to be landscaped and maintained.

Figure 3-1
Screening and Buffering



Buffer separation between two different uses.

B. Mechanical equipment, loading docks, and refuse areas.

1. Roof or ground mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust, etc.), loading docks, refuse storage areas, and utility services shall be screened from public view from adjoining public streets and rights-of-way and surrounding area(s) zoned for residential, commercial, institutional, or open space uses.

2. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style, subject to the approval of the Director.

C. Outdoor storage areas.

1. The use of outdoor areas for storage purposes shall be subject to the following standards:

   a. Outside storage areas shall be screened with a solid sight-obscuring fence or wall not less than six feet or more than eight feet in height, of a type and design approved by the Director. The fence or wall shall include sight-obscuring gates. The fence or wall and gate(s) shall be continuously maintained in good repair.

b. Stored materials shall be kept below the level of the fence or wall or other screening mechanism.

c. Site operations in conjunction with outdoor storage, including the loading and unloading of materials and equipment, shall be conducted entirely within a fenced or walled area.

2. Incidental outdoor storage shall be allowed, subject to the above standards. Outdoor storage categorized as a primary land use shall be subject to the applicable permitting requirements identified in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) and the above standards.

D. Building materials and garden supply areas. Outdoor building materials and garden supply areas shall be screened with fencing, landscaping, meshing, walls, or similar materials to minimize visibility of the storage areas, subject to the review and approval of the Director.

E. Screening for Designated Commercial Development (per Table 2-6)

1. Shall be subject to the following standards:

a. More than 25,000 square feet shall incorporate a five-foot-wide landscape buffer measured from the property line and a six (6)-foot-high solid wall to address sounds adjacent to sensitive receptors from truck idling areas (docks, etc.).

b. 50,000 square feet or greater shall incorporate a 10-foot-wide landscape buffer adjacent to sensitive receptors measured from the property line in conjunction with a six (6)-foot-high block wall.

c. 100,000 square feet or greater shall incorporate a 20-foot-wide landscape buffer adjacent to sensitive receptors measured from the property line in conjunction with a seven 7-foot-high block wall.

2. All landscaping shall comply with Section 826.3.020 Commercial/Warehousing/Industrial Development Landscaping Standards.

F. Screening for Designated Industrial/Warehousing Development (per Table 2-8)

1. Shall be subject to the following standards:

a. Less than 50,000 square feet shall incorporate a five-foot-wide landscape buffer measured from the property line and a seven (7)-foot-high solid wall to address sounds adjacent to sensitive receptors from truck idling areas (docks, etc.).

b. 50,000 square feet or greater shall incorporate a 10-foot-wide landscape buffer adjacent to sensitive receptors measured from the property line in conjunction with a seven (7)-foot-high block wall.

c. 400,000 square feet or greater shall incorporate a 20-foot-wide landscape buffer adjacent to sensitive receptors measured from the property line in conjunction with a 10-foot-high block wall.

2. All landscaping shall comply with Section 826.3.020 Commercial/Warehousing/Industrial Development Landscaping Standards.

822.3.100 - Setback Regulations and Exceptions

This Section establishes standards to ensure the provision of open areas around structures for visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

A. Setback regulations. Except as provided in Subsection D., below, no required setback or other open space around an existing structure, or which is hereafter provided around any structure for the purpose of complying with the provisions of this Section may be considered as providing a setback or open space for any other structure; nor may any setback or other required open space on an adjoining parcel be considered as providing a setback or open space on a parcel where a structure is to be erected.

B. Exemptions from setback requirements.

1. The minimum setback requirements of this Zoning Ordinance shall apply to all uses except for the following:

   a. Fences or walls constructed within the height limitations of Section 822.3.040 (Fences, Walls, and Hedges).

   b. Retaining walls less than three feet in height above finished grade.

2. Street setback lines, as delineated on all recorded final maps, parcel maps, and records of survey maps shall be the street and yard setback distances required on the property within the final maps, parcel maps, records of survey maps, unless additional road dedication is required as a condition of development. When additional road dedication is required, or in the case of recorded final maps, parcel maps, and records of survey maps, the greater setback distance of either the property development standards in the applicable zone based on the ultimate right-of-way width or the setback distance as shown on the approved map shall prevail.

C. Measurement of setbacks. Setbacks shall be measured as follows:

1. **Front setbacks.** The front setback shall be measured at right angles from the nearest point on the front property line of the parcel to the nearest point of the structure envelope, except for corner parcels.

2. **Side setbacks.**

a. The side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure envelope, establishing a setback line parallel with the side property line that extends between the front and rear yards.

b. For the purposes of calculating side setbacks, the following dwellings with common party walls shall be considered as one structure occupying one parcel:

(1) Court apartments.

(2) Group dwellings.

(3) Row dwellings.

(4) Semidetached two and four family dwellings.

3. Street side setbacks. The side setback on the street side of a corner parcel shall be measured from the nearest point of the side property line adjoining the street.

4. Rear setbacks.

a. The rear setback shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure envelope, establishing a setback line parallel with the rear property line that extends between the side yards, except:

(1) If an access easement or street right-of-way line extends into or through a rear yard, the measurement shall be taken from the nearest point of the access easement or right-of-way line; and

(2) When the side property lines converge to a point at the rear of the parcel, or to a rear property line narrower than 10 feet, for setback purposes the rear property line shall be considered to be a line parallel to the front property line measuring 10 feet between the two side property lines. The rear yard depth shall be measured from the 10-foot line to the nearest part of the primary structure on the parcel.

b. In computing the depth of a rear setback where the yard opens into an alley, one half the width of the alley may be presumed to be a portion of the required rear setback.

c. Rear setbacks may be less than the required setback, provided that a Site Plan Review is submitted and approved in compliance with Chapter 854.5; however, in no case shall the rear setback be less than the required side setback specified for the subject zone. The amount of space so occupied shall be provided elsewhere on the

parcel, exclusive of required setback areas. The replacement space shall have minimum dimensions of eight feet by eight feet and shall be so located that it is suitable for general use by the occupant of the premises.

D. Exceptions. The setback requirements as specified for the zone shall apply with the addition of the following:

1. Schools, places of assembly, and institutions at property boundaries.

a. No structure shall be erected, structurally altered, or used for a school, place of assembly, hospital, public structure, or other similar use, allowed either as a matter of right or under the Director's Review and Approval or Conditional Use Permit regulations of this Zoning Ordinance, unless the structure(s), when fronting on a street, have a front setback not less than that prescribed by the zone in which the structure is located.

b. Side and rear setbacks may be used for required off-street parking, as determined appropriate b the Director. If the parking area abuts property classified as a residential zone, then a solid masonry wall not less than five feet or more than six feet in height shall be erected on the property line abutting the area used for off-street parking. For regulations, the provisions of Section 822.3.050 (Fences, Walls, and Hedges) shall apply.

2. State Responsibility Areas (SRA). All structures and accessory structures located within SRA as defined by the California Department of Forestry (CDF) shall set back from all property lines, structures, and the center of the road in compliance with the County Fire Safe Regulations (County Ordinance Code Section 15.60) for purposes of providing an adequate structure defensible space.

3. Hillside Lots. Hillside Lots. This provision shall be made applicable to the following districts: R-1; R- 1-A; R-1-AH; R-1-B; R-1-C; R-1-E; R-1-EH; R-2;; and R-3.

a. (Front Yard) Any lot having a grade of more than twenty-five (25) percent from the curb line to a point midway between the side lot lines at a distance of fifty (50) feet from the front lot line may have a front yard which is not less than fifty (50) percent of the depth required for a front yard in the district in which said lot is located. A private garage or carport may be erected in said front yard provided said garage or carport:

(1) Is located not less than five (5) feet from the front line, and

(2) Shall have no doorways or other openings equipped in such a manner that when open or being opened will project beyond said front lot line.

b. (Side Yard) In hillside areas where all the following conditions exist:

(1) The top of the slope is at the property line between adjoining lots held under separate ownerships;

(2) The difference in vertical elevation between the top and the toe of the slope is six (6) feet or more, and

(3) The grade of the slope between the property line and the top of said slope is two (2) feet horizontal to one (1) foot vertical (2:1) or greater;

(4) The minimum distance from the toe or top of the slope to a main building shall be not less than five (5) feet. On the lower lot, this distance shall be increased one (1) foot for every additional one (1) foot of height above six (6) feet.

c. (Rear Yard) In hillside areas where all the following conditions occur:

(1) Where the top of the slope is a property line between adjoining lots held under separate ownerships;

(2) Where the difference in vertical elevation between the top and the toe of the slope is six (6) feet or more; and

(3) Where the grade of the slope between the property line and the toe of said slope is two (2) feet horizontal to one (1) foot vertical (2:1) or greater;

(4) The minimum distance from the toe or top of the slope to any main building on said lot shall be not less than fifteen (15) feet and said distance on the lower lot shall be increased by one (1) foot for every additional one (1) foot of height above six (6) feet.

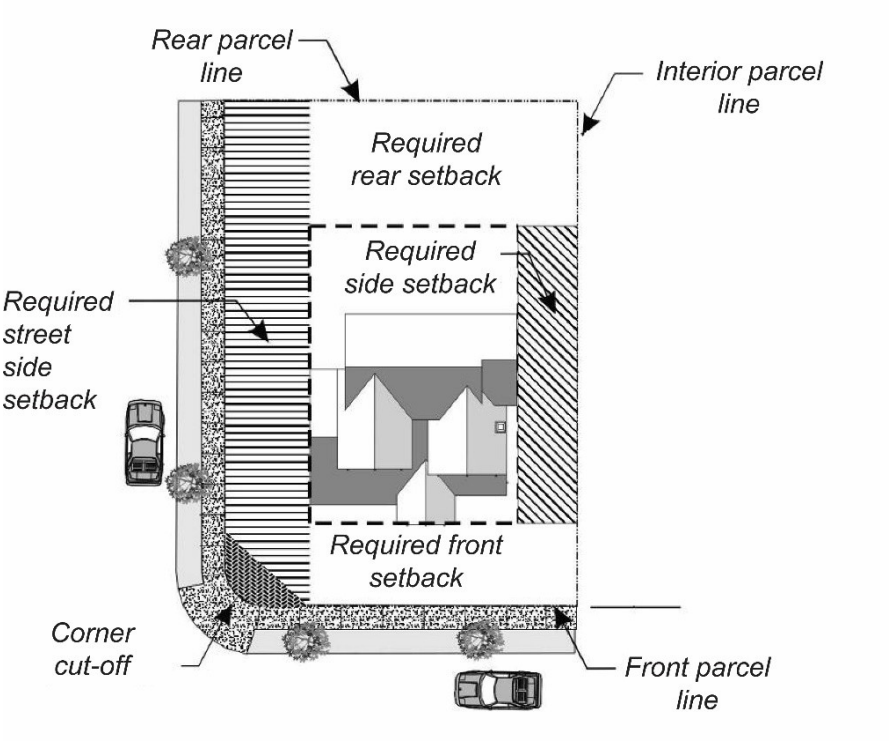
4. Swimming Pools.

a. Swimming pools shall not be located in any required front yard or side yard and its projection to the rear property line when abutting a street.

b. Swimming pools shall not be located within five (5) feet of any required front yard setback or within five (5) feet of any required side yard setback and its projection to the rear property line when abutting a street.

c. Swimming pools may be located in any required interior side yard and rear yard provided a space of not less than five (5) feet is maintained from the side and rear property lines. (For swimming pool enclosure requirements see "Fences, Walls, and Hedges." Section 822.3.050).

Figure 3-2



Location and Measurement of Setbacks

E. Corner cut-off area. The following regulations shall apply to all intersections of streets, alleys, and private driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstruction within the cut off areas established herein.

1. There shall be a corner cut off area at all intersecting and intercepting streets or highways. The cut offline shall be in a horizontal plane, making an angle of 45 degrees with the side, front or rear property line, as the case may be. It shall pass through the points located on both the side and front (or rear) property lines at a distance of 30 feet from the intersection of the lines at the corner of a street or highway.

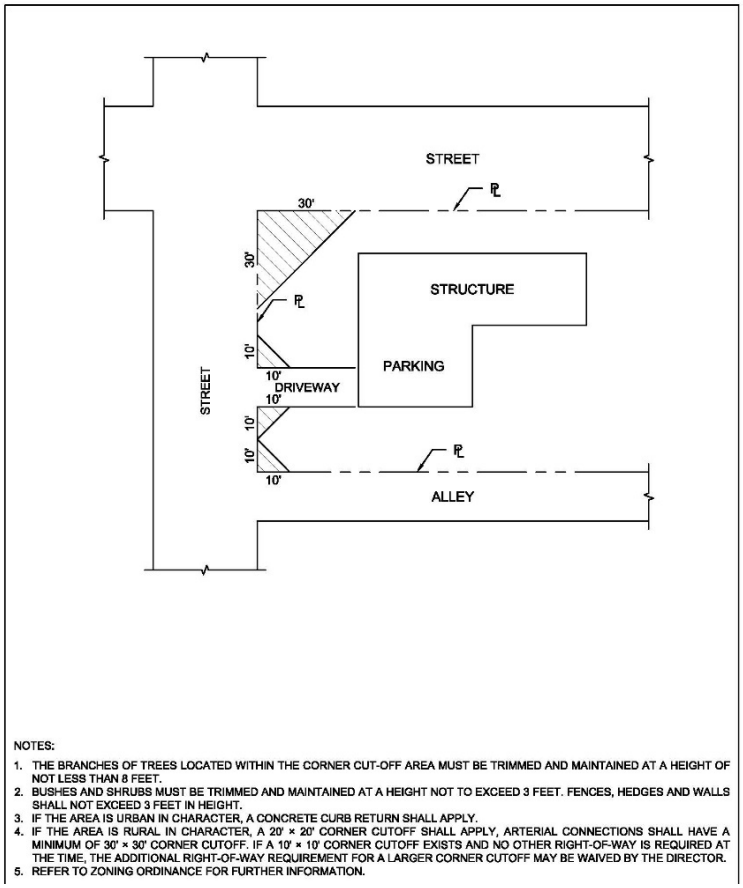
2. There shall be a corner cut off area on each side of any private driveway intersecting a street or alley. The cut off lines shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear property line, as the case may be. They shall pass through a point not less than 10 feet from the edges of the driveway where it intersects the street or alley right of way.

3. There shall be a corner cut off area on each side of any alley intersecting a street or alley. The cut off lines shall be in a horizontal plane, making an angle of 45 degrees with the side, front or rear property line as the case may be. They shall pass through a point not less than 10 feet from the edges of the alley where it intersects the street or alley right of way.

4. Where, due to an irregular lot shape, a line at a 45-degree angle does not provide for intersection visibility, the corner cut off shall be defined by a line drawn from a point on the front (or rear) property line that is not less than 30 feet from the intersection of the side and front (or rear) property lines and through a point on the side property line that is not less than 30 feet from the intersection of the side and front (or rear) property lines.

5. The corner cut-off provisions shall be applicable to all districts including the Rural Residential and all agricultural districts.

Figure 3-3
Corner Cut Off



NOTES:
1. THE BRANCHES OF TREES LOCATED WITHIN THE CORNER CUT-OFF AREA MUST BE TRIMMED AND MAINTAINED AT A HEIGHT OF NOT LESS THAN 8 FEET.
2. BUSHES AND SHRUBS MUST BE TRIMMED AND MAINTAINED AT A HEIGHT NOT TO EXCEED 3 FEET. FENCES, HEDGES AND WALLS SHALL NOT EXCEED 3 FEET IN HEIGHT.
3. IF THE AREA IS URBAN IN CHARACTER, A CONCRETE CURB RETURN SHALL APPLY.
4. IF THE AREA IS RURAL IN CHARACTER, A 20' × 20' CORNER CUTOFF SHALL APPLY, ARTERIAL CONNECTIONS SHALL HAVE A MINIMUM OF 30' × 30' CORNER CUTOFF. IF A 10' × 10' CORNER CUTOFF EXISTS AND NO OTHER RIGHT-OF-WAY IS REQUIRED AT THE TIME, THE ADDITIONAL RIGHT-OF-WAY REQUIREMENT FOR A LARGER CORNER CUTOFF MAY BE WAIVED BY THE DIRECTOR.
5. REFER TO ZONING ORDINANCE FOR FURTHER INFORMATION.

F. Construction across property lines prohibited.

1. A structure shall not be constructed across the property line(s) of two or more contiguous parcels.

2. If the placement of a proposed structure would otherwise cross the property line of two or more contiguous parcels held by the same owner, before the issuance of a Building Permit, the property owner shall apply for and receive an approved voluntary parcel

merger, lot line adjustment, or parcel map to move or eliminate the property line in question.

3. The lot line adjustment process may be used if the parcels will still meet the development standards of the zone in which the parcels are located.

G. Nonconforming parcels. Legally created, nonconforming lots having either a substandard width or depth, may utilize the side or front setback requirement of another most restrictive zone district where the substandard width or depth is allowed (use the closest compatible district with dimensions at or above the subject parcel dimensions). Where both width and depth are substandard, this provision shall apply to both the front and side setbacks. This provision shall apply to all districts that allow residential uses except for the R-1-E and R-1-EH Districts.

H. Accessory structures.

Residential Districts

1. Accessory buildings in side or rear yards for applicable Residential Zone Districts (R-1, R-1-A, R- 1-AH, R-1-B, R-1-C, R-1-E, R-1-EH) shall meet the following standards:

    a. Any accessory building located less than sixty (60) feet from the front property line shall have the same minimum side yard as that required for the main building, regardless of whether or not said accessory building is attached to the main building.

    b. An accessory building may be located on a side property line when said building is located sixty (60) feet or more from the front property line, except that no structure shall be permitted in a required yard which abuts a street.

    c. An accessory building having an opening on an alley shall be located not less than twenty-five (25) feet from the opposite side of the alley; provided, however, that no such accessory building shall be located less than five (5) feet from the property line.

    d. Any accessory building permitted on a side property line shall have provisions for all roof drainage to be taken care of on the subject lot.

2. For residential zone districts, aggregate area of accessory buildings permitted in required yards on any one parcel shall not exceed six hundred and fifty (650) square feet except that additional area may be approved subject to Director Review and Approval Procedures of Chapter 846.5. This provision shall be made applicable to the following districts: R-1; R-1-A; R-1-AH; R-1-B; R-1-C; R-1-E; R-1-EH; R-2; R-3; and R-A.

3. The RR (Rural Residential) Zone District shall meet the provisions for accessory buildings in the AE and AL Zone Districts as defined in Section 822.3.100.H.4 below. The RR

District shall also include an additional provision that the aggregate area of accessory buildings permitted in required yards on any one parcel shall not exceed five hundred (500) square feet except that additional area may be approved subject to Director Review and Approval Procedures of Chapter 846.5.

Agricultural Districts

4. Accessory buildings in side yards for the AE (Exclusive Agricultural) and AL (Limited Agricultural) Zone Districts shall meet the following standards:

    a. Any accessory building located less than one hundred (100) feet from the front property line shall have the same minimum side yard as that required for the main building, regardless of whether or not said accessory building is attached to the main building.

    b. An accessory building may be located on a side property line when said building is located one hundred (100) feet or more from the front property line.

    c. An accessory building located in the side yard or its projection to the rear property line when abutting a street shall be at least twenty (20) feet from the property line on the side street.

    d. Any accessory building permitted on a side property line shall have provisions for all roof drainage to be taken care of on the subject parcel.

5. For the R-A (Single Family Residential Agricultural) Zone District, setbacks for accessory buildings shall meet the Residential Standards of Sections 822.3.100.H.1 and 822.3.100.H.2 above.

6. For the A-2 (General Agricultural) Zone District, setbacks for accessory buildings shall meet the Residential Standards of Sections 822.3.100.H.1 and 822.3.100.H.2 above.

7. For the A-1 (Agricultural) Zone District, setbacks for accessory buildings shall meet the Residential Standards of Sections 822.3.100.H.1 and 822.3.100.H.2 above.

I. Exceptions - Permitted Projections into Required Yards.

Residential Districts

1. The following projections shall be permitted in required yards for applicable Residential and Recreational Zone Districts (R-1, R-1-A, R-1-AH, R-1-B, R-1-C, R-1-E, R-1-EH, R-2, R-3, R-P, and R-E):

    a. Cornices, eaves, belt courses, sills, fireplace chimneys and other similar architectural features may extend or project into a required side yard not more than five (5) inches for one (1) foot of the width of such required side

yard and may extend or project into a required front or rear yard not more than thirty (30) inches.

b. Uncovered, unenclosed porches, platforms or landing places (does not include slabs or flatwork) which do not extend above the level of the first floor of the building (see Article 7, Definitions) may extend into any front yard a distance of not more than six (6) feet, and such features may not extend into a court more than twenty (20) percent of the width of said court and in no case more than six (6) feet, and may extend into any side or rear yard not more than three (3) feet. An open work railing may be installed or constructed on any such porch, platform or landing place provided it does not exceed thirty-six (36) inches in height. NOTE: this provision does not apply to uncovered concrete slabs, similar flatwork, etc.

c. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30) inches.

Rural Residential

2. The following projections shall be permitted in required yards for the Rural Residential District:

a. Cornices, eaves, belt courses, sills, fireplace chimneys and other similar architectural features may extend or project into a required side yard not more than five (5) inches for one (1) foot of the width of such required side yard and may extend or project into a required front or rear yard not more than forty-eight (48) inches.

b. Uncovered, unenclosed porches, platforms or landing places (does not include slabs or flatwork) which do not extend above the level of the first floor of the building (see Article 7, Definitions) may extend into any front yard a distance of not more than six (6) feet, and such features may not extend into a court more than twenty (20) percent of the width of said court and in no case more than six (6) feet, and may extend into any side or rear yard not more than three (3) feet. An open work railing may be installed or constructed on any such porch, platform or landing place provided it does not exceed thirty-six (36) inches in height. NOTE: this provision does not apply to uncovered concrete slabs, similar flatwork, etc.

c. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30) inches.

C-P Administrative and Professional Office District

3. The following permitted projections into required yards for nonresidential uses

abutting residential or agricultural districts.

a. Cornices, eaves, belt courses, fireplace chimneys, sills and other similar architectural features may extend or project into a required yard not more than thirty (30) inches.

b. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30) inches.

c. Uncovered, unenclosed porches, platforms or landing places which do not extend above the level of the first floor of the building may extend into any front yard a distance of not more than six (6) feet, and may extend into any required side or rear yard not more than three (3) feet; provided, however, that an openwork railing, not more than thirty six (36) inches in height, may be installed or constructed on any such porch, platform or landing place. Open work fences, hedges, landscape architectural features, or guard railings for safety protection around depressed ramps, not more than three and one half (3 2) feet in height, may be located in any required front, side or rear yard.

Agricultural Districts

4. The following projections shall be permitted in required yards for the A-E and A-L Districts:

a. Cornices, eaves, belt courses, sills, fireplace chimneys and other similar architectural feature may extend or project into a required side yard not more than five (5) inches for one (1) foot of the width of such required side yard and may extend or project into a required front or rear yard not more than thirty (30) inches.

b. Uncovered, unenclosed porches, platforms or landing places (does not include slabs or flatwork) which do not extend above the level of the first floor of the building (see Article 7, Definitions) may extend into any front yard a distance of not more than six (6) feet, and such features may not extend into a court more than twenty (20) percent of the width of said court and in no case more than six (6) feet, and may extend into any side or rear yard not more than three (3) feet. An open work railing may be installed or constructed on any such porch, platform or landing place provided it does not exceed thirty-six (36) inches in height. NOTE: this provision does not apply to uncovered concrete slabs, similar flatwork, etc.

c. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30) inches.

822.3.110 - Size of New Zones

The size of new zones shall be as specified in the zone regulations.

822.3.120 - Solid Waste/Recyclable Materials Storage

This Section provides standards for the provision of solid waste (refuse) and recyclable material storage areas in compliance with State law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Sections 42900 through 42911).

A. All structures and uses. All structures and uses within the multi-family (with five dwelling units or more), commercial, industrial, institutional zones shall provide refuse and recyclable material enclosures subject to the review and approval of the Director.

B. Location requirements. Refuse and recyclable materials enclosures shall be located in the following manner:

1. **Combined together.** Recycling baskets refuse and green waste carts, and future recycling carts shall be adjacent/combined with one another. They may be located on the outside of a structure in an approved fence/wall enclosure, a designated interior court or yard area with appropriate access or in a side or rear setback, with appropriate screening, in compliance with Subparagraph C. (4) (Be screened), below. Storage area(s) shall not be located in a required front or street side setback, parking space, landscaped or open space areas, or any open area(s) required by the County Ordinance Code.

2. **Unobstructed access.** Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance, as required by the collection methods and vehicles utilized. The location of and access to the enclosures shall be designed to ensure that the collection vehicles would be able to enter and exit in a forward direction.

3. **Screening required.** Storage bins (e.g., recycling carts and solid waste dumpsters) shall be screened, as determined to be appropriate by the Director.

4. **Minimum distance from adjacent structures.** Enclosures shall not be located closer than 20 feet from doors or operable windows of adjacent structures.

C. Design and construction. The design and construction of the refuse and recyclable materials enclosures shall be in compliance with standard specifications subject to the review and approval of the Director, and shall:

1. **Be compatible.** Be compatible with the surrounding structures and land uses;

2. **Concrete pad required.** Provide a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates the handling of the individual bins or containers;

3. **Protection from adverse conditions.** Protect the areas and the individual bins or containers provided within from adverse environmental conditions that might render the collected materials unmarketable; and

4. **Be screened.** (See Figure 3-4, below.)

   a. Be appropriately located and screened from view on all sides.

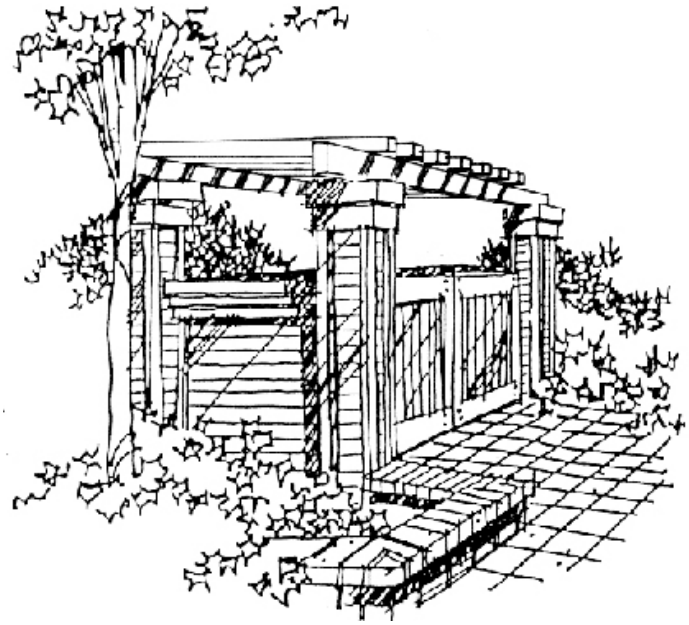
b. Screening of the solid waste and recyclable material storage bins shall consist of solid decorative masonry walls, metal gates, and landscaping.

c. The size of the metal gates shall be determined by the Director, based on the use and the projected waste stream.

d. Overhead trellises may be required to screen views from above.

e. The design shall be architecturally compatible with the surrounding structures and subject to the review and approval of the Director.

Figure 3-4
Decorative masonry and metal mixed with wood elements create a pleasant trash enclosure.



822.3.130 - Space Between Structures

All structures hereafter designed or erected and existing structures which may be altered, moved, reconstructed, or enlarged, shall comply with the space between structure requirements specified in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

The minimum distance between buildings shall be as follows:

1. Accessory buildings shall be a minimum of six (6) feet from the main building. Accessory buildings connected to the main building by a breezeway roof shall also maintain a minimum six (6) foot separation.

2. Where an accessory building is used for garage purposes and where said garage is located within

the area defined by the projection of the side lines of any main building, and where vehicular access to said garage faces any main building and falls entirely or in part, within said area, the garage shall be not less than twenty-five (25) feet from the main building.

3. All structures housing livestock and poultry shall be located a minimum of forty (40) feet from all buildings used for human habitation, twenty-five (25) feet from side and rear property lines, and one hundred (100) feet from front property lines. However, this shall not apply to the pasturing of animals in the above-mentioned setbacks.

CHAPTER 824.3 - AFFORDABLE HOUSING INCENTIVES - DENSITY BONUS

824.3.010 - Purpose of Chapter

As required by Government Code Section 65915, this Chapter offers density bonuses, and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 824.3.020 (Eligibility for Bonus, Incentives, or Concessions), below. This Chapter is intended to implement the requirements of Government Code Section 65915 et seq. and the Housing Element of the General Plan.

824.3.020 - Eligibility for Bonus, Incentives, or Concessions

In order to be eligible for a density bonus, reduced parking ratios, and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Zoning Ordinance, except as provided by Section 824.3.040 (Allowed Incentives or Concessions).

A. Resident requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least any one of the following:

1. 10 percent of the total number of proposed units are for lower income households, as defined in Health and Safety Code Section 50079.5;

2. Five percent of the total number of proposed units are for very low-income households, as defined in Health and Safety Code Section 50105;

3. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5; or

4. 10 percent of the total dwelling units in a common interest development as defined in Civil Code Section 4100 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase.

5. 10 percent of the total dwelling units in a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code; disabled veterans, as defined in Section 18541; or homeless persons, as defined in the Federal McKinney – Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units.

6. 20 percent of the dwelling units in a student housing development for lower income students that meet the requirements of Government Code Section 65915.

7. 100 percent of the total units, exclusive of the manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the total units in the development may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.

B. Applicant selection of basis for bonus. For purposes of calculating the amount of the density bonus in compliance with Section 824.3.030 (Allowed Density Bonuses), below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Subparagraphs A. 1., 2., 3.,4.,5.,6., or 7., above.

C. Bonus units shall not qualify a project. A density bonus granted in compliance with Section 824.3.030 (Allowed Density Bonuses), below, shall not be included when determining the number of housing units that is equal to the percentages required by Subsection A., above.

D. Minimum project size to qualify for density bonus. The density bonus provided by this Chapter shall be available only to a housing development of five or more dwelling units.

E. Condominium conversion projects. A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements specified in Government Code Section 65915.5.

F. Replacement of Affordable Units. Units that are replacing affordable dwelling units are eligible for a density bonus if in compliance with Government Code Section 65915.

824.3.030 - Allowed Density Bonuses

For the purposes of this Chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable General Plan Land Use designation and zone as of the date of application by the applicant to the County.

A. Density bonus. A housing development that complies with the eligibility requirements specified in Subsections 824.3.020 A. 1., 2., 3., or 4., above, shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.

1. Bonus for units for lower income households. A housing development that is eligible for a bonus in compliance with the criteria specified in Section 824.3.020 A. 1. (10 percent of units for lower income households) shall be entitled to a density bonus calculated as follows:

TABLE 3-3
BONUS FOR LOW INCOME HOUSEHOLDS

Percentage of Low-Income Units Proposed	Percentage of Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

2. **Bonus for units for very low-income households.** A housing development that is eligible for a bonus in compliance with the criteria specified in Section 824.3.020 A. 2., (five percent of units for very low-income households) shall be entitled to a density bonus calculated as follows:

TABLE 3-4
BONUS FOR VERY LOW-INCOME HOUSEHOLDS

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

3. **Bonus for senior citizen development and residential care facility for seniors.** A housing development that is eligible for a bonus in compliance with the criteria in Section 824.3.020 A. 3., (senior citizen development, and residential care facility for seniors, or mobile home park) shall be entitled to a density bonus of 20 percent.

4. Bonus for moderate income units in common interest development. A housing development that is eligible for a bonus in compliance with the criteria specified in Section 824.3.020 A. 4. (10 percent of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:

TABLE 3-5
BONUS FOR MODERATE INCOME HOUSEHOLDS

Percentage of Moderate-Income Units Proposed	Percentage of Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	83
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75

TABLE 3-5
BONUS FOR MODERATE INCOME HOUSEHOLDS

Percentage of Moderate-Income Units Proposed	Percentage of Density Bonus
42	42.5
43	46.25
44	50

5. Density bonus for land donation. When an applicant for a tentative map, parcel map, or other residential development approval donates land to the County in compliance with this Subsection, the applicant shall be entitled to a density bonus for the entire development, as follows; provided, that nothing in this Subsection shall be construed to affect the authority of the County to require a developer to donate land as a condition of development.

a. Basic bonus. The applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zone for the entire development, and an additional increase as follows.

TABLE 3-6
BASIC BONUSES

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32

TABLE 3-6
BASIC BONUSES

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
28	33
29	34
30	35

b. Increased bonus. The increase identified in Table 3-6 above shall be in addition to any increase in density required by Subsections A. 1. through A. 4., up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required in compliance with this Subsection A. 5., as well as the bonuses provided by Subsections A. 1. through A. 4.

c. Eligibility for increased bonus. An applicant shall be eligible for the increased density bonus provided by this Subsection if all of the following conditions are met:

(1) The applicant donates and transfers the land no later than the date of approval of the final map, parcel map, or residential development application.

(2) The developable acreage and zoning classification of the land being transferred are sufficient to allow construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(3) The transferred land is at least one acre in size, or of sufficient size to allow development of at least 40 units; has the appropriate Land Use Plan designation; is appropriately zoned for development as affordable housing; and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.

(4) No later than the date of approval of the final map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than Building Permits, necessary for the development of the very low income housing units on the transferred land, except that the County may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the County before the time of transfer.

(5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 824.3.090 (Continued Availability), which shall be recorded on the property at the time of dedication.

(6) The land is transferred to the County or to a housing developer approved by the County. The County may require the applicant to identify and transfer the land to the approved housing developer.

(7) The transferred land shall be within the boundary of the proposed development or, if the County agrees, within one-quarter mile of the boundary of the proposed development.

(8) A proposed source of funding for the very low-income units shall be identified not late than the date of approval of the final subdivision map, parcel map, or residential development application.

6. Density bonus for 100% affordable housing projects. A housing development that is eligible for a bonus in compliance with the criteria in Section 824.3.020 A. 7., shall be entitled to: 1) a density bonus of 80 percent of the number of units for lower income households; 2) no maximum controls on density shall be imposed if the development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code; 3) density, height and parking concessions shall also be permitted for qualifying projects per the requirements of Government Code Section 65915 including projects for special needs and supportive housing.

7. Student housing developments. A student housing development with at least 20 percent of total units for lower-income students shall be entitled to a density bonus calculated as follows.

TABLE 3-7 BONUSES FOR STUDENT HOUSING DEVELOPMENTS

Percentage of Lower-Income Units Proposed	Percentage of Density Bonus
20	35
21	38.75
22	42.5
23	46.25
24	50

B. Greater or lesser bonuses. The County may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Section or grant a proportionately lower density bonus than required by this Section for a development that does not fully comply with the requirements of this Section.

C. Density bonus calculations. The calculation of a density bonus in compliance with this Section that results in fractional units shall be rounded up to the next whole number, as

required by State law. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.

D. Requirements for amendments or discretionary approval. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zone Map amendment, or other discretionary approval. The granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

E. Location of bonus units. The developer may locate density bonus units in the housing project in areas other than where the units for the lower income households are located.

824.3.040 - Allowed Incentives or Concessions

A. Applicant request and County approval.

1. An applicant for a density bonus in compliance with this Chapter may submit to the County a proposal for the specific incentives or concessions listed in Subsection C. (Type of incentives), below, that the applicant requests in compliance with this Section, and may request a meeting with the Director. The applicant may file a request either before filing an application for County approval of a proposed project or concurrently with an application for project approval. The Board shall grant an incentive or concession request that complies with this Section unless the Board makes any of the following findings in writing, based upon substantial evidence:

    a. The incentive or concession does not result in identifiable and actual cost reduction to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 824.3.070 B. (Unit cost requirements);

    b. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or

    c. The concession or incentive would be contrary to State or Federal law.

2. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.

B. Number of incentives. The applicant shall receive the following number of incentives or concessions.

1. One incentive or concession. One incentive or concession for a project that includes at least 10 percent of the total units for lower income households, at least five percent for very low-income households, or at least 10 percent for persons and families of

moderate income in a common interest development.

2. Two incentives or concessions. Two incentives or concessions for a project that includes at least 17 percent of the total units for lower income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common interest development.

3. Three incentives or concessions. Three incentives or concessions for a project that includes at least 24 percent of the total units for lower income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a common interest development.

4. **Four incentives or concessions.** Four incentives or concessions for a project that 100 percent of all units are for lower income household or when up to 20 percent of units are for moderate income. If the project is located one-half mile of a major transit stop, the application shall also receive a height increase of up to three additional stories or 33 feet.

5. One incentive or concession. One incentive or concession for projects that include twenty percent of total units for lower income students with the density bonus shall be 20 percent of the student housing units. If a project includes at least 23 percent of the total units for lower income students in a student housing project, the applicant shall instead receive two incentives or concessions. The term "unit" means one rental bed and its pro rata share of associated common area facilities. The units shall be subject to a recorded affordability restriction of 55 years.

6. Transitional youth, disabled veterans, or homeless persons. A density bonus equal to twenty percent of the total number of units. A density bonus equal to twenty percent of the total number of units when 10 percent of the total dwelling units are for transitional youth, disabled veterans, or homeless persons. The units shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units.

C. Type of incentives. For the purposes of this Chapter, concession or incentive means any of the following:

1. A reduction in the site development standards of this Zoning Ordinance (e.g., site coverage limitations, setbacks, onsite open space requirements, reduced parcel sizes, and/or parking requirements) (see also Section 824.3.050 [Parking Requirements in Density Bonus Projects]), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, and actual cost reductions to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 824.0.080

2. Approval of mixed-use land uses not otherwise allowed by this Zoning Ordinance in

conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located;

3. Other regulatory incentives proposed by the applicant or the County that will result in identifiable, and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 824.3.080; and/or

4. In its sole and absolute discretion, a direct financial contribution granted by the Board, including writing-down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.

D. Effect of incentive or concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zone Map amendment, study, or other discretionary approval.

824.3.050 - Parking Requirements in Density Bonus Projects

A. Applicability. This Section applies to a development that meets the requirements of Section 824.3.020 (Eligibility for Density Bonus, Incentives, and Concessions), above, but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this Section in compliance with Section 824.3.040 (Allowed Concessions and Incentives), above. A request pursuant to this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 824.0.040. Modifications to Government Code Section 65915 relaxing standards for specific identified uses or bonuses shall supersede this subsection.

B. Number of parking spaces required.

1. **Default Parking Ratio.** At the request of the applicant, the County shall not require a vehicular parking ratio for a project that complies with the requirements of Section 824.3.020 (Eligibility for Density Bonus, Incentives, and Concessions), above, inclusive of handicapped and guest parking, that exceeds the following ratios:

   a. Zero to one bedroom: One on-site parking space.

   b. Two to three bedrooms: One and one-half on-site parking spaces.

   c. Four and more bedrooms: Two and one half on-site parking spaces.

   d. One bedspace in a student housing development: zero parking spaces.

2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

3. **Definition of a Major Transit Stop.** For the purpose of this section, major transit stop shall mean a site containing an existing rail transit station, a ferry terminal, served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service internal of 15 minutes or less during the morning and afternoon peak commute periods.

4. **Developments in Proximity to Major Transit Stop.** If a development includes at least 20 percent low-income units for housing development that meets the criteria of 65915 (b)(1)(A) of the Government Code, or at least 11 percent very low income units for housing development meeting the criteria of section 65915 (b), is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, the county shall not impose a vehicular parking ratio ,inclusive of parking for persons with a and guests, that exceeds 0.5 pace per unit. If a development includes at least 40 percent moderate income units for housing developments meeting the criteria of subdivision (b)(1)(D), is located within one-half mile of a major transit stop as defined in Section 2115521155(b) of the Public Resources Code, and the residents of the development have unobstructed access to the major transit stop for the development then, upon the request of the developer, the county shall not impose a vehicular parking ration, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per bedroom.

5. **Exclusive Rental Units Development.** If a development consists of solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50025.5 of the Health and Safety Code, then, upon the request of the developer, the County shall not impose a vehicular parking standards, if the development meets any of the following criteria:

   a. If the development is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development.

   b. If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

   c. If the development consists solely of rental units, exclusive of a manager's unit or units, with an affordable cost to low-income families, as defined in Section 50052.5 of the Health and Safety Code, and the development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code. A development that is a special needs housing development, shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

C. Location of parking. For purposes of this Section, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

D. Rounding. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

824.3.060 - Bonus and Incentives for Developments with Child Care Facilities

A. Housing developments. A housing development that complies with the resident and project size requirements of Subsections 824.3.020 A. and B., above, and also includes as part of that development a child care facility other than a large or small family day care home, that will be located on the site of, as part of, or adjacent to the development, shall be subject to the following additional bonus, incentives, and requirements.

1. Additional bonus and incentives. The County shall grant a housing development that includes a child care facility in compliance with this Section either of the following:

a. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or

b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

2. Requirements to qualify for additional bonus and incentives.

a. The County shall require, as a condition of approving the housing development, that:

(1) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with Section 824.3.090 (Continued Availability), below; and

(2) Of the children who attend the child care facility, the children of very low-income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income in compliance with Subsection 824.3.020 A. (Resident requirements), above.

b. The County shall not be required to provide a density bonus for a child care facility in compliance with this Section if it finds, based upon substantial evidence, that the community has adequate child care facilities.

B. Child care in commercial and industrial developments. A developer of a commercial or industrial development project, containing at least 50,000 square feet of floor area, may be granted a density bonus when that developer agrees to set aside at least 2,000 square feet of interior floor area and 3,000 outdoor square footage to be used for a child care facility,

other than a large or small family day care home, in compliance with Government Code Section 65917.5 (Commercial density bonus).

1. **Allowable density bonuses.** The allowable density bonus may be one of the following:

   a. A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility located in an existing child care facility; or

   b. A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility located in a new child care facility.

2. **Requirements.** Requirements to qualify for the additional density bonus shall include all of the following:

   a. For purposes of calculating the allowable density bonus under this Subsection, both the total area contained within the exterior walls of the child care facility and all outdoor areas devoted to the use of the facility in compliance with applicable State child care licensing requirements shall be considered.

   b. The child care facility shall be of a sufficient size to comply with all applicable State licensing requirements in order to accommodate at least 40 children.

   c. This facility may be located either on the project site or may be located off-site as agreed upon by the developer and the County.

   d. If the child care facility is not located on the site of the development project, the County shall determine whether the location of the child care facility is appropriate and whether it complies with the purpose and intent of this Section.

   e. The granting of a density bonus shall not preclude the County from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5 (Commercial density bonus).

824.3.070 - Additional Density Bonus

A. Eligibility for Additional Density Bonus: In addition to a Density Bonus set forth in Section 824.3.030 (Allowed Density Bonuses), the County will allow projects to potentially obtain a total density bonus of up to 100 percent by providing the initial percentage of affordable units to secure an initial 50 percent density bonus and then a secondary percentage of affordable units in order to obtain an additional density bonus of up to 50 percent. Where the housing development is seeking an additional bonus, the project applicant must identify the subparagraph of Government Code Section 65915(v)(1) under which the housing development qualifies for the additional density bonus and provide reasonable documentation demonstrating that the housing development is eligible for the additional bonus under that the subparagraph of Government Code Section 65915(v)(1). The additional density

bonus will be available to projects that meet the following minimum set-asides:

1. Rental or for sale housing developments, which provide 15 percent of the total units to Very Low-Income households.
2. Rental or for sale housing developments, which provide 24 percent of the total units to Lower Income households.
3. For sale housing developments which provide 44 percent of the total units to Moderate Income households.

B. Calculation of Additional Density Bonus: Rental or for-sale housing development that meets the requirements specified in Section 824.3.070.A, an additional density bonus shall be entitled to a density bonus calculated as follows:

TABLE 3-8 ADDITIONAL DENSITY BONUS

Very Low- Income	
Percentage Very Low-Income Units	**Percentage Density Bonus**
5	20
6	23.75
7	27.5
8	31.25
9	35
10	38.75
Moderate Income	
Percentage Very Low-Income Units	**Percentage Density Bonus**
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35%
12	38.75
13	42.5
14	46.25
15	50

824.3.080 - Commercial Development

A. Commercial development. When an applicant for approval of a commercial development has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the County shall grant to the commercial developer a development bonus.

1. **Agreement for partnered housing.** The agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the Director. Affordable housing may be contributed by the commercial developer in one of the following manners:

    a. The commercial developer may directly build the units.

    b. The commercial developer may donate a portion of the site or property elsewhere to the affordable housing developer for use as a site for affordable housing.

    c. The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.

2. **Affordability requirements.** In order to qualify for a development bonus under this section, a commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.

3. **Location of affordable housing.** The housing shall be constructed on the site of the commercial development or on a site that is all of the following:

    a. Within the boundaries of the unincorporated County;

    b. Close to public amenities, including schools and employment centers;

    c. Within one-half mile of a major transit stop, as defined in Section 21155(b) of the Public Resources Code.

4. **Type of development bonus.** The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the County, that may include, but are not limited to, any of the following:

    a. Up to a 20 percent increase in maximum allowable intensity in the General Plan.

    b. Up to a 20 percent increase in maximum allowable floor area ratio.

    c. Up to a 20 percent increase in maximum height requirements.

    d. Up to a 20 percent reduction in minimum parking requirements.

    e. Use of a limited-use/limited-application elevator for upper floor accessibility.

    f. An exception to the zoning ordinance or other land use regulation.

5. **Timing of construction.** If the developer of the affordable units does not commence with construction of those units in accordance with timelines ascribed by the

agreement described in Subparagraph 1, above, the County may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.

6. **Annual report to the State.** The County shall submit to the Department of Housing and Community Development, as part of the annual report required by Government Code Section 65400, information describing a commercial development bonus approved, including the terms of the agreements between the commercial developer and the affordable housing developer, and the developers and the County, and the number of affordable units constructed as part of the agreements.

824.3.090 - Continued Availability

The units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c). See also Section 824.3.110 (Control of Resale).

A. Duration of affordability. The applicant shall agree to, and the County shall ensure, the continued availability of the units that qualified the housing development for a density bonus and other incentives and concessions, as follows.

1. Low- and very low-income rental units. The continued affordability of all low- and very low-income qualifying rental units shall be maintained for 55 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by County policy or ordinance.

2. Units for transitional foster youth, disables veterans, or homeless persons. Units for transitional foster youth, disabled veterans, or homeless persons shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units.

3. Units in common interest for-sale development. The initial occupant of all for-sale common interest units shall be persons and families of very low-, low-, or moderate-income. The County shall enforce an equity sharing agreement, pursuant to Subsection C, below, unless it is in conflict with the requirements of another public funding source of law.

B. Unit cost requirements. The rents and owner-occupied costs charged for the housing units in the development that qualify the project for a density bonus and other incentives and concessions, shall not exceed the following amounts during the period of continued availability required by this Section:

1. Lower income units. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053; and

2. **Owner-occupied units.** Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

C. Occupancy and resale of for-sale units. An applicant shall agree to, and the County shall ensure that the initial occupant of for-sale units that are directly related to the receipt of the density bonus, are persons and families of very low-, low-, and moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. The County shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement.

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.

2. The County shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership. For the purposes of this Section:

   a. The County's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the qualified household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and

   b. The County's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

824.3.100- Location and Type of Designated Units

A. Location/dispersal of units. As required by the Board in compliance with Section 824.3.100 (Processing of Bonus Requests), below, designated units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the non-designated units in the project, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finish quality.

B. Phasing. If a project is to be phased, the density bonus units shall be phased in the same proportion as the non-density bonus units or phased in another sequence acceptable to the County**.**

824.3.110 - Processing of Bonus Requests

A. Application and Permit requirement. A developer seeking approval of a density bonus and other incentives and concessions shall file an application per the requirements of Site Plan Review with the Department of Public Works and Planning (Department). If the development is not ministerial, the Department shall process the application concurrently with any other applications required for the development project. The form and content of

the application shall be specified by the Department.

B. Decision or Hearing Process. For ministerial developments, the application shall be reviewed and acted on by the Department. A decision to deny a density bonus shall be subject to the specific Findings identified in Subsection c below. For non-ministerial (discretionary) proposals involving other concurrent land use applications, such applications shall be heard and decided by the Commission and/or the Board, as set forth in procedures in Subsection (1) below.

1. Approval of incentives. Staff, the Commission or Board shall be authorized to approve incentives as follows:

a. The Commission shall be authorized to approve incentives that involve concurrent discretionary land use applications required for consideration by that body and as stated in the Zoning Ordinance.

(1) Any decision must include a separate section clearly labeled "Density Bonus/Affordable Housing Incentives Program Determination".

(2) A decision to deny a density bonus shall be subject to the specific Findings identified in Subsection c below.

b. Approval by the Board shall be required for requests as part of an appeal of the Commission's decision, or legislative matters in which final action must be taken by the Board.

(1) Any decision must include a separate section clearly labeled "Density Bonus/Affordable Housing Incentives Program Determination".

(2) A decision to deny a density bonus shall be subject to the specific Findings identified in Subsection C below.

c. For an application deemed complete, the applicant shall be provided a determination per Government Code Section 65915 including: 1) the amount of density bonus calculated; 2) eligible parking ratios; 3) determination of information adequacy for incentives, waivers or reductions.

C. Findings for approval. The approval of a density bonus and other incentives and concessions requested by the applicant shall be granted by the County unless a written finding is made, based on substantial evidence, of any the following:

1. The incentive or concession does not result in identifiable and actual cost reductions, consistent with Government Code Section 65915(k), to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

2. The incentive or concession would have a specific, adverse impact, as defined in

Government Code Section 65589.5(d) paragraph (2), upon the public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

3. The incentive or concession would be contrary to State or Federal law.

824.3.120 - Density Bonus Agreement

A. Agreement required. An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the "agreement") with the County in the County's standard form of agreement. The applicant shall prepare the draft agreement for submission to the County for review.

B. Agreement provisions.

1. Project information. The agreement shall include at least the following information about the project:

a. The total number of units approved for the housing development, including the number of designated dwelling units;

b. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;

c. The marketing plan for the affordable units;

d. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units;

e. Tenure of the use restrictions for designated dwelling units of the time periods required by Section 824.3.090 (Continued Availability);

f. A schedule for completion and occupancy of the designated dwelling units;

g. A description of the additional incentives and concessions being provided by the County;

h. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and

i. Other provisions to ensure successful implementation and compliance with this Chapter.

2. Minimum requirements. The agreement shall provide, at minimum, that:

a. The developer shall give the County the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;

b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the County;

c. When providing the written approval, the County shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low and very low-income households, as published by HUD;

d. The County shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

e. Applicable deed restrictions, in a form satisfactory to the County Counsel, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;

f. In any action taken to enforce compliance with the deed restrictions, the County Counsel shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the County's costs of action including legal services; and

g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

3. For-sale housing conditions. In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:

a. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing; and

b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the County which:

(1) Restricts the sale of the unit in compliance with this Chapter, or other applicable County policy or ordinance, during the applicable use restriction period;

(2) Contains provisions as the County may require to ensure continued compliance with this Chapter and State law; and

(3) Shall be recorded against the parcel containing the designated dwelling unit.

4. Rental housing conditions. In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction period:

a. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;

b. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;

c. Provisions requiring owners to submit an annual report to the County, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and

d. The applicable use restriction period shall comply with the time limits for continued availability in Section 824.3.090 (Continued Availability), above.

C. Execution of agreement.

1. Following Commission's or Board's approval of the agreement, and execution of the agreement by all parties, the County shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder's Office.

2. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of Building Permits for the designated dwelling units.

3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

824.3.130 - Control of Resale

In order to maintain the availability of for-sale affordable housing units constructed in compliance with this Chapter, the following resale conditions shall apply.

A. Limits on resale price. The price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based on the local consumer price index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Before offering an affordable housing unit for sale, the seller shall provide written notice to the County of their intent to sell. The notice shall be provided by certified mail to the Director.

B. Units to be offered to the County. Home ownership affordable units constructed, offered for sale, or sold under the requirements of this Section shall be offered to the County or its assignee for a period of at least 90 days from the date of the notice of intent to sell is delivered to the County by the first purchaser or subsequent purchasers. Home ownership affordable units shall be sold and resold from the date of the original sale only to households as determined to be eligible for affordable units by the County in compliance with this Section. The seller shall not levy or charge any additional fees nor shall any "finder's fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.

C. Declaration of restrictions. The owners of any affordable unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions provided by the County, stating the restrictions imposed in compliance with this Section. The grant deed shall afford the grantor and the County the right to enforce the declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions required by this Section.

D. County to monitor resale of units. The County shall monitor the resale of ownership affordable units. The County or its designee shall have a 90-day option to commence purchase of ownership affordable units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the County for appropriate action.

824.3.140 - Judicial Relief, Waiver of Standards

A. Judicial relief. As provided by Government Code Section 65915(d)(3), the applicant may initiate judicial proceedings if the County refuses to grant a requested density bonus, incentive, or concession.

B. Waiver of standards preventing the use of bonuses, incentives, or concessions.

1. As required by Government Code Section 65915(e), the County shall not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Subsection 824.3.020 A. (Resident requirements), above, at the densities or with the concessions or incentives allowed by this Chapter.

2. An applicant may submit to the County a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements.

C. County exemption. Notwithstanding the provisions of Subsections A. and B., above, nothing in this Section shall be interpreted to require the County to:

1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

2. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

824.3.150 – Streamlined Review and Approval for Eligible Housing Developments

Per the requirements of Senate Bill (SB) 35, a streamlined review and approval for eligible housing developments upon meeting certain criteria. Qualifying projects must be approved ministerially within 60 days (if the development includes less than 150 housing units) or within 90 days (if the development includes more than 150 housing units). Ministerial projects are not subject to CEQA.

Qualifying Projects:

Housing development projects proposed within localities that fail to meet its RHNA goals to be permitted on a ministerial basis, upon satisfaction of the following criteria:

- Project is a multifamily housing development consisting of two or more units per Article 4, Chapter 834.4.430.

- Project dedicates either 10% or 50% of units affordable to 80% of average median income (AMI).

- Project site is on land zoned for residential or mixed-use residential use.

- Project site is on land in an urbanized area where 75% of the perimeter of site is developed. Per Census Bureau criteria updated in 2020, an urbanized area is an area that encompasses at least 5,000 people or at least 2,000 housing units.

- Project is consistent with objective zoning and design review standards.

- Project site is not located on or in any of the following: (1) prime farmland or farmland of statewide importance, (2) wetlands, (3) within a very high fire severity zone, (4) a hazardous waste site, (5) within a delineated earthquake fault zone, (6) within a flood plain, (7) within a floodway, (8) identified for conservation in an adopted natural community conservation plan, (9) habitat for protected species or (10) lands under conservation easement.

- Project applicant / developer shall provide supporting evidence that the project

does not propose demolition of (1) housing subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, or (2) housing subject to rent or price control, or (3) housing occupied by tenants within the past 10 years.

824.3.160 - Streamlined Review for Eligible Affordable or Mixed-Income Housing Developments in an Urban Area Commercial Zone

Per the requirements of Government Code sections 65400 and 65585 (Assembly Bill (AB) 2011), a development proponent may submit an application for a housing development that shall be a use by right and that shall be subject to a streamlined, ministerial review for eligible affordable or mixed-income residential developments upon meeting certain criteria. This section shall remain in effect until January 1, 2033.

1) For purposes of this subsection, affordable housing developments are those in which one hundred percent of the units within the development project, excluding managers' units, are dedicated to lower income households at an affordable cost, as defined by Section 50052.5 of the Health and Safety Code, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee. Units shall be subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units.

   Such developments are eligible for streamlined review if they meet the following criteria:

   a) It is located in a zone where office, retail, or parking are a principally permitted use. (See Article 2, Table 2-6).

   b) It is a legal parcel or parcels that meet either of the following:

      (1) It is within a city where the unincorporated area boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau.

      (2) It is in an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

   c) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For purposes of this subdivision, parcels that are only separated by a street or highway shall be considered to be adjoined.

   d) It is not on a site or adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use.

      i) For purposes of this subdivision, parcels only separated by a street shall be considered to be adjoined.

      ii) For purposes of this subdivision, "dedicated to industrial use" means any of the following:

(1) The square footage is currently being used as an industrial use.

(2) The most recently permitted use of the square footage is an industrial use, and the site has been occupied within the past three years.

(3) The site was designated for industrial use in the latest version of the County's general plan adopted before January 1, 2022, and residential uses are not principally permitted on the site.

e) It satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of California Government Code Section 65913.4.

f) It is not an existing parcel of land or site that is governed under the Mobile home Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobile home Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

g) For a site within an unincorporated neighborhood, community, or specific plan area, the site satisfies either of the following conditions:

(1) As of January 1, 2022, there was a neighborhood plan applicable to the site that permitted multifamily housing development on the site.

(2) As of January 1, 2024, there was a neighborhood plan applicable to the site that permitted multifamily housing development on the site and all of the following occurred:

ii) A notice of preparation for the neighborhood plan was issued before January 1, 2022, pursuant to the requirements of Sections 21080.4 and 21092 of the Public Resources Code.

iii) The neighborhood plan was adopted on or after January 1, 2022, and before January 1, 2024.

iv) The environmental review for the neighborhood plan was completed before January 1, 2024.

h) For a vacant site, the site satisfies both of the following:

(1) It does not contain tribal cultural resources, as defined by Section 21074 of the Public Resources Code, that could be affected by the development that were found pursuant to a consultation as described by Section 21080.3.1 of the Public Resources Code and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2 of the Public Resources Code.

(2) It is not within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section

4202 of the Public Resources Code or as designated pursuant to California Government Code Section 51179(a) and (b).

i) The development shall be a multifamily housing development project.

j) The residential density for the development will meet or exceed the applicable density deemed appropriate to accommodate housing for lower income households in that jurisdiction as specified in California Government Code Section 65583.2(c)(3).

k) The development proponent shall complete a phase I environmental assessment, as defined in Section 25319.1 of the Health and Safety Code.

i) If a recognized environmental condition is found, the development proponent shall undertake a preliminary endangerment assessment, as defined in Section 25319.5 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

ii) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

iii) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

l) None of the housing on the site is located within 500 feet of a freeway, as defined in Section 332 of the Vehicle Code.

m) None of the housing on the site is located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.

n) The development will meet the objective zoning standards, objective subdivision standards, and objective design review standards outlined in Government Code Section 65912.113.:

2) If an eligible affordable housing project is determined to be consistent with the objective planning standards specified in this article, it shall approve the development.

a) If it is determined that a development submitted pursuant to this article is in conflict with any of the objective planning standards specified in this article, it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, within the following timeframes:

i) Within 60 days of submittal of the development proposal to the County if the development contains 150 or fewer housing units.

ii) Within 90 days of submittal of the development proposal to the County if the

development contains more than 150 housing units.

b) If the County fails to provide the required documentation pursuant to subdivision (a), the development shall be deemed to satisfy the required objective planning standards.

c) For purposes of this section, a development is consistent with the objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

   i) For purposes of this section, a development is not in conflict with the objective planning standards solely on the basis that application materials are not included, if the application contains substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

d) The determination of whether a proposed project submitted pursuant to this section is or is not in conflict with the objective planning standards is not a "project" as defined in Section 21065 of the Public Resources Code.

e) Any design review processes that may be implemented in the County may be conducted. That design review shall be objective and be strictly focused on assessing compliance with criteria required for streamlined, ministerial review of projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submittal of the development to the County and shall be broadly applicable to developments within the County. That design review shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

   i) Within 90 days of submittal of the development proposal to the County pursuant to this section if the development contains 150 or fewer housing units.

   ii) Within 180 days of submittal of the development proposal to the County pursuant to this section if the development contains more than 150 housing units.

f) A development proposed pursuant to this article shall be eligible for a density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios pursuant to California Government Code Section 65915.

g) The County shall ensure that the project satisfies the requirements specified in California Government Code Section 66300(d).

h) If the development is consistent with all objective subdivision standards in the County subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

i) The County may exempt a parcel from this section before a development proponent submits a development application on a parcel pursuant to this article if the County makes written findings establishing all of the following:

i) The County has identified one or more parcels that meet the criteria described in 824.3.160(1)(b) through (f).

ii) If a parcel identified in paragraph (i) would not otherwise be eligible for development pursuant to this chapter, the County has permitted the parcel to be developed pursuant to the requirements of this chapter.

(1) If a parcel would otherwise be eligible for development pursuant to this chapter, the County has permitted residential densities above the residential density required in 824.3.160(2).

iii) The development of the parcel or parcels pursuant to subsection (iii) will result in all of the following:

(1) No net loss of the total potential residential density in the jurisdiction.

(2) No net loss of the potential residential density of housing affordable to lower income households in the jurisdiction.

(3) Affirmative furthering of fair housing.

j) The County's approval of a development pursuant to this section shall, notwithstanding any other law, be subject to the expiration timeframes specified in California Government Code Section 65913.4(f).

3) Mixed-income housing developments may also apply a streamlined, ministerial review provided that the development meets the below criteria:

a) A rental housing development shall include either of the following percentages of affordable units. The development proponent shall agree to, and the County shall ensure the continued affordability of all affordable rental units included pursuant to this subdivision for 55 years. Rents shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

(1) Eight percent of the units for very low income households and 5 percent of the units for extremely low income households.

(2) Fifteen percent of the units for lower income households.

b) An owner-occupied housing development shall include either of the following:

i) Thirty percent of the units must be offered at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, to moderate-income households.

ii) Fifteen percent of the units must be offered at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, to lower-income households.

c) The development proponent shall agree to, and the County shall ensure, the continued affordability of all affordable ownership units for a period of 45 years.

d) If any other local affordable housing requirement is implemented, the housing development project shall comply with all of the following:

i) The development project shall include the percentage of affordable units required by this section or the local requirement, whichever is higher.

ii) The development project shall meet the lowest income targeting in either policy.

iii) If the local affordable housing requirement requires greater than 15 percent of the units to be dedicated for lower income households and does not require the inclusion of units affordable to very low and extremely low-income households, then the rental housing development shall do both of the following:

(1) Include 8 percent of the units for very low-income households and 5 percent of the units for extremely low-income households.

(2) Fifteen percent of units affordable to lower income households shall be subtracted from the percentage of units required by the local policy at the highest required affordability level.

e) Affordable units in the development project shall have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes.

4) A mixed-income development project shall not be subject to the streamlined, ministerial review process provided by this section unless the development project meets all of the objective development standards outlined in Government Code 65912.123.

5) If the County determines that a development submitted pursuant to this article is consistent with the objective planning standards specified in this article, it shall approve the development.

a) If the County determines that a development submitted pursuant to this article is in conflict with any of the objective planning standards specified in this article, it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, within the following timeframes:

i) Within 60 days of submittal of the development proposal to the County if the development contains 150 or fewer housing units.

ii) Within 90 days of submittal of the development proposal to the County if the development contains more than 150 housing units.

b) If the County fails to provide the required documentation pursuant to subdivision (a), the development shall be deemed to satisfy the required objective planning standards.

c) For purposes of this section, a development is consistent with the objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

i) For purposes of this section, a development is not in conflict with the objective

planning standards solely on the basis that application materials are not included, if the application contains substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

d) The determination of whether a proposed project submitted pursuant to this section is or is not in conflict with the objective planning standards is not a "project" as defined in Section 21065 of the Public Resources Code.

e) Any design review processes that may be implemented in the County may be conducted. That design review shall be objective and be strictly focused on assessing compliance with criteria required for streamlined, ministerial review of projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submittal of the development to the County, and shall be broadly applicable to developments within the jurisdiction. That design review shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

   i) Within 90 days of submittal of the development proposal to the County pursuant to this section if the development contains 150 or fewer housing units.

   ii) Within 180 days of submittal of the development proposal to the County pursuant to this section if the development contains more than 150 housing units.

f) A housing development proposed pursuant to this article shall be eligible for a density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios pursuant to Section 65915, except that the project shall not use a concession to reduce a County requirement for the provision of ground floor retail that is consistent with the allowance contained in paragraph (3) of subdivision (j) of Section 65912.123.

g) The County shall ensure that the project satisfies the requirements specified in California Government Code Section 66300(d).

h) If the development is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

i) The County may exempt a parcel from this section before a development proponent submits a development application on a parcel pursuant to this article if the County makes written findings establishing all of the following:

   i) The County has identified a parcel or parcels that meet the criteria described in 824.3.160(3)(a) through (e).

   ii) If a parcel identified in subsection (i) would not otherwise be eligible for development pursuant to this chapter, the County has permitted the parcel to be developed pursuant to the requirements of this chapter.

iii) If a parcel identified in subsection (i) would otherwise be eligible for development pursuant to this chapter, the County has permitted residential densities above the residential density required in subdivision (b) of Section 65912.123 and heights required in subdivision (c) of Section 65912.123.

iv) The development of the parcel or parcels pursuant to subsection (iii) will result in all of the following:

(1) No net loss of the total potential residential density in the jurisdiction.

(2) No net loss of the potential residential density of housing affordable to lower income households in the jurisdiction.

(3) Affirmative furthering of fair housing.

j) The County's approval of a development pursuant to this section shall, notwithstanding any other law, be subject to the expiration timeframes specified in California Government Code Section 65913.4(f).

6) Any proposed modifications to a development project approved pursuant to this section shall be undertaken pursuant to California Government Code Section 65913.4(g).

7) The County shall not adopt or impose any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive streamlined, ministerial review pursuant to this section.

8) The County shall issue a subsequent permit required for a development approved under this section pursuant to Section 65913.4(h)(2).

9) A public improvement that is necessary to implement a development that is approved pursuant to this section shall be undertaken pursuant to paragraph (3) of subdivision (h) of Section 65913.4.

10) Affordable or mixed-use developments approved under Chapter 824.3.160 are subject to labor standards as well as requirements to provide relocation assistance to certain existing commercial tenants as defined in California Government Code Sections 65912.130, 65912.131, and 65912.140.

824.3.170 –Streamlined Review for Other Eligible Residential or Mixed Uses in Urban Area Commercial Zones

Per the requirements of Government Code sections 65852.24 and 65913.4 (Senate Bill (SB) 6), a development proponent may submit an application for a residential or mixed-use development that shall be a use by right and that shall be subject to a streamlined, ministerial review for eligible residential developments upon meeting certain criteria. For purposes of this section, a project may either consist of only residential units or have at least 50 percent of the new construction square footage designated for residential use. None of the square footage of any such development shall be designated for hotel, motel, bed and breakfast inn, or other

transient lodging use, except for a residential hotel (as defined in Section 50519 of the Health and Safety Code). This section shall remain in effect until January 1, 2033.

A housing development project shall be deemed an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use if it complies with all of the following:

1) The density for the housing development shall meet or exceed 20 units per acre. See Government Code Section 65583.2(c)(3)(B) for reference.

2) The housing development shall be subject to local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development in a zone that allows for the housing with the density described in paragraph (1).

    a) If more than one zoning designation of the local agency allows for housing with the density described in paragraph (1), the zoning standards applicable to a parcel that allows residential use pursuant to this section shall be the zoning standards that apply to the closest parcel that allows residential use at a density that meets the requirements of paragraph (1).

    b) If the existing zoning designation for the parcel, as adopted by the County, allows residential use at a density greater than that required in paragraph (1), the existing zoning designation shall apply.

3) The housing development shall comply with any public notice, comment, hearing, or other procedures imposed by the local agency on a housing development in the applicable zoning designation identified in paragraph (2).

4) The project site is 20 acres or less, unless the site is a regional mall, as defined in subdivision (r) of Section 65912.101, in which case the site is not greater than 100 acres.

5) The housing development complies with all other objective local requirements for a parcel, other than those that prohibit residential use, or allow residential use at a lower density than provided in paragraph (1), including, but not limited to, impact fee requirements and inclusionary housing requirements.

6) The development and the site on which it is located satisfy both of the following:

    i) It is a legal parcel or parcels that meet either of the following:

        (a) It is within a city where the city boundaries include some portion of an urban area, as designated by the United States Census Bureau.

        (b) It is in an unincorporated area, and the legal parcel or parcels are wholly within the boundaries of an urban area, as designated by the United States Census Bureau.

    ii) It is not on a site or adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use.

(a) For purposes of this subparagraph, parcels only separated by a street or highway shall be considered to be adjoined.

(b) For purposes of this subparagraph, "dedicated to industrial use" means either of the following:

(i) The square footage is currently being used as an industrial use.

(ii) The most recently permitted use of the square footage is an industrial use.

(iii) The site was designated for industrial use in the latest version of the County's general plan adopted before January 1, 2022.

7) The housing development is consistent with any applicable and approved sustainable community strategy or alternative plan, as described in Section 65080.

8) Projects receiving streamlined review under this process are subject to certain prevailing wage and skilled and trained workforce requirements as well as requirements to provide relocation assistance to certain existing commercial tenants. See Government Code Section 65852.24(a)(8) and (9).

9) Notwithstanding any other provision of this section, for purposes of the Density Bonus Law (Government Code Section 65915), an applicant for a housing development under this section may apply for a density bonus pursuant to Government Code Section 65915.

10) A project subject to this section shall not be eligible for streamlining pursuant to if it meets either of the following conditions:
   a) The site has previously been developed pursuant to Government Code Section 65913.4 with a project of 10 units or fewer.
   b) The developer of the project or any person acting in concert with the developer has previously proposed a project pursuant to Government Code Section 65913.4 of 10 units or fewer on the same or an adjacent site.

Chapter 826.3 - Landscaping Standards

826.3.010 - Water Efficient Landscaping

The design, installation, and maintenance of landscaping shall comply with the California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO).

826.3.020 – Commercial/Industrial/Warehousing Landscaping Standards

A. Frontage Buffers. A combination of drought tolerant trees and groundcover shall be

utilized. Trees shall be used as part of the solid screen buffering treatment. Trees shall be evergreen, drought tolerant, minimum 24-inch box, and placed at no greater than 40-feet on center. Spacing to be determined by the specific species of tree. Trees shall be maintained ensuring any unhealthy or dead trees are replaced timely as needed. Landscaping shall comply with MWELO.

B. Automobile/Employee Parking Areas. Automobile parking areas for developments greater than 50,000 square feet shall be planted with trees or developed with photovoltaic solar shade structures to provide at least 35% shade coverage at full growth. Trees shall be drought tolerant and of a variety to provide the required shade coverage within 15 years. Landscaping shall comply with MWELO.

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Chapter 828.3 - Parking and Loading Standards

828.3.010 - Purpose of Chapter

The purpose of this Chapter is to provide parking and loading standards to:

A. Ensure the provision and maintenance of adequate, safe, and well-designed off-street parking facilities in conjunction with a use or development.

B. Reduce street congestion and traffic hazards.

828.3.020 - Applicability

A. Applicability of standards. Unless otherwise provided in the applicable zones, elsewhere in this Article, or Article 4 (Standards for Specific Land Uses), the provisions of this Chapter shall apply to appropriate uses and development.

B. Standards shall be considered minimums. The standards in this Chapter shall be considered minimums, and more extensive parking provisions as a condition of project approval may be required by a review authority for a discretionary permit.

828.3.030 - Parking Requirements

The following standards for providing off-street parking shall apply at the time of the erection of any main structure or when off-street parking is established. These standards shall also be complied with when an existing structure is altered or enlarged by the addition of dwelling units or guest rooms or where the use is intensified by the addition of floor space, seating capacity, or seats. Property located in a vehicle parking district provided in compliance with State law, and where the off-street parking lots are completed and in operation, shall be deemed in compliance with the parking provisions of this Chapter.

A. Parking spaces to be maintained. Off-street vehicle parking spaces being maintained in connection with any existing main structure or accessory structure shall be maintained so long as the main structure or accessory structure remains, unless an equivalent substitute number of spaces are provided, as approved by the Director, and thereafter maintained conforming to the requirements of this Subparagraph; provided, however, that this regulation shall not require the maintenance of more vehicle parking space than is required for a new main structure or accessory structure identical to the existing main structure or accessory structure, nor the maintenance of the space for any type of main structure or accessory structure other than those specified herein.

B. Additional parking spaces to be provided.

1. Where off-street parking does not conform to the provisions of this Section, or where no the facilities have been provided for structures constructed prior to the effective date of this Section, the structure shall not be expanded nor may additional facilities be

provided within the structure until after the requirements for off-street parking have been complied with for those facilities added or enlarged. Applicable parking requirements under this Section may be reviewed/modified, upon request, if determined appropriate by the Director, or designee, as needed to encourage economic development. This Section shall not apply to members of a duly formed municipal parking district.

2. No existing parking may be counted as meeting this requirement unless it exceeds the requirement for the original structure, and then only that excess portion may be counted

3. This provision shall not apply in the case of a single-family residence.

C. Parking space defined. A parking space shall be an area for the parking of a motor vehicle, plus those additional areas required to provide for safe ingress and egress from the space. The area set aside to meet these provisions shall be usable and accessible for off-street parking and shall comply with the Department's Off-Street Parking Design Standards.

D. Storage of inoperable vehicles. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space or carport in any residential zone. Exceptions to this provision shall be for the R-A zone and all agricultural zones.

E. Trailer storage restrictions. No trailer shall be stored or parked in any residential zone, with the exception of the R-A and R-R zones, except when beyond the required front setback and when enclosed by a solid fence or wall not less than five feet in height or in an entirely enclosed structure.

F. One-ton vehicle restrictions. The on-street and front setback storage, keeping or maintaining of vehicles of more than one-ton rating, except recreational vehicles, shall be prohibited in all residential zones, with the exception of the R-A and R-R zones. Nonconforming status shall not be granted.

G. Location of Parking Spaces. The required parking area for commercial, business, office, and professional uses shall be provided on the parcel with the structure or uses being served, or on a contiguous parcel in the same zone.

H. Nonconforming parking situations - Director's authority to modify standards. The Director shall have the authority to review and modify parking requirements (per request of the applicant) in nonconforming parking situations in order to encourage economic development.

828.3.040 - Number of Parking Spaces Required

Each land use shall provide at least the minimum number of off-street parking spaces listed in Table 3-7 (Parking Requirements by Land use), including disabled access spaces required by

Section 828.3.050 (Disabled Parking Requirements), except where a Variance has been granted in compliance with Chapter 860.5 (Variances/Minor Deviations). Additional spaces may be required through approval of a discretionary permit.

TABLE 3-7
PARKING REQUIREMENTS BY LAND USE

Uses	Number of Spaces Required
Industry, Manufacturing & Processing, Wholesaling (4)	
Industrial use of any type, unless otherwise listed below, including a warehouse or structure used exclusively for storage purposes, wholesale house or distributor not having a business office on the premises	• 1 space for every two permanent employees • Plus, 1 for each permanent salesperson • Plus, 1 for each facility vehicle
Machinery sales and wholesale stores	• 1 for each 800 s.f. of GFA
Public facility (e.g., communication equipment structure or electrical substation)	• For a facility open to the public, 3 s.f. of parking area for every 1 s.f. of GFA or fraction thereof, located within 300 feet of the property served • For a facility not open to the public, 1 per 2 employees, based on the maximum number of employees on duty at any one time • For a facility with a portion of the area open to the public, the requirements of the above two provisions shall be used as a basis for determining the respective amount of parking.
Storage or mini storage facility	• Mini-storage office: 1 for each 250 s.f. of office area with 4 minimum. • Additional requirements: o A parking lane shall be provided adjacent to the storage structure's openings that is a minimum of 9 feet in width and outlined (painted). The parking lane is for temporary parking only (30 minutes maximum) and this time restriction shall be clearly marked with signs. o Driveways adjacent to the parking lane shall be a minimum width of 15 feet for one-way and 24 feet for two-way.)
Recreation, Education & Public Assembly Uses(4)	
Bowling alley and billiard hall	• 5 for each bowling lane; and • 2 for each billiard table
Commercial recreation and similar **indoor** uses	• 1 for each 4 persons of the facility's allowed maximum attendance
Commercial recreation and similar **outdoor** uses (e.g., shooting range, race track, miniature golf course, pitch and putt course, or zoo)	• 1 for each 4 persons of the facility's allowed maximum attendance
Commercial swimming pools and swimming schools	• 1 for each 500 s.f. of water surface area • 10 minimum.
Dance hall, skating rink, natatorium, or other similar use	• 1 for each 50 s.f. of dance floor area, or • 1 for each 100 s.f. of GFA for any structure, whichever is greater
Golf course and driving range, but not to include miniature golf course	• 4 for each hole on all golf courses; and • 1 for each tee for driving ranges
Library	• For libraries without public meeting rooms, 1 per 250 s.f. of GFA • For libraries with public meeting rooms, • 1 per 250 s.f. of GFA (excluding meeting rooms; and • 1 per 5 permanent seats or 1 per 40 s.f. of meeting room area, whichever is greater

TABLE 3-7
PARKING REQUIREMENTS BY LAND USE

Uses	Number of Spaces Required
Meeting facility – Theater, auditorium, stadium, sport arena, gymnasium, and similar place of public assembly	• 1 for each 5 fixed seats or for every 40 s.f. of seating area within the main auditorium or meeting hall, whichever is greater (2). In cases without a structure, 1 for each 5 persons normally attending or using the facilities plus 1 for every 2 permanent employees
Organizational camp	• 1 bus parking space per 20 campers • 2 for each resident staff • 1 for each nonresident staff on the largest shift • 1 for each facility vehicle
Park and recreational use	• 1 for each 5,000 s.f. of active recreational area within a park or playground
Places of assembly (e.g., Church, synagogue, temple, mosque) (2)	• 1 for each 5 fixed seats (2); and • 1 for every 40 s.f. of seating area where there are no fixed seats; and • 1 for each 400 s.f. of floor area outside the main assembly area
School – Elementary and junior high	• 1 for each staff member, faculty member, and employee; or • If the school has an auditorium or place of assembly, spaces shall be provided in compliance with the meeting facility requirements, above, whichever results in the greatest number of spaces
School – high school	• 1 for each 8 students; and • 1 for each 2 staff members, faculty members, and employees; or • If the school has an auditorium or place of assembly, spaces shall be provided in compliance with the meeting facility requirements, above, whichever results in the greatest number of spaces
School – community college, college; university; or business and professional schools	• 1 for each 2 full time or equivalent regularly enrolled students; and • 1 for each 2 staff members, faculty members, and employees; or • If the school has an auditorium or place of assembly, spaces shall be provided in compliance with the meeting facility requirements, above, whichever results in the greatest number of spaces
School, special or trade	• 1 for each 3 students; and • 1 for each staff member, faculty member, and employee • 1 for each facility vehicle
Value added agricultural uses and activities (e.g. agritourism, agricultural retail, equestrian facilities)	• At least 2 square feet of off-street parking area for each 1 square foot of retail floor space, or fraction thereof. • 1 for each 2 permanent employees, • At least 1 for each truck associated with the operation.

TABLE 3-7
PARKING REQUIREMENTS BY LAND USE

Uses	Number of Spaces Required
Residential Uses	
Accessory Dwelling Unit	• See Section 834.4.030(E)
Caretaker housing	• 2, with at least one covered
Club; fraternity or sorority house; rooming or boarding house; or similar structure designed or intended to house for sleeping, guests, members, or employees (3)	• 1 for each bed (4)
Convalescent home, rest home, or residential care facility for 7 or more people	• 1 for each 400 s.f of GFA, plus 1 for each 3 employees
Dependent housing	• 2 for each unit
Mobile home park/Trailer park	• 1 for each space; and • 1 guest space for each 10 spaces, or fraction thereof
Motel, hotel, apartment hotel, motor court, or boarding house	• 1 for each unit/room.
Multi-family dwelling	• One (1) covered parking space for each unit on the same lot with the main building which they are intended to serve (3)
Second dwelling unit	• 2, one shall be covered (3)
Single-family dwelling	• 2, one shall be covered on the same site with the primary structure for all residential zones (3). Provision does not apply to the R-A zone or any agricultural zone.
Short-Term Private Home Rental	• 1 for each bedroom
Retail Trade (See Note #3 below)	
Retail uses of any type, unless otherwise listed below	• 1 for each 225 s.f. of GFA
Automobile sales and repair	• 1 for each 400 s.f. of GFA
Boat sales, mobile home sales, retail nurseries, and other open uses not in a structure	• 1 for each 2,000 s.f., or portion thereof, for open area devoted to display or sales; for the first 10,000 s.f.; and • 1 for each 5,000 s.f., or portion thereof, over 10,000 s.f.; and • 1 for each facility vehicle
Food establishments with take-out provisions only	• 1 for each 200 s.f. of GFA; and • 1 for each facility vehicle • 4 minimum.
Restaurant, drive-ins, cafe, night club, tavern, and other similar places where food or refreshments are dispensed	• Facilities less than 1,000 s.f. of GFA, 1 for each 200 s.f. of GFA • Facilities with 1,000 s.f., or more but less than 4,000 s.f. of GFA, 1 for each 100 s.f. of GFA • Facilities greater than 4,000 s.f. of GFA, 40 plus 1 for each 50 s.f. of GFA in excess of 4,000 s.f.
Retail Stores, General Merchandise	• 1 for each 225 s.f. of GFA • 4 minimum.
Shopping centers (projects over 200,000 s.f. of floor area)	• 1 for each 200 s.f. of GFA up to 100,000 sf; and • 1 for each 250 s.f. of GFA for square footage above 100,000 s.f.
Wholesale commercial nurseries	• 1 for each 500 s.f. of display area

Services General

TABLE 3-7
PARKING REQUIREMENTS BY LAND USE

Uses	Number of Spaces Required
Service uses of any type, unless otherwise listed below	• 1 for each 225 s.f. of GFA
Beauty and nail salons	• 2 for each station
Child day-care centers (large)	• 1 for each non-resident employee and 2 for child drop-off and pick-up. Spaces shall be in addition to zone requirements and minimally impact existing landscaping.
Hospitals	• 1 for each 2 patient beds or 1 per 1,000 s.f. of GFA, whichever is greater, plus 1 for every 3 employees
Medical offices, clinics, veterinary hospital	• 1 for each 225 s.f. of GFA
Mortuary, funeral home, or similar use	• 1 per 20 s.f. of assembly room GFA, • 1 per employee • 1 per each vehicle owned by the establishment
Offices, general, financial, business and professional uses	• 1 for each 225 s.f. of GFA
Personal services	• 1 for each 225 sq. ft. of GFA
Social care facilities	• 1 for each 3 residents of the maximum licensed resident capacity
Other Uses	
Bed and breakfast Inns	• 1 for each guest room plus 1 for each employee
Central Business District Parking C-4 District – Unincorporated Communities - upon request if determined appropriate by the Director, or designee, as needed to encourage economic development	• Ratio may be relaxed from 2:1 to 1:1
Conference center	• 1 for each 3 guest rooms (4)
Home occupations	• 1 for each nonresident employee in addition to residential requirements
On-Your-Lot builder model home/sales office	• 2 per office • 2 for visitors

Footnotes:
(1) S.f. means square feet and GFA means gross floor area.
(2) Twenty-four (24") linear inches of bench or pew shall be considered a fixed seat.
(3) Residential parking spaces shall be located to the rear of the front setback line, except that parcels with hillside slopes of greater than 25% the parking spaces may be located within the setback areas. Tandem parking is not allowed.
(4) In dormitories, each 100 square feet shall be considered equivalent to a guest room.
(5) Nonresidential uses shall provide a minimum of four spaces with an additional parking space for each facility vehicle, except where otherwise noted.

828.3.050 - Disabled Parking Standards.

A. Number of disabled parking spaces. Required off-street parking for the physically disabled shall include not less than the number of spaces specified in Table 3-8 (Disabled Parking Requirements), below, as may be subsequently modified by State regulation:

TABLE 3-8
DISABLED PARKING REQUIREMENTS

Required Off-Street Parking Spaces	Number of Parking Spaces for the Disabled
1 – 25	1
26 – 50	2
51 – 75	3
76 - 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 - 400	8
401 - 500	9
501 - 1000	Two percent (2%) of total # of spaces
1001 and over	20 plus 1 for each 100 or fraction over 1000

B. Location of disabled parking spaces. Disabled parking spaces shall be located so as to minimize travel distance to primary entrances and shall attempt to avoid conditions in which any disabled person is required to wheel or walk behind parked vehicles while traveling to or from parking spaces to the structure's primary entrances.

C. Pedestrian accessibility. Pedestrian ways which are accessible to the disabled shall be provided from each parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space.

D. California Vehicle Code requirements. The arrangement and design of these spaces shall be in compliance with Chapter 2-71 of Title 24 of the California Code of Regulations, and they shall be identified as required in Vehicle Code Section 22511.8.

E. Additional spaces. Additional spaces shall be provided where usage indicates a greater need, or where a higher-than-normal percentage of disabled persons is anticipated to use the parking facility.

F. Size of parking spaces for disabled persons.

1. **Dimensions.** Except as provided below, each parking space for the disabled shall be 14 feet wide and outlined to provide a nine-foot parking area and a five-foot loading/unloading area on the passenger side. When more than one space is provided, two spaces may be provided within a 23-foot-wide area lined to provide a nine-foot parking area on each side of a five-foot loading and unloading area in the center. The minimum length of each parking space shall be 18 feet.

2. **Van accessibility.** One in every six parking spaces for the disabled, but not less than one, shall be served by an access aisle eight feet wide and shall be designated van accessible. This means that when only one space is required, it shall be 17 feet wide and outlined to provide a nine-foot parking area and an eight-foot loading/unloading

area on the passenger side. When only two spaces are required, they may be provided within a 26-foot-wide area lined to provide a nine-foot parking area on each side of an eight-foot loading/unloading area in the center. These spaces may be grouped on one level of a parking structure.

3. **Less than five spaces.** When only four parking spaces are required for a specific project, the parking space for the disabled shall be 17 feet wide but does not need to be marked or reserved exclusively for the disabled.

828.3.060 - Development Standards for Parking

Every parcel of land hereafter used for (1) outdoor sales or display of merchandise or articles other than plant nurseries, lumber yards, fuel yards and similar uses, (2) parking or loading of motor vehicles, (3) motor vehicle sales shall be improved and maintained in compliance with the following standards:

A. Suitably surfaced, striped, and channelized. All areas shall be surfaced, striped, and channelized as required by the Director and shall thereafter be maintained in good condition. Parking stalls shall be marked, and the access lanes shall be clearly defined, including directional arrows to guide internal movements.

B. Suitably graded, surfaced, and drained. All parking lots and loading areas shall be suitably graded, surfaced, and drained in compliance with the standards of the Department.

C. Wheel stops and directional signs. Wheel stops marked off spaces, and directional signs, where necessary, shall be required.

D. Wall required where parking areas adjoin a residential zone.

1. Where the parking area adjoins a residential zone, it shall be separated from the zone by a solid masonry wall not less than five feet or more than six feet in height, provided the wall shall not exceed three feet in height where it is in the front setback area of an abutting residential zone. Wall heights may be increased for certain developments as specified in Section 822.3.090.E.

2. Where no wall is required along a boundary or an area covered by this Section, there shall be a concrete curb or timber barrier not less than six inches in height securely installed and maintained as a safeguard to abutting property or public right(s)-of-way.

E. Landscaping required where parking areas adjoin a residential zone.

1. Where the parking area adjoins a residential zone there shall be a border of appropriate landscaping not less than 10 feet in depth, located along the residential street frontage, to protect the character of the adjoining residential property.

2. The landscaping shall be properly maintained in compliance with Chapter 826.3 (Landscaping Standards).

3. No structure shall be erected, nor shall any property be used unless a site plan for the development has been submitted to and approved by the Director in compliance with Chapter 854.5 (Site Plan Review).

F. Lighting standards. Lighting where provided to illuminate the parking, sales, or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided in compliance with adopted Department standards.

G. Tandem parking restrictions. No parking space shall be so located as to require the moving of any vehicle on the premises to enter or leave any other stall. The preceding sentence does not apply if a parking facility has an attendant always present during the use of the facility.

H. Backing out restrictions. Vehicle parking so arranged as to require the backing out of motor vehicles from a parking space, garage, or other structure onto a street, as designated on the Circulation Element of the General Plan, shall be prohibited when either or both of the following conditions exist:

1. The property is located adjacent and contiguous to the public alley.

2. The width of the parcel or the nature of the design of the existing or proposed structures ensures that vehicles leaving the property may do so by moving in a forward direction with relation to the street.

I. Backing into pedestrian accessway restrictions. In no case shall parking spaces be so arranged that ingress or egress from a parking space requires backing into a public or private pedestrian accessway, or from a public alley.

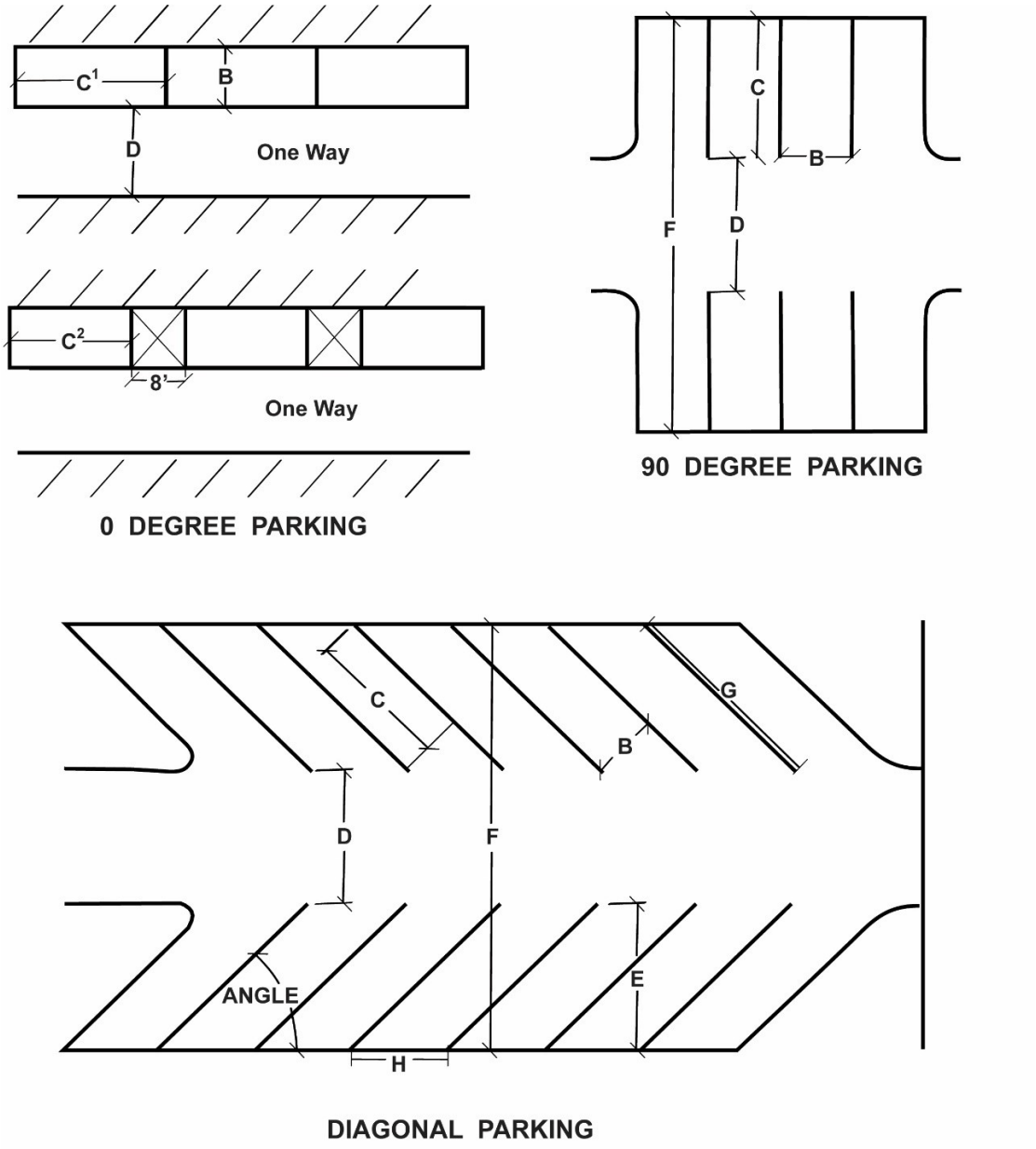
J. Efficient use of parking facility. Parking areas for any use shall be placed in the location with relation to the parking generator as to provide for the efficient use of the parking facility. On-site parking areas shall be noted by an appropriate sign located both at the parking generator and at the parking facility.

K. Access to individual parking spaces. All access to individual parking spaces on a parcel or portion of a parcel designated for parking shall be from the parcel or portion of a parcel.

L. Parking facility egress design. All off-street parking facilities for non-residential and multi-family uses shall be designed and developed so that vehicles leaving the property to enter the right-of-way will do so in a forward direction.

M. Residential Hillside Lot Exception. See Setback Regulations and Exceptions Subsection 822.3.100.D.3, Hillside Lots.

Figure 3-5: Typical Parking Configurations



Angle	B	C	D	E	F	G	H
0	8'6"	(C^1) 22' (C^2) 18'	15'	N/A	N/A	N/A	N/A
40	9'	18'	12'	18'6"	49'	28'8½"	14'
45 (one way aisle)	9'	18'	12'	19'	50'	27'	12'8"
45 (two-way aisle)	9'	18'	22'	19'	60'	27'	12'8"
50	9'	18'	14'	20'	54'	25'6"	11'8½"
60 (one way aisle)	9'	18'	18'	20'	58'	22'10"	10'4"
60 (two-way aisle)	9'	18'	22'	20'	62'	22'10"	10'4"
75	9'	18'	24'5"	20'3½"	65'	21'	9'3"
90	9'	18'	29'	N/A	65'	N/A	N/A

828.3.070 - Loading Space Requirements

Every hospital, institution, hotel, commercial or industrial structure hereafter erected or established shall provide and maintain loading spaces as provided in Table 3-9 subject to all of the following conditions:

A. Loading spaces abutting an alley.

1. When the parcel upon which the loading spaces are located abuts upon an alley, the loading spaces shall adjoin or have access directly from the alley.
2.
3. The length of the loading space may be measured perpendicular to or parallel with the alley.

3. Where the loading area is parallel with the alley and the parcel is 50 feet or less in width, the loading area shall extend across the full width of the parcel.

4. The length of a loading area need not exceed 90 feet for any two spaces.

B. Loading allowed in a yard. Where the loading is allowed in a setback, the yard may be used in calculating the area required for loading, providing that there be no more than one entry or exit to 60 feet of parcel frontage or fraction thereof.

C. Loading spaces shall be maintained. Loading space being maintained in connection with any main structure existing on the effective date of this Chapter shall thereafter be maintained so long as the structure remains, unless an equivalent number of spaces are provided on the same or a contiguous parcel in compliance with the requirements of this Section and as approved by the Director provided, however, that this regulation shall not require the maintenance of more loading space than is required for a new structure, or the

maintenance of the space for any type of main structure other than those specified as allowed.

D. Loading space may occupy a required setback. Loading space required by this Chapter may occupy a required setback as provided in the subject zones, but in no case, shall any part of an alley or street be used for loading.

E. Loading space minimum dimensions. The loading spaces shall be not less than 12 feet in width, 40 feet in length, and with 14 feet of vertical clearance.

F. Number of loading spaces required. The number of loading spaces required for various uses shall be in compliance with the number of spaces specified in Table 3-9 (Loading Space Requirements), below.

G. Allowed hours of operation. Where a loading area abuts a residential zone, loading shall only occur between the hours of 8:00 a.m. and 6:00 p.m.; otherwise, the area shall be located not less than 100 feet from the zone or be completely enclosed.

H. No loading allowed on streets. No loading shall be allowed on a public road, street, or highway.

TABLE 3-9
LOADING SPACE REQUIREMENTS

Use	Gross Floor Area	Loading Spaces Required
Hospitals and Institutions	Less than 3,500	0
	3,501 – 15,000	1
	15,001 – 40,000	2
	40,001 – 80,000	3
	80,001 – 100,000	4
	Greater than 100,000	5
Hotels and Office Structures	Less than 3,500	0
	3,500 – 40,000 [maximum of 1 in R-S zone]	1
	40,001 – 100,000	2
	Greater than 100,000	3
Commercial Uses	Less than 3,500	0
	3,500 – 15,000	1
	15,001 – 40,000 [maximum of 2 in R-S zone]	2
	40,001 – 80,000 [maximum of 3 in C-1 zone]	3
	80,001 – 100,000	4
	Greater than 100,000	5
Industrial Uses	Less than 3,500	0
	3,500 – 40,000	1
	40,001 – 80,000	2
	80,001 – 100,000	3
	100,001 – 160,000	4
	Greater than 160,000	5

I. **Additional loading spaces required.** Where loading facilities do not conform to the provisions of this Section, or where no facilities have been provided for structures constructed prior to the effective date of this Section, the structure shall not be expanded nor may additional facilities be provided within the structure until after the requirements for loading space have been complied with for those facilities added or enlarged. Applicable loading requirements under this Section may be reviewed/modified, upon request, if determined appropriate by the Director, or designee, as needed to encourage economic development. This Section shall not apply to members of a duly formed municipal parking district.

828.3.080 - Loading and Truck Parking for Designated Commercial/Industrial/ Warehousing Development (per Tables 2-6 and 2-8)

Development of commercial, industrial and warehousing uses shall take into consideration potential effects to neighboring sensitive receptors. To reduce potential conflicts, restrictions shall be placed on the following scenarios.

A. Orientation of loading docks and truck entries.

1. Shall be orientated away from abutting sensitive receptors.

2. To the greatest extent feasible, loading docks, truck entries, and truck drive aisles shall be located away from nearby sensitive receptors.

3. Projects shall be evaluated to determine public safety and potential effects to nearby sensitive receptors by permitting loading docks, truck entries, and drive aisles to be located to nearby sensitive receptors. Any design shall include measures designed to minimize overall effects to nearby sensitive receptors.

B. Warehouses or commercial/industrial structures larger than 400,000 square feet in floor area. The building's loading docks shall be orientated to provide minimal impact to surrounding sensitive receptors and located a minimum of 700 feet from the nearest property line adjacent to the sensitive receptor(s) using a direct straight-line method.

Chapter 830.3 – Signs

830.3.010 - Purpose of Chapter

The purpose of this Chapter is to:

A. Establish general regulations for signs and other exterior advertising formats.

B. Establish additional standards and regulations applicable to zones.

C. Recognize that the eventual elimination of existing signs that do not comply with the provisions of this Zoning Ordinance is as important as is the denial of new signs that violate these regulations.

D. Safeguard and enhance property values; protect public and private investment in structures and open spaces; and improve the appearance of the County as a place in which to live and work and as an attraction to nonresidents who come to visit or trade.

E. Encourage sound signing practices as an aid to business and provide information to the traveling public.

F. Prevent excessive and confusing sign displays.

G. Reduce hazards to motorists and pedestrians and promote the public health, safety, and general welfare

830.3.020 - Applicability

A. Applicability. The sign standards provided in this Chapter shall apply to signs in all zones in the County. Only signs authorized by this Chapter shall be allowed in any zone, unless otherwise expressly provided in this Chapter.

B. Message neutrality. It is the County's policy to regulate signs in a constitutional manner that is content neutral with respect to both noncommercial and commercial messages.

C. Regulatory interpretations. Interpretations of the requirements of this Chapter shall be exercised in light of the County's content neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or whenever a sign does not qualify as a "structure" as defined in the California Building Code, then the Director shall approve, conditionally approve, or deny the application based on the most similar sign type that is expressly regulated by this Chapter.

D. Substitution of messages. Signs authorized by this Chapter are allowed to carry noncommercial messages in lieu of any other commercial or noncommercial messages. Substitution of messages may be made without an additional permitting process. This

provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total number of signs on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly constructed.

E. Rules for non-communicative aspects of signs. Rules and regulations concerning the non-communicative aspects of signs, (e.g., number, type, location, size, height, illumination, spacing orientation, etc.), stand enforceable independently of any permit or review process.

830.3.030 - Definitions

The following words, terms, and phrases, when used in this Division, shall have the meanings ascribed to them in this Division, except where the context clearly indicates a different meaning:

Abandoned sign. A sign remaining in place or not maintained for a period of 90 days which no longer advertises or identifies an ongoing business, product, or service available on the business premise where the sign is located.

Advertising structure. See billboard.

Alteration. Any change of color, construction, copy, footings, height, illumination, location, position, shape, sign face, size, or supporting structure of any sign.

Animated sign. A sign that uses movement, lighting (blinking, flashing, moving), or special materials to depict action or create a special effect or scene. This classification includes wind-actuated and other elements (e.g., balloons, bunting, pennants, streamers, whirligigs), fiber optic, laser, search lights, strobe, and string lighting of any type, including blinking or Tivoli Lights, or other similar devices. For the purposes of this Chapter, time and temperature displays, flags, traditional barber poles, and electronic changeable copy signs are not considered animated signs.

Apartment/multi-family identification sign. A sign identifying an apartment or multi-family structure, an apartment or multi-family complex, or a planned unit development project by name and/or address.

Area of a sign. See sign area.

Banner. A temporary sign made of fabric or any non-rigid material with no enclosing framework.

Base of the sign structure. The structural component of a freestanding sign located below the sign face.

Billboard. A sign that directs attention to a business, commodity, entertainment, product, service, or activity offered at a location other than the site or parcel on which the sign is located. This

definition does not include real estate signs, temporary signs, or directional signs allowed and approved pursuant to this Chapter.

Building frontage. The linear dimension of a structure that faces upon a public street (excluding an alley) or public/private parking lot, if appropriate, and is roughly parallel to it.

Business center. A group of contiguous businesses which utilize common access, off-street parking, and/or center name.

Business frontage. That portion of a building frontage occupied by a single business tenant having a public entrance within the building frontage.

Business identification sign. A sign which serves to identify the name(s), address(es), and specific use(s) of the site upon which it is located.

Commercial message content, or speech. Any message, the prevailing thrust of which is to propose a commercial transaction.

Contractor or construction sign. A sign which states the name of the developer and contractor(s) working on the site and any related architectural, engineering, or financial organizations involved with the project.

Copy. Designs, figures, letters, numbers, words, or other symbolic representations incorporated into a sign.

Current value. The original cost or valuation of a sign depreciated in compliance with this Chapter.

Directional sign. An on-site sign giving only information and direction to the viewer and containing no advertising message.

Directory sign. A sign for listing all/any of the tenants and their suite numbers of a multi-tenant structure or center.

Double-faced sign. A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.

Edge of roof. On a pitched roof, the lowest portion of the facia board covering the roof rafters, or if no facia board exists, the lowest point of the roof rafters. On a flat roof, the top of the parapet wall.

Electronic reader board sign. A sign with a fixed or changing display/message composed of a series of lights, but not including time and temperature displays.

Externally illuminated sign. A sign illuminated from an exterior light source.

Fence sign. A sign attached to or painted onto a freestanding fence or wall.

Flag. A fabric, material, or textile of any shape or size, with colors, patterns, and the like used as symbols of a nation, state, or company, or used for attracting attention; a pennant.

Flashing sign. A sign that contains an intermittent or sequential flashing light source.

Freestanding sign. A sign standing on the ground, which is self-supporting, not attached to a structure. Signs mounted on architecturally integrated extensions of structures shall not be considered freestanding.

Frontage. The front of the property or legal front side shall be assigned to the shortest width of the property abutting a roadway in compliance with the State Map Act.

Future tenant identification sign. A temporary sign that identifies the names of future businesses that will occupy a site or structure.

Governmental sign. Signs placed by a governmental entity and/or required by local, State, or Federal law.

Grand opening. A temporary promotional activity, not exceeding 30 calendar days, used by newly established businesses, within 60 days after initial occupancy, to inform the public of their location and services available to the community. "Grand Opening" does not mean an annual or occasional promotion of retail sales by a business.

Graphic. All depictions, lettering, logos, patterns, pictures, and symbols, including color, on a sign.

Height of sign. The vertical distance from the uppermost point of a sign to the average finish grade immediately below and adjoining the sign or the top of the nearest curb of the public street on which the sign fronts, whichever measurement is the greatest. The average or finish grade immediately below and adjoining the sign shall not be artificially increased in height in order to increase the overall height of the sign, subject to the approval of the Director.

Holiday displays. Temporary signs, in the nature of decorations, clearly incidental and customarily associated with nationally recognized holidays and which contain no advertising message.

I-frame sign. A portable sign with advertising messages mounted on one or two surfaces with two generally parallel edges constructed so that the two faces read from different directions.

Illegal sign. A sign which includes any of the following:

1. A sign erected without first complying with all regulations in effect at the time of its construction or use;

2. A sign that was erected without first obtaining all required permits;

3. A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of at least 90 days;

4. A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;

5. A sign which is a danger to the public or is unsafe; or

6. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the County.

Inflatable sign. A form of inflatable device or a sign that is displayed, painted, or printed on the surface of a balloon or any other form of inflatable background, and is primarily installed outside a structure to attract attention to or to advertise a business, a business location, an event, a product, or a service. See "Animated sign".

Internally illuminated sign. A sign whose light source is located in the interior of the sign so that the light goes through the face of the sign, or internal light source which is attached to the face of the sign and is perceived as a design element of the sign.

Institutional sign. A sign identifying the premises of, or announcing the activities conducted by, a hospital, place of worship, rest home, college, university, school, or similar institutional facility.

Light-emitting diode (LED) sign. A sign illuminated by use of light-emitting diode (LED) lights.

Logo. The emblem, insignia, name, symbol, or trademark of a company or organization.

Major tenant. A tenant in a business center leasing a large portion (at least 25 percent) of the overall leasable square footage in the center.

Marquee (canopy) sign. A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the structure wall in the form of a canopy to provide protection from the weather.

Monument sign. An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.

Multiple tenant site/center. A commercial or industrial development consisting of two or more separate businesses that share either the same parcel or structure and use common access and parking facilities.

Neon sign. Glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

Non-commercial message content, or speech. Any message that is not determined to be commercial speech, as defined above.

Nonconforming sign. An advertising structure or sign which was lawfully erected and maintained before the adoption of this Development Code, and which has subsequently come under the requirements of this Development Code, but does not comply with this Development Code.

Obscene sign. Signs when taken as a whole, which to the average person applying contemporary statewide standards, appeals to prurient interest and depicts or describes in a patently offensive manner sexual conduct which lacks serious artistic, literary, political, or scientific value.

Official flag. The official flag of the United States of America, the State of California, other government agencies, civic organizations, corporate organizations, and private or non-profit organizations.

Off-site advertising sign. A sign structure or billboard, whether freestanding or mounted on an existing structure, built for the purpose of advertising an establishment, product, or service that is not available on the property upon which the sign is located at the time the sign structure was erected.

Off-site directional sign. A sign identifying an emergency facility, publicly owned facility, or a temporary subdivision sign, but excluding real estate signs.

Off-site sign. Any sign identifying a facility, product, service, or use which is not located, manufactured, or sold on the same premise as the sign or which identifies a facility, product, service, or use by a brand name which, although manufactured or sold on the premise, does not constitute the principal item manufactured or sold on the premise.

Off-site subdivision sign. A temporary off-site, free-standing sign designed, erected, and maintained to serve the public by providing directions and information regarding new developments and/or community facilities.

Painted sign. A sign painted or silkscreened onto a structure wall or freestanding structure.

Pennant. See flag.

Permanent sign. A sign constructed of durable materials and intended to exist for the duration of time that the occupant or use is located on the premises.

Placed or displayed. Carved, constructed, erected, glued, painted, posted, printed, tacked, or otherwise fastened, fixed, or made visible in any manner whatsoever.

Pole sign. A freestanding sign supported by one or more poles.

Political sign. A temporary sign designed for the purpose of advertising support of, or opposition to, a candidate or proposition for a public election.

Reader board sign. See changeable copy sign.

Real estate sign. A temporary sign indicating that a property, or any portion thereof, is available for inspection, lease, rent, sale, or directing people to a property, but not including temporary subdivision signs.

Roof line. A horizontal plane projected parallel to the plane of the roof fascia line or top of a parapet wall or an angular plane projected parallel to the verge rafter of a gable roof.

Roof sign. A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.

Sign. Any device, display, figure, message, painting, placard, structure, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide data or information in the nature of advertising, to direct or attract attention to a business, event, institution, location, object, person, or service by any means, including colors, designs, figures, fixtures, illumination, letters, projected images, symbols, or words.

Sign area. The entire area within a perimeter defined by a continuous line composed of right angles, not exceeding eight geometrical lines, which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed.

Sign copy. Any design, figures, graphics, letters, logos, numbers, words, or other symbolic representation incorporated into a sign.

Sign face. See sign area.

Sign program. A coordinated program of one or more signs for an individual business establishment or a business/commercial center.

Sign structure. Any structure which supports or is capable of supporting any sign. A sign structure may or may not be an integral part of a structure. For the purpose of a freestanding sign, the sign structure shall include the aggregate area of the sign, including the sign copy and all structural elements of the sign.

Special event banner/sign. A temporary banner or sign that is intended to inform the public of a

unique action, happening, occasion, or purpose (e.g., grand opening or community event).

Subdivision directional sign. An off-premise sign providing information on the location of a subdivision whose parcels or units are being offered for lease, rent, or sale.

Subdivision identification sign. An on-premise sign advertising developed or undeveloped real property which has been divided into five or more parcels or units for lease, rent, or sale. (Signs advertising fewer than five parcels shall be treated as "real estate signs".)

Temporary sign. Any sign intended to be displayed for a limited period of time and capable of being viewed from any neighboring property, parking area, or public right-of-way.

Wall sign. A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the wall.

Window area. Window area shall be computed by calculating each windowpane or panel. The area shall be separate for each building face, and for each window. A group of windowpanes or panels may be considered one window if they are adjoining on the building face and are less than six inches apart.

Window sign. Any sign affixed, painted, placed, or posted in or on any window exposed to public view. Also, includes any interior sign which faces any window exposed to public view and which is located within three feet of the window.

830.3.040 – PLACEHOLDER

830.3.050 - Exempt Signs

The following signs shall be exempt from the requirements of this Zoning Ordinance and applicable specific plans:

A. Signs, flags, banners, emblems, or notices issued or endorsed by a constituted governmental body, public agency, court, person, or officer in performance of a public duty, including traffic or highway signs, railroad crossing signs or similar regulatory or warning devices and legal notices.

B. Holiday displays and decorations not exceeding 60 days, but only when not creating a traffic hazard or located within any visual setback area, and in compliance with Section 830.3.060 (Prohibited Signs).

C. Signs, located inside a structure, courtyard, mall, or other similar structure, provided these signs are not conspicuously visible and readable from a public street or adjacent properties not under the same ownership.

D. Utility company signs identifying conduits, cables, dangerous conditions, or providing other notices of this type.

E. Memorial tablets or signs and historic markers.

830.3.060 - Prohibited Signs

The following signs shall be prohibited in all zones:

A. Signs that endanger the health and safety of operators of motor vehicles on the streets or highways.

B. Signs located at street intersections that obstruct free and clear vision of operators of motor vehicles.

C. Sign that interfere with traffic signs, signals, or devices.

D. Sign that use the words “Stop”, “Danger”, or any other character, phrase, symbol, or word that interferes with, misleads, or confuses operators of motor vehicles.

E. Blinking, flashing, rotating, or animated signs, except time, temperature, and weather information displays.

F. No red, green, or amber lights or illuminated signs that could interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

G. Moveable or portable signs, including signs attached to or painted on trailers or vehicles parked on private property for the purpose of gaining unauthorized sign area.

H. Signs that make sounds.

I. Banners and flags, but not including those installed and maintained by a governmental or public school organization.

J. Tethered balloon(s) or other inflatable(s) used to draw attention to a use or event.

K. Signs with flashing neon elements or signs with neon lighting on their support structures.

L. Signs that are not effectively shielded to prevent beams or rays of light from being directed on the traveled way, or whose intensity or brilliance cause glare or impair the vision of the driver of a motor vehicle, or that otherwise interfere with drivers of motor vehicles.

M. A beacon or searchlight, except for emergency purposes.

830.3.070 - Abandoned Signs

A. Removal of abandoned signs.

1. An abandoned sign shall be removed by the owner or lessee of the premises upon which the sign is located immediately upon closure of the business or the passing of the event.

2. A sign frame or structure that supported an abandoned sign and that conforms to all applicable regulations shall be allowed to remain in place. However, in the event a sign frame or structure is inconsistent with the regulations of this Chapter, the sign structure and/or frame shall be either altered to comply with the regulations of this Chapter, or removed by the owner or lessee of the property.

3. Signs considered by the County to have historic value or cultural significance shall be exempt from this requirement.

4. If the owner or lessee fails to remove the sign, the County, following proper notice, may have the sign removed.

B. Recovery of costs. When the County is required to remove an abandoned sign, the reasonable cost of the removal and storage may be assessed against the owner of the sign(s) and/or the property owner. If not paid, the applicable costs may be imposed as a tax lien against the property.

830.3.080 - General Provisions for All Signs

A. General provisions.

1. Signs, billboards, and advertising structures. Signs, billboards, and advertising structures may be erected and maintained in the zones where the sign is allowed after having secured approval of the location, size, and design of the sign, billboard, or advertising structure subject to the conditions below and in each zone.

2. Height and location restrictions.

a. All signs shall meet the height and setback requirements of the zone in which they are located.

b. Signs shall not extend over a public right-of-way or sidewalk.

3. Sign area calculations.

a. The area of a sign shall be calculated by multiplying its maximum vertical dimension by its maximum horizontal dimension.

b. Whenever the area of a sign is limited by this Chapter, a double-faced sign may be erected having the allowed sign area on each side of the sign; provided, the maximum dimension between the two faces of the double faced sign shall not

exceed 24 inches or 10 percent of the maximum dimension of the face of the sign, whichever is the lesser.

B. Lighting, sound, and movement restrictions.

1. No sign shall endanger the health and safety of operators of motor vehicles on the streets or highways.

2. Lights used to illuminate signs shall be so installed as to concentrate the illumination on the sign and so as to minimize glare upon a public street or abutting property.

3. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of operators of motor vehicles.

4. No sign shall be located where, by reason of the position, shape or color, it may interfere with any authorized traffic sign, signal or device.

5. No sign may make use of the words “Stop”, “Danger”, or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

6. Blinkers, flashing, unusual lighting or other means of animation which cause unsafe distractions shall not be permitted on any sign.

7. All signs in or adjacent to “C-P" or “R” Districts shall be non-flashing and non-animated. This restriction shall not apply when the flashing or animation conveys time, temperature or weather information.

830.3.090 - Standards for Specific Types of Signs

A. Freestanding pole signs.

1. Unless otherwise specified by this Chapter, a maximum of one freestanding pole sign shall be allowed on each parcel, on each street frontage.

2. No part of a freestanding pole sign, including the footing, shall be located closer than one foot away from an interior property line and from the right-of-way of a street or highway adjoining the parcel on which the sign is located.

3. When a freestanding pole sign is located within a front or street side setback area, the sign shall be constructed to provide a clear open area of at least eight feet in height, measured from grade to the bottom of the sign face.

4. Freestanding pole signs shall not have more than two posts or columns, each with a width or diameter no greater than 12 inches that are located within a street front or side setback area.

B. Freestanding monument signs.

1. A freestanding monument sign may be substituted for a freestanding pole sign allowed by the provisions of this Chapter or an applicable plan, provided the monument sign complies with the provisions of this Chapter.

2. The maximum height of a freestanding monument sign located within a front or street side setback area shall be the height of an allowed wall or fence located in the same setback area.

3. Freestanding monument signs shall not interfere with a driver's line of sight and shall not be closer than one foot from the right-of-way, unless otherwise specified in an applicable zone.

C. Painted signs. Signs may be painted upon the surface of a structure provided, that when the sign is located so as to face a residential zone, the sign and the method of lighting the sign, if any, shall be subject to a Director's Review and Approval in compliance with Chapter 846.5.

D. Vertical signs.

1. Any vertical (or projecting wall) sign with its advertising surface at or approximately at right angle to a wall facing a street shall be deemed to be a vertical sign and shall not exceed 18 inches in thickness. Any "V" shaped projecting sign shall also be deemed to be a vertical sign and shall not exceed 18 inches in thickness at its farthest projection from the structure, nor four feet in thickness at the face of the structure. Thickness for the purpose of this requirement is the distance between the two faces of the sign.

2. When the bottom of a sign is at least eight feet but less than 10 feet above the ground, the projection over the property line abutting the street line shall not exceed one foot.

3. When the bottom of the sign is at least 10 feet but less than 12 feet above the ground, the projection over the property line abutting the street line shall not exceed two feet six inches.

4. When the bottom of the sign is at least 12 feet but less than 14 feet above the ground, the projection over the property line abutting the street line shall not exceed three feet.

5. When the bottom of the sign is at least 14 feet but less than 16 feet above the ground, the projection over the property line abutting the street line shall not exceed four feet.

6. When the bottom of the sign is 16 feet or more above the ground, the projection over the property line abutting the street line shall not exceed five feet.

7. No sign shall exceed five feet four inches in height above the parapet wall, except that the sign may be constructed to return over the roof not exceeding 10 feet measured from the edge of the sign.

E. Flat signs. Signs painted or mounted on the face, side, or rear of a structure shall not exceed a total amount of two times the area allowed for vertical signs. Not more than one 150 square feet of total sign area shall be allowed on any one structure wall.

F. Marquee signs.

1. Signs may be placed on the outer faces of a marquee if they are made a part of the marquee and do not exceed the Building Codes limitations on marquees.

2. No sign shall be hung from the underside of a marquee unless it meets the minimum height limitations applicable to a marquee. No signs shall be placed on the roof of a marquee.

3. All wall or projecting signs placed above a marquee shall comply with the requirements for the signs as if no marquee existed.

G. Off-site directional signs.

1. Off-site directional signs in residential and agricultural zones for major recreational uses, hospitals, and colleges shall be allowed only for the following uses and shall be subject to the property development standards of the zone and the special standards specified in this Subsection:

   a. Colleges as defined in Article 7 (Definitions).

   b. Golf courses

   c. Hospitals which provide 24-hour emergency medical services.

   d. Recreation parks with facilities for one or more activities (e.g., boating, camping, fishing, hiking, horseback riding, hunting, picnicking, and swimming)

   e. Stadiums with an average attendance of 1,000 or more persons per event.

2. Signing for golf courses, recreation parks, and stadia shall be allowed for a maximum of five years from the date the original approval becomes final. A reapplication shall be allowed subject to the approval of a Director's Review and Approval in compliance with Chapter 846.5.

3. The directional signs shall be located only along expressways and arterial roadways as shown on the adopted General Plan Circulation Element.

4. There shall be not more than two directional signs and the signs shall be allowed only when the Director has determined that there is a potential for confusion in direction and that a sign is necessary for the public convenience and safety.

5. Directional signs shall:

   a. Not exceed 32 square feet in area, including architectural features, and shall not exceed eight feet in height;

   b. Not be internally illuminated or floodlighted, but may use reflective materials;

   c. Limited to two colors as allowed under the State of California Uniform Sign Chart; and

   d. Set back not less than eight feet from property lines and located outside of the public road right-of-way.

6. If in the event of a change in land use relationships whereby the placement of a sign creates a traffic hazard as determined by the Director, the sign shall be removed or relocated and the Director's Review and Approval Permit shall be deemed void.

H. Institutional signs. Signs for institutional uses including colleges, hospitals, places of assembly (e.g., places of worship), private clubs, rest homes, and similar uses shall be allowed in any zone in which they are listed as an allowed use subject to the following regulations:

1. One free-standing sign for each main use per frontage:

   a. The sign shall not exceed 32 square feet in area exclusive of architectural features. The sign structures shall not exceed eight feet in height.

   b. The sign face shall not be internally illuminated but may be floodlighted.

   c. Signs shall be set back a minimum of 15 feet from public rights-of-way; however, this setback may be reduced to 10 feet subject to approval of a Conditional Use Permit in compliance with Chapter 842.5. In no case shall signs be located within required rear or interior side yards.

2. One sign attached to the face of the main structure:

   a. Letter or numerical heights shall not exceed one foot.

   b. The sign shall not exceed 10 square feet in area.

   c. The sign face shall not be internally illuminated but may be floodlighted.

3. One reader board sign:

   a. The sign shall not exceed 10 square feet in area.

   b. The board shall not be internally illuminated but may be floodlighted.

I. Window display signs. Window display signs shall not exceed 25 percent of the window area on which the sign is placed.

J. Name plates.

1. Name plates shall be allowed in residential zones, only when approved for a home occupation, and shall not exceed two square feet in area.

2. Name plates shall be allowed for mobile home park services subject to the following conditions. They shall:

   a. Be located on the face of the structure in which the activity is located;

   b. Not exceed two square feet in area;

   c. Be unlighted except that name signs which are not visible from abutting properties or public rights-of-way may be lighted, provided the lighting does not reflect upon surrounding mobile homes;

   d. Be limited to one name plate for each approved service rendered.

K. Real estate and subdivision signs.

1. Subdivision signs – temporary on-site.

   a. Temporary real estate signs advertising real property which has been subdivided for purposes of sale or lease shall be allowed, subject to the following conditions:

      (1) The construction of any sign shall be in strict compliance with the provisions of this Chapter and all other laws of the County.

      (2) The sign shall remain only as long as some portion of the property advertised for sale remains unsold, or for a period of two years from the recordation of the Final Map, whichever period is shorter. Subject to Director Review and Approval in compliance with Chapter 846.5, the time may be extended for one year. Not more than two extensions may be granted.

      (3) The signs shall be located on the premises which they advertise.

      (4) No sign shall exceed 480 square feet in area.

(5) Not more than two signs per subdivision shall be allowed in any subdivision less than 40 acres in size. In subdivisions involving more than 40 acres, one additional sign shall be allowed for each additional 20 acres.

b. Identification signs containing the tract name are allowed, provided there are no more than one sign for each three parcels. Signs shall not exceed four square feet in area.

c. Signs are allowed on the same parcel with a model home, provided they do not exceed four in number and 10 square feet each in area. Signs shall be removed after the developer concludes the initial sale of the parcels or homes to their initial owners.

d. "For Rent" and "For Sale" signs shall be allowed.

2. Subdivision signs – temporary off-site.

a. Temporary real estate directional signs, subject to Conditional Use Permit approval in compliance with Chapter 842.5, directing prospective purchasers to a subdivision having parcels or houses for sale may be erected and maintained, provided the signs do not adversely affect the use or appearance of existing structures or landscaping and do not create hazardous traffic conditions. The signs will be subject to the following standards:

(1) The sign shall not exceed 160 square feet in area.

(2) The sign shall be set back a minimum of eight feet from the front property line.

(3) The sign shall be not less than six nor more than 18 feet above the crown of the nearest adjacent road or the higher of the two crowns of two adjacent roads.

b. Temporary open house signs are allowed for a period of 48 hours, provided the sign is limited to a double-faced sign not more than two by three feet in size.

L. Identification signs.

1. Identification signs for multi-family dwellings shall be allowed subject to the following conditions:

a. One freestanding or face-mounted sign shall be allowed.

b. The sign shall be a maximum of 12 square feet in area, including architectural features. Larger signs, not exceeding 25 square feet may be allowed subject to a Director Review and Approval in compliance with Chapter 846.5.

c. The sign face shall not be internally illuminated but may be floodlighted.

2. Signs shall be allowed in the "T-P" Zone which advertises the mobile home park. The signs shall be located on the premises and shall not exceed one square foot of sign face for each front foot of the frontage along the street serving as access to the mobile home park, provided, however, that there shall be a maximum area for signs for any one mobile home park of 100 square feet of sign on any one frontage.

M. Agricultural signs.

1. On-site sales signs. One sign for each street frontage, sign area not exceeding 40 square feet in area for each street frontage sign, and pertain only to services or products available for sale on the premises.

2. Off-site freestanding produce sales signs. Off-site freestanding signs for produce stands shall be allowed subject to the following conditions:

a. Produce stand directional signs:

(1) The number of signs shall be limited to two per each use. Produce stands located on properties adjacent to intersections shall be allowed a maximum of four signs.

(2) Each sign shall not exceed 40 square feet in area, exclusive of architectural features, or 12 feet in height.

(3) Internally illuminated or floodlighted signs shall be prohibited, but reflective materials may be used.

(4) The signs shall be located within 2,500 feet of the produce stand structure.

(5) Each sign shall be located a minimum of 10 feet from the paved portion of the adjacent road and outside of the public road rights-of-way. In no instance shall signs be located within required rear or interior side yards.

(6) Signs are prohibited in corner cut-off areas, the locations of which are described in Subsection 822.3.100.E. For purposes of establishing corner cut-off areas, the property line shall be considered to be not less than 30 feet from the centerline of the adjacent roadway.

(7) Before any sign is erected on any parcel, a site plan shall have been submitted to and approved.

b. Temporary produce stand approach signs.

(1) The number of signs shall be limited to two along each public roadway to which the produce stand has direct access.

(2) Each sign shall not exceed 16 square feet in area, exclusive of architectural features. The sign shall not exceed 10 feet in height.

(3) Internally illuminated or floodlighted signs shall be prohibited, but reflective materials may be used.

(4) The signs shall be located within 1,300 feet of the produce stand structure.

(5) Each sign shall be located a minimum of 10 feet from the paved portion of the adjacent road and outside of the public road rights-of-way. In no instance shall signs be located within required rear or interior side yards.

(6) The signs shall be prohibited in corner cut-off areas, the location of which are described in Section 822.3.090. For purposes of establishing corner cut-off areas, the property line shall be considered to be not less than 30 feet from the centerline of the adjacent roadway.

3. Rental Signs. "For Rent" and "For Sale" signs shall be permitted.

4. Signs for Specific Uses. Signs for institutional uses including churches, hospitals, rest homes, private clubs and similar uses shall be permitted subject to the provisions of Section 830.3.080 and Section 830.3.090 A through L above. Off-site directional signs for major recreational uses, hospitals, and colleges permitted under shall be subject to the provisions of Section 830.3.080 and Section 830.3.090 A through L above.

N. Temporary off-site political signs. A temporary off-site political sign shall be allowed in any zone subject to the following limitations:

1. Political signs shall be removed within 30 days following the election.

2. Political signs shall have a maximum area of eight square feet in residential zones, and 32 square feet in other zones, unless the sign is an on-site sign (e.g., campaign headquarters, etc.) or is an off-site sign allowed by this Chapter.

3. Political signs shall not be erected within a street intersection, clear sight triangle, or at a location where the sign may interfere with, obstruct the view of, or be confused with an authorized traffic sign.

4. Political signs shall not be nailed or affixed to a tree, fence post, or public utility pole and shall not be located in the public right-of-way, parkway, or on publicly owned land.

830.3.100 - Sign Standards by Zone

Table 3-10-1 Agricultural Signs

	Freestanding Pole	Freestanding Monument	Painted	Vertical (Projecting	Flat	Marquee	(Off-Site Directional)	Institutional	Window Display	Name (also, Name Plates)	Real Estate and Subdivision	Identification	Agricultural	Temporary Off-Site Political
	• permitted subject to standards below													
Agricultural														
AE	•	•					•	•		•			•	•
AL	•	•					•	•		•			•	•
A-1	•	•					•	•		•			•	•
A-2	•	•					•	•		•			•	•

Specific Agricultural Sign Standards by District:

AE, AL and A-2 Districts:

For those uses permitted in the AE, AL and A-2 Districts, the sign standards of 830.3.090 shall apply.

A-1 District:

For those uses permitted in the A-1 District, the sign standards of 830.3.090 shall apply, except that no advertising structure that is visible from the right of way of any freeway or parkway shall be located within five hundred (500) feet of the centerline of such freeway or parkway.

Table 3-10-2 Residential Signs

	Freestanding Pole	Freestanding Monument	Painted	Vertical (Projecting	Flat	Marquee	(Off-Site Directional)	Institutional	Window Display	Name (also, Name Plates)	Real Estate and Subdivision	Identification	Agricultural	Temporary Off-Site Political
										• permitted subject to standards below				
Residential														
R-A							•	•		•	•			•
R-R										•	•			•
R-1-A, R-1-AH							•	•		•	•			•
R-1-B							•	•		•	•			•
R-1-C							•	•		•	•			•
R-1-E, R-1-EH							•	•		•	•			•
R-1								•		•	•			•
R-2								•		•	•	•		•
R-3								•		•	•	•		•
								•		•	•	•		•
T-P										•		•		•

Specific Residential Sign Standards by District:

RA and RR Zone Districts

1. Name plates shall be permitted subject to the following conditions:

   a. Name plates shall not exceed two (2) square feet in area.

   b. Name plates shall display only the:

      (1) Name of the premises upon which it is displayed,

      (2) Name of the owner or lessee of said premises,

      (3) Address of said premises, and

      (4) Nature of the home occupation engaged in on said premises.

2. "For Rent" and "For Sale" Signs shall be permitted,

3. Subdivision Signs - On Site

   a. Temporary real estate signs advertising real property which has been subdivided for purposes of sale or lease shall be permitted, subject to the following conditions:

      (1) The construction of any sign shall be in strict compliance with the provisions of this Division and all other laws of the County.

(2) The sign shall remain only as long as some portion of the property advertised for sale remains unsold, or for a period of two (2) years from the recordation of the Final Map whichever period is shorter. Subject to Director Review and Approval, said time may be extended for one (1) year. Not more than two (2) such extensions may be granted.

(3) The signs shall be located on the premises which they advertise.

(4) No sign shall exceed four hundred eighty (480) square feet in area.

(5) Not more than two (2) such signs per subdivision shall be permitted in any subdivision under forty (40) acres in size. In subdivisions involving more than forty (40) acres, one (1) additional sign shall be permitted for each additional twenty (20) acres.

b. Identification signs containing the tract name are permitted, provided there shall be no more than one (1) such sign for each three (3) lots. Said sign shall not exceed four (4) square feet in area.

c. Signs are permitted on the same lot with a model home provided they do not exceed four (4) in number and ten (10) square feet each in area. Said signs shall be removed after the developer concludes the initial sale of the lots or homes to their initial owners.

4. Off-Site Subdivision Signs - Temporary real estate directional signs, subject to Chapter 842.5 (Conditional Use Permits), directing prospective purchasers to a subdivision having lots or houses for sale may be erected and maintained provided said signs do not adversely affect the use or appearance of existing buildings or landscaping and do not create hazardous traffic conditions. Such signs will be subject to the following standards:

a. The sign shall not exceed one hundred sixty (160) square feet in area.

b. The sign shall be set back not less than eight (8) feet from the front property line.

c. The sign shall be not less than six (6) nor more than eighteen (18) feet above the crown of the nearest adjacent road or the higher of the two crowns of two adjacent roads.

5. Temporary off-site open house signs shall be permitted for a period of forty-eight (48) hours provided that the sign shall be limited to a double-faced sign not more than two (2) by three (3) feet in size.

6. Signs for institutional uses including churches, hospitals, rest homes, private clubs and similar uses shall be permitted subject to the provisions of Sections 830.3.080 and 830.3.090.

7. Off-site directional signs for major recreational uses, hospitals and colleges permitted shall be subject to the provisions of Sections 830.3.080 and 830.3.090.

R-1-A, R-1-AH, R-1-B, R-1-C, R-1-E, R-1-EH and R-1 Zone Districts

1. Name plates shall be permitted subject to the following conditions:

   a. Name plates shall not exceed two (2) square feet in area.

   b. Name plates shall display only the:

      (1) Name of the premises upon which it is displayed.

      (2) Name of the owner or lessee of said premises.

      (3) Address of said premises.

      (4) Nature of the home occupation engaged in on said premises.

2. "For Rent" and "For Sale" Signs shall be permitted. Not more than two (2) such signs, not exceeding a total of six (6) square feet in area, shall be permitted on any lot or parcel.

3. Subdivision Signs- On Site

   a. Temporary real estate signs advertising real property which has been subdivided for purposes of sale or lease shall be permitted, subject to the following conditions:

      (1) The construction of any sign shall be in strict compliance with the provisions of this Division and all other laws of the County.

      (2) The sign shall remain only as long as some portion of the property advertised for sale remains unsold, or for a period of two (2) years whichever period is shorter. Subject to Director Review and Approval, said time may be extended for one (1) year. Not more than two (2) such extensions may be granted.

      (3) The signs shall be located on the premises which they advertise.

      (4) No sign shall exceed four hundred eighty (480) square feet in area.

      (5) Not more than two (2) such signs shall be permitted in any subdivision under forty (40) acres in size. In subdivisions involving more than forty (40) acres, one (1) additional sign shall be permitted for each additional twenty (20) acres.

   b. Identification signs containing the tract name are permitted, provided there shall be no more than one (1) such sign for each three (3) lots. Said signs shall not exceed four (4) square feet in area.

c. Signs are permitted on the same lot with a model home provided they do not exceed four (4) in number and ten (10) square feet each in area. Said signs shall be removed after the developer concludes the initial sales of the lots or homes to their initial owners.

4. Off Site Subdivision Signs Temporary Real Estate Directional Signs

Temporary real estate directional signs, subject to Chapter 842.5 (Conditional Use Permits), directing prospective purchasers to a subdivision having lots or houses for sale may be erected and maintained provided said signs do not create hazardous traffic conditions. Such signs shall be subject to the following standards:

a. The sign shall not exceed one hundred sixty (160) square feet in area.

b. The sign shall be set back not less than eight (8) feet from the front property line.

c. The sign shall be not less than six (6) nor more than eighteen (18) feet above the crown of the nearest adjacent road or the higher of the two crowns of two adjacent roads.

5. Temporary Off Site Open Houses Signs shall be permitted for a period of forty-eight (48) hours provided that the sign shall be limited to a double-faced sign not more than two (2) by three (3) feet in size.

6. Signs for institutional uses including churches, hospitals, rest homes, private clubs and similar uses shall be permitted subject to the provisions of Sections 830.3.080 and 830.3.090.

7. Off-site directional signs for major recreational uses, hospitals and colleges permitted under Section 822.2 shall be subject to the provisions of Sections 830.3.080 and 830.3.090.

R-2 and R-3, Zone Districts

1. The provisions of the "R 1 A" District Nos. 1, 2, 3, 4, 5, and 6, shall apply.

2. Identification signs for Multiple Family Dwellings shall be permitted subject to the following conditions:

a. One freestanding or face mounted sign will be allowed.

b. The sign shall contain only the name and/or address of the premises on which it is located.

c. The sign shall be a maximum of twelve (12) square feet in area, including architectural features. Larger signs, not exceeding twenty-five (25) square feet may be permitted subject to Chapter 846.5 (Director Review and Approval).

d. The sign face shall not be internally illuminated but may be floodlighted.

T-P Zone District

1. Signs shall be permitted in the "T P" District which advertise the Mobile home park. Said signs shall be located on the premises and shall not exceed one (1) square foot of said sign for each front foot of the frontage along the street serving as access to the Mobile home park, provided, however, that there shall be a maximum area for signs for anyone (1) Mobile home park of one hundred (100) square feet of sign on any one (1) frontage.

2. Name plates shall be permitted for Mobile home park services subject to the following conditions. They shall:

   a. Be located on the face of the building in which the activity is located.

   b. Not exceed two (2) square feet in area.

   c. Be unlighted except that name signs which are not visible from abutting properties or public rights of way may be lighted, provided such lighting does not reflect upon surrounding mobile homes.

   d. Identify only the name of the operator and the service rendered.

   e. Be limited to one (1) name plate for each approved service rendered.

Table 3-10-3 Commercial Signs

	Freestanding Pole	Freestanding Monument	Painted	Vertical (Projecting	Flat	Marquee	(Off-Site Directional)	Institutional	Window Display	Name (also, Name Plates)	Real Estate and Subdivision	Identification	Agricultural	Temporary Off-Site Political
	• permitted subject to standards below													
Commercial														
AC	•	•	•		•		•			•				•
C-P	•	•	•		•		•			•		•		•
C-R	•	•	•		•		•			•		•		•
C-1	•	•	•		•		•			•		•		•
C-2	•	•	•		•		•			•		•		•
C-3	•	•	•	•	•		•	•	•	•	•	•		•
C-4	•	•	•	•	•	•	•	•	•	•	•	•		•
C-6	•	•	•	•	•	•	•	•	•	•	•	•		•
RCC	•	•	•		•	•	•			•	•	•		•
R-P	•	•	•		•					•	•			•

Specific Commercial Sign Standards by District:

AC Zone District

Signs may be permitted in the "AC" District under the conditions set forth in the following paragraphs.

1. General Requirements

   No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, it may interfere with, obstruct the vision of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "STOP," "DANGER," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

2. Permitted Signs

   a. Signs indicating the name and nature of the occupancy, the name and address of the building, or the name and address of the owner. Time, temperature, and weather information may also be included. These signs shall be attached to the building in which the occupancy is located.

   b. "For Rent" or "For Sale" signs posted on the subject lot or building by the owner or his authorized agent. Said signs shall not exceed six (6) square feet in area and there shall be not more than two (2) such signs for any one (1) lot, building, or occupancy.

c. Directional signs related to the location of buildings or activities on the property on which the signs are located. Each directional sign shall not exceed six (6) square feet in area.

d. One free standing sign per lot subject to the following regulations:

(1) The sign shall contain thereon only the name of the buildings, occupants or groups thereof. Time, temperature, and weather information may also be included. (Amended by Ord. 490.199 adopted 4 21 80)

(2) The sign shall not exceed one hundred (100) square feet of area.

(3) The sign shall not exceed twenty (20) feet in height.

3. Location

No requirements.

4. Lighting

a. No red, green, or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

b. No blinking, flashing, rotating or animating signs shall be permitted on the exterior of any building in the District, except to display time, temperature, and weather information.

c. Lights used to illuminate signs shall be so installed as to concentrate the illumination on the sign so as to minimize glare upon a public street or adjacent property.

C-P Zone District

1. The provisions of the "C 1" District, shall apply to the principal non-residential use.

2. For other permitted uses, the provisions of the R-1-A" District, Nos. 1, 2, 3, 4, and 5, shall apply.

C-R Zone District

The sign standards of the “C-2" District and the sign standards of 830.3.040 shall apply to all land and structures.

C-1 Zone District

1. The following signs shall be permitted:

a. Signs indicating the name and nature of the occupancy or the name and address of the building or the name and the address of the owner. Time, temperature, and weather information may be included. These signs shall be attached to the building in which the occupancy is located.

b. "For Rent" or "For Sale" signs posted on the subject lot or building by the owner or his authorized agent. Said signs shall not exceed six (6) square feet in area and there shall be not more than two (2) such signs for any one (1) lot, building or occupancy.

c. Directional signs related to the location of buildings or activities on the property on which the signs are located. Each directional sign shall not exceed six (6) square feet in area.

d. One free standing sign subject to the following regulations:

(1) The sign shall contain thereon only the name of the building, occupants or groups thereof. Time, temperature, and weather information may also be included.

(2) The sign shall not exceed one hundred (100) square feet in area.

(3) The sign shall not exceed twenty (20) feet in height.

2. The following regulations shall apply to signs for each occupancy:

a. A sign may not exceed one (1) square foot in area for each front foot of the structure or portion of the structure wherein the pertaining use is conducted, or one half (2) square foot of sign for each front foot of the lot upon which the structure is located. The total sign area per commercial use may not exceed one hundred (100) square feet for each building frontage. The minimum sign area for occupancy need not be less than forty (40) square feet.

b. Building frontage to be used in calculating the permitted sign area shall include frontage whereon a public entrance to the occupancy is located. Separate calculations may be made for front, side and rear entrances and separate signs may be erected on each of these building frontages.

c. Signs shall not extend over a public sidewalk or right of way. All faces of signs mounted on or attached to a building shall be parallel to the face of the building except that "fin" type signs shall be permitted in connection with automobile service stations.

d. No blinking, flashing, rotating or animated signs shall be permitted on the exterior of any building in this District, except to display time, temperature, and weather information.

e. In cases where the store has a rear parking lot, signs may be located on the side or rear of the building and shall be developed to the same standards as are required in the front

of said store, provided, however, that said signs shall not be lighted in such manner as to be disturbing to the abutting residential district and such lighting shall be terminated not later than 9:30 P.M.

f. Lights used to illuminate signs or advertising structures shall be so installed as to concentrate the illumination on the sign or advertising structure and so as to minimize glare upon a public street or adjacent property.

3. Signs may be placed on the roof of buildings but may not exceed the permitted building height in this district.

C-2 Zone District

The sign provisions of the "C 1" District above shall apply, with the following exception:

Free standing signs provided that one (1) free standing sign for each street frontage shall be allowed subject to the following regulation:

a. The sign shall contain thereon only the name of the buildings, occupants or groups thereof. Time, temperature, and weather information may also be included.

b. The sign shall not exceed one hundred fifty (150) square feet in area.

c. The sign shall not exceed thirty-five (35) feet in height.

C-3 Zone District

1. General Requirements

a. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "STOP," "DANGER," or any other word, phrase, symbol of character in such manner as to interfere with, mislead or confuse traffic.

b. Signs shall not extend over a public sidewalk or right of way. All faces of signs mounted on, or attached to a building shall be parallel to the face of the building except that "fin" type signs shall be permitted in connection with automobile service stations.

c. Signs may be placed on the roofs of buildings but may not exceed the permitted building heights in this District.

2. Location, Height and Number

a. No sign shall be located within fifty (50) feet of the boundary line between a "C 3" District and a residential district, when such sign faces said residential district.

b. Free standing signs located within one hundred (100) feet of an abutting residential district, having a common property line with the C 3 District, shall not exceed the height limit of that residential district.

c. There shall be permitted one free standing sign for each one hundred fifty (150) feet of street frontage. Directional signs of less than four (4) feet in height shall not be subject to this limitation.

d. Free standing signs shall not block the motorists' view of another proprietor's free standing sign from a distance of two hundred (200) feet in either direction along the frontage.

e. The relationship of all proposed signs shall be established by the applicant's submittal of:

1) A plot plan showing the location of all existing free standing signs and the proposed sign's location.

2) Photographs of the proposed location taken from an approaching traffic lane at points two hundred (200) feet distant in each direction along the frontage.

3) A rendering of the proposed sign indicating coloring, height and dimensions.

3. Size - No requirements.

4. Lighting

a. No red, green or amber lights or illuminated signs may be placed in such positions that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

b. Lights used to illuminate signs shall be so installed as to concentrate the illumination on the sign and so as to minimize glare upon a public street or adjacent property.

C-4 Zone District

1. General Requirements

No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words

"STOP," "DANGER," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

2. Location

For signs within fifty (50) feet of a property line which is the boundary between a "C" District and a residential district, all the sign provisions of the "C 1" District shall apply.

3. Size

No regulations.

4. Lighting

a. No red, green or amber lights or illuminated signs may be placed in such positions that they reasonably can be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

b. Lights used to illuminate signs or advertising structures shall be so installed as to concentrate the illumination on the sign or advertising structure and so as to minimize glare upon a public street or adjacent property.

C-6 Zone District

1. General Requirements

No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "DANGER," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

2. Location

No sign shall be located within fifty (50) feet of the boundary line between a “C-6” District and a residential district.

3. Size

No requirements.

4. Lighting

a. No red, green or amber lights or illuminated signs may be placed in such positions that they reasonably can be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

b. Lights used to illuminate signs or advertising structures shall be so installed as to concentrate the illumination on the sign or advertising structure and so as to minimize glare upon a public street or adjacent property.

RCC Zone District

1. General Requirements

No sign shall be erected at the intersection of the streets in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, it may interfere with, obstruct the vision of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP," "DANGER," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

2. Permitted Signs

a. Signs indicating the name and nature of the occupancy or the name and address of the building or the name and address of the owner. Time, temperature, and weather information may also be included. These signs shall be attached to the building in which the occupancy is located. All faces or signs mounted on or attached to a building shall be parallel to the face of the building except that "fin" type signs shall be permitted in connection with automobile service stations.

Such sign may not exceed one (1) square foot in area for each front foot of the structure wherein the pertaining use is conducted, or one half (2) square foot of sign for each front foot of the lot upon which the structure is located. The total sign area per commercial use may not exceed one hundred (100) square feet, for each building frontage. The minimum sign area for occupancy need not be less than forty (40) square feet.

b. "For Rent" or "For Sale" signs posted on the subject lot or building by the owner or his authorized agent. Said signs shall not exceed six (6) square feet in area and there shall be not more than two (2) such signs for any one (1) lot, building, or occupancy.

c. Directional signs related to the location of buildings or activities on the property on which the signs are located. Each directional sign shall not exceed six (6) square feet in area.

d. One free standing sign per lot subject to the following regulations:

(1) The sign shall contain thereon only the name of the buildings, occupants, or groups thereof. Time, temperature, and weather information may also be included.

(2) The sign shall not exceed one hundred (100) square feet of area.

(3) The sign shall not exceed twenty (20) feet in height.

3. Location

No requirements excepting that signs shall not extend over a public sidewalk or right of way.

4. Lighting

a. No red, green, or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

b. No blinking, flashing, rotating, or animated signs shall be permitted on the exterior of any building in the District, except to display time, temperature, and weather information.

c. Lights used to illuminate signs shall be so installed as to concentrate the illumination on the sign so as to minimize glare upon a public street or adjacent property.

R-P Zone District

1. The following signs shall be permitted for non-residential uses.

a. One (1) free standing sign subject to the following regulations:

(1) The sign shall contain thereon only the name of the buildings, occupants, or groups thereof.

(2) The sign shall not exceed fifteen (15) square feet in area.

(3) The sign shall not exceed six (6) feet in height.

b. One (1) sign, attached to the face of the building, subject to the following regulations:

(1) The sign shall indicate only the name and address of the building or group of buildings, provided that, the sign may also contain the name of the occupant or groups thereof if a free standing sign is not located on the lot.

(2) The letter or numeral height shall not exceed one (1) foot.

c. Name plates not exceeding two (2) square feet in area. Name plates shall display only:

(1) The name of the occupant.

(2) Suite or office number.

(3) The nature of the services rendered upon the premises.

d. "For Rent" or "For Sale" signs posted on the subject lot or building by the owner or his authorized agent. Said signs shall not exceed six (6) square feet in area and there shall be not more than two (2) such signs for any one (1) lot, building or occupancy.

2. The following regulations shall apply to all signs permitted in the R P District:

a. All faces of signs attached to a building shall be parallel to the face of the building.

b. No blinking, flashing, rotating or animated signs shall be permitted in the R P District.

c. Lights used to illuminate signs shall be so installed as to concentrate the illumination on the sign or advertising structure and so as to minimize glare upon a public street or adjacent property.

d. No sign shall be placed on the roof of any building or structure in the R P District.

3. For other permitted uses, the sign provisions of the "R 1 A" District, Nos. 1, 2, 3, 4, and 5, shall apply.

Table 3-10-4 Industrial Signs

	Freestanding Pole	Freestanding Monument	Painted	Vertical (Projecting	Flat	Marquee	(Off-Site Directional)	Institutional	Window Display	Name (also, Name Plates)	Real Estate and Subdivision	Identification	Agricultural	Temporary Off-Site Political
	• permitted subject to standards below													
Industrial														
C-M	•	•	•	•	•	•	•	•	•	•	•	•	•	•
M-1	•	•	•	•	•	•	•	•	•	•	•	•	•	•
M-2	•	•	•	•	•	•	•	•	•	•	•	•	•	•
M-3	•	•	•	•	•	•	•	•	•	•	•	•	•	•

Specific Industrial Sign Standards by District:

C-M Zone District

The sign provisions of the "M 1" District below shall apply.

M-1 Zone District

Signs and advertising structures may be permitted in the "M-1" District under the conditions set forth in the following paragraphs:

1. General Requirements

   No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the visions of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP" “DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

2. Location

   No sign shall be located within fifty (50) feet of the boundary line between an "M-1" District and a residential district when such sign or advertising structure faces said residential district.

3. Size

   No requirements.

4. Lighting

a. No red, green or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

b. Lights used to illuminate signs or advertising structures shall be so installed as to concentrate the illumination on the sign or advertising structure and so as to minimize glare upon a public street or adjacent property.

M-2 Zone District

The sign provisions of the "M 1" District above shall apply.

M-3 Zone District

The sign provisions of the "M 1" District above shall apply except that advertising structures shall be limited seventy-five (75) feet in height.

Table 3-10-4 Special Purpose Zones

	Freestanding Pole	Freestanding Monument	Painted	Vertical (Projecting	Flat	Marquee	(Off-Site Directional)	Institutional	Window Display	Name (also, Name Plates)	Real Estate and Subdivision	Identification	Agricultural	Temporary Off-Site Political
														• permitted subject to standards below
Special Purpose Zone														
O	•	•					•	•		•				•
P	•	•	•		•									•
R-C	•	•					•	•		•				•
R-E	•	•	•		•					•				•
RS	•	•	•		•									•
TPZ	•	•					•	•		•				•

Specific Sign Standards for Special Purpose Zones:

O Zone District

1. Signs shall be permitted subject to the following standards:

   a. No sign shall endanger the health and safety by causing distractions to operators of motor vehicles on the streets or highways, nor shall any sign be designed and located so as to be confused with traffic signs and signals.

   b. The sign shall advertise only the name of the operation, simple directions to its location, and slogan, if any.

   c. The sign shall not exceed one hundred (100) square feet in area.

   d. The sign shall be set back not less than five (5) feet from the street or highway right of way.

   e. Signs shall not exceed the permitted building height in this district.

   f. Signs shall be located at intervals of not less than one half (2) mile, provided, however, that this shall not be so interpreted to prohibit neighboring property owners or lessees located at less than one half (2) mile intervals from erecting permitted signs on each property.

P Zone District

No sign, billboard or advertising structure, other than those referring to sponsorship, availability and charges for parking spaces, shall be permitted.

1. One (1) sign for each entrance to a parking facility shall be permitted provided that said sign shall not exceed one (1) square foot of area for each one (1) lineal foot of street frontage upon the subject lot, and further provided that no single sign shall exceed one hundred (100) square feet in area.

2. Exit signs, not to exceed six (6) square feet in area shall be permitted at each exit from said parking lot to any abutting street or alley.

R-C Zone District

The sign requirements of "O" District above shall apply.

R-E Zone District

1. One non-flashing sign containing not more than forty (40) square feet and pertaining only to products for sale upon the premises or services rendered thereon or therefrom, shall be permitted in this District for each street frontage.

2. Name signs shall be permitted subject to the following conditions:

   Name signs shall display only the:

   a. Name of the premises upon which it is displayed;

   b. Name of the owner, lessee of said premises;

   c. Address of said premises; and

   d. Nature of occupation engaged in on said premises.

3. "For Rent" and "For Sale" signs shall be permitted. Not more than two (2) such signs, not exceeding a total of six (6) square feet in area, shall be permitted on any lot or parcel.

RS Zone District

1. General Requirements

   No sign shall be erected at the intersection of any streets in such manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where it may interfere with, obstruct the vision of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP," "DANGER," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

2. Permitted Signs

a. Signs indicating the name and nature of the occupancy, the name and address of the building, or the name and address of the owner. Time, temperature, and weather information may also be included. These signs shall be attached to the building in which the occupancy is located.

b. "For Rent" or "For Sale" signs posted on the subject lot or building by the owner or his authorized agent. Said signs shall not exceed six (6) square feet in area and there shall be not more than two (2) such signs for any one (1) lot, building, or occupancy.

c. One free standing sign per lot, as provided for in this District, devoted to nonresidential uses subject to a Director Review and Approval and to the following regulations:

(1) The sign shall contain thereon only the name of the buildings, occupants or groups thereof. Time, temperature, and weather information may also be included.

(2) The sign shall not exceed one hundred (100) square feet of area.

(3) The sign shall not exceed twenty (20) feet in height.

(4) The sign shall not be within or extend to within five (5) feet of any property line nor to within fifty (50) feet of a residence on an abutting property.

3. Lighting

a. No red, green, or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device, traffic signal, or official directional guide sign.

b. No blinking, flashing, rotating or animated signs shall be permitted on the exterior of any building in the District, except to display time, temperature, or weather information.

c. Lights used to illuminate signs shall be so installed as to concentrate the illumination on the sign so as to minimize glare upon a public street or adjacent property.

TPZ Zone District

The sign requirements of "O" District above shall apply.

Overlay/Combining Zones

Refer to specific sign standards in Chapter 818.2

830.3.110 – Nonconforming Signs

A. Amortization of nonconforming signs. Nonconforming signs shall be removed or altered to be conforming as provided below.

1. Legal nonconforming on-site signs that are located in an agricultural or residential zone shall be removed from the site without any compensation (i.e., financial or otherwise) after the expiration of 15 years from the date the sign became nonconforming. Upon the expiration of the amortization period, the sign shall be an illegal use subject to immediate removal. Nonconforming on-site signs that are also illegal signs (i.e., never obtained the required permits) shall be removed immediately from the site without any compensation.

2. Legal nonconforming commercial signs and billboards existing at the time this Zoning Ordinance became effective may be continued, although the use does not conform with these provisions, provided these nonconforming signs and billboards and their supporting structures shall be completely removed by their owners, unless made to fully conform to the provisions of this Chapter, no later than five years following the effective date of this Zoning Ordinance.

3. Legal nonconforming off-site sign displays located in an area designated on the General Plan and designated as either agricultural or residential and located more than 660 feet from the edge of the right-of-way of a freeway or primary highway, that have copy not visible or intended to be read from the freeway or primary highway, shall be removed from the site without compensation in compliance with the following schedule. This amortization period shall commence upon receipt of written notice of nonconformance.

Table 3-11
Fair Market Value and Amortization Period

Fair Market Value on Date of Notice	Maximum Years Allowed
Under $1,999	2.0
$2,000 to $3,999	4.5
$4,000 to $5,999	6.0
$6,000 to $7,999	7.5
$8,000 to $9,000	9.0
$10,000 and over	10.5

4. The Building Official shall determine the fair market value in compliance with the latest material valuation schedules and send notice of the determined value to the owner. Disagreement over the value shall be resolved under the appeal procedures identified in this Zoning Ordinance. Upon the expiration of the appeal period, the sign shall be an illegal use, subject to immediate removal.

B. Continuance of nonconforming signs. A nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:

1. Structurally changed to another nonconforming sign, but its pictorial content may be changed;

2. Structurally altered to prolong the life of the sign, except to meet safety requirements;

3. Expanded or altered in a manner that increases the degree of nonconformity; or

4. Reestablished after damage or destruction if the estimated cost of reconstruction exceeds 75 percent of the replacement cost as determined by the Building Official.

C. New signs on sites with nonconforming signs. No new sign shall be approved for a site, structure, or use that contains a nonconforming sign, unless the nonconforming sign is first removed or modified to fully conform to the provisions of this Chapter. No Building Permit shall be issued for any structures, expansions, or new construction on a site that contains nonconforming signs, unless all signs on the site are brought into compliance with this Chapter. This does not include interior alterations that do not substantially change the character or intensity of the site.

D. Ordinary maintenance, painting and/or repair. Nonconforming signs may only be maintained, painted, and/or repaired (i.e., repairs shall be limited to cosmetic enhancements/refinements but no structural alterations, unless required by the Building Official) in place and may not be removed from their existing location, except for remodeling of the structure to which the sign is attached or termination of the sign. See Subparagraph F. (Structure remodeling), below.

E. Change of business ownership. Upon a change of ownership, the new owner of a nonconforming sign may change a name(s) on the sign so long as there is no change in the structure or configuration of the sign.

F. Structure remodeling. Nonconforming signs may be removed for the purpose of remodeling the structure to which the sign is attached and shall be replaced immediately after the remodeling is completed. No alteration of the sign cabinet or sign structure is allowed.

G. Hardship cases.

1. Under cases of extreme hardship and unusual circumstances, the Commission shall have the authority to allow the retention of a legal nonconforming sign if the Commission specifically finds that extreme hardship and unusual circumstances exist. The proponent of the request shall have the burden of clearly demonstrating that an extreme hardship and unusual circumstance exists and warrants the retention of the nonconforming sign.

2. The Commission shall conduct a public hearing and shall find the following to be true before allowing retention of a legal nonconforming sign:

a. The site has a unique character or features that cause visibility problems;

b. The sign does not create a traffic hazard;

c. The sign does not create a visual blight to the community;

d. The sign does not adversely affect abutting properties;

e. The sign is properly maintained and structurally sound;

f. Other sign alternatives or designs would not be feasible or be able to provide reasonable signing in compliance with this Chapter; and

g. If the Commission finds that an extreme and unusual circumstance exists, but that the design or condition of the sign creates a visual blight, then the Commission may grant a relief from the amortization of the nonconforming sign with the condition that the sign be remodeled to improve the condition of the sign and/or to create a more aesthetic design.

830.3.110 – Commercial/Industrial/Warehousing Signs (per Tables 2-6 and 2-8)

A. Public Notification Signs for Designated Uses.

1. Signs shall be installed in public view with contact information for a local designated representative who works for the facility operator and who is designated to receive complaints about excessive dust, fumes, or odors, and truck and parking complaints for the site.

2. Signs shall include contact information for the SJVAPCD on-line complaint system and its complaint call-line.

Article 4
Standards for Specific Land Uses

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834.4.010 – Purpose of Article

This Article provides locational, site planning, developmental, and operational standards for land uses that are allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) within individual or multiple zones. These uses require special standards to ensure their compatibility with adjacent land uses and to avoid problems for the community.

834.4.020 - Accessory Structures

A. Purpose. This Section specifies how property development standards are applied to different accessory structures based on the placement of the accessory structure on the subject property and its relationship to the primary structure.

B. Standards. Accessory structures shall be subject to all of the following requirements and limitations:

1. Where an accessory structure is part of, or joined to the primary structure by a common wall, or where any accessory structure has sleeping or living accommodations, the accessory structure shall be deemed a primary structure for purposes of applying the property development standards of this Zoning Ordinance.

2. Where an accessory structure, either attached to or detached from the primary structure, is less than six feet from the primary structure, the accessory structure shall be deemed a primary structure for purposes of applying the property development standards of this Zoning Ordinance.

3. Where an accessory structure is detached and separated from the primary structure by six feet or more, the accessory structure shall not be considered a primary structure for purposes of applying the property development standards of this Zoning Ordinance.

4. Where an accessory structure is attached to the primary structure by a breezeway roof with an intervening space of six feet or more and where the space is open on at least two sides, the accessory structure shall not be considered a primary structure for purposes of applying the property development standards of this Zoning Ordinance.

C. Special Setbacks. See Section 822.3.100 setbacks for accessory structures.

834.4.025 – Agricultural Tourism

A. Purpose. This Section specifies businesses conducted on a working agri-business, agricultural, or horticultural operation for the purpose of enjoyment, involvement, and education of visitors and to generate supplemental farm income. The scope and duration of permitted activities are defined in Standards below.

B. Standards. Agricultural tourism activities and uses that are clearly secondary and incidental to a working agricultural, horticultural or agri-business operation shall be permitted provided that all of the following standards are met:

1. Lighting:

   a. All outdoor lighting shall be hooded and directed so as not to shine towards public roads or surrounding properties.

2. Traffic and Access:

   b. The first 100 feet of the access driveway shall have a minimum width of 18 feet, and be improved with acceptable paving (asphalt, asphalt/concrete, gravel, etc.) or other materials deemed acceptable by the Director of the Department of Public Works and Planning; and

   c. The agricultural tourism use does not generate more than 100 trips per day, or if, with acceptable ride sharing plan, trips will be reduced to no more than 100 trips per day; or

   d. The agricultural tourism use is limited to no more than 30 days per year; the facility does not generate more than 150 trips per day, or up to 200 trips per day if deemed acceptable by the Director of the Department of Public Works and Planning. Acceptability will be based on distribution of trips throughout day (minimal peak hour traffic conflicts or activity concentration), and trip generation of primarily passenger vehicles.

   e. Access to the site shall occur from a County-maintained public road and must be located within ¼ mile of a classified road as shown on the Transportation and Circulation Element of the General Plan unless deemed acceptable by the Director of the Department of Public Works and Planning. Acceptability of uses on local roads will be based on condition and adequacy of the road for the intended use, and anticipated truck or bus traffic generated as a result of either said use or allowable special events associated with said use.

3. Parking – General:

   a. There shall be at least one off-street parking space for each two permanent employees, and

   b. The provisions of Chapter 828.3 shall apply.

4. Parking – Special Events: Parking associated with all special event activities shall be provided on-site and improved with acceptable dust palliative and stabilized to reduce

particulate emissions in accordance with all County and San Joaquin Valley Air Pollution Control District Standards.

5. Buffering - The following standards are applicable to properties within three hundred feet of an existing residence:

    a. All lighting shall be setback a minimum of fifty (50) feet from the property line boundary; and

    b. Hours of operation of an agricultural-tourism use shall be limited to the hours of 7:00 a.m. to 10:00 p.m.; and

    c. All uses shall comply with the noise standards contained in Title 8, Section 40 of the County Ordinance Code.

6. Special Events - Agricultural-tourism Special Events that are clearly secondary and incidental to the agricultural-tourism activity shall be permitted subject to the following:

    a. Special and promotional events shall be limited to 25 events per year and last no longer than three consecutive days; and

    b. Not exceed 150 people on a parcel of land 20-acres or larger in size; or

    c. Not exceed 125 people on a parcel of land 15-19 acres in size; or

    d. Not exceed 63 people on a parcel of land 10-14 acres in size.

7. On-site and Off-site Improvements - To review the proposed project for conformance with the aforementioned standards, and to determine necessary on and off-site improvements, a Site Plan Review shall have been submitted for review and approval by the Director of the Department of Public Works and Planning in accordance with Chapter 854.5 (Site Plan Review) of the Fresno County Zoning Ordinance.

834.4.030 - Additional On-Site Dwellings

A. Purpose. This Section provides standards for the development of additional on-site dwelling units (i.e., accessory dwelling units, junior accessory dwelling units, second dwelling units, and accessory living quarters). Depending on the location and size of the unit, additional on-site dwellings are either allowed by right or are subject to Director Review and Approval.

B. Accessory Dwelling Units. Accessory dwelling units shall be allowed in any zone in which they are listed as allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards),on the same parcel as the single-family or multifamily dwelling is, or will be situated, subject to all of the following conditions and as modified periodically by the State of California:

1. **Purpose.** The purpose of this Section is to provide regulations for the development of Accessory Dwelling Units and Junior Accessory Dwelling Units through a ministerial process consistent with Title 7, Division 1, Chapter 13 of the Government Code.. Accessory Dwelling Units expand housing opportunities by increasing the number of housing units available within existing neighborhoods and provide housing generally at lower cost. This Section provides standards to minimize adverse impacts on the public health, safety, and general welfare that may be associated with Accessory Dwelling Units.

2. **Applicability.** Any construction, establishment, alteration, enlargement, or modification of an Accessory Dwelling Unit shall comply with the requirements of this Section and the County's Building Code. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit that conforms to the standards of this Section shall not be:

   a. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.

   b. Deemed to exceed the allowable density for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.

   c. Considered in the application of any County ordinance, policy, or program to limit residential growth.

   d. Required to correct a nonconforming zoning condition. This does not prevent the County from enforcing compliance with applicable building standards in compliance with Health and Safety Code Section 17980.12.

3. **Prohibited Areas/Sites.** Accessory dwelling units and junior accessory dwelling units shall be prohibited in the following areas:

   a. Low Water Area, as depicted on County of Fresno Low Water Area Map; generally located east of the Friant-Kern Canal or west of Interstate 5.

   b. Parcels less than two (2) acres with private well and septic system.

4. **Types.** An Accessory Dwelling Unit approved under this Section may be one of the following types:

a. **Attached.** An Accessory Dwelling Unit that is created in whole or in part from newly constructed space that is attached to the proposed or existing primary dwelling, such as through a shared wall, floor, or ceiling.

b. **Detached.** An Accessory Dwelling Unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone garage converted into an Accessory Dwelling Unit. The detached Accessory Dwelling Unit shall be located on the same parcel as the proposed or existing primary dwelling.

c. **Converted/Junior Accessory Dwelling Unit.** An Accessory Dwelling Unit that meets the following requirements:

(1) Is entirely located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure. Such conversion may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.

i. Is entirely located within a single-family detached primary dwelling and shall consist of the conversion of an existing bedroom.

ii. Is less than 500 square feet.

iii. Has independent exterior access from the primary dwelling.

iv. Has sanitation facilities that are either shared with or separate from those of the primary dwelling.

v. Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the Junior Accessory Dwelling Unit.

(2) **Owner Occupancy Requirements.** Junior Accessory Dwelling Units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the property shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

(3) **Deed Restriction.** Junior Accessory Dwelling Units shall be subject to an owner-occupancy requirement, in either the remaining portion of the primary single-family dwelling or the newly created Junior Accessory Dwelling Unit.

A person with legal or equitable title to the property shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

i. Prior to issuance of a Building Permit for Junior Accessory Dwelling Unit, a deed restriction shall be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the County and shall provide that:

(a) The Junior Accessory Dwelling Unit shall not be sold separately from the primary dwelling, except as may otherwise be permitted by State law.

(b) The Junior Accessory Dwelling Unit is restricted to the approved size and other attributes allowed by this Section.

(c) The deed restriction runs with the land and shall be enforced against future property owners.

ii. The deed restriction may be removed if the owner eliminates the Junior Accessory Dwelling Unit, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the Junior Accessory Dwelling Unit has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the Junior Accessory Dwelling Unit has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Ordinance. If the Junior Accessory Dwelling Unit is not entirely physically removed but is only eliminated by virtue of having a necessary component of a Junior Accessory Dwelling Unit removed, the remaining structure and improvements shall otherwise comply with applicable provisions of this Ordinance.

iii. The deed restriction is enforceable by the Director or his or her designee for the benefit of the County. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the County is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the Accessory Dwelling Unit in violation of the recorded restrictions or abatement of the illegal unit.

5. Location and Number.

a. An Accessory Dwelling Unit shall only be allowed on a parcel that is not in a

prohibited location specified in Section 834.4.030.B.3 and is zoned to allow single-family or multi-family dwelling residential uses and includes a proposed or existing dwelling.

b. **Single-Family Areas.** Accessory Dwelling Units are permitted in single-family areas as follows:

(1) **Single-Family Parcel.** One attached Accessory Dwelling Unit and one Junior Accessory Dwelling Unit shall be allowed on a parcel with a proposed or existing single-family dwelling on it, where the Accessory Dwelling Unit is:

i. Is either within the space of a proposed single-family dwelling, within the existing space of an existing single-family dwelling, or within the existing space of an accessory structure, plus up to 150 additional square feet if such expansion is for the sole purpose of accommodating ingress and egress to the converted structure;

ii. Has exterior access that is independent of that for the single-family dwelling; and

iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

iv. Is located with one Junior Accessory Dwelling Unit that complies with Government Code Section 66333.

(2) **Limited Detached.** One detached new construction Accessory Dwelling Unit that does not exceed four-foot side and rear yard setbacks, shall be allowed on a parcel with a proposed or existing single-family dwelling, in addition to a Junior Accessory Dwelling Unit, if it meets all the following requirements:

i. Is detached from the primary dwelling;

ii. Is 800 square feet or smaller in size;

iii. Has a peak height above grade of 16 feet or less; and

iv. Meets the height limitation as provided in Section 834.4.030.B.7.b..

c. **Limitation on Types and Number of Units.** In any single-family area, only the following combination of Accessory Dwelling Units may be provided on a single parcel:

(1) Detached Accessory Dwelling Unit and Junior Accessory Dwelling Unit

(2) Detached Accessory Dwelling Unit and Attached Accessory Dwelling Unit

d. **Multi-Family Areas.** Accessory Dwelling Units are permitted in multi-family areas as follows:

(1) **Converted Spaces within a Multi-Family Development.**

i. Within any multi-family structure used exclusively for residential use, portions of such structures that are not used as livable space may be converted to Accessory Dwelling Units, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an Accessory Dwelling Unit complies with minimum State building standards for dwellings.

ii. At least one Accessory Dwelling Unit shall be allowed within an existing multi-family structure as long as the total number of Accessory Dwelling Units within the structure does not exceed 25 percent of the existing units.

(2) **Limited Detached.** Up to two detached Accessory Dwelling Units shall be allowed on a parcel with a proposed multi-family structure, or up to eight detached Accessory Dwelling Units shall be allowed on a parcel with an existing multifamily structure, not to exceed the number of existing units on the parcel. The detached Accessory Dwelling Units meet all the following requirements:

i. Has rear and side yard setbacks of less than four feet and meets as provided in Section 834.4.030.B.7.b., as applicable; and

ii. Is 800 square feet or smaller in size.

6. **Standards Applicable to All Accessory Dwelling Units.** The following standards apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units constructed on or moved to a new site and to the remodeling or rebuilding of existing single-family dwelling or multi-family structure to create an Accessory Dwelling Unit.

a. **Parcel Size and Width.** No minimum parcel size or parcel width shall apply for the construction of an Accessory Dwelling Unit.

b. **Access.** Every Accessory Dwelling Unit shall have direct exterior access independent of the exterior access of the primary dwelling.

c. **Fire Sprinklers.** Fire sprinklers are required in an Accessory Dwelling Unit if they are required in the primary dwelling.

d. **Permanent Foundations**.

(1) All Accessory Dwelling Units shall be permanently attached to a permanent foundation when installed or constructed in a residential zone district.

(2) A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat shall not be used as an Accessory Dwelling Unit.

e. **Nonconforming Conditions.** The correction of nonconforming zoning conditions is not required in order to establish an Accessory Dwelling Unit on a parcel with a primary dwelling.

f. **Design.**

(1) Accessory Dwelling Units shall be designed and constructed to architecturally and aesthetically match the existing single-family dwelling in terms of exterior materials and colors, building elements, structure mass, and roof pitch, as well as any applicable design guidelines.

(2) Within any historic district zone or historic district overlay zone, the design of Accessory Dwelling Units shall be consistent with the design and development guidelines applicable to such zones.

(3) If the Accessory Dwelling Unit is a manufactured home, the manufactured home shall be erected and permanently attached on a permanent foundation and shall be made to match the primary dwelling in terms of architectural style, exterior materials and colors, and roof pitch.

g. **Occupancy**. Owner occupancy is not required on a property with an Accessory Dwelling Unit.

h. **Sale Conveyance.** An Accessory Dwelling Unit may be sold or conveyed separately from the primary residence to a qualified buyer if all the requirements of Government Code Section 66341 are met. If all the requirements of Government Code Section 66341 are met, the separate conveyance of the primary dwelling unit and Accessory Dwelling Units are allowed as condominiums.

i. **Rental Term.** No Accessory Dwelling Unit may be rented for a term that is shorter than 30 days.

j. **Impact Fees.** No impact fees (including school fees) shall be charged to an Accessory Dwelling Unit that is less than 750 square feet in size. Any impact fee charged to an Accessory Dwelling Unit 750 square feet or greater shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g. the floor area of the primary dwelling, divided by the floor area of the Accessory Dwelling Unit, times the typical fee amount charged for a new dwelling. For the purposes of this paragraph, impact fees do not include any connection fee or capacity charge for water or sewer service.

7. **Additional Standards Applicable to Attached and Detached Accessory Dwelling Units.** The following standards apply only to attached and detached Accessory

Dwelling Units.

a. **Size.**

(1) **Detached.** The minimum floor area shall be 150 square feet but shall not exceed 1,200 square feet. A detached ADU shall not exceed 50% of the floor area of the primary dwelling and have a maximum of 1,200 square feet.

(2) **Attached.** The minimum floor area shall be 150 square feet but shall not exceed 1,200 square feet. An attached Accessory Dwelling Unit shall not exceed 50 percent of the floor area of the primary dwelling. An attached Accessory Dwelling Unit shall not exceed 50 percent of the floor area of the primary dwelling to a maximum of 1,200 square feet.

b. **Height.**

(1) **Single-Story Attached or Detached.** A single-story attached or detached Accessory Dwelling Unit shall not exceed 16 feet in height above grade, measured to the peak of the structure. Where the detached Accessory Dwelling Unit is within one-half-mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the California Public Resources Code, or with an existing or proposed multifamily dwelling of more than one story, the maximum height shall be 18 feet.

(2) **Two-Story Attached or Detached.** A two-story detached or attached Accessory Dwelling Unit shall not exceed 25 feet. An attached Accessory Dwelling Unit that is interior to an existing structure being converted shall not exceed the height of that existing structure.

(3) **Height Exemptions, Detached.**

(1) An additional two feet in height shall be allowed to accommodate a roof pitch on a detached Accessory Dwelling Unit that is aligned with the roof pitch of the primary dwelling unit.

(2) When an existing accessory structure is converted to a detached Accessory Dwelling Unit, the maximum height may exceed the limits of subparagraph b.(1) to an amount equal to the height of the existing accessory structure to be converted.

c. **Passageways.** No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an Accessory Dwelling Unit.

d. **Utilities.** Attached and detached Accessory Dwelling Units shall require new, separate utility connections directly between the Accessory Dwelling Unit and the utility provider.

e. **Parking.**

(1) One parking space is required for per attached and detached Accessory Dwelling Unit or per bedroom, whichever is less. The parking requirement for an attached or detached Accessory Dwelling Unit shall be in addition to the parking requirement for the existing residence on the property. This space may be provided as tandem parking, including on an existing driveway or in front and/or rear setback areas. No parking shall be permitted in the front yard other than on the paved driveway. Parking spaces may also be provided through a mechanical vehicle parking lift.

(2) **No Replacement.** When a garage, carport, or covered parking structure providing required parking for the primary residence or residences is demolished to allow for the construction of an Accessory Dwelling Unit or is converted to an Accessory Dwelling Unit, those parking spaces are not required to be replaced.

(3) Additional parking for the Accessory Dwelling Unit is not required in the following instances:

i. The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, including transit stations and bus stations.

ii. The Accessory Dwelling Unit is located within a historic district.

iii. The Accessory Dwelling Unit is part of the proposed or existing primary residence or an accessory structure.

iv. When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.

v. When there is a designated car share vehicle parking space located within one block of the Accessory Dwelling Unit.

f. **Permits.**

(1) **Ministerial Accessory Dwelling Unit Permit.** Prior to constructing any attached or detached Accessory Dwelling Unit, the property owner shall obtain a Building Permit from the County. The County shall issue the permit within 60 days from the date that the County received a completed application, unless:

i. the applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay,

ii. the County requires corrections to the Building Permit application, in which case the 60-day time period is tolled until the applicant resubmits a corrected application, or,

iii. the Building Permit application is submitted with a permit application to

create a new single-family or multifamily dwelling on the parcel, in which case the County may delay acting on the Building Permit application until the County has acted on the permit application to create the new single- family or multifamily dwelling, but the Building Permit application for the Accessory Dwelling Unit will be issued in conjunction with the permit application approval.

(2) **Application and Processing Fees.** The Board shall establish a schedule of fees for the application and processing of a Building Permit for an Accessory Dwelling Unit.

(3) **Demolition Permits.** A demolition permit for a detached garage that is to be replaced with a detached or attached Accessory Dwelling Unit shall be reviewed with the application for the Accessory Dwelling Unit and issued at the same time.

8. **Standards Applicable to Converted Accessory Dwelling Units.** The following standards apply only to converted Accessory Dwelling Units:

(1) **Setback.** No setback is required for a legally existing structure that is converted to an Accessory Dwelling Unit.

(2) **Parking.** No additional off-street parking is required for the converted Accessory Dwelling Unit, regardless of if a garage, carport, or covered parking structure is converted into an Accessory Dwelling Unit. If replacement parking is provided, the replacement spaces shall be located in any configuration on the same parcel as the Accessory Dwelling Unit and may include but is not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space or in rear yard on a paved surface, provided such paved area can be easily accessed via the driveway or an alley. No parking shall be permitted in the front yard other than on the paved driveway. Parking spaces may also be provided through a mechanical vehicle parking lift.

(3) **Building Permit.** The property owner shall obtain a valid Building Permit for the converted Accessory Dwelling Unit, subject to all the standard application and processing fees and procedures that apply to Building Permits generally.

9. **Standards Applicable to Junior Accessory Dwelling Units.** The following standards apply only to Junior Accessory Dwelling Units.

(1) **Size.** The total area of floor space for a Junior Accessory Dwelling Unit shall not exceed 500 feet and shall not expand the size of an existing single-family dwelling by more than 150 square feet, provided such expansion is provided solely for the purpose of accommodating ingress and egress.

(2) **Exterior Access.** Access shall be provided to the Junior Accessory Dwelling Unit independent from the primary dwelling.

(3) **Efficiency Kitchen.** A Junior Accessory Dwelling Unit shall include an efficiency kitchen, requiring and limited to the following components:

i. A sink with a maximum waste line drain of one-and-on-half inches.

ii. A cooking facility with appliances which do not require electrical service greater than one 120 volts or natural or propane gas.

iii. A food preparation counter or counters that total at least 15 square feet in area.

iv. Food storage cabinets that total at least 30 square feet of shelf space.

(4) **Sanitation Facility.** Sanitation facilities may be separate or shared with the primary dwelling. If shared with the primary dwelling, the Junior Dwelling Units shall provide an interior entry to the living area of the primary dwelling, separate from the exterior access required to the Junior Dwelling Unit.

(5) **Parking.** No additional off-street parking is required for the Junior Accessory Dwelling Unit, including replacement parking.

(6) **Permits.**

i. **Ministerial Junior Accessory Dwelling Unit Permit.** The property owner shall obtain a valid Building Permit for the Junior Accessory Dwelling Unit, subject to all standard application and processing fees and

procedures that apply to Building Permit generally. The County shall issue a ministerial permit within 60 days from the date that the County received a completed application, unless either:

(a) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

(b) The County requires corrections to the Building Permit application, in which case the 60-day time period is tolled until the applicant resubmits a corrected application, or,

(c) The application to create a Junior Accessory Dwelling Unit is submitted with a permit application to create a new single-family dwelling on the parcel. The County may delay acting on the permit application for the Junior Accessory Dwelling Unit until the County acts on the permit application to create the new single-family dwelling, but the application to create the Junior Accessory Dwelling Unit will still be considered ministerial without discretionary review or a hearing.

10. Conditions for Nonconforming Uses and Structures.

a. Nonconforming Conditions. Notwithstanding 870.6.030 (Nonconforming Structures) pertaining to nonconforming uses, to the contrary, until January 1, 2030, an owner of an Accessory Dwelling Unit or Junior Dwelling Unit that receives a notice to correct violations or abate nuisance, in relation to the Accessory Dwelling Unit or Junior Dwelling Unit, may request a delay for five years in enforcement of a building standard, as long as the violation is not a health and safety issue as determined by the local agency, subject to compliance with Government Code Section 66331 and Health and Safety Code Section 17980.12 (a)-(c), and the following conditions:

(1) The Accessory Dwelling Unit or Junior Dwelling Unit was built before January 1, 2020.
(2) The Accessory Dwelling Unit or Junior Dwelling Unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the Accessory Dwelling Unit or Junior Dwelling Unit was built, had a noncompliant Accessory Dwelling Unit or Junior Dwelling Unit ordinance, but the ordinance is compliant at the time the request is made.

b. The County shall not deny an application for a permit to create an Accessory Dwelling Unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the Accessory Dwelling Unit in compliance with Subdivision (b) of Government Code Section 66322.

C. Second dwelling units (discretionary land use permit). Second dwelling units exceeding the location or size limitations of an Accessory Dwelling Unit shall be allowed in any zone in which they are listed as allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), provided the parcel does not contain an accessory housing unit or accessory living quarters, subject to all of the following conditions:

1. General provisions.

a. A covenant running with the land between the County and the applicant shall be recorded with the County Recorder before the issuance of any Building Permits requiring that one of the dwelling units shall be occupied by an owner of record. If neither of the units is occupied by the property owner, the approval of the second dwelling unit shall terminate immediately and the unit shall not be rented, leased, or occupied as a separate dwelling.

b. The second dwelling unit may be rented but shall not be sold separately from the primary dwelling unit.

c. A dwelling unit shall exist on the site before a second dwelling unit may be authorized, unless detailed design data demonstrates that no adverse impacts to surrounding development will result from the waiver of this provision. The primary dwelling unit need not be the original structure on the site.

d. All property development standards of the zone in which the property is located shall apply, except for the following additional off-street parking requirements: one uncovered parking space or one space in a garage or carport when the district requires covered parking and one additional parking space, either covered or uncovered. Both spaces shall be provided for the exclusive use of each dwelling unit. If uncovered, this parking space may be located in required setback areas, provided that the required findings can be made: the same number and type of parking that is required for the primary dwelling unit shall be required for the accessory housing unit. [NOTE: State-mandated second dwelling units require only one off-street space, covered or uncovered parking.]

e. A mobile home as a second dwelling unit may be allowed only in zones where allowed as a primary dwelling unit. The provisions of Section 834.4.330 (Single Mobile Home Occupancy Standards) shall apply.

f. Adequate water and sewer facilities shall be provided as required by the Health Officer.

g. The second dwelling unit shall incorporate the following design features to ensure compatibility with surrounding residential development:

(1) Roofing and siding materials that are visible from off-site shall be similar to or compatible with the primary dwelling unit and adjacent development.

(2) The applicant shall submit sufficient information to enable the Director to determine the impact to the neighborhood. This information may include but is not limited to a plot plan indicating the location of existing trees and landscaping, on-site and adjacent topographic features, and the location and use of on-site and adjacent structures. Conditions of approval to minimize identified impacts may be required.

2. On parcels of land less than 12,500 square feet in area in the RA, R-1-A, R-1-AH, R-1-E, R-1-EH, R-1-B, R-1-C, and R-1 zones an attached second dwelling unit may be allowed up to 900 square feet in size.

3. The following provisions shall apply in the AE, AL, RR, A1, and R-S zones and to parcels of land greater than 12,500 square feet in area in the RA, R-1-A, R-1-AH, R-1-E, R-1-EH, R-1-B, R-1-C, and R-1 zones:

   a. The second dwelling unit may be either attached to or detached from the primary dwelling unit.

   b. The second dwelling unit shall not exceed 1,500 square feet in size.

4. The following provisions shall apply to parcels of land that are two acres in area or larger, and within the following zones: AE, AL, A2, RR, A-1, R-S, RA, R-1-A, R-1-AH, R-1-E, R-1-EH, R-1-B, R-1-C, and R-1 zones.

   a. The second dwelling unit may be either attached to or detached from the primary dwelling unit.

   b. The second dwelling unit shall not exceed 2,000 square feet in size.

D. Accessory living Quarters. Accessory living Quarters are allowed in all Districts that allow a Single Family Residence, provided the parcel does not contain an Accessory Dwelling Unit or Secondary Dwelling Unit. Accessory Living Quarters are allowed subject to the following standards:

1. General provisions.

   a. Accessory living quarters shall be located within an accessory building on the same premises with the primary residence.

   b. The accessory living quarters shall not exceed 50% of the living area of the primary residence up to a maximum size of 1,200 square feet.

   c. Occupancy of the accessory living quarters shall be limited to family members or temporary guests of the occupant of the primary residence.

   d. The accessory living quarters shall not include a kitchen. A bar sink and an undercounter refrigerator are allowed, but no cooking devices are permitted.

e. The accessory living quarters shall not be rented separately from the primary residence.

f. A covenant, between the County and the property owner, specifying the limited use of this unity, shall be recorded with the County recorder prior to the issuance of permits.

834.4.040 - Agricultural Commercial and Rural Commercial Centers

A. Purpose. These regulations are intended to provide the agricultural and rural residential communities with necessary services within commercial centers.

B. Commission's and Board's actions. The Commission's action on an Agricultural Commercial or Rural Commercial Center is final unless appealed to the Board.

C. Standards. The following standards apply to Agricultural Commercial and Rural Commercial Centers:

1. The centers may consist of a single use or multiple uses.

2. The location of the centers shall be on sites adequate in size to provide the necessary support services and facilities in compliance with health and safety regulations.

3. The centers shall be designed and operated in a manner to protect the general public health, safety, and welfare.

D. Allowed commercial uses. The following commercial uses shall be allowed subject to a Conditional Use Permit under the provisions of this Section. The procedure specified in Chapter 842.5 (Conditional Use Permits) shall apply.

1. Agricultural Commercial Centers.

a. Agricultural employment offices.

b. Animal hospitals.

c. Antique sales.

d. Barber shops.

e. Bars.

f. Beauty shops.

g. Building materials sales.

h. Commercial grain elevators.

i. Communication equipment structures and offices.

j. Drug stores.

k. Farm equipment and machinery sales, rental, storage, and maintenance.

l. Farm labor contractor services.

m. Feed and farm supply sales.

n. Fertilizer sales (all sales and storage of fertilizer conducted within enclosed structures).

o. Flea markets, community auction and sales yards, auction houses, and swap meet activities.

p. Grocery stores.

q. Hardware stores.

r. Irrigation district administrative offices.

s. Liquefied petroleum gas storage and distribution, retail.

t. Mechanical car wash when operated incidental to and in conjunction with a vehicle service station.

u. Medical offices.

v. Nurseries.

w. One caretaker's residence per commercial use.

x. One family dwelling unit, other than caretaker's residence, and not more than one dwelling per parcel.

y. Permanent roadside stands for the sale of agricultural products.

z. Places of assembly.

aa. Private clubs and lodges.

bb. Public structures, yards, and fire stations.

cc. Real Estate offices.

dd. Repair garages.

ee. Restaurants.

ff. Signs, subject to the provisions of Chapter 830.3 (Signs).

gg. Structures not specifically regulated by Section 812.2.030 (Commercial Zone General Development Standards) over two stories or 35 feet in height.

hh. The maintenance and storage of trucks and trailers when the vehicles are devoted exclusively to the transportation of agricultural products, supplies and equipment.

ii. Variety stores.

jj. Vehicle parts sales (new).

kk. Vehicle service stations.

ll. Veterinarian offices.

mm. Video stores.

nn. Water well drilling services and/or pump installation services.

oo. Welding and blacksmith shops.

pp. Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering, or smoke curing.

2. Rural Commercial Centers.

a. Animal hospitals.

b. Barber shops.

c. Beauty shops.

d. Caretaker's residence where developed as a portion of the commercial structures, or as a mobile home.

e. Day nursery - commercial or institutional.

f. Feed and farm supply sales (all sales and storage shall be conducted in an enclosed area).

g. Grocery stores.

h. Hardware stores.

i. Ice and food products dispensing machines.

j. Laundry, self-service.

k. Liquefied petroleum gas storage and distribution, retail.

l. Medical offices.

m. Newspaper stands.

n. Offices:

(1) Administrative.

(2) Medical.

(3) Professional.

(4) Veterinary.

o. Personal/Recreational Vehicle Storage facilities for those parcels located within the Sierra-North Regional Plan Area located proximate (within a ¼ mile) to two major roadways as so classified in the Circulation Element of the General Plan.

p. Places of assembly.

q. Plant nurseries and garden supply stores.

r. Restaurants (serving beer and wine with meals only).

s. Signs, subject to the provisions of Chapter 830.3 (Signs).

t. Temporary or permanent telephone booths.

u. Variety stores.

u. Vehicle service stations.

v. Walk-in, reach-in, cold storage boxes designed to hold refrigerated food and dairy products for sales upon the premises.

E. Master plan. A master plan showing the extent and character of the entire proposed planned commercial development including any residual parcel not proposed for commercial development shall be submitted. The master plan shall be submitted with the Conditional Use Permit application. The plan, or accompanying narrative, shall include sufficient information to determine that all requirements of this Zoning Ordinance have been met, including but not limited to the following:

1. Proposed uses.

2. Proposed dwellings or caretaker's unit.

3. Proposed Parcelization.

4. Development phasing and timetable.

F. Property development standards.

1. Agricultural Commercial Center. The provisions of the "AC" zone, Section 812.2.030 (Commercial Zone General Development Standards) shall apply to all land and structures.

2. Rural Residential Commercial Center. The provisions of the "RCC" zone, Section 812.2.030 (Commercial Zone General Development Standards) shall apply to all land and structures.

834.4.050 - Animal Keeping Standards

A. Purpose. This Section identifies the locations, types, and numbers of animals that may be kept, and the methods by which animals shall be kept, raised and maintained, under the circumstances specified. The purpose of this Section is to ensure that the keeping, raising, and maintenance of animals do not create an adverse impact on adjacent properties by reason of bright lights, dust, fumes, insect infestations, noise, odor, or visual blight. Unless otherwise specified, the offspring of animals are allowed and shall not be counted until they are of weanable age. For the purpose of this Section, weanable age shall mean the following: for dogs and cats, this age shall be four months; for equines, this age shall be one year; for swine, this age shall be eight weeks; and for all other animals, the weanable ages for offspring shall be those ages determined by the Director in consultation with appropriate experts.

B. Standards by zone. The keeping of animals shall be subject to all of the following requirements:

1. "AE" Exclusive Agricultural Zone and "A-1" Agricultural Zone.

a. Uses allowed. The following uses shall be allowed in the "AE" and "A-1" zones:

(1) Livestock of all kinds for lots greater than two acres in size, except as provided in Subparagraphs b. and c., below. For lots two acres or less in size, the animal keeping standards of the Rural Residential District shall apply.

(2) Poultry for domestic use including the maintaining, breeding, and raising of poultry for FFA, 4 H, and similar organizations shall not to exceed 500 birds on lots greater than two acres in size. For lots two acres in size or less the provisions of Rural Residential domestic poultry standards shall apply. For lots less than one acre in size, the provisions of the R-1-A and R-1-AH Single Family Residential Zones domestic poultry standards shall apply. Commercial poultry facilities greater than 500 birds shall be subject to the provisions of Section 834.4.290 (Poultry Facility Standards). In all instances,

the raising/keeping of roosters for fighting purposes is prohibited.

(3) Apiaries and honey extraction plants subject to the provisions of Section 834.4.070 (Apiary Standards).

(4) Breeding and personal kennels on parcels over five acres in size subject to the standards in Section 834.4.210. For parcels in the AE zone of five acres or less, see Subsection b. (Uses allowed subject to Director Review and Approval), below.

(5) Pigs/swine for domestic use not to exceed four (4) animals.

b. Uses allowed subject to Director Review and Approval. The following uses shall be allowed subject to the provisions of Chapter 846.5 (Director's Review and Approval) in the "AE" and "A-1" zones:

(1) Breeding and personal kennels on parcels in the AE zone of five acres or less subject to the standards in Section 834.4.210 except the provisions for density.

(2) Commercial specialty animal raising, including fish, fur-bearing animals, wild or undomesticated animals, amphibians, insects and birds for products, numerical increase, or, value increase.

(3) Commercial cattle dairies and feedlot facilities, subject to the provisions of Section 834.4.110.

(4) Poultry of all kinds, when not allowed by Subparagraph a.(2)., above. Raising/keeping of roosters for fighting purposes is prohibited.

c. Uses allowed subject to Conditional Use Permit. The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the "AE" and "A-1" zones:

(1) Commercial stock feeding yards and feed lots when not operated as a secondary occupation in connection with, or as part of, a bona fide agricultural operation.

(2) Boarding and training kennels subject to the standards in Section 834.4.210 except the provisions for density.

(3) Swine, sheep, or goat feed lots or yards.

(4) Commercial cattle dairies and feedlot facilities, subject to the provisions of Section 834.4.110.

2. "AL" Limited Agricultural Zone.

a. Uses allowed. The following uses shall be allowed in the "AL" zone:

(1) Livestock of all kinds for lots greater than two acres in size, except as provided in Subparagraphs b. and c., below. For lots two acres or less in size, the animal keeping standards of the Rural Residential District shall apply.

(2) Rabbits and other similar small fur-bearing animals for domestic use.

(3) Poultry for domestic use including the maintaining, breeding, and raising of poultry for FFA, 4 H, and similar organizations shall not to exceed 500 birds on lots greater than two acres in size. For lots two acres in size or less the provisions of Rural Residential domestic poultry standards shall apply. For lots less than one acre in size, the provisions of the R-1-A and R-1-AH Single Family Residential Zones domestic poultry standards shall apply. Commercial poultry facilities greater than 500 birds shall be subject to the provisions of Section 834.4.290 (Poultry Facility Standards). In all instances, the raising/keeping of roosters for fighting purposes is prohibited.

(4) Apiaries and honey extraction plants subject to the provisions of Section 834.4.070 (Apiary Standards).

b. Uses allowed subject to Director Review and Approval. The following uses shall be allowed subject to the provisions of Chapter 846.5 (Director's Review and Approval) in the "AL" zone:

(1) Breeding and personal kennels subject to the standards in Section 834.4.210 except the provisions for density.

(2) Commercial fish farms.

c. Uses allowed subject to Conditional Use Permit. The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the "AL" zone:

(1) Boarding and training kennels subject to the standards in Section 834.4.210 except the provisions for density.

3. "A-2" General Agricultural Zone.

a. Uses allowed. The following uses shall be allowed in the "A-2" zone:

(1) Livestock of all kinds for lots greater than two acres in size, except as provided in Subparagraphs b. and c., below. For lots two acres or less in size, the animal keeping standards of the Rural Residential District shall apply.

(2) Poultry for domestic use including the maintaining, breeding, and raising of poultry for FFA, 4 H, and similar organizations shall not to exceed 500 birds

on lots greater than two acres in size. For lots two acres in size or less the provisions of Rural Residential domestic poultry standards shall apply. For lots less than one acre in size, the provisions of the R-1-A and R-1-AH Single Family Residential Zones domestic poultry standards shall apply. Commercial poultry facilities greater than 500 birds shall be subject to the provisions of Section 834.4.290 (Poultry Facility Standards). In all instances, the raising/keeping of roosters for fighting purposes is prohibited.

(3) Apiaries and honey extraction plants subject to the provisions of Section 834.4.070 (Apiary Standards).

b. Uses allowed subject to Director Review and Approval. The following uses shall be allowed subject to the provisions of Chapter 846.5 (Director's Review and Approval) in the "A-2" zone:

(1) Personal kennels subject to the standards in Section 834.4.210 except the provisions for density.

(2) Poultry of all kinds, when not permitted by Subparagraph a.(2)., above. Raising/keeping of roosters for fighting purposes is prohibited.

c. Uses allowed subject to Conditional Use Permit. The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the "A-2" zone:

(1) Commercial stables and riding academies.

(2) Commercial stock feeding yards and feed lots.

(3) Boarding, training and breeding kennels subject to the standards in Section 834.4.210 except the provisions for density.

4. "R-R" Rural Residential Zone.

a. Uses allowed. The following uses shall be allowed in the "R-R" zone:

(1) Bovine animals, horses, sheep, and goats where the lot area is one acre or more and provided that the number thereof shall not exceed a number per each acre equal to four adult animals in any combination of the foregoing animals and their immature offspring with not more than three adult animals of a bovine or equine kind or combination thereof and their immature offspring or not more than six immature bovine or equine animals or combination thereof where no adult animals are kept per each acre. Where the lot is less than one acre in area, but 20,000 square feet or greater in area, horses may be maintained for personal use in a number not to exceed two animals with their offspring less than one year of age.

(2) Dogs and cats as domestic pets only (limited to three or fewer animals four months of age or older).

(3) The keeping of rabbits and other similar small furbearing animals for domestic use on a lot containing not less than one acre.

(4) The maintaining, breeding, and raising of poultry for domestic use not to exceed 100 birds and the maintaining, breeding, and raising of poultry for FFA, 4-H and similar organizations. In no case shall the poultry facility be kept or maintained on a lot containing less than one acre. Raising/keeping of roosters for fighting purposes is prohibited.

b. Uses allowed subject to Director Review and Approval. The following uses shall be allowed subject to the provisions of Chapter 846.5 (Director's Review and Approval) in the "R-R" zone:

(1) Apiaries subject to the provisions of Section 834.4.070 (Apiary Standards).

(2) Personal kennels subject to the standards in Section 834.4.210 except the provisions for density.

c. Uses allowed subject to Conditional Use Permit. The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the "R-R" zone:

(1) Boarding, training, and breeding kennels subject to the standards in Section 834.4.210 except the provisions for density.

(2) Commercial stables and riding academies.

5. "R-A" Single Family Residential-Agricultural Zone.

a. Uses allowed. The following uses shall be allowed in the "R-A" zone:

(1) Bovine animals, horses, sheep, and goats where the lot area is 36,000 square feet or more and provided that the number thereof shall not exceed a number per each 36,000 square feet equal to four adult animals in any combination of the foregoing animals and their immature offspring with not more than three adult animals of a bovine or equine kind or combination thereof and their immature offspring or not more than six immature bovine or equine animals or combination thereof where no adult animals are kept per each 36,000 square feet.

(2) Rabbits and other similar small fur-bearing animals for domestic or commercial use, provided that no commercial rabbitry or commercial fur-bearing animal pen or coop shall be kept or maintained upon a lot containing less than 36,000 square feet.

(3) Poultry for domestic use including the maintaining, breeding, and raising of poultry for FFA, 4 H, and similar organizations shall not to exceed 500 birds on lots on lots greater than two acres in size. For lots two acres in size or less the provisions of Rural Residential domestic poultry standards shall apply. For lots less than one acre in size, the provisions of the R-1-A and R-1-AH Single Family Residential Zones domestic poultry standards shall apply. Commercial poultry facilities greater than 500 birds shall be subject to the provisions of Section 834.4.290 (Poultry Facility Standards). In no case shall the poultry facility be kept or maintained upon a lot containing less than 36,000 square feet. In all instances, the raising/keeping of roosters for fighting purposes is prohibited.

(4) Apiaries subject to the provisions of Section 834.4.070 (Apiary Standards).

(5) Dogs and cats as domestic pets only.

b. Uses allowed subject to Director Review and Approval. The following uses shall be allowed subject to the provisions of Chapter 846.5 (Director's Review and Approval) in the "R-A" zone:

(1) Poultry of all kinds, when not permitted by Subparagraph a.(4)., above.

6. "R-1-A" and "R-1-AH" Single Family Residential Zones.

a. Uses allowed. The following uses shall be allowed in the "R-1-A" and "R-1-AH" zones:

(1) Poultry raising (limited to hens only), rabbits, or similar small fur-bearing animals not to exceed 24 of any kind or combination thereof for domestic purposes only. Raising/keeping of roosters for fighting purposes is prohibited.

(2) Horses may be maintained for personal use in the "R-1-AH" zone upon an area not less than 20,000 square feet in area in a number not to exceed two animals, with their off-spring less than one year of age. An additional horse may be allowed for each additional 20,000 square feet of lot area, provided that the total number shall not in any case, exceed four horses.

7. "R-1-E" and "R-1-EH" Single Family Residential Estate Zones.

a. Uses allowed. The following uses shall be allowed in the "R-1-E" and "R-1-EH" zones:

(1) All uses permitted in the "R-1-A" zone, Subparagraph 6.a., above, and under the same restrictions, conditions and limitations as specified in Subparagraph 6.a., above.

(2) Horses may be maintained for personal use in the "R-1-EH" zone upon an

area not less than 37,500 square feet in a number not to exceed two adult animals with their off-spring less than one year of age. An additional horse may be allowed for each additional 20,000 square feet of lot area, provided that the total number shall not, in any case, exceed four horses.

8. "C-M" Commercial and Light Manufacturing Zone.

a. Uses allowed subject to Conditional Use Permit. The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the "C-M" zone:

(1) Boarding and training, breeding and personal kennels subject to the standards in Section 834.4.210 except the provisions for density.

9. "R-S" Rural Settlement Zone.

a. Uses allowed. The following uses shall be allowed in the "R-S" zone:

(1) Rabbits and other similar small fur-bearing animals for domestic use on a lot containing not less than 36,000 square feet.

(2) Poultry for domestic use including the maintaining, breeding, and raising of poultry for FFA, 4 H, and similar organizations shall not to exceed 500 birds on lots greater than two acres in size. For lots two acres in size or less the provisions of Rural Residential domestic poultry standards shall apply. For lots less than one acre in size, the provisions of the R-1-A and R-1-AH Single Family Residential Zones domestic poultry standards shall apply. Commercial poultry facilities greater than 500 birds shall be subject to the provisions of Section 834.4.290 (Poultry Facility Standards). In no case shall the poultry facility be kept or maintained upon a lot containing less than 36,000 square feet. In all instances, the raising/keeping of roosters for fighting purposes is prohibited.

(3) Bovine animals, horses, sheep, and goats for personal use where the lot area is 36,000 square feet or more. There shall not exceed for each 36,000 square feet of lot area, four adults in any combination of the foregoing animals and their offspring, except that not more than three adult animals of bovine or equine kind or combination thereof and their immature offspring shall be permitted for each 36,000 square feet of lot area.

b. Uses allowed subject to Conditional Use Permit. The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the "R-R" zone:

(1) Kennels, boarding and training subject to the standards in Section 834.4.210 except the provisions for density.

834.4.060 - Apartment Conversion Standards

A. Purpose. This Section specifies how the County shall accept and make final decisions on all Conditional Use Permit applications requesting the conversion of existing rental apartment units (aka multi-family dwelling units) to condominium, stock cooperative, or community apartment forms of ownership property and the role of the Commission and Board in that decision-making process.

B. Definitions. For the purpose of this Section, the following terms shall have the following definitions.

1. **Children.** Persons under the age of 18 related by adoption, blood, or marriage to the head of the household.

2. **Comparable apartment unit.** A residential unit similar to another residential unit with respect to the number of bedrooms, bathrooms, square feet, and parking spaces.

3. **Community apartment project.** A form of ownership wherein individual buyers purchase an undivided interest in an apartment structure, including the underlying ground and common areas, as co-owners with other buyers and receive in return a right of exclusive occupancy to a particular unit.

4. **Condominium.** A form of ownership wherein individual buyers receive separate ownership of the airspace of a particular unit.

5. **Conversion.** The process of transforming existing rental apartment units under single ownership to a condominium, stock cooperative, or community apartment form of ownership.

6. **Disabled.** A person who suffers from a permanent physical or mental impairment which substantially limits one or more major life activities. Major life activities include hearing, seeing, speaking, breathing, working, learning, caring for oneself, and performing everyday manual tasks.

7. **Elderly.** A person of 62 years or older.

8. **Existing rental apartment unit.** An apartment unit which has been rented and occupied under a valid certificate of occupancy within the 180-day period immediately preceding the date that the application for conversion is filed with the County.

9. **Low-income persons.** Persons and families whose income does not exceed 80 percent of area median income, adjusted for family size by the State Department of Housing and Community Development in compliance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development in compliance with Section 8 of the United States Housing Act of 1937.

10. Newly constructed rental apartment unit. An apartment unit for which a certificate of occupancy was issued within the 12-month period immediately preceding the date that the conversion application was filed with the County.

11. Stock cooperative. A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferrable only concurrently with the transfer of share(s) of stock in the corporation held by the person having the right of occupancy.

C. Conversion limitations.

1. The conversion of existing rental apartment units (aka multi-family dwelling units) to condominium, stock cooperative, or community apartment forms of ownership shall be allowed subject to the limitation that for each rental apartment unit that may be converted, three comparable rental apartment units shall have been newly constructed in the same Community Plan Area within the 12-month period immediately preceding the filing of the application for conversion. Once a newly constructed rental apartment is used as the basis for a conversion by a city, it may not thereafter be used by the County as the basis of a different conversion.

2. Semiannually and 30 days before each established conversion hearing the percentage of existing rental apartment units located within the city and County for a Community Plan Area shall be determined using County land use information. These percentages shall be multiplied by the total number of newly constructed rental apartments within the Community Plan Area to determine an allocation for each jurisdiction. Each jurisdiction's allocation total shall be divided by the conversion limitation applicable in the jurisdiction to determine the maximum number of conversions which may occur.

3. The Director shall maintain a monthly survey for each Community Plan Area in the County, including areas located within incorporated cities, showing the number of rental apartment units newly constructed in the area within the preceding 12 months, including the number of bedrooms and the approximate size of each unit.

D. Notice of application for Conditional Use Permit.

1 The applicant of a Conditional Use Permit requesting conversion of existing rental apartment units to condominium, community apartment or stock cooperative forms of ownership shall submit, as part of the initial application, the names and mailing addresses of all residents of the apartment complex proposed for conversion as of the date the application for conversion was filed with the County.

2. The Director shall give written notice of all public hearings on the conversion

application by first-class mail to the residents of the rental apartment complex proposed for conversion.

3. The applicant for conversion shall post, at conspicuous locations throughout the subject apartment complex, notice that an application for conversion to condominium, stock cooperative or community apartment forms of ownership has been filed with the Director. The notice shall state the date of application, the type of conversion proposed, and the name and telephone number of the applicant's representative available to answer questions on the proposed conversion. The notices shall be posted not more than 24 hours after the filing of the application for conversion and shall remain posted until the date a final decision is made on the Conditional Use Permit. At least one notice shall be posted for each 10 rental units in the subject apartment complex.

E. Conversion plan. As part of the application for conversion of existing rental apartment units to condominium, stock cooperative, or community apartment forms of ownership, the applicant shall provide a conversion plan which specifies all of the following information:

1. The number of rental units in the complex proposed for conversion categorized by the number of bedrooms and the number of square feet in each unit.

2. The most recent rental charge for each apartment category.

3. The rental charge for each type of unit for the 12 months preceding the date the conversion application was filed.

4. The number of elderly and disabled persons residing in the apartment complex as of the date of application and also as of 12 months before the date of application.

5. The number of families with children living in the apartment complex as of the date of application and also as of 12 months before the date of application.

6. The specific plans which the applicant has to assist the residents of the apartment complex in relocating to new housing.

7. The specific plans which the applicant has to make available long-term leases to families with school age children, the elderly, or disabled residents of the apartment complex.

8. If the conversion is proposed to be for "low-income persons," information relating to how the low-income conversion will be accomplished, and a description of the standards to be used by the applicant in determining the low-income status of potential purchasers.

9. A proposed budget showing the maintenance and operational expenses of the subject apartment complex after conversion. The budget shall include all of the following items:

   a. The estimated monthly cost of maintenance of landscaping, recreational facilities, and common driveways.

   b. The estimated monthly cost of maintenance of structures, common mechanical and utility equipment, and any other common maintenance and operational costs to be shared by the owners.

   c. The approximate useful life of common mechanical and utility equipment, the estimated cost of replacement, and the proposed means of paying for replacement.

   d. The total estimated monthly cost of maintenance, operation, and replacement to be assessed against individual owners.

10. An inspection report prepared by the Public Health Department showing whether and the extent to which the subject apartment complex conforms to the requirements of Chapter 15.32 (Substandard Housing and Unsafe Structures). The report shall be informational only and shall not constitute or imply any kind of warranty by the County on the condition or habitability of the apartment units. The applicant shall pay the full cost for the inspection and report.

F. Application.

1. By whom. Application for a Conditional Use Permit to convert existing rental apartment units to condominium, stock cooperative, or community apartment forms

of ownership may be filed by the owner or leasee of the property for which the permit is sought or by the authorized representative of the owner or leasee.

2. Form and content. Application shall be made to the Commission on forms furnished by the Department and shall be full and complete, including data as may be prescribed by the Commission to assist in determining the validity of the request.

3. Verification.

a. The Director shall verify the accuracy and completeness of the application. The date of verification shall be noted on the application. Verification shall be made within 10 days of the filing of a complete application in compliance with Section 838.5.070 (Initial Application Review).

b. In cases where the Director considers the reasons and conditions as specified in the application not within the scope of the Conditional Use Permit procedure, the applicant shall be so informed. If the application is nevertheless filed and fees are accepted, the application shall be signed by the applicant to the effect that the applicant was so informed.

4. Formal acceptance. If the application is found to be accurate and complete, it shall be formally accepted. The date of formal acceptance shall be noted on the application. Acceptance of the application does not imply approval or that the Department will recommend approval.

G. Filing fee. The applicant for a Conditional Use Permit to convert existing rental apartments to condominium, stock cooperative, or community apartment form of ownership shall pay a fee in compliance with the Master Schedule of Fees for the purpose of defraying the costs incidental to the proceeding.

H. Department investigation. The Department shall investigate the facts bearing on the application.

I. Public hearings.

1. Notwithstanding any other provisions of this Zoning Ordinance to the contrary, the months of April and October of each year are established as the hearing dates for Commission consideration of Conditional Use Permit applications for the conversion of exiting rental apartment units to condominium, stock cooperative, or community apartment forms of ownership. The hearing dates shall be set to coincide with the first regularly scheduled meeting of the Commission for the months of April and October. The Director may, in the Director's discretion, schedule a special hearing during the months if the number of applications to be considered warrants the action.

2. All applications accepted for filing by the Department within the 180-day period immediately preceding each hearing date shall be set for hearing on the date.

Applications accepted for filing within 15 days of the hearing date, however, shall be set for hearing on the next following hearing date.

3. Notice of the public hearing shall be sent by first-class mail to all owners of property located within a radius of 300 feet of the external boundaries of property described in the application, using for this purpose the last known name and address of the owners as are shown in the latest adopted tax roll of the County. Notice shall also be sent by first-class mail to the residents of the subject apartment complex as of the date the application was accepted for filing by the Department.

4. The notice shall state the time, place and date of the hearing and shall describe the subject matter of the application and the property to which it relates. Notices shall be mailed not less than 10 days before the date set for the hearing in compliance with Chapter 874.6 (Public Hearings).

5. Hearings may be continued from time to time until they are completed in compliance with Chapter 874.6 (Public Hearings).

J. Commission's action.

1. The Commission shall recommend to the Board the approval, approval with conditions, or denial of the application.

2. The Commission shall announce its Board recommendation by resolution within 10 days following the conclusion of the public hearings. The resolution shall be filed with the Clerk of the Board and mailed to the applicant at the address shown in the application.

K. Findings and conditions. In recommending approval of a Conditional Use Permit for conversion of existing rental apartment units to condominium, stock cooperative, or community apartment forms of ownership, the Commission shall first find all of the following:

1. The applicants or their predecessors in interest did not, within the 12-month period immediately preceding the filing of the application:

   a. Discriminate in the rental of apartment units to the elderly, families with children, or handicapped persons for the purpose of facilitating the conversion; and

   b. Impose rental increases on the tenants of the apartment complex for the purpose of removing the tenants from their apartments in order to facilitate the conversion;

2. The proposed conversion is consistent with policies and objectives of the General Plan; and

3. The conditions imposed are necessary to protect the public health, safety, and general welfare.

   a. The conditions may include:

      (1) Prohibiting discrimination in the sale of converted units to elderly and disabled persons or to families with school age children.

      (2) Other conditions necessary to minimize the impacts of the conversion.

   b. The conditions shall include:

      (1) Incorporating the proposals included in the applicant's conversion plan relative to the payment of relocation assistance to each household which occupied a rental unit in the subject apartment complex as of the date the application for conversion was filed and which is not able to remain in the converted unit because of the conversion. In no event shall a Conditional Use Permit be approved without requiring a minimum relocation assistance payment equivalent to one month's rent to the households. The Conditional Use Permit shall establish the eligibility date for relocation assistance payments.

      (2) Incorporating the proposals included in the applicant's conversion plan relative to long-term leases in favor of families with school age children, the elderly, and disabled residents of the apartment complex as of the date the conversion application was filed.

L. Conversion standards. In determining which applications for Conditional Use Permits to convert existing apartment units to condominium, stock cooperative, or community apartment forms of ownership will be approved, the Commission shall consider all of the following factors:

1. Significant adverse impacts of the conversion on the elderly and disabled residents and families with school age children occupying the apartment complex;

2. The proposed budget submitted by the applicant;

3. The report submitted by the Public Health Department relative to compliance of the apartment complex with Chapter 15.32 (Substandard Housing and Unsafe Structures);

4. Whether the proposed conversion will be for low-income persons;

5. The availability of parking spaces within the complex area;

6. Proposals by the applicant to provide extended leases to the elderly, to families with school age children, and disabled residents of the apartment complex as of the date the application was filed;

7. Special amenities available in the complex which include but are not limited to: swimming pools, saunas, recreational areas, open space, and energy conservation measures;

8. Proposals by the applicant to provide relocation assistance to residents of the apartment complex; and

9. Persons who have constructed new apartments in the same Community Plan Area within the 12 months preceding the application period shall be offered preferential consideration.

M. Board's hearing.

1. All recommendations of the Commission on applications for Conditional Use Permits to convert existing rental apartments to condominium, stock cooperative, or community apartment forms of ownership shall automatically be forwarded to the Board for consideration, review, and action at a hearing to be set no later than 60 days after receipt of the Commission resolution recording its recommendation.

2. The hearing shall be de novo consideration of all the matters considered by the Commission.

3. The Board shall give notice in the same manner as prescribed for the Commission hearing.

4. The Board shall approve, approve with conditions, or deny the Conditional Use Permit application. It may add new conditions, delete, or modify any of the conditions recommended by the Commission. Its decision shall be made within 40 days following the close of the hearing. Hearings may be continued from time to time by the Board. A copy of the Board resolution shall be mailed to the applicant at the address shown on the application.

5. The decision of the Board shall be final unless an appeal is filed with a court of competent jurisdiction within 15 days following the date that the resolution was mailed to the applicant.

834.4.070 - Apiary Standards

A. Purpose. The purpose of this Section is to allow beekeeping in a manner that is respectful of the safety of persons that may be in close proximity to the apiary.

B. Standards. Apiaries and honey extraction plants may be operated in any zone in which they are listed as allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) subject to the following conditions:

1. An adequate fresh water supply, of sufficient quantity and quality, shall be made available or exist naturally to prevent the bees from creating a nuisance around any public road, street or highway, residence or other occupied structure. If the County determines that a nuisance exists, then the beekeepers will be required to relocate the beehives in excess of the minimum setbacks established by this Section.

2. When placed near public roads, bees being used for crop pollination may be placed, in groups not to exceed 20 hives spaced not less than 300 feet apart, 10 feet from the public road right-of-way or 20 feet from the edge of the pavement (which ever distance is furthest, in no case on the public road right-of-way) 10 days before, during and 10 days after the bloom period for almonds and plums during February and March. During crop pollination, no beehives may be placed less than 75 feet from any public road intersection.

3. Beehives may not be placed less than 100 feet from any public road right-of-way, except as specified in Subparagraph 2., above.

4. Beehives may not be placed less than 200 feet from any residence or other occupied structure other than that of the property owner or occupant of the property, except by written permission of the persons affected.

5. Honey extraction plants may be allowed, provided that they be placed not less than 100 feet from any public road, street or highway, residence or other occupied structure other than that of the property owner or occupant of the property, except by written permission of the persons affected.

834.4.080 - Bars and Alcoholic Beverage Drinking Place Standards

A. Purpose. This Section provides standards for bars and alcoholic beverage drinking places that are located within a bona fide restaurant. These standards do not apply to stand-alone bares and alcoholic beverage drinking places.

B. Standards. Bars and alcoholic beverage drinking places that are carried on as a clearly secondary operation in conjunction with a bona fide restaurant operation may be allowed in any zone in which they are listed as allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), subject to all of the following conditions:

1. The bar or alcoholic beverage drinking place shall be designed as an integrated part of the restaurant within which it is located.

2. The bar or alcoholic beverage drinking place shall be entered only from within the restaurant. There shall be no outside entrance to the bar or alcoholic beverage drinking place except for emergency use only.

3. The bar or alcoholic beverage drinking place shall be operated only during the hours that the restaurant is open for business.

4. The area of any bar or alcoholic beverage drinking place shall not constitute more than 25 percent of the total floor area of the restaurant dining room and bar or alcoholic beverage drinking place.

5. The bar or alcoholic beverage drinking place may not utilize outdoor advertising except in conjunction with the restaurant.

834.4.090 - Bed and Breakfast Inn Standards

A. Purpose. The purpose of this Section is to regulate the establishment and operation of bed and breakfast facilities.

B. Standards. Bed and breakfast operations may be operated in any zone in which a single-family residence is listed as allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), subject to all of the following standards:

1. The bed and breakfast facility shall be operated by the owner/occupant of the property on which it is located.

2. Guest occupancy of bed and breakfast facilities shall not exceed 30 consecutive days for each guest.

3. The bed and breakfast activity may be conducted within a dwelling or an accessory structure involving a maximum of five bedrooms accommodating no more than 10 guests.

4. Off-street parking for the bed and breakfast facility shall be in compliance with Section 828.3.040 (Number of Parking Spaces Required).

5. Signs for the bed and breakfast facility shall be in compliance with Chapter 830.3 (Signs).

6. The bed and breakfast facility shall be limited in employment to residents of the property and a maximum of two nonresident employees for the use.

7. Special and promotional events associated with the bed and breakfast use shall not be permitted.

8. Before establishment of any bed and breakfast operation, a site plan review application shall have been submitted to and approved by the Director in compliance with the provisions of Chapter 854.5 (Site Plan Review).

9. The applicant shall apply for and obtain a permit to operate a food facility from the Health Department, and shall comply with all applicable Health Department requirements. A permit, once issued, is nontransferable.

834.4.100 - Child Day Care Facility Standards

A. Purpose. This Section provides locational and operational standards for the provision of child day care facilities, in compliance with State law.

B. Definitions. For the purpose of this Section, the following terms shall have the following definitions.

1. Child day care centers. A commercial or non-profit child day care facility not operated as a small or large family day care home. Includes infant centers, preschools, and extended day care facilities. These may be operated in conjunction with a business, school, or religious facility, or as an independent land use.

2. Child day care homes, large. A child day care facility located in a single-family residence where an occupant of the residence provides care and supervision for nine to 14 children in compliance with Health and Safety Code Section 1597.465. Children under the age of 10 years who reside in the home count as children served by the day care facility.

3. Child day care homes, small. A child day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children in compliance with Health and Safety Code Section 1597.44. Children under the age of 10 years who reside in the home count as children served by the day care facility.

C. Standards. These standards apply in addition to the other provisions of this Zoning Ordinance and requirements imposed by the California Department of Social Services. The establishment of a child day care facility shall be in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), and the following criteria and standards:

1. Large child day care home. A large child day care home shall be provided the proposal meets the following standards.

a. Compliance with all County restrictions and regulations on yards, building height, setback, and lot coverage standards in the zone in which the residence is located;

b. The large child day care home shall be the principal residence of the child day care provider and the use shall be clearly incidental and secondary to the use of the property as a residence.

c. Is either situated on a lot zoned for single-family dwellings or for multi-family dwellings meets a minimum standard of 75 square feet of outdoor activity space for each child who is ambulatory. The outdoor area must be owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners. This space requirement can be waived if the applicant can demonstrate that there is a public park or other public open space area which is within one-quarter mile of the large day nursery;

d. Provides parking in accordance with Chapter 828.3 (Parking and Loading Standards);

e. Provides adequate access to the facility with minimal disruption to local traffic and circulation;

f. Locates all outdoor play equipment at least five feet from the adjacent property line.

g. Within urban residential areas, provides a minimum six-foot high solid wall or barrier to enclose all outdoor play areas.

h. Is located at least 800 feet from any other large child day care home or child day care center. However, the Director may allow the proposed large child day care home to be located closer than 800 feet if all of the following is first determined:

(1) The closer location will not have an adverse effect on surrounding properties or on vehicular or pedestrian safety in the area;

(2) The proposal for the closer location seeks by design and layout of the site, to minimize noise which may be a nuisance to neighbors; and

(3) The proposal for the closer location does not materially reduce the privacy otherwise enjoyed by the residents of adjoining property.

i. Comply with Health and Safety Code 1597.46(d), including compliance with any Statewide standards that have or may hereafter be adopted by the State Fire Marshal specifically relating to the subject of fire and life safety in large family day care homes, including those standards currently specified in the California Building Code; and

j. Comply with any conditions imposed by the review authority deemed necessary to satisfy the requirements of this Section.

2. Child day care center. Child day care centers shall regularly provide care, protection, and supervision of children in specified zones. The following provisions, in addition to the provisions of Subparagraph 1., above, shall apply to child day care centers:

a. Access shall be only from a collector or arterial street, or a local street if the street is developed primarily with businesses.

b. Play areas shall be separated from contiguous residential yards by a six-foot high solid masonry wall.

3. Institutional child day care center. Institutional child day care centers shall regularly provide care, protection, and supervision of children when operated in conjunction with and on the same site as a public or private school, place of assembly, or other institutional use which is allowed and established in the zone. Operation of an institutional child day care center shall be subject to approval of a Conditional Use Permit unless determined incidental to a larger use (e.g., a church) and thereby included in the land use permit used to address that use.

834.4.110 – Commercial Cattle Dairy/Feedlot Facility Standards

A. Purpose and intent.

1. The regulations established herein are intended to address the nuisance and environmental problems created from inappropriately located and operated dairy and feedlot facilities.

2. It is necessary that cattle dairy and feedlot facilities be designed to protect the health, safety, and general welfare of the community.

3. These regulations shall apply to all new dairy/feedlot facilities and to conversions and additions to existing dairy/feedlot facilities, with the exception of uses described in Subsection C, below.

B. Definitions. For the purpose of this Section, the following terms shall have the following definitions.

1. Dairy/feedlot facility. All barns, shade structures, pens, manure storage areas, corrals, and areas used in conjunction with dairy/feedlot facilities and which are on the same site as the dairy/feedlot operation. When measuring setbacks or required separations, measurements shall be taken from or between the closest of the above described facilities. Areas used for crop production or not otherwise used in the production of milk or cattle shall not be included for purposes of determining setbacks or required separations.

2. **Permitted prior to the adoption of this Ordinance.** Applies to facilities that have all the applicable permits from State agencies and Building Permits from the Department for all structures. A permitted commercial feedlot facility shall have all applicable permits and approval of a Conditional Use Permit.

3. **Permitted after the adoption of this Ordinance.** Applies to facilities that have approval of the applicable discretionary permit, all applicable permits from State agencies, Building Permits from the Department for all structures, and compliance with all conditions and mitigation measures associated with the approval of the discretionary permit.

C. Exceptions. These regulations shall apply to all new dairy/feedlot facilities and to conversions and additions to existing dairy/feedlot facilities, with the exception that they shall not apply to:

1. The raising or keeping of cattle for grazing or domestic use;

2. Cattle for Future Farmers of America (FFA), 4H, and similar organizations;

3. Natural births and attrition so long as that number does not exceed 15 percent of the baseline cattle, as identified by the Regional Water Quality Control Board; and

4. The repair, maintenance, upgrading, and expansion of legally existing dairy/feedlot facilities provided the work does not increase the capacity of the facility by more than 50 cattle per year.

D. Regulations for the expansion of dairy/feedlot facilities permitted prior to the adoption of this Ordinance (October 23, 2007).

1. **Procedure.** Additions to dairy/feedlot facilities permitted prior to the adoption of this Ordinance, which exceed the criteria listed above, shall be permitted subject to the provisions of Chapter 846.5 (Director's Review and Approval) and the standards outlined in Subparagraphs 2., 3., 4., and 5., below, provided that the expansion does not exceed a capacity of 500 cattle. For expansions that exceed a capacity of 500 cattle, the provisions of Chapter 842.5 (Conditional Use Permits) and the standards outlined in Subparagraphs 2., 3., 4., and 5., below shall apply.

2. **Siting/development standards.**

   a. Lagoons and retention ponds that contain wastewater shall maintain a minimum 50-foot separation from the ultimate public road right-of-way line. Conveyances that contain wastewater are exempt from this requirement.

   b. All proposed confined animal units, and wastewater storage ponds, lagoons, retention ponds, and settling basins that contain wastewater shall be located a minimum of 100 feet from all existing wells.

c. All proposed wells shall be located a minimum of 100 feet from confined animal units and wastewater storage ponds, lagoons, retention ponds and settling basins that contain wastewater.

d. Any development within a designated flood hazard area shall comply with Chapter 15.48 of the County Ordinance Code.

e. All proposals could be subject to additional development standards specified during the land use permitting process.

3. Lagoon and retention pond requirements. The applicant shall prepare and submit a construction and maintenance plan for any proposed lagoons and/or retention ponds. The construction and maintenance plan shall comply with the following:

a. All proposed lagoons and retention ponds shall be lined in a manner that conforms to the California Code of Regulations, Title 27, Section 22562, together with additional requirements contained in Order No. R5-2007-0035 of the Central Valley Regional Water Quality Control Board, section B (General Specifications).

b. Plans for the design, structure, and maintenance of lagoons and retention ponds shall be designed and signed by a California registered civil engineer or a California registered engineering geologist and shall have a maintenance plan, approved by the Regional Water Quality Control Board.

c. All proposed lagoons and retention ponds shall have a marker on the inside slope which clearly indicates the design volume and the minimum freeboard necessary to allow for the 25-year, 24-hour rainfall event. A minimum of two feet of freeboard is required at all times for new and existing retention ponds.

d. A flow meter and associated plumbing shall be installed on the effluent line from the lagoon or retention pond.

e. All lagoons and retention ponds shall be surrounded by lanes at least 12 feet in width and nothing (e.g., trees, calf pens, hay stacks, silage, tires, or equipment) shall be placed in the area of the holding ponds that would prevent passage or use of vector control equipment.

f. Fencing, if proposed, shall be placed on the outside of the lane and gates shall be provided for vehicle access.

g. All wastewater system designs shall include a solids separation system. If separator ponds are the exclusive means of solids removal, then two or more solids separator ponds are required. These ponds shall not be greater than 60 feet in surface width.

h. Drainage lines shall not by-pass the separator ponds, except those that provide for normal corral run-off. All drain inlets must be sufficiently graded to prevent solids accumulation in the holding ponds.

i. Floatage of any solid substance that could harbor immature mosquito species shall be kept out of all wastewater holding ponds.

j. The owner shall be responsible for keeping vegetative growth from all areas of the wastewater and solids separation ponds. This includes access lanes, interior pond embankments, and any weed growth that might become established as floating mats on the pond surface.

k. All proposed lagoons and retention ponds could be subject to additional requirements specified during the land use permitting process.

4. Federal and State regulations.

a. All proposals shall comply with the effluent limitations established by the Federal Clean Water Act and the terms of any applicable National Pollution Discharge Elimination System Permit.

b. All proposals shall adhere to the provisions set under the California Code of Regulations, Title 27, Division 2, Chapter 7, Subchapter 2, Article 1 and the requirements set by the Regional Water Quality Control Board.

c. All proposals shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

d. All proposals could be subject to additional Federal and State mandated regulations specified during the land use permitting process and/or regulations amended through State and Federal law.

5. Application requirements

a. An application packet for the Classified Conditional Use Permit shall be submitted in compliance with the requirements specified by the Department's Pre-application Review process, in addition to the following, that shall be included in the operational statement:

(1) Number of cattle existing.

(2) Maximum number of cattle proposed.

(3) An emergency action plan covering: fire (including fuel storage), personal injury, and manure storage and handling.

(4) The applicant may be required to provide additional information, as requested by the lead agency, a responsible agency, or a reviewing agency.

b. The applicant shall prepare/submit a management plan describing the operational practice necessary to control nuisances (e.g., flies, dust, and odors). The management plan shall also demonstrate compliance with the following:

(1) All dead animals shall be disposed of at/by a licensed rendering facility or other permitted disposal facility. Dead animals shall not create a nuisance prior to their removal. Storage and removal of dead animals shall be accomplished within 72 hours of animal death and in a manner to prevent cross contamination with other animals and feed. In emergency events, alternate protocols for disposal shall take precedence and be determined by regulatory authorities including, but not limited to, the Fresno County Health Officer, Agricultural Commissioner, Local Enforcement Agency for Solid Waste, Regional Water Quality Control Board, the Air Pollution Control District, and other local or state agencies.

(2) Spill prevention and contingency plan for any unpermitted, accidental off property discharge of facility wastewater, and corresponding reporting to the Regional Water Quality Control Board within four hours of discovery. The written report shall contain:

(a) The date the discharge began;

(b) Duration and estimated volume of the discharge;

(c) Point of discharge;

(d) Specific source of discharge (e.g., overflow from holding pond, rainfall runoff from manure storage areas, etc);

(e) Steps taken to mitigate the effects of the discharge;

(f) Steps taken to prevent the discharge in the future;

(g) Notification of adjacent and/or affected property owners; and

(h) In the case of spills affecting crops intended for human consumption, the Agricultural Commissioner and the Fresno County Health Officer shall also be notified.

(3) Dairy wastewater discharged for irrigation purposes shall be managed so that it does not stand for more than three days.

c. The applicant shall prepare/submit a nutrient management plan describing the disposition/disposal of cattle waste products on site. The nutrient management plan shall also demonstrate compliance with the following:

(1) Production and nutrient information:

(a) Animal types and numbers.

(b) Calculated manure and wastewater volumes for the facility.

(c) Crop types, actual yields and expected nutrient uptake amounts.

(d) Soil types.

(e) Nitrogen and salt loading at maximum capacity/operation.

(2) A plan for the disposal and irrigation of liquid and dry manure. The plan shall include a monitoring program that is in compliance with the requirements set under the Regional Water Quality Control Board's Waste Discharge Requirements.

(3) The storage and application of wastewater to cropland at agronomic levels. Include the size of retention ponds/settling basins, mixing procedures, expected application times and amounts of nitrogen applied.

(4) The applicant may be required to provide additional information, as requested by the reviewing agency.

d. The applicant shall prepare and submit a vector control management plan that includes a description of how often corrals, retention ponds, settling basins, milk barns, watering areas, calf areas, freestalls, flush lanes, shades, feed storage, and feeding areas are checked for vectors, frequency of cleaning feeding areas, a description of types of vector control that will be utilized (biological, chemical or cultural), and other information needed to prevent vector control problems.

e. All proposals could be subject to additional application requirements specified during the land use permitting process.

6. Violations and penalties. If the Director, based upon inspection, determines that the proposed expansion is not in compliance with this Subsection (Subsection D), the County shall follow the provisions of this Zoning Ordinance for revocation of the DRA or CUP, whichever is applicable.

7. Filing fee. The applicant for a dairy/feedlot facilities permit shall pay the applicable application fee as prescribed in the Master Schedule of Fees for the purpose of defraying the costs involved in reviewing and processing the application.

8. **Notice.** Public notice shall be provided in compliance with the provisions of State Law, County Procedures, and Chapter 846.5 (Director's Review and Approval) or Chapter 842.5 (Conditional Use Permits), whichever is applicable.

E. Regulations for new dairy/feedlot facilities and the expansion of dairy/feedlot facilities permitted after the adoption of this Ordinance (October 23, 2007).

1. **Procedure.** New dairy/feedlot facilities and expansion of dairy/feedlot facilities permitted after the adoption of this Ordinance, which exceed the criteria listed in Subsection A, above, shall be permitted subject to the provisions of Chapter 846.5 (Director's Review and Approval) and the standards outlined in Subparagraphs 2., 3., 4., and 5., below, provided that the expansion does not exceed a capacity of 500 cattle. For proposals that exceed a capacity of 500 cattle, the provisions of Chapter 842.5 (Conditional Use Permits) and the standards outlined in Subparagraphs 2., 3., 4., and 5., below shall apply.

2. **Siting/development standards.** The following requirements and all those listed in Subsection D, above, shall apply.

a. A dairy/feedlot facility shall not be permitted within one mile of a LAFCO-adopted city Sphere of Influence (SOI) boundary, or one-half mile from the nearest point of any unincorporated community plan boundary or Rural Settlement Area, or any residential zone district not within a city SOI.

b. A dairy/feedlot facility shall not be permitted when 10 or more dwellings or a sensitive use (e.g., a school, public park, or hospital) are located within the identified wind shed area (See Diagram "A").

c. A dairy/feedlot facility shall not be permitted when a dwelling other than one owned by the facility owner is located within the identified micro wind shed area (See Diagram "B").

d. All dairy/feedlot facilities shall be set back a minimum of 2,500 feet from all waterways used for public drinking water.

e. All dairy/feedlot facilities shall not be permitted within two miles of the Mendota Wildlife Area.

f. A dairy/feedlot facility shall not be adjacent to parcels located in the Resource Conversation or Open Space zone districts.

g. All dairy/feedlot facilities shall adhere to the applicable United States Department of Transportation (USDOT) separation requirements between confined livestock operations and airports.

Diagram A
Wind Shed Diagram

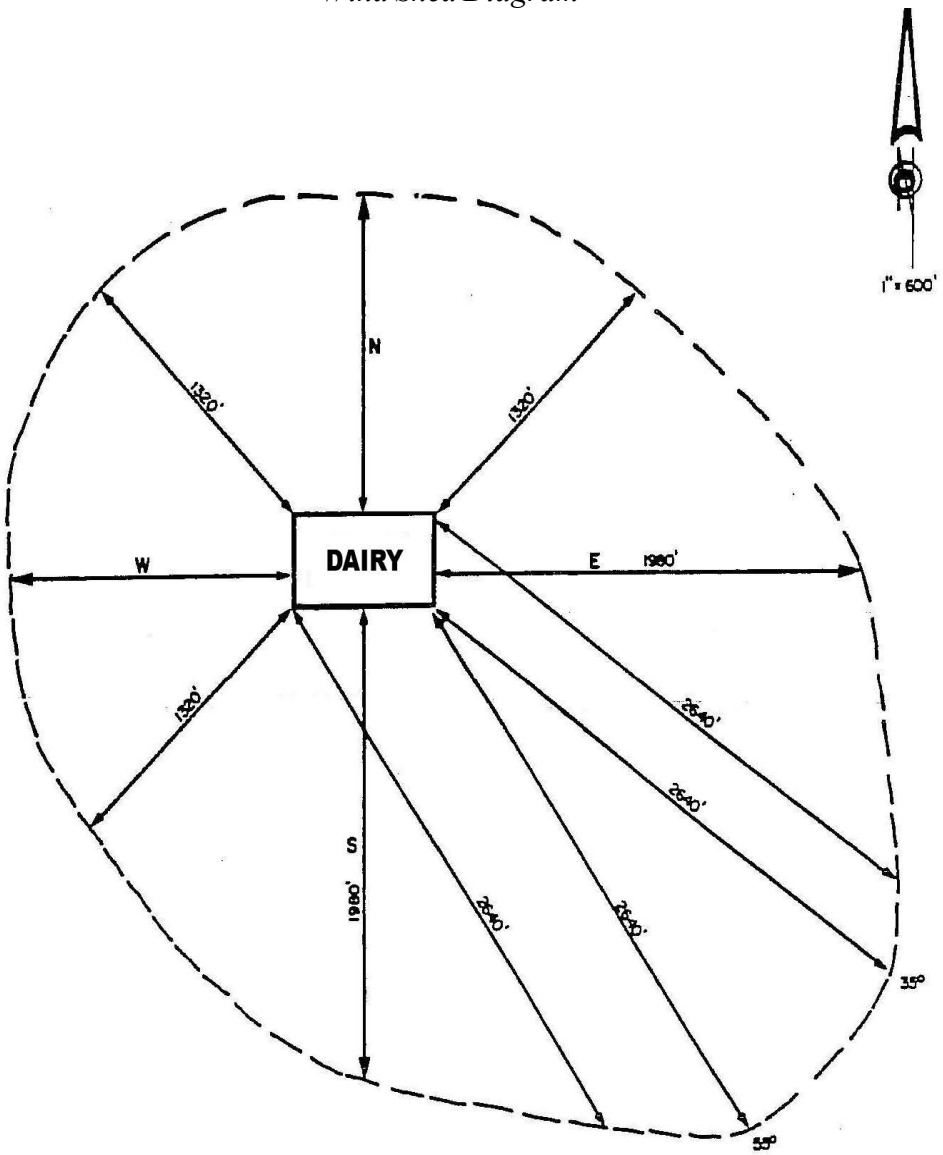
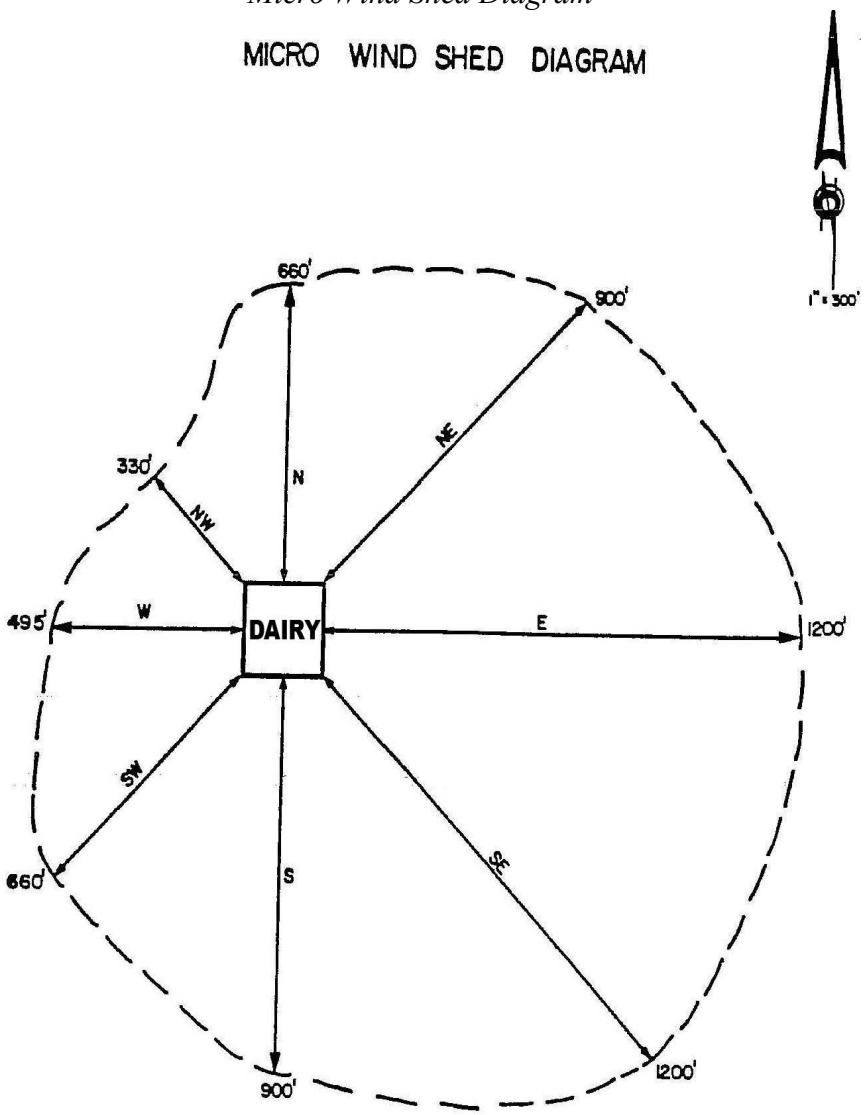


Diagram B
Micro Wind Shed Diagram



3. Lagoon and retention pond requirements. All requirements specified in Subsection D, Subparagraph 3., above, shall apply.

4. Federal and State regulations. All regulations specified in Subsection D, Subparagraph 4., shall apply.

5. Application requirements. The following requirements and all those specified in Subsection D, Subparagraph 5., shall apply.

a. The applicant shall prepare and submit a soil monitoring program. The soil monitoring program shall demonstrate compliance with the following:

(1) Maps and drawings that identify the locations of soil sampling at existing or proposed uncovered animal housing (corrals/pens), manure storage areas, and cropland that will receive manure.

(2) A description of how representative soil samples will be collected from each location and at what depth.

(3) Specific constituents required for analysis, number of samples and sampling frequency. At a minimum, soil samples for cropland shall be sampled for ammonium, calcium, magnesium, potassium, sodium, nitrate, cation exchange capacity, percent base saturation, soluble salts, selenium, total Kjeldahl nitrogen, phosphorus and pH. At a minimum, soil samples for non-cropland shall be sampled for ammonium, nitrate, soluble salts, total Kjeldahl nitrogen and pH.

(4) Sampling shall follow EPA procedures and test methods for soil sampling and analysis.

(5) The time of year when sampling will take place and who is responsible for taking the samples shall be identified.

(6) Soil sample results, for the initial sampling, shall be submitted within 90 days of the start of operations at the site.

(7) Sampling techniques, equipment, sample preservation, analysis, the name of the laboratory and the name of the sampler shall be provided.

b. The applicant shall prepare and submit a groundwater monitoring program for review and approval by the California Regional Water Quality Control Board. The groundwater monitoring program shall demonstrate compliance with the criteria listed below:

(1) A description of groundwater conditions beneath the site including expected depths to the shallow and deep groundwater, expected direction(s) of groundwater flow, and the source of groundwater information (irrigation/water district maps, measurements of on-site wells, and highest anticipated groundwater elevation.

(2) A map showing the location of all the proposed monitoring wells and existing on-site wells relative to operations. Provide a separate map showing wells within 1,000 feet of the site.

(3) Description of sampling techniques, equipment, sample preservation, analysis, the name of the laboratory, and the name of the sampler, shall be provided.

(4) Frequency of groundwater monitoring shall be quarterly and analyzed at a State-certified laboratory.

(5) Groundwater sampling shall, at a minimum, include the following constituents: ammonium, calcium, potassium, magnesium, sodium, chloride, bicarbonate, selenium, nitrate, sulfate, ammonia, total dissolved solids, total Kjeldahl nitrogen and pH.

(6) A minimum of four monitoring wells shall be placed in the following location: up and down gradient of the settling basins and retention ponds, areas of high animal density (e.g., corrals and freestall bams) areas of potential contamination, and fields that are receiving wastewater irrigation. Monitoring wells shall be screened at the shallowest aquifer.

(7) Groundwater depth, groundwater elevation and direction of flow shall be determined.

(8) For new confined animal facilities, initial water samples shall be taken prior to the start of operation to establish background water quality information.

(9) Within 30 days after completion of the monitoring system, a report signed by a registered geologist or civil engineer must be submitted to the Regional Water Quality Control Board. The report shall include a map showing the location of all wells (including monitoring, domestic and irrigation wells) and all off site wells within 1,000 feet of the facility; well logs of the monitoring wells and on-site wells, if available; a description of how the wells were developed; the surveyed elevation of each monitoring well taken from a clearly marked and adequately described benchmark (including GPS coordinates); and lithologic logs, if available.

(10) In site-specific cases, where the water table is more than 100 feet below ground surface, the Regional Water Quality Control Board may allow soil monitoring to be substituted for groundwater monitoring.

c. All proposals could be subject to additional application requirements specified during the land use permitting process.

6. Violations and penalties. If the Director, based upon inspection, determines that the proposed expansion is not in compliance with this Section, the County shall follow the provisions of this Zoning Ordinance for revocation of the DRA or CUP, whichever applicable.

7. Filing fee. The applicant for a dairy/feedlot facilities permit shall pay the applicable application fee as prescribed in the Master Schedule of Fees for the purpose of defraying the costs involved in reviewing and processing the application.

8. Notice. Public notice shall be provided in compliance with the provisions of State Law, County Procedures, and Chapter 846.5 (Director's Review and Approval) or Chapter 842.5 (Conditional Use Permits), whichever is applicable.

834.4.120 - Community Clean-Up Waste Drop-off Events -Temporary

A. Purpose. The purpose of this Section is to allow community clean-up events in a manner that minimizes impacts on surrounding properties.

B. Definitions. For the purpose of this Section, the following term shall have the following definition.

1. Community clean-up waste drop-off events. A facility or event that is established to receive/collect non-hazardous waste (as defined under Title 22 of the California Code of Regulations) from the public as part of a County-sanctioned community clean-up event. These uses are temporary in nature (see Subparagraph C.3.).

C. Standards. Community clean-up events shall be permitted in all zones subject to approval of a Temporary Use Permit in compliance with Chapter 858.5 (Temporary Use Permits). All facilities shall comply with the following standards:

1. Traffic.

a. Customer attendance shall be limited to no more than 250 customers per day.

b. Customer's attendance shall be limited to no more than 25 customers per hour.

c. Parking and circulation for all vehicles associated with the event shall be accommodated completely on-site.

2. Location.

a. All operational components of the facility shall not be less than 150 feet from an existing residential unit.

b. Any site selected must be able to accommodate customer parking and queuing on-site in compliance with Subparagraph 1.c.

c. In potentially sensitive archeological/biological areas (generally foothill areas· with species listed on the California Natural Diversity Database), any site selected shall be or must have been disturbed in the past (e.g., grading, development). No undisturbed sites shall be selected if located within potentially sensitive archeological/biological areas.

3. Hours/duration of operation.

a. Hours of operation shall be limited to 6:00 a.m. to 8:00 p.m.

b. Customer drop-off shall be limited to the hours between 7:00 a.m. to 6:00 p.m.

c. In no case shall a drop-off event operate longer than four total days including site preparation and clean-up and a maximum of two days to receive customers.

d. All operations and events shall occur during daylight hours unless lighting is installed or available at the site. All lighting shall be installed/operated in compliance with Subparagraphs 8.a. through c.

4. Maximum tonnage permitted.

a. The maximum amount of waste received by the facility shall be no more than 15 tons per day; and

b. The Operator shall obtain an "Enforcement Agency Notification" from the State Local Enforcement Agency (Health Department).

5. Storm-water drainage. It shall be demonstrated to the County that storm-water shall be contained on-site or conveyed to an appropriate storm-water facility. A drainage plan may be required.

6. Noise. All facilities authorized shall comply with the noise standards contained in County Ordinance Code Chapter 8.40.

7. Dust control. For unpaved sites, a dust palliative shall be required as necessary to minimize dust impacts to adjacent sites.

8. Lighting.

a. Lighting shall be utilized during non-daylight hours as approved by the Health Department to ensure safety and to monitor the effectiveness of operations.

b. All lighting shall be directed downward and shall be hooded to minimize light and glare on adjacent parcels and roadways.

c. All proposed lighting shall be depicted on a site plan.

9. Site restoration. Within 24 hours of the completion of the event, the site shall be restored to its original condition (restoration shall occur within the total four-day event period specified Subparagraph 3.c. The operator shall be responsible for removing any illegally disposed solid waste at the site after the event.

10. Site Plan Review required. To review the proposed project for compliance with the applicable standards, a Site Plan Review shall have been submitted and approved by the Director in compliance with the provisions of Chapter 854.5 (Site Plan Review).

834.4.130 - Drive-In, -Up, -Through, Kiosks and Mobile Food/Support Facilities and Units Support

A. Purpose. The purpose of this Section is to provide adequate waiting areas, restrooms, parking, and ingress and egress to the parking for drive-in, drive-up, and drive-through facilities, and mobile food facilities and mobile support units, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

B. Standards.

1. Dairy drive-in. Adequate ingress and egress and waiting areas shall be provided on the subject parcel. All activities other than actual delivery of the merchandise to the consumer shall be conducted within an entirely enclosed structure.

2. Drive-through kiosks. As defined in Article 7, facilities shall be limited to 350 square feet of building area and are retail facilities for the sale of items such as food and beverages for motorists. The sale of alcoholic beverages through a drive-through kiosk is prohibited.

3. Drive-in movie. Adequate waiting area, parking, and ingress and egress to the parking shall be provided on the subject parcel.

3. Drive-in restaurant. Adequate waiting area, parking, and ingress and egress to the parking shall be provided on the subject parcel.

4. Mobile food facilities and mobile support units. Adequate restroom facilities and parking, and ingress and egress to the parking shall be provided on the subject parcel.

834.4.140 - Emergency Shelter Standards

A. Purpose. This Section provides use and development regulations for emergency shelters in compliance with State law and as defined in Article 7 (Definitions). For property owners or developers seeking to establish an emergency shelter in the unincorporated areas of Fresno County, the emergency shelter facility shall comply with the standards listed in Section B below in compliance with Government Code Section 65583:

B. Standards. Emergency Shelters shall be allowed in the C-4 and C-M Zone Districts.

1. In addition to the development standards in the underlying zone, the following standards apply to emergency shelters, where allowed, and each emergency shelter shall comply with the standards specified in this Section. In the event of conflict

between these standards and the underlying zone regulations, the provisions of this Section shall apply.

a. The facility shall comply with applicable State and local standards and requirements and Federal, State, and local licensing requirements for any program's incidental to the emergency shelter.

b. Physical characteristics including onsite waiting and intake area, security and lighting.

(1) The facility shall comply with applicable State and local uniform Housing and Building Code requirements and shall include a designated indoor onsite waiting and client intake area.

(2) The facility shall have on-site security during all hours when the shelter is open.

(3) Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall be directed away from residential areas and public streets.

(4) Facilities shall provide secure areas for personal property.

c. **Maximum number of beds or persons.** Density for emergency shelters will be based on the residential density requirements of the C-4 (Central Trading) District which is one dwelling unit for each two thousand four hundred (2,175) square feet of lot area. When not developed in an individual dwelling unit format, emergency shelters shall not be subject to the underlying zone's maximum unit density standard, but the number of beds shall be limited to three times the maximum number of dwelling units which would otherwise be allowed, (three times one unit per 2,400 square feet of lot area) but shall not exceed 60 beds per shelter.

d. **Length of Stay.** The maximum term of stay at an emergency shelter is 180 days within a consecutive 12-month period.

e. **Sufficient parking.** The emergency shelter shall provide on-site parking at a rate of one space for each facility staff member, plus one space for each 10 beds/occupants allowed at the maximum capacity.

f. **Management.** Emergency shelter management plans shall be prepared and submitted to the Fresno County Director of Public Works and Planning or an authorized designee.

(1) A written management plan is required for all emergency shelters.

(2) The plan shall include provisions for on-site security including lighting, security cameras, knowledge/listing of available emergency service providers (Sheriff's Office, local fire department, and ambulance operators) and other measures as proposed by the operator to provide for adequate health and safety of both clients and management.

(3) The plan shall be submitted to the Director of Public Works and Planning or the Director's authorized designee before commencement of operations.

(4) The plan shall include a floor plan that demonstrates compliance with the physical standards of this Section.

(5) The operator of each emergency shelter shall submit an updated management plan to the Director of Public Works and Planning or the Director's authorized designee when it has been determined that operational modifications have occurred which warrant review.

(6) The Board of Supervisors may establish a fee by resolution to cover the administrative cost of review of the required management plan in compliance with the Master Schedule of Fees.

g. **Proximity.** Not more than one emergency shelter is permitted within a 300-foot radius from another emergency shelter.

834.4.150 - Farmworker Housing, Temporary

A. Purpose. This Section provides use and development regulations for Temporary Farmworker Housing in compliance with State law and as defined in Article 7 (Definitions).

B. Standards.

1. Shall be allowed solely in the AE and AL Zone Districts.

2. Shall consist of temporary residential accommodations (e.g., licensed recreational vehicles or travel trailers etc.) to provide for the shelter needs of individuals and families for short-term needs (not to exceed 90 consecutive days). Temporary housing in this manner must be sited on a bona fide commercial agricultural/farming operation (or off-site operations owned or managed by the same agricultural operation).

3. Temporary Farmworker Housing are limited to twelve individual units at a density that meets the requirements of the Fresno County Local Area Management Plan (LAMP) for properties served by individual septic systems including any available variance provisions.

834.4.160 - Farmworker Housing Complexes

A. Purpose. This Section provides use and development regulations for Farmworker Housing Complexes in compliance with State law and as defined in Article 7 (Definitions). Employee housing for employees and their households consisting of up to thirty-six (36) beds in a group quarters or up to twelve (12) units or spaces designed for use by a single family or household shall be allowed subject to the provisions of this Section. Every person, or agent or officer thereof, constructing, operating, or maintaining a Farmworker Housing Complex shall comply with the requirements of this Section and all applicable health, safety and building codes and standards.

B. Standards.

1. A Farmworker Housing Complex shall be allowed as provided in Section 17021.8 of the Health and Safety Code, in any of the following zone districts that permit agricultural land uses: R-A, R-1-A, R-R, R-1-A, R-1-AH, R-1-E, R-1-EH, AE, AL, RE and O.

2. A Farmworker Housing Complex shall permit the occupancy of employees, regardless of the industry or work performed, where the housing accommodations qualify as employee housing as defined in Section 17008 of the California Health and Safety Code and shall also permit occupancy of employees and the employees' household.

3. A Farmworker Housing Complex provided by the employer and maintained in connection with the work or place where work is being performed must comply with all provisions of Section 17008(a) of the California Health and Safety Code.

4. A Farmworker Housing Complex not maintained in connection with any workplace and provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code, except the requirement that the housing accommodations must be located in a rural area.

5. The minimum parcel size and number of units or beds to establish a Farmworker Housing Complex shall be as follows:

Table 1 – Section 834.4.160 Individual Units or Spaces	
Without Urban Services (Community Sewer and Water)	
Zone District	Number of Units/Spaces
R-A	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-R	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel

A-E	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
A-L	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-E	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
O	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-A	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-AH	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-E	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-EH	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
With Urban Services (Access to Community Sewer and Water)	
Zone District	Number of Units/Spaces
R-A	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-R	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
A-E	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
A-L	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-E	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
O	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-A	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-AH	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-E	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-EH	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot

Table 2 – Section 834.4.160 Group Quarters without Urban Services (Community Water and Sewer)	
Without Urban Services (Community Sewer and Water)	
Zone District	Number of Units/Spaces

R-A	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-R	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
A-E	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
A-L	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-E	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
O	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-1-A	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-1-AH	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-1-E	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-1-EH	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
With Urban Services (Access to Community Sewer and Water)	
Zone District	Number of Units/Spaces
R-A	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-R	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
A-E	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
A-L	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot

R-E	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
O	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-A	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-AH	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-E	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-EH	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot

6. In addition to applicable state law regarding the operation and safety of employee housing Farmworker Housing Complexes must meet the following minimum County standards and as authorized by Section 17021.8(e) of the California Health and Safety Code:

   a. Building Height - The provisions of the underlying zone district shall apply.

   b. Yards - The provisions of the underlying zone district shall apply.

   c. Space Between Buildings - The provisions of the underlying zone district shall apply, except that no animal or fowl pen, coop, stable, barn or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation.

   d. Off-Street Parking for Farmworker Housing Complexes based on individual units (12 units maximum per ~~20-acre~~ parcel) - There shall be at least one (1) designated parking space for every dwelling unit. Spaces must be marked and maintained in a dust-free manner with surfacing such as gravel or other material as approved by the Director of the Department of Public Works and Planning. These spaces shall be on the same lot with the main building which they are intended to serve and located to the rear of the required front yard.

   e. Off-Street Parking for Farmworker Housing Complexes based on dormitory beds (36 beds maximum per parcel) – The parking standards of 828.3.040 – Club; fraternity or sorority house; rooming or boarding house; or similar structure.

f. All Farmworker Housing Complexes not connected to community sewer or water shall meet the minimum on-site County separation requirements for well and septic systems and the Fresno County adopted LAMP requirements including any available variance provisions.

g. All units constructed shall meet the minimum required building and safety code requirements.

7. Conversion - The housing units shall not be converted to any other use unless the conversion is approved by the County of Fresno. Any conversion shall be subject to the applicable zoning ordinance standards at the time of the conversion.

8. The Planning Commission may authorize additional beds or units or a combination of group quarters and Farmworker Dwelling Units beyond the limits set in this section through the conditional use permit process, based on the Commission's ability to making specific findings as outlined in Section 842.5.050.B (Required Findings – Conditional Use Permit).

9. Permanent units or spaces designed for use by a single family or household and Farmworker Housing Complexes require the completion of a Farmworker Housing verification form prior to building permit application submittal. The verification form shall include information regarding the housing type, number of dwelling units or beds, estimated length of occupancy, estimated maximum number of occupants, anticipated occupants' employment information, or other information that established that the accommodations are to be maintained in connection with any work or place where work is performed and proof that a permit to operate from the California Department of Housing and Community Development (HDC) has been obtained and maintained.

C. Eligible Agricultural Employee Housing Development.

An Eligible Agricultural Employee Housing Development defined in and that satisfies the requirements of Section 17021.8 of the California Health and Safety Code, and as may be amended, is allowed in any of the following zone districts that permit agricultural land uses R-A, R-1-A, R-R, R-1-A, R-1-AH, R-1-E, R-1-EH, AE, AL, RE and O. An

Eligible Agricultural Employee Housing Development is subject to the minimum County standards identified in Section 834.4.160.B.5 above.

834.4.170 – Farmer's Markets

A. Purpose. This Section provides use and development regulations for Farmer's Markets as defined in Article 7 (Definitions) for sites which serve the community. Proposals shall have a limited operational time period and shall comply with the standards listed in Section B below.

B. Standards. Farmer's Markets shall be allowed in the C-3, C-4 and C-6 Zone Districts as a permitted use and in the R-P Zone District with approval of a Director Review and Approval. All Farmer's Markets shall be subject to the following standards:

1. Proposals for new Farmer's Markets must be on an existing and developed commercial site and shall receive approval through a Site Plan Review per the requirements of Chapter 854.5.

   a. An Operational Statement and Site Plan shall be submitted by the property owner or operator and the Farmers Market shall be operated in a manner consistent with the Operational Statement and Site Plan submitted.

   b. The Farmers Market shall be operated by the property owner or an authorized operator identified in writing by the property owner.

2. For products sold at Farmer's Market events, only the producer or the producers' parents, children, grandparents and grandchildren or a relative regularly residing in the producer's household or an employee of the producer may sell products at the market.

   a. An employee is any person employed by the producer at a regular salary or wage, on either a full or part time basis.

   b. Proof of status of an employee is provided by an authorized agreement proving that the person selling is an employee of the Qualified Seller.

   c. An employee may not sell for more than one Qualified Seller at a time.

   d. A person who is reselling or for whom show compensation is primarily based on a commission on sales is not considered an employee.

3. The sale and inventory of prepackaged food, provided that such food sales and inventory comply with the requirements of the Department Public Health, Environmental Health Division, and is from an "approved source" and is not a "potentially hazardous food" as defined by the California Health and Safety Code is permitted.

4. Nonagricultural product sales are the on-site sale of nonagricultural products (crafts, jewelry, etc.) produced on and off the property, where the total inventory and sales area for such products is limited to 10% of the total sales area.

5. Prior to operation, clearance from the local fire district must be obtained and provided to Fresno County Department of Public Works and Planning.

6. Portable restrooms and hand washing facilities shall be provided for every Farmers Market event.

7. All roadside parking areas shall be operated pursuant to General Parking Regulation as specified in the CAVehicle Code. Specifically, parallel parking only (no diagonal or other non-parallel parking. No blocking driveways).

8. The operator and/or property owner shall provide adequate controls or measures to prevent dust, odor or light.

834.4.175 – Fireworks Stands, Temporary/Seasonal

A. Purpose. This Section provides the allowable locations, zone districts and procedures for establishing seasonal fireworks stands in the unincorporated areas of Fresno County.

B. Allowable locations and Zone Districts. Temporary seasonal fireworks stands are permitted in the following zone districts and locations.

1. Commercial (C-1, C-2, C-3, C-4, C-6, CM, AC, RCC, etc.) Zone Districts.

2. Industrial (M-1, M-2, M-3) Zone Districts.

3. Professional Office (RP, CP) Districts.

4. On any parcel that has an existing legal non-conforming retail use.

5. On any parcel that has an approved CUP or DRA for a commercial use, or for a place of general public assemblage (i.e., church, club, school, Ag Commercial Center or Rural Commercial Center).

C. Approval Procedures. The selling of safe and sane fireworks shall be permitted in compliance with County Ordinance Code Section 8.36 which includes procedures and conditions for issuance or denial, prohibition on violating permit conditions, prohibited locations, and duration of sales.

834.4.180 - Greenhouse Standards

A. Purpose. This Section provides property development standards for greenhouses.

B. Greenhouse classified. A greenhouse, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), shall be classified as a structure in determining the parcel coverage.

C. Property development standards. The property development standards of the zone shall apply if the structure exceeds the allowed fence height for the zone or if the structure exceeds 100 square feet in area.

834.4.190 - Home Occupation Standards

A. Purpose and allowed uses. The following uses and professions shall be classified as home occupations, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), provided they are not of an industrial nature, and when consistent with the Class I or Class II regulations specified is Subsections B. and C., below.

1. Artistic activities (e.g., artists' or sculptors' studios, ceramic workshops, photographic studios, and other similar uses).

2. Professional occupations (e.g., doctors' or physical therapists' offices, counseling, writing, teaching, designing, inventing [including construction of prototypes], and other similar uses).

3. General office uses (e.g., realtors, bookkeepers and accountants, contractors' offices, drafting services, telephone answering services, mail order distributorships, and other similar uses).

4. Home crafts (e.g., model making, rug weaving, lapidary work, jewelry making, leather tooling, metal crafts, wood working, flower arranging, dressmakers, seamstresses, tailors, and other similar uses).

5. Personal services (e.g., home beauty shops, barbers, color consultants, manicurists, and other similar uses).

6. Bed and breakfast operations which exceed the limitations specified in Section 834.4.090 (Bed and Breakfast Inn Standards).

7. Bakery and confectionery product operations, and other similar uses, for home delivery and distribution using delivery vehicles rated no greater than one ton.

B. Home occupation, Class I. Home occupations in compliance with the following regulations shall be allowed as accessory uses and no land use permit shall be required in order to establish and maintain the uses:

1. The home occupation shall be clearly incidental and secondary to the use of the site for residential purposes and shall be harmonious with the appearance and character of the surrounding area.

2. The activity may be conducted within a dwelling or attached garage, provided that no more than 50 percent of the combined floor area may be used in the conduct of the home occupation, including related interior or exterior storage and display areas.

3. The home occupation shall not cause the elimination of required off-street parking.

4. There shall be no feature of the dwelling, garage, or property, or any other visible evidence, including the display or storage of products, equipment, vehicles, or supplies, which would indicate the conduct of the home occupation from off the property, except display signs as specified in Subparagraph 6., below.

5. There shall be no sales of products or services on the premises.

6. Advertising display signs shall not be allowed, except as specified in Chapter 830.3 (Signs).

7. Only the residents of the dwelling shall be employed in the conduct of the home occupation.

8. Traffic shall not be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall not create a detrimental effect on the neighborhood and shall be met off-street and outside the front setback and the street side setback.

9. Deliveries from commercial suppliers may not be made more than once each week and the deliveries shall not restrict traffic circulation.

10. There shall be no use of equipment which requires an increase in public utility service or community facilities beyond that normal to the use of the property for residential purposes.

11. Equipment or process shall not be used which creates noise, vibration, electrical interference, glare, fumes, or odors detectable to the normal senses off the property, or which pose a threat to health or safety.

C. Home occupation, Class II. Home occupations in compliance with the following regulations shall be allowed as accessory uses when approved in compliance with the procedures specified in Chapter 846.5 (Director's Review and Approval):

1. The home occupation shall be clearly incidental and secondary to the use of the site for residential purposes and shall be harmonious with the appearance and character of the surrounding area.

2. The activity may be conducted within a dwelling, attached garage, or an accessory structure. The area used in the conduct of the home occupation, including related interior or exterior storage and display areas, shall be specified as a condition of the permit.

3. There shall be no feature of the dwelling, garage, accessory structure or property, or any other visible evidence, including the display or storage of products, equipment, vehicles, or supplies, which would indicate the conduct of the home occupation from off the property except signs as specified in Subparagraph 5., below.

4. The sale of products not produced on the premises shall be incidental to the sale of products produced or services rendered on the premises.

5. A name plate sign as specified in Chapter 830.3 (Signs).

6. The home occupation shall be limited in employment to residents of the property with one nonresident employee allowed for uses on parcels of less than five acres or two nonresident employees allowed for uses on parcels of five acres or larger.

7. Not more than 10 customers or clients shall come to the premises for service or products during any one day, nor shall the use create substantial additional traffic. Any need for parking generated by the conduct of the home occupation shall not create a detrimental effect on the neighborhood and shall be met off-street and outside the front setback and street side setback.

8. Equipment or processes shall not be used which creates excessive noise, vibration, electrical interference, glare, fumes or odors detrimental to the health, safety, peace, comfort and welfare of persons residing in the neighborhood.

834.4.200 - Interstate Freeway Interchange Commercial Development

A. Purpose. These regulations are established for the purpose of:

1. Providing for commercial services that cater primarily to the needs of long-distance freeway users;

2. Ensuring a full range of food, fuel, and lodging services designed as an integrated unit in a manner which provides the greatest convenience to the traveling public;

3. Providing agriculturally-related and value-added agricultural uses serving the needs of the freeway users and the agricultural community;

4. Ensuring architectural and landscape design that will result in an attractive appearance from the highway and a harmonious relationship among the various elements of the development and with the existing landscape; and

5. Protecting the public safety and investment by discouraging the placement of incompatible and hazardous uses around interstate freeway interchanges.

B. Designation of Major and Minor Commercial Centers. Designation of a Major or Minor Commercial Center shall occur through an amendment of the Zoning Ordinance. Commercial uses at interchanges shall be allowed at the following interchanges after a Conditional Use Permit and a Master Plan, as required by Subsection D., below, have been approved under the provisions of this Section.

1. Major Commercial Center.

a. Panoche Road

b. Dorris Avenue

c. Jayne Avenue

d. Manning Avenue

2. Minor Commercial Center.

a. Nees Avenue

b. Derrick Avenue

c. Lassen Avenue

3. Allowed uses. The Conditional Use Permit procedure specified in Chapter 842.5 (Conditional Use Permits) shall apply. The following uses shall be allowed subject to Unclassified Conditional Use Permit.

a. Major Commercial Centers.

(1) Agritourism.

(2) Camper and travel trailer park.

(3) Emergency medical facility.

(4) Employee housing.

(5) Grocery store.

(6) Mechanical car wash.

(7) Medical office/clinics

(8) Motel.

(9) Public use airport.

(10) Repair garage.

(11) Rest and picnic area.

(12) Restaurant or café.

(13) Service station.

(14) Truck service and repair garage.

(15) Value-added agricultural facilities and uses.

(16) Variety stores.

b. Minor Commercial Centers.

(1) Agritourism.

(2) Camper and travel trailer park.

(3) Emergency medical facility.

(4) Grocery store.

(5) Mechanical car wash.

(6) Medical office/clinics

(7) Motel.

(8) Repair garage.

(9) Rest and picnic area.

(10) Restaurant or café.

(11) Service station.

(12) Value-added agricultural facilities and uses.

(13) Variety stores.

C. Minimum services.

1. Initial development at any interchange shall include a service station. When more than one allowed use is planned for initial construction, the development shall include both a service station and a restaurant.

2. When the initial development at an interchange includes only a service station, any subsequent development shall first include a restaurant.

3. After a service station and restaurant have been constructed at an interchange, any use or combination of uses allowed by this Section may be constructed.

D. Master plan required. A master plan showing the extent and character of the entire proposed development, including the free-standing sign, shall be submitted. Only one master planned area shall be allowed at each quadrant of an interchange. The master planned areas may be expanded by including other properties where the proposed expansion results in a unified design reflecting the purpose and intent of this Section. The master plan shall be submitted with the Conditional Use Permit application. The plan, or accompanying narrative, shall include sufficient information to determine that all requirements of this Section have been met, including but not limited to the following:

1. Proposed uses.

2. Development standards showing setbacks and landscaping.

3. Heights of structures.

4. Architectural design or theme.

5. Development phasing.

6. Services and facilities supporting proposed uses.

7. Architectural design of free-standing sign.

E. Phased construction. The development may be constructed in phases under the following conditions:

1. Phased construction shall conform to the minimum services requirements of Subsection C. (Minimum services), above.

2. All phases shall be indicated on the master plan submitted with the Conditional Use Permit application and required by Subsection D. (Master plan required), above.

3. Each phase shall be subject to detailed site plan review under the provisions of Chapter 854.5 (Site Plan Review).

F. Development standards. In lieu of the zone-driven property development standards, the following development standards shall apply to all land and structures being developed under the provisions of this Section:

1. Parcel area, dimensions, structure height, and setbacks.

a. Parcel area and dimensions shall be adequate to provide for the development and provide safe and convenient access to the site without interfering with interchange traffic.

b. Structure height shall not create hazardous driving conditions as a result of glare or shadowing.

c. Access shall be designed to ensure safe and convenient traffic movement to and from the interchange area.

d. Setbacks shall be adequate in width and depth to provide for planned landscaping and to ensure safe sight distance for interchange traffic.

2. Landscaping. Landscaping shall be provided and maintained in compliance with Chapter 826.3 (Landscaping Standards). Plants and related materials shall be arranged in a manner which is consistent with and complementary to the building design and materials.

3. Loading. Off-street loading spaces shall be provided and maintained in compliance with Chapter 828.3 (Parking and Loading Standards).

4. Off-street parking. Off-street parking shall be provided in compliance with Chapter 828.3 (Parking and Loading Standards).

5. Signs. Signs shall be allowed in compliance with an approved sign program for each Master Plan Areas consistent with the regulations specified in Chapter 830.3 (Signs).

G. Site plan review.

1. Before any structure is erected or parcel created under the provisions of this Section, a site plan reflecting all conditions of approval shall have been submitted to and approved by the Director, in compliance with Chapter 854.5 (Site Plan Review).

2. The site plan shall encompass all of the area shown on the approved master plan.

834.4.210 – Kennel Standards (Dog and Cat Kennels)

A. Purpose. These regulations were developed to reduce neighborhood impacts and improve compatibility between kennels/rescue facilities and surrounding land uses.

B. Standards. The following standards shall apply for those facilities identified in Section 834.4.050 (Animal Keeping Standards)

1. Animal ratio shall be not more than four (4) adult animals per each thirty six thousand (36,000) square feet, or three (3) adult animals and their immature offspring per each thirty six thousand (36,000) square feet, or not more than six (6) immature offspring where no adult animals are kept per each thirty six thousand (36,000) square feet. This excludes dogs and cats kept as domestic pets only (limited to three (3) or fewer animals four (4) months of age or older).

2. Six-foot chain link perimeter fencing with privacy screen/slats shall be installed.

3. If animals are housed inside – adequate soundproofing shall be required.

4. If animals are housed outside, each animal shall be housed in a separate kennel with privacy screening installed between kennels.

5. A secondary fence shall be installed around kennel area(s).

6. Lights shall be hooded and directed to the site.

7. Night drop off is prohibited.

8. The facility must be operated with on-site 24 hr. staffing/caretaker.

834.4.220 - Material Extraction Sites

A. Purpose.

1. This Section specifies regulations for conducting surface mining and reclamation in a manner consistent with California Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA", Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board (SMGB) Regulations (hereinafter referred to as "State Regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.).

2. The regulations contained herein are created in Ordinance T-061-332 adopted 5-18-99 and shall apply in all zones.

3. Mineral resources are valuable community assets which shall be safeguarded against preemption by competing or conflicting land uses. However, mineral deposits are frequently located in areas which are also suited for other types of development or are in areas characterized by significant natural resources. Care shall be taken to ensure that mineral resources are recovered efficiently and safely, with minimal disruption to surrounding land uses and environmental values, and that sites are reclaimed to a usable condition which is readily adaptable for alternative land uses.

B. Definitions. For the purpose of this Section, the following terms shall have the following definitions.

1. Borrow pit. The excavation created by the surface mining of rock, unconsolidated geologic deposits, or soil to provide material (borrow) for fill elsewhere.

2. DOC. The State Department of Conservation, the administrative department for the Surface Mining and Reclamation Act of 1975, as amended.

3. DOC Director. The Director of the State Department of Conservation.

4. Idle. A surface mining operation curtailed for a period of 12 months or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

5. Mined lands. The surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads associated with any area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

6. Mining waste. The residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

7. Minerals. Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

8. Operator. Any person who is engaged in surface mining operations, or who contracts with others to conduct operations, except a person who is engaged in surface mining operations as an employee with wages as sole compensation.

9. **Overburden.** Soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations.

10. **Reclamation.** The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

11. **Resoiling.** The process of artificially building or reconstructing a soil profile.

12. **SMARA.** The State Surface Mining and Reclamation Act of 1975, as amended.

13. **SMGB.** The State Mining and Geology Board. The SMGB oversees the administration and enforcement of SMARA.

14. **Streambed skimming.** The excavation of sand and gravel from streambed deposits above the mean summer water level or stream bottom, whichever is higher.

15. **Surface mining operation.** All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials and recovery of same. A surface mining operation may include the use of equipment, structures, and facilities as are necessary or convenient for the extraction, processing, storage, and transport of materials.

C. Uses allowed subject to Conditional Use Permit.

1. Surface mining operations, including the use of the equipment, structures, and facilities as are necessary or convenient for the extraction, processing, storage, and transport of materials, including but not limited to the following (except for those uses specifically exempted under Subsection D, below), shall first require the approval of a Conditional Use Permit in compliance with Chapter 842.5:

   a. Sand and gravel separation plants;

   b. Rock crushers;

c. Concrete batch plants;

d. Asphalt batch plants; and

e. Rock, sand, and gravel trucking operations.

2. These uses shall be subject to all regulations of this Section and Chapter 842.5 (Conditional Use Permits) (including the public hearing as required under Chapter 842.5). Except as provided in this Section, no person shall conduct a surface mining operation unless a Conditional Use Permit, Mining and Reclamation Plan, and the Financial Assurances for reclamation have first been approved by the County.

D. Exemptions. This Section shall not apply to the following activities:

1. Excavation or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster;

2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project which has been approved by the County and which are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site. Surplus materials shall not be exported from the site until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued;

3. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less;

4. Surface mining operations that are required by Federal law in order to protect a mining claim, if those operations are conducted solely for that purpose;

5. Emergency excavations or grading conducted by the State Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies;

6. Excavation or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity, where slope stability and erosion are controlled in compliance with the applicable performance standards of the State Reclamation Regulation Sections 3704(f) and 3706 (d) and, upon closure of the site, the person closing the site implements, where necessary, revegetation

measures and postclosure uses in consultation with the Department of Forestry and Fire Protection;

7. Excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to on-site excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes; or

8. Excavation, grading, or other earthmoving activities by the property owner or operator in an oil or gas field that are integral to, and necessary for, on-going operations for the extraction of oil or gas and no excavated materials are sold for commercial purposes.

E. Required submissions. The application for a Conditional Use Permit shall include a Mining and Reclamation Plan. The Plan shall encompass the entire property and shall be separated into phases of operation and reclamation. No phase shall exceed 80 acres. Reclamation of areas previously excavated by the operator in compliance with a nonconforming right or under a previous Conditional Use Permit will not be required unless the areas are proposed for fill or reworking to added depths. The Mining and Reclamation Plan shall include all of the following information and contain sufficient detail to enable the Commission to make the required finding in compliance with Subsection G., below:

1. Project information.

a. The name and address of the operator and any person designated by the operator as an agent.

b. The names and addresses of the owners of all surface interests and mineral interests in the lands.

c. The size and legal description of the lands that will be affected by the surface mining operation including related processing and storage.

d. A vicinity map.

e. A map of the subject property including boundaries and topographic details of the land.

f. Background information on the operator or company's experience with surface mining. (Optional)

2. Environmental data.

a. A description of the environmental setting of the subject site and surrounding area, including:

(1) Existing land use including location of all streams, roads, railroads, utility facilities, and structures within, or adjacent to the subject property.

(2) Vegetation types and condition.

(3) Soil types and condition.

(4) Groundwater elevation.

(5) Surface water characteristics.

(6) Other factors as may be required related to environmental impacts and their mitigation and reclamation.

b. A geologic description, including the general geologic setting, a detailed description of the geology of the area in which surface mining is to be conducted including principal minerals or rocks present.

c. An estimate of the quantity and quality of groundwater and surface water present in the vicinity of the proposed operation.

3. Mining plan.

a. A site plan which includes all of the following:

(1) Existing and proposed roads, including ingress-egress roads and on-site roads; proposed surface treatment and means to limit dust.

(2) Processing and storage areas including locations of equipment, structures, and facilities.

(3) Proposed setbacks, screening, fencing, gates, parking, and signs.

(4) Proposed phasing for the mining operation and reclamation work.

(5) Cross section (typical) defining planned slopes, extent of overburden, extent of sand and gravel deposits, and water table.

(6) Other data necessary to adequately review the proposal.

b. A map showing routes between the property and the nearest arterial.

c. A statement of anticipated quantity and type of minerals for which the surface mining operation is to be conducted.

d. A statement of operations including:

(1) Commencement date of operations.

(2) Proposed hours and days of operation.

(3) Anticipated duration of operations.

(4) Maximum anticipated depth of the mining operation.

(5) Proposed method of extraction and processing.

(6) Proposed equipment.

(7) Operating practices proposed to be used to minimize noise, vibration, and dust.

(8) An estimate of the quantity and quality of water required by the proposed operation specifying proposed sources, conveyances, quantity and quality, and disposal methods of used and surplus water, and methods to be employed to prevent pollution of surface and/or groundwater.

(9) Disposal methods for tailings or other wastes resulting from any aspect of the proposed operation.

(10) For each standard identified in the Mining and Reclamation Standards (see Subsection I., below) the operator shall specify how the requirement will be addressed in the mining operation. The implementation proposal for each standard shall be site specific, measurable, and verifiable. The list will be the basis for compliance determinations during annual inspections. (The list may be combined with that required in Subparagraph 4.a.(8), below.)

4. Reclamation plan.

a. A description of planned reclamation of the subject site including the following:

(1) Description of the proposed use of the mined lands after reclamation.

(2) Evidence that all owners of a possessory interest in the land have been notified of the proposed use.

(3) Description of the manner in which reclamation, adequate for the proposed use will be accomplished, including the following:

(a) The manner in which contaminants will be controlled and mining waste will be disposed.

(b) The manner in which affected streambed channels and stream banks will be rehabilitated to a condition minimizing erosion and sedimentation.

(4) Time schedule for the completion of surface mining on each segment of the mined lands.

(5) The phasing plan for reclamation activities and schedule for completion.

(6) Statement of how reclamation of the site may affect future on-site mining and mining in the surrounding area.

(7) Measures proposed to protect public health and safety with consideration given to the degree and type of present and probable future exposure of the public to the site.

(8) For each standard identified in the Mining and Reclamation Standards (see Subsection I., below) the operator shall specify how the requirement will be addressed in the reclamation activity. The implementation proposal for each standard shall be site specific, measurable, and verifiable. The list will be the basis for compliance determinations during annual inspections. (The list may be combined with that required in Subparagraph 3.d.(10), above.)

(9) Type of Financial Assurances proposed.

(10) The disposition of any equipment or structures.

b. A site plan showing the reclamation proposal including:

(1) New contouring.

(2) Water features and methods planned to overcome stagnation.

(3) Vegetative planting.

(4) Access and treatment thereof.

(5) Phasing.

c. A soil salvage plan and if proposed for refill, definition of refill material, and probable sources.

F. Processing of the Mining and Reclamation Plan. The Mining and Reclamation Plan shall be processed as a part of the Conditional Use Permit application in compliance with the provisions of Chapter 842.5 (Conditional Use Permits). The following provisions shall also apply to processing of the Mining and Reclamation Plan.

1. The following notices and requests for comments shall be given:

a. State Department of Conservation.

(1) The Department shall notify the DOC Director of the acceptance of an application for a Conditional Use Permit and Mining and Reclamation Plan for a surface mining operation, or an amendment within 30 days of acceptance.

(2) Before approval of the Mining and Reclamation Plan, an amendment, or Financial Assurances, the Department shall submit, by certified, return receipt requested mail to the DOC Director, the Mining and Reclamation Plan, information prepared in compliance with CEQA and any other pertinent information for use in the review of the Plan along with a certification from the Director that the Mining and Reclamation Plan is in compliance with the applicable requirements of Article 1 of the State Regulations, specified in Subsections E. and I. The DOC Director shall have 30 days from the receipt of the information in which to prepare written comments. The review period for Financial Assurances shall be 45 days. The Financial Assurances may be processed and reviewed separately but mining work shall not commence until all reviews are completed.

b. State Department of Transportation. Whenever a mining operation is proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and is within one mile, up or down-stream, of any State highway bridge, the Department shall notify Caltrans that the application has been received. Caltrans shall have not more than 45 days to review and comment on the proposed operation. The County may not issue nor renew a permit until a comment has been received or the 45-day review period has lapsed, whichever occurs first.

2. The Department shall evaluate any written comments from the DOC Director and prepare a written response describing the disposition of the major issues raised. If the County's position is at variance with the DOC Director's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of the written comments and responses shall be forwarded to the operator/applicant.

3. The Commission may not take action on the Conditional Use Permit and Mining and Reclamation Plan until the DOC Director's 30-day review period has ended and a written response to any comments has been prepared. In addition to the findings specified in Chapter 842.5, the Commission shall make a finding on the Mining and Reclamation Plan in compliance with Subsection F. The Conditional Use Permit approval shall be conditioned upon acceptance of Financial Assurances by the Director.

4. Before any mining or reclamation activity is begun or any structure is erected, a site plan reflecting all conditions of approval shall have been submitted to and approved by the Director, in compliance with the provisions of Chapter 854.5 (Site Plan Review). The site plan shall encompass all of the area shown on the approved Mining and Reclamation Plan.

5. The Director shall not approve the Site Plan Review application for the mining operation and the mining operation may not commence until the DOC Director's 45-day review period for Financial Assurances is complete, a written response has been prepared for any comments, and the Director has accepted the Financial Assurances.

6. Following the approval of the Conditional Use Permit, Mining and Reclamation Plan, and Financial Assurances, or any amendments, the Department shall forward a copy of the Conditional Use Permit for surface mining operations, the approved Mining and Reclamation Plan, and the approved Financial Assurances to the State Department of Conservation.

7. When a Reclamation Plan is processed without the need for a Conditional Use Permit (e.g., on Federal lands), the procedures of Chapter 842.5 (Conditional Use Permits), including a public hearing, shall apply.

G. Findings for approval. In addition to findings required by the Chapter 842.5 (Conditional Use Permits), the approval of a Conditional Use Permit for a surface mining operation shall be subject to the following finding: the Mining and Reclamation Plan has been reviewed for compliance with the Regulations for Surface Mining and Reclamation, Section 834.4.220 (Development of Material Extraction Sites), and meets the applicable requirements.

H. Financial assurances.

1. To ensure that reclamation will proceed in compliance with the approved Mining and Reclamation Plan, the County shall require, as a condition of approval, security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the SMGB as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in compliance with the surface mining operation's approved Mining and Reclamation Plan. Financial Assurances shall be made payable to the County of Fresno and the State Department of Conservation.

2. Financial Assurances will be required to ensure compliance with elements of the Mining and Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability, erosion and drainage control, and disposal of hazardous materials.

3. Cost estimates for the Financial Assurances shall be submitted to the Department for review and approval before the operator securing Financial Assurances. The Director shall forward, by certified mail return receipt requested, a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If DOC does not comment within 45 days of receipt of these estimates, it shall be presumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Director shall then have the discretion to approve the Financial Assurances if it meets the requirements of this Section, SMARA, and State regulations.

4. The amount of the Financial Assurances shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Mining and Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities in the upcoming year. Cost estimates shall be prepared by a California-registered professional engineer and/or other similarly licensed and qualified professional retained by the operator and approved by the Director. The estimated amount of the Financial Assurances shall be based on an analysis of physical activities necessary to implement the approved Mining and Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial Assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Mining and Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of 10 percent shall be added to the cost of Financial Assurances.

5. In projecting the costs of Financial Assurances, it shall be presumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or DOC may need to contract with a third party commercial company for reclamation of the site.

6. The Financial Assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed including any maintenance required.

7. The amount of Financial Assurances required of a surface mining operation for any 12 months shall be adjusted annually to account for new lands disturbed by the surface mining operation, inflation, and reclamation of lands accomplished in compliance with the approved Mining and Reclamation Plan. The Financial Assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the operator may not claim credit for reclamation scheduled for completion during the coming year. The updated cost estimates shall be considered during the Department's annual inspection and accepted thereafter if further adjustment is not required. Any required changes shall be completed and submitted within 30 days of notice from the County.

8. Revisions to Financial Assurances shall be submitted to the Director for approval by July 1st each year. The Financial Assurances shall cover the cost of reclamation of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the Financial Assurances are not required, the operator shall explain, in writing, why revisions are not required.

I. Mining and reclamation standards. The standards for surface mining operations and reclamation shall be as follows:

1. Extraction of material or overburden shall not be allowed within 25 feet of any property boundary nor within 50 feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision.

2. Stockpiled soil or material shall not be placed closer than 25 feet from a property boundary.

3. Production from an open pit shall not create a slope steeper than 2:1 within 50 feet of a property boundary nor steeper than 1½:1 elsewhere on the property, except steeper slopes may be created in the conduct of extraction for limited periods of time before grading the slope to its reclamation configuration, and slopes of 1:1 may be maintained five feet below the lowest water table on the property, experienced in the preceding three years.

4. Security fencing four feet in height consisting of not less than three strands of barbed wire, or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two feet

horizontal to one-foot vertical are maintained. The interior fencing will not be required where exterior fencing surrounds the property.

5. Screening of the site shall be achieved by planting trees of a variety approved by the Director along all property lines adjacent to a public road right-of-way or a recorded residential subdivision. Adequate screening can generally be achieved with evergreen trees planted in two staggered rows, with 20 feet between the rows and between the trees in each row. As an alternative, oleanders or shrubs of a similar size and density may be planted in the same pattern at 10-foot intervals. The plant species and planting plan and timetable shall be designated in the Mining and Reclamation Plan. All required plants shall be maintained in a good horticultural manner. In areas where it is found that the planting of trees or shrubs will not achieve the desired screening effect due to soil conditions, the Director may approve an alternate method of screening consisting of meandering dirt berms of sufficient height to screen the site.

6. The first 100 feet of access road(s) intersecting with a County maintained road shall be surfaced in a manner approved by the Board and shall not exceed a two percent grade and shall have a width of not less than 24 feet.

7. Where an access road intersects a County maintained road, it shall be improved with a driveway approach constructed to County Standards.

8 All interior roads within the site shall be maintained so as to control the creation of dust.

9. Traffic control and warning signs shall be installed as required by the Commission at the intersection of all private roads with public roads. The placement, size, and wording of these signs shall be approved by the Director.

10. When the plan calls for resoiling, coarse hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Surface mine operators who do not salvage soil during the initial operations shall attempt, where feasible, to upgrade remaining materials. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the Mining and Reclamation Plan and where the measures appear necessary. It is not justified; however, to denude adjacent areas of their soil, for any denuded areas shall in turn be reclaimed.

11. The species selected for revegetation shall be those with good survival characteristics for the topography, resoiling characteristics, and climate of the mined area. The operator shall provide a schedule and methodology for monitoring vegetation and replacing vegetation should the Department determine that replacement is necessary.

12. Additional vegetative planting may be required in the interest of erosion control.

13. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent erosion of spillways when these basins have outlet to lower ground.

14. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.

15. Erosion control facilities (e.g., settling basins, ditches, stream bank stabilization, and dikes) shall be constructed and maintained where necessary to control erosion.

16. Extraction operations adjacent to any flowing stream shall be separated from the stream by closed dikes. No extractions within the stream shall be allowed.

17. All water utilized in the plant operation shall be disposed of behind a closed dike so that it will not cause impairment of water in any stream.

18. Operations shall be conducted to substantially prevent siltation of groundwater recharge areas.

19. Settling ponds or basins shall be constructed to prevent potential sedimentation of streams at operations where they will provide a significant benefit to water quality.

20. Good operating practices shall at all times be utilized to minimize noise, vibration, dust, and unsightliness. In reviewing a proposal, the Commission shall consider:

    a. The location of the processing plant.

    b. The location where unused equipment will be stored.

    c. Proposals for the removal of all structures, metallic equipment, debris, or objects upon conclusion of the extraction operations.

21. Operating hours may be limited to designated periods except during periods of public emergency affecting the health and welfare of the community requiring continuous operation.

22. Any night lighting established on the property shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties.

23. Processing and storage yards shall be centrally located on the site, whenever possible.

24. All surface mining operations and reclamation activities shall be conducted consistent with all policies of the General Plan's Noise Element.

25. The Director shall consider the potentially adverse environmental effects of surface mining operations and shall generally require that:

    a. Disturbances of vegetation and overburden in advance of mining activities be minimized.

    b. Sufficient topsoil be saved to perform site reclamation in compliance with the Mining and Reclamation Plan.

    c. All reasonable and practical measures be taken to protect the habitat of fish and wildlife.

    d. Temporary stream or watershed diversion be restored.

    e. Permanent piles or dumps of mine waste rock and overburden be stabilized and not restrict the natural drainage without suitable provisions for diversion and toxic materials be removed or confined to control leaching.

26. Reclamation of mined lands shall be implemented in compliance with the applicable performance standards specified in the State Regulations Sections 3703 et seq. pertaining to the subjects listed below:

    a. Wildlife habitat.

    b. Backfilling, regrading, slope stability, and recontouring.

    c. Revegetation.

    d. Drainage, diversion structures, waterways, and erosion control.

    e. Prime and other agricultural land reclamation.

    f. Structure and equipment removal.

    g. Stream protection including surface and groundwater.

    h. Topsoil salvage, maintenance, and redistribution.

    I. Tailing and mine waste management.

    j. Closure of surface openings.

    (NOTE: The performance standards are detailed in the Department's application materials for Mining and Reclamation Plans.)

J. Exception to standards.

1. The approved Mining and Reclamation Plan shall be complied with. The Director may, upon written request, approve, subject to limitations imposed by other provisions of law or regulation, minor deviations that are determined not to be significant, will have no adverse effect upon nearby properties and will not constitute a nuisance. A minor deviation may include a change in the excavation phasing and subsequent reclamation phasing; the type of plant materials along the public right-of-way; or operational requirements. In no case will a minor deviation be approved that is in conflict with any condition of the approved Conditional Use Permit, or standard or condition of this Section, unless previously approved by the Commission or Board. Proposed revisions to setbacks, hours or days of operation, life of the permit or additional uses or activities are not to be considered minor deviations.

2. The Commission may grant an exception to any standard specified in this Section upon written request when the exception will not result in a hazardous condition; the cost of strict compliance would be unreasonable in view of all the circumstances; it is consistent with the planned or actual subsequent use(s) of the mining site; the replacement provision is no less stringent than the initial standard; and the exception will not adversely affect property or persons in the area. The request may be filed with the original or a subsequent application and shall include a complete statement of justification.

K. Special conditions.

1. Where the reclamation work on any phase is not completed within the time period specified in the approved Mining and Reclamation Plan or as extended by the Director, the County or its contractor may enter upon the operator's premises to perform the work and use the financial assurance security funds to pay for the associated costs of the work. In the event the operator fails to complete reclamation work as required in this Section and the security as specified in this Section is not sufficient for the cost of reclamation work, the operator shall then be liable to the County for the cost of any work required to be performed by the County in compliance with the Mining and Reclamation Plan. Where the County is authorized to enter upon property to cause work to be done, the Conditional Use Permit may be revoked by the Board upon 30 days written notice first being given to the operator.

2. Before the excavation of any material, the operator shall execute a recordable agreement, binding upon the operator’s successors, heirs or assigns, covenanting to perform all reclamation in the manner specified by the approved Conditional Use Permit and Mining and Reclamation Plan. The responsible person(s) shall agree to pay all court costs, attorney fees and interest at the legal rate from the date on which the costs have been incurred and further shall waive any and all defenses, legal or equitable, if an action at law is instituted to enforce the provisions of the agreement. The owner(s) shall execute a recordable agreement, binding upon the owner’s successors, heirs or assigns, which shall permit the County to enter upon the property to enforce completion of the Mining and Reclamation Plan.

3. Reclamation work in any phase shall proceed in a manner which ensures that no excavated area within that phase is allowed to remain in an unreclaimed state for more than three years. Reclamation of any phase shall be completed within 12 months of commencing operation in any subsequent phase.

L. Interim Management Plan.

1. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of this Section and the conditions of the Conditional Use Permit for the site and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. Application shall be made for a modification of the Conditional Use Permit. The proposed IMP shall be processed as an amendment to the Mining and Reclamation Plan as specified in Subsection F., above, including the 30-day review by the DOC Director. IMPs shall not be considered a project for the purposes of environmental review.

2. The Financial Assurances for an idle operation shall be maintained as though the operation were active.

3. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Commission shall review and approve or deny the IMP in compliance with this Section. If there are deficiencies in the Plan, the operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The Commission shall approve or deny the revised IMP within 60 days of receipt. If the Commission denies the revised IMP, the operator may appeal that action to the Board. The appeal hearing shall be scheduled within 45 days from the filing of appeal or a longer period if mutually agreed upon.

4. The IMP may remain in effect for a period not to exceed five years. At that time, upon application by the operator, the Commission may renew the IMP for another period not to exceed five years if the operation is in full compliance with the IMP, or require the operator to commence reclamation in compliance with its approved Mining and Reclamation Plan.

M. Operator's annual report requirements.

1. The surface mining operator shall forward an annual surface mining report to the State Department of Conservation and to the Department on a date established by DOC, upon forms furnished by SMGB. The State's prescribed fees shall be forwarded to DOC with the annual report. A new mining operator shall file an initial surface mining report and applicable filing fee with DOC before commencement of operations or within 30 days of Site Plan Review approval, whichever is sooner. The

DOC Director shall provide notification of receipt of the report and fee and shall also advise of any deficiencies in the report within 90 days of receipt of the report. The operator or agent shall have 30 days in which to submit a revised report.

2. The operator shall also submit annual adjustment information to the Department for updating of the Financial Assurances consistent with Subsection H., above. This is required before July 1st of each year.

N. Annual inspections and reports.

1. The Department shall conduct or cause an inspection of the surface mining operation within 180 days of receipt of the operator's annual report to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit and Mining and Reclamation Plan, approved Financial Assurances, and State Regulations. At least one inspection shall be conducted in each calendar year. The inspections may be made by a State-registered geologist, State-registered civil engineer, State-licensed landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the Director. The annual inspection shall be conducted using a form approved and provided by the SMGB. The Department shall submit the completed inspection form to the DOC Director within 30 days of the date of completion of the inspection along with a notice of completion of the inspection which contains statements on compliance with SMARA, any inconsistencies with SMARA and any pending action on the Mining and Reclamation Plan, amendments, or Financial Assurances. Copies shall also be sent to the operator. The operator shall be responsible for the reasonable cost of the inspection.

2. By July 1st of each year, the Department shall submit to the DOC Director a report on each active or idle mining operation. The report shall consist of a copy of any Conditional Use Permit or Mining and Reclamation Plan amendment, as applicable, or a statement that there have been no changes during the previous year.

3. The Department shall annually review and update, as necessary, the Financial Assurances of each surface mining operation based on annual adjustment data submitted by the operator in compliance with Subsection H., above.

O. Public records.

1. Mining and Reclamation Plans, reports, applications, and other documents submitted to the County are public records unless it can be demonstrated to the satisfaction of the County that the release of the information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information.

2. The County shall identify the propriety information as a separate part of each application.

3. A copy of all permits, Mining and Reclamation Plans, reports, applications, and other documents submitted in compliance with this Section, including proprietary information, shall be forwarded to the DOC by the Department. Proprietary information shall be made available to persons other than the DOC Director only when authorized by the mine operator and by the mine owner.

P. Violations and penalties.

1. If the Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Section, the Conditional Use Permit and/or the Mining and Reclamation Plan, the County shall follow the procedures specified in SMARA (Public Resources Code, Sections 2774.1 and 2774.2) concerning violations and penalties, as well as those provisions of this Zoning Ordinance for revocation of the Conditional Use Permit which are not preempted by SMARA in compliance with Chapter 878.6 (Enforcement).

2. Failure of the County to comply with provisions of SMARA and the State Regulations may be grounds for the SMGB to take action to ensure compliance through administration of SMARA.

Q. Fees. The County may establish fees as it deems necessary to cover the reasonable costs incurred in implementing this Section and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. The fees shall be paid by the operator, as required by the County at the time of filing of the Conditional Use Permit application, Mining and Reclamation Plan application, and at other times as are determined by the County to be appropriate in order to ensure that all reasonable costs of implementing this Section are borne by the mining operator in compliance with the Master Schedule of Fees.

834.4.230 - Meat Packing and Processing Standards

A. Purpose. Meat packing and processing where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), shall comply with the following standards of design and practice unless it is expressly provided otherwise.

B. Standards. The following development standards shall apply to all meat packing and processing operations:

1. Slaughtering shall be in a completely enclosed building.

2. Lard rendering facilities shall be within completely enclosed cookers.

3. Smoke curing shall be done within self-contained units with a recirculating system between the generator and smokehouse.

834.4.240 - Mobilehome Park Services

A. Purpose. Mobilehome park services, as that term is defined in Article 7 (Definitions) and where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), shall conform to the following standards and limitations. Services provided shall be:

1. Needed by the park residents and not otherwise available within one-quarter mile of the park access which is nearest the existing service at the time of the filing of the application.

2. Centrally located within the park and easily accessible to all residents.

3. Limited to the sale of convenience foods and sundries, barber and beauty services, and self-service laundries.

4. Not advertised in any manner except as provided for in Chapter 830.3 (Signs).

5. Located only in permanent structures.

B. Minimum park size. Mobilehome park services may be allowed only in parks with 15 acres or more of developed area.

C. Noticing procedures. Noticing procedures to be followed are specified in Chapter 846.5 (Director's Review and Approval).

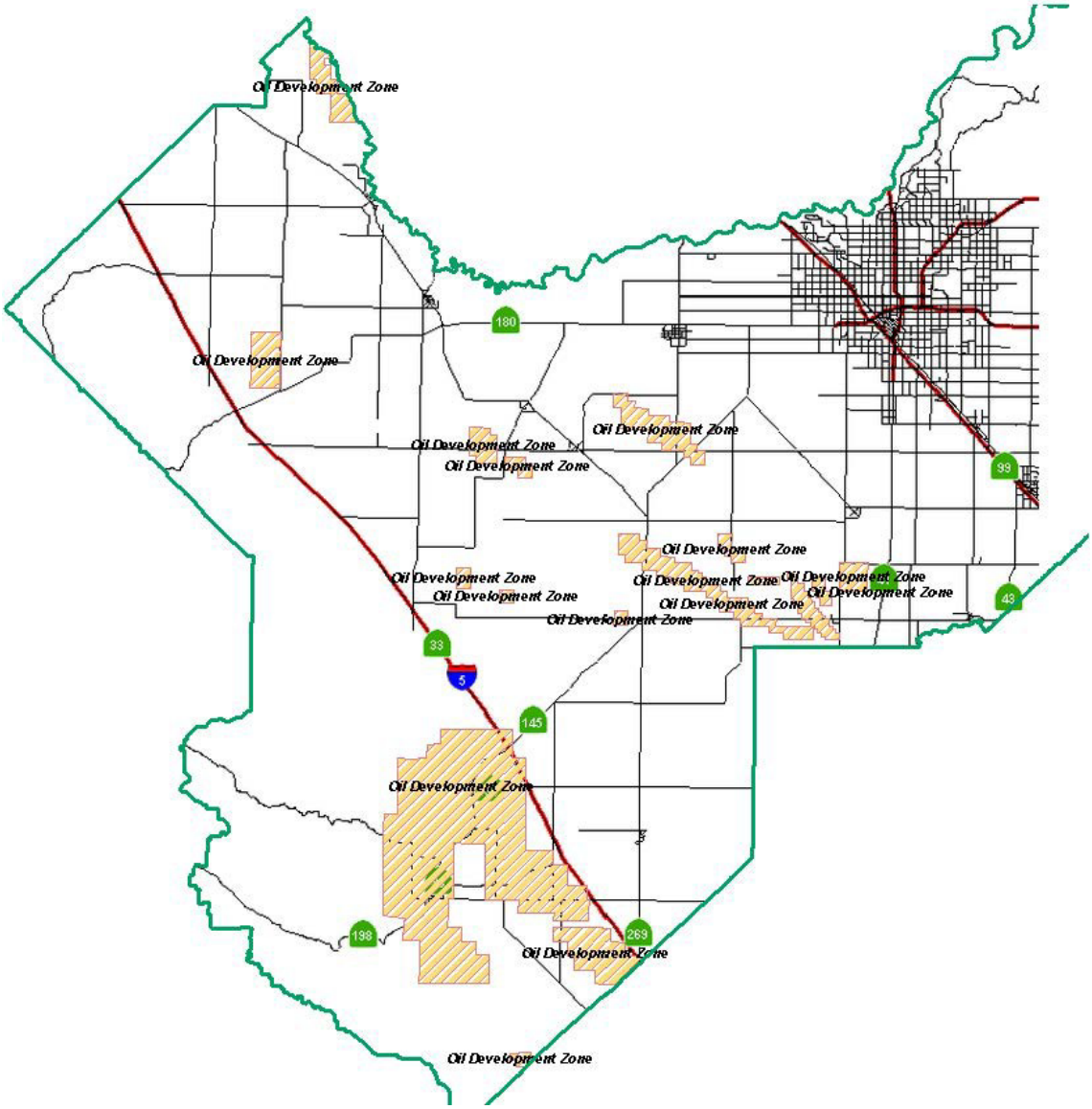
834.4.250 - Oil Drilling/Extraction Standards

A. Purpose and applicability.

1. These regulations are intended to provide for safe, economic exploration and recovery of oil, gas and other hydrocarbon resources; ensure the compatibility of oil and gas exploration, production, processing, transportation, and related facilities and activities with surrounding land uses; and ensure the restoration of the land upon termination of the activities to its primary land use as designated by the General Plan, and where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

2. Policy OS.C.12 of the Oil and Gas subsection of the General Plan's Open Space Conservation Element establishes three regulatory areas - nonurban, urban, and established oil and gas fields - which are referenced in this Section for the three categories of oil and gas development uses; oil and gas exploration, drilling, and production; oil and gas field operations; and oil and gas auxiliary operations (See Figure 4-1).

Figure 4-1
Oil and Gas Regulatory Areas



B. Uses allowed.

1. The following oil and gas exploration, drilling, and production activities within established oil and gas fields outside of urban areas excluding Section 29, Township 20 South, Range 15 East, M.D.B. & M: installation and use of equipment, structures, and facilities as are necessary or convenient for temporary drilling and pumping to determine the existence of oil and gas; the drilling and pumping of oil and gas wells for the purpose of obtaining oil and gas; oil drilling and producing operations customarily required or incidental to usual oil field practice; initial separation of oil, gas, and water and for the storage, handling, recycling, and transportation of oil, gas, and water related to the well site.

2. The following oil and gas field operations within established oil and gas fields: steam injection plants and other enhanced recovery facilities.

3. Temporary mobile home occupancy and temporary offices during the drilling at an oil or gas well. A Certificate of Occupancy shall be issued for the mobile home occupancy and shall expire upon completion of the drilling of the oil or gas well.

C. Uses allowed subject to Director's Review and Approval. The following oil and gas field operations shall be allowed subject to the provisions of Chapter 846.5 (Director's Review and Approval) within established oil and gas fields: natural gas plants, oil reclamation plants, and liquefied petroleum gas storage.

D. Uses allowed subject to Conditional Use Permit. The regulations contained in Subparagraph 1, Subparagraph 2, and Subsections E and F, shall apply in all zones wherein a Conditional Use Permit (See Chapter 842.5 [Conditional Use Permits]) is required for oil and gas exploration, drilling, and production in nonurban and urban areas including Section 29, Township 20 South, Range 15 East, M.D.B. & M.

1. The following oil and gas exploration, drilling, and production within nonurban, urban areas and Section 29, Township 20 South, Range 15 East, M.D.B. & M: installation and use of equipment, structures, and facilities as are necessary for temporary drilling and pumping to determine the existence of oil and gas; the drilling and pumping of oil and gas wells for the purpose of obtaining oil and gas; and the initial separation of oil, gas, and water and for the storage, handling, recycling, and transportation of oil, gas, and water related to the well site. The Commission shall first find that the proposed site is the most satisfactory site for the use by the applicant and by the imposing of those conditions which are deemed necessary and will not be injurious or detrimental to the surrounding properties.

2. Temporary mobile home occupancy and temporary offices during the drilling of an oil or gas well within nonurban and urban areas. A Certificate of Occupancy shall be issued for the use of the mobile home concurrent with the issuance of the permit for the drilling of the well. The time limit of the permit for the mobile home shall be the same as for the oil or gas well drilling operation.

3. The following oil and gas field operations within established oil and gas fields: major petroleum transmission and trunk lines, tank farms, and pumping plant, which involve the transportation of oil and natural gas outside of established oil and gas fields.

4. The following oil and gas field operations within urban areas: petroleum transmission and trunk lines along a railroad or other public rights-of-way.

5. The following oil and gas field operations within urban areas: natural gas plants, steam injection plants, and other enhanced recovery facilities.

6. The following oil and gas field operations within nonurban areas: natural gas plants, steam injection plants, other enhanced recovery facilities, oil reclamation plants, liquefied petroleum gas storage; and petroleum transmission and trunk lines, tank farms, and pumping plants, which involve the transportation of oil and natural gas outside of from established oil and gas fields.

7. The following oil and gas auxiliary operations within established oil and gas fields: offices, shops, laboratories, work camp living facilities, storage yards and storage facilities, and oil well services.

8. A parcel with a minimum of five acres created for pumping plants and in conjunction with oil well services in established oil and gas fields. The proposed five-acre minimum parcel areas shall be subject to Conditional Use Permit approval (See Chapter 842.5 [Conditional Use Permits]) and only in conjunction with an oil well service use and or pumping plants.

9. The following oil and gas auxiliary operations within established oil and gas fields and nonurban areas: small oil refineries limited to the removal of entrained crude oil from natural gas; separation of crude oil into naphtha, kerosene, fuel oil, and diesel oil; blending of naphtha and kerosene to produce jet fuel and gasoline; and reforming of heavy naphtha in the presence of a catalyst to produce unleaded gasoline.

E. Procedures. The applicable provisions of Chapter 846.5 (Director's Review and Approval) and Chapter 842.5 (Conditional Use Permits), shall apply. The Director's Review and Approval and or Conditional Use Permit may be granted on an acreage basis as well as on a parcel basis.

F. Voiding of permit. A Director's Review and Approval or Conditional Use Permit may, after notice and hearing, be revoked in compliance with Section 878.6.060 (Revocation and Modifications) if:

1. Any imposed condition is violated;

2. The drilling has not been commenced within 12 months unless it has been extended by the Director for a maximum of 12 months; or

3. A well is deserted for more than two years.

G. Existing oil and gas development authorized by Conditional Use Permit.

1. The regulations contained in this Section (Oil Drilling/Extraction Standards) supersede a Blanket Conditional Use Permit adopted on June 20, 1950, and amended on July 28, 1953, by the Board establishing oil development zones within the County where permits for exploration and development of oil and gas deposits are not required, except as to facilities in existence or under construction before August 17, 1981.

2. All other previously granted Conditional Use Permits for oil and gas development uses remain in effect unless otherwise stipulated by other Zoning Ordinance regulations.

834.4.260 - Park Standards

A. Purpose and allowed uses.

1. Parks, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), may be developed with varying intensities depending upon location and intended use.

2. In no case shall uses separately identified in this Zoning Ordinance (e.g., golf courses, natatoriums, and racetracks) be considered inherently included in a park.

3. The uses may be developed in conjunction with a park when they are otherwise allowed by, and subject to the provisions of the zone in which they are located.

4. Parks in this context shall not include other uses identified as parks (e.g., trailer parks, travel trailer parks, recreational vehicle parks, swim parks, or amusement parks); however, camping areas within parks may include sites for recreational vehicles when the areas are incidental to the park use.

B. Prohibited uses. Activities conducted primarily or largely for the benefit of spectators (stadia) and activities appropriate to an amusement park shall be prohibited.

C. Park intensities. Parks shall be identified by the following intensity types (higher intensity parks shall include uses allowed in lower intensity parks):

1. Low intensity parks. Low intensity parks shall have no permanent facilities, except restrooms, and uses shall be limited to those in which users bring in and carry out all equipment (e.g., fishing and picnicking needs). Low intensity parks are intended to remain in a semi-natural state;

2. Moderate intensity parks. Moderate intensity parks may be allowed to develop with picnic facilities, paved trails and drives, playground equipment, game playing areas, and park administration and service structures and yards; and

3. High intensity parks. High intensity parks may be allowed to develop with bath houses, craft rooms, food preparation and food sales areas, general stores for use only by park users, marinas, night lighting, outdoor amplification, and stages and dance floors, and may include event uses provided the uses are for participatory fun and recreation.

834.4.270 – Personal/RV Storage.

A. Purpose and allowed uses.

1. Shall mean facilities that permit on-site personal storage, mini-storage and recreation vehicle storage and may include a caretaker's residence.

2. Shall be permitted in the AL Zone District only subject to the criteria in Section B below.

B. Location provisions/criteria.

1. Property must be within one-half mile of the adopted Sphere of Influence if the City of Clovis.

2. Property must abut a major street.

3. Setback requirements shall be the same as Storage Yards as defined in the M-1 Zone District (See 814.2.030 Industrial Zone General Development Standards).

4. Setback shall include a twenty-foot minimum landscaped front yard.

5. Recreational vehicle parking shall be allowed on two-inch minimum thick gravel surface.

6. Open or enclosed carports shall be permitted.

834.4.280 - Planned Development General Standards

A. Purpose, intent, and implementation.

1. Planned Developments are intended to promote efficient use of the land through increased design flexibility and quality site planning.

2. The Planned Development concept allows departure from standard property development standards and regulations when development is planned as a unified, integrated whole and incorporates outstanding design features and amenities.

3. Planned Developments can provide for maximum effective density and improved aesthetics through increased flexibility in structure siting, creative use of permanent open space, and the preservation of significant natural features.

4. Implementation of a Planned Development requires the approval of a Conditional Use Permit in compliance with Chapter 842.5 (Conditional Use Permits).

B. Principles. Whenever property is proposed to be developed as a Planned Development, the following general principles shall apply, unless modified by specific criteria in Subsection C., below.

1. Planned Developments may include any combination of detached or attached dwelling units.

2. Zone-driven property development standards, except as related to population density, may be modified or waived where it is determined that the modification or waiver will produce a more functional, enduring, and desirable environment, and no adverse impact to adjacent properties will result.

3. Population density shall be calculated on gross acreage, less the area reserved for public streets.

4. Community sewer and/or water shall be required for all Planned Developments in compliance with the County Code and when accommodated by General Plan Policy.

5. The design of a Planned Development shall ensure compatibility and harmony with existing and planned uses on adjacent properties. Design elements to be considered include, but are not limited to, architecture, distance between structures, structure setbacks, structure height, off-street parking, open space, privacy, screening, and landscaping.

6. Off-street parking facilities shall provide parking sufficient for occupants of the Planned Development and their guests or patrons, and shall be integrated into the development to minimize exposure and impact on neighboring development.

7. The developer shall provide for perpetual maintenance of all common land and facilities under common ownership through means acceptable to the County.

8. Conservation of natural site features (e.g., topography, vegetation, and water courses) shall be considered in project design.

9. Energy conservation and utilization of renewable energy sources shall be given prominent consideration.

10. Streets serving the Planned Development shall be adequate in terms of design, size, and construction to accommodate the traffic generated by the proposed project.

C. Applicable criteria. Whenever property is proposed to be developed utilizing one of the specific Planned Development options, the following criteria shall apply:

1. Planned residential developments.

A. Planned residential developments shall provide common open space free of structures, streets, driveways, or parking areas. The common open space shall be designed and located to be easily accessible to all the occupants of the development and usable for open space and recreational uses.

B. Planned residential developments greater than 20 acres in area may include:

(1) Commercial, educational, religious, and professional uses which are designed for exclusive use by the residents of the development. The elements shall be compatibly and harmoniously incorporated into the development and shall not be exposed to public view in a manner which attracts residents living outside of the planned residential development.

(2) Mobilehome development, which shall be located and designed to be compatibly and harmoniously incorporated into the Planned Development.

C. Mobilehome planned residential developments may be allowed when developed in compliance with all of the following:

(1) The minimum development size shall be five acres; however, a smaller size may be allowed when developed as a portion of a larger development in compliance with Subparagraph 1.b., above.

(2) Density of development shall be consistent with the General Plan; however, in no instance may the density exceed 2,400 square feet per unit.

(3) Development shall be restricted to single-family mobilehomes.

(4) Setbacks of the Trailer Park Residential Zone shall apply as prescribed in Section 810.2.030 (Residential Zone General Development Standards).

(5) The Commission or the Board may require that mobilehomes be recessed where a determination is made that the condition is needed to ensure compatibility and harmony with existing and planned uses on adjacent properties. Where the finding is made, the following shall apply:

(a) All mobilehomes shall be recessed below level grade to the extent that the floor elevation is no greater than 18 inches nor less than six inches above grade. The requirement may be modified if it is determined by the Director that a greater or lesser elevation is needed to protect the health, safety, and welfare of the occupants.

(b) The area between the floor elevation and the ground shall be skirted or otherwise enclosed and properly sealed to preclude water from entering under the mobilehome.

(c) Whenever the soil is excavated below a mobilehome, a retaining wall shall be installed extending six inches above grade.

(6) Access drives shall not be less than 25 feet in width; or 32 feet in width if vehicle parking is allowed on one side of the access drive; and not less than 40 feet in width if vehicle parking is allowed both sides of an access drive.

D. Rural Residential and Foothill Rural Residential Planned Developments may be allowed under one of the following designs:

(1) Rural Residential Planned Developments with a minimum parcel size of two net acres may be allowed when developed in compliance with all of the following:

(a) Development shall be restricted to single-family dwelling types, including single mobilehome occupancy.

(b) Individual wells and septic systems shall be required for development in compliance with the County Code.

(c) The ratio of parcel depth to parcel width shall not exceed four to one.

(d) Common use areas may be provided on parcels within the planned development. The common areas shall not include road and canal rights-of-way, reservations, permanent water bodies, or areas developed with structures, streets, tennis courts, parking lots, or other similar uses that are not of an open character, except on those portions of parcels in excess of a minimum parcel size of two net acres. The developer shall provide for the perpetual maintenance of all common areas and facilities in a manner acceptable to the County.

(e) Rural Residential Planned Developments with a minimum parcel size of 36,000 square feet and parcel widths less than 165 feet may be allowed with a community sewer system.

(f) The overall project density shall not exceed one single-family dwelling per two acres.

(g) The minimum parcel size shall be 36,000 square feet exclusive of common areas.

(h) Individual wells shall be required. Individual septic systems or a community sewer system may be utilized in compliance with the County Code.

(i) The ratio of parcel depth to parcel width shall not exceed four to one.

(j) Common use areas may be provided on parcels or in outlots within the Planned Development. Those portions of the common use area which are

occupied by road and canal rights-of-way, reservations, or areas developed with structures, streets, tennis courts, parking lots, or other similar uses that are not of an open character, shall not be included in determining the maximum allowed density.

(k) Outlots shall be held in equal shares of undivided interest among all parcel owners in the subdivision.

(l) The developer shall provide for the perpetual maintenance of all common areas and facilities in a manner acceptable to the County. Permanent active and passive open space shall be considered as common area. Landscaping shall be drought-tolerant and shall comply with the provisions of Section 826.3.010 (Water Efficient Landscaping).

2. Planned office developments.

A. Planned office developments may include the following office uses:

(1) Administrative.

(2) Business.

(3) General.

(4) Medical or Dental.

(5) Professional, other than Veterinarian.

B. There shall be no residential uses, retail sales, storage of stock in trade or storage of equipment not used exclusively in the offices.

C. The applicable zone-driven standards relating to structure height, off-street parking, and outdoor signs shall apply with the following modifications:

(1) Required parking stalls and improvements necessary for ingress and egress from the street may be located within the common open area, provided that 20 percent of the net area of the parcel is maintained as landscaped areas.

(2) One free standing sign for each Planned Development project shall be allowed, subject to zone-driven size requirements. The sign may be placed at any location on the original parcel and may contain the names of any office uses established on parcels created, in compliance with Chapter 830.3 (Signs).

D. Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise, or other potentially adverse

influences shall be so as to protect the residential character in an adjoining residential parcel.

3. Planned commercial developments.

A. Uses within a planned commercial development shall be limited to those uses allowed in the underlying zone and shall be developed under a single theme with functional relationships to each other based on the needs of the surrounding community.

B. Factual evidence shall be submitted showing how the use of alternative development standards will result in greater public benefit than would normally result from the use of the standards established in the underlying zone.

C. A commercial development plan shall be prepared and shall contain all of the following information:

(1) Area, dimensions, and planned land use for each structure site.

(2) External and internal circulation and parking plan.

(3) Location and acreage of landscaping, natural open space, and recreation areas.

(4) Grading plan.

(5) Location of existing structures and development on adjacent parcels, to a minimum of 200 feet from the Plan boundary.

(6) Location of any existing or proposed bicycle, pedestrian, or equestrian trails.

(7) Location and treatment of significant cultural/scientific resources.

(8). Location of any significant vegetation and an indication of the resources to be altered and the resources to be preserved.

(9) Location and treatment of scenic roadways.

(10) A list of all pertinent programs, policies, and guidelines contained in the General Plan together with a description of how they are to be implemented by the Development Plan.

(11) Location and acreage of any proposed high-rise structure(s) higher than 35 feet.

(12) Water and energy conservation measures.

4. Planned industrial developments.

A. Uses within a planned industrial development shall be limited to those uses allowed in the underlying zone and shall be developed under a single theme with functional relationships to each other based on the needs of the surrounding community.

B. Factual evidence shall be submitted showing how the use of alternative development standards will result in greater public benefit than would normally result from the use of the standards established in the underlying zone.

C. An industrial development plan shall be prepared and shall contain all of the following information:

(1) Area, dimensions, and planned land use for each structure site.

(2) External and internal circulation and parking plan.

(3) Location and acreage of landscaping, natural open space, and recreation areas.

(4) Grading plan.

(5) Location of existing structures and development on adjacent parcels, to a minimum of 200 feet from the Plan boundary.

(6) Location of any existing or proposed bicycle, pedestrian, or equestrian trails.

(7) Location of any significant vegetation and an indication of the resources to be altered and the resources to be preserved.

(8) Location and treatment of scenic roadways.

(9) A list of all pertinent programs, policies, and guidelines contained in the General Plan together with a description of how they are to be implemented by the Development Plan.

(10) Water and energy conservation measures.

834.4.290 - Poultry Facility Standards

A. Purpose and intent.

1. These regulations are intended to address the nuisance and environmental problems created by inappropriately located and operated poultry facilities, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

2. It is necessary that poultry facilities be designed to protect the health, safety, and general welfare of the community.

3. These regulations shall apply to all new poultry facilities and to conversions and additions to existing poultry facilities, with the exception that they shall not apply to:

   a. The raising or keeping of poultry for domestic use, (not to exceed 500 birds);

   b. Poultry for FFA, 4H, and similar organizations;

   c. The repair, maintenance, replacement, and upgrading of legally existing poultry facilities provided the work does not increase the capacity of the facility; and

   d. The conversion of legally existing poultry facilities, except for the conversion to "eating egg producing" facilities or "pullets for eating egg production" facilities, provided there is no increase in size and number of structures.

   e. In all instances, the raising/keeping of roosters for fighting purposes is prohibited.

B. Definitions. For the purpose of this Section, the following terms shall have the following definitions.

1. Poultry facility. Includes all coops, barns, pens, manure storage areas, and dead bird disposal areas used in conjunction with poultry production and which are on the same site as the poultry operation. When measuring setbacks or required separations, measurements shall be taken from or between the most proximate of the above described facilities. Areas used for crop production or not otherwise utilized in the production of poultry shall not be included for purposes of determining setbacks or required separations.

2. Types of poultry facilities:

a. Unconfined. Includes any poultry facility where birds are predominantly raised in open pens with or without shades and are subject to the elements.

b. Semi-confined. Includes any poultry facility where birds are raised within a fully enclosed climate-controlled structure part of the time, but also are released into open pens at intervals.

c. Totally confined. Refers to any poultry facility where all birds are raised within fully enclosed climate-controlled structures and where no open pens are utilized.

d. Environmentally controlled. Refers to a poultry facility that has solid side and end walls with all openings sealed, except for fan exits.

e. Eating egg producing. Refers to a commercial egg production facility that produces eating eggs for human consumption.

f. Pullets for eating egg production. Refers to a commercial pullet (young hen) production facility that produces pullets for eating egg producing facilities.

C. Procedures.

1. New poultry facilities, including conversions and additions to exiting poultry facilities, shall be allowed by right subject to the standards and regulations specified in this Section.

2. New poultry facilities and additions to existing facilities which are unable to satisfy the siting standards specified in this Section may be allowed subject to the approval of a Director's Review and Approval in compliance with Chapter 846.5.

D. Siting standards.

1. A poultry facility, except an "Environmentally Controlled" facility, shall not be allowed when 10 or more dwellings or a sensitive use (e.g., school, public park, and hospital), are located within the windshed area (See Diagram "A").

2. A poultry facility shall not be allowed when a dwelling other than one owned by the poultry grower/owner is located within the micro windshed area (See Diagram "B"). The required separations specified in Diagram "B" may be reduced to one-half for "Environmentally Controlled" poultry facilities.

3. A poultry facility shall not be allowed when an established citrus or fruit orchard, vineyard, or vegetable farm are located within the windshed area (See Diagram "A"). The required separations are not required for "Environmentally Controlled" and "Totally Confined" poultry facilities.

4. All poultry facilities shall be set back a minimum of 50 feet from all property lines, ditches, canals, or other waterways, and 100 feet from all public roads.

5. A poultry facility shall be located at least two miles from any existing poultry facility, except for a poultry facility owned by the same grower. "Eating Egg Producing" facilities and "Pullets for Eating Egg Production" facilities shall be located at least five miles from any other poultry facility.

E. Management plan required.

1. The grower/owner shall prepare a management plan based on the "Management Guidelines for Poultry Facilities" describing the operational practices necessary to control nuisances (e.g., flies, feathers, dust, and odors).

2. This plan shall be reviewed and approved by the Health Department before the issuance of permits by either the Department or other divisions within the Public Works Department.

F. Application.

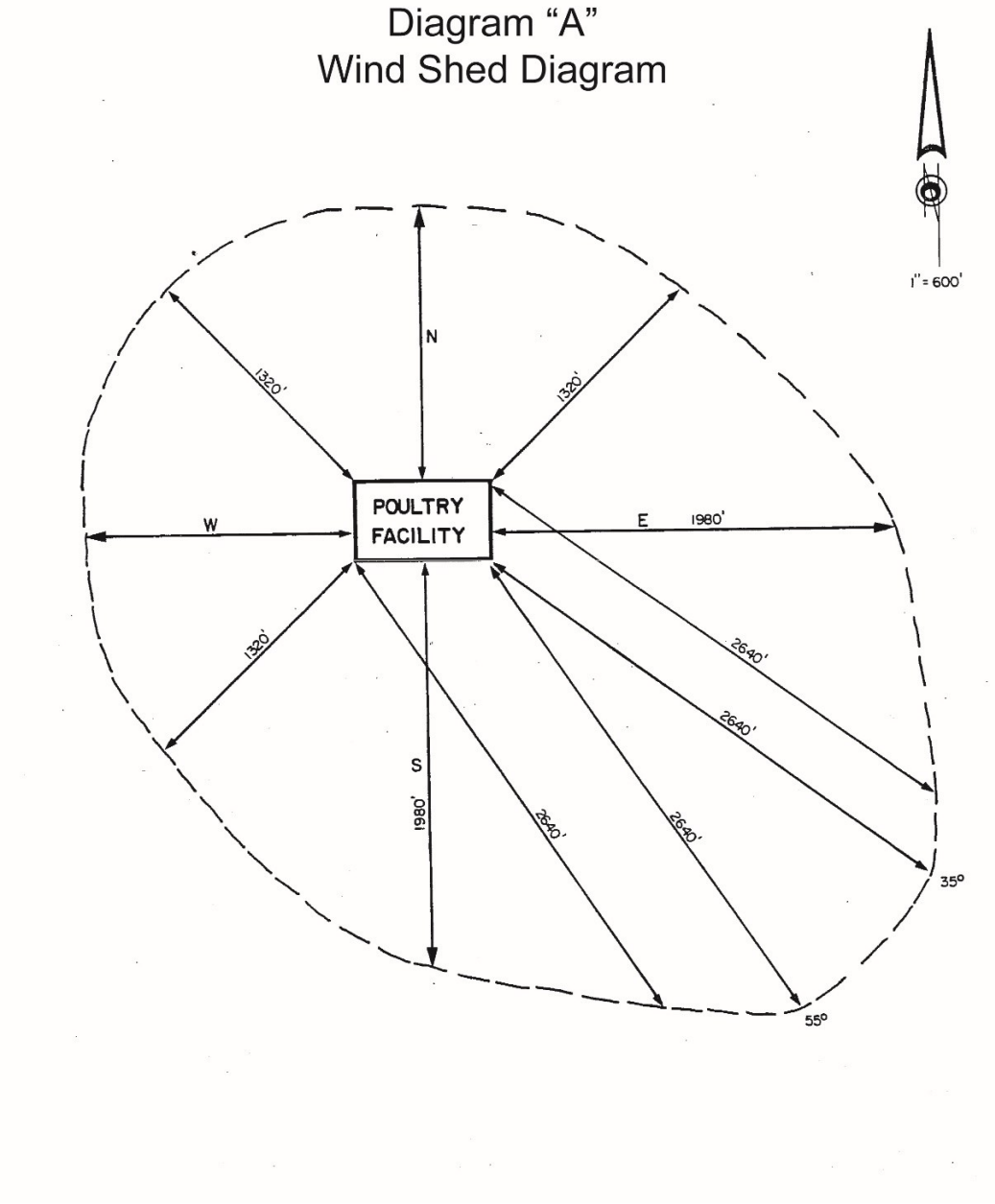
1. An application for a poultry facility shall be filed by the grower/owner, or the authorized representative of the grower/owner, on forms provided by the Department.

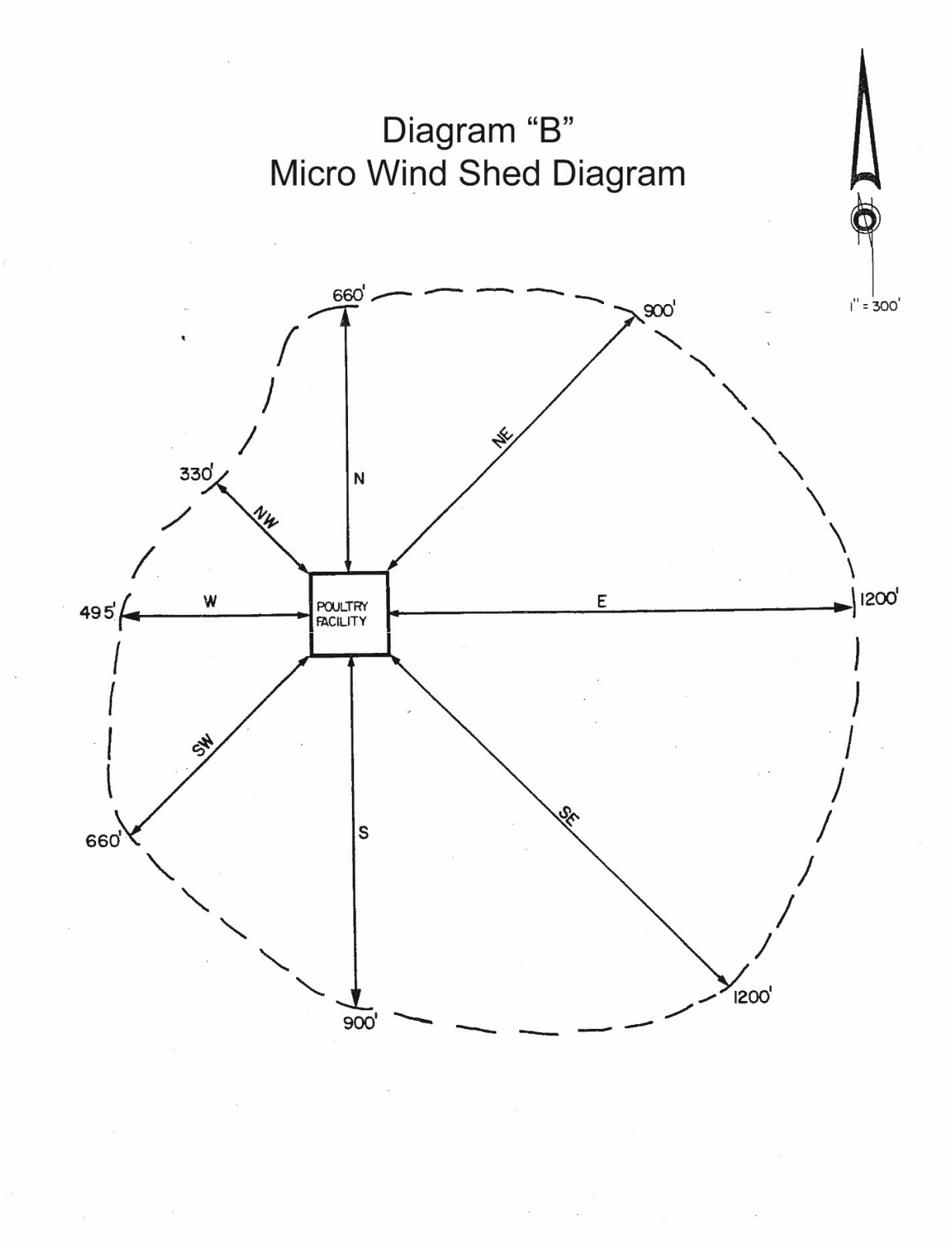
2. The application shall include full and complete information necessary for the County to evaluate the application for compliance with the standards and regulations specified in this Section.

3. The Director shall verify the accuracy and completeness of the application. Verification shall be made in compliance with Section 838.5.070 (Initial Application Review).

G. Filing fee. The applicant for a Poultry Facility Permit shall pay a fee in compliance with the Master Schedule of Fees for the purpose of defraying the costs involved in reviewing and processing the application.

H. Notice. Within 10 days after the issuance of a Poultry Facility Permit, the County shall send a notice to all property owners located within one-half mile of the proposed facility. The purpose of the notice is to inform the property owners that the County has issued a permit for a poultry facility. The notice shall include the name and telephone number of the poultry facility operator.


Diagram "A"
Wind Shed Diagram
1" = 600'
N
1320'
1320'
W
POULTRY FACILITY
E
1980'
1320'
2640'
2640'
S
1980'
2640'
2640'
35°
55°


Diagram "B"
Micro Wind Shed Diagram
1" = 300'
660'
900'
330'
N
NE
NW
W
E
495'
1200'
POULTRY FACILITY
SW
SE
S
660'
900'
1200'

834.4.300 - Recycling Facility Standards

A. Purpose. This Section provides locational, developmental, and operational standards for recycling, collection, and processing facilities.

B. Applicability. Recycling collection and processing facilities shall comply with the following requirements, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

C. Permit requirements. Each recycling, collection, and processing facilities facility shall comply with the permit requirements established by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

D. Reverse vending machines. A reverse vending machine shall comply with all of the following standards.

1. A reverse vending machine shall be established in conjunction with a commercial, industrial, or public facility use that is in compliance with all applicable requirements of the County Code, including the County Fire Code, Uniform Building Code, and this Zoning Ordinance;

2. The operator of the reverse vending machines and the operator of the primary use, on a daily basis, shall remove any and all recyclable materials or refuse which has accumulated or is deposited outside the reverse vending machines;

3. Reverse vending machines located within the structure that accommodates the primary use of the site shall not require any permits under this Section;

4. The Director may limit the hours of operation of a reverse vending machine to the hours of operation of the host primary use; and

5. Facilities shall be clearly marked to identify the name and telephone number of the facility operator.

E. Small collection facilities. A small collection facility shall comply with all of the following standards.

1. The facility shall conform to all development regulations for the zone in which it is located;

2. A small collection facility shall be established in conjunction with a commercial, industrial, or public facility use that is in compliance with all applicable requirements of the County Code, including the County Fire Code, Uniform Building Code, and this Zoning Ordinance;

3. Facilities shall be clearly marked to identify the name and telephone number of the facility operator;

4. The site shall be swept and maintained in a litter-free condition on a daily basis;

5. The noise level for the collection facility shall not at any time exceed 55 dBA as measured at the property line of any residentially zoned or residentially used property, and shall not otherwise exceed 65 dBA;

6. Use of the facility for collection or disposal of refuse or hazardous material is prohibited;

7. The facility shall be in operation only during the hours of operation of the primary use, unless permission is otherwise given by the operator of the primary use;

8. The facility shall conform to all development regulations for the zone in which it is located; and

9. The facility operator shall, on a daily basis, remove any and all recyclable materials or refuse which has accumulated or is deposited outside the containers, bins, or enclosures intended as receptacles for materials.

F. Large collection facilities. Large collection facilities shall comply with all of the following standards.

1. The facility shall be screened from the public right-of-way and adjacent properties zoned, planned, or used for residential purposes by operating in an enclosed structure; or shall be located within an area enclosed by an opaque fence at least six feet in height with landscaping;

2. Setbacks and landscape requirements shall be those provided for the applicable zone;

3. Materials stored outside shall be bailed, palletized, densified, or in sturdy containers maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage shall be in containers approved by the Fire District, California Department of Forestry and the County Public Health Department. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;

4. The site shall be maintained free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis;

5. Any containers provided for donation of recyclable materials shall be adequately screened from any property zoned or occupied for residential use and shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate

materials collected, and shall be secure from unauthorized entry or removal of materials;

6. Unattended donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited; the facility shall display a notice stating that no material shall be left outside the recycling containers;

7. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation. Identification and informational signs shall meet the standards of the zone. Directional signs, bearing no advertising message, may be installed with the approval of the Director, if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way; and

8. Facilities shall be clearly marked to identify the name and telephone number of the facility operator.

G. Light and heavy processing facilities. A light or heavy processing operation shall comply with all of the following standards.

1. The facility shall be screened from the public right-of-way and adjacent properties zoned, planned, or used for residential purposes by operating in an enclosed structure; or shall be located within an area enclosed by an opaque fence at least six feet in height with landscaping;

2. Setbacks and landscape requirements shall be those provided for the applicable zone;

3. Materials stored outside shall be bailed, palletized, densified, or in sturdy containers maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage shall be in containers approved by the Fire District, California Department of Forestry and the County Public Health Department. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;

4. The site shall be maintained free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis;

5. Any containers provided for donation of recyclable materials shall be adequately screened from any property zoned or occupied for residential use and shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials;

6. Unattended donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material

that may be deposited; the facility shall display a notice stating that no material shall be left outside the recycling containers;

7. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation. Identification and informational signs shall meet the standards of the zone. Directional signs, bearing no advertising message, may be installed with the approval of the Director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way; and

8. Facilities shall be clearly marked to identify the name and telephone number of the facility operator.

9. Processors shall operate in a wholly enclosed structure;

10. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials and shall be no larger than 45,000 square feet and may not shred, compact, or bale ferrous metals other than food and beverage containers;

11. Storage excluding truck trailers and overseas containers shall not be visible above the height of the fencing;

12. The site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present;

13. Parking space shall be provided on-site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials.

    a. If the facility is open to the public, space shall be provided for a minimum of 10 customers, except where the Director determines that a lesser amount is appropriate for surrounding business and public safety.

    b. In addition to the parking required by Subparagraph 13. a., above, one parking space shall also be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by the zone in which the facility is located.

14. If the facility is located within 500 feet of property zoned, planned, or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site personnel during the hours the facility is open; and

15. Any containers provided for donation of recyclable materials shall be adequately screened from any property zoned or occupied for residential use and shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate

materials collected, and shall be secure from unauthorized entry or removal of materials.

834.4.310 - Rest Home Standards

A. Purpose. This Section provides operational standards for rest homes.

B. Standards.

1. There shall be only limited medical care not involving a physician residing on the premises of any rest home. Nurses and pharmacies exclusively for the patients may be allowed on-site. There shall be no surgery or other similar activities which are customarily provided in hospitals.

2. The population density standards of the zone in which the facility is proposed shall apply. For this purpose, the resident family and six persons residing in the facility shall be counted as one family in determining the required parcel area. One additional person may be permitted for each ¼ increment of parcel area exceeding the minimum parcel size. Exceptions: In any "A" Agricultural, or "RR" Rural Residential zone, the population density shall be one resident family and six persons for the first 36,000 square feet, than one additional person shall be allowed for each 9,000 square feet in parcel area above 36,000 square feet.

3. The maximum number of persons calculated above shall apply regardless of the number of the licensee's family, or persons employed as facility staff shall not be included in determining the number of residents.

834.4.320 - Schools, Motorcycle Safety and Training

A. Purpose. Private motorcycle safety/training schools subject to the following standards.

B. Standards.

1. The use shall be located no more than 1/4 mile from an arterial public roadway as designated on the County's Transportation and Circulation Element.

2. The use shall be permitted on land designated for Foothill Rural Residential uses.

3. The use shall be a secondary use to the host parcel or host ownership.

4. The curriculums are consistent with Police Officers Standards and Training (POST).

5. No unsupervised riding or track activities shall be permitted.

6. Except for maintenance and related activities by the school operator, all activities are limited to enrolled students of the safety/training school.

7. To address the potential noise concerns, the proposal shall be reviewed by the County's Department of Public Health. Such review may require the need for a comprehensive noise study by a qualified noise consultant and may require the need for limit hours of operation.

8. In a manner acceptable to the Director of Public Works and Planning, all equipment shall utilize the best available noise suppression technology.

9. No track activity shall occur closer than 50 feet to any property line.

C. Processing and Appeals. All applications for motorcycle safety and training school projects as defined above and in Article 7 (Definitions) shall be subject to review by the Planning Commission and shall be appealable to the Board of Supervisors.

834.4.330 - Single Mobile Home Occupancy Standards

A. Purpose. The purpose of this Section is to provide standards for the installation of mobile homes, not in mobile home parks, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

B. Mobile Homes on a permanent foundation. Mobile homes certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.) which are constructed and/or purchased after October, 1976, shall be allowed on an individual parcel in any zone where a single-family residential dwelling unit is allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), subject to all of the following requirements:

1. The mobile home shall be placed on a permanent foundation system in compliance with Health and Safety Code Section 18551.

2. The requirements of the applicable zone, including but not limited to those for Conditional Use Permits; parcel area, width and setbacks; and parking, as specified for single-family residential dwellings and other standards affecting single-family residential dwellings as specified in a planned development Conditional Use Permit or subdivision approval shall be adhered to.

3. The mobile home shall be subject to the provisions of Chapter 854.5 (Site Plan Review) for architectural review. Architectural features to be considered in the review for compatibility of uses shall include roof overhang, roofing materials, siding materials, and the associated parking structure, so long as the standards imposed are consistent with those imposed on conventional single-family dwelling units built on the site.

4. At the discretion of the local legislative body, the city or county may preclude installation of a manufactured home in zones specified in this section if more than 10

years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone. This is in concurrence with Government Code Section 65852.3(a)

C. Mobile homes not on a permanent foundation. The following regulations shall apply to the occupancy of mobile homes located outside of an approved mobilehome park and must be located on an approved tie-down system that are not located on a permanent foundation, as described in Subsection B., above, and are not used to house agricultural employees as specifically allowed by this Zoning Ordinance.

1. Regulations related to residential occupancy.

a. Occupancy shall be allowed in the "R-C", "A-1," "A-2," "AE," "AL," "C-M," "M-1," "M-2," "M-3," "R-E," "C-4," "C-6," "AC," "RCC," "R-R," "R-1," "R-1-A/R-1-AH", "RS" and "R-A zones as follows:

(1) A-1 zone.

(a) On parcels containing less than 100,000 square feet, occupancy shall be subject to review and approval in compliance with Chapter 846.5 (Director's Review and Approval).

(b) On parcels containing 100,000 square feet or more, occupancy shall be allowed by right.

(2) A-2, AE, and AL zones.

(3) R-A zone. Occupancy shall be allowed subject to review and approval in compliance with Chapter 846.5 (Director's Review and Approval), on parcels containing not less than 100,000 square feet. Occupancy shall be allowed for a maximum of five years from the date approval becomes final. A reapplication shall be allowed in compliance with Chapter 842.5 (Conditional Use Permits).

(4) C-M, M-1, M-2, and M-3 zones. Occupancy shall be restricted to a caretaker's use only in conjunction with an allowed use.

(5) R-E zone. Occupancy shall be restricted to a caretaker's use only in conjunction with allowed and developed recreation or commercial uses listed in Section 816.2.020 (Special Purpose Zone Land Uses and Permit Requirements), Subparagraph D.

(6) C-4 and RCC zones.

(a) Occupancy shall be restricted to a caretaker's use only in conjunction with an allowed use.

(b) Occupancy shall be allowed subject to review and approval by the Director in compliance with Section 812.2.020 (Commercial Zone Land Uses and Permit Requirements), and shall be limited to a maximum period of five years from the date the approval becomes final. A reapplication shall be allowed in compliance with Chapter 846.5 (Director's Review and Approval). For procedures, the provisions of Chapter 846.5 (Director's Review and Approval) shall apply.

(c) Occupancy shall be limited to rural areas where the Director has determined that a caretaker's occupancy is essential for providing security.

(7) C-6 zone.

(a) Occupancy shall be restricted to a caretaker's use only in conjunction with an allowed use.

(b) Occupancy shall be allowed subject to review and approval as provided for in Chapter 846.5 (Director's Review and Approval) and in compliance with Section 812.2.020 (Commercial Zone Land Uses and Permit Requirements).

(8) AC zone. Occupancy shall be allowed subject to review and approval as provided for in Chapter 846.5 (Director's Review and Approval) and in compliance with Section 812.2.020 (Commercial Zone Land Uses and Permit Requirements).

(9) R-R zone. The property development standards of the zone shall apply.

(10) RS zone. Occupancy shall be allowed subject to review and approval as provided for in Chapter 846.5 (Director's Review and Approval).

(11) R-C zone.

b. Temporary occupancy shall be allowed in the R-C, AE, AL, A-2, R-A, R-R, R-S, and A-1 zones as follows:

(1) All zones.

(a) Occupancy shall be allowed subject to review and approval as provided for in Chapter 846.5 (Director's Review and Approval) and further subject to the special limitations in Subparagraph (2) below. Occupancy shall be allowed for a maximum of five years from the date the approval becomes

final. Reapplication shall be allowed in compliance with Chapter 846.5 (Director's Review and Approval).

(b) Mobile homes approved under this provision shall be provided with water supply and sewage disposal from the systems utilized by the primary residence.

(2) Special Limitations. In the AE zone, mobile homes approved under this provision shall be allowed as second residences on parcels of less than five acres.

c. Except as noted, the property development standards of the subject zone shall apply.

2. Development standards. Each mobile home shall be supplied water from a safe and potable water system, shall be connected to a private onsite wastewater disposal system or a public sewer if available and shall be connected to an independent power source providing service for the mobile home.

3. Mobile home Occupancy Permit required.

a. The occupancy of a mobile home shall be subject to the issuance of a Mobile Home Occupancy Permit for a specified location.

b. In order to determine compliance, the Department shall require the submission of a plot plan. Failure to maintain occupancy as required by this Section shall automatically invalidate the permit, and occupancy of the mobilehome shall be terminated.

D. Regulations for nonresidential occupancy.

1. Temporary occupancy.

a. The temporary occupancy of a mobile home shall be allowed in all zones in conjunction with public works projects carried out by or for a public agency.

b. The temporary occupancy of a mobile home shall be allowed in the commercial and industrial zones in conjunction with an on-site construction project.

c. The temporary occupancy of a mobile tract office for nonresidential use shall be allowed in a subdivision being developed subject to the provisions of Chapter
854.5 (Site Plan Review).

d. The temporary occupancy of a mobile home shall be subject to the issuance of a Mobile Home Temporary Occupancy Permit for a specified location and period of time.

e. In order to determine compliance, the Department shall require the submission of a plot plan. Failure to maintain occupancy as required by this Section shall automatically invalidate the permit, and occupancy of the mobile home shall be terminated

2. Office use of a mobile home. Occupancy of a mobile home unit designed for office use (nonresidential) shall be allowed in all zones where offices are otherwise allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), except the C-P and R-P zones, subject to the provisions of Chapter 854.5 (Site Plan Review).

834.4.340 – Single Room Occupancy

A. Purpose.

1. The purpose of this section is to regulate the development of reduced-size dwelling units, defined as single room occupancy (SRO) units, with limited parking requirements to provide housing opportunities for lower income individuals and seniors

2. SRO units are defined in Article 7 (Definitions). SRO regulations are considered to be in addition to the regulations of the underlying zoning districts where SRO development is permitted, and SROs must meet the current local standards for building safety.

B. Standards. SRO units, regardless of size, are permitted in the R-2, and R-3residential zones and C-4 (Central Business District), through an administrative approval process, subject only to a Site Plan Review requirement. All SRO units must comply with the following minimum standards below.

1. Maximum Unit Size. The net area of an SRO unit may range from a minimum of 150 square feet to a maximum of 400 square feet.

2. Occupancy. Each unit shall accommodate a maximum of two persons.

3. Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.

4. Code Compliance. SRO units shall comply with all requirements of the California Building Code. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

5. Security Lighting. SROs must provide adequate exterior security lighting.

6. **Small SRO Facilities.** A "small SRO" (six or fewer units) must also meet the following standards:

   a. **Laundry Facilities.** Laundry facilities that have a minimum of two washers and two dryers must be provided in a separate room. Additional washers and dryers must be provided for any development that has more than 20 units at the ratio of two washers and two dryers for every additional 20 units.

   b. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub or shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.

   c. **Kitchen.** An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and stove, range top or oven. A partial kitchen is one that is missing at least one of the aforementioned appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

   d. **Closet.** Each SRO unit shall have a separate closet.

   e. **Parking.** Off-street parking for tenants shall be provided based upon a demonstrated need; however, the parking standard shall not require more parking than for other residential or commercial uses within the same zone. An SRO facility shall provide one parking space for each SRO unit, one parking space for the on-site manager where required, and one parking space for each additional employee. All parking shall be off-street and on-site.

7. **Large SRO Facilities.** A "large SRO" (seven or more units) must also meet the following standards:

   a. **Laundry Facilities.** Common laundry facilities shall be provided at a rate of not less than one washer and one dryer per the first ten rooms, with one additional washer and one additional dryer provided for every five additional rooms or fraction thereof.

   b. **Bathroom.** Private bathroom facilities shall be provided within each unit to include, at a minimum, a toilet and wash basin. Partial or full bathroom facilities may be provided within individual rooms, or may be shared. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub or shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.

   c. **Kitchen.** Within a large SRO facility, no more than fifty percent (50%) of

individual rooms may be provided with kitchens or kitchenettes. At least one common (shared) kitchen/dining area shall be provided within a large SRO facility with at least one full kitchen per floor.

d. **Closet.** Each SRO unit shall have a separate closet with a storage capacity of no less than fifty 50 cubic feet.

e. **Parking.** Off-street parking for tenants shall be provided based upon a demonstrated need; however, the parking standard shall not require more parking than for other residential or commercial uses within the same zone. An SRO facility shall provide one parking space for every 2 SRO units, one parking space for the on-site manager where required, and one parking space for each additional employee. All parking shall be off-street and on-site.

C. Conversion of existing structures. An existing structure may be converted to an SRO facility, consistent with the provisions of this section. Any such conversion must bring the entire structure up to current building code standards, including accessibility and adaptability standards, unless otherwise exempted by the Chief Building Official.

D. Facility Management. SRO facilities shall be subject to the following management requirements listed below.

1. **On-Site Management.** An SRO facility with more than 10 units shall provide on-site management. An SRO facility with 10 units or less may provide a management office on-site.

2. **Tenancy.** Tenancy of SRO units shall not be for less than 30 days.

3. **Garbage Disposal.** Garbage disposal and receptacles shall be provided by the property owner. Garbage receptacles must be located on the lot or property in a manner that does not hinder access to any required off-street parking or loading spaces.

834.4.350 - Small Animal Veterinary Hospital or Clinic Standards

A. Purpose.

1. The purpose of this Section is to provide standards for a completely enclosed structure designed, arranged, and intended to be used for the medical treatment and care incidental to small animals (e.g., dogs, cats, and other similar household pets), where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

2. These facilities shall not include the medical treatment or care of bovine animals, horses, sheep, goats, or swine.

B. Standards. Small animal veterinary hospitals and clinics shall comply with all of the following standards.

1. The structure shall be designed and constructed so that sound emitted through exterior walls or roofs enclosing areas in which animals are kenneled or treated shall not exceed 65 decibels.

2. There shall be no incineration allowed on-site.

834.4.360 - Swimming Lesson Standards

A. Purpose. The purpose of this Section is to provide standards for the teaching of swimming lessons in any zone where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

B. Categories. Swimming lessons shall be identified as one of the two categories indicated below.

1. Swimming lessons - small group. The teaching of four or less children per day or five or more children per day for a period not to exceed two continuous weeks in any year, subject to the maintenance of records for a period of not less than 12 months indicating the names of each person and the dates on which lessons were given and making these records available upon demand to authorized County personnel.

2. Swimming lessons - large group. The teaching of five or more children per day, subject to the maintenance of records for a period of not less than 12 months indicating the names of each person and the dates on which lessons were given and making the records available upon demand to authorized County personnel.

834.4.370 - Temporary Agricultural Produce Stands

A. Purpose. A temporary agricultural produce stand shall be used or shall be intended to be used only for the display and sale of seasonal agricultural or farming products, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

B. Standards for commercial zones. Temporary agricultural produce stands in commercial zones shall be subject to all of the following requirements and limitations:

1. They shall be temporary and shall not exceed 400 square feet of display and storage area.

2. Access adequate to ensure safe ingress and egress at the site during the period of temporary use shall be provided as determined by the Director.

3. A minimum of two on-site parking spaces shall be provided with the parking and circulation areas to be treated in a manner to prevent raising dust or tracking debris onto the public right-of-way.

4. Location shall be allowed only on unimproved parcels, on unimproved sites within partially developed centers; however, required parking may be located on a developed parking area which is excess to the parking required for the developed portion of the centers; and on vacant, but fully improved service station sites.

834.4.380 - Temporary Mill/Chipping Facilities

A. Purpose. Temporary Mill/Chipping, more broadly defined as temporary, portable sawmills and planing mills, and chipping and grinding operations shall be allowed as a matter of right in RC, TPZ and AE Zone Districts, provided that they comply with the requirements listed in Section B below.

B. Standards for Temporary Mill/Chipping Facilities.

1. Operational Life.

a. Temporary Mill/Chipping Facilities shall be allowed during any period of time when a resolution proclaiming a local state of emergency due to tree mortality and degraded forest conditions ("Proclamation") approved by the Board of Supervisors is effective, plus an additional 180 days after the Proclamation expires, to allow for final processing, removal and site clearing.

b. Prior to commencement of operation of a Temporary Mill/Chipping Facility, the applicant and owner shall execute a written acknowledgement, in a form acceptable to the Director of the Department of Public Works and Planning, or designee, which specifies the limitation on the operational life of the Temporary Mill/Chipping Facility, as set forth in Subsection "a" above, and notifies the

applicant and owner that all equipment and material associated with the Temporary Mill/Chipping Facility shall be removed by the applicant and owner within 180 days of the termination of the Proclamation.

2. Removal of Temporary Mill/Chipping Facility.

Within not more than 180 days after the termination of a Proclamation, the applicant and owner shall remove all equipment and material associated with the Temporary Mill/Chipping Facility.

3. Parcel Size.

The minimum parcel size for these uses shall be 20 acres so as to provide for the following related activities: adequate setbacks, staging area for equipment and raw/finished materials, truck parking and circulation, and employee parking.

4. Wastewater.

Evidence submitted during the Site Plan Review process governed by Section 874 (hereafter referred to as "Site Plan Review"), shall establish that the proposed Temporary Mill/Chipping Facility would

a. Discharge no industrial or process wastewater, or

b. Have a will-serve commitment from a community sewer system (e.g., County Service Area, Water Works District, etc.), and will lawfully discharge wastewater to that community sewer system, or

c. Lawfully discharge wastewater into a treatment and disposal facility that meets all applicable wastewater discharge requirements, or

d. Discharge process wastewater, but obtain or possess a waiver of report of wastewater discharge or wastewater discharge requirements pursuant to California Water Code Section 13269, or

e. Have wastewater removed from the site pursuant to a contract with a licensed/certified wastewater transport service for disposal at a licensed facility.

5. Air Pollution.

Evidence shall be submitted during the Site Plan Review, which establishes that:

a. An air pollution "Authority to Construct" permit is not required from the San Joaquin Valley Air Pollution Control District (SJVAPCD), or

b. Facility possesses an air pollution "Authority to Construct" permit.

c. All Applicable SJVAPCD permits are obtained prior to operation via the required Site Plan Review.

6. Traffic.

Evidence shall be submitted during the Site Plan Review, which establishes that:

The facility does not generate more than 100 total trips per day, or that, with acceptable ride sharing plan, trips will be reduced to no more than 100 trips per day.

7. Fire Protection.

Evidence shall be submitted during the Site Plan Review, which establishes that the applicant has or will satisfy all applicable fire protection measures of the Fire District with jurisdiction over the parcel on which the Temporary Mill/Chipping Facility will be established.

8. Noise.

a. Operating hours shall be limited between sunrise and sunset.

b. Evidence shall be submitted during the Site Plan Review, which establishes that the Temporary Mill/Chipping Facility will not be located less than one- quarter mile from residential uses/structures unless it can be demonstrated to the satisfaction of the Director of the Department of Public Works and Planning, or designee, that measures will be implemented by the applicant that will address any potential noise concerns.

9. Site Plan Review Application Required/On-site and Off-site Improvements.

Prior to commencement of any operations of a Temporary Mill/Chipping Facility, a Site Plan Review Application shall have been submitted by the applicant and owner and approved by the Director of the Department of Public Works and Planning, pursuant to the provisions of Chapter 854.5.

834.4.390 - Value-Added Agricultural Uses

A. Purpose. Value-added agricultural uses and facilities, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), shall meet the standards specified in this Section. Value added agricultural uses include the harvesting, curing, processing, packaging, packing, shipping and selling of agricultural products when such activity is carried on in conjunction with, or as part of, the same bona fide agricultural operation (product may be from on-site or off-site holdings when owned by the same entity as the facility) subject to the standards in Section B below. Activities that cannot meet the

standards in Section B, or are larger or broader in scope, shall be subject to the requirements of Section C.

B. Standards. Value-added agricultural uses and facilities shall be subject to the following standards:

1. Wastewater.

a. The facility discharges no industrial or process wastewater;

b. The facility has a will-serve commitment from a community sewer system;

c. The facility lawfully discharges wastewater into a treatment and disposal facility that has waste discharge requirements; or

d. The facility discharges process wastewater, but obtains or possesses a waiver of report of waste discharge or of waste discharge requirements in compliance with California Water Code Section 13269.

2. Location.

a. The use is located outside the sphere of influence of a city; or

b. If the use is located within a sphere of influence of a city, the city shall have provided a release to the County for the use.

3. Air pollution.

a. An air pollution "Authority to Construct" permit is not required; or

b. The facility possesses an air pollution "Authority to Construct" permit.

4. Traffic.

a. The facility does not generate more than 100 total trips per day, or if, with acceptable ride sharing plan, trips will be reduced to no more than 100 trips per day.

b. The facility is located within one-quarter mile of a classified road as shown on the Transportation & Circulation Element of the General Plan.

5. On-site and off-site improvements. To review the proposed project for compliance with the applicable standards, and to determine necessary on-site and off-site improvements, a Site Plan Review shall have been submitted and approved by the Director in compliance with the provisions of Chapter 854.5 (Site Plan Review).

6. **Ancillary uses for value added uses approved with a Conditional Use Permit.** Value-added agricultural uses and facilities that are not authorized under the by-right value-added uses, and are subject to a Conditional Use Permit application, may also include ancillary uses and facilities that are operated in association with a value-added agricultural processing facility.

C. Activities subject to a Conditional Use Permit. Commercial establishments for the processing of agricultural products when said product is not operated in conjunction with, or as part of, the same bona fide agricultural operation, including agricultural cooperatives which receive agricultural products from parcels owned or operated by members (or on-members) of those cooperatives, shall be subject to both Chapter 854.5 (Site Plan Review) and Chapter 842.5 (Conditional Use Permits). This section shall also apply to those value-added agricultural uses and facilities that cannot meet the by-right value-added standards cited above in Section B.

834.4.400 - Walk-in, Reach-in, Cold Storage Box Standards

A. Purpose. Walk-in, reach-in, cold storage boxes designed to hold refrigerated food for sale upon, and to occupants of apartment complexes, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), shall be subject to all of the requirements of this Section.

B. Standards. Walk-in, reach-in, cold storage boxes shall be subject to all of the following requirements and limitations:

1. Advertising signs shall be prohibited.

2. Cold storage boxes shall be completely screened from adjacent properties and public road rights-of-way.

3. Lighting shall not be directed toward or illuminate any apartment unit, adjacent properties, or public or private road rights-of-way.

4. The operation shall be limited to either the resident manager, property manager, or the property owner.

834.4.410 – Wineries, Breweries and Distilleries (Small) Standards for Agricultural and Rural Residential Districts

A. Applicability. The winery, brewery or distillery (small), where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), may not annually exceed two 'alambic' pot stills or process more than 100,000 gallons of wine or 3,225 barrels of beer per year for the purpose of producing distilled spirits.

B. Standards. Facilities shall be subject to all of the following requirements and limitations:

1. A minimum of 25 percent of the grapes, grains, hops or other fruit products fermented shall derive from the parcel(s) of land farmed and owned or leased by the operator. Compliance with this standard shall be based on a production factor of 750 gallons per acre.

2. Related activities may include, but are not limited to, crushing, fermenting, blending, aging, storage, bottling, disposal of wastewater and pumice, administrative office functions, warehousing operations, wholesale sales, retail sales, tasting facilities and related promotional events.

834.4.415 - Wineries, Distilleries and Breweries (Wholesale Limited, Micro and Minor) Standards

A. Applicability. The winery, distillery or brewery (wholesale limited, micro and minor), where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), may be permitted subject to the standards listed below.

B. Standards. Wholesale limited, micro and minor wineries, distilleries and breweries shall be subject to all of the following requirements and limitations:

1. A wholesale limited winery, distillery or brewery shall mean an establishment used for the commercial purpose of processing grapes, grains, hops or other fruit products to produce wine, beer or similar spirits limited to 2,500 gallons production maximum annually (for beer 1,111 cases or 81 barrels annually) and off-site sale only. No customers on site and no tasting days or events allowed. Applicant must provide Letter of Exemption or demonstrate the winery has been issued Waste Discharge Requirements from the California Regional Water Quality Control Board.

2. A micro winery, distillery or brewery shall mean an establishment used for the commercial purpose of processing grapes, grains, hops or other fruit products to produce wine, beer or similar spirits limited to 5,000 gallons production maximum annually (for beer 2,222 cases or 161 barrels annually), a minimum of twenty-five percent (25%) of the grapes, grains, hops or other fruit products used shall be grown on site, with a maximum of 50 public tasting days and 10 public tasting events allowed per year, 100 people per event maximum. Subject to Administrative Review (development and building standards), and Limited Site Plan Review (subject to Traffic Safety Guidelines) required. Applicant must provide Letter of Exemption or demonstrate the winery has been issued Waste Discharge Requirements from the California Regional Water Quality Control Board.

3. A minor winery, distillery or brewery shall mean an establishment used for the commercial purpose of processing grapes, grains, hops or other fruit products to produce wine, beer or similar spirits limited to 10,000 gallons production maximum annually (for beer 4,444 cases or 323 barrels annually), a minimum of twenty-five percent (25%) of the grapes, grains, hops or other fruit products used shall be grown on site, with a maximum of 75 public tasting days and 15 public tasting events per

year, 150 trips per event maximum. Subject to Agricultural Tourism Standards unless superseded by these provisions, Limited Site Plan Review (subject to Traffic Safety Guidelines) required. Applicant must provide Letter of Exemption or demonstrate the winery has been issued Waste Discharge Requirements from the California Regional Water Quality Control Board.

C. Specific Standards Commercial District Micro and Minor Breweries.

1. Micro and minor breweries may be permitted in conjunction with a bar or restaurant subject to the provisions of Section 834.4.080 above.

2. Micro and minor breweries shall be licensed by the State of California Department of Alcohol and Beverage Control with a Type 23 Small Beer Manufacturer license (or current equivalent).

3. All production raw material (e.g. grains, hops, fruit, and other produce) may be brought from off site.

834.4.415.a - Specific Standards Microbreweries and Brew Pubs in Commercial Districts

A. Applicability. Microbreweries and Brew Pubs, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), may be permitted subject to the standards listed below.

B. Standards. Microbreweries shall be subject to all of the following requirements and limitations:

1. Microbreweries and Brew Pubs may be permitted in conjunction with a bar or restaurant subject to the provisions listed below:

Annual Barrel* Production with Urban Services	Permitting Tier	Annual Barrel Production on Private Well and Sewage	Permitting Tier
5,000	P	1,000	P
10,000	D	5,000	D
15,000	C	10,000	C

2. Microbreweries shall be licensed by the State of California Department of Alcohol and Beverage Control with a Type 23 Small Beer Manufacturer license (or current equivalent).

3. Brew Pubs shall be licensed by the State of California Department of Alcohol and Beverage Control with a Type 75 Small Beer Manufacturer license (or current equivalent).

4. All production raw material (e.g., grains, hops, fruit, and other produce) may be brought from off site.

*A barrel of beer is equivalent to 31 liquid gallons.

834.4.420 - Wireless Telecommunication Facility Standards

A. Applicability. Wireless telecommunications facilities encompass a wide-range of potential uses and structural appearances including, but not solely exclusive of cellular telecommunications towers.

B. Standards. Standards will vary on zone district and type of use and are further-defined in subsection C below.

C. Facility Types.

1. Ham radio towers subject to Section 846.5.020 (Unclassified Director's Review and Approval), which exceed the maximum building height allowed in the zone district.

2. Microwave relay structures for the sole purpose of line-of-sight transmission of microwave data and not consisting of cellular transmission technology or serving as part of a cellular transmission network and which exceed the maximum building height allowed in the zone district. The increased height above the maximum height of the applicable zone district must occur as a function of the use. Such uses are subject to either Chapter 842.5 (Conditional Use Permits) or Chapter 846.5 (Director's Review and Approval).

3. Radio or television antennas, towers and transmitters are for commercial and/or public communications and include antennas and transmitters for radio and television broadcasting and receiving stations and studios but would exclude cellular communications technology as the primary use or purpose of the structure. Such uses are subject to an Unclassified Conditional Use Permit (Section 842.5.020.B).

4. Wireless cellular facilities subject to an Unclassified Conditional Use Permit (Section 842.5.020.B) such as cellular communications towers in which the increased height above the maximum height of the applicable zone district must occur as a function of the use. Such facilities shall be subject to the County's adopted Wireless Facility Guidelines as referenced in the Fresno County General Plan.

E. Specific Exclusions.

The above provisions exclude non-commercial antennas including radio and television antennas, and non-commercial satellite dishes that are permitted as an appurtenance to an approved and lawfully permitted structure unless expressly prohibited or only allowed with a discretionary land use permit by zone district.

834.4.430 - Multi-family Objective Design and Development Standards

A. Purpose. The purpose of this Section is to provide minimum design and development standards for multi-family dwellings. All multi-family dwelling shall comply with these standards to receive ministerial approval. Projects that meet all the following standards are not subject to discretionary review.

B. Discretionary Review. Multi-family dwelling projects that propose alternative development and design standards other than those specified above (834.4.430.A) shall require a discretionary approval.

C. Objective Development Standards.

1. **Setbacks.** Front, rear and side setbacks shall comply with the base zone setback requirements (Chapter 810.2 – Residential Zones).

2. **Property Access.** There shall be vehicular access from a dedicated and improved street, easement, or alley to off-street parking areas.

3. **Street Frontage.** Every primary residential structure shall have frontage on a public street or an access-way which has been approved for residential access by the County.

4. **Structure Height.** Structure height shall comply with the base zone maximum allowable height.

5. **Mail and Package Delivery Location.** Mailboxes and package delivery areas shall be in locations that are visible by residents at the interior of a structure entrance, elevator lobby, or stairwell.

6. **Primary Entrances.** All primary structure entrances shall include dawn to dusk lighting for safety and security.

7. **Street-Facing Structures.**

    a. Structures at the street shall have a front entry oriented to the street.

    b. Primary entrances of street-facing structures shall include a functional porch or stoop. Porches and stoops shall be covered.

8. **Landscaping.** All onsite landscaping shall comply with the Landscaping Standards in Section 826.3 in Article 3.

9. **Parking and Circulation.**

a. Parking Standards. Parking standards shall comply with the parking regulations in Chapter 828.3 (Parking and Loading Standards).

b. Required Guest Parking. A minimum of three guest parking spaces shall be provided for every six dwelling units.

10. Fences and Walls. Allowable fences and walls materials shall comply with the regulations in Section 822.3.050 of Article 3 (Fences, Walls, and Hedges).

11. Exterior Lighting. Parking areas and pedestrian pathways shall include lighting for safety and security. Lighting shall comply with the regulations in Section 820.3.080 of Article 3 (Exterior Light and Glare).

12. Solid Waste and Recycling Enclosures. All solid waste and recycling enclosures shall comply with the Solid Waste/Recyclable Materials Storage regulations in Chapter 828.3 (Solid Waste/Recyclable Materials Storage).

13. **Structure Identification.** Structure identification numbers shall be placed along pedestrian pathways and roads and shall be readable from a minimum distance of 60 feet (see Figure 4-2).

Figure 4-2
Structure Identification



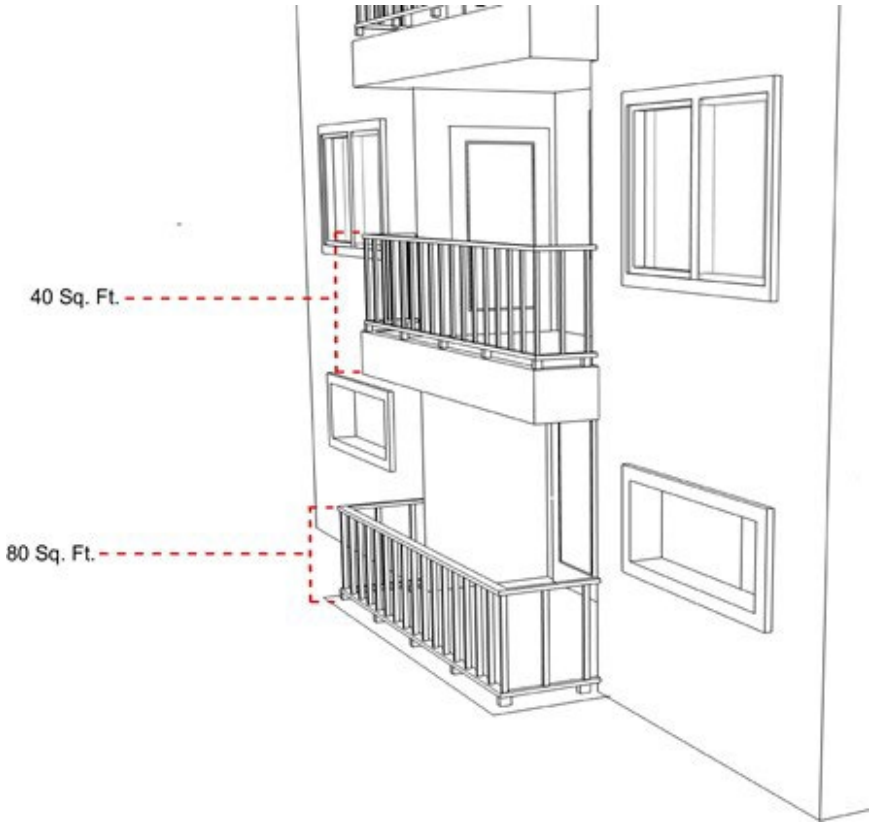
14. Signage and Information. Signs shall comply with the Sign Standards in Chapter 830.3 (Signs) in Article 3. In addition, all directional signage and informational kiosks (i.e., site maps) shall be located at the entrances of individual structures and at convergences of main pedestrian pathways.

15. Private Open Space. The following standards apply to private open space and are illustrated in Figure 4-3 (Private Open Space).

a. Ground Floor Units. Each ground floor dwelling unit shall include a minimum of 80 square feet of private open space in the form of a covered or uncovered patio to allow for light, air, and privacy.

b. Above Ground Floor Units. Each above ground floor dwelling unit shall include a minimum of 40 square feet of private open space in the form of a terrace, balcony, or rooftop patio to allow for light, air, and privacy.

Figure 4-3
Private Open Space



D. Objective Design Standards.

1. Color Palettes.

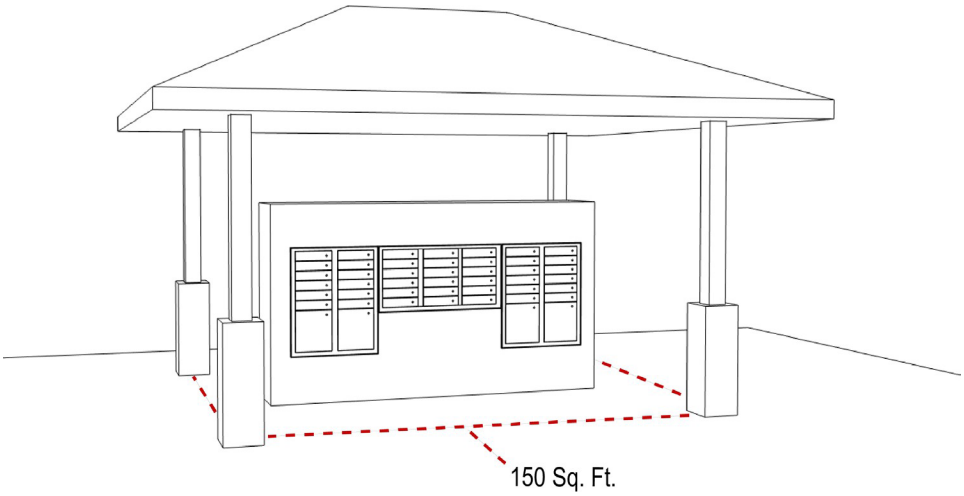
a. All structures shall incorporate a maximum of four colors, excluding a primary accent color and roof color.

b. Each structure elevation for projects with two or more stories shall include two colors in the selected color palette.

c. Projects that include more than 30 dwelling units shall include at least two-color palettes, where no single-color palette shall be used on more than 50 percent of the dwelling units.

2. Community Mailboxes. For complexes comprising 100 units or more, common mailboxes shall be shaded by a permanent structure or overhang no larger than 150 square feet (see Figure 4-4). The permanent structure or overhang shall use the approved color palette for the overall project and include exterior lighting for nighttime safety.

Figure 4-4
Community Mailboxes



3. **Solid Waste and Recycling Enclosures.** Masonry walls and metal doors shall be painted in accordance with the approved color palette for the overall project.

4. Roof Design and Materials.

a. Projects in excess of 30 units shall utilize design features such as offsets, balconies and projections.

b. Projects in excess of 30 units shall be encouraged to incorporate eaves, canopies, and awnings along south and west elevations.

c. Roof overhangs shall be a minimum of 12 inches.

d. Roof lines shall be articulated at least every 100 feet.

e. The following are allowable roofing materials (see Figure 4-5):

(1) Non-reflective standing seam metal roofs in shades of tan, brown, and black;

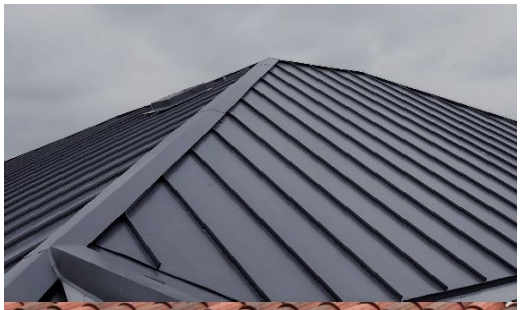
(2) Cool foam roofs (white);

(3) Clay tile; and

(4) Composition shingles.

Figure 4-5
Allowable Roof Materials

1



2



3



4



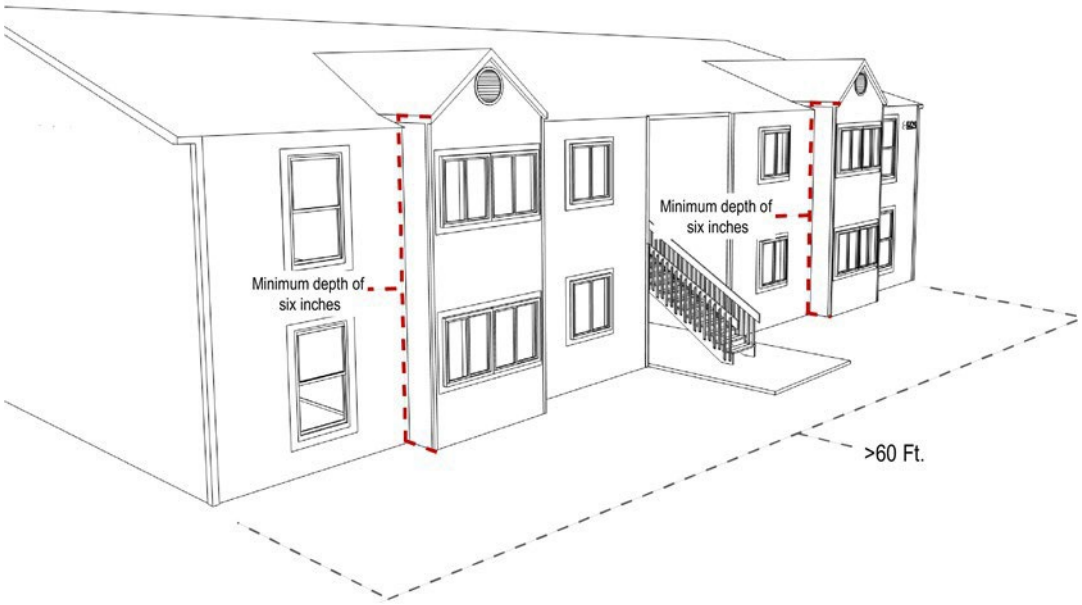
5. Screening.

a. All screening of ground-mounted and roof-mounted equipment with the exception of roof-mounted solar panels, shall be screened from view with landscaping, walls, and/or fences.

b. Developments shall be screened from adjacent commercial, industrial, or manufacturing/processing uses.

6. Structure Massing. Structures that have a length longer than 60 feet shall include facades with varying modulation with a minimum depth of one foot at intervals of no more than 40 feet. See Figure 4-6 (Structure Massing).

Figure 4-6
Structure Massing



7. **Structure Materials and Elements.** The following primary structure materials are prohibited:

   a. Vinyl or vinyl clad materials; and

   b. Unfinished galvanized metals.

834.4.440 - Millerton Specific Plan Tertiary-Treated Wastewater for Irrigation

A. **Applicability.** Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent.

B. **Standards.** Effluent must meet tertiary standards or higher as determined by the State of California. The procedure specified in Chapter 842.5 (Conditional Use Permits) shall apply.

834.4.450 - Commercial/Industrial/Warehousing Development Standards for Designated Uses

A. **Purpose.** This Section provides specific standards for designated commercial, industrial and warehouse uses to reduce conflict with neighboring land uses and communities.

B. **Standards.**

1. Screening shall comply with the standards of Article 3, Section 822.3.090.E and F
2. Landscaping shall comply with the standards of Article 3, Section 826.3.020.
3. Parking and loading shall comply with Article 3, Chapter 828.3 and Section 828.3.080.
4. Signs shall comply with the standards of Article 3, Section 830.3.111.

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Article 5

Land Use and Development Review Procedures

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CHAPTER 838.5 - APPLICATION FILING, PROCESSING, AND FEES

838.5.010 - Purpose of Chapter

The purpose of this Chapter is to identify the procedures for the filing and processing of the different land use permit or approval applications contained within this Article.

838.5.020 - Multiple Permit Applications

An applicant for a development project, which requires the filing of more than one application, shall file all related applications, except for Site Plan Reviews, concurrently and submit appropriate processing deposits/fees in compliance with Section 838.5.060 (Application Fees), below, unless this concurrent filing requirement is waived by the Director.

838.5.030 - Permit Required

A. Permit required before work. Before commencing any work pertaining to the alteration, construction, conversion, erection, moving, or reconstruction of any structure, or any addition to any structure, a permit shall be secured from the Department by any owner or owner's agent for the work, and it shall be unlawful to commence any work until and unless the permit shall have been obtained.

B. Certificate of Occupancy required. No structure shall be occupied or used unless a Certificate of Occupancy, and a license for the use, where required, is first obtained from the Department or person vested with the duty or authority to issue same.

838.5.040 - Building Permit Application Procedures

A. Building Permit application requirements.

1. Each application for a Building Permit shall be made on a printed form to be obtained from the Department and shall be accompanied by accurate information and dimensions as to the size and location of the parcel; the size and location of the structures on the parcel; the dimensions of all yards and open spaces; and other information as may be necessary for the enforcement of those regulations.

2. Where complete and accurate information is not readily available from existing records, the Division of Building and Safety may require the applicant to furnish a survey of the parcel prepared by a licensed surveyor.

3. A copy of the original of the application shall be kept in the office of the Division of Building and Safety.

B. Review of application.

1. Each application shall be reviewed for compliance with the requirements of this Chapter.

2. No permit shall be granted unless the proposal meets all applicable requirements of this Chapter.

C. Completion of all improvements required.

1. Before a Certificate of Occupancy Permit shall be issued, all required on-site (outside the County right-of-way) and off-site (within the County right-of-way) improvements shall have either been completed or, if not completed, the permittee shall have entered into an agreement with the County to complete the work within 180 days from the date of the issuance of the permit.

2. The Director may extend the completion date for one additional 180-day period upon written request of the permittee upon a showing of good cause therefore.

3. The agreement shall be secured either by cash deposited with the County, a cash deposit in an irrevocable escrow approved by the Director, or other financial security approved by the Director as the equivalent thereof in compliance with Chapter 868.6.070 (Performance Guarantees).

4. The security shall be in the amount of 100 percent of the estimated cost of completion to be determined by the Director.

5. In the event the work is not completed within the period provided or any extension, the County shall be authorized to take all necessary action to enforce the agreement including the use of the security to cause the completion of all required improvements.

6. Monies deposited with the County or in escrow may be partially released to the depositor by the Director during the progress of the work so long as the same ratio of security is maintained on deposit to secure all uncompleted work.

838.5.050 - Building Permit General Conditions

A. Applicability.

1. The provisions of this Section shall not apply to structures or uses exempted by this Chapter.

2. No Building Permit shall be issued or Conditional Use Permit, Director's Review and Approval, Minor Deviation, Site Plan Review, or a Variance approved for any use which would be forbidden by a proposed change in the subject zone or zoning regulation(s).

3. In addition, all Building Permits, Conditional Use Permits, Director's Review and Approvals, Minor Deviations, Site Plan Reviews, Variances, parcel maps, or final maps shall meet the property development standards of the existing zone or zoning regulation(s), or the proposed zone or zoning regulation(s), whichever is the more restrictive.

4. A change of zone or zoning regulation(s) shall be construed as initiated by the filing of an application of a Zone Map amendment, by the adoption of a resolution of intention by the Commission or Board, or by Board direction to staff in compliance with Chapter 872.6 (Amendments).

B. Director may validate the issuance of a permit.

1. Despite any other provision of this Chapter to the contrary, the Director may validate the issuance of a permit authorizing construction in compliance with the impending zoning regulation(s) on property being rezoned after the Board has taken affirmative action adopting an ordinance rezoning the property, provided the permittee and owner of the land and owner of the property being constructed shall have entered into a written agreement with the Director to the effect that should the zoning for any reason whatsoever not be effective, the permittee or owner shall remove from the property, within 30 days following written notice from the Director, any improvements or construction authorized by the permit and in conflict with existing zoning regulations and restore the property as nearly as practicable to its prior condition.

2. The written agreement may include provisions dealing with a bond, cash deposit, covenants running with the land, entry permission, hold harmless clause, lien clause, and similar provisions to ensure that should the permittee or owner fail to so remove the improvements or construction that the County could accomplish the removal without cost to the County.

838.5.060 - Authority for Land Use and Zoning Decisions

Table 5-1 (Review Authority) identifies the County official or authority responsible for reviewing and making decisions on each type of application or land use entitlement required by this Zoning Ordinance.

TABLE 5-1
THRESHOLD OF REVIEW

Type of Application	See Chapter	Director Review (1)	Commission Review	Board Review
Amendments (General Plan, Zone Map, and Zoning Ordinance) (2)	872.6		Recommend	Final
Conditional Use Permits and Unclassified Use Permits (3)	842.5		Final	Appeal
Development Agreements (2)	844.5		Recommend	Final
Director's Review and Approval (1)	846.5	Final	Appeal	Appeal (in specified instances)
Minor Deviations (1)	860.5	Final	Appeal	Appeal
Reasonable Accommodations (4)	852.5	Final		
Site Plan Reviews	854.5	Final	Appeal	Appeal
Specific Plans/Amendments (2)	856.5		Recommend	Final
Temporary Use Permits	858.5	Final	Appeal	Appeal
Variances	860.5		Final	Appeal
Zoning Clearances	862.5	Final	Appeal	Appeal

Notes:
(1) The Director may defer action and refer any permit or approval application to the Commission for final determination except in the case of a Reasonable Accommodation.
(2) Commission recommends to Board for final determination.
(3) Specific conditionally permitted uses may be allowed subject to recommendation by the Commission and approval by the Board.
(4) The Director's decision on a Reasonable Accommodations request may be appealed to the County Hearing Officer.

838.5.080 - Application Fees

A. Filing fees required.

1. The Board shall, by resolution, establish a schedule of fees for amendments, permits and approvals, and other matters pertaining to this Zoning Ordinance, referred to in this Zoning Ordinance as the Master Schedule of Fees. The purpose of the fee is to defray the costs incidental to the proceedings.

2. The Master Schedule of Fees may be changed only by resolution of the Board.

3. County processing fees are cumulative. For example, if an application for a Conditional Use Permit also requires a Minor Deviation, both fees shall be charged.

4. Processing shall not commence on an application until all required fees/deposits have been paid.

5. Without the application fee/deposit, the application shall not be deemed complete.

6. The County is not required to continue processing any application unless all fees/deposits are paid in full.

B. Refunds and withdrawals.

1. Recognizing that filing fees are used to cover County costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, no refunds for denied projects are allowed.

2. In the case of a withdrawal, the Director may authorize a complete or partial refund based upon the pro- rated costs to-date and determination of the status of the application at the time of withdrawal.

838.5.090 - Initial Application Review

All applications filed with the Department shall be initially reviewed and processed as follows.

A. Notification of applicant. As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided.

B. Submittal of additional information.

1. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur.

2. The additional specified information shall be submitted in writing or electronically, as required.

3. The review of the any information resubmitted by the applicant shall be accomplished in compliance with this Section, along with another 30-day period of review for completeness.

C. Available for public review. After an application, has been accepted as complete, in compliance with the Freedom of Information Act the application may be made available for public review as requested.

D. Environmental Information. After an application has been accepted as complete, additional information may be needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA) and the County's CEQA guidelines.

E. Routing of application. An application will be routed to any public agency that may be

affected by or have an interest in the proposed land use activity.

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CHAPTER 842.5 - CONDITIONAL USE PERMITS

842.5.010 - Purpose of Chapter

The purpose of this Chapter is to allow for activities requiring a Conditional Use Permit or an Unclassified Conditional Use Permit and which are so unique that their effect on the surrounding environment cannot be determined before being proposed for a particular location. At the time of application, a review of the configuration, design, location, and potential effect of the proposed activity shall be conducted by comparing it to established development and site standards. This review shall determine whether the proposed use should be allowed by weighing the public need for and the benefit(s) to be derived from the proposed use, against the potential negative effects it may cause.

842.5.020 - Applicability

A. Conditional Use Permits for Uses listed in Article 2. The land use activities listed in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) may be allowable subject to the approval of a Conditional Use Permit, also referred to as a "Classified" Conditional Use Permit.

B. Unclassified Conditional Use Permits for specified uses. In addition, to those uses allowed subject to a "Classified" Conditional Use Permit listed in Article 2, all of the following uses may be allowed in any zone through the approval of an Unclassified Conditional Use Permit, except for any use, including a power generating plant, that utilizes coal, coke, or other coal based fuel as an industrial fuel source, or where expressly prohibited. For purposes of the Zoning Ordinance, the Conditional Use Permit and Unclassified Use Permit shall be treated and processed in the same manner:

1. Airport or aircraft landing facilities, provided, however, no review of the permit shall be required in any of the following areas: Section 28, T. 13 S., R. 14 E.; Section 4, T. 15 S., R. 17 E.; Section 21, T. 17 S., R. 17 E.; Section 34. T. 19 S., R. 17 E.; M.D.B. and M; (Prohibited in Residential, Open Space and Commercial Zone Districts);

2. Ambulance substations (Prohibited in the O, P and TPZ zone districts);

3. Cemeteries (Prohibited in Multifamily Residential, T-P, and Commercial Zone Districts);

4. Convents and rectories, when connected with other religious institutions (e.g., places of worship or schools) (Prohibited in O, P and TPZ zone districts);

5. Development of natural resources with necessary structures, apparatus, or appurtenances related to the subject development. For surface mining operation see the provisions of Section 834.4.220 (Development of Material Extraction Sites) (Prohibited in Residential, Commercial and P Zone Districts);

6. Golf courses and driving ranges;

7. Governmental facilities;

8. Health spas (Prohibited in the O, P, Industrial and TPZ zone districts);

9. Hospitals (Prohibited in the O, P and TPZ zone districts);

10. Observatories;

11. Oil and gas development uses in compliance with Section 834.4.250 (Oil Drilling/ Extraction Standards);

12. Parks, including facilities appropriate and incidental to parks (Section 834.4.260);

13. Power production and generation facilities (includes utility-scale photovoltaic facilities subject to the County's adopted Solar Facility Guidelines, wind farms and hydroelectric facilities subject to County jurisdiction);

14. Private clubs and lodges (Prohibited in the O, P and TPZ zone districts);

15. Public utility and public services, structures, and uses, except as otherwise provided in this Chapter;

16. Radio or television antennas and transmitters (commercial);

17. Residential facilities caring for seven or more, subject to the population density standards of rest homes (Section 834.4.310 Rest Home Standards) (Prohibited in zones that do not permit single or multifamily residential uses);

18. Rest homes;

19. Rifle and pistol practice range, skeet field, archery range, or other similar place (Prohibited in Residential and C-P, C-1, R-P, P and TPZ zone districts);

20. Special Event Facility

21. Solid waste disposal facilities;

22. Solid waste processing facilities;

23. Solid waste transfer stations (Prohibited in Residential and C-P, C-1, R-P, P and TPZ zone districts);

24. Small oil refineries limited to removal of entrained crude oil from natural gas; separation of crude oil into naphtha, kerosene, fuel oil, and diesel oil; blending of naphtha and

kerosene to produce jet fuel and gasoline; and reforming of heavy naphtha in the presence of a catalyst to produce unleaded gasoline (Prohibited in Residential and C-P, C-1, R-P, P and TPZ zone districts);

25. Stadia (Prohibited in Residential and C-P, C-1, R-P, P and TPZ zone districts); and

26. Wireless Telecommunication Facilities (Section 834.4.420).

842.5.030 - Application Filing, Processing, and Review

A. Filing. An application for a Conditional Use Permit, together with the required fee in compliance with the Master Schedule of Fees, shall be filed with the Department in compliance with Chapter 838.5 (Application Filing, Processing, and Fees).

B. Contents. The application shall be accompanied by detailed and fully dimensioned plans, architectural drawings/sketches, elevations, floor plans, landscape plans, and/or any other data/materials specified in the most up-to-date Department handout for Conditional Use Permit applications.

C. Project review procedures. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this Chapter.

D. Review authority. The Commission shall be the applicable review authority for reviewing Conditional Use Permits.

E. Notice and hearings.

1. A public hearing shall be required for the Commission's decision on a Conditional Use Permit.

2. A public hearing shall be scheduled once the Director has determined the application complete.

3. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 874.6 (Public Hearings).

842.5.040 - Project Review

Each Conditional Use Permit application shall be analyzed to ensure that the application is consistent with the intent and purpose of this Chapter.

842.5.050 - Findings and Decision

A. Commission's action.

1. Following a hearing, the Commission shall record the decision in writing and shall recite the findings upon which the decision is based.

2. The Commission may approve or deny a Conditional Use Permit in whole or in part and may impose specific development and operational conditions.

3. These conditions shall relate to both on and off-site improvements that are necessary to accommodate property development, mitigate project related adverse effects, and to carry out the purpose and requirements of the subject zone.
4. The Commission's action is final unless appealed, except Conditional Use Permits filed concurrently with other applications required to be heard by the Board.

5. A tie vote shall constitute denial.

B. Required findings. The Commission may approve a Conditional Use Permit application, with or without conditions, only if all of the four following findings are first made:

1. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Chapter, to adjust the use with land and uses in the neighborhood;

2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

3. The proposed use will have no adverse impact on abutting property and surrounding neighborhood or allowed use thereof; and

4. The proposed development is consistent with the General Plan.

842.5.060 - Conditions of Approval

In approving a Conditional Use Permit application, the Commission may impose conditions deemed reasonable and necessary to protect the public health, safety, and general welfare and to ensure that the approval would be in compliance with the findings required by Section 842.5.050 (Findings and Decision), above.

842.5.070 - Use of Property Before Final Action

Permits shall not be issued for any use involved in an application for a Conditional Use Permit until and unless the same shall have become final, in compliance with Section 868.6.030 (Effective Date of Permits).

842.5.080 - Modification of Permit

A. Changes to an approved project. An approved Conditional Use Permit may be modified in compliance with Section 868.6.100 (Changes to an Approved Project).

B. Modifications by Director. Minor modifications to an approved permit may be approved by the Director, in compliance with Section 868.6.100.

842.5.090 - Mapping

A. Mapping required. Within 30 days following the granting of a Conditional Use Permit, the Department shall indicate on the Zone Map the parcel(s) affected by the Conditional Use Permit.

B. File number of the permit. The indication shall show the file number of the permit.

842.5.100 - Post Decision Procedures

The procedures relating to changes, performance guarantees, and revocation that are identified in Article 6 (Zoning Ordinance Administration) and those identified in Chapter 868.6 (Permit Implementation, Time Limits, Extensions and Revocation) shall apply following the decision on a Conditional Use Permit application. Provisions for additional time to exercise certain approved Conditional Use Permits prior to expiration within the boundaries of a County-adopted Specific Plan are noted in Subsection 868.6.020.A.4.

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CHAPTER 844.5 - DEVELOPMENT AGREEMENTS

844.5.010 - Purpose of Chapter

A. Purpose. A development agreement is a contract between the County and an applicant for a development project, in compliance with State law (Government Code Article 2.5 [Development Agreements]). A development agreement is an optional, not mandatory, application, based on the needs and desires of the applicant.

B. Intent. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to County policies, rules, and regulations after project approval. In return, the County is provided assurance of payment of required fees, installation of necessary infrastructure, and other considerations the County might obtain in the development agreement.

844.5.020 - Application Filing and Review

A. Filing. An application for a Development Agreement shall be filed with the Department in compliance with Chapter 838.5 (Application Filing, Processing, and Fees.)

B. Findings and decision. The review authority may approve a development agreement only after first making all of the following findings:

1. The development agreement is in the best interests of the County;

2. The development agreement is consistent with the purpose, intent, goals, policies, programs, and land use designations of the General Plan, any applicable specific plan, and this Zoning Ordinance;

3. The development agreement will promote the public convenience, health, interest, safety, and general welfare of the County;

4. The project will be compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is located;

5. The project will not adversely affect the orderly development of property or the preservation of property values;

6. The project will further important County-wide goals and policies that have been officially recognized by the Board; and

7. The project will provide the County with important, tangible benefits beyond those that may be required by the County through project conditions of approval.

844.5.030 - Content of Development Agreement

A. Mandatory contents. A development agreement shall contain the applicable provisions in compliance with Government Code Section 65865.2.

B. Permissive contents. A development agreement may contain the applicable provisions in compliance with Government Code Section 65865.2.

844.5.040 - Execution and Recordation

A. Ordinance becomes effective. The County shall not execute any development agreement until on or after the date upon which the ordinance approving the agreement, enacted in compliance with Subsection 844.5.030 D. (Notice and hearings), above, becomes effective.

B. Recordation of agreement. A development agreement shall be recorded in the County Recorder's Office no later than 10 days after it is executed.

844.5.050 - Amendment and Cancellation of Development Agreements

A. Proposed amendment or cancellation. Either party to the agreement may propose an amendment to or cancellation of the development agreement.

B. Same procedures. The procedure and notice requirements for amendment or cancellation of the development agreement are the same as the procedure for entering into an agreement in compliance with this Chapter.

C. County initiated amendment or cancellation. Where the County initiates the amendment or cancellation of the development agreement, it shall first give notice to the property owner of its intention to initiate the proceedings at least 15 days before giving public notice to consider the amendment or cancellation, in compliance with Chapter 874.6 (Public Hearings).

844.5.060 - Periodic Review

A. Subject to periodic review.

1. Every development agreement approved and executed in compliance with this Chapter, shall be subject to periodic County review during the full term of the agreement in compliance with Government Code Section 65856.1.

2. The County shall review the development agreement at least every 12 months from the date the agreement is entered into.

3. The review schedule shall be specified in the agreement.

B. Purpose of periodic review.

1. The purpose of the periodic reviews shall be to determine whether the applicant/contracting party or its successor(s)-in-interest has complied in good faith with the terms or conditions of the development agreement.

2. The burden of proof shall be on the applicant/contracting party or its successor(s) to demonstrate compliance, to the full satisfaction of, and in a manner prescribed by, the County.

844.5.070 - Effect of Development Agreements

A. Rules in force at the time of execution. Unless otherwise provided by the development agreement, the policies, regulations, and rules governing allowed uses of the land, density, design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, are the policies, regulations, and rules in force at the time of execution of the agreement.

B. Application of new rules. In compliance with State law (Government Code Section 65866), a development agreement shall not prevent the County, in subsequent actions applicable to the property, from applying new policies, regulations, and rules which do not conflict with those policies, regulations, and rules applicable to the property, nor shall a development agreement prevent the County from conditionally approving or denying any subsequent development project application on the basis of existing or new policies, regulations, and rules.

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CHAPTER 846.5 - DIRECTOR'S REVIEW AND APPROVAL

846.5.010 - Purpose of Chapter

The purpose of this Chapter is to protect the integrity and character of the residential, commercial, and industrial areas of the County, through the application of provisions of this Chapter consistent with the General Plan. The application will be reviewed for conformance to established standards.

846.5.020 - Applicability

A. Director's Review and Approvals listed in Article 2. The land use activities listed in Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) may be allowable subject to the approval of a Director's Review and Approval.

B. Unclassified Director's Review and Approvals for specified uses. In addition, to those uses allowed subject to a "Classified" Director's Review and Approval listed in Article 2, the following uses may be allowed by Unclassified Director's Review and Approval, except where expressly prohibited:

1. Ham radio towers which exceed the maximum structure height allowed in the zone.

2. Billboards, limited to the C-3, C-4, C-6, C-M, M-1, M-2, and M-3 zones, with a sign face area exceeding 75 square feet and/or a height exceeding 18 feet, subject to the provisions of Chapter 830.3 (Signs).

C. Class II Home Occupations. Class II Home Occupations may be allowed subject to the review and approval of a Director's Review and Approval in compliance with this Chapter and Section 834.4.190 (Home Occupation Standards).

846.5.030 - Application Filing, Processing, and Review

A. Filing. An application for a Director's Review and Approval, together with the required fee in compliance with the Master Schedule of Fees, shall be filed with the Department in compliance with Chapter 838.5 (Application Filing, Processing, and Fees).

B. Contents. The application shall be accompanied by detailed and fully dimensioned plans, architectural drawings/sketches, elevations, floor plans, landscape plans, and/or any other data/materials specified in the most up-to-date Department handout for Director's Review and Approval applications.

C. Project review procedures. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this Chapter.

D. Review authority. The Director shall be the applicable review authority for reviewing Director's Review and Approval applications.

E. Notice requirements.

1. **Notice of application.** Within 15 days of the acceptance of an application, owners of property located within a radius of 300 feet of the exterior boundaries of the subject property, shall be notified in writing of the application.

2. **Opportunity to submit written comments.** Notified persons shall be provided the opportunity to submit written comments within 15 days following the date of the notice.

3. **Notice to owners.** The notices shall be by mail; and the owners, for the purposes of the notices, shall be deemed to be the person(s) to whom the properties were assessed on the last assessment roll.

4. **Address of owners.** The address to which the written notice shall be mailed shall be that shown upon the latest assessment roll.

5. **Notice of application.** The notice of application shall not be required when an application is referred directly to the Commission for a decision.

846.5.040 - Project Review

Each Director's Review and Approval application shall be analyzed to ensure that the application is consistent with the intent and purpose of this Chapter.

846.5.050 - Referral to Commission

A. Commission referral. When, in the opinion of the Director, the Director's Review and Approval application submitted is of significant consequence or magnitude or involves potential public controversy, the Director may refer the application to the Commission for review and final decision.

B. Next Commission agenda. Every attempt will be made to place the referral on the next available regular Commission meeting agenda following the Director's referral.

846.5.060 - Findings and Decision

A. Director's action.

1. Following a hearing, the Director (or the Commission on a referral) shall record the decision in writing and shall recite the findings upon which the decision is based.

2. The Director may approve or deny a Director's Review and Approval in whole or in part and may impose specific development and operational conditions.

B. Required findings. The Director (or the Commission on a referral) may approve a Director's Review and Approval application, with or without conditions, only if all the following findings are first made:

1. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Chapter, to adjust the use with land and uses in the neighborhood;

2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

3. The proposed use will not be detrimental to the character of the development in the immediate neighborhood or the public health, safety, and general welfare; and

4. The proposed development is consistent with the General Plan.

C. Notice of approval.

1. Written notice of approval. When an application is approved by the Director, written notice of the decision shall be mailed in compliance with Section 868.6.050 (Notice of Approval).

2. Mobilehome park services. When an application relating to mobilehome park services is approved by the Director, the following procedures shall apply.

a. The applicant (property owner or owner's representative) shall provide a list of all of the tenants within the mobilehome park.

b. Those tenants located within 300 feet of the site of the proposed use shall be notified in lieu of the property owners identified in Subsection 846.5.020 E. (Notice requirements), above.

846.5.070 - Conditions of Approval

A. Reasonable and necessary conditions. In approving a Director's Review and Approval application, the Director (or the Commission on a referral) may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 846.5.060 (Findings and Decision), above.

B. Carry out the purpose of the subject zone. These conditions shall relate to both on and off-site improvements that are necessary to accommodate property development, mitigate project related adverse effects, and to carry out the purpose and requirements of the subject zone.

846.5.080 - Large Child Day Care Facility Procedures

The following procedures shall apply to all large child day care facilities subject to review and approval by the Director. Locational, developmental, and operational standards for large child day care facilities are specified in Section 834.4.100 (Child Day Care Facility Standards).

A. Content of application. Any person seeking approval of a Director's Review and Approval for a large child day care facility shall submit an application for the permit to the Department specifying any reasonably required information which the Director shall request.

B. Review procedures.

1. It shall be the duty of the Director to review the proposed use to ascertain all facts pertinent to it, and in writing to state approval, approval with conditions, or denial of the proposed use, together with the Director's reasons for the decision.

2. If a hearing is requested in compliance with Subparagraph 3., below, the Director shall refer the proposed application directly to the Commission for a public hearing and decision.

3. If the proposed use is referred to the Commission, the hearing and Board appeal procedures of Chapter 842.5 (Conditional Use Permits) shall be followed.

4. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 874.6 (Public Hearings).

5. Those applications which are referred directly to the Commission by the Director shall be appealable to the Board.

6. Those applications which are filed and heard concurrently with any application requiring a Board hearing, shall after the Commission decision, be heard by the Board together with that concurrent application.

C. Notice of application.

1. Provision of written notice. Not less than 10 days before the date on which the decision will be made on the application, the Director shall give written notice of the proposed use by mail or personal delivery to all property owners shown on the last equalized assessment roll as owning real property located within a 100-foot radius of the exterior boundaries of the proposed large child day care facility.

2. Opportunity to request a public hearing. Notified persons shall be provided the opportunity to submit a written request for a public hearing on the application within 15 days following the date of the notice.

3. **Approval notice.** When an application is approved by the Director, written notice of the decision shall be mailed in compliance with Chapter 842.5 (Conditional Use Permits).

4. **Appeals.** The provisions of Chapter 876.6 (Appeals) shall apply.

5. **Time limit for development.** The provisions of Section 868.6.080 (Expiration) shall apply.

6. **Revocation.** The provisions of Section 878.6.060 (Revocation and Modifications) shall apply.

7. **Reapplication.** The provisions of Section 868.6.110 (Resubmittals) shall apply.

846.5.090 - Use of Property Before Final Action

Permits (e.g., building, grading, etc.) shall not be issued for any use involved in an application for a Director's Review and Approval until and unless the same shall have become final, in compliance with Section 868.6.040 (Effective Date of Permits).

846.5.100 - Modification of Permit

Modifications to an approved Director's Review and Approval may be approved by the Director in compliance with Section 868.6.100 (Changes to an Approved Project).

846.5.110 - Post Decision Procedures

The procedures relating to changes, performance guarantees, and revocation that are identified in Article 6 (Zoning Ordinance Administration) and those identified in Chapter 868.6 (Permit Implementation, Time Limits, Extensions and Revocation) shall apply following the decision on a Director's Review and Approval application.

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CHAPTER 852.5 – REASONABLE ACCOMMODATIONS

852.5.010 - Purpose of Chapter

This subsection provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures in response to the needs of a person with a disability.

A. Definitions. For the purposes of this subsection unless otherwise apparent from the context, certain words or phrases used in this subsection are defined as follows:

1. Person with a disability means: a person who has a physical or mental impairment that makes achievement of a major life activity difficult, as defined by state and federal disability laws; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

2. RA Request means a request for a Reasonable Accommodation submitted by, or on behalf of, a person with a disability.

3. Reasonable Accommodation means providing persons with disabilities flexibility in the application of County programs, including County land-use, zoning and building regulations, policies, practices, and procedures, or waiving certain requirements when it is necessary to provide meaningful access to County programs or to eliminate barriers to housing opportunities for persons with disabilities.

4. Review Authority means the County employee who is the final authority on RA Requests as specified in subsection 825.5.020 below.

852.5.020 – Applicability and Review Authority

A. Review Authority.

Review Authority. The Director of Public Works and Planning (Director) is the final authority on a RA Request relating to a requirement of the Zoning Ordinance. The Director may designate an employee in the Department as the Review Authority, to make a final determination on such RA Requests. Denial of an RA Request may be appealed by the requestor to the County Hearing Officer as provided by subsection 852.5.060 below. The hearing officer's decision is final.

B. Eligibility

1. An RA Request may be made by any person with a disability, his or her representative, or a developer or provider of housing or other services for persons with disabilities, when the application of a County land-use or building regulation, policy, practice, or

procedure, acts as a barrier to meaningful access to County programs or to fair-housing opportunities for persons with disabilities.

2. The Acts afford no protection to persons with or without disabilities whose tenancy presents a direct threat to the persons or property of others. Determining whether someone's tenancy poses such a direct threat must be made on an individualized basis, however, and may not be based on general assumptions or speculation about the nature of a disability.

C. Eligible request.

The subject matter of an RA Request may include a modification or exception to the practices, rules, or standards for a County program or for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability with meaningful access to County programs and equal opportunity to housing of the person's choice.

852.5.030 – Application

A. **Requirements.**

An RA Request may be initiated with the Department staff orally or in writing. The County will not require a requestor to use a particular form or medium to initiate an RA Request.

B. **Contents.** An RA Request need not take any particular form or include particular information. Individuals submitting an RA Request are encouraged to provide information that will assist the Review Authority in making its determination. This information includes:

1. Information necessary to establish the individual has a disability, unless the disability of the individual requesting an accommodation is readily apparent.

2. A description of the needed accommodation or modification.

3. A showing of the relationship between the disability and how the requested accommodation or modification is necessary to afford the person with a disability equal opportunity to use or enjoy a dwelling or housing opportunity.

C. Administration.

The Department may create any forms, documents, online portals, telephone hotlines, or other methods to facilitate the submittal of RA Requests.

D. Development Proposals.

If a project involves both a request for Reasonable Accommodation and some other discretionary or ministerial approval, a requestor may submit the RA request for separate processing.

E. Initial Processing and Routing.

The law requires the Reasonable Accommodation process to be iterative and interactive. Department staff will assist requestors in completing their RA Request as needed to ensure that the process is accessible to persons with disabilities and will route all RA requests to the Review Authority.

852.5.040 - Review and Processing

A. Application Review. The Review Authority will approve, approve with conditions, or deny an RA Request in accordance with the required findings in subsection 852.5.050 below.

B. Decision.

a. Request for Further Information. The Review Authority may request further information from the individual making an RA Request consistent with state and federal disability laws, including the Acts, and this subsection 855-O(4), specifying in detail the further information required.

b. Decision and Timing. The Review Authority will issue a written decision within 30 days of its receipt of a complete RA Request (including any additional information required under subsection 4.e.2.A. above). The written decision must: explain in detail the basis of the decision under the required findings in subsection 4.f., give notice of the applicant's right to appeal the decision, and be sent to the applicant by first-class mail with return receipt requested.

C. Compliance with other Regulations. An approved accommodation does not affect any person's obligations to comply with all other applicable regulations not at issue in the requested accommodation.

D. Confidentiality. All information concerning an RA Request will be kept confidential and will not be shared with other persons who are not directly involved in the interactive process or decision making about the RA Request unless disclosure is:

a. Required to make or assess the decision to grant or deny the request for accommodation or modification.

b. Required to administer or implement the requested accommodation or modification.

c. Authorized by the individual with the disability in writing; or

d. Required by law.

E. Finality. The decision of the Review Authority is final.

852.5.050 – Findings and Decision

A. Required Findings. Prior to approval of an RA Request, the following findings must be made consistent with the Acts:

1. The housing which is the subject of the RA Request will be used by a person with disabilities protected under the Acts.

2. As applicable, the requested accommodation is necessary to afford a person with disabilities protected under the Acts with equal opportunities to use or enjoy a dwelling or housing opportunity.

3. The requested accommodation would not impose an undue financial or administrative burden on the County.

4. The requested accommodation would not require a fundamental alteration in the nature of the County's policies, practices, or procedures, including consideration of alternatives which may provide an equal level of benefit.

5. The requested accommodation will not result in a direct and significant threat to the health or safety of other persons or substantial physical damage to the property of others.

852.5.060 - Appeals

A. Notice of Appeal. The action of the Review Authority is final unless appealed within thirty (30) calendar days of the date of mailing of the Review Authority's written decision. The notice of appeal must be in writing and can only be made by the applicant or the personal beneficiary of the accommodation.

B. .**Appeal Procedure**. The Review Authority will schedule the appeal to be heard by the County Hearing Officer (established by section 2.81.010 of the Fresno County Code of Ordinances) within thirty (30) calendar days from the date that the Review Authority receives the notice of appeal. The appeal hearing shall be confidential and be held in a manner with the Acts. Where the Acts are inconsistent with the procedural and evidentiary requirements of Chapter 2.81 of the Fresno County Code of Ordinances, the Hearing Officer shall comply with the requirements of the Acts. The decision of the Hearing Officer is final and shall be mailed by first-class mail to the applicant with return receipt requested.

C. Assistance with Appeal. Upon request, Department staff will provide assistance to a Requestor needing assistance in filing an appeal to ensure that the appeals process is accessible to persons with disabilities. However, Department staff is prohibited from providing legal advice or legal representation.

852.5.070 - Rescission and Modification

A. Modifications Initiated by the Applicant. The individual(s) making the RA Request may apply for a modification to an accommodation. Any proposed modification will be treated by the Department as a new RA Request and will be subject to the procedures set forth in subsections above.

B. Recission or Modification Initiated by the County.

1. An approval or conditional approval of an RA Request may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual(s) defined as disabled under the Acts vacates the subject site or the disability is temporary), unless allowed to remain under subsection 2 below.

2. If the person(s) initially occupying the housing which is the subject of the RA Request vacates, the accommodation shall remain in effect only if the Review Authority first determines that:

    i. The modification is physically integrated into the housing and cannot easily be removed or altered to comply with this Zoning Ordinance; or

    ii. The accommodation is to be used by another qualifying person with a disability.

3. Where an accommodation is to be used by another qualifying person with a disability, the Review Authority may request the individual making the RA Request, the successor-in-interest to the property, or the then-current property owner as appropriate to provide information allowed under the Acts that subsequent occupants are qualifying persons with disabilities.

4. The Review Authority may make changes or revoke the approval of an RA Request when conditions of approval are violated, it is necessary to resolve a direct and significant threat to the health or safety of other persons or substantial physical damage to the property of others, or when the individual(s) making the RA Request provided incorrect, false, or misleading information.

5. The Review Authority will notify the applicant of the change or revocation of the approval by first-class mail with return receipt requested no later than the next business day after the Review Authority's decision.

CHAPTER 854.5 - SITE PLAN REVIEW

854.5.010 - Purpose

A. Purpose. The purpose of the Site Plan Review process is to provide a tool to enable the Director to ensure that projects and proposals, either approved through a separate discretionary land use permit or by right, meet the property development standards of the zone in which the property is located and/or are developed in a manner consistent with the approved land use permit, if applicable, through review of detailed site development and structure plans.

B. Applicability. When a Site Plan Review is required by this Zoning Ordinance, the procedures of this Chapter shall apply. Before any building or structure is erected on any parcel in the applicable districts noted below, a Site Plan Review shall have been submitted to and approved by the Director or his designee pursuant to the provisions of this Chapter.

Applicable districts are: R-2 and (for uses other than a single family residence); R-3;; TP; RP; CP; C-1; C-2; C-3; C-4; C-5; C-6; AC; RCC; CR; CM; M-1; M-2; M-3; RS (for those uses subject to a CUP); and A-1 (for two-family dwellings, multi-family, commercial or industrial buildings except for those uses permitted by-right or with a Director Review and Approval in the AE, AL and A-2 zone districts)

854.5.020 – Application Filing

A. Filing. An application for a Site Plan Review, together with the required fee in compliance with the Master Fee Schedule, shall be filed with the Department in compliance with Chapter 838.5 (Application Filing, Processing, and Fees).

B. Contents. The application shall be accompanied by detailed and fully dimensioned plans, architectural drawings/sketches, elevations, floor plans, landscape plans, and/or any other data/materials specified in the most up-to-date Department handout for Site Plan Review applications. Specifically, five prints and electronic copies in PDF format of detailed and fully dimensioned plans shall be submitted, drawn to scale, and shall indicate clearly and with full dimensioning all of the following information:

1. **Access.** Points of ingress and egress and internal circulation for all pedestrian and vehicular service;

2. **Landscaping.** In the "RCC," "C-P," "C-1," "C-2," "C-3," and "C-R" zones, the location of all proposed landscaping shall be shown;

3. **Lighting.** Location and general nature and holding devices;

4. **Off-street loading.** Location, dimensions, individual spaces, and internal circulation;

5. **Off-street parking.** Location, number of individual spaces and dimensions of parking area, and internal circulation patterns;

6. **Property dimensions.** Bearings in DMS format and distances in decimal feet;

7. **Signs.** Location, size, material, and height;

8. **Streets.** Street dedications and improvements, in compliance with Section 822.3.030 (Dedications and Improvements Required);

9. **Structures.** Location, elevations, size, height, and existing/proposed use;

10. **Utilities.** Location of existing and proposed utilities;

11. **Walls and fences.** Location, height and materials;

12. **Yards and space between structures; and**

13. **Other data.** Other data as may be required to allow the Director to make the required determinations.

854.5.030 - Director's Action

Within 50 days following the Director's determination of completeness in compliance with Section 838.5.100 (Initial Application Review), the Director shall approve, or approve with requirements deemed necessary to protect the public health, safety, and welfare the Site Plan Review application.

854.5.50 - Action on Site Plan Review

A. Dated and signed by Director. The approved Site Plan Review including any requirements shall be dated and signed by the Director.

B. Mailed to applicant. One copy of the approved Site Plan Review including any requirements shall be mailed to the applicant.

854.5.060 - Revisions

Revisions requested by the applicant to an approved Site Plan Review shall be made in compliance with the procedure specified in Section 868.6.100 (Changes to an Approved Project).

854.5.070 - Occupancy Permit

An Occupancy Permit for a structure or use as shown on an approved Site Plan Review shall not be issued until all proposed structures and other stated improvements in an indivisible project or phase of a divisible project are completed, or the Director authorizes its issuance upon determining that all on-site and off-site requirements relating to the structure(s) or use have been or will be met.

854.5.080 - Building Permit

Before a Building Permit may be issued for any structure, the Director shall first determine that all of the following are true:

A. In compliance with Site Plan Review. The proposed structure(s) is/are in compliance with the approved Site Plan Review and any requirements.

B. Agreement and performance guarantees required.

1. All required on-site (outside the County right-of-way) and off-site (within the County right-of-way) improvements shall have either been completed, or if not completed, the permittee shall have entered into an agreement with the County to complete the work within 180 days from the date of the issuance of the Building Permit, in compliance with Section 868.6.070 (Performance Guarantees).

2. The Director may extend the completion date for one additional 180-day period upon written request of the permittee and upon a showing of good cause for the request.

3. The security shall be in the amount of 100 percent of the estimated cost of completion of all required improvements to be determined by the Director.

4. All of the required dedications have been given.

854.5.100 - Post Decision Procedures

The procedures relating to changes, performance guarantees, and revocation that are identified in Article 6 (Zoning Ordinance Administration) and those identified in Chapter 868.6 (Permit Implementation, Time Limits, Extensions and Revocation) shall apply following the action on a Site Plan Review application.

CHAPTER 858.5 - TEMPORARY USE PERMITS

858.5.010 - Purpose of Chapter

The purpose of this Chapter is to allow for short-term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Chapter.

858.5.020 - Definition

A temporary (short-term) land use activity is a land use that is interim, non-permanent, and/or seasonal in nature, not conducted for more than 12 months in duration, or a lesser time period approved by the review authority.

858.5.030 - Applicability

A. Short-term activities. A Temporary Use Permit allows short-term activities that might not meet the normal development or use standards of the applicable zone but may otherwise be acceptable because of their temporary nature.

B. Temporary Use Permit required. No temporary land use, except for those specified as exempt in compliance with Section 858.5.040, below, shall be established, operated, or conducted in any manner without the approval and maintenance of a valid Temporary Use Permit.

C. Categories of land uses. The following two categories of temporary land uses identify the level of permit required, if any, based on the proposed duration, size, and type of use:

1. Exempt temporary uses are identified in 858.5.040 (Exempt Temporary Uses), below; and

2. Allowed Temporary Use Permits are identified in 858.5.050 (Allowed Temporary Uses), below.

858.5.040 - Exempt Temporary Uses

The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with 858.5.050 (Allowed Temporary Uses), below.

A. Car washes. Car washes, limited to one fund-raising event each month for each sponsoring organization, not exceeding three days in length. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.

B. Construction yards - on-site.

1. On-site contractors' construction yard(s), in conjunction with an approved construction project on the same parcel.
2. One adult caretaker may be present during non-construction hours.

3. The construction yard(s) shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

C. Emergency needs/activities. Emergency public health and safety needs/land use activities, as determined by the Board.

D. On-location filming. The temporary use of a specified and approved on-location site for the filming of commercials, movie(s), videos, etc. The Director shall find that the approval would not result in a frequency of use likely to create incompatibility between the temporary filming activity and the surrounding areas.

E. Conducted on publicly owned property. Events that are to be conducted on publicly owned property for three or less consecutive days, within a 90-day period and are sponsored by educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.

858.5.050 - Allowed Temporary Uses

The following limited duration temporary uses are allowed, if not already listed as a by-right or by-right value-added use in the underlying Zone District, subject to the issuance of a Temporary Use Permit, and only when conducted on non-residentially zoned properties and in compliance with Section 858.5.090 (Conditions of Approval), below.

A. Contractors' construction yards - off-site. The permit may be effective for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

B. Events.

1. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, community clean-ups, concerts, fairs, farmer's markets, festivals, flea markets, food events including farmer's markets, outdoor entertainment/sporting events, rodeos, rummage sales, secondhand sales, and swap meets for 10 consecutive days or less, or five two-day weekends, within a 12-month period.

2. Religious-related sales, bazaars, dinners, parties, or other outdoor events conducted on religious-owned property other than the uses identified in Subparagraph 1., above shall not be limited to the number of occasions or the duration of each.

3. Outdoor meetings and group activities within the parking areas for seven consecutive days or less, within a 12-month period.

4. Seasonal sales including holiday boutiques, Halloween pumpkin sales and Christmas tree sale lots only by businesses holding a valid Business License, provided the activity may only be held from October 1st through October 31st, of the same year for the Halloween pumpkin sales, and from the day after Thanksgiving through December 26th, of the same year for Christmas tree sales.

C. Temporary sales trailers.

1. A trailer may be used for temporary sales activities (e.g., model home sales, etc.).

2. A permit for temporary sales trailer(s) may be granted for up to 12 months.

D. Temporary structures. A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 12 months, as an accessory use or as the first phase of a development project, in the commercial and industrial zones.

E. Temporary work trailers.

1. A trailer or mobile home may be used as a temporary work site for employees of a business:

   a. During construction or remodeling of a permanent commercial or industrial structure, when a valid Building Permit is in force; or

   b. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.

2. A permit for temporary work trailer(s) may be granted for up to 12 months.

F. Other similar temporary uses. Similar limited duration temporary uses which, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

858.5.060 - Application Filing, Processing, and Review

A. Filing. An application for a Temporary Use Permit shall be filed with the Department in the following manner:

1. Application required. An application for a Temporary Use Permit, together with the required fee in compliance with the Master Schedule of Fees, shall be filed with the Department in compliance with Chapter 838.5 (Application Filing, Processing, and Fees).

2. **Application before operation.** The application shall be filed with the Department at least 180 days before the date that the proposed temporary use is scheduled to take place.

B. Contents. The application shall be accompanied by detailed and fully dimensioned plans, architectural drawings/sketches, and/or any other data/materials specified in the most up-to-date Department handout for Temporary Use Permit applications.

C. Evidence. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 858.5.080 (Findings and Decision), below.

D. Project review procedures. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this Chapter.

E. Notice required. For Events listed under Subsection 858.5.050.B.1 (amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, community clean-ups, concerts, fairs, farmer's markets, festivals, flea markets, food events including farmer's markets, outdoor entertainment/sporting events, rodeos, rummage sales, secondhand sales, and swap meets) notice shall be sent to all property owners located within a radius of a minimum of 300 feet of the external boundaries of the subject parcel in compliance with Chapter 874.6 (Public Hearings).

F. No public hearing required. A public hearing shall not be required for the Director's decision on a Temporary Use Permit application, unless the application is referred to the Commission in compliance with Subsection 858.5.070 B. (Commission referral), below.

858.5.070 - Review Authority

A. Director's authority. The Director may approve, approve with conditions deemed necessary to protect the public health, safety, and welfare, or deny a Temporary Use Permit.

B. Commission referral.

1. When, in the opinion of the Director, the Temporary Use Permit application submitted is of significant consequence or magnitude or involves potential public controversy, the Director may refer the application to the Commission for review and final decision.

2. The referral shall be placed on the agenda of the next available regular Commission meeting following the Director's referral.

858.5.080 - Findings and Decision

A. Director's review. The Director shall review all applications and shall record the decision in writing with the findings on which the decision is based.

B. Required findings. The Director (or the Commission on a referral) may approve a Temporary Use Permit application, with or without conditions, only if all of the following findings are first made:

1. The operation of the requested temporary use at the location proposed and within the time period specified would not jeopardize, endanger, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;

2. The proposed parcel is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the parcel;

3. The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use would or could reasonably be expected to generate; and

4. Adequate temporary parking to accommodate vehicular traffic to be generated by the use would be available either on-site or at alternate locations acceptable to the Director.

858.5.090 - Conditions of Approval

In approving a Temporary Use Permit application, the Director (or the Commission on a referral) may impose conditions which are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 858.5.080 (Findings and Decision) above. These conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:

A. Fixed period of time. Unless otherwise stated in the permit, a provision for a fixed period of time not to exceed 30 days for a temporary use not occupying a structure, including promotional activities, or 12 months for all other temporary uses or structures, or for a shorter period of time as determined appropriate by the Director;

B. Operating hours and days. Regulation of operating hours and days, including limitation of the duration of the temporary use, as identified in Subsection A., above;

C. Temporary pedestrian and vehicular circulation. Provision for adequate temporary pedestrian and vehicular circulation, parking facilities (including vehicular ingress and egress), and public transportation, if applicable;

D. Regulation of nuisance factors. Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, solid waste, and vibration;

E. Regulation of temporary structures. Regulation of temporary structures and facilities, including placement, height, and size, location of equipment and open spaces, including buffer areas and other yards;

F. Sanitary and medical facilities. Provision for sanitary and medical facilities, as appropriate;

G. Waste collection, recycling, and/or disposal. Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal;

H. Sheriff/security and safety measures. Provision for Sheriff/security and safety measures, as appropriate;

I. Signs. Regulation of signs;

J. Performance bond or other security. Submission of a performance bond or other security measures, satisfactory to the Director, to ensure that any temporary facilities or structures used would be removed from the site within a reasonable time following the event and that the property would be restored to its former condition, or better, as determined by the Director, in compliance with Section 868.6.070 (Performance Guarantees);

K. Compliance with applicable provisions. A requirement that the approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of the County Ordinance Code and the successful granting of any/all required permits from any other department or governing agency; and

L. Other conditions. Other conditions which would ensure the operation of the proposed limited duration temporary use in an orderly and efficient manner, and in full compliance with the purpose of this Chapter.

858.5.100 - Condition of Site Following Temporary Use

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use and shall continue to be used in compliance with this Zoning Ordinance.

858.5.110 - Post Decision Procedures

The procedures relating to changes, performance guarantees, and revocation that are identified in Article 6 (Zoning Ordinance Administration) and those identified in Chapter 868.6 (Permit Implementation, Time Limits, Extensions and Revocation) shall apply following the decision on a Temporary Use Permit application.

CHAPTER 860.5 - VARIANCES/MINOR DEVIATIONS

860.5.010 - Purpose of Chapter

A. Purpose. The purpose of this Chapter is to ensure that:

1. Variances and Minor Deviations are only granted when, because of special circumstances applicable to the property, the strict application of this Zoning Ordinance denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone; and

2. Conditions are applied which would ensure that the Variance or Minor Deviation shall not constitute a granting of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the property is located.

B. Not land uses. Does not extend to land uses.

1. The power to grant Variances and Minor Deviations does not extend to allowable land uses.

2. Flexibility in allowable land uses is provided in Chapters 842.5 (Conditional Use Permits) and 846.5 (Director's Review and Approvals).

860.5.020 - Review Authority

A. Responsibility. The applicable review authority shall approve, approve with conditions, or deny Variance and Minor Deviation applications, and impose conditions deemed reasonable and necessary to ensure compatibility with surrounding uses, to preserve the public convenience, health, interest, safety, or welfare, and necessary to make the findings required by Section 860.5.060 (Findings and Decision) below.

B. Applicable review authority. Variances and Minor Deviations may be granted in compliance with the following:

1. Director. The Director may grant Minor Deviations, or may defer action and refer the application to the Commission, in compliance with Section 860.5.030, below, and State law; and

2. Commission. The Commission may grant Variances in compliance with Section 860.5.030, below, and State law.

860.5.030 - Applicability

A. Minor Deviations. The Director may grant a Minor Deviation for only those requirements specified in Table 5-1 (Types of Minor Deviations Allowed), below.

TABLE 5-1
TYPES OF MINOR DEVIATIONS ALLOWED

Types of Minor Deviations Allowed		Maximum Deviation
1.	**Allowable height of a fence, hedge, or wall.** An increase of the allowed maximum height of a fence, hedge, or wall.	Up to two additional feet over the allowed height.
2.	**Distances between structures.** A decrease of the minimum required distances between detached accessory structures and main structures on the same site.	15 percent
3.	**Parcel coverage.** An increase of the maximum allowable parcel coverage.	10 percent
4.	**Parcel dimensions (e.g., area, depth, or width).** A decrease in the minimum required parcel area, parcel depth, or parcel width.	15 percent
5.	**Parking and loading requirements.** Reduction in the number of required off-street parking and loading spaces and/or of off-street parking space design, layout, and landscape standards.	15 percent
6.	**Projections.** An increase in the allowed projection of eaves, fireplaces, landings, masonry chimneys, overhangs, stairways, and steps into any required front, side, or rear setbacks.	10 percent
7.	**Reduction of landscape standards.** Reduction of required on-site landscaping standards.	15 percent
8.	**Setbacks.** A decrease of the minimum required setback areas (e.g., front, rear, side, and street side) for structures.	15 percent
9.	**Structure heights.** An increase in the maximum allowed height of structures.	10 percent
10.	**Nonconforming structures.** Reconstruction or remodeling of a nonconforming structure if, in the Director's judgment, it will bring the structure and subsequent use into greater conformity with the uses allowed in the subject zone.	

B. Variances. The Commission may grant an adjustment from any of the requirements of this Zoning Ordinance, except for procedural requirements.

860.5.040 - Application Filing, Processing, and Review

A. Filing. An application for a Variance or Minor Deviation, together with the required fee in compliance with the Master Schedule of Fees, shall be filed with the Department in compliance with Chapter 838.5 (Application Filing, Processing, and Fees).

B. Contents. The application shall be accompanied by detailed and fully dimensioned plans, architectural drawings/sketches, elevations, and/or any other data/materials specified in the most up-to-date Department handout for Variance or Minor Deviation applications.

C. Project review procedures. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this Chapter.

D. Notice and public hearing requirements.

1. Variances.

a. A public hearing shall be required for the Commission's decision on a Variance.

b. The public hearing shall be scheduled once the Director has determined the application complete.

c. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 874.6 (Public Hearings).

2. Minor Deviations. A public hearing shall not be required for the Director's decision on a Minor Deviation application; however, the Director shall have the discretion to provide notice (e.g., posting the subject parcel).

860.5.050 - Project Review

Each Variance and Minor Deviation application shall be analyzed to ensure that the application is consistent with the intent and purpose of this Chapter.

860.5.060 - Findings and Decision

A. Review authority's action. The Commission (Variance) or the Director (Minor Deviation) shall record the decision in writing and shall recite the findings upon which the decision is based, in compliance with State law (Government Code Section 65906 or as this section may be amended/replaced from time to time).

B. Referral. The Director may defer action on a Minor Deviation application and refer the application to the Commission.

C. Required Minor Deviation findings. The applicable review authority may approve an application, with or without conditions, only if all of the following findings are first made:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification;

2. The Minor Deviation is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification;

3. The granting of the Minor Deviation will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located; and

4. The granting of the Minor Deviation will not be contrary to the objectives of the General Plan.

D. Required Variance findings. The applicable review authority may approve an application, with or without conditions, only if all of the following findings are first made:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification;

2. The Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification;

3. The granting of the Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located; and

4. The granting of the Variance will not be contrary to the objectives of the General Plan.

860.5.070 - Denial of Minor Deviation

The Director's decision to deny a Minor Deviation application shall not prohibit or affect the right of the applicant to file an application for a Variance in compliance with Subsection 860.5.030 B. (Variances), above.

860.5.080 - Precedents

Each application shall be reviewed on an individual case-by-case basis and the granting of a prior Variance or Minor Deviation is not admissible evidence for the granting of a new Variance or Minor Deviation.

860.5.090 - Burden of Proof

The burden of proof to establish the evidence in support of the findings, required by Section 860.5.060 (Findings and Decision), above, is the responsibility of the applicant.

860.5.100 - Conditions of Approval

In approving a Variance or Minor Deviation application, the review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 860.5.060 (Findings and Decision), above.

860.5.110 - Use of Property Before Final Action

Permits shall not be issued for any structure involved in an application for a Variance or Minor Deviation until and unless the same shall have become final, in compliance with Section 868.6.030 (Effective Date of Permits).

860.5.120 - Post Decision Procedures

The procedures relating to changes, performance guarantees, and revocation that are identified in Article 6 (Zoning Ordinance Administration) and those identified in Chapter 868.6 (Permit Implementation, Time Limits, Extensions and Revocation) shall apply following the decision on a Variance or Minor Deviation application.

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Article 6

Zoning Ordinance Administration

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CHAPTER 866.6 - ADMINISTRATIVE RESPONSIBILITY

866.6.010 - Purpose of Chapter

The purpose of this Chapter is to describe the authority and responsibilities of the Board, Commission, Department, Director, and Department staff in the administration of this Zoning Ordinance, in compliance with the County Ordinance Code and applicable State and Federal laws.

866.6.020 - Planning Agency Defined

As provided by State law, the Commission is designated as the Planning Agency and as the Advisory Agency, when required or authorized. The Director shall perform the functions of an Advisory Agency, as assigned, in compliance with State Law.

866.6.030 - Board of Supervisors

The Board of Supervisors, referred to in this Zoning Ordinance as the Board, in matters related to the County's planning process, in compliance with County Ordinance Code Chapter 2.04 (Board of Supervisors), shall perform the duties and functions prescribed in this Zoning Ordinance, which include the following:

A. Review authority on specified planning matters. Final decisions on development agreements, General Plan amendments, specific plans and amendments, Zone Map amendments, Zoning Ordinance amendments, related environmental documents, and other applicable policy or Zoning Ordinance matters related to the County's planning process;

B. Appeals. The review of appeals filed from Commission decisions; and

C. Compliance. The above listed functions shall be performed in compliance with Table 5-1 (Threshold of Review) and the California Environmental Quality Act (CEQA).

866.6.040 - Planning Commission

A. Establishment. The Planning Commission, referred to in this Zoning Ordinance as the Commission, is established in compliance with Chapter 2.48 (Planning Commission).

B. Membership and appointment. The Commission shall consist of nine members and shall be appointed in compliance with Chapter 2.48 (Planning Commission).

C. Duties and authority. The Commission shall perform the duties and functions prescribed by this Zoning Ordinance, and the Board may, from time to time by resolution, prescribe additional powers and duties not inconsistent with State Law, including the following:

1. The review of development projects, including referrals from the Director;

2. The recommendation, to the Board for final decisions, on development agreements, General Plan amendments, specific plans and amendments, Zone Map amendments, Zoning Ordinance amendments, interpretations, related environmental documents, and other applicable policy or Zoning Ordinance matters related to the County's planning process; and

3. The above listed functions shall be performed in compliance with Table 5-1 (Threshold of Review) and the California Environmental Quality Act (CEQA).

D. Meeting rules. The Commission shall conduct public hearings and meetings in compliance with the County Ordinance Code and Chapter 874.6 (Public Hearings).

866.6.050 - Public Works and Planning Director

A. Definition of the term "Director." When used in this Zoning Ordinance or any permit or condition approved in compliance with this Zoning Ordinance, the term "Director" shall be as follows and as defined in Article 7 (Definitions): "The County of Fresno Planning Director, referred to in this Zoning Ordinance as the "Director" or designee of the Director."

B. Duties and authority. The Director shall:

1. Have the responsibility to perform all of the functions designated by State law;

2. Perform the duties and functions prescribed in this Zoning Ordinance, including the review of administrative development projects, in compliance with Table 5-1 (Threshold of Review), State law (Government Code Section 65901 et seq.), and the California Environmental Quality Act (CEQA);

3. Perform other responsibilities assigned by the Board and County Administrative Officer;

4. Delegate the responsibilities of the Director to Department staff under the supervision of the Director; and

5. Serve in an advisory capacity, in compliance with State law (Government Section 66415). In this capacity, the Director is charged with the responsibility of making investigations and reports on the design and improvement of proposed divisions of real property.

CHAPTER 868.6 - PERMIT IMPLEMENTATION, TIME LIMITS, EXTENSIONS AND REVOCATION

868.6.010 - Purpose of Chapter

This Chapter provides requirements for the implementation of the permits or approvals identified in this Zoning Ordinance, including time limits and procedures for granting extensions of time.

868.6.020 - Expiration

A. Expiration of permit or approval. Unless otherwise specified in the permit or approval, all permits and approvals (i.e., Conditional Use Permit, Director's Review and Approval, Minor Deviation, Reasonable Accommodation, Site Plan Review, or Variance) for projects not subject to the Subdivision Map Act shall comply with the following expiration provisions:

1. Exercised.

a. To ensure continued compliance with the provisions of this Zoning Ordinance, the permit or approval shall be exercised within two years from the date of approval, or the permit or approval shall expire and be deemed void, unless an extension is approved by the applicable review authority, in compliance with Section 868.6.030 (Time Extensions), below.

b. If after construction commencement work is discontinued for a minimum period of two years the permit or approval shall expire and be deemed void.

c. If there is a cessation in the occupancy or use of land or structure(s) authorized by the permit or approval for a period in excess of two years, the permit or approval shall expire and be deemed void.

d. If the application for the permit or approval also involves the approval of a tentative or vesting tentative map, expiration of the permit or approval shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as the companion tentative map.

2. Phasing.

a. Where the permit or approval provides for development in two or more phases or units in sequence, the permit or approval shall not be approved until the review authority has approved the final phasing plan for the entire project site. The project applicant shall not be allowed to develop one phase in compliance with the requirements of the subject zone and then develop the remaining phases in compliance with this Chapter, without prior review authority approval.

b. Pre-approved phases.

(1) If a project is to be built in pre-approved phases, each subsequent phase shall have two years from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, unless otherwise specified in the permit or approval, or the permit or approval shall expire and be deemed void.

(2) If the application for the permit or approval also involves the approval of a tentative or vesting tentative map, the phasing shall be consistent with the tentative or vesting tentative map and the permit or approval shall be exercised before the expiration of the companion tentative map.

3. Shall be exercised before expiration. A permit or approval shall be exercised before its expiration. The permit or approval shall not be deemed exercised until the applicant has:

a. Obtained a Building Permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar substantial improvements has commenced; or

b. Obtained a Grading Permit and has completed a significant amount of on-site grading, as determined by the Director; and

c. Diligently continued the approved construction/grading activities; or

d. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

4. Exceptions to exercise prior to expiration for certain specified Conditional Use Permits within approved Specific Plans.

a. Where a Conditional Use Permit is approved for authorizing infrastructure improvements within a County-adopted Specific Plan, and there is a direct nexus of the approved use to health and safety related infrastructure improvements (sewer, water, utilities or roadway improvements), the time to exercise is extended beyond the initial two years up to a maximum of 10 years as long as development within the Specific Plan boundary is actively being pursued.

b. The developer or applicant must first exhaust the four discretionary time extensions available to a Conditional Use Permit prior to being eligible any additional time provided in Subsection 4.a above.

B. Effect of expiration. Where the permit or approval has expired and/or has been deemed void:

1. No further action is required by the County;

2. No further reliance may be placed on the previously approved permit or approval;

3. The applicant shall have no rights previously granted under the permit or approval;

4. The applicant shall file a new application(s) and obtain all required approvals before construction can commence or an allowable use may be implemented; and

5. Any security provided by the applicant under the previously approved permit or approval may be utilized by the County to provide suitable protection from any harm that may result from the terminated development.

868.6.030 - Time Extensions

Requests for a time extension for a permit or approval (i.e., Conditional Use Permit, Director's Review and Approval, Minor Deviation, Reasonable Accommodation, Site Plan Review, or Variance) shall be filed and processed in the following manner:

A. Before expiration. The applicant's written request for an extension of time shall specify the reasons for the extension and shall be on file with the Department before the expiration of the permit or approval, together with the filing fee required by the Master Schedule of Fees.

B. Suspension of expiration.

1. The filing of a written extension request shall suspend the actual expiration of the permit or approval until the extension request has been acted upon by the Director, Commission, and/or Board.

2. No Building Permit shall be issued in compliance with the permit or approval during the period of the suspension.

C. Action on extension – by the original review authority.

1. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation established in Subsection 868.6.080 A. (Expiration of permit or approval), above, the original review authority, but no higher than the Commission, may grant a time extension(s) in compliance with Table 6-1 (Maximum Time Extensions Allowed), below, following the original date of approval, subject to the findings identified in Subsection D. (Required findings), below. An extension request may be approved, approved with modifications, or denied by the original review authority.

TABLE 6-1
MAXIMUM TIME EXTENSIONS ALLOWED

TYPES OF PERMIT OR APPROVAL	MAXIMUM EXTENSIONS ALLOWED
Conditional Use Permits	Four 12-month time extensions (see 868.6.020.A.4 for Specific Plan exceptions)
Director's Review and Approvals	Two 12-month time extensions
Minor Deviations	N/A
Reasonable Accommodations	Two 12-month time extensions
Site Plan Reviews	Two 12-month time extensions
Variances	Two 12-month time extensions

2. For permits subject to the Director's review, a public notice but no hearting shall be required in compliance with Chapter 874.6 (Public Hearings).

3. For permits subject to the Commission's review, a public notice and hearing shall be required in compliance with Chapter 874.6 (Public Hearings).

4. The original review authority's decision may be appealed in compliance with Chapter 876.6 (Appeals).

D. Required findings. An extension of the permit or approval may be granted only if the applicable review authority first finds that:

1. There have been no changes in circumstances or law which would preclude the review authority from making the findings upon which the original approval was based; and

2. Appropriate evidence has been provided by the applicant to document that the extension is required due to circumstances beyond the control of the applicant that was not the result of personal action(s) undertaken by the applicant.

E. Substantial Development extension - by the Director. When circumstances beyond the control of the applicant do not permit compliance with the time limits specified in Subsection 868.6.020 A. (Expiration of permit or approval) or this Section, the Director may grant up to a single two-year time extension, upon a finding that the project has accomplished an acceptable level of Substantial Development.

1. Application for extension based on "Substantial Development" shall be filed with the Department before expiration of the permit or approval.

2. The Director's review shall require a public notice but no hearing in compliance with Chapter 874.6 (Public Hearings).

3. The finding of "Substantial Development" presumes the existence of a valid permit or approval. Information relating to the original permit or approval (i.e., the original findings and whether or not they can continue to be made) has no bearing on the issue of "Substantial Development."

4. Consideration of "Substantial Development" includes the degree of physical on-site development accomplished, but can also include the amount of "soft costs" (i.e., costs associated with establishing the approved use before the expiration date) including financial expenditures for preparatory actions (e.g., invoices documenting expenditures related to permits and fees for Site Plan Review, drainage, grading, storm water, and Encroachment Permits, engineering studies, testing and plans, construction costs including grading, staking, and temporary power, insurance and attorney fees, etc.), which show a "good faith effort" to establish a particular use. As a point of information, "good faith effort" can be defined as time and effort to establish a use, regardless of financial expense.

5. The Director's decision may be appealed in compliance with Subsection F. (Appeal of Director's determination), below.

6. The Applicant, Property Owner, or Developer shall have two years from the date that a determination of "Substantial Development" is made to develop the use.

F. Appeal of Director's determination on Substantial Development.

1. Where a determination is made by the Director that there either has or has not been substantial development within two years after the approval of the Site Plan Review, a notice of the determination shall be mailed to the applicant and to owners of property located adjacent to the external boundaries of the property described in the application.

2. The applicant or an adjacent property owner may appeal this decision to the Board by filing a written notice of appeal with the Clerk of the Board within 15 days following the mailing of notice of the determination.

3. The appeal shall specify the reason(s) for the appeal.

4. The Clerk of the Board upon receipt of the appeal shall set the hearing date for not less than 15 or more than 40 days following the filing of an appeal.

5. The Board shall, not less than 10 days following the legal notice of a public hearing on an appeal, hold the public hearing.

6. Board's decision on Substantial Development.

    a. The Board may approve, approve with conditions, or deny the appeal by resolution.

b. A copy of the Board's resolution shall be mailed to the appellant/applicant at the address shown on the application.

7. The decision of the Board shall be final, unless an appeal is filed with a court of competent jurisdiction, in compliance with Government Code Section 65009(c).

868.6.040 - Changes to an Approved Project

A. Application.

1. A development or new land use allowed through a Conditional Use Permit, Director's Review and Approval, Minor Deviation, Reasonable Accommodation, Site Plan Review, Temporary Use Permit, or Variance shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the review authority, except where changes to the project are approved in compliance with this Section.

2. An applicant shall request desired changes in writing with the Department, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.

3. Requested changes may involve changes to one or more conditions imposed by the review authority or actual changes to the project (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the applicant or approved by the review authority.

4. Changes shall be approved before implementation of the changes, and may be requested either before or after construction or establishment and operation of the approved use.

B. Notice and hearing. If the matter originally required a public notice and/or hearing, the review authority shall give notice and take action as applicable, except for the minor changes specified below (See Subsection C.).

1. For permits subject to the Director's review, a public notice but no hearting shall be required in compliance with Chapter 874.6 (Public Hearings).

2. For permits subject to the Commission's review, a public notice and hearing shall be required in compliance with Chapter 874.6 (Public Hearings).

C. Minor changes as authorized by the Director. The Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use only if the changes:

1. Are consistent with all applicable provisions of this Zoning Ordinance and in substantial conformity with the original permit or approval; and

2. Do not involve a feature of the project that was:

   a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;

   b. A basis for conditions of approval for the project; or

   c. A specific consideration by the review authority (e.g., the Director, Commission, or Board) in granting the permit or approval.

D. Major changes. Major changes include changes to the project involving features specifically described in Subparagraph C. 2., above, and may only be approved by the original review authority through a new application or modification, processed in compliance with this Zoning Ordinance.

868.6.050 - Resubmittals

No person, including the original applicant, shall reapply for a similar application (permit or approval) on the same parcel or structure within a period of 12 months from the date of the final decision on the previous application, unless the decision is denied without prejudice.

A. Resubmittal after denial with prejudice - not within a period of 12 months. The review authority may deny a discretionary permit or approval on the grounds that two or more similar applications for the same site have been denied in the past two years (also known as denial with prejudice).

B. Resubmittal after denial without prejudice. There shall be no limitation on subsequent applications for a parcel or structure where a project was denied without prejudice.

C. Director's determination. The Director shall determine whether the new application is for a discretionary permit or approval which is the same or substantially similar to the previously approved or denied permit, approval, or amendment.

D. Appeal. The determination of the Director may be appealed to the Commission, in compliance with Chapter 876.6 (Appeals).

868.6.060 - Revocation

The approving entity or body granting said use (Director, Commission or Board of Supervisors) may revoke a permit for non-compliance with the conditions set forth in granting of said permit. Revocations shall be appealable to the Board of Supervisors.

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CHAPTER 870.6 - NONCONFORMING USES, STRUCTURES, AND PARCELS

870.6.010 - Purpose and Intent of Chapter

It is the purpose and intent of this Chapter to declare structures and uses to be nonconforming, for the purpose of protecting the public health, safety, and general welfare, and to regulate their further use under the nonconformity.

870.6.020 - Nonconforming Structures and Uses Defined

Nonconforming structures and uses shall be those structures and uses lawful when established but which do not conform to subsequently established zoning or zoning regulations.

870.6.030 - Nonconforming Structures

A. Maintenance allowed. A nonconforming structure may be maintained, except as otherwise provided in this Chapter.

B. Repairs.

1. Repairs may be made to a nonconforming structure.

2. For structures nonconforming as to use, only structural alterations shall be made to a structure which is nonconforming as to use regulations, that are required by law or hereafter provided in this Chapter.

C. Additions and enlargements.

1. A structure nonconforming as to use or parcel area regulations may not be added to or enlarged in any manner, except in compliance with the following:

   a. Any nonconforming structure may be added to or enlarged, only if the nonconforming structure and the additions and enlargements thereto and the use thereof are all made to conform to the regulations of the zone in which it is located.

   b. A nonconforming residential structure located in a “C” or “M” zone, which is ordered to be repaired in compliance with the provisions of Chapter 15.32 of the County Ordinance Code, may be added to or enlarged, modified, or repaired to comply with the minimum requirements of the provisions of Chapter 15.32.

   c. A minor addition to or enlargement of a nonconforming structure may be allowed in compliance with Chapter 846.5 (Director’s Review and Approval), if

the addition does not exceed 15 percent of the floor area of the existing nonconforming structure.

d. In an "M" zone, an addition or enlargement of a nonconforming residence may be allowed in compliance with Chapter 846.5 (Director's Review and Approval), if the addition does not exceed 25 percent of the floor area of the existing nonconforming residence and the floor area contains less than 1,100 square feet before the expansion. A nonconforming residence containing more than 1,100 square feet of floor area before the expansion shall be limited to 15 percent and subject to Subparagraph 870.6.030 C.1.a., above.

2. A structure nonconforming as to height regulations shall not be added to or enlarged, unless the addition or enlargement conforms to all of the regulations of the zone in which it is located.

3. A nonconforming structure, nonconforming only as to the setback regulations, may not be added to or enlarged in any manner except that additions or enlargements may be located in a required setback if they do not encroach into any portion of any required setback to a greater extent than the existing nonconforming structure encroaches into the setback (e.g., extension of an existing wall which is currently located within a setback but the extension will not encroach further/deeper into the setback). However, this exception is not applicable if the width of a side yard or the depth of a front or rear yard is less than 50 percent of that required by the setback regulations of the zone in which the parcel is located.

870.6.040 - Nonconforming Uses of Structures

A. Continuation and change of use.

1. The use of a nonconforming structure may be changed to any other use which is allowed in the same zone as the use for which the structure is designed and arranged, except as provided in this Chapter.

2. Any nonconforming structure which is vacant for a continuous period of more than 12 months shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which the nonconforming structure is located.

B. Expansion prohibited.

1. A nonconforming use of a structure which conforms to the use regulations shall not be expanded or extended into any other portion of the conforming structure, nor changed, except to a conforming use.

2. If a nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of the structure or portion thereof shall be in compliance with the regulations of the zone in which the structure is located.

870.6.050 - Nonconforming Signs and Advertising Structures

Nonconforming signs, billboards, and commercial advertising structures shall be kept in good repair and visual appearance and no structural alteration(s) shall be made to the signs, billboards, or commercial advertising structures, unless to bring the signs, billboards, or commercial advertising structures into compliance.

870.6.060 - Nonconforming Fences and Walls

Fences, hedges, and walls which do not conform to the corner cut-off area provisions of this Zoning Ordinance shall be removed or made to conform or addressed through approval of a Variance or other applicable application.

870.6.070 - Nonconforming Off-Street Parking and Loading Spaces

A. Additional parking and loading space required for added or enlarged facilities. Where off-street parking or loading facilities do not conform to the provisions of this Zoning Ordinance, or where no facilities have been provided for structures constructed before the effective date of this Ordinance, the structure shall not be expanded nor may additional facilities be provided within the structure until after the requirements for off-street parking and loading space shall have been complied with for those facilities added or enlarged.

B. Encourage economic development. The Director shall be authorized to review and modify the off-street parking and loading provisions (in compliance with a formal request) in nonconforming parking situations in order to encourage economic development.

C. Not applicable within parking district. This Section shall not apply to members of a duly formed municipal parking district.

870.6.080 - Reversion of Nonconforming Uses

Any portion of a nonconforming structure or use which is altered or changed to a conforming use shall not thereafter be used for a nonconforming use.

870.6.090 - Reconstruction of a Nonconforming Structure

The provisions of this Zoning Ordinance shall not prevent the reconstruction, repair, or rebuilding of any nonconforming structure involuntarily damaged by fire, explosion, or act of God or the enemy, subsequent to the effective date of this Ordinance, provided the cost of the reconstruction, repairing, or rebuilding shall not exceed 50 percent of the reasonable replacement value of the structure immediately before the damage, as determined by a qualified appraiser.

870.6.100 - Elimination of Temporary Nonconforming Residential Structures in the "R-1" zones

Where an accessory structure of a temporary nature or an accessory structure being used for dwelling purposes on a temporary basis exists on a parcel in any residential zone, and where the

parcel was legally created in compliance with the Subdivision Map Act, a dwelling(s) as allowed in the zone in which the parcel is located may be erected on the parcel, provided that within 30 days after the granting of an Occupancy Permit for the use of the newly constructed structure, the temporary dwelling shall be made to conform with the provisions of the zone or shall be removed.

870.6.110 - Nonconforming Uses Authorized under a Conditional Use Permit, Director's Review and Approval, or Variance

A. Subject to conditions and regulations. Those nonconforming structures and uses which are legally existing and authorized under a Conditional Use Permit, Director's Review and Approval, or Variance granted under this or any previous Zoning Ordinance shall be allowed to continue under the conditions and regulations imposed in the permit or Variance, except that any use allowed by Variance shall be considered nonconforming and subject to all of the provisions of this Chapter.

B. Declaration of existing law. This exception is a declaration of existing law.

CHAPTER 872.6 - AMENDMENTS (GENERAL PLAN, ZONE MAP, AND ZONING ORDINANCE)

872.6.010 - Purpose of Chapter

The purpose of this Chapter is to provide procedures for a:

A. General Plan. General Plan amendment that may include revisions to, goals, policies, actions, land use designations, or text;

B. Zone Map. Zone Map amendment that has the effect of rezoning property from one zone to another; and

C. Zoning Ordinance Text. Zoning Ordinance Text amendment that may modify any procedures, provisions, requirements, or standards, applicable to the development, and/or use of property within the County.

872.6.020 - Initiation of Amendments

A. Compliance with Section. An amendment to the General Plan, the Zone Map, or this Zoning Ordinance shall be initiated in compliance with this Section.

B. Who may initiate an amendment. An amendment may only be initiated by:

1. Board. Either through specific direction to staff or by a Resolution of Intention;

2. Commission. A Resolution of Intention by the Commission;

3. Property owner. Filing with the Department a complete application for a:

a. General Plan amendment by an interested person;

b. Zone Map amendment by the subject property owner(s);

(1) A property owner(s) or authorized representative of an owner(s) may propose an amendment to change property from one zone to another by filing a verified petition application with the Department.

(2) If the property is under multiple ownerships, the application shall be signed by owners of at least 60 percent of the area directly affected by the proposed amendment or their authorized agents.

(3) The Commission shall prescribe the form in which applications for changes of zones are made, and shall prescribe the type of data and information to be

provided by the petitioner to assist in determining the validity of the request.

(4) No application shall be accepted unless it is full and complete and complies with this Chapter.

c. Zoning Text Ordinance amendment by an interested person; and

4. Voter initiated amendments. Voter initiated amendments are not addressed by the Zoning Ordinance.

872.6.030 - Application Filing, Processing, and Review

If initiated by a property owner(s), the amendment application shall comply with all of the following.

A. Filing. An application for an amendment, together with the required fee in compliance with the Master Schedule of Fees, shall be filed with the Department in compliance with Chapter 838.5 (Application Filing, Processing, and Fees).

B. Contents.

1. The application shall be accompanied by detailed data/materials specified in the most up-to-date Department handout for amendment applications.

2. Additionally, the applicant may provide to the Director supplemental data and information as will assist the Director to make a recommendation to the applicable review authorities. This data may include:

   a. Economic studies and surveys.

   b. Traffic studies.

   c. Population studies.

   d. Other information deemed pertinent.

C. Project review procedures.

1. The Director shall verify the accuracy and completeness of the application and the date of verification shall be noted on the application.

2. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this Chapter.

D. Notice and hearings.

1. Public hearings shall be required for the Commission's recommendation and the Board's action on an amendment.

    a. The Commission's public hearing shall be set by the Director for not less than 15 or more than 40 days, or as soon as practicable based upon the hearing calendar, following the verification of the submitted application or after the adoption of a Resolution of Intention by the Commission or Board.

    b. The Board's public hearing shall be set by the Clerk of the Board for not less than 15 or more than 40 days, or as soon as practicable based upon the hearing calendar, following the filing of the Commission's resolution with the Board.

2. The public hearings shall be scheduled once the Director has determined the application complete in compliance with Section 838.5.070 (Initial Application Review).

3. Notice of the public hearings shall be given and the hearings shall be conducted in compliance with 874.6 (Public Hearings).

4. Additional notice for a Zone Map amendment may be given by either one or both, of the following means:

    a. Posting public notices of the proposed amendment not less than 10 days before the date of the hearing. The notices shall be posted on all streets located within 500 feet of the external boundaries of the subject property.

    b. Mailing a notice not less than 10 days before the date of the hearing to owners of property located within a radius of 300 feet from the external boundaries of the property described in the application using for this purpose the last known name and address of the owners as shown on the latest adopted County tax roll.

    c. Any failure to post public notices or mail notices as specified in this Subsection shall not invalidate any proceedings taken for Zone Map amendments.

E. Timing of General Plan amendments. The mandatory elements of the General Plan may be amended up to four times in a single calendar year, as authorized by and subject to the provisions of Government Code Section 65358, or as this Section may be amended or replaced from time to time.

872.6.040 - Commission's Action on Amendments

A. Commission's action.

1. Upon the completion of a public hearing, the Commission shall make a written recommendation to the Board on the proposed amendment whether to approve, approve in modified form, or deny the proposed amendment, based upon the findings contained in Section 872.6.060 (Findings and Decision), below.

2. Failure to so act within the 40 days shall serve to automatically and immediately refer the whole matter to the Board for the action as it deems warranted under the circumstances.

3. In the event of the failure on the part of the Commission to act, the Director shall immediately deliver to the Board all of the records of the matter involved.

B. Recommendation for approval of Zone Map or Zoning Ordinance amendments.

1. The recommendation for approval of any amendment shall be by resolution of the Commission carried by the affirmative votes of not less than a majority of its total membership.

2. A resolution for recommendation which receives a majority vote of the members present and voting but not a majority vote of the total voting members of the Commission may, with the consent of the applicant, if any, and by majority vote of the members present be continued until the next regular or special meeting of the Commission; however, if the majority of the members present do not vote to continue the matter or the applicant does not consent thereto, then the action shall constitute denial of the request.

3. A resolution for approval of any amendment which fails to carry by reason of no votes of a majority of the members present shall be deemed a denial of the request.

C. Recommendation for approval of General Plan amendments.

1. A recommendation for approval or approval in modified form of a General Plan amendment shall require the affirmative vote of not less than a majority of the total voting members in compliance with Government Code Section 65354.

2. A recommendation for approval or approval in modified form is advisory and a hearing shall automatically be scheduled before the Board for final action.

D. Denial by Commission on any amendment.

1. The Commission’s decision against any proposed amendment shall require only a majority vote in compliance with Government Code Sections 65354 and 65855.

2. The Commission’s decision shall be final, unless appealed to the Board within 15 days following its decision in compliance with Subsection G. (Initiation of appeal), below, and Chapter 876.6 (Appeals).

E. Formal resolution.

1. The Commission shall announce and record its action by formal resolution.

2. The resolution shall be filed with the Board.

F. Notice of the Commission's decision. No later than 10 days following final action by the Commission, notice of the decision shall be mailed to the applicant at the address shown on the application.

G. Initiation of appeal.

Appeals shall be subject to the provisions of Chapter 876.6 -Appeals and may be initiated by the applicant, an interested party, the Director, or by any member of the Board.

872.6.050 - Board's Action on Amendments

A. Action of Board. Upon receipt of the Commission's recommendation, the Board may approve, approve in modified form, or deny the proposed amendment, based upon the findings contained in Section 872.6.060 (Findings and Decision), below.

B. Referral to Commission.

1. Any change(s) to the amendment that were not considered by the Commission shall be referred to the Commission for its recommendation, in compliance with State law (Government Code Sections 65356 [General Plan amendments] and 65857 [Zone Map and Zoning Ordinance amendments]).

2. An additional Commission hearing is unnecessary and shall be optional.

3. Failure of the Commission to report within 40 days (General Plan amendments) or 45 days (Zone Map and Zoning Ordinance amendments) after the referral, or a longer period set by the Board, shall be deemed a recommendation for the approval of the change(s).

C. Decision to approve or deny amendment. Upon receipt of the Commission's recommendation on a General Plan, Zone Map, or Zoning Ordinance amendment, the Board shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment based on the findings identified in Section 872.6.060 (Findings and Decision), below.

D. Board's decision and follow-up.

1. The decision shall be made within 15 days following the close of the hearing.

2. A copy of the decision shall be mailed to the applicant at the address shown on the application.

872.6.060 - Findings and Decision

A. Findings for General Plan amendments. An amendment to the General Plan may be approved only if all of the following findings are first made:

1. The proposed amendment is internally consistent with the goals, policies, and actions of the General Plan;

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the County; and

3. If applicable, the affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, Sheriff protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

B. Findings for Zone Map and Zoning Ordinance amendments. An amendment to the Zone Map or Zoning Ordinance may be approved only if the review authority first makes the following findings, as applicable to the type of amendment.

1. Findings required for all Zone Map and Zoning Ordinance amendments:

a. The proposed amendment is consistent with the goals, policies, and actions of the General Plan; and

b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the County.

2. Additional finding for Zone Map amendments.

In addition to the findings specified in Subparagraph B.1. (Findings Required for all Zone Map and Zoning Ordinance amendments), above, the following additional finding shall be made for all Zone Map amendments:

If applicable, the affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, Sheriff protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the

requested zoning designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

3. Additional finding for Zoning Ordinance amendments.

In addition to the findings specified in Subparagraph B.1. (Findings Required for all Zone Map and Zoning Ordinance amendments), above, the following additional finding shall be made for all Zoning Ordinance amendments:

The proposed amendment is internally consistent with other applicable provisions of this Zoning Ordinance.

C. Failure to make findings in an affirmative manner. The review authority shall deny the amendment when it fails to make any one or more of the required findings in an affirmative manner.

872.6.070 - Effective Dates

A. General Plan amendments. Upon the adoption of a resolution by the Board, a General Plan amendment shall become effective after the 30-day period for referendum has elapsed.

B. Zone Map and Zoning Ordinance amendments. A Zone Map or Zoning Ordinance amendment shall become effective on the 31st day following the date the ordinance is adopted by the Board.

872.6.080 - Appeals of Board Actions

Appeals of Board actions, if any, to a court of competent jurisdiction shall be made in compliance with Government Code Section 65009(c) following the final decision by the Board.

872.6.090 - Conditional Zoning

A. Board may impose conditions.

1. The Board may impose conditions to the zoning reclassification of property, to be given an appropriate designation on the Zone Map, where the conditions are essential to:

   a. Protect the community from potentially deleterious effects of certain uses allowed in the proposed zone; or

   b. Where the conditions are required to adjust the proposed use to the community's need for facilities to meet the public service demands created by the proposed development.

2. If conditions to zoning are imposed, a Site Plan Review shall be required before development, in compliance with Chapter 854.5 (Site Plan Review).

B. Acceptable conditions. Conditions considered within the scope of this Section are those related to:

1. Access, circulation, and parking.

2. Street dedication where allowed uses of the proposed zone substantially contribute to the requirement.

3. Street improvement where allowed uses of the proposed zone substantially contribute to the requirement.

4. Parcel coverage, structure height and bulk, and population density.

5. Special yards, spaces, and buffers including fences and walls.

6. Landscaping.

7. Noise, lighting, odors, and vibration.

8. Outdoor advertising.

9. Limitations and prohibitions on the number and type of uses allowed subject to the provisions of Subsection D. (Use related conditions), below.

10. Other elements as may require regulation in order to conform with the intent and purpose of this Zoning Ordinance.

C. Unacceptable conditions. Conditions outside the scope of this Section are those related to:

1. Time limits within which uses shall be developed or reversion to original zoning.

2. Any provision for automatic reversion to a preceding zone classification.

3. Termination of nonconforming uses.

D. Use related conditions. Conditions to prohibit uses or to limit the number and type of uses in compliance with Subparagraph B.9., above shall be subject to the following provisions.

1. The conditions shall not be imposed without the consent of the property owner(s) or the authorized representative(s) of the property owner(s), unless the conditions are necessary to achieve consistency with the General Plan.

2. The Board, when imposing the conditions, shall specifically identify the uses to be prohibited or limited.

3. The Board shall also make a finding that the conditions are essential to protect the community and nearby properties from adverse impacts which could result from the development of the uses.

872.6.100 - Overlay Zones

A. Adoption of underlying zone. An overlying zone may be adopted concurrently or subsequent to adoption of the underlying zone.

B. Creation of additional series of zones. When coupled with the underlying zones, overlying zones actually create an additional series of zones. They do not constitute conditional zoning; however, conditions of zoning may be applied as with any other zone.

CHAPTER 874.6 - PUBLIC HEARINGS

874.6.010 - Purpose of Chapter

The purpose of this Chapter is to specify procedures for hearings before the Director, Commission, and Board.

874.6.020 - Notice of Hearing

When an amendment, appeal, permit, approval, or other matter requires a public hearing, the public shall be provided notice of the hearing(s) in compliance with State law (Government Code Sections 65090, 65091, 65094 and 66451.3 and Public Resources Code 21000 et seq.).

A. Notice of a public hearing shall include:

1. The date, time, and place of the hearing, the name of the hearing body (review authority), and the phone number and street address of the Department where an interested person may call or visit to receive additional information;

2. A general explanation of the matter to be considered and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing;

3. A statement that persons wishing to be heard on the matter may attend and be heard; and

4. If a proposed Negative Declaration, Mitigated Negative Declaration, or final Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA), the notice shall include a statement that the hearing body shall also consider approval of the proposed Negative Declaration or Mitigated Negative Declaration or certification of the final Environmental Impact Report.

B. Giving of notice. Notice of a public hearing required by this Chapter for an amendment, appeal, permit, approval, or other matter shall be given as follows, as required by State law.

1. Mailed notice required for Amendments (General Plan, Zoning Map, or this Zoning Ordinance), Conditional Use Permits, Director's Review and Approvals, and Variances.

a. Notices for Amendments (General Plan, Zoning Map, or this Zoning Ordinance) shall be mailed, or delivered, at least 20 days before the hearing and in compliance with the requirements of State Law and the California Environmental Quality Act (CEQA). Conditional Use Permits, Director's Review and Approvals, and Variances shall be mailed, or delivered, at least 10 days before the hearing and in compliance with the requirements of the California Environmental Quality Act (CEQA). If mailed, the notice shall be transmitted through the United States mails with postage prepaid, to all of the

following:

(1) The owner(s) of the property being considered or the owner's agent, and the applicant(s);

(2) All owners of real property as shown on the County's latest equalized assessment roll located within a minimum 300-foot radius of the exterior boundaries of the subject parcel(s); and

(3) Any person, organization, entity, or agency who has filed a written request for notice with the Department.

b. The minimum radius used for this purpose shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of the neighboring parcels.

2. Publication and posting required for Amendments (General Plan, Zoning Map, or this Zoning Ordinance), Conditional Use Permits, and Variances. Notices for Amendments, Conditional Use Permits, and Variances shall be:

a. Publication. Published at least once in a local newspaper of general circulation within the County; and

b. Posting. Posted a minimum of five days before the scheduled hearing at the location of the scheduled hearing.

C. Alternative notice. If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide the alternative notice allowed by State law (Government Code Section 65091[a][3]).

D. Additional notice. In addition to the types of notice required by Subsections B. and C., above, the Director may provide additional notice with content or using a distribution method as the Director determines to be necessary or desirable (e.g., use of a greater radius for notice, on the County's web site, etc.).

874.6.030 - Establishment of Rules

The Director, Commission, and Board may establish its own rules for the conduct of public hearings and the presiding member shall have the power to administer oaths to any person testifying.

874.6.040 - Director's Decision

A. Rendering decision.

1. The Director shall send out a notice of decision.

2. The Director may, instead of rendering a decision, refer the matter to the Commission for review and final decision.

B. Decision shall be final. The decision of the Director shall be final, unless referred or appealed to the Commission, in compliance with Chapter 876.6 (Appeals).

874.6.050 - Hearing Procedures

A. Date, time, and place. Hearings shall be held at the date, time, and place for which notice has been given in compliance with this Chapter.

B. Summary notes. The summary notes shall be prepared and made part of the permanent project file.

C. Any hearing may be continued.

1. If a hearing is not completed on the scheduled day, the review authority, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued.

2. Additional notice for the continued hearing to a specific date shall not be required.

3. The Secretary to the Commission may continue or reschedule a noticed public hearing before the Commission when requested by the owner/applicant after the notices have been given or after the notices have been prepared but not formally mailed or published, upon a showing of good cause.

4. The applicant, as a condition to the continuance, shall pay a continuance fee in an amount specified in the Master Schedule of Fees.

874.6.060 - Commission's Decision

A. Announce decision.

1. The Commission shall announce and record the decision by resolution within 40 days following the conclusion of the scheduled public hearing.

2. The decision shall contain the action of the Commission, including all findings, conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any effects and protect the health, safety, and welfare of the County.

B. Decision shall be final. The decision of the Commission shall be final, unless appealed to the Board, in compliance with Chapter 876.6 (Appeals).

874.6.070 - Recommendation by Commission

At the conclusion of a public hearing on a proposed adoption or amendment of a development agreement, the General Plan, a specific plan, the Zone Map, or this Zoning Ordinance the Commission shall forward a written recommendation, including all required findings, to the Board for final action.

874.6.080 - Board's Decision

A. Announce decision.

1. The Board shall announce and record its decision at the conclusion of the scheduled public hearing.

2. The decision shall contain the action of the Board, including all findings, conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any effects and protect the health, safety, and welfare of the County.

B. Decision shall be final. The decision of the Board shall be final, unless subjected to further legal action in compliance with State and Federal law.

CHAPTER 876.6 - APPEALS

876.6.010 - Purpose of Chapter

A. Purpose. The purpose of this Chapter is to provide procedures for filing of appeals of the determinations by the Department staff or Director, or the decisions of the Director or Commission.

B. Eligible appellants.

1. All appeals, except Variances/Minor Deviations. Any appeal, except for those relating to Variances/ Minor Deviations, may be filed by an applicant, any person aggrieved, a County Department Director, or any member of the Board.

2. Variance/Minor Deviations appeals. Variances/Minor Deviations my be appealed by an aggrieved applicant, a County Department Director, any member of the Board, or by aggrieved resident or property owner located within 300 feet of the external boundaries of the subject property. Exception: Residents and property owners in the RC, TPZ, AE, AL, A-2, R-R, R-A, AC, and RCC Districts shall have the right of appeal if any part of their property is within one mile of the external boundaries of the subject property measured along a direct line.

3. Site Plan Review appeals. Appeal of a Site Plan Review shall be limited to its conditions of approval and/or operational characteristics and not the use itself.

876.6.020 - Appeal of Determinations and Decisions

Determinations and decisions that may be appealed and the authority to act on an appeal shall be as follows:

A. Department staff. Any final decision or determination made under an express delegation of authority granted by this Zoning Ordinance rendered by the Department staff may be appealed to the Director.

B. Director. Any final decision or determination made under an express delegation of authority granted by this Ordinance rendered by the Director may be appealed to the Commission, except for determinations made by the Director on a Substantial Development, which may only be appealed to the Board.

C. Commission appeals. Any decision rendered by the Commission may be appealed to the Board, except for the Commission's action on an appeal of a Director's Review and Approval, which is not eligible for an appeal to the Board.

D. Board considerations. The decision of the Board shall be final and shall become effective upon adoption of the resolution by the Board.

876.6.030 - Filing and Processing of Appeals

A. Applications.

1. Appeals shall be in filed writing to the Department or the Clerk of the Board, as specified in Subsections B. and C., below.

2. The appellant shall state the specific reasons for the basis of the appeal.

3. Appeal applications shall include the required fee, in compliance with the Master Schedule of Fees.

B. Department staff or Director. An appeal of a determination by the Department staff, or appeal of a determination or decision of the Director, shall be filed in writing with the Department within 15 days following the date of the final action for which the appeal is made.

C. Commission. An appeal of a Commission decision shall be filed on a form provided by the Clerk of the Board within 15 days following the date of the final action for which the appeal is made.

D. Last day to file. If the last day to file an appeal falls on a legal holiday recognized by the County or on a Saturday or Sunday, the following business day shall be deemed the last day to file the appeal.

876.6.040 - Appeals to the Director

A. Administrative review.

1. Appeals to the Director shall be an administrative review by the Director of a Department staff determination.

2. The Director may choose to convene a meeting with interested parties before rendering a decision on the appeal.

3. Any meeting(s) conducted by the Director shall not require a public notice.

B. Appealed to Commission. The Director's decision may be appealed to the Commission, in compliance with Section 876.6.030 (Filing and Processing Appeals), above.

876.6.050 - Appeals to the Commission or Board

A. Notice of appeal.

1. Public notice of an appeal to the Commission or Board shall be given in the same manner in which the original notice was given, in compliance with Chapter 874.6 (Public Hearings).

2. The hearing date shall be set by the Director (for a Commission hearing) or by the Clerk of the Board (for a Board hearing).

B. Delay of proceedings. The filing of an appeal shall suspend all proceedings associated with the matter subject to the appeal (e.g., issuance of a Building or Grading Permit, etc.), pending the County's final action on the appeal.

C. Joining an appeal.

1. Only those persons who file an appeal within the 15-day appeal period in compliance with Section 876.6.030 (Filing and Processing of Appeals), above, shall be considered appellants of the matter under appeal.

2. Any person who wishes to join an appeal shall follow the same procedures for an appellant in compliance with Section 876.6.030 (Filing and Processing of Appeals).

3. A person(s) shall not be allowed to join an appeal after expiration of the 15-day appeal period.

D. Board hearing required. The appeal of a Commission decision on any application filed and heard concurrently with other applications shall require a Board hearing of each of those applications.

E. Appeal to be treated as a new hearing.

1. Hearing shall be de novo. The appeal hearing shall be de novo and considered a new hearing where the review authority may consider any issue(s) associated with the appeal, in addition to the specific grounds for the appeal.

2. Exception to de novo.

a. Where the appeal is to a condition(s) imposed or not imposed in which event the hearing and the decision of the review authority shall relate only to the condition(s) which are the subject of the appeal.

b. The Board, at its discretion, may choose not to conduct the appeal hearing as de novo.

3. Actions of the review authority. When reviewing an appeal, the review authority may:

a. By resolution, affirm, affirm in part, or reverse the action, the determination, or decision that is the subject of the appeal; and

b. Adopt additional conditions of approval deemed reasonable and necessary or delete any of the conditions recommended or approved by the previous review

authority.

4. **Refer back further consideration.** If new or different evidence is presented on appeal, the Commission or Board, may, but shall not be required to, refer the matter to the Director or Commission, as applicable, for further consideration.

F. Adoption of findings.

1. When reviewing an appeal the review authority shall adopt findings in support of the intended action on the appeal.

2. The nature of the findings shall be in compliance with the findings adopted by the original review authority (e.g., Conditional Use Permits Chapter 842.5 and Variances/Minor Deviations Chapter 860.5, etc.)

G. Rendering of decision.

1. The Director's and Commission's decision shall be made following the close of the hearing and shall be final, unless appealed in compliance with this Chapter.

2. The Board's decision shall be made following the close of the hearing and shall be final, unless the Board's action is overturned through litigation, in compliance with Government Code Section 65009(c).

3. In the event the action is not appealed to a court in compliance with Government Code Section 65009(c), it shall be presumed that the petitioner has not acted with the due diligence in asserting his/her rights and the action of the County shall be deemed to be final.

4. A copy of the review authority's resolution shall be mailed to the appellant/applicant at the address shown on the application.

876.6.060 - Effective Date of Appealed Actions

A. Department staff or Director. A determination by the Department staff appealed to the Director, or a determination or decision of the Director, appealed to the Commission shall not become final, unless and until a decision is made by the Director or Commission.

B. Commission. A decision of the Commission appealed to the Board shall not become final, unless and until a decision is made by the Board.

C. Board's decision is final. The Board's decision shall be considered final, unless an appeal of the decision is filed with a court of competent jurisdiction, in compliance with Government Code Section 65009(c).

CHAPTER 878.6 - ENFORCEMENT

878.6.010 - Purpose of Chapter

The purpose of this Chapter is to ensure that enforcement of the provisions of this Zoning Ordinance and any permits and approvals granted by the County shall be diligently pursued in order to provide for their effective administration, to secure compliance with any conditions of approval, to promote the County's planning efforts, and for the protection of the public health, safety, and welfare of the County.

878.6.020 - New Construction and New Uses

The following conditions shall apply to all new construction and new uses:

A. Compliance with zone requirements. All alterations, building, construction, enlargements, or improvements and movements undertaken following the effective date of the Chapter, all new uses or occupancy of premises within the County shall conform with the requirements, character, and conditions as to use, height, and area prescribed for each of these several zones.

B. Unlawful activities. It shall be unlawful for any person, firm, or corporation to alter, construct, enlarge, erect, establish, move into, or use, or to cause, or permit to be altered, constructed, enlarged, erected, established, moved into, or used, any structures, improvements, or use of premises located in any zone described in this Zoning Ordinance contrary to the provisions of this Chapter.

C. Certificate of Occupancy required. A Certificate of Occupancy validated as to conformance to zoning requirements shall be obtained from the Department before the new or altered structure may be occupied, provided, however, this requirement shall not apply to any structure where the Building Code exempts the structure from a Building Permit.

878.6.030 - Penalties for Violation

A. Guilty of a misdemeanor. Any person, firm, or corporation, whether principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Zoning Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than $500.00 or by imprisonment in the County Jail for a term not to exceed 180 days, or by both the fine and imprisonment, unless otherwise provided.

B. Separate offense for each and every day. The person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Zoning Ordinance is committed or continued by the person, firm, or corporation and shall be punishable as specified in this Chapter.

878.6.040 - Legal Procedures

A. Unlawful activities. Any structure altered, converted, constructed, enlarged, erected, maintained, moved, or set up, contrary to the provisions of this Zoning Ordinance and any use of land, structure, or premises conducted, established, maintained, or operated contrary to the provisions of this Zoning Ordinance shall be and the same is hereby declared to be unlawful.

B. Civil or criminal proceedings. The provisions of this Chapter may be enforced by a civil action or proceedings or by a criminal proceeding for the abatement and removal and the enjoining thereof in the manner prescribed by law.

C. Remedies are cumulative. The remedies provided in this Chapter shall be cumulative.

D. Enforced by the Director. The provisions of this Chapter shall be enforced by the Director.

878.6.050 - Summary Abatement of Zoning Violations

A. Summary abatement of zoning violations. Upon making a finding that an immediate threat or danger exists to the public health, safety, or welfare of the occupants or the public, the Director, in consultation with other appropriate governmental officials or agencies, may order a summary abatement of the zoning violation(s).

B. Director may require immediate action. Upon the finding, the Director may require immediate action on the part of the property owner to abate a zoning violation(s) of this Zoning Ordinance.

C. Notice. The Director shall make a reasonable attempt to notify the occupant(s) and property owner(s), either by telephone or by personally visiting the property, of the zoning violation(s) that require immediate abatement.

D. Abatement by the County.

1. If the Director finds that an immediate threat to public health, safety, or welfare exists, and that it is unhealthy or hazardous to delay abatement action, the Director may order County staff, contractors, or designated agents to abate the condition.

2. Abatement may include, but is not limited to, the cleanup and disposal of rubbish or other materials which threaten public health or the maintenance standards of County Ordinance Code Section 850.B.6 (Property Maintenance Standards).

E. Abatement costs.

1. The property owner or occupant shall be liable for all costs associated with this abatement, including but not limited to administrative, labor, material, and other costs

incurred in the physical abatement, in addition to the costs recoverable under Sections 1032 and 1033.5 of the Code of Civil Procedure, or any other provision of law.

2. All costs incurred as described in this Section shall be recovered from the property owner or occupant in compliance with the procedures beginning with Subsection 878.6.050 E. (Sale of materials obtained in abatement of zoning violation), below.

878.6.060 - Administrative Abatement Procedures

Conditions violating any provision of this Zoning Ordinance may be abated in compliance with the following procedures, which is in addition to, or in lieu of, the other enforcement procedures specified within this Chapter.

A. Notice of Abatement.

1. Upon making a reasonable determination that violations of this Zoning Ordinance exists, the Director shall notify the occupant(s), the property owner(s), any mortgagee(s) of record and beneficiaries under any deed of trust relating to the property of record, and any lessee(s) and other estate holder(s) of record, that zoning violation(s) exists upon the persons' property.

2. This Notice of Abatement and Order shall be by means of certified or registered mail return receipt requested and a copy shall be posted on the subject property.

3. The Notice of Abatement and Order shall be sent to the property owner(s) as the owner(s)' name(s) appear on the last equalized assessment roll.

4. If the address of any person is unknown to the Director, then a copy shall be published in a newspaper of general circulation at least once in compliance with Government Code Section 6061.

5. Contents of Notice of Abatement and Order.

    a. The Notice of Abatement and Order shall describe the condition which constitutes the violation of this Zoning Ordinance;

    b. The Notice of Abatement and Order shall order that the conditions constituting the zoning violation(s) be abated by demolition, securing, removal, cleanup, repair or other means within a reasonable time as determined by the Director, however not to exceed 30 days from the date the notice is mailed;

    c. The Notice of Abatement and Order shall contain instructions to the property owner, tenant, lessee, and occupant describing procedures for scheduling a hearing for the purpose of presenting information as to why the property should not be considered a violation of this Chapter, or why the noticed person believes he or she is not responsible for the violation;

d. The Notice of Abatement and Order shall state that if the abatement efforts described therein are not completed within the number of days specified, or a hearing has not been requested in compliance with Subsection B. (Hearing and determination; extensions), below, or a time extension has not been granted to complete the abatement, the County may abate the nuisance without further notification and the owner may be responsible for all costs associated with the investigation and abatement of the violations of this zoning ordinance as specified in Subsection 878.6.040 E. (Abatement costs), above;

e. The Notice of Abatement and Order shall state that if the owner fails to request a hearing, all rights to appeal any action by the County to abate the violation(s) of this Zoning Ordinance are waived; and

f. The contents of Notice of Abatement and Order shall also include a statement that Civil Code Section 1942.5 prohibits retaliatory action by a lessor against a lessee regarding the tenantability of a structure.

6. The Department shall also record a Notice of Pendency of Action for properties for which administrative abatement action is taken.

B. Hearing and determination; extensions. At the time fixed in the Notice of Hearing on Abatement, the Board or the person(s) designated Hearing Officer(s) shall proceed to hear testimony from any interested person(s) regarding the specified condition deemed by the Director to be a violation of this Zoning Ordinance, the estimated cost of its removal or other remedial work, and any other matter which the Board or the Hearing Officer may deem pertinent thereto. The Board or the Hearing Officer may adjourn or continue the hearing from time to time.

1. Determination after hearing. Upon the conclusion of the hearing, the Board or the Hearing Officer shall adopt appropriate findings and make a determination based on the evidence presented at the hearing. In the event that the hearing body determines the condition(s) is a violation of this Zoning Ordinance, it may direct the property owner(s), or occupant(s) or both, to abate the same within 30 days after posting and mailing a Notice of Determination and Order of Abatement.

a. Notice by posting. After the determination of the hearing body directing the abatement of zoning violation(s), the Director shall conspicuously post a copy of the Notice of Determination and Order of Abatement on the property and shall mail a copy to the occupants(s) and to the owner(s) of the property as well as to the mortgagee(s) of record and trust deed beneficiaries of record, and any other person(s), if any, determined by the Board to be a responsible party.

b. Notice to property owner(s). Notice to the property owner(s) shall be deemed complete upon mailing the Notice of Determination and Order of Abatement as the owner'(s) name(s) appear on the last equalized assessment roll.

2. **Continuation of the hearing.** The Board or the Hearing Officer may grant reasonable extensions of time to abate the zoning violation(s) upon good cause shown for the extension.

C. Failure of property owner(s) or occupant(s) to abate; authority to abate zoning violation(s). If the property owner(s) or occupant(s) fails to abate the zoning violation(s) within the time specified by the Hearing Officer, Board, or the Director, and is not granted a time extension, the Director is authorized to abate the zoning violation(s) described in the Notice of Determination and Order of Abatement and collect abatement expenses in compliance with the procedures beginning with Subsection E. (Sale of materials obtained in abatement of zoning violation), below.

D. Right to appeal decision.

1. Any interested party may appeal the decision of the Hearing Officer to the Board by filing a written notice stating the grounds upon which the party is appealing. The appeal shall be filed with the Director within the 30-day period of notice to abate the zoning violation(s). Requests for appeal shall require the remittance of any applicable fee(s). The appeal shall specify the following:

    a. A brief statement specifying the applicant's ownership interest in the subject property where the zoning violation(s) exists, including identification of the property by street address and Assessor's Parcel Number (APN);

    b. A brief statement of the material facts which the applicant claims support his or her contention that no zoning violation(s) exist and why abatement expenses should not be imposed as specified in this Section; and

    c. An address at which the applicant agrees notice of any additional proceedings or an order(s) relating to this abatement or the imposition of the abatement expense may be received by first class mail, postage prepaid.

2. The filing of an appeal shall stay the effectiveness of the Order of Abatement until the time the case has been decided by the Board, which decision shall be rendered in compliance with the procedure specified in Subparagraph B. 1. (Determination after hearing), above.

3. Any interested person(s) being aggrieved by the determination and final action(s) of the Hearing Officer or Board regarding the zoning violation abatement proceeding may, within 30 days after the date of notice to the property owner(s) of the decision, bring an action in a court of competent jurisdiction to contest the validity of the proceeding.

E. Sale of materials obtained in abatement of zoning violation. Any materials obtained from the abatement violations of this Zoning Ordinance may be sold by the County at a

public sale(s) to the highest responsible bidder after not less than 10 days notice of the intended sale, published at least once in a newspaper of general circulation in the County, either before or after the zoning violation is abated.

1. Abatement Expense Statement – posting. The Director shall cause to be conspicuously posted on the property from which the violation was abated a statement of abatement expenses, verified by the Director, showing the expenses of abatement, together with a notice of the time and place that the statement will be submitted to the Board for approval and confirmation.

2. Notice to owner(s) of abatement expense.

a. A copy of the Abatement Expense Statement shall be mailed to the property owner(s) in the manner specified in Subsection 878.6.050 A. (Notice of Abatement), above.

b. The time for submitting the Abatement Expense Statement to the Board for confirmation shall not be less than 10 days following the posting and mailing of the Abatement Expense Statement.

c. The Abatement Expense Statement shall state the time and place the Board shall consider objections or protests, if any, which may be raised by any person(s) liable to be assessed for the cost of the abatement work, and any other interested person(s).

F. Abatement Expense Statement – hearing.

1. At the time fixed for hearing objections or protests to the Abatement Expense Statement the Board shall consider the Statement together with any objections or protests which may be raised.

2. The Board may make any revision, correction, or modification in the Statement as it may deem just.

3. The Board's decision(s) on the Statement, protests, and objections shall be final and conclusive.

4. The Board may adjourn or continue the hearing from time to time.

5. Notice of the Board's decision shall be mailed to the owner(s) in compliance with the provisions specified in Subsection 878.6.050 A. (Notice of Abatement), above.

G. Collection of unrecovered costs.

1. In the event that the cost of abating the zoning violation(s) exceeds the proceeds received from the sale of materials, if any, the unrecovered costs, if not paid within 10

days after the Board's decision, shall constitute a special assessment on the real property from which the zoning violation(s) was abated.

2. Immediately upon the confirmation of the assessment by the Board, the Director shall execute and file in the office of the County Recorder a Notice of Abatement Lien in the amount no greater than the total cost of abatement appearing in the Abatement Expense Statement earlier approved by the Board. The Notice of Abatement Lien shall be in substantially the following form:

NOTICE OF ABATEMENT LIEN

Pursuant to the authority vested in the Director by the provisions of [ ] of the Zoning Ordinance of the County of Fresno, the Director of the Planning and Resource Management did on or about the _____ day of _____, 20 ____, cause the premises on the property hereinafter described to be abated in order to abate a zoning violation(s) on the real property, and the Board of Supervisors of the County of Fresno did on the _____ day of _____, 20 ____, assess the cost of the abatement upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the County of Fresno does hereby claim a lien on the real property for the net expense of the doing of the abatement in the amount of the assessment, to wit; the sum of $_____, and the same shall be a lien upon the real property until the sum has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the County of Fresno, State of California, and particularly described as follows:

(DESCRIPTION OF PROPERTY)

Dated: This _____ day of ___, 20 __

_____
Director of the Department of Public Works and Planning,
County of Fresno

3. Upon recordation, the Notice of Abatement Lien shall have the same effect as recordation of an abstract of money judgment. The Notice of Abatement Lien shall have the same priority as a judgment lien recorded against real property and continues in effect until released. Upon the order of the Board, or upon the order of the Director who is authorized to act on behalf of the Board in the releasing or subordination of liens under Subparagraph 2., above, any Abatement Lien created under this Chapter may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.

4. The Notice of Abatement Lien after recording shall be delivered to the Auditor of Fresno County, who shall enter the amount thereof on the County assessment book

opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The Notice of Abatement Lien shall be delivered to the Auditor before the date fixed by law for the delivery of the assessment book to the County Board of Equalization.

5. Thereafter the amount specified in the Abatement Lien shall be collected at the same time and in the same manner as ordinary County taxes are collected and shall be subject to the same penalties and to the same procedure for sale in case of delinquency as provided for ordinary County taxes.

6. All laws applicable to the levy, collection, and enforcement of County taxes shall be applicable to the special assessment, except if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or a lien of a bona fide encumbrancer for value has been created and attaches to the real property before the date upon which the first installment of County taxes would become delinquent, then the cost of abatement shall not result in a lien against that real property but shall be transferred to the unsecured roll for collection.

7. From the date of recording the Notice of Abatement Lien, all persons shall be deemed to have notice of the contents of the Notice of Abatement Lien.

H. Refund of excess receipts from sale of materials.

1. In the event that the amounts received from the sale of materials exceed the expenses of removing or otherwise abating the zoning violation(s), the excess shall be deposited with the County Treasurer to the credit of the owner(s) of the property or to the other person(s) legally entitled to the credit.

2. The excess shall be payable to the owner(s) or the other person(s) upon evidence of ownership, satisfactory to the County Treasurer.

I. Refund of erroneous tax levy.

1. The Board may order a refund of all or part of a tax paid in compliance with this Chapter if it finds that all or part of the tax has been erroneously levied.

2. A tax or part thereof shall not be refunded unless a claim is filed with the Clerk to the Board on or before November 1st after the tax became due and payable.

3. The claim shall be verified by the person who paid the tax, or his/her guardian, executor or administrator.

J. Remedies of private parties. The provisions of this Chapter shall in no way affect the right of the owner, lessee or occupant of any of the property to recover all costs and expenses required by this Chapter from any person(s) causing the zoning violation(s).

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Article 7

Definitions

For the purpose of carrying out the intent of this Zoning Ordinance, words, phrases, and terms shall be deemed to have the meaning ascribed to them in the following sections covering definitions. In construing the provisions of this Zoning Ordinance, specific provisions shall supersede general provisions relating to the same subject. Additional definitions are found in individual sections of this Zoning Ordinance.

A

Abut. Two adjoining parcels of property, with a common property line, are considered as one parcel abutting the other, except where two or more parcels adjoin only at a corner or corners, they shall not be considered as abutting, unless the common property line between the two parcels measures not less than eight feet in a single direction.

Access or accessway. The place, means, or way by which pedestrians and vehicles shall have safe adequate and usable ingress and egress to a property or use as required by this Zoning Ordinance.

Accessibility for the disabled. Accessible services, structure or facilities are those that may be entered and used by individuals despite handicapping conditions. Accessibility also includes responding to the needs of people with sight or hearing disabilities, in addition to those with developmental, activity, manual, or mobility impairments, so that they may enjoy the full and free use of those services, structures or facilities.

Accessory dwelling unit. An attached or a detached residential dwelling unit that provides complete, independent living facilities for one or more persons, and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is, or will be, situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code. Either "Accessory dwelling unit" or "Junior Accessory Dwelling unit" is allowed under the provisions in Title 7, Division 1, Chapter 13 of the Government Code subject to the requirements of Section 834.4.030 (Additional On-Site Dwellings).

Accessory living quarters. Living quarters within an accessory structure located on the same premises with the primary structure, for use by temporary guests or family members of the occupant of the premises, having no kitchen facilities and not rented or otherwise used as a separate dwelling unit subject to the requirements of Section 834.4.030 (Additional On-Site Dwellings).

Accessory retail uses. A retail use that is customarily a part of, and clearly incidental and secondary

to, a nonresidential use and does not change the character of the nonresidential use. Typically, the retail sales of various products in a store or similar facility or the provision of services in a defined area that is located within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers; is not visible from public streets; and has no outside signs. Illustrative examples of these uses include:

- ATMS
- dry cleaning (collection/pick-up only)
- food service establishments
- gift shops
- newsstands

Accessory uses and structures. Accessory uses which includes any use or structure (e.g., carports, garages, storage sheds, workshops, etc.) that is customarily part of, and clearly incidental, related, secondary, and subordinate to a main use and does not change the character of the main use.

Accessory uses and structures (residential). Accessory residential uses which includes any use or structure (e.g., carports, garages, spas and hot tubs, storage sheds, swimming pools, trailer storage, workshops, etc.) that is customarily part of, and clearly incidental, related, secondary, and subordinate to a residence and does not change the character of the residential use.

Accessory residential use. A use that is a part of, and clearly incidental and secondary to, a residence; located on the same parcel as a residence; and that does not change the character of the residential use. Illustrative examples of these uses include:

- home occupations
- personal property sales (i.e., garage or yard sales)

Accessory residential structure. A structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property.

- carports
- garages
- gazebos
- greenhouses (non-commercial)
- outdoor play equipment
- patios
- refuse collection structures

- solar collection devices (freestanding)
- spas and hot tubs
- storage sheds (less than 120 square feet)
- studios
- swimming pools
- tennis and other on-site sport courts
- workshops

Also includes the indoor storage of automobiles (including their incidental noncommercial restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: second dwelling units (see "Second Dwelling Units)"); guest houses (see "Guest Houses"); or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see "Satellite/Dish and Amateur radio antenna").

Accessory Structure. A structure that is accessory and incidental to a dwelling located on the same lot.

Accessory vending machines, expanded. Walk-in, reach-in, cold storage boxes designed to hold refrigerated food for sale upon, and to occupants of the premises within multi-family complexes containing 50 dwelling units or more, subject to the provisions of Section 834.4.400 (Walk-in, Reach-in, Cold Storage Box Standards). There shall be no signs advertising this use and it shall be completely screened from adjacent properties and public or private road rights-of-way. Lighting shall not be directed toward or illuminate any dwelling unit, adjacent properties, or public or private road rights-of-way. Operation shall be limited to either the resident manager, property manager, or the property owner and there shall be no employees.

Acre. A full acre containing 43,560 square feet of area within the property lines of a parcel.

Action. The decision made by the review authority on a land use application coupled together with the appropriate findings, environmental determination and conditions of approval.

Adjacent. Near, close, or abutting, e.g., an Industrial Zone across the street or highway from a Residential Zone shall be considered as "Adjacent."

Adjoin. See "Abut."

Advisory agency. The Commission is designated as the Advisory Agency to the Board on all matters related to the planning, zoning and use of land and structures.

Affordable housing. Housing with the contract rent or price, including all housing costs, which is affordable to moderate, low, and/or very low-income households as defined by the Department of Housing and Urban Development (HUD) in compliance with the United States Housing Act of 1937 for the Fresno County Metropolitan Statistical Area (MSA).

Affordable housing cost. The cost defined in Health and Safety Code Section 50052.5 for owner-occupied and tenant-occupied units. The housing manager, on or about July 1 of each calendar year shall

publish the maximum affordable housing costs for sales prices and rents as calculated in compliance with the applicable provisions of the Health and Safety Code.

Affordable housing incentives (Density Bonus). A density increase over the otherwise maximum allowable residential density specified in the General Plan and this Zoning Ordinance. See Government Code Section 65915 and Section 824.3.101.

Affordable rent. An amount based on the Section B existing program fair market rates established in compliance with 24 Code of Federal Regulations (CFR) Part 882 effective at the time of occupancy less the utility allowance then in effect.

Affordable unit. An ownership or rental-housing unit, including senior housing, occupied by and available to households of low and very low incomes at an affordable housing cost, adjusted for household size, with deed restrictions as identified in Chapter 824.3 (Affordable Housing Incentives – Density Bonus).

Accessory vending machines, regular. Food, drink, cigarette, and similar vending machines as an accessory use; provided, the machines are located within the main structure and their use is intended primarily for persons residing on the premises.

Adult businesses. Those businesses defined in Ordinance Code Section 6.33.020 (Definitions), and subject to the provisions of Ordinance Code Chapter 6.33 (License Requirements for Adult Businesses).

Advertising structures. Any notice or advertisement, pictorial or otherwise, and all similar structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the same property with the advertising structure.

Agricultural accessory storage, structures, and uses. The maintenance and storage of agricultural equipment, accessory uninhabited structures, and related land uses designed to support the planting, maintenance, and harvesting of crops, and/or the raising of farm animals for food production, when carried on as a clearly secondary occupation in conjunction with and located on property supporting a bonafide agricultural operation where no more than ten (10) percent of the total land use used and no more than three (3) persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises. Illustrative examples include the following:

1. The maintenance, manufacturing, rental, repair, sale, servicing, or storage of agricultural equipment, implements, and machinery of all kinds;

2. The manufacture, sale, or storage of farm supplies of all kinds, including but not limited to agricultural minerals, fertilizers, and insecticides;

3. The transportation of agricultural equipment, products, or supplies together with the maintenance, repair, servicing, and storage of the necessary trucks and equipment;

4. Horticultural and landscaping services, when operated in conjunction with horticultural nurseries;

5. The maintenance, repair, storage, and use of scrapers, tractors, and land leveling and development

equipment when operated in conjunction with, or as part of, a bonafide agricultural operation; and

6. The storage of petroleum products for use by the occupants of the premises but not for distribution or resale.

Agricultural auction and sales yards. Commercial establishments providing for the public sale of farm animals, equipment, implements, products, and/or supplies.

Agricultural chemicals, sales, and service. Commercial establishments designed for the processing, sale, storage, and off-site application of agricultural chemicals, including but not limited to fertilizers, insecticides (flammable and inflammable types), and pesticides.

Agricultural commercial centers. Commercial establishments intended to provide agricultural and rural residential communities with necessary food and services within clearly defined commercial areas, which may consist of a single or multiple use. Allowable uses may include medical offices, nurseries, and variety stores.

Agricultural processing, area products, including cooperatives. Commercial establishments processing agricultural products not operated in conjunction with a bonafide agricultural operation including agricultural cooperatives which receive agricultural products from parcels owned or operated by members of the cooperative.

Agricultural product sales, on site. The sale of agricultural products, including flowers, fresh fruit, herbs, nuts, plants, and vegetables, grown on the premises.

Agricultural Tourism. A business conducted on a working agri-business, agricultural, or horticultural operation for the purpose of enjoyment, involvement, and education of visitors and to generate supplemental farm income. Agritourism uses may include, but are not limited to, corn mazes, farmers' markets, farm tours (flower, garden, herb), farm-related arts and crafts, farm-related cooking classes, farm-related festivals, fruit and vegetable stands, and special events, hay rides, horse farms, petting zoos (domesticated animals), pumpkin patches, rodeos, tree and Christmas tree farms, and "you-pick" operations.

Agricultural trucking operations. A facility for the maintenance and storage of trucks and trailers when such vehicles are devoted exclusively to the transportation of agricultural products, supplies, and equipment.

Aircraft. Any contrivance, now known or invented in the future, for use or designed for navigation of or flight in the air or outer space, including missiles.

Airport or aircraft landing facilities. Any area of land or water used for the landing and take-off of aircraft as well as any appurtenant areas used for airport structures, aircraft operations, and related facilities, including aprons and taxiways, control towers, hangers, safety lights, and structures. These facilities may also include parachute jump areas and FAA-certified parachute lofts; and facilities for aircraft manufacturing, maintenance, repair, and reconditioning. Public airports may include aircraft sales and dealerships, beauty and barber shops, car rental establishments, gift shops, hotels and motels, restaurants and bars, tobacco and newsstands, and other similar commercial uses serving the air-traveling

public and airport employees. Also includes agricultural, personal, restricted, and public use landing strips, defined as follows:

1. **Agricultural or personal landing strips.** A landing strip or heliport for agricultural crop dusting or personal use of the tenant or owner of the site, not available for public use, and with no commercial operations.
2. **Public use airfields.** Any landing strip, airport, or heliport available for public use, or listed in the Airport Directory of the current Airman's Information Manual or in the Pacific Airman's Guide and Chart Supplement.
3. **Restricted use airfields.** A landing strip or heliport with exclusive rights of use reserved to the owners or tenants of units within any cluster development, multi-family development, subdivision, industry, or institution, with not more than 10 based aircraft; or an emergency heliport in conjunction with a hospital or public safety facility.

Aircraft manufacturing. See "Transportation product assembly."

Airports. Any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport structures or facilities, including open spaces, taxiways, and tie-down areas.

Airports, government restricted. A facility operated and owned exclusively by specific governmental agencies (US Forest Service, etc,) and used only by that/those agency(ies) to conduct assigned governmental functions.

Airport hazard. Any structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off of aircraft.

Airports, public use. A large scale site, publicly or privately owned, where aircraft can take off and land, usually equipped with hard-surfaced landing strips, a control tower, hangars, aircraft maintenance and refueling facilities, and accommodations for passengers and cargo. Commercial operations are those which offer a service or commodity for sale, hire, or profit including but not limited to food sales and lodging, entertainment, real estate, petroleum products, parts and equipment.

Airports, small/private use. Facilities privately owned and used only by the owner and occasional invited guests as small-scale airports, heliports, and crop-dusting strips located predominately in rural agricultural areas.

Alcohol Sales (on-site). The retail sale of alcoholic beverages for on-site consumption.

Alley. Any dedicated way intended for vehicular service to the rear or side of property served by a street. Structures facing an alley shall not be construed as satisfying the requirements of this Zoning Ordinance related to frontage on a dedicated street.

Alquist-Priolo Earthquake Fault Zoning Act. Also, formerly known as the Alquist-Priolo Special Studies Zones Act of 1972 (Public Resources Code Section 2621 et seq.). The purpose of this Act is to provide for public safety in hazardous fault zones. The Act requires the delineation of potential damage

areas along known active faults throughout California. It requires local governments to withhold approval of construction permits in those zones until geologic investigation has determined that the site is not threatened by surface displacement from future faulting.

Altered. See "Structural alteration."

Ambulance substations. Facilities providing emergency medical care or transportation, including incidental storage and maintenance of vehicles.

Ambulatory persons. Persons who are able to walk about unassisted or patients who are not bedridden.

Amendment. See "General Plan, Zone Map and Zoning text amendment."

Amusement parks. Commercially operated facilities with various devices for entertainment and booths for the sale of food and drinks.

Animal, exotic. Any cold- or warm-blooded animal of the biological kingdom *Animalia* generally considered as dangerous, exotic, venomous, wild, or not normally domesticated. Includes genetically engineered animals.

Animal hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to hospital use.

Animal raising, specialty commercial. The maintaining, breeding, and raising of livestock of all kinds, including agricultural specialties (e.g., amphibians, birds, fish, fur-bearing animals, insects, wild or undomesticated animals, etc.) for off-site sale.

Animal uses. The maintaining, breeding, and raising of traditional farm animals for commercial, hobby, or school projects, either as a principal use or subordinate to a residential use, including common farm animals, small-animal specialties (e.g., rabbits and similar small fur-bearing animals), and personal pets, not requiring major structural support (e.g., dairies, hog farms, etc).

Antique sales. Commercial establishments selling antique works of art, curios, gifts, and souvenirs, pieces of furniture, or decorative objects made at least 50 years before the date of display in the store. A store that primarily sells books is included under "General Retail." This use does not include stores selling other types of secondhand items (e.g., clothing), which are instead included in the definition of "Secondhand store."

Apartment hotels. A structure or portion of a structure designed for or containing both individual guest rooms and/or suites of rooms and dwelling units. See "Multi-family dwellings."

Apiary. A place where bees are kept; a collection of beehives subject to the standards specified in Section 834.4.070 (Apiary Standards).

Appliance stores. See "Furniture, furnishings, and equipment stores."

Applicant. The property owner(s), or authorized agent of the owner(s) who is legally authorized to act for the owner(s) of record.

Aquaculture. Any premise upon which breeding, harvesting, hatching, raising, or fish rearing facilities are situated when the premises are required to have a license by the State Fish and Game Code, including ponds for commercial use. Shall also include the uses of water for aquacultural operations including, but not limited to, cultivation, harvesting, maintenance, and/or propagation of aquatic plants and animal organisms for human consumption or bait purposes.

Art, antiques, collectibles, and gift shops. Retail sales uses including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books.

Assembly and meeting facilities. Indoor facilities for public assembly and/or group entertainment, other than sporting events, and includes facilities operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc., and religious schools; and accessory uses (e.g., convent, monastery, nursery, and parsonage) on the same site, including living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, including full time educational institutions, hospitals, and other potentially related operations (e.g., a recreational camp) are classified according to their respective land use activities. See "Auditoriums and banquet/meeting halls."

Auction houses. A facility devoted to the sale of property (e.g., merchandise, vehicles, etc.) to bidders under the supervision of an agent and entity within a fully enclosed structure.

Auditoriums. See "Auditoriums and banquet/meeting halls."

Auditoriums and banquet/meeting halls. Indoor facilities for public assembly and/or group meeting/entertainment, other than sporting events, including banquet halls, exhibition and conference/convention halls; meeting halls for rent; public and quasi-public auditoriums; and similar public assembly uses.

Auto courts. The same as "Motel."

Automated teller machines (ATM). A pedestrian-oriented machine used by bank and financial service patrons for conducting transactions including deposits, withdrawals, and fund transfers, without direct contact with financial institution personnel. The machines may be located at or within banks, or in other locations, and may be designed for drive-through or walk-up use.

Automobile and trailer sales lots. See "Motor vehicle sales."

Automobile service stations. See "Motor vehicle service stations."

Automobile wrecking yards. See "Motor vehicle dismantling/recycling yard."

B

Bakeries, retail. Retail establishments primarily engaged in the retail sale of bakery products, including

bread, cakes, and pies, and produce some or all of the products on the premises.

Banks and financial services. Financial institutions including: banks, credit unions, and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; flotation companies; and other investment companies; vehicle finance (equity) leasing agencies. See "Automated teller machines," above.

Bars and alcoholic beverage drinking places. A structure or tenant space within a structure where alcoholic beverages are sold for on-site consumption that are not part of a larger restaurant. Includes bars, cocktail lounges, pubs, taverns, similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing), and beer brewing as part of a "brew pub."

Basement. A space wholly or partly underground, and having more than half of its height, measuring from its floor to its ceiling, below the average adjoining finished grade if the finished floor level directly above a basement is more than six feet above finished grade at any point, the space shall be considered a story.

Bed and breakfast inn (B&B). A private residence that takes in guests, with breakfast included in the price of lodging, subject to the provisions of Section 834.4.090 (Bed and Breakfast Inn Standards).

Beekeeping (apiaries). The keeping of bees in hives and on-site extraction of honey and/or other beehive products or services.

Beverage production. Manufacturing facilities including bottling plants, breweries, coffee roasting, soft drink production, and wineries. Does not include milk processing, which is included under the definition of "Food products." May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Bars and alcoholic beverage drinking places" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

Billiard parlors. Establishments providing indoor amusement and entertainment services for a fee or admission charge that contain billiard and/or pool tables and similar games of skill (e.g., dart boards, etc.). May also include limited associated commercial operations (e.g., billiard equipment sales, food and/or beverage service, etc.). See "Indoor amusement/entertainment centers."

Blacksmith. Establishments that forge and shape iron with an anvil and hammer and/or that make, repair, and fit horseshoes. See "Machinery manufacturing."

Block. All property fronting on one side of a street between intersecting and intercepting streets, or between a street and right-of-way, waterway, end of a cul-de-sac, or city-county boundary. Where the city-county boundary intersects or intercepts a street in a block as described here, the block shall be considered to end at the city-county boundary.

Block frontage. All property fronting on one side of a street between a street and right-of-way, waterway, or between intersecting or intercepting streets, the end of a dead-end street, or city-county boundary measured along a street line. An intercepting street shall determine only the boundary of the

frontage on the side of the street that it intercepts.

Boarding houses. See "Boarding or rooming houses."

Boarding or rooming houses. A structure containing a single dwelling unit and provisions for five but not more than 15 guests, where lodging is provided with or without meals for compensation but does not include rest homes.

Bowling alleys. See "Indoor amusement/entertainment centers."

Breezeway. A roofed passageway, open on at least two sides, where the roof is structurally integrated with the primary structure. A fence or wall not exceeding six feet in height may be allowed on one side of the breezeway.

Brewery. A facility where beer or malt liquor beverages are manufactured. May include the growing, harvesting milling and bottling of product associated with the brewing process. Related activities may include, but are not limited to, administrative office functions, barrel aging, blending, bottling, disposal of wastewater and waste materials, fermenting, retail sales, storage, tasting facilities, warehousing operations, wholesale sales, and related promotional events. The retail sales and tasting of beer and malt liquor products and retail sales of related promotional items may be allowed as part of the brewery operation where specified. Wholesale limited, micro and minor breweries have limited production. These uses shall be subject to the standards specific in Section 834.4.415 (Wineries, Distilleries and Breweries [wholesale limited, micro and minor] Standards).

Broadcasting and recording studios. Commercial and public communications uses including radio and television broadcasting and receiving stations and studios. Also includes commercial establishments engaged in the business of providing electronic recording services (e.g., duplicating, recording, re-recording, and/or repair of compact disc (CD), audio and video type, etc.) to the general public. All related facilities are located entirely within an enclosed structure.

Broadcasting studios. Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely located within structures, and only in conjunction with radio antenna and transmitters.

Buffer. A strip of land established to separate incompatible or different land uses. Normally a buffer area is landscaped and retained as open space. The term may be used more broadly to describe any area or use that separates two unlike land uses (e.g., the use of multi-family housing located between single-family housing and commercial uses).

Building. See "Structure."

Building coverage. The alterations of a parcel by the creation of surface area upon which a structure(s) rests. It is the building footprint. The percentage of surface coverage does not include roadways, swimming pools, tennis courts, solar collection devices or related apparatus. See "Parcel coverage."

Building envelope. The area delineated on development plans in which all clearing and land disturbance for structure(s) construction must be confined unless otherwise authorized by this Zoning Ordinance. If not delineated, it is the area of a parcel not included within a required front yard, rear yard, side yard or side street yard setback area, or any recorded easement, or offer of dedication.

Building material sales. Commercial establishments selling lumber and other large building materials and related supplies, primarily indoors with limited outdoor inventory and sales (e.g., nursery stock and equipment sales), and also including fixtures, glass, paint, tools, wallpaper, and lawn and garden supplies. Also includes all stores selling to the general public, even if contractor sales account for a larger proportion of total sales. May also include incidental retail ready mix concrete operations, except where prohibited in a specific zone district.

Building material stores. Retail establishments selling lumber and other large building materials, primarily indoors with limited outdoor displays and sales (e.g., bulky building materials [e.g., brick, sand, stone, tile, etc.], fountains, and storage sheds) and storage (e.g., nursery stock and equipment sales), and also including fixtures, glass, nursery stock, paint, wallpaper, lawn and garden supplies (which may also be sold in hardware stores, included under the definition of "Retail stores, general merchandise"). Includes all stores selling to the general public, even if contractor sales account for a larger proportion of total sales. May include incidental (limited in size to only serving small scale concrete hauling buggies, not full-scale concrete mixer trucks) retail ready-mix concrete operations, except where excluded by a specific zone district. Building materials sales businesses that store most of their product inventory outdoors are included under "Lumber and wood products manufacturing."

Building material stores, all sales and storage indoors. Same as "Building material stores," above, but all activities (e.g., displays, sales, and storage are conducted within a completely enclosed structure and no lumber is cut/trimmed on the premises.)

Building site. The ground area occupied or to be occupied by a structure(s), together with all open spaces as required by this Zoning Ordinance.

Buildings, temporary. The same as "Structures, temporary."

Building unit groups. Two or more buildings/structures grouped on a parcel.

Bulk refuse. The same definition as used in County Ordinance Code Title 8, Chapter 8, Section 8.20.010.A.

Bungalow courts. A group of two or more detached structures used or intended to be used as one- or two-family (duplex) dwellings, located on a single parcel, together with all the open spaces required by this Zoning Ordinance, but not including tourist courts, motor courts, or motels, or any other commercial uses.

Business. The same as "Commerce" or "Commercial."

Business support services. Establishments primarily within structures, providing other businesses with services, including maintenance, repair and service, testing, and rental. Illustrative examples include:

Blueprinting
Business equipment repair services (except vehicle repair, see "Motor vehicle repair and major maintenance")
Catering services
Commercial art and design (production)
Computer-related services (rental, repair)
Copying, quick printing, and blueprinting services

Equipment rental businesses within structures
Equipment repair services where repair occurs on the client site
Film processing laboratories
Janitorial services
Mail advertising services (reproduction and shipping)
Photocopying
Photo finishing
Protective services (other than office related)
Sign making shops (Indoors only)
Soils and materials testing laboratories
Window cleaning

By right. A use that is permitted without a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code (California Environmental Quality Act "CEQA"). Such uses may be subject to ministerial review (see "Ministerial."). Subdivision of land shall be subject to the Subdivision Map Act and CEQA.

C

Cafeteria. Similar to a restaurant, but where the food (e.g., prepared dishes, sandwiches, desserts, and/or beverages) is selected while the patron proceeds in a line. After choosing and paying for the selected items, the patron proceeds with the food to an open table of choice.

California Environmental Quality Act (CEQA). A California statute passed in 1970 to institute a statewide policy of environmental protection. The specific goals of CEQA are for California's public agencies to 1) identify the significant environmental effects of their actions; and, either 2) avoid those significant environmental effects, where feasible; or 3) mitigate those significant environmental effects, where feasible.

Camping Trailer. A "Recreational Vehicle" which is to be towed and which is constructed with side and top partially or wholly of flexible materials.

Camper. See "Truck camper."

Camps or campgrounds. Any area or tract of land, publicly or privately owned and operated, used or designed to accommodate two or more camping parties with limited facilities providing designated tent areas, tables, fireplaces or grills, assigned parking spaces, and related structures for the overnight enjoyment of the public within an open space setting. Does not include trailer parks.

Camp, public. Any area or tract of land used or designed to accommodate two or more camping parties including tents or other camping outfits but not including trailer parks. The camp may be publicly or privately owned and operated.

Canning and kindred food products manufacturing. Facilities engaged in the canning, curing, and processing of raw agricultural and seafood products, and the conversion of raw agricultural and seafood products to finished food products whose production cause adverse impact to the surrounding

environment. Includes: meat, poultry, and seafood canning, curing, byproduct processing; fish canning and curing, meat products, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and sugar processing; and miscellaneous food items prepared from raw products.

Caretaker/employee housing. A structure constructed to residential occupancy standards in compliance with the Uniform Building Code, or a mobile home, that is accessory to a nonresidential use and required for security, or 24-hour care or supervision. May include an office for the allowed nonresidential use.

Carpet and rug cleaning plants. Establishments that provide complete carpet and rug cleaning services on their site. Not a "Personal Service."

Carport. A permanent roofed structure with not more than two enclosed sides used or intended to be used for motor vehicle shelter and storage.

Cemeteries. Establishments (e.g., private or public entity or religious institution) which subdivide property and offer burial plots and/or air space for sale. Includes animal cemeteries; cinerarium, columbarium, crematoriums, mausoleums, and mortuaries, but only when operated in conjunction with and within the boundaries of a cemetery.

Center line. See "Street center line."

Chemical products manufacturing. Manufacturing establishments that produce or use basic chemicals and establishments creating products predominantly by chemical processes. Establishments classified in this major group manufacture three general classes of products: (1) basic chemicals including acids, alkalies, salts, and organic chemicals; (2) chemical products to be used in further manufacture, including dry colors, plastic materials, pigments, and synthetic fibers; and (3) finished chemical products to be used for ultimate consumption including cosmetics, drugs, and soaps; or to be used as materials or supplies in other industries, including paints and fertilizers.

Child day care facilities. Facilities that provide care and supervision of minor children for periods of less than 24 hours which are subject to the standards specified in Section 834.4.100 (Child Day Care Facility Standards). These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

1. **Child day care centers.** A commercial or non-profit child day care facility not operated as a small or large family day care home. Includes infant centers, preschools, and extended day care facilities. These may be operated in conjunction with a business, school, or religious facility, or as an independent land use.

2. **Child day care homes, large.** A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for seven to 14 children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

3. **Child day care homes, small.** A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

Churches. See "Assembly and meeting facilities" and "Places of worship."

Cleaning and dyeing shops. See "Personal services."

Clear sight triangle. The provision for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys, or private driveways.

Clinic. A place for group medical services not involving overnight housing of patients.

Clothing products manufacturing. Manufacturing establishments producing clothing, and fabricating products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics, and furs. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("Retail stores, general merchandise") are instead included under "Personal services." See "Leather products manufacturing" and "Textile products manufacturing."

Clubs and lodges. Permanent, headquarters-type and meeting facilities for organizations (whether or not incorporated) (whether or not nonprofit) operating on a membership basis for the promotion of the interests of the members. Illustrative examples include facilities for business associations, civic, fraternal, and social organizations, labor unions and similar organizations, political organizations, and professional membership organizations.

Coal. Carbonaceous mineral fuels which occur naturally in solid form including, but not limited to, anthracite, lignite, or bituminous coal, or from carbonaceous mineral fuels derived from coal, including, but not limited to, coke, coal gas, low-sulfur coal, or coal slurry. For purposes of this Zoning Ordinance, the definition of coal shall include petroleum coke.

Collection period. The period consisting of the 24-hour period before the day collection is regularly scheduled to occur for the property and the 24-hour period after the solid waste container for that property is emptied.

Colleges. See "Schools."

College trade. See "Schools."

Commercial dehydration operations. An establishment providing drying as a method for food preservation through the removal of water through evaporation (air drying, sun drying, smoking or wind drying), or freeze-drying, where food is first frozen and then water is removed by sublimation.

Commercial classifications. See the latest edition of the STANDARD INDUSTRIAL CLASSIFICATION MANUAL, Executive Office of the President, Bureau of the Budget, on file at the Department.

Commercial office. Any administrative or clerical office maintained as a business and any office established by a public service over which this Zoning Ordinance has jurisdiction.

Communication equipment structures/buildings. A structure(s)/building(s) housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without

necessary personnel. See "Wireless telecommunication facilities."

Community Noise Equivalency Level (CNEL). The CNEL is a measure of the cumulative noise exposure level in the community. It results from a summation of average noise levels based on the average energy level of the sound over a 24-hour period, with an increased weighing factor applied to the evening and nighttime periods.

Compatible. When used in relation to a structure, indicates that the structure is built so that its appearance is similar to that of the principal structure to which the structure is accessory or to the general character of the neighborhood with regards to color, materials, construction, lighting, signs, or the emission of sounds, noises, and vibrations.

Composting. Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

Composting operations. A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Compressed gas. Any mixture or material having in the container either an absolute pressure exceeding 40 pounds per square inch at 70°F, or an absolute pressure exceeding 104 pounds per square inch at 130°F, or both; or any liquid flammable material having a vapor pressure as defined in Section 5415 in Title 8 (Industrial Relations) of the California Code of Regulations.

Concrete and cement products manufacturing. Manufacturing establishments producing bulk concrete, concrete building block, brick, and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building material stores."

Concrete, gypsum, and plaster product manufacturing. Manufacturing establishments producing bulk concrete, concrete building block, brick, and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building material stores."

Condominium. A form of ownership wherein individual buyers receive separate ownership of the airspace of a particular unit.

Condominium project. A common interest development consisting of condominiums.

Confectionary stores. See "Retail stores, general merchandise."

Consistency. A review to ensure that all plans and actions conform to guidelines specified in the General Plan and any applicable or specific or community plans.

Contiguous. See "Abut."

Contractor's storage yards, agricultural services. A facility operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; related to agricultural land use activities, storage of materials used for repair and maintenance of contractor's own equipment; and structures for uses including offices and repair facilities. Example services include commercial land leveling, crop planting, cultivating, soil preparation, and transportation of agricultural products, supplies, and equipment.

Convents and rectories. Residential facilities supporting convents and rectories, and only when connected with other allowed religious institutions (e.g., places of worship or schools).

Copy services. See "Business support services."

Country clubs and golf courses. A private membership recreational facility that may include fitness facilities, golf facilities, swim and tennis facilities, a restaurant, and related facilities. The golf course and accessory facilities and uses typically include clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities. Does not include driving ranges separate from golf courses, miniature golf courses, or other similar commercial enterprises, unless specifically allowed.

Court. An open, unoccupied space, other than a yard, on the same parcel with a structure(s) and bounded on two or more sides by structures.

Court apartments. A group of dwellings arranged about two or more sides of a court on a parcel which opens onto a dedicated street.

Court, enclosed. A court surrounded on all sides by exterior walls of a structure and parcel lines on which fences, hedges or walls are allowed.

Court, inner. A court enclosed on all sides by the exterior walls of a structure.

Court, outer. A court enclosed on all but one side by exterior walls of structures or parcel lines on which fences, hedges or walls are allowed.

Coverage. See "Parcel coverage."

Crop production. The raising of agricultural crops, fruit trees, hay crops, nurseries for producing trees, vines and other horticultural stock, orchards, pasture crops, nut trees, row crops, vineyards, and other plant crops of all kinds, except mushroom growing.

Cul-de-sac parcel. See "Parcel, cul-de-sac."

Curb cut. The lowering of a curb to permit access by vehicles, wheelchairs, carts and pedestrians.

Curve parcel. See "Parcel, curve."

D

Dairy farms and feedlot facilities. Commercial establishments where milk is produced for sale or other distribution and where more than two cows or six goats are in lactation. Shall also include all barns, corrals, manure storage areas, pens, shade structures, and other areas used in conjunction with cattle dairy/feedlot facilities, and which are on the same site as the dairy/feedlot operation, and subject to the standards specified in Section 834.4.050 (Animal Keeping Standards).

Dairy drive-ins. A facility for selling dairy products only to the consumer while the consumer is occupying a motor vehicle. The special standards of existing Section 834.4.130 (Drive-In and Drive-Through Facility Standards) shall apply. See "Drive-in and drive-through uses/services."

Dairy farms, retail. The incidental selling and distribution of only those products produced on a dairy farm. See "Dairy farms and feedlot facilities."

Dairy products manufacturing. See "Food and beverage manufacturing."

Day. A calendar day.

Day nursery or childcare nursery. See "Child day care facilities."

Decibel (dBA). A measure of sound pressure on a logarithmic scale, with respect to a standard reference value.

Density bonus. A density increase over the otherwise maximum allowable residential density specified in the General Plan and this Zoning Ordinance. See Government Code Section 65915.

Department. The County of Fresno Department of Public Works and Planning.

Department stores. See "Retail stores, general merchandise."

Developer. Any person, association, firm, corporation, partnership and other business entity or public agency installing or constructing a development. This includes any person, business entity or public agency seeking to perform earthwork grading on any project or development for which the conditions of approval require any specific or general features to be incorporated in the earthwork or which restrict or limit the earthwork grading in any way, other than in compliance with the grading provisions as prescribed in the California Building Code.

Development. The approved use to which land shall be put, the structure(s) to be constructed on it, and all alterations of the land and construction incidental to the approved project.

Director. The Director of the County of Fresno Department Public Works and Planning or the Director's authorized designee.

District. See "Zone."

Dog grooming. Commercial establishments providing for the hygienic care, cleaning, and trimming of a dog, as well as a process by which a dog's physical appearance is enhanced for showing or other types of competition.

Dormitories. A structure intended or used principally for sleeping accommodations, where the structure is related to an educational or public institution, including religious institutions and fraternities and sororities.

Drainage channel. Any existing or proposed open ditch, open culvert or open channel, naturally created or designed to transmit water for flood control or irrigation purposes.

Drive-in and drive-up uses/services. Facilities where sales and services may be obtained by motorists without leaving their vehicles. These include drive-in and drive-up facilities providing food service at restaurants.

Drive-in movies. See "Theaters, drive-in" and "Outdoor recreation, commercial."

Drive-in restaurants. See "Drive-in and drive-through uses/services."

Drive-through kiosks. Retail facilities where sales of products such as food and beverages may be obtained by motorists without leaving their vehicles. Such facilities shall be limited to a maximum of 350 square feet of building area.

Drive-through uses/services. Facilities (including both retail and/or service) where sales and services may be obtained by motorists without leaving their vehicles. These facilities include drive-up teller windows and ATMs at banks, and drop-off/pick-up at dry cleaners, pharmacies, and photo shops. Does not include service stations, which are separately defined, or motor vehicle washes.

Driveway. Vehicular access to an off-street parking or loading space/facility.

Drug and Alcohol Treatment Facilities. As defined in Section 11834.23 of the California Health and Safety Code, which permits by right any state-licensed alcohol or other drug recovery or treatment facilities, as that term is defined in Section 11834.02, serving six or fewer residents, in any zone district in which single-family uses are permitted, including in agricultural, rural residential, and single-family residential zones. Such facilities are permitted to furnish incidental medical services to residents under the supervision of a physician, including without limitation testing residents' drug and alcohol levels, monitoring residents' health and vitals, and the prescription, storage, and dispensation of controlled substances used to treat withdrawals for self-administration by residents. An increase above the six-resident threshold would be considered institutional and require a conditional use permit.

Drug stores. See "Pharmacies or prescription pharmacies."

Drug stores, super. See "Superdrug stores."

Duplexes. See "Multi-family dwellings."

Dwellings. A structure or portion of a structure designed and used exclusively for residential occupancy and allowed home occupations, including single-, two-, and multi-family dwellings, but not including boarding or lodging houses, hotels, motels, or trailers (with or without wheels) except in the "T-P" zone district. See "Multi-family dwellings" and "Single-family dwellings."

Dwellings, multiple. See "Multi-family dwellings."

Dwellings, one family. See "Single-family dwellings."

Dwelling groups. See "Multi-family dwellings."

E

Easement. A space on a parcel of land reserved for or used for public or private uses. Private or public easements for road or access purposes that are recorded on a parcel or subdivision map shall be used in determining structure setback lines.

Educational institutions. See "Schools."

Electric distribution substations. See "Public utility facilities."

Electric supply houses. See "Retail stores, general merchandise."

Electric transmission substations. See "Public utility facilities."

Emergency shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person and include interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care. As required per California Health and Safety Code Section 50801(e), no individual or households may be denied emergency shelter because of an inability to pay. The Special Standards of 834.4.140 shall apply.

Employee housing. Housing meeting the definition provided by California Health and Safety Code Section 17008, and as may be amended. Employee Housing providing accommodations for six or fewer employees shall be deemed a single-family structure and a residential use of the property by a single household per the requirements of Section 17021.5 of the California Health and Safety Code.

Equipment rentals/sales. Service establishments with outdoor storage yards, which may offer a wide variety of materials and equipment for rent/sales, including construction equipment, but not including heavy construction equipment.

Essential service. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supplying, or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, sheriff call boxes, traffic signal, hydrants, and other similar associated equipment and accessories, but not including structures reasonably necessary for the furnishing of adequate service by public utilities or municipal departments or commissions, or for the public health, safety, or general welfare.

Explosives, fireworks, and ordnance manufacturing. The commercial manufacturing and storage of all types of explosives, including blasting powder and blasting caps, dynamite, fireworks, gunpowder, high explosives, and the manufacture of conventional explosives for weapons use (including ammunition, bombs, missile warheads, etc.). Does not include sighting and fire control equipment.

F

Fabric product manufacturing. Manufacturing establishments fabricating clothing, draperies, and other products by cutting and sewing purchased textile fabrics, and related materials (e.g., furs, leather, plastics, and rubberized fabrics.) Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("Retail stores, general merchandise") are instead included under "Personal services." See "Leather products manufacturing" and "Textile products manufacturing."

Family. One person living alone or two or more persons living together in a dwelling unit with common access to, and common use of, all living, kitchen, and eating areas within the dwelling unit.

Farm equipment and machinery maintenance, rental, sales, and storage. Commercial establishments assembling, maintaining, renting, repairing, selling, and/or storing agricultural equipment, machinery, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farm equipment and supplies sales. Retail establishments selling, renting, or repairing agricultural machinery, equipment, and farm and feed supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farm labor contractor services. An establishment, other than an agricultural employer (farmer, packer, or processor) that contains the appropriate equipment, facilities, and materials supporting an operation that employs, furnishes, hires, recruits, solicits, or transports, migrant or seasonal agricultural workers in support of local agricultural production.

Farmer's Market. A facility or area located on a developed commercial site where several farmers or growers gather on a regular, recurring basis to sell fresh fruits and vegetables and other locally-grown agricultural products directly to consumers.

Farmworker. A person who derives more than half of their total income as an employee in the service of an active agricultural operation.

Farmworker housing, temporary. Temporary residential accommodations (e.g., licensed travel trailers or recreational vehicles, etc.) provided for the shelter needs of individuals and families hired to meet the short-term needs (not to exceed 90 consecutive days) of an on-site bona fide commercial agricultural/farming operation (or off-site operations owned or managed by the same agricultural operation), provided for five or more temporary farm employees. Temporary Farm Labor Housing is permitted in the A-E and A-L districts. The Special Standards of Section 834.4.150 shall apply.

Farmworker housing complex. Any employee housing that: 1) contains a maximum of 36 beds if the housing consists of group living quarters and is occupied by employees and their households; or 2) contains a maximum of 12 residential units occupied by employees and their and their households. A Farmworker Housing Complex is considered an agricultural land use. A Farmworker Housing Complex is permitted in any zone district which permits agricultural land uses. The Special Standards of Section 834.4.160 shall apply including a listing of applicable agricultural zone districts.

Fee schedule. See "Master Schedule of Fees."

Feed lots or feed yards. See "Stock yards and feed lots" and "Hog/swine, sheep, or goat feed lots."

Feed and farm supplies sales. Commercial establishments selling feed and farm supplies for use in soil preparation and maintenance, the planting and harvesting of crops, the raising of livestock, and other operations and processes pertaining to farming and ranching, not including renting or repairing agricultural equipment or machinery.

Fence. Any structural device forming a physical barrier which is so constructed that not less than 50 percent of the vertical surface is open to permit the transmission of light, air and vision through the surface in a horizontal plane. (For board or other solid barriers, see "Wall").

Filling stations. See "Motor vehicle service stations."

Fisheries. Any premise upon which breeding, hatching, or fish rearing facilities are situated when the premises are required to have a license by the State Fish and Game Code, including ponds for commercial use. See "Aquaculture."

Fish farms, commercial. See "Aquaculture."

Flea markets, outdoor auction sales, and swap meet activities. A type of bazaar where inexpensive or secondhand goods are sold or bartered. The activities may be conducted indoors (e.g., in a warehouse or school gymnasium) or they may be conducted outdoors (e.g., in a field or under a tent). The vendors may range from a family that is renting a table for the first time to sell a few unwanted household items to a commercial operation including a large variety of used merchandise, scouts who rove the region buying items for sale from garage sales and other flea markets, and several staff watching the stalls.

Flood control channel. See "Drainage channel."

Floor area. Whenever the term "floor area" is used in this Zoning Ordinance as a basis for requiring off-street parking for any structure, it shall be presumed that, unless otherwise stated, the floor area applies not only to the ground floor area but also to any additional stories or basement of the structure. All horizontal dimensions shall be taken from the exterior faces of walls including enclosed porches.

Floor space index. The ratio of gross structure floor area to total parcel area expressed as a ratio. Example: Two square feet of gross floor area for each three-square feet of total parcel area result in a "Floor Space Index" of 2:3.

Florist stores. See "Retail stores, general merchandise."

Food and beverage manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Illustrative examples include:

Bakery products, sugar, and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution are included under "Retail stores, general merchandise");
Bottling plants;
Breweries;

Candy, sugar, and confectionery products manufacturing;
Catering services separate from stores or restaurants;
Coffee roasting;
Dairy products processing/manufacturing;
Fats and oil product manufacturing (not including rendering plants);
Food products (excluding fish and meat products, sauerkraut, vinegar, wine, yeast and the rendering of fats and oils) if connected with an adequate sewer system;
Fruit and vegetable canning, preserving, related processing;
Grain mill products and by products;
Meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals);
Miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants; and
Soft drink production

May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Bars and alcoholic beverage drinking places" if alcoholic beverages are tasted, and under "Restaurants" if beverages are non-alcoholic.

Does not include: bakeries which sell all products on-site (listed in Article 2 [Zones] as "Bakeries;" or beer brewing as part of a brew pub, bar, or restaurant (see "Bars and alcoholic beverage drinking places").

Footcandle. A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot.

Fraternities. See "Fraternities and sororities."

Fraternities and sororities. Residential lodging (bath, eat, sleep, etc.) houses operated by educational and private institutions and/or membership organizations for their members and not open to the general public.

Freeway or expressway. A highway for through traffic with full or partial control of access and generally with grade separations at intersections.

Freeway, landscaped. A freeway which is landscaped and maintained by a public authority.

Frontage. A portion of a parcel of property which abuts a dedicated public street or highway.

Frontage street, service road, or outer highway. Roads which parallel freeways, expressways or important highways, providing for access to abutting property or for circulation, and being separated from the highway by a dividing strip.

Front wall. The wall of a structure located nearest the street which the structure fronts, but excluding certain architectural features (e.g., cornices, canopies, eaves, or other similar embellishments).

Frozen food lockers. Service establishments which offer large scale reach-in/walk-in freezers and cold storage boxes/rooms and other similar types of secured accommodations capable of storing beverage, ice, food, and other perishable materials for the food service industry as well as retail and wholesale

outlets.

Fruit and vegetable stores. See "Retail stores, general merchandise."

Furniture/fixtures manufacturing, cabinet shops. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and wood products manufacturing."

Furniture, furnishings, and equipment stores, large. Retail establishments primarily selling: home furnishings including draperies, floor coverings, furniture, glass and chinaware, refrigerators, stoves, other household electrical and gas appliances including televisions and home sound systems and outdoor furniture including lawn furniture, spas, and hot tubs, and containing 15,001 square feet or more of floor area. Also includes the retail sale of office furniture and pianos.

Furniture, furnishings, and equipment stores, small. Same as above, but containing a maximum of 15,000 square feet of floor area.

Furniture upholstery shops. See "Repair and maintenance – consumer products."

G

Garages, private. A detached accessory structure or a portion of a main structure on the same parcel as a dwelling for the housing of motor vehicles of the occupants of the dwelling, including carports. All parking spaces contained within the garage shall be a minimum of eight and one-half (8 1/2) feet wide by twenty (20) feet long. See "Accessory uses and structures (residential)."

Garages, public. Any garage other than a private garage. See "Parking lots/garages."

Garages, repair. See "Motor vehicle repair and major maintenance."

Garages, storage. Any premises used exclusively for the storage of motor vehicles. See "Parking lots/garages."

Garbage. Any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

Garden supply stores. See "Retail stores, general merchandise."

General Plan. The Fresno County General Plan, including all elements, adopted in compliance with Government Code, Title 7, Division 1, Chapter 3.

Glass products manufacturing. Manufacturing establishments producing flat glass and other glass products which are blown, pressed, or shaped from glass produced in the same establishment. Includes large-scale artisan and craftsman type operations producing primarily for the wholesale market.

Golf courses. A commercial or members-only facility for playing golf, with three to 18 holes, and

accessory facilities and uses which may include: a clubhouse with bar and/or restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart repair, sales, and storage facilities. Does not include driving ranges separate from golf courses, miniature golf courses, or other similar commercial enterprises, unless specifically allowed.

Golf courses, country clubs. Public and private golf courses and country clubs, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges (driving ranges separate from golf courses are instead classified under "Outdoor recreation, commercial") (in specified commercial districts);"pro-shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

Golf courses, miniature. See "Outdoor recreation, commercial."

Golf driving ranges. An area designated for hitting golf balls for practice drives. This activity is included under the definition of "Golf courses" if part of a golf course. As a stand-alone use, driving ranges may include those accessory facilities (clubhouse, restaurant, locker or shower) also associated with golf courses.

Government Code. The State of California Government Code.

Governmental facilities. Administration, clerical, maintenance, protection, or public contact and/or service facilities and offices of a local, State, or Federal government agency. Also, includes post offices, but not bulk mailing distribution centers, which are under "Truck terminals."

Grade. The gradient, the rate of incline or decline expressed as a percent (e.g., a rise of 25 feet in a horizontal distance of 100 feet would be expressed as a grade of 25 percent). See "Slope".

Grain elevators, commercial. A structure equipped with mechanical lifting devices and used for collecting, storing, and discharging grain. See "Warehousing."

Greenhouses. See "Horticulture/greenhouses."

Group home. A dwelling unit licensed or supervised by any Federal, State, or local health/welfare agency that provides 24-hour care of unrelated persons who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. (See Residential Care Facility, licensed and/or unlicensed).

Guest (overnight). Any transient person who occupies a room(s) for sleeping purposes.

Guest housing. A dedicated living area within an accessory structure to a main residence on the same site, for use by temporary guests of the occupant of the premises, which contains no kitchen facilities, and is not rented or otherwise used as a separate dwelling unit. See "Accessory living quarters."

Guest ranches. A structure or group of structures with open space, for use of transient guests only, with or without a campground or recreational vehicle park, providing housing and meals and having recreational activities of one or more types, for compensation.

Guest rooms. A room which is designed to be occupied by one or more guests for sleeping purposes,

having no kitchen facilities. Does not include dormitories.

H

Half-story. A story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of the story.

Ham radio towers. A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support amateur radio communications equipment, which customarily exceed the maximum structure height limits allowed in the subject zone districts, and which may include non-commercial antennas operated by a Federally licensed amateur radio operator.

Handcraft industries, small-scale manufacturing. Manufacturing establishments not classified in another major manufacturing group, including buttons, costume novelties; brooms and brushes; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; and other miscellaneous manufacturing industries.

Hardware stores. See "Retail stores, general merchandise."

Hazardous material. A material or waste or combination of materials and wastes, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

1. Cause, or significantly contribute to, an increase in mortality, serious irreversible illness or incapacitating reversible illness; or

2. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous waste. Means either of the following:

1. A waste, or combination of wastes, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

    a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible, illness; or

    b. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

2. A waste that meets any of the criteria for the identification of a hazardous waste adopted by the State Department of Health Services in compliance with Health and Safety Code Section 25141.

3. Includes, but is not limited to, RCRA (Resource Conservation and Recovery Act) hazardous waste.

4. Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include extremely hazardous waste and acutely hazardous waste.

Health/fitness facilities. Physical fitness centers, gymnasiums, health and athletic clubs including indoor sauna, and spa or hot tub facilities; indoor steam baths; indoor handball, racquetball, tennis, and other indoor sports activities.

Health and beauty product manufacturing. Establishments engaged in manufacturing health and beauty products. Does not include over-the-counter medicines or prescription drugs. Illustrative examples include:

Cosmetics
Creams
Dental care products
Deodorants
Feminine hygiene products
Hair care products (e.g., brushes and combs, dyes, rinses, shampoos, sprays)
Lotions
Minerals
Nail care products (e.g., adhesives, polish, remover)
Oils
Powders
Soaps
Vitamins

Health food stores. See "Retail stores, general merchandise."

Health spas. Commercial establishments offering fitness centers, gymnasiums, health and athletic clubs, including indoor sauna, spa, or hot tub facilities. May include accessory retail sales of food and equipment. Does not include sports activities (e.g., archery and shooting ranges, handball, racquetball, tennis, and other sports activities) which shall meet the requirements for the specific activity; and other outdoor commercial recreation facilities.

Hedge. A plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier screen or enclosure.

Height of structure. See "Structure, height of."

Highway setback line. The future right-of-way or plan lines of any highway as shown on the Official Plan of Streets and Highways for highway use. A setback abutting a highway shall be measured from this future right-of-way line.

Historic and monument sites. Memorials, monuments, parks, structures, and other sites of an historic value which are preserved and available for the visitation and enjoyment of the general public.

Hobby shops. See "Retail stores, general merchandise."

Hog/swine ranches. Swine raising where the parcel area is five acres or greater and where five or more weaned hogs are maintained. The unweaned offspring of the weaned swine are allowed without limitation of number. See "Hog/swine, sheep, or goat feed lots."

Hog/swine, sheep, or goat feed lots. Land used for the enclosing and fattening of livestock for market, and not operated in connection with a bonafide agricultural operation.

Home furnishings. See "Furniture, furnishings, and equipment stores."

Home occupations. An accessory commercial activity or business service conducted on the site of a residential dwelling unit, in a manner clearly incidental and secondary to the residential character of the dwelling and surrounding residential neighborhood, and in compliance with the provisions of Section 834.4.190 (Home Occupation Standards). Home occupations do not include business-type activities conducted solely by residents of a unit that are limited to the use of a desk, telephone, and/or personal computer, including telecommuting, which are allowed in all residential zones.

1. **Home occupations, Class I.** As defined in Section 834.4.190 (Home Occupation Standards).

2. **Home occupations, Class II.** As defined in Section 834.4.190 (Home Occupation Standards).

Homeless shelter. See "Emergency shelter"

Horticultural services. Commercial establishments that provide horticultural and landscaping services as a primary use.

Horticultural services, accessory. Commercial establishments that provide horticultural and landscaping services, when operated in conjunction with horticultural nurseries.

Horticulture/greenhouses. The cultivation of garden, nursery, or orchard plants, especially flowers, fruits, ornamental plants, or vegetables. A greenhouse is a structure constructed chiefly of glass, glass-like translucent material, cloth, or lath, which is devoted to the protection or cultivation of these typically tender plants.

Horticulture/greenhouses, private. See "Horticulture/greenhouses." The cultivation of garden, nursery, or orchard plants, especially flowers, fruits, ornamental plants, or vegetables limited to the sale of agricultural products produced on the property. A greenhouse is a structure constructed chiefly of glass, glass-like translucent material, cloth, or lath, which is devoted to the protection or cultivation of these typically tender plants.

Hospital, animal. See "Veterinary clinics and animal hospitals."

Hospitals. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care, which may include emergency rooms and intensive care units, trauma centers, etc. This use may include nonresidential treatment facilities for alcohol and drug addiction, as well as mental illness treatment institutions. This use may also include on-site accessory clinics and laboratories, accessory retail uses including restaurants, news/flower stands, gift shops, and on-site ambulance dispatch facilities.

Hospitals and sanitariums. Institutions/structures, typically designed within an integrated campus setting, for the diagnosis, care, and treatment of human illness, including surgery and primary treatment and associated recovery, and institutions for the cure of chronic drug addicts and mental patients.

Hotels. See "Hotels/motels."

Hotels/motels. Facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the public for transient lodging for up to 30 days. Hotels generally provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging, for example, meeting facilities, personal services, restaurants, etc. Motels generally provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities (e.g., accessory retail uses, indoor athletic facilities, swimming pools, tennis courts, etc.)

House courts. The same as "Bungalow courts."

House trailer. See "Mobile home."

Household pets. Domestic animals ordinarily allowed at a place of residence, kept for company and pleasure, including cats, dogs, domestic birds, guinea pigs, mice, rabbits, and other similar animals generally considered by the public to be kept as pets, excluding fowl. The keeping of household pets shall be in compliance with Section 834.4.050 (Animal Keeping Standards).

I

Ice cream sales. See "Retail stores, general merchandise."

Ice storage. Establishments that store ice and ice-related products for personal, commercial, and/or industrial purposes.

Impact Fee. Fees as defined in subdivision (b) of Government Code Section 66000, except that it also includes fees specified in Section 66477. "Impact Fee" does not include any connection fee or capacity charge by a local agency, special district, or water corporation.

Indoor amusement/entertainment centers. Primarily indoor establishments providing amusement/ entertainment services for a fee or admission charge, including: arcades emphasizing coin operated amusements and/or electronic games; bowling alleys; cyber/internet cafes, dance halls, clubs and ballrooms, and pool and billiard parlors that are principal uses rather than being subordinate to a bar or restaurant; ice and roller skating rinks and swimming. Does not include "Adult businesses," which are separately defined.

Industrial classifications. When a use is listed as allowed, allowed subject to conditions, or is expressly prohibited, the use shall be as defined in the latest edition of the STANDARD INDUSTRIAL CLASSIFICATION MANUAL, Executive Office of the President, Bureau of the Budget, on file at the Department.

Industry. Any treatment to change the form, character, or appearance of any article, substance or commodity (e.g., manufacture, fabrication, processing reduction or destruction), and including storage

elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

Inoperable vehicle. A motor vehicle incapable of movement under its own power.

Institutional child day care center. A child day care center operated in conjunction with and on the same site as a public or private school, place of assembly, or other institutional use.

Intent and purpose. The Commission and Board, by the adoption of this Zoning Ordinance, have made a finding that the health, safety and welfare of the community will be served by the creation of a zone and by the regulations specified within the zone.

Interstate freeway interchange commercial development. Commercial establishments providing for commercial services catering primarily to the needs of long-distance freeway travelers, including a full range of food, fuel, and lodging services designed as an integrated unit in a manner which provides the greatest convenience to the motoring public, and when constructed and maintained in compliance with Section 834.4.200 (Interstate Freeway Interchange Commercial Development).

J

Jewelry stores. See "Retail stores, general merchandise."

Junior Accessory Dwelling Unit. A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

Junk. Any worn out, cast off, or discarded article of material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk.

Junk yards. Any parcel used, or the use of any portion of a parcel, for the dismantling of machinery (not including motor vehicles) or for the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking, or for the storage or keeping of junk, including scrap metals, or other scrap materials, with no burning allowed.

K

Kennels. Facilities where four or more dogs, cats, or other small animals over the age of four months are kept, whether for breeding, exhibiting, pleasure, or profit including places where the animals are boarded, kept for sale, or hire.

Kennels, boarding and training. See "Kennels, commercial" and "Kennels, private."

Kennels, breeding. See "Kennels, commercial" and "Kennels, private."

Kennels, commercial. Commercial establishments where four or more dogs, cats, or other small

animals over the age of four months are kept, whether for commercial breeding, exhibiting, or profit including places where the animals are boarded, kept for sale, or hire.

Kennels, personal. See "Kennels, private."

Kennels, private. Privately owned facilities where four or more dogs, cats, or other small animals over the age of four months are kept, whether for incidental breeding, exhibiting, pleasure, or profit subject to the population density and development standards of 834.4.210.

Kitchen. Any room or space within a structure, all or part of which is designed or used for cooking, preparation, refrigeration and storage of food and which includes any of the following equipment: stove, oven, range top, dishwasher, kitchen sink, microwave oven, and refrigerator/freezer.

L

Laboratories. Establishments providing biological, dental, medical, or optometrical laboratory services, or an establishment providing analytical, photographic, or testing services.

Local Agency Formation Commission (LAFCO). A commission created in compliance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) to oversee proposals for organization and boundary changes, including the incorporation and disincorporation of cities, the formation and dissolution of special districts, and the consolidation, merger, annexation, and reorganization of cities and special districts.

Landscaping. The original planting and continued maintenance of suitable vegetation in conformity with the requirements of this Zoning Ordinance.

Large child day care homes. See "Child day care facilities."

Laundromats and dry cleaning. Retail establishments engaged in the business of providing cleaning services (e.g., clothing, drapes, curtains, garments, table clothes, etc.) for the general public. These establishments are for "drop off/pick up" purposes only. Commercial laundries, dry cleaning plants, and other similar heavy commercial/industrial type of land uses are not included in this category.

Leather goods and luggage stores. See "Retail stores, general merchandise."

Leather products manufacturing. The assembly of finished products made primarily from purchased leather goods including: clothing, furniture, luggage, saddles, shoes/boots, and similar items. Does not include dying, tanning, or other processing of leather hides.

Liquefied petroleum gas distribution and storage, retail. Commercial establishments providing for the on-site storage, distribution, and retail sales of liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

Liquor stores, off-site consumption. Retail establishments that primarily sell packaged liquor products, including beer, wine, and other alcoholic beverages. This definition shall include establishments in which an ancillary selection of non-alcoholic items or food items are sold.

Livable space. A space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation

Live work residential unit. A structure or part of a structure designed and used for join residential occupancy and commercial uses, including retail and office uses, but not including hotels, motels, boarding or lodging houses, or trailers.

Livestock. Domestic animals (e.g., cattle, hogs, horses, goats, or sheep) raised for home use or for profit. Does not include swine – See "Hog/swine ranches" or "Hog/swine, sheep, or goat feed lots."

Living Area. An interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

Loading. The removal or placement of any commodity in, on, or from a vehicle of any type.

Loading space. An off-street space or berth on the same parcel with a primary structure, or contiguous to a group of structures, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

Local street or local highway. A street or road primarily for service to abutting property.

Lodging houses. See "Boarding or rooming houses."

Logging camps. Any automobile trailer, boarding house, bunkhouse, dwelling, living quarter, tent, or other housing accommodation, maintained in connection with any forestry or logging operation.

Lot. See "Parcel."

Low Barrier Navigation Center. As defined by the State of California, is a Housing First, low barrier, temporary, service enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy.

Lower income student. A student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.

Lumber and wood products manufacturing. Manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

Containers, pallets, and skids;
Milling operations (incidental);
Trusses and structural beams;
Turning and shaping of wood products;
Wholesaling of basic wood products; and
Wood product assembly.

Craft type shops are included in "Handcraft industries and small-scale manufacturing." Other wood and cabinet shops are included under "Furniture/fixtures manufacturing, cabinet shops." The indoor retail sale of building materials, construction tools, and equipment is included under "Building material stores." Does not include sawmills.

Lumber sales (inside only). See "Building material stores."

Lumber storage. See "Building material stores."

Lunchrooms. See "Restaurants."

M

Machinery manufacturing. The manufacturing of machinery and equipment for purposes and products including the following:

Construction
Conveyors
Die casting
Dies
Dredging
Engines and turbines
Farm and garden
Food products manufacturing
Gear cutting
Heating, ventilation, air conditioning
Industrial molds
Laundry and dry cleaning
Materials handling
Mining
Paper manufacturing
Passenger and freight elevators
Pistons
Printing
Pumps
Refrigeration equipment
Textile manufacturing

Machinery manufacturing, general. No punch presses and/or drop hammers over 20 tons.

Machinery manufacturing, heavy. With punch presses and/or drop hammers over 20 tons.

Machinery sales and rental. Retail establishments selling and/or renting new and/or used non-motor vehicle machinery, except for heavy construction machinery.

Major street or major highway. A highway with intersections at grade and on which partial control of access and geometric design and traffic control measures are used to expedite the safe movement of through traffic. Major streets or major highways shall be designated in the Circulation Element of the General Plan.

Manufactured/factory built housing. A housing unit with a permanent foundation or connected to an approved foundation system that is either wholly or partially constructed or assembled off the site in compliance with California Health and Safety Code Section 18551, and certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq.) and U.B.C. (Uniform Building Code) and subject to the provisions of Section 834.4.330 (Single Mobile Home Occupancy Standards). Manufactured/factory-built housing does not include a mobile home, as defined in Section 18008, a recreational vehicle, as defined in Section 18010.5, or a commercial modular, as defined in Section 18012.5 of the California Health and Safety Code (CHSC).

Marquee. A permanent roofed structure attached to and supported by the structure and projecting over public property.

Massage establishments. An establishment where, for consideration, alcohol rubs, massage, therapeutic (non-sexual) rubbing or kneading of parts of non-specified anatomical areas of the human body is provided by a licensed professional to aid circulation or to relax muscles.

Master Schedule of Fees. A schedule of fees established by the Board of Supervisors.

Mattress shops. See "Furniture, furnishings, and equipment stores."

Meat markets. See "Retail stores, general merchandise."

Meat packing and processing. See "Food and beverage manufacturing."

Meat processing, commercial. Commercial establishments that include all phases of meat processing including canning, hide curing, meatpacking, rendering, slaughtering, smoking, and stuffing, subject to the standards specified in Section 834.4.230 (Meat Packing and Processing Standards).

Medical marijuana cultivation facilities. The prohibition and/or limitations on the cultivation or dispensing of medical marijuana as defined and addressed in County Ordinance Code Title 10, Chapter 10.60, under the title "Medical Marijuana.

Medical offices. See "Offices - professional offices."

Medical or dental clinics. See "Offices - professional offices."

Membership organization facilities. Permanent, headquarters type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members,

including facilities for: business associations; civic and social organizations; clubs, labor unions and similar fraternal organizations; lodges; political organizations; and professional membership organizations. Does not include country clubs, which are included in the definition of "Golf courses, country clubs."

Metal industries. The assembly of metal parts, including blacksmith and welding shops, boiler shops, machine shops, and sheet metal shops that produce cabinets and enclosures, metal doors and gates, metal duct work, tanks, towers, and similar products.

Metal Products Fabrication. Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, wrought-iron fences and decorative elements, and similar products:

- blacksmith and welding shops
- sheet metal shops
- machine shops and boiler shops

Ministerial. A decision or action involving the issuance of a permit or approval that is granted based on fixed standards and objective measurements, without the use of discretion by the approving authority. See "By right."

Mini-storage facilities. A space, area, or related group of structures designed and used for the purpose of renting and leasing individual spaces for storing personal property, stock in trade, automobiles, boats, and recreational vehicles, equipment and materials, the retail sale of items appurtenant to the on-site rental of those storage spaces, and for the conducting of lien sales of goods stored in those spaces, in compliance with the California Business and Professions Code. Also, includes personal storage and self-storage facilities. See Storage, personal/RV."

Mixed-use. A development consisting of one or more parcels developed as a cohesive development project and designed with a blend of various compatible uses (e.g., commercial retail, retail service, office, residential, civic, and institutional). The uses may be located vertically in the same structure or horizontally in separate structures.

Mobile food facility. Any vehicle used in conjunction with a commissary or other permanent food facility from which food is sold or distributed on a retail basis. A "mobile food facility" excludes a "transporter" used to transport packaged food from a food facility, or another approved source to the consumer. See "Mobile support unit."

Mobile home. A "trailer" in excess of eight feet wide or 40 feet long designed to be used with or without a permanent foundation, and equipped to contain one "dwelling unit."

Mobile home parks. Any site that is planned, improved, and operated in compliance with Title 25, California Administrative Code, to accommodate two or more mobile homes or manufactured homes used for residential (human habitation) purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Mobile home park services. All typical commercial services available within the mobile home park, but only to residents, their guests, and park employees. The special standards of Section 834.4.240 (Mobile home Park Services) shall apply.

Mobile home planned residential developments. See "Planned residential developments," but accommodating strictly mobile homes and/or manufactured/factory built housing.

Mobile home sales. See "Motor vehicle sales." Includes both rentals and sales and the use of a mobile home as a sales office in conjunction with mobile home sales yards.

Mobile homes, temporary. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle or commercial coach. Temporary mobile home occupancy as a second residence for exclusive use by family members related to the owner by adoption, blood, or marriage within the third degree of consanguinity where a determination is made by the Director that the family member(s) are either physically or financially dependent upon the property owner, or are providing physical or financial support to the property owner.

Mobile support unit. A vehicle used in conjunction with a commissary or other permanent food facility that travels to and services mobile food facilities approved for limited food preparation. Mobile support units may travel, as needed, to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes. See "Mobile food facility."

Model Water Efficient Landscape Ordinance (MWELO). A state regulation designed to prevent water from being wasted on irrigated landscapes. The regulation was adopted per the California Code of Regulations Title 23, Division 2, Chapter 2.7 and a state-wide revised ordinance was approved by the California Water Commission on July 15, 2015. New development and retrofitted landscape water efficiency standards are governed by MWELO. New residential, commercial, industrial and institutional development that includes landscape areas of 500 square feet or more are subject to the Ordinance

Monument and tombstone works. See "Stone and cut stone products."

Mortuaries and funeral parlors. Establishment where deceased are prepared for burial or cremation, and funeral services may be conducted. Includes funeral homes, funeral parlors, and crematoriums.

Motels. See "Hotels/motels."

Motor vehicle dismantling/recycling yards. Any parcel, or the use of any portion of a parcel, for the dismantling or wrecking of motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking.

Motor vehicle manufacturing. The manufacturing and assembly of motor vehicles (e.g., automobiles, boats, campers, golf carts, mobile homes, motorcycles, motorized farm equipment, recreational and utility trailers, trucks, snowmobile, jet skis, and vans) and parts and components directly related to the manufacturing and assembly of motor vehicles. See "Transportation product assembly."

Motor vehicle parts sales. Stores selling new automobile parts, tires, and accessories. Does not include motor vehicle repair and major maintenance, motor vehicle service, or tire recapping establishments, which are separately defined.

Motor vehicle rentals. Establishments leasing and/or renting new and/or used automobiles, trucks, and vans.

Motor vehicle repair and major maintenance. This use includes major and minor categories. Generally, the use includes the alteration, cleaning (including self-service and attended car washes), finishing of automobiles, boats, motorcycles, recreational vehicles, trucks, and other vehicles as a principal use, painting, repair, restoration, or towing, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Also includes truck repairing and overhauling for trucks weighing up to 2½ tons.

Motor vehicle sales. Retail establishments selling, leasing, and/or renting new and/or used automobiles, boats, campers, golf carts, mobile homes, motorcycles, motorized farm equipment, recreational and utility trailers, trucks, snowmobile, jet skis, and vans (except bicycles and mopeds, which are included under "Retail stores, general merchandise"). Includes parts sales or repair shops only when part of a dealership selling new vehicles on the same site. Does not include “Motor Vehicle Service stations,” which are separately defined.

Motor vehicle service stations. Retail establishments selling gasoline and/or other motor vehicle fuels, and related products. Where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), a service station may also include a “Convenience stores,” “Motor vehicle services,” and/or trailer rental, which are separately defined. See “Motor vehicle services.”

Motor vehicle service stations, heavy trucks. Retail establishments that provide convenience services primarily for heavy duty trucks (generally weighing over 2½ tons). Convenience services include, but are not limited to, beverages, food, fuel, and retail services. Also, referred to as “Truck stops.”

Motor vehicle services. Minor facilities specializing in limited aspects of service and maintenance (e.g., muffler and radiator shops, quick-lube, etc.) of motor vehicles (e.g., automobiles, boats, campers, golf carts, mobile homes, motorcycles, recreational and utility trailers, snowmobiles, jet skis, quad runners, and vans) other than motorized farm equipment and large trucks and recreational vehicles. Does not include motor vehicle repair and major maintenance or tire recapping establishments, which are separately defined.

Motor vehicle washes. Permanent, self-service and/or attended motor vehicle washing establishments, including fully mechanized facilities. May include detailing services.

Motorcycle shops. See “Motor vehicle sales.”

Motorhome. A “recreational vehicle” in which the portions providing motive power and habitable space are constructed as a single unit.

Multi-family dwellings. Includes one or more structures or a portion of a structure used and/or designed as residences for two or more families living independently of each other. Includes: duplexes, triplexes, and fourplexes (individual structures containing three, and four housing units, respectively) apartments

(five or more units under one ownership in a single structure); apartment hotels (second floor or above a commercial mixed use structure); townhouse development (three or more attached single-family dwellings where no unit is located over another unit); senior citizen multi-family housing; single-and common ownership, attached unit projects (e.g., condominiums).

Mushroom growing. Commercial establishments containing facilities to complete, all or part of, the production cycle of mushrooms, from the start of composting to the final steaming off after harvesting has ended.

Mushroom growing, incidental. Minor production of mushrooms. See "Crop production".

Music stores. See "Retail store, general merchandise."

N

Natural resource development. Development of natural resources (e.g., gas, gypsum, oil, ore, etc.) along with necessary structures, apparatus, or appurtenances directly related to the use.

Neighborhood food markets. Retail establishments selling beverages, food (fresh and/or packaged), and household goods within a structure not exceeding 5,000 square feet in size.

Nonconforming parcel. A parcel having less area or dimension than that required in the subject zone in which it is located and which was lawfully created before the zoning whereby the larger area or dimension requirements were established, or any parcel, other than one shown on a plat recorded in the office of the County Recorder, which does not abut a public road or public road right-of-way or approved private road right-of-way and which was lawfully created before the effective date of this Zoning Ordinance.

Nonconforming storage of agricultural equipment, products, and supplies. Existing facilities intended for the commercial storage of agricultural equipment, products, and supplies where the activity is not conducted as a secondary occupation in conjunction with, or part off, a bonafide agricultural operation; provided, that the facilities were legally established with Building Permits before the adoption of this ordinance section.

Nonconforming structure. A structure or portion of a structure which was lawful when established but which does not conform to subsequently established zoning or zoning regulations. (See Chapter 870.6 [Nonconforming Uses, Structures, and Parcels] for regulations.)

Nonconforming use. A use which was lawful when established but which does not conform to subsequently established zoning or zoning regulations. (See Chapter 870.6 [Nonconforming Uses, Structures, and Parcels] for regulations.)

Nonconforming zoning condition. A physical improvement on a property that does not conform with current zoning standards.

Nursery schools. See "Child day care facilities."

O

Observatory. Any structure containing equipment used for the observation of astronomical, meteorological, or other natural phenomena.

Objective standards. Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

Off road vehicles. A vehicle, predominately all-terrain vehicles, (e.g., ATVs, 4x4 vehicles, motorcycles, pickup trucks, trail bikes) designed to be used on hill climb areas, racecourses, or motor- cross/auto-cross, not located on productive or potentially productive agricultural land as defined in the General Plan.

Offices. Service establishments including the following:

1. **Business offices.** Establishments providing direct services to consumers, including answering services, cell phones, insurance agencies, pagers, post offices (not including bulk mailing distribution centers), and real estate offices;

2. **Corporate offices.** Office facilities providing management and business support services (e.g., human resources, personal, sales, etc.);

3. **Medical offices.** Office facilities for medical care providers (e.g., dental, medical, etc.); and

4. **Professional offices.** Illustrative examples include:

   Accounting and auditing services
   Advertising agencies
   Architectural, engineering, planning, and surveying services
   Attorneys
   Bookkeeping services
   Counseling services
   Court reporting services
   Data processing and computer services
   Detective agencies and similar services
   Educational, scientific and research organizations
   Employment, stenographic, secretarial and word processing services
   Government offices including agency and administrative office facilities
   Management, public relations and consulting services
   Medical services (e.g., chiropractic, optometric, and psychiatric)
   Optometrist services
   Photography and commercial art studios
   Writers and artists offices outside the home

Incidental offices that are clearly secondary and incidental to another use are allowed as part of an approved principal or main use.

Offices, ground floor only. Service establishments including those listed under "Offices," located and allowed only on the grown floor of a multi-floor structure, with no retail sales, storage of stock in trade, and/or storage of equipment not used exclusively in the offices allowed.

Official plan lines. See "Setback line, highway."

Oil and gas development uses. Oil and gas (e.g., gas and other hydrocarbon substances) development uses (e.g., drilling, exploration, production [e.g., extraction, separation, dehydration, and transportation]) subject to the standards specified in Section 834.4.250 (Oil Drilling/Extraction Standards).

Oil refineries, small. Small oil refineries (e.g., a facility designed to produce one or more petroleum products by physically and/or chemically altering crude oil) limited to removal of entrained crude oil from natural gas; separation of crude oil into naphtha, kerosene, fuel oil, and diesel oil; blending of naphtha and kerosene to produce jet fuel and gasoline; and reforming of heavy naphtha in the presence of a catalyst to produce unleaded gasoline.

Outdoor recreation, commercial. Facilities for various outdoor participant sports and types of recreation where a fee is charged for admission and/or use, including: amusement and theme parks; golf driving ranges; health and athletic clubs with predominately outdoor facilities; miniature golf courses (golf courses are included under the definition of "Golf courses, country clubs"); recreation equipment rental (e.g., bicycles, roller skates); skateboard parks, skating rinks, and water slides; tennis and other courts, swimming and tennis clubs; and zoos. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, (e.g., bars and restaurants [both table service and counter service], and video game arcades.)

Outlot. A parcel of land, other than a lot, so designated on a plat or certified survey map, does not meet the requirements of a lot as specified by this Zoning Ordinance, and which is not intended for structure development on the proposed land.

P

Paint manufacturing. See "Chemical products manufacturing."

Parcel.

1. A parcel of real property with a separate and distinct number or other designation shown on a plat recorded in the office of the County Recorder;

2. A parcel of real property delineated on an approved record of survey, parcel-split or sub-parceling map as filed in the office of the County Recorder or in the office of the Department and abutting at least one public street or right-of-way or approved private road right-of-way; or

3. A parcel of real property containing not less area than that required by the subject zone in which it is located, abutting at least one public street or right-of-way or approved private road right-of-way and held under separate ownership from abutting property.

Parcel, corner. A parcel located at the intersection or interception of two or more streets at an angle of not more than 120 degrees. If the angle is greater than 120 degrees, the parcel shall be considered an "interior parcel."

Parcel, reversed corner. A corner parcel, the side line of which is substantially a continuation of the front parcel lines of the parcels to its rear, whether across an alley or not.

Parcel, cul-de-sac. A parcel fronting on, or with more than half of its parcel width fronting on, the turn-around-end of a cul-de-sac street.

Parcel, curve. A parcel fronting on the outside curve of the right-of-way of a curve street, which street has a centerline radius of 250 feet or less.

Parcel, interior. A parcel other than a corner parcel.

Parcel, nonconforming. See "Nonconforming parcel."

Parcel, through. A parcel having frontage on two dedicated streets, not including a corner or reversed corner parcel.

Parcel area. The total of the area, measured in a horizontal plane, within the parcel lines of a parcel.

Parcel coverage. A portion of a parcel or structure site which is covered by a structure(s) excepting structure overhangs, paved areas, walks, and swimming pools, regardless of whether or not the structure(s) is intended for human occupancy.

Parcel depth. The horizontal distance between the front and the rear parcel lines measured in the mean direction of the side parcel lines.

Parcel line. Any line bounding a parcel as defined in this Article.

Parcel line, front. A property line abutting a street.

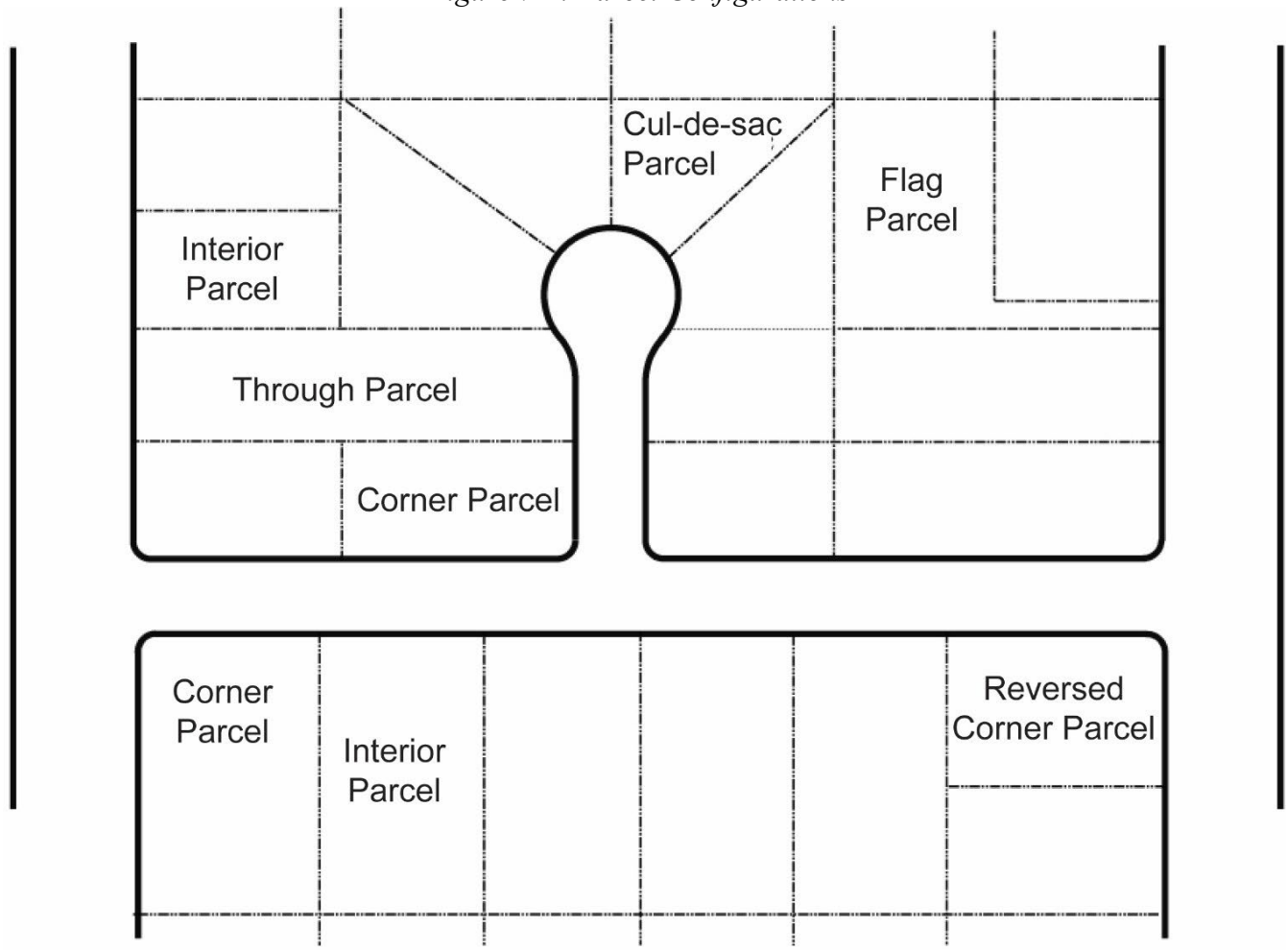
Parcel line, rear. A parcel line not abutting a street which is opposite and most distant from the front parcel line.

Parcel line, side. Any parcel line that is not a front parcel line or rear parcel line.

Parcel of record. A parcel held in separate ownership as shown on the records of the County Recorder at the time of the passage of an ordinance or regulation establishing the zone in which the parcel is located.

Parcel width. The average horizontal distance between the side parcel lines, measured at right angles to the parcel depth at a point midway between the front and rear parcel lines.

Figure 7-1: Parcel Configurations



Park strip. The portion of a street right-of-way which lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, park strip shall mean the area of property from the property line to the edge of the pavement.

Parking areas, private. An area, other than a street, used for the parking of motor vehicles capable of moving under their own power and restricted from general public use, but shall not include parking provided for residential uses unless the parking provides spaces for more than four vehicles.

Parking areas, public. An area, other than a private parking area or street, used for the parking of motor vehicles capable of moving under their own power, either free or for remuneration.

Parking areas, residential. An area, other than a street, located on the subject parcel for the parking of vehicles owned by the residents of the parcel. See "Accessory uses and structures (residential)."

Parking lots/garages. Service establishments engaged in the business of short- and long-term storage of currently licensed and operative buses, cars, recreational vehicles, trucks, and other motor vehicles for clients. Includes day use public and commercial garages, parking lots, and parking structures, except when accessory to a principal use. Includes sites where vehicles are stored for rental or leasing.

Parking lots/garages – short term. Service establishments engaged in the business of short-term (less

than 24 hours) storage of currently licensed and operative automobiles, recreational vehicles, light-duty (generally weighing less than 2½ tons) buses and trucks, and other motor vehicles for clients. Includes day use public and commercial garages, parking lots, and parking structures, except when accessory to a principal use. Excludes sites where vehicles are stored for rental or leasing.

Parking space, vehicle. An area, other than a street or alley, reserved for the parking of a motor vehicle, plus the additional area as is necessary to afford adequate ingress and egress.

Parking zone. See the "P" zone, Division 816.2 (Special Purpose Zones), for purposes of this Zoning Ordinance. It shall not mean a Government parking zone maintained by the Federal, State, County or City governments.

Parks and playgrounds. An outdoor recreation facility, with defined limits, which is maintained for conservation, ornamentation, and recreational purposes. Parks may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities. Parks may either be private (only for specified persons or groups) or public (for the use of anyone whether or not by fee) subject to the standards specified in Section 834.4.260 (Park Standards).

Parkway. An arterial highway with full or partial control of access, and located within a park or ribbon of park-like development.

Paseo. A public or private open space area between structures, designed with a pedestrian walkway.

Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

Pasture, dry. Land carrying a growth of non-irrigated grasses and other consumable vegetation suitable as food for grazing animals, and which does not otherwise satisfy the meaning of irrigated pasture as defined in this Article.

Pasture, irrigated. Land carrying a growth of grasses and other consumable vegetation suitable as food for grazing animals, which is maintained in an ongoing living condition, supported by irrigation facilities. Seasonal vegetation subject to cyclical periods of emergence and complete dormancy shall not be acceptable within the meaning of a living condition. Upon failure to maintain the required conditions, the pasture shall immediately cease to qualify as an irrigated pasture for the purposes of this definition.

Patio, covered. See “Structure.”

Paving and roofing materials manufacturing. The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.) See “Lumber and wood product manufacturing.”

Pawn shops. See “Personal Services - Restricted.”

Person. An individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, city, county, special district, or any other

group or combination acting as an entity, except that it shall not include the County.

Personal services. Establishments providing non-medical services to individuals as a primary use. Illustrative examples include:

barber and beauty shops (without massage)
clothing rental shops
diaper service
healing arts (acupuncture, acupressure, aromatherapy)
home electronics and small appliance repair
laundromats (self service laundries)
laundry/dry cleaning, drop-off/pick up only stores with limited equipment
locksmiths
nail salons
reducing and tanning salons
shoe repair shops
tailors and seamstresses

These uses may also include accessory retail sales of products related to the services provided.

Personal services - restricted. Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed to minimize their adverse impacts. Illustrative examples include:

check cashing stores
fortune tellers
palm and card readers
pawnshops
psychics
spas and hot tubs for hourly rental
tattoo and body piercing services

Does not include massage (See "Massage establishments").

Personal/RV Storage. Facilities that permit on-site personal storage, mini-storage and recreation vehicle storage, and may include a caretaker's residence.

Pet stores. See "Retail store, general merchandise."

Petroleum bulk plants. A wholesale fuels distribution facility designed to serve the needs of the immediate community. See "Petroleum refining and related industries."

Petroleum refining and related industries. Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("Public utility facilities"), or petroleum product distributors ("Petroleum

storage and distribution").

Pharmaceutical products manufacturing. Establishments engaged in the legal production of drugs and related therapeutical products for distribution to clinics, hospitals, and medical-related facilities.

Pharmacies or prescription pharmacies. Retail establishments engaged in, and limited to, the sale of prescription drugs, patent medicines, and surgical supplies. The sale of books, hardware, household appliances, magazines, newspapers, tobacco products, other sundry goods, or other general merchandise (e.g., drinks or food) shall not be allowed. Liquor and cosmetics shall not be sold except by prescription. Prescription pharmacies employ not more than three registered pharmacists and occupy a floor area no more than 1,000 square feet. Does not include larger pharmacies or Superdrug stores (See "Superdrug stores").

Philanthropic/charitable, agricultural institutions. Philanthropic and eleemosynary charitable institutions where agriculture is carried on to a substantial degree. Food and/or shelter shall not be provided.

Philanthropic/charitable institutions. Philanthropic and eleemosynary charitable institutions with a defined program committed to providing goodwill or improvement to societal or environmental needs. Food and/or shelter shall not be provided.

Photographic and commercial art studios. See "Offices."

Place. An open, unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.

Places of worship. Facilities operated by religious organizations for worship, or the promotion of religious activities and instructions; and accessory uses (e.g., convent, monastery, nursery, and parsonage) on the same site, including living quarters for ministers and staff, child care facilities where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, including full time educational institutions, hospitals, and other potentially related operations (e.g., a recreational camp) are classified according to their respective land use activities. See "Assembly and meeting facilities."

Planned residential developments. A residential development in compliance with a plan approved by the Commission or Board under Chapter 842.5 (Conditional Use Permits) procedures, as allowed in specific zone districts, and subject to the special standards specified in Section 834.4.280 (Planned Development Standards). Further defined by Civil Code Section 1351(k), as a residential development (other than a community apartment project, condominium, or stock cooperative) having either or both of the following features:

1. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area; and/or

2. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separately owned parcel, or area in compliance with Civil Code Section

1367.

Plant nurseries. Commercial establishments engaged in the production and/or sale of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling these commercial products; the sale of house plants or other nursery products entirely within a structure. Does not include horticulture/ greenhouses which are accessory residential structures.

Plant nurseries, private. Commercial establishments engaged in the production and sale of ornamental plants and other nursery products, grown under cover or outdoors. Private plant nurseries are limited to the sale of agricultural products produced on the property.

Plastics, other synthetics, and rubber products manufacturing. The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in tire recapping, retreading, and rebuilding.

Plumbing supplies. See "Building materials stores."

Post offices. See "Public facilities."

Pottery sales. See "Retail stores, general merchandise."

Poultry/rabbit processing. Commercial establishments dedicated to the commercial slaughtering of poultry or rabbits not raised upon the premises.

Poultry raising, large (aka commercial). An establishment dedicated to the raising of birds commercially for meat, eggs, and feathers, including chickens, ducks, geese, and turkeys. Facilities may include, but not limited to, coops, barns, pens, manure storage areas, and dead bird disposal areas used in conjunction with the poultry operation, subject to the standards specified in Section 834.4.290 (Poultry Facility Standards).

Poultry raising, small (aka private or noncommercial). The maintaining, breeding, and raising of poultry for domestic use not to exceed a specified number of birds based on the size of the subject parcel and/or zone district including the maintaining, breeding, and raising of poultry for FFA, 4-H, and similar organizations, subject to the standards specified in Section 834.4.290 (Poultry Facility Standards). In all instances, the raising/keeping of roosters for fighting purposes is prohibited.

Precise plan. A plan prepared by the Commission for a development. A precise plan may be recommended by the Commission to the Board for adoption in compliance with the provisions of the County Charter.

Primary dwelling unit. The single-family dwelling or each multifamily dwelling unit but does not include an Accessory Dwelling Unit or Junior Dwelling Unit. An attached garage is considered part of the primary dwelling unit.

Printing and publishing. Establishments engaged in printing by gravure, letterpress, lithography, offset, screen, or other common process, including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade including bookbinding, electrotyping, engraving, photoengraving, silk screening, and typesetting. This use also includes establishments that publish books, newspapers, and periodicals; and establishments manufacturing business forms and binding devices.

Private clubs and lodges. Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

business associations
civic, social, and fraternal organizations
labor unions and similar organizations
political organizations
professional membership organizations
yacht clubs
other membership organizations

Professional offices. See “Offices.”

Product assembly and distribution. A facility for the assembly of small products and electronic equipment from parts manufactured elsewhere. Includes computers, telephones, and automobiles; office and store machines and devices; service industry and household machines. Does not include the manufacturing and assembly of products. (“Electronics, equipment and appliance manufacturing”) or (“Machinery manufacturing”). See “Transportation product assembly.”

Property. Any parcel, including the abutting half of any street or alley, between the sidelines as extended, any sidewalk, park strip or unimproved public easement; provided that an “unimproved public easement” shall not include an exposed irrigation canal.

Property line. See “Parcel line.”

Property owner. The person to whom property is assessed as shown on the last equalized assessment roll of the County. In the event a change of ownership has occurred since the last equalized assessment roll, it is incumbent on any buyer to ensure that a change of ownership statement has been properly recorded with the County Recorder. The person whose name appears on the last equalized assessment roll or any successor-in-interest may provide proof of change of ownership to the Director in the event of enforcement of the provisions of this Zoning Ordinance against a property owner.

Proposed dwelling. A dwelling that is the subject of a permit application and that meets the requirements for permitting.

Provision. All regulations, requirements, and standards specified to in the text.

Public facilities. Facilities operated by public agencies, including city and county administration buildings; fire stations and other fire prevention and firefighting facilities; police and sheriff substations and headquarters, including interim incarceration facilities; and libraries, museums, and post offices. Does not include facilities specifically identified under another land use category, including schools. See

"Schools."

Public transit. A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

Public utility facilities. Fixed base structures and facilities for the collection, distribution, maintenance, provision, transmission, or disposal of gas, information, oil, power, storm and sanitary sewage, telecommunication, telephone cable services, and water by public utilities, and includes facilities for the generation of electricity. Does not include "Wireless telecommunication facilities."

Public utility facilities, major. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

Corporation and maintenance yards.
Electrical distribution and transmission substations and switching stations.
Natural gas regulating and distribution facilities.
Public water system treatment plants storage facilities.
Wastewater treatment plants, settling ponds and disposal fields.

Public utility facilities, minor. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

Electrical poles, supports, and wires
Public water system wells and water pumping stations.
Telephone booths, permanent or temporary.
Telephone switching facilities.

Pulp and pulp product industries. Establishments primarily engaged in manufacturing pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper.

Q

Quasi-public organizations. Any nongovernment organization that is devoted to public service and welfare.

R

Racetracks. Tracks that are designed to accommodate competitive racing for non-motorized and

motorized vehicles including bicycles, motorcycles, automobiles, and similar vehicles when conducted on land which is not productive or potentially productive agricultural land as defined in the General Plan. Does not include off-road vehicles or parks for this type of vehicle. See "Off road vehicles."

Radio or television antennas and transmitters (commercial). Commercial and/or public communications antennas and transmitters for radio and television broadcasting and receiving stations and studios.

Radio and television sales and service. See "Furniture, furnishings, and equipment stores."

Ramada. An arbor or pergola-like structure.

Reading rooms. A designated enclosed space devoted to the review of various publications, normally associated with a place of public assembly or worship, including a library. Does not include an adult book store or other adult business.

Reasonable accommodations. A procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) of building or zoning regulations to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident. The procedures for considering a Reasonable Accommodations Request in Section 852.5.010 shall apply.

Recreational boats. See "Motor vehicle sales."

Recreational vehicles. A camping trailer, motor home, travel trailer, or truck camper, with or without self-propelled motive power, designed for human habitation for recreational or emergency occupation, and that may be moved upon a public highway without a special permit or chauffeur's license or both without violating any provision of the California Vehicle Code. A "Self-contained recreational vehicle" shall be a recreational vehicle with a kitchen sink, cooking appliance, refrigeration facilities, and a separate bathroom containing a water closet with a flush toilet, lavatory and bathtub or shower.

Recreational vehicle parks. An area or tract of land, within an area where the zone district allows recreational uses, operated in compliance with Title 25, California Administrative Code, where one or more spaces are rented or leased or held out for rent, or lease to owners or users of recreational vehicles for temporary occupancy; however, spaces may be used for tent camping.

Recreational vehicle storage. Service establishments that rent indoor or outdoor space for the storage of recreational vehicles, boats, etc.

Recyclable materials collection and/or processing center. A facility for the collection and/or processing of recyclable materials that is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

Regular curbside collection. Collection of solid waste/recyclable materials at a property in compliance with the regularly scheduled weekly, semi-weekly, or other collection by municipal or contract solid waste haulers.

Repair and maintenance - consumer products. Service establishments where repair of consumer products is the principal business activity, including: electrical repair shops; re upholstery and furniture repair; shoe repair; television and radio and other appliance repair; and watch, clock, and jewelry repair. Does not include heavy equipment repair businesses, which are included under "Business support services" or motor vehicle repair and service facilities which are defined separately.

Residence. See "Dwelling unit."

Residential care facility, licensed. Any family home, group care facility, or similar facility, licensed by the state, that is maintained and operated to provide twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily life or for the protection of the individual. A Large Licensed Residential Care Facility serves seven (7) or more clients, while a Small Licensed Residential Care Facility serves six (6) or fewer clients. See also "Residential care home."

Residential care facility, unlicensed. Any family home, group home, group care facility, or similar facility, not required to be licensed by the state and operated as a single housekeeping unit, maintained and operated to provide twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily life or for the protection of the individual. A Large Unlicensed Residentail Care Facility serves seven (7) or more clients, while a Small Unlicensed Residential Care Facility serves six (6) or fewer clients.

Residential care homes. State-licensed facilities providing residential, social, and personal care for children, the elderly, or people with some limits on their ability for self-care, but where medical care is not a major element.

1. **Assisted living.** A facility that provides a combination of housing, meals, supportive services, personalized assistance, and health care that responds to the individual requirements of those who need assistance with the activities of daily living but do not need 24-hour skilled medical care. They may provide other services, including recreational activities, financial services, and transportation. Does not include child care facilities ("Child Care Facilities").

2. **Care homes, six or fewer clients.** Any facility, place, or structure which is maintained and operated to provide non-medical residential care, day treatment, or adult day care for six or fewer children, adults, children and adults, or seniors, including the physically handicapped, mentally impaired, incompetent persons, abused or neglected children. These facilities are licensed by the State of California and are only subject to State regulations. Includes adult residential facilities, adult day care facilities, day treatment facilities, foster family homes, group homes, residential care facilities for the chronically ill, residential care facilities, small family homes, social care facilities, social rehabilitation facilities, community treatment facilities, wards of the Court, and residential care facilities for AIDS patients (Department of Social Services); intermediate care facilities (Department of Health Services); and convalescent homes and nursing homes (Department of Public Health); pediatric day health and respite care facilities; intermediate care facilities for the

developmentally disabled and congregate living health facilities; guest homes and rest homes. Does not include child care facilities ("Child Care Facilities"). See "Drug and Alcohol Treatment Facilities" as a separate listed use.

3. **Family care homes.** Any facility, place, or structure which is maintained and operated to provide non-medical residential care for children, adults, or children and adults, including the physically handicapped, mentally impaired, incompetent persons, or abused or neglected children. Includes adult residential facilities, adult day care facilities, day treatment facilities, group homes, residential care facilities for the chronically ill, facilities for wards of the Court, and residential care facilities for AIDS patients (Department of Social Services); intermediate care facilities (Department of Health Services); convalescent homes and nursing homes (Department of Public Health); intermediate care facilities for the developmentally disabled and congregate living health facilities. Does not include "Child day care facilities."

4. **Senior care facilities.** Residential facilities that provide social and personal care with little or no medical care for persons who are at least 62 years of age, or are at least 55 years of age who meet the qualifications found in Section 51.3 of the California Civil Code. Also, includes residential care facilities for the elderly (Department of Social Services); guest homes and rest homes.

Rest homes. Any facility, place, or structure, serving seven or more individuals, which is maintained and operated to provide nonmedical residential care, day treatment, or adult day care for children, adults, children and adults, or seniors, including the physically handicapped, mentally impaired, incompetent persons, abused or neglected children. These facilities are licensed by the State of California and only subject to State regulations. Includes adult residential facilities, adult day care facilities, day treatment facilities, foster family homes, group homes, residential care facilities for the chronically ill, residential care facilities, small family homes, social care facilities, social rehabilitation facilities, community treatment facilities, wards of the Court, and residential care facilities for AIDS patients (Department of Social Services); intermediate care facilities (Department of Health Services); alcoholism or drug abuse recovery or treatment facilities (Department of Drug & Alcohol); and convalescent homes and nursing homes (Dept of Public Health); pediatric day health and respite care facilities; intermediate care facilities for the developmentally disabled and congregate living health facilities; guest homes and rest homes. Does not include child care facilities ("Child care facilities").

Residential Facility. Any family dwelling unit, or similar facility including foster homes, and mental hygiene homes, for the 24-hour nonmedical care including, but not limited to, the physically handicapped, mentally impaired, or incompetent persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or protection of the individual. A residential facility serving six or fewer persons shall meet the Zoning Ordinance requirements of a single-family dwelling unit in the same zone district.

Residentially-zoned property. Property which has an underlying residential zoning. Unless a provision of the Overlay Zone regulations specifies otherwise, the term "residentially-zoned property" shall not include R-A and R-R zoned property.

Restaurants. Retail establishments (aka cafes, coffee houses/shops, delicatessens, dinners, food

services, etc.) engaged in the business of selling food and beverages generally prepared on-site for on-premise consumption. Restaurants generally have the following characteristics: all food and beverages are served to the customer at a fixed location (e.g., booth, counter, or table); the food and beverages are ordered from individual menus; and the food and beverages are paid for by the customer after service and consumption. These restaurants may also provide food and beverages on a take-out basis, where the take-out is clearly secondary to the on-premise service.

Retail stores. See "Retail stores, general merchandise."

Retail stores, general merchandise. Retail establishments selling many lines of merchandise, including food products. Illustrative examples include:

Artists' supplies (includes picture framing services and supplies)
Bicycles
Books (except adult book stores)
Cameras and photographic supplies
Clothing and accessories
Coffee service
Confectionary stores
Dairy products
Department stores
Drug stores
Dry goods
Electric supply houses.
Feed and fuel stores
Fish markets
Florists and houseplant stores (indoor sales only outdoor sales are "Plant Nurseries")
Fruit and vegetable stores
Garden supply stores
Gifts, novelties and souvenirs
Glass and chinaware stores
Handcrafted items (stores may include crafting operations subordinate to sales)
Hardware stores
Health food stores
Jewelry stores
Leather goods and luggage stores
Meat markets
Millinery stores
Musical instruments, parts and accessories
Neighborhood Food Markets
Newsstands/news racks
Notion stores
Pet stores
Pottery sales
Religious goods
Shoe stores
Soft drink fountains
Specialty shops
Sporting goods stores
Stamp and coin brokers
Stationery stores
Swimming pool supplies and sales (includes hot tubs, spas, whirlpool baths, and accessory items)
Tobacco shops
Toys and games
Tropical (and other) fish raising and sales
Variety stores

Rezoning. See "Zone Map amendment," Chapter 872.6 (Amendments [General Plan, Zone Map, and Zoning Ordinance]).

Road. See "Street."

Roadside agricultural stands. A permanent commercial establishment used for the sale of agricultural products, including limited sale of beer and wine for off-site consumption.

Roadside agricultural stands, temporary. A temporary commercial facility used for the sale of

agricultural products produced on the premises and subject to the standards specified in Section 834.4.370 (Temporary Agricultural Produce Stands).

Room. An un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways and service porches.

Rooming houses. See "Boarding or rooming houses."

Rural Commercial Centers. Commercial establishments intended to provide rural residential communities with necessary food and services within clearly defined commercial areas, which may consist of a single or multiple uses. Allowable uses may also include medical offices and variety stores.

S

Sale of food products. Commercial establishments selling food products produced off the premises; provided, that the sale of the products is incidental and secondary to the sale of agricultural products produced upon the premises.

Satellite dish antenna. An antenna for the reception of data, television, and other telecommunications broadcast from orbiting satellites which is greater than one meter (39.37 inches) in diameter and subject to the standards specified in Section 834.4.420 (Wireless Telecommunication Facility Standards).

Schools. Public and private elementary, middle, junior high, and high schools serving kindergarten through 12th grade students, offering general academic instruction equivalent to the standards prescribed by the State Board of Education, and including denominational and sectarian, boarding schools, and military academies. Also includes community colleges, public or private colleges, universities, and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees, and requiring for admission at least a high school diploma or equivalent general academic training.

Schools, automobile driver's training. A facility providing driver education, which includes, but is not limited to, classroom and on-road instruction to meet the requirements for obtaining a Class "C" driving license. Remedial driver education classes for traffic violators shall be included in this definition. See "Schools specialized education and training."

Schools, motorcycle safety and training. Schools providing supervised riding and track activities associated with POST (Police Officers Standardized Training) curriculum or curriculum utilizing similar criteria as approved by the Director.

Schools, private. See "Schools."

Schools, public. See "Schools."

Schools, specialized education and training. Business, secretarial schools, and vocational schools offering specialized trade and commercial courses. Includes specialized non-degree granting schools offering subjects including: art, ballet and other dance, drama, driver education, language, and music. Also includes seminaries and other facilities exclusively engaged in training for religious ministries; and establishments furnishing educational courses by mail. Facilities, institutions, and conference centers are included that offer specialized programs in personal growth and development (e.g., arts,

communications, fitness, environmental awareness, and management).

Schools, trade. See "Schools, specialized education and training."

Schools, truck driver's training. A facility providing driver education, including, but not limited to, classroom and on-road instruction to meet the requirements for obtaining a Class "A" or "B" driving license.

Second dwelling unit. A separate dwelling that is distinct from an ADU or JADU and generally exceeds the maximum size limitations of an ADU or JADU but will not exceed 1,500 to 2,000 square feet depending on location and circumstance located on the same parcel as the primary dwelling unit and subject to the requirements of Section 834.4.030 (Additional On-Site Dwellings).

Secondhand stores. Retail establishments that sell used merchandise.

Senior citizen development. A residential development for persons 55 years of age or older. For the purpose of the density bonus (Chapter 824.3 [Affordable Housing Incentives – Density Bonus]), the development shall have at least 35 dwelling units and comply with the requirements specified in Civil Code Section 51.3.

Separate ownership. Ownership of a parcel of land by a person who does not own any of the land abutting the parcel.

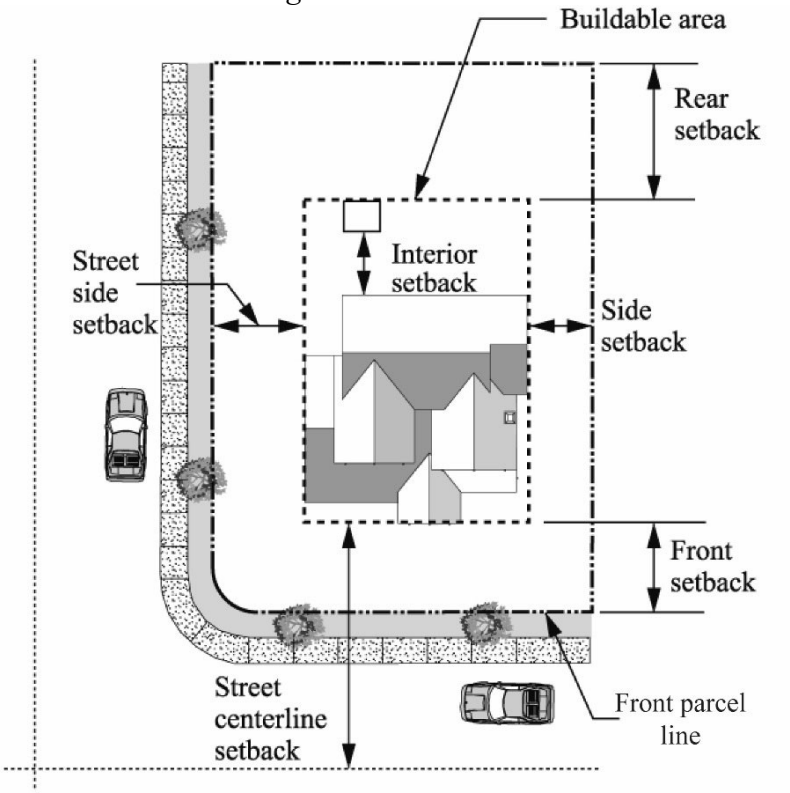
Sensitive receptor. **A**ny residence including private homes, condominiums, apartments, and living quarters schools, preschools, daycare centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, parks (excluding trails), prisons, and dormitories, or a disadvantaged community or disadvantaged unincorporated community as identified in the General Plan.

Servant quarters. Complete living quarters either attached or detached from that of the main dwelling including kitchen facilities but not rented or used for permanent or temporary living quarters by members of the family (See "Family"). See "Caretaker/housing."

Service stations. See "Motor vehicle service stations."

Setback. The distance by which a structure, parking area, or other development feature must be separated from a parcel line, other structure or development feature, or street centerline. See Section 822.3.100 (Setback Regulations and Exceptions). See Figure 7-2 (Setbacks).

Figure 7-2: Setbacks



Setback line, front yard. The line which defines the depth of the required front yard setback. The setback line shall be parallel with the right-of-way line or highway setback line when one has been established.

Setback line, highway. See "Highway setback line."

Setback line, rear yard or side yard. The line which defines the width or depth of the required rear or side yard setback. The setback line shall be parallel with the property line, removed by the perpendicular distance specified for the yard setback in the subject zone.

Shoe repair shops. See "Personal services."

Sign. See Chapter 830.3 (Signs).

Sign making shops. See "Business support services."

Single-family dwellings. A freestanding residential structure designed for and/or occupied exclusively as one living unit that includes one kitchen and permanent provisions for living, sleeping, eating, sanitation, and parking. Also, includes factory-built, modular housing units constructed in compliance with the Uniform Building Code (UBC) and mobile homes/manufactured housing.

Single room occupancy. A facility providing where each unit has a minimum floor area of one hundred fifty (150) square feet and a maximum floor area of four hundred (400) square

feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer. These SRO regulations are considered to be in addition to the regulations of the underlying zoning districts where SRO development is permitted. SROs must meet the current local standards for building safety. The Special Standards of Section 834.4.340 shall also apply.

Site plan. A plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses, structures, and other improvements proposed for a specific parcel of land.

Site plan review. The review by the Director of a site plan and other studies to assist the Director to determine the manner in which the applicant intends to make use of the subject property. See Chapter 854.5 (Site Plan Review).

Skilled recreational facilities, private or public. Private or public archery range, rifle and pistol practice range, skeet field, or other similar skilled recreational facility.

Slope. A natural or artificial incline, as a hillside or terrace. Slope is usually expressed as a ratio (e.g., a horizontal distance of 100 feet with a rise of 50 feet would be expressed as a 2:1 slope). (See "Grade", "Top of slope", and Toe of slope".)

Soft drink fountains. See "Retail store, general merchandise."

Solar energy systems, private. Any solar collector solar device, or structural design feature of a structure whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling; for domestic, recreational, therapeutic, or service water heating; for the generation of electricity; for the production of process heat; and for the production of mechanical work. Solar energy systems include passive thermal systems, semi passive thermal systems, active thermal systems and photovoltaic systems. This category does not include parabolic mirror and devices of a similar nature.

Solid waste. See Title 8, Chapter 8, Section 8.20.010.M., and include recyclable materials (Section 834.4.300 Recycling Facility Standards).

Solid waste container. Any container holding or capable of holding solid waste or bulk refuse, including but not limited to 20-to-40-gallon cans, bags, bins, crates, boxes of any size, or dumpsters of any size.

Solid waste disposal facilities. Any location or facility used for the disposal of solid, semisolid, and liquid wastes including, but not limited to, ashes, demolition and construction wastes, discarded home and industrial appliances, garbage, industrial wastes, manure, paper, refuse, rubbish, trash, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes, and including solid waste processing facilities as a secondary activity in conjunction with a disposal operation.

Solid waste processing facilities. Any facility designed to recover reusable resources from solid waste. These facilities may include, but are not limited to, compactors, material separators, scales, shredders, and energy recovery systems.

Solid waste transfer stations. A facility for receiving and temporarily holding solid wastes for transfer to a solid waste disposal or solid waste processing facility. A solid waste transfer facility may include compactors, scales, wash racks, facilities for the transfer of solid wastes from smaller to larger containers or vehicles for transport, and facilities for incidental separation of recoverable resources.

Sororities. See "Fraternities and sororities."

Sphere of Influence. A plan, adopted by a Local Area Formation Commission (LAFCo), for the probable physical boundaries and service areas of a city or district.

Special Event Facility. A facility for hosting special events/gatherings which may or may not include structural improvements. Special event facilities are subject to an Unclassified Conditional Use Permit per Section 842.5.020.B. The facility owner may or may not charge a fee for the use of the facility such as for a fundraiser for a charitable non-profit organization. Facilities may operate entirely within a structure, or in combination with outside activities.

Sporting goods stores. See "Retail store, general merchandise."

Sports arenas. Indoor and outdoor facilities for spectator-oriented sports, and other public assembly facilities for concerts, events, and outdoor theater, which include: amphitheaters; arenas; drag strips; fairgrounds; field houses; motorcycle racing facilities; race tracks; stadiums and coliseums; and facilities for other sports that are considered commercial, including rodeos.

Stables, commercial. Commercial establishments for donkeys, horses, and/or mules, which are rented, used, or boarded for compensation, examples of which include boarding stables, riding schools and academies, horse ranches, horse exhibition facilities (for shows or other competitive events), and barns, corrals, paddocks, and stables accessory and incidental to these uses.

Stables, private. A detached accessory structure(s) for the keeping of horses and/or ponies for the private use of the occupants of the premises, not for hire, remuneration, or sale, and subject to the standards specified in Section 834.4.050 (Animal Keeping Standards).

Stables, public. A stable other than a private stable. See "Stables, private."

Stadia. Facilities for various indoor or outdoor participation or spectator sports and different types of entertainment and recreation including concerts and other live performance where a fee is charged.

Stands, temporary. The same as "Structures, temporary." See "Temporary uses."

Stock yards and feed lots. Commercial establishments where cattle or other animals are held or maintained for the purposes of feeding and/or marketing, including feed and sales lots/yards when not operated as a secondary occupation in connection with, or as part of, a bonafide agricultural operation.

Stone and cut stone products. Manufacturing establishments primarily engaged in cutting, shaping, and finishing granite, marble, slate, and other stone for building and miscellaneous uses. Also includes establishments primarily engaged in buying or selling partly finished monuments and tombstones.

Storage, indoor. The storage of various materials entirely within an enclosed structure, as the primary use of the structure. The storage of materials, supplies, and products clearly secondary and incidental to a primary use is not considered a land use separate from the primary or main use.

Storage, outdoor. The storage of various materials outside of a structure, other than permanently installed fencing, either as an accessory or primary use, including cotton compresses, feed and fuel yards, petroleum bulk plants, transit storage, and contractor's storage yards.

Storage, personal/RV. Facilities that permit self-service on-site personal storage, mini-storage, and recreational vehicle storage. The facility may include a caretaker's residence. See "Mini-storage facilities."

Storage, self-service, personal storage facilities. A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand. Also, known as "Mini-storage."

Storage yards. See "Storage, outdoor."

Story. A space in a structure between the surface of any floor and the surface of the floor next above, or if there is no floor above, then the space between the floor and the ceiling or roof above.

Story, first. The lowest story in a structure which qualifies as a story, as defined here. The floor level in a structure having only one floor level shall be classified as a first story, provided the floor level has more than half its height above the average adjoining finished grade. See "Basement."

Story, one-half. See "Half story."

Street. A public thoroughfare or right-of-way dedicated, deeded or condemned, other than an alley, to afford as the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this Zoning Ordinance.

Street, local. Any street dedicated to serving as the principal means of access to property, which street is now shown as a Major or Secondary Highway or Major Traffic Street on the General Plan.

Street, side. A street bounding a corner or reversed corner parcel and which extends in the same general direction as the line determining the depth of the parcel.

Street center line. The center line of a street right-of-way as established by official surveys.

Street line. The boundary line located between the street right-of-way and abutting property.

Structural alteration. A change in the supporting members of a structure (e.g., a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundations, piles, or retaining walls) or similar components.

Structural clay and pottery products manufacturing. Manufacturing establishments primarily producing brick and structural clay products, including china plumbing fixtures, vitreous china articles, fine earthenware, porcelain electrical supplies and parts, and pipe. Artist/craftsman uses are included in "Handcraft industries, small scale manufacturing" or "Home occupations."

Structure. Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas (e.g., paved areas, walks, tennis courts), and similar recreation areas.

Structures, advertising. See Chapter 830.3 (Signs).

Structure, area of. The sum in total square feet of the ground areas occupied by all structures on a parcel.

Structure, height of. The vertical distance measured from the adjoining curb level to the highest point of the structure, exclusive of chimneys and ventilators; provided, however, that where structure(s) is set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the structure(s).

Structure, primary. A structure within which is conducted the principal use allowed on the parcel, as specified by this Zoning Ordinance.

Structure setback line. A line at the minimum distance as specified by this Zoning Ordinance between any property line for easement for road purposes, public or private, recorded on a parcel or subdivision map, and the closest point of the foundation of any related structure.

Structure, site. The ground area of a structure together with all the open space required by this Zoning Ordinance.

Structures, temporary. A structure which is readily movable and used or intended to be used for a period not to exceed 210 consecutive days.

Student housing development. A development that contains bedrooms containing two or more bedspaces that have a shared or private bathroom, access to a shared or private living room and laundry facilities, and access to a shared or private kitchen.

Studios, art, dance, music, and photography. Small scale facilities with one classroom/ instruction space, typically accommodating one group of up to 10 students at a time, in no more than one instructional space. These include facilities for: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and gymnastics studios with no other fitness facilities or equipment; yoga; and Pilates. Larger facilities (e.g., multi-classrooms) are included under the definition of "Schools - specialized education and training."

Superdrug stores. Retail establishments engaged in the sale of prescription drugs, patent medicines,

and surgical supplies. These stores may also include the sale of books, hardware, household appliances, magazines, newspapers, tobacco products, other sundry goods, or other general merchandise (e.g., drinks or food). Superdrug stores are not limited to the number of registered pharmacists but have a minimum gross floor area of 10,000 square feet.

Supermarkets. Retail establishments, including groceries and grocery stores, having 15,000 or more square feet of floor area, devoted principally to the sale of beverages, food, and household products.

Supportive housing. Housing with no limit on length of stay, that is occupied by the target population as defined in Government Code Sections 65650 and 65651 and that is linked to on- site or off-site services that assist the supportive housing resident in retaining the housing, improving his/her health status, and maximizing his/her ability to live, and when possible, work in the community. Supportive housing units are residential uses subject to those requirements and restrictions that apply to other residential uses of the same type in the same zone and must meet the underlying zoning district's development standards, including density. For those districts in which residential uses are permitted only with approval of a discretionary land use permit, such a permit must be obtained to permit the establishment of supportive housing. Excludes Drug and Alcohol Treatment Facilities as defined in Section 11834.23 of the Health and Safety Code. See "Drug and Alcohol Treatment Facilities."

Surface mining operations. Commercial facilities supporting the process of mining minerals on lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine in compliance with Section 834.4.220 (Development of Material Extraction Sites). Surface mining operations include, but are not limited to, in place distillation, leaching, or retorting, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials and recovery of same. A surface mining operation may include the use of equipment, facilities, and structures necessary or convenient for the extraction, processing, storage, and transport of mined materials.

Swimming pool supplies and sales. See "Retail store, general merchandise."

Swimming pools. A permanent indoor or outdoor structure(s) where a Building Permit is required, providing amusement/entertainment/recreational services related to use of a swimming pool(s) and related amenities (e.g., bathrooms, dressing rooms, lockers, showers, wading pools, etc.). A fee or admission may be charged.

Swimming schools. A school for the teaching of swimming as a one-on-one or group program, operated in conjunction with a single-family residence, and limited to a maximum of 15 students at any one time.

Swimming schools, large. A school for the teaching of swimming as a one-on-one or group program, operated in conjunction with a single-family residence, for five or more children per day, up to a maximum of 10 children per day, when authorized in compliance with Section 834.4.360.

Swimming schools, small. A school for the teaching of swimming as a one-on-one or group program, operated in conjunction with a single-family residence, and limited to a maximum of four children per day, when authorized in compliance with Section 834.4.360.

T

Tandem parking. Two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Target Population. Any person with lower incomes, as defined in Health & Safety Code § 50093, who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (California Welfare and Institutions Code Sections 4500, et seq.) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Taxidermists. Commercial establishments specializing in the preparation, stuffing, and mounting the skins of animals, especially vertebrates.

Telephone booths, permanent or temporary. See "Public utility facilities".

Temporary uses. A temporary (short-term) land use activity is a land use that is interim, non-permanent, and/or seasonal in nature, not conducted for more than 12 months in duration, or a lesser time period approved by the review authority (Chapter 858.5 - Temporary Use Permits).

Tent camper or tent trailer. See "Camping trailer."

Textile products manufacturing. Industries engaged in the transformation of basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items ("Fabric product manufacturing"), and industries that transform hides into leather by tanning or curing. Illustrative examples include:

coating, waterproofing, or otherwise treating fabric
dressed and dyed furs
dying and finishing fiber, yarn, fabric, and knit apparel
leather-tanned, curried, and finished
manufacture of knit apparel and other finished products from yarn
manufacture of felt goods, lace goods, non-woven fabrics, and miscellaneous textiles
manufacturing of woven fabric, carpets, and rugs from yarn
preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
scouring and combing plants
upholstery manufacturing
yarn and thread mills

Theaters. Indoor facilities for public assembly and group entertainment, other than sporting events, including civic theaters and facilities for "live" theater and concerts.

Theaters, drive-in. See "Outdoor recreation, commercial."

Theaters, motion picture. Indoor facilities for public assembly and group entertainment, other than

sporting events, including the display of motion pictures.

Timber. Trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, and includes Christmas trees, but does not include nursery stock.

Timber harvesting and related timber product processing facilities. Commercial growing and harvesting of timber and processing plants for the timber products, including but not limited to lumber and plywood mills, planing mills, and sawmills; provided the plants are secondary or incidental to a timber growing and harvesting operation on the same parcel.

Timberland. Privately owned land, or land acquired for State forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

Tire recapping, retreading, and rebuilding. See "Plastics and rubber products manufacturing."

Tobacco shops. See "Retail store, general merchandise."

Toe of slope. The point or line of initial break where the terrain changes to an upward direction.

Top of slope. The point or line of initial break where the terrain changes to a downward direction.

Tourist courts. See "Hotels/motels."

Toy stores. See "Retail store, general merchandise."

Trading areas. The area served by an existing commercial development or to be served by the proposed commercial development and from which the development draws its support.

Trailer. A vehicle without motive power, designed and constructed to travel on the public thoroughfares in compliance with the provisions of the State Vehicle Code and to be used for human habitation or for carrying property. Trailer shall include semi-trailer, "Mobilehome," "Travel trailer," "Camping trailer," "Trailer, commercial," and "Trailer, utility."

Trailer, commercial. A "Trailer" designed for and intended to be used for industrial, professional, or commercial purposes (i.e., nonresidential occupancy).

Trailer courts or trailer parks. See "Mobile home parks."

Trailer, utility. A "Trailer" for carrying property.

Transient occupant. A person who is receiving accommodations for a price, with or without meals, for a period of not more than 180 continuous days in any one year.

Transit stations and terminals. Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing "minor" maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, and railway facilities.

Transitional housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assistive unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of assistance. Transitional housing units are residential uses subject to those requirements and restrictions that apply to other residential uses of the same type in the same zone. For Transition Housing in Agricultural or Single-Family Zone Districts, the use must function as a single family living unit. For those districts in which residential uses are permitted only with approval of a discretionary land use permit, such approval must be obtained to permit the establishment of transitional housing. Excludes Drug and Alcohol Treatment Facilities as defined in Section 11834.23 of the Health and Safety Code. See "Drug and Alcohol Treatment Facilities."

Transportation product assembly. Establishments primarily engaged in manufacturing or assembling complete equipment for transporting people and goods. Includes: passenger automobiles, trucks, commercial cars and busses, and special-purpose motor vehicles; chassis or passenger car bodies; boat building and repairing; aircraft manufacturing; bicycles, motorcycles, and parts.

Travel trailer parks. See "Recreational vehicle parks."

Tropical fish raising and sales. See "Retail store, general merchandise."

Truck camper. A "Recreational Vehicle" in which the habitable portion is attached to and rests upon but is not integrally a part of the means of locomotion/power.

Truck parking. Service establishments engaged in the business of short-term (less than 24 hours) storage of currently licensed and operative heavy-duty (generally weighing more than 2½ tons) buses, recreational vehicles, trucks, and other motor vehicles for clients. Includes day use public and commercial garages, parking lots, and parking structures, except when accessory to a principal use. Excludes sites where vehicles are stored for rental or leasing.

Truck repairing and overhauling. See "Motor vehicle repair and major maintenance."

Truck stops. Retail establishments that provide convenience services primarily for the trucking community. These services include but are not limited to beverages, food, fuel, and retail services. See "Motor vehicle service stations, heavy trucks."

Truck service stations. Retail establishments that provide especially for the servicing of trucks, with incidental operations similar to those allowed for "Motor vehicle service stations." See "Motor vehicle service stations, heavy trucks" and "Truck stops."

Truck and trailer sales lots. An open area where trucks and/or trailers are offered for sale, lease, and/or rent and where no repairs, rebuilding, repainting, or remodeling are done. See "Motor vehicle rentals" and "Motor vehicle sales."

U

Urban area. Any land which is included in the "R-1-A," "R-1-AH," "R-1-B," "R-1-C," "R-1," "R-2," "R-3," "T-P," "C-P," "C-1," "C-2," "C-3," "C-4," "C-6," "C-R," "C-M," "M- 1," "M-2," "M-3," and "P"

zones.

Urban parcel. Any parcel which lies, in whole or in part, within the boundaries of an urban area, as defined above.

Used materials storage yards. Any parcel or a portion of any parcel used for the storage of used materials. This shall not include "Junk yards" or "Vehicle wrecking yards."

Utility easement. See "Easement."

V

Value-added agricultural uses. Uses or facilities that increase the value of agricultural products over the value of raw products (e.g., canning, compounding, curing, drying, freezing, packing and packaging, processing, or treatment of agricultural produce) for the ultimate sale to the consumer in conjunction with, or as part of, a bona fide agricultural operation. Value added agricultural uses may include, but are not limited to agricultural product cold storage facilities, candy manufacturing plants, canneries, Christmas tree lots, fruit dehydrators, fruit pie bakeries, fruit stands, ice cream or cheese production facilities, packing sheds, pumpkin patches, salsa or soup manufacturing plants, or wineries, and may include harvesting, packaging, shipping, and selling of agricultural products produced upon the premises. Specific value-added activities may be subject to Section 834.4.390 based on activity scope, size or the origin of raw product.

Variety and notion shops. See "Retail store, general merchandise."

Vehicle court. See "Hotels/motels."

Vehicle and freight terminals. Transportation establishments furnishing services incidental to transportation including: freight forwarding services; freight terminal facilities; joint terminal and service facilities; crating, inspection, packing, and weighing services; postal service bulk mailing distribution centers; transportation arrangement services; and trucking facilities, including transfer and storage. Includes air, motor, and rail freight transportation.

Vending machines. Reach-in/walk-in automated mechanical devices containing/dispensing a range of products for purchase, including beverage, ice, and food products.

Veterinary clinics and animal hospitals. Commercial office and medical treatment facilities used by veterinarians where animals receive medical and surgical treatment, including large and small animal veterinary clinics, and animal hospitals. Grooming and temporary (short-time) boarding of animals or pets for up to 30 days is included, if incidental to the hospital use. See "Animal keeping," "Kennels, commercial," and Kennels, private."

Video stores. See "Retail stores, general merchandise."

Visual obstruction. Any fence, hedge, tree, shrub, wall or structure exceeding three feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on the streets, alleys or driveways. This does not include trees kept trimmed of branches below a minimum height of seven feet.

W

Wading pools. See "Swimming pools."

Wall. Any structure or device forming a physical barrier, which is so constructed that 50 percent or more of the vertical surface is closed and prevents the passage of light, air and vision through the surface in a horizontal plane.

Warehousing (secondary and incidental)**.** Facilities for the "short-term" storage of materials, supplies, and products consumed or stored on the premises, only when clearly secondary and incidental to the main use. Does not include: mini-storage, storage, or warehouse facilities offered for rent or lease to the general public; or warehouse facilities where the primary purpose of storage is for wholesaling and distribution (See "Wholesaling and distribution"). Additionally, does not include terminal facilities for handling freight.

Water supply, community. A water supply provided by a publicly-owned corporation or a private organization which has a permit to serve two or more dwelling units on abutting properties.

Water supply, private. A water supply provided by a source other than a community water supply, as defined above.

Water well drilling/pump instillations. A facility at which the drilling, pumping, and processing of natural water from a well for commercial or private purposes, including bottling, shipping, storage, and/or trucking occurs. This use includes any drilled, excavated, jetted, or otherwise constructed excavation which is used or intended to be used to extract water from or inject water into the underground for any purpose or to observe or test underground waters, but does not include:

1. Saltwater wells;

2. Wells under the jurisdiction of the State of California, Division of Oil and Gas, except those wells converted to use as water wells; or

3. Wells used for the purpose of dewatering during construction, or stabilizing hillsides, or earth embankments.

Weanable age. For dogs and cats, this age shall be four months; for equines, this age shall be one year; for swine, this age shall be eight weeks; and for all other animals, the weanable ages for offspring shall be those ages determined by the Director, in consultation with appropriate experts.

Weeds. All plants growing upon streets, sidewalks, or private property and includes any of the following:

1. Weeds which bear seeds of a downy or wingy nature.

2. Sagebrush, chaparral, and any other brush or weeds which grow to become, when dry, a fire menace to adjacent improved property.

3. Weeds that are otherwise noxious or dangerous.

4. Poison oak and poison ivy when the conditions of growth constitute a menace to the public health.

5. Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by crating a fire hazard in an urbanized portion of an unincorporated area which has been zoned for single- or multi-family residential purposes.

Any of the foregoing weeds may be declared a public nuisance and maybe abated.

Welding. See "Metal products fabrication."

Welding and blacksmith, as part of farm equipment sales and service. Commercial establishments that include accessory facilities that provide welding and blacksmith service, as part of the primary use of farm equipment and machinery maintenance, rental, sales, and storage facilities.

Wholesaling and distribution. Establishments engaged in selling merchandise to retailers; to commercial, farm, industrial, institutional, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to persons or companies. Does include: agents, merchandise, or commodity brokers, and commission merchants; assemblers, buyers, and associations engaged in the cooperative marketing of farm products; merchant wholesalers; stores primarily selling air conditioning, electrical, heating, and plumbing supplies and equipment.

Wireless telecommunication facilities. Equipment or facilities other than customer premises equipment or facilities used by a carrier to provide telecommunications services and includes software integral to the equipment (including upgrades), antennas, communication towers, and the necessary appurtenances. Land uses that send and/or receive radio frequency signals, including antennas, microwave dishes, horns, or relay structures, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they all are situated are included in these terms. This includes the current technologies of Cellular Communications and Personal Communications Services (PCS) and Smart Radio (SMR). These terms exclude non-commercial antennas, radio and television signals, and non-commercial satellite dishes.

Wineries and distilleries. The following terms are defined for the purposes of this use.

1. **Public.** Customers/patrons of the business operating on a particular site (excludes family and/or friends of the owner/operator).

2. **Tasting Day.** Days that the winery is open during regular advertised hours to allow public tastings.

3. **Tasting Events.** Special scheduled events to attract customers for wine tasting. These events are limited to the purpose of wine tasting only. Excludes Winery Special Events defined below.

4. **Tasting rooms.** A room(s) open to the general public, primarily used for the retail marketing of winery products. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery. A room(s) where wine tasting occurs, where wine tasting is part of the normal business practice in the wholesale marketing of winery products and "not open to the public" is not considered a tasting room.

5. **Wineries and distilleries.** A bonded agricultural processing facility primarily used for the commercial processing of grapes or other fruit products to produce wine or similar spirits or the re-fermenting of still wine into sparkling wine. Related activities may include, but are not limited to, administrative office functions, barrel aging, blending, bottling, crushing, disposal of wastewater and pumice, fermenting, retail sales, storage, tasting facilities, warehousing operations, wholesale sales, and related promotional events. The retail sales and tasting of wine and retail sales of related promotional items may be allowed as part of the winery operation.

    a. **Wineries and distilleries, large.** Commercial winery and/or distillery establishments which produce more than 100,000 gallons of wine per year.

    b. **Wineries and distilleries, small.** Commercial winery and/or distillery establishments which produce no more than 100,000 gallons of wine per year. This use shall be subject to the standards specified in Section 834.4.410 (Winery [Small] Standards)

    c. **Wineries (wholesale limited, micro and minor).** Limited production wineries. These uses shall be subject to the standards specified in Section 834.4.415 (Winery [wholesale limited, micro and minor] Standards)

X

No terms.

Y

Yard. Any open space on the same parcel with a structure(s) or a dwelling group which open space is unoccupied and unobstructed from the ground upward to the sky, except for the projections or accessory structures allowed by this Zoning Ordinance.

Yard, front. A space between the front yard setback line and the front parcel line or highway setback line, and extending the full width of the parcel.

Yard, rear. A space between the rear yard setback line and the rear parcel line, and extending the full width of the parcel.

Yard, side. A space extending from the front yard, or from the front parcel line where no front yard is required by this Zoning Ordinance, to the rear yard, or rear parcel line, between a side parcel line and the side yard setback line.

Z

Zone. A zone district established by this Zoning Ordinance.

Zone Map amendment. The legislative act of removing one or more parcels of land from one zone district and placing them in another zone district on the Official Zone Map of the County.

Zoning district. See "Zone."

Zoning text amendment. A change in the wording, context, or substance of this Zoning Ordinance.