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**Stanislaus County**

**ZONING  
ORDINANCE**



*Striving to be the Best*

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STANISLAUS COUNTY CODE

TITLE 21

**ZONING**

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## CHAPTER 21.04

### COMPREHENSIVE PLAN

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#### 21.04.010 ADOPTED

There is adopted a zoning plan for the county, the zoning plan being a districting plan as provided by law. (Prior code Section 9-100).

#### 21.04.020 PURPOSE

The zoning plan is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare, and for the accomplishment thereof is adopted, among other purposes, for the following more particularly specified purposes:

- A. To assist in providing a general plan of development for the county, and to guide, control and regulate the future growth of the county in accordance with the county general plan;
- B. To protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the county and to assure the orderly and beneficial development of such areas;
- C. To obviate the menace to the public safety resulting from the location of buildings, and the uses thereof and of land, adjacent to highways which are a part of the circulation element of the general plan of the county, or which are important thoroughfares, in such manner as to cause interference with existing or prospective traffic movements in said highways.  
(Prior code Section 9-101).

#### 21.04.030 INTERPRETATION

When interpreting and applying the provisions of this title, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically provided in this title, it is not intended by the enactment of this title to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law, ordinance, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this title to interfere with or abrogate or annul any

#### **21.04.030** Interpretation

easement, covenant or other agreement between parties; provided, however, that in cases in which this title imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of building or the use of any such building or premises in the several districts or any of them, than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, then in such case the provisions of this title shall control. (Prior code Section 9-132).

#### **21.04.040 CONFORMANCE BY OFFICIALS**

All departments, officials and public employees of the county vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title, and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions shall be null and void. It shall be the duty of the building inspector of the county to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. (Prior code Section 9-133).

#### **21.04.050 VIOLATION - PENALTY**

- A. Infraction. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title, shall be guilty of an infraction. Such person, firm or corporation, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed or continued by such person, firm or corporation and shall be punishable as provided by Section 1.36.020.
- B. Misdemeanor. If the number of violations of the same section of this title on the same property exceeds three within a one-year period, the responsible person(s) shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by Section 1.36.010. (Ord. CS 194 Sec. 2, 1986: prior code Section 9-134).

#### **21.04.060 VIOLATION - ABATEMENT**

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, and any use of land, building or premises established, conducted, operated or maintained contrary to the provisions of this title, shall be and the same is declared to be unlawful and a public nuisance; and the district attorney may, and upon order of the board of supervisors shall, immediately commence action of proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building contrary to the provisions of this title. (Prior code Section 9-135).

#### **21.04.070 REMEDIES CUMULATIVE**

The remedies provided for in this chapter shall be cumulative and not exclusive. (Prior code Section 9-136).

**21.04.080 CONTINUATION OF PREVIOUS PROVISIONS**

All existing land use regulations previously adopted or established shall remain in full force and effect until superseded by sectional district maps as adopted pursuant to this title. Any violation that may exist under the provisions of the superseded ordinances shall not be terminated or validated, except only as the provisions of this title and the map, which is made a part of this title, by virtue of redefinition or reclassification specifically permit the use(s) which may have constituted violations under the provisions of the ordinance hereby repealed. (Prior code Section 9-137).

## CHAPTER 21.08

# GENERAL PROVISIONS

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### **21.08.010 GENERAL PROVISIONS**

The regulations specified in this title shall be subject to the general provisions and exceptions set forth in this chapter. (Prior code Section 9-125 (part)).

### **21.08.020 USES**

- A. Accessory uses and buildings appurtenant to a permitted use shall be allowed only when constructed concurrent with or subsequent to the main buildings.
- B. Wrecking yards, junkyards, surplus yards, auto dismantling yards and secondhand stores, where merchandise is displayed or stored outside an enclosed building, shall be enclosed within a solid fence of uniform texture of not less than six feet in height. Not more than six rebuildable automobiles, identified as offered for sale as used automobiles, may be displayed outside the fenced area or building at any one time, regardless of the number of businesses being conducted independently at the location.

If any vehicle is so displayed for a period of thirty days and it shall not have been sold during that time, it shall not be considered to be a rebuildable automobile and it must thereafter be stored within the fenced enclosure.

- 1. No material shall be stored or piled so as to extend higher than fence height at any point nearer than six feet from the fence. Beginning at a line parallel to the fence and six feet within it, material may be piled an additional one foot in height for each additional two feet in distance from the fence.

**21.08.020**      Uses

2.      Where vehicles not suitable for resale are stored or held for wrecking or dismantling, one may be stacked or piled on top of another at the fence to a two-car maximum limit, even though the top of the second vehicle may extend higher than six feet; provided, that vehicles so stacked at the fence cannot be other than passenger vehicles. The term passenger vehicle shall not include trucks, buses, pickups, vans, carryalls, or any other vehicles the primary intended use of which was for other than transportation of persons.
- C.      For purposes of this title, facilities for public utilities include, but are not limited to, electrical substations, communication equipment buildings and towers, service yards, gas regulator stations, meter lots, pumping stations which are accessory to existing gas or oil pipelines, and water wells; and such uses are permitted in A-2 and all R districts; provided, that such use is demonstrated in connection with the approval of a use permit, to be properly located without detriment to or in conflict with the agricultural or residential usage of property so zoned within the vicinity. Public utility transmission and distribution lines, both overhead and underground, are permitted in all districts without limitation as to height, but metal transmission towers are subject to all yard requirements as other structures. However, routes of proposed electrical transmission lines (including height, and placement of towers), shall be submitted to the planning commission for review and recommendation prior to the acquisition of rights-of-way therefore, when such lines are not within a public street or highway. (Prior code Section 9-125(a)).
- D.      Commercial Cannabis Activities as authorized by this Title and Chapter 6.78 of the Stanislaus County Code shall be located and operated in compliance with all the requirements of Chapter 6.78 of the Stanislaus County Code and any other local requirements, and state laws and regulations, applicable to commercial cannabis activities.
1.      Public notification required for the consideration of any discretionary action authorized by this Title for the permitting of commercial cannabis activities shall be provided at a distance of 600 feet from the boundaries of the project site, unless a greater distance is required by adopted County policy or state requirement.
  2.      Any discretionary action taken for the permitting of a commercial cannabis activity shall be subject to a finding by the decision making authority that the establishment, maintenance, and operation of the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. (Ord. CS 1205, Sec. 1, 2018).

**21.08.030**      **HEIGHT LIMITS**

- A.      Chimneys, elevators, communication towers, mechanical appurtenances, monuments, spires, campaniles, public and quasi-public buildings may be permitted in excess of height limits for the various districts, provided a use permit shall first be obtained in each case. Flagpoles are permitted without height limitations and conventional television antennas, not over sixty feet in height, are permitted in all districts.
- B.      As to height limits, specific reference is made to Title 17 of this code. Applications for a permit under Title 17 may be a part of an application under this title. (Prior code Section 9-125(b)).

**21.08.040**      **BUILDING SITE AREA - EXISTING LOTS**

When a legally created lot has less than the minimum required area or width as set forth in any of the residential zones contained in this title, or in a precise plan, such lot shall be deemed to have

complied with the minimum lot area and width as set forth in any such zone. The lot shall qualify for only one single-family residence and only when the lot is of sufficient area to comply with all requirements for sewage disposal and water supply as determined by the department of environmental resources and that all applicable building setbacks are met. (Prior code Section 9-125(c)(1); Ord. CS 1290, 2021).

**21.08.050 BUILDING SITE AREA - SANITARY SEWERS OR PUBLIC WATER NOT AVAILABLE**

Unless the minimum building site area for the various districts is greater, as provided by this title, a minimum area for one single-family dwelling which is not connected to sanitary sewer, but served by a public water supply, or to public sewer and not to public water, shall be twenty thousand square feet. Where there is no connection to either sanitary sewer or public water, the minimum building site for a single-family dwelling shall be not less than one acre or greater if required by the county department of environmental resources. For other uses without sanitary sewers, and/or public water, the minimum building site shall be that established by the board of supervisors or planning commission as a condition to any use or other approval required. (Prior code Section 9-125(c)(2); Ord. CS 1290, 2021).

**21.08.060 YARDS**

- A. Architectural features such as cornices, eaves, and canopies may extend not exceeding three feet into any required yard.
- B. Whenever an official plan line has been established for any street, required yards shall be measured from such line, and in no case shall the provisions of this title be construed as permitting any encroachment upon any official plan lines.
- C. Uncovered porches and paved terraces may extend not exceeding three feet into any required side yard and not exceeding six feet into any required front yard.
- D. Accessory buildings which are detached or attached to the main building shall comply in all respects with the requirements of this title applicable to the main building. The accessory building shall not be located within five feet of any alley or within five feet of the side line of any adjacent lot or in the case of a corner lot to project beyond the front yard required on the adjacent lot. (C.S. 984, Section 1, 2007).
- E. Truck loading docks shall be so located that all vehicles entering or leaving the premises to load or unload may be driven in a forward direction without the necessity of the vehicle entering or leaving the premises in reverse gear, and that no portion of any such vehicle will stand or protrude on or into the public right-of-way while loading or unloading.
- F. On the following specified highways, no structure (excluding, however, open wire fences, electroliers without attached advertising signs, utility poles and solid fences or screen planting not more than three feet in height) shall be located closer to the highway center line than as indicated.
  - 1. State Highway No. 33, 95 feet from the railroad right-of-way line;
  - 2. Kiernan Avenue, between McHenry Avenue and Broadway Avenue, seventy feet;
  - 3. Santa Fe Avenue, one hundred feet from the railroad right-of-way;
  - 4. McHenry Avenue, between the City of Modesto and the Stanislaus River, seventy-five feet;



**21.08.060** Yards

5. State Highway No. 108, between McHenry Avenue and the City of Riverbank, seventy-five feet; and between the City of Riverbank and the Tuolumne County line, seventy feet.
- G. Where lots abut streets on the front and rear, and vehicle access to the street in the rear is restricted, solid fences or screen planting, not exceeding eight feet in height, may be located on the rear property line.
- H. Vision Clearance for Corner Lots. In all zones which require a front yard, no obstruction to view in excess of three feet in height shall be placed, built, parked or allowed to grow on any corner lot within a triangular area formed by the street, property lines and a line connecting them at points twenty-five feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers. (Ord CS. 09 (part), 1983; prior code Section 9-125(d)).

**21.08.065 SWIMMING POOLS**

Any swimming pool, as defined within this title, when used as a private swimming pool in any Zone, shall comply with the following requirements:

- A. Such pools shall be used solely for the enjoyment of the occupants of the premises on which they are located and their guests and not for instruction, unless done in compliance with Section 21.94 regarding home occupations, or parties when fees are paid therefore;
- B. Pools shall not be located closer than three (3) feet from any side or rear property line. No pool shall be located closer than the minimum depth required for the front yard or the street side yard of a corner lot. Distances from other structures shall be governed by the Uniform Building Code;
- C. Lot coverage by a swimming pool shall not be considered in calculating the maximum lot coverage for buildings;
- D. Filter and heating systems for swimming pools may encroach into a side or rear yard provided there remains a net two (2) feet clear adjoining passageway past the equipment. Distances between heating systems and buildings, including door and window openings shall be governed by the requirements of the current building codes, as well as manufacturer's requirements;
- E. Whenever a construction permit is issued for construction of a new swimming pool at a private, single-family home, it shall be equipped with safety features as required by the California Health and Safety Code, including any future amendments to that code. (Ord. CS 778, Section 1, 2001)

#### **21.08.070 SIGNS**

Within the adopted sphere of influence of any city where a use or sign is permitted by the regulations of the zoning district in which it is located, or when a use permit, rezoning or other approval has been granted, any signs to be installed in connection with such use shall be permitted consistent with any applicable sign regulations of that city. (Ord. CS 419 Sec. 1, 1990: prior code Section 9-125(e)).

#### **21.08.075 MONUMENTS**

Monuments shall be permitted in all districts subject to the approval of the planning and community development director, except for customary and usual monuments within a cemetery or enclosed building, which are permitted without review. However, if in the opinion of the Director, a monument subject to his/her approval may cause substantial public controversy or adversely affect the public health, safety, peace, or morals, a use permit shall be required to establish such monument. (Ord. CS 449 Sec. 1, 1991).

#### **21.08.090 DEVELOPMENT REQUEST - CITY APPROVAL REQUIRED WHEN**

Within the LAFCO adopted sphere of influence of any city where any discretionary approval is required for any project, said project, except agricultural uses and churches, shall not be approved by the county unless it has first received written approval by the city. No development request within the sphere of influence of any incorporated city shall be approved unless it is consistent with agreements with the city which are in effect at the time of project consideration. (Ord. CS 457 Section 1, 1991: Ord. CS 414 Section 1, 1990).

#### **21.08.100 NUISANCE**

No use shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, electrical interference, or other nuisance condition detectable off the site. (Ord. CS 1181, Section 1, 2016).

## CHAPTER 21.12

# DEFINITIONS

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## **21.12.010      GENERALLY**

For the purpose of this title, certain terms used in this title are defined as follows:

All the words used in the present tense shall include the future tense; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. The word "county" as used in this title means Stanislaus County, California; the words "board of supervisors" means the board of supervisors of the county; the words "planning commission" means the planning commission of the county; and the words "county boundary" means the boundary of the county and/or the boundary of any incorporated municipality within the county. The words "planning director" mean the director of planning and community development of the county. (Ord. CS 106, Sec. 1 (part), 1984).

## **21.12.020      AGRICULTURE**

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, aquaculture, or animal husbandry, including all uses customarily incidental thereto but not including slaughterhouses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes. (Ord. CS 1020, Sec. 1, 2007; Ord. CS 106, Sec. 1 (part), 1984).

## **21.12.025      AGRICULTURAL PROCESSING**

"Agricultural processing" means the act of changing an agricultural product (fruits, nuts and vegetables but not including animals) from its natural state to a different form, such as grapes to wine, apples to juice or sauce, etc. Incidental activities such as packing, sizing, polishing, hulling and the like, shall not be considered to be agricultural processing for the purposes of Section 21.20.030 (H). (Ord. CS 424, Sec. 3, 1991).

## **21.12.030      AGRICULTURAL SERVICE ESTABLISHMENT**

"Agricultural service establishment" means a business engaging in activities designed to aid production agriculture. Service does not include the provision of tangible goods except those sold directly to farmers and used specifically to aid in production of farm animals or crops. Nor does service include any business which has the primary function of manufacturing products. (Ord. CS 1020, Sec. 2, 2007; Ord. CS 106, Sec. 1 (part), 1984).

## **21.12.035      AIRCRAFT**

"Aircraft" means any contrivance used or designed for navigation of, or flight in, the air (including helicopters and ultralights). (Ord. CS 106, Sec. 1 (part), 1984).

## **21.12.040      AIRPORT**

"Airport" means any area of land or water, including areas elevated on a structure, which is used, or intended for use, for the landing and take-off of aircraft. "Airport" also includes appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities located thereon. (Ord. CS 106, Sec. 1 (part), 1984).

**21.12.042 AIRPORT, AGRICULTURAL SERVICE**

"Agricultural service airport" means an airport which is primarily used by aircraft engaged in spraying, dusting, fertilizing and seeding of agricultural land or crops. (Ord. CS 106, Sec. 1 (part), 1984).

**21.12.044 AIRPORT, PRIVATE**

"Private airport" means a privately owned airport for the personal use of the tenant or owner of record not open to the general public and not used for any crop dusting operations. (Ord. CS 106, Sec. 1 (part), 1984).

**21.12.046 AIRPORT, PUBLIC**

"Public airport" means a publicly or privately owned airport open to the general public. (Ord. CS 106, Sec. 1 (part), 1984).

**21.12.048 AIRPORT, TEMPORARY AGRICULTURAL SERVICE**

"Temporary agricultural service airport" means an airport which is exclusively used by aircraft engaged in spraying, dusting, fertilizing and seeding of agricultural lands or crops, five or less days per year, having no permanent structures or appurtenances for aircraft and no fixed-based aircraft. (Ord. CS 106, Sec. 1 (part), 1984).

**21.12.050 ALLEY**

"Alley" means any public thoroughfare, not exceeding thirty feet in width for the use of pedestrians or vehicles which affords only a secondary means of access to abutting property. (Ord. CS 106, Sec. 1 (part), 1984).

**21.12.060 APARTMENT**

"Apartment" means a room or suite of two or more rooms which is designed for, intended for, or occupied by one family doing its cooking therein. (Ord. CS 106, Sec. 1 (part), 1984).

**21.12.070 AUTOMOBILE WRECKING**

See junkyards. (Ord. CS 106, Sec. 1 (part), 1984).

**21.12.080 BOARDINGHOUSE**

"Boardinghouse" means a dwelling, other than a hotel or a residential care home, wherein lodging and meals for five or more persons is provided for compensation. (Ord. CS 106, Sec. 1 (part), 1984).

**21.12.090 BUILDING**

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or any other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building. (Ord. CS 106, Sec. 1 (part), 1984).

#### **21.12.100 BUILDING, ACCESSORY**

"Accessory building" means a subordinate building, the use of which is incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property. Signs and fences are not to be considered as accessory buildings. A "detached" accessory building shall be one that does not have a common wall with the main building on the same lot. (Ord. CS 106, Sec. 1 (part), 1984).

#### **21.12.110 BUILDING, MAIN**

"Main building" means a building in which is conducted the principal use of the lot upon which it is situated. In any "R" district, any dwelling shall be deemed to be a main building upon the lot upon which the same is situated. (Ord. CS 106, Sec. 1 (part), 1984).

#### **21.12.120 BUSINESS OR COMMERCE**

"Business or commerce" means the purchase, sale or other transaction involving the handling or disposition (other than is included in the term "industry" as defined in this chapter) of any article, substance or commodity for profit or livelihood, including, in addition, office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs and outdoor advertising structures, automobile camps, automobile courts, and recreational and amusement enterprises conducted for profit, but not including junkyards. (Ord. CS 106, Sec. 1 (part), 1984).

#### **21.12.130 CAMPGROUND**

"Campground" means land or premises used or intended to be used, let or rented for occupancy by campers traveling by automobiles or otherwise, or for temporary occupancy by or of trailers, recreational vehicles (RVs), or movable sleeping quarters of any kind. (Ord. CS 106, Sec. 1 (part), 1984).

#### **21.12.140 CARNIVAL**

"Carnival" means a traveling or itinerant commercial amusement enterprise consisting of sideshows, vaudeville, games, merry-go-rounds or other mechanical amusement devices temporarily located within the county. A carnival shall not be construed to include or mean a festival or amusement. (Ord. CS 106, Sec. 1 (part), 1984).

#### **21.12.145 CARPORT**

"Carport" means an accessible and usable covered space of not less than nine feet by nineteen feet that is open on at least two sides and can be used for the parking of automobiles off the street. The edge of the roof line shall be considered the vehicle opening for the purposes of determining setback. (Ord. CS 106, Sec. 1 (part), 1984).

#### **21.12.150 CIRCUS**

"Circus" means a traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind, but usually circular or rectangular, partially surrounded by seats, used for exhibitions of horsemanship, acrobatic performances, acts of clowns, feats of animal training or the like, temporarily located within the county. (Ord. CS 106, Sec. 1 (part), 1984).

### **21.12.151 COMMERCIAL CANNABIS ACTIVITY**

“Commercial Cannabis Activity” means the commercial cultivation, possession, manufacturing, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medicinal or non-medicinal cannabis or a medicinal or non-medicinal cannabis product. For the purposes of this Title, “commercial cannabis activity” does not include the activities defined in Section 11362.1 and Section 11362.2 of the California Health & Safety Code. All commercial cannabis activities shall be operated in compliance with all the requirements of Chapter 6.78 of the Stanislaus County Code. (Ord. CS 1205, Sec. 2, 2018).

### **21.12.153 CONFINED ANIMAL FACILITY**

“Confined Animal Facility” means a confined animal facility as defined by state or federal statute and regulations adopted by the Regional Water Quality Control Board. (Ord. CS 861, Section 1, December 25, 2003).

### **21.12.155 DAY CARE CENTER**

"Day care center" means a dwelling or building or structure in which persons not of the immediate family are provided with care for compensation for a portion of the day not exceeding twelve hours in any twenty-four-hour period. A day care center shall not include twenty-four-hour care and shelter. (Ord. CS 106, Sec. 1 (part), 1984). Any child day care facility other than a family day care home is a day care center, including infant centers, preschools, and extended day care facilities.

### **21.12.160 DENSITY BONUS**

"Density bonus" means a density increase of at least twenty-five percent over the otherwise allowable residential density under the applicable zoning district, in accordance with Chapter 21.82 Density Bonus. (Ord. CS 106, Sec. 1 (part), 1984).

### **21.12.170 DISTRICT**

"District" means a portion of the unincorporated territory of the county within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted and within which certain yards and open spaces are required and certain building site areas are established and certain height limits are specified for buildings, all as set forth and specified in this title. (Ord. CS 106, Sec. 1 (part), 1984).

### **21.12.175 DWELLING, ACCESSORY**

"Accessory dwelling", "ADU", or "Accessory dwelling unit" means a building which provides independent living facilities for one or more persons on the same parcel on which one or more dwelling units are located. An accessory dwelling unit (ADU) shall include independent living, sleeping, eating, cooking, and bathing facilities and may be detached from, within, or attached to a dwelling unit. (Ord. CS 1290, 2021).

### **21.12.178 DWELLING, JUNIOR ACCESSORY**

“Junior accessory dwelling”, “JADU”, or “Junior accessory dwelling unit” means an accessory dwelling (ADU) that is no more than 500 square feet in size and contained entirely within an existing dwelling unit, which includes cooking facilities that provides equal to or greater



accommodations as an efficiency kitchen and may include independent bathroom and bathing facilities, or may share bathroom facilities with a dwelling unit. (Ord. CS 1290, 2021).

#### **21.12.180 DWELLING, SINGLE-FAMILY**

"Single-family dwelling" means a detached building designed for and occupied exclusively by one family. Single-Family Dwelling shall include a dwelling that is utilized for the purposes of providing transitional housing or supportive housing as defined in this chapter. (Ord. CS 1169, Sec. 3, 2015; Ord. CS 106, Sec. 1 (part), 1984).

#### **21.12.190 DWELLING, TWO-FAMILY (DUPLEX)**

"Two-family dwelling (duplex)" means a detached building designed for and occupied exclusively by two families living independently of each other. Two-Family Dwelling (Duplex) shall include a dwelling that is utilized for the purposes of providing transitional housing or supportive housing as defined in this chapter. (Ord. CS 1169, Sec. 4, 2015; Ord. CS 106, Sec. 1 (part), 1984).

#### **21.12.200 DWELLING, MULTIPLE**

"Multiple dwelling" means a building or portion thereof used and designed as a residence for three or more families living independently of each other, and doing their own cooking in the building. Multiple-Family Dwelling shall include a dwelling that is utilized for the purposes of providing transitional housing or supportive housing as defined in this chapter. (Ord. CS 1169, Sec. 5, 2015; Ord. CS 106, Sec. 1 (part), 1984).

#### **21.12.210 DWELLING, GROUP**

"Group dwelling" means a group of two or more detached or semidetached single-family, two-family or multiple dwellings occupying a parcel of land in one ownership. (Ord. CS 106, Sec. 1 (part), 1984).

#### **21.12.212 EFFICIENCY KITCHEN**

"Efficiency kitchen" means a cooking facility which includes all of the following: a sink with a maximum waste line diameter of 1.5 inches; a cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas; and a food preparation counter and storage cabinets. (Ord. CS 1290, 2021).

#### **21.12.215 EMERGENCY SHELTER**

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. This definition is established pursuant to the provisions of California Health and Safety Code Section 50801(e). This does not include temporary emergency shelters whose purpose is to intermittently house individuals who have lost their housing due to a community-wide disaster as defined in Section 8680 of the California Government Code (the California Disaster Assistance Act). (Ord. CS 1169, Sec. 6, 2015).

#### **21.12.220 FAMILY**

"Family" means one or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.225 FAMILY DAY CARE HOME**

"Family day care home" means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

- A. "Large family day care home" means a home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, as set forth in California Health and Safety Code Section 1597.465 and as defined in regulations.
- B. "Small family day care home" means a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home, as set forth in California Health and Safety Code Section 1597.44 and as defined in regulations.

#### **21.12.230 FARM LABOR CAMP**

"Farm labor camp" means any living quarters, dwelling, boardinghouse, tent, bunkhouse, camper, mobile home or other housing accommodation, maintained by an employer for five or more employees in connection with any agricultural work or place where agricultural work is being performed. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.240 GARAGE**

"Garage" means an accessible and usable covered space of not less than nine feet by nineteen feet for the parking of automobiles off the street. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.250 GARAGE, PUBLIC**

"Public garage" means any premises used for the storage or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.260 GARAGE SALES, YARD SALES, MOVING SALES, PATIO SALES AND SIMILAR USES**

"Garage sales, yard sales, moving sales, patio sales and similar uses" means the retail sales of used or secondhand goods or merchandise in connection with a lawfully existing dwelling unit on property within any zoning district, provided that:

- A. No such sale shall be conducted upon the same premises for more than three consecutive days nor on more than two separate occasions within any one calendar year;
- B. No such sale shall result in the use of more than two unlighted signs not exceeding three square feet each in area. The signs to be displayed only on private property with the

consent of the owner thereof and only during such times as the garage sale is actually being conducted. The definition includes similar sales commonly referred to as patio sales, yard sales, etc. (Ord CS 106 Sec. 1 (part), 1984).

#### **21.12.280 HEIGHT OF BUILDING**

"Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.290 HOME OCCUPATION**

"Home occupation" means a use conducted in a dwelling unit or accessory building which is clearly incidental and subordinate to the use of the dwelling for residential purposes. Such use shall not be considered to be incidental and subordinate unless all of the criteria outlined in Chapter 21.94 are met. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.300 INDUSTRY**

"Industry" means the manufacture, fabrication, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form or character thereof. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.305 JUNK**

"Junk" means and includes, but is not limited to, surplus materials, secondhand material, any damaged, discarded, obsolete, salvaged, scrapped, worn-out, wrecked or dismantled object, thing or material composed in whole or part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fibre, glass, metal, paper, plaster, plaster of paris, rubber, wool, terra cotta, cotton, cloth, canvas, organic material or other substance requiring reconditioning or rebuilding in order to be used for its original purpose. (Ord. CS 471 (part), 1991).

#### **21.12.310 JUNKYARD**

"Junkyard" means the use of more than two hundred square feet of the area of any parcel, lot, or contiguous lots or parcels for the storage or keeping of junk or for the dismantling or wrecking of automobiles or other vehicles or machinery. (Ord. CS 471 (part), 1991; Ord CS 106 Sec. 1 (part), 1984).

#### **21.12.320 KENNEL**

"Kennel" means a place where five or more dogs or cats over four months of age are kept for commercial or noncommercial purposes. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.325 LIVING SPACE**

"Living space" means the heated or cooled (conditioned) space within a building utilized for living, sleeping, eating, cooking, or bathing. Square footage of a living space shall be measured from the outside surface of exterior walls and shall not include unconditioned space such as a garage, basement, attic, or utility closet. (Ord. CS 1290, 2021).

**21.12.330 LOT**

"Lot" means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this title, having not less than the minimum area required by this title for a building site in the district in which the lot is situated, and having the principal frontage on a street. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.340 LOT, CORNER**

"Corner lot" means a lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.350 LOT, INTERIOR**

"Interior lot" means a lot other than a corner lot. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.360 LOT AREA**

"Lot area" means the total horizontal area included within lot lines. The area shall be the net acreage unless otherwise specified. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.370 LOT DEPTH**

"Lot depth" means the average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.380 LOT FRONTAGE**

"Lot frontage" means that portion of a lot abutting a public street. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.390 LOT LINES**

"Lot lines" means the lines bounding a lot as defined in this chapter. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.400 LOT WIDTH**

"Lot width" means the distance between the side lines of a lot measured at the building set-back line. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.410 LOT LINE, REAR**

"Rear lot line" means that line of a lot which is generally opposite the lot line along the frontage of the lot. In cases in which this definition is not applicable, the planning commission shall designate the rear lot line. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.420 MOBILE HOME PARK**

"Mobile home park" means a lot or parcel of land which is used exclusively for the parking thereon of ten or more mobile homes for a rental charge, or for rent or lease of mobile homes, and for appurtenant facilities for the exclusive use of the occupants such as laundry, restrooms,

recreation and storage facilities, and mobile home or office facility for the owner or manager. For mobile home parks of twenty-five spaces or more, there may be maintained a dwelling for the owner or manager.

This definition is for zoning purposes only and shall not be construed to affect the definition of mobile home parks in the State Mobile Home Parks Act (Health and Safety Code, Section 18200, et seq.) or to affect enforcement of the provisions of the Act. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.430 MOBILE HOME (MANUFACTURED HOUSING)**

"Mobile home" means a structure that meets the definition of a manufactured home as defined by Section 18007 the California Health and Safety Code. (Ord. CS 1290, 2021; Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.435 MONUMENT**

"Monument" means anything constructed, erected, shaped or placed in remembrance of a person or event; excluding anything which draws attention, whether intended or not intended, to a commercial enterprise. (Ord. 449 Sec. 2, 1991).

#### **21.12.440 MOTEL**

"Motel" means a building or buildings containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith, which group designed, intended or used primarily for the accommodation of automobile travelers; including groups designed as auto cabins, motor lodges, and by similar designations. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.450 NONCONFORMING USE**

"Nonconforming use" means a building or land occupied by a use that does not conform to the regulations for the district in which it is situated. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.460 OUTDOOR ADVERTISING SIGN**

"Outdoor advertising sign" means any card, cloth, paper, metal, painted glass, wooden, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definitions of "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.470 OUTDOOR ADVERTISING STRUCTURE**

"Outdoor advertising structure" means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including outdoor advertising statuary. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.475 PARCEL**

"Parcel" means any lot or portion of land which has been legally separated from another parcel or portion of land in accordance with the California Subdivision Map Act. (Ord. CS 1290, 2021).

**21.12.480 PARKING SPACE**

"Parking space" means an accessory and usable space on a building site with access for the parking of automobiles that shall be of a size at least as large as required in the county improvement specifications as adopted by the board of supervisors from time to time. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.490 PLANNED STREET LINE**

"Planned street line" means the street line of any street, road or highway at its ultimate width as defined or delineated within the circulation element of the county general plan. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.495 PRODUCTION AGRICULTURE**

"Production Agriculture" means agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes. (Ord. CS 1020 Sec. 3, 2007).

**21.12.500 RACING HOMER PIGEONS**

"Racing homer pigeons" means a pigeon trained to return home from a distance and which is identified by a nonremovable seamless leg band issued by a nationally recognized racing home pigeon association. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.505 RECREATIONAL VEHICLE**

"Recreational Vehicle" means any vehicle as defined by Section 18010 of the California Health and Safety Code. The use of a recreational vehicles for human habitation shall not be permitted in any zoning district. (Ord. CS 1290, 2021).

**21.12.510 RESIDENTIAL CARE HOME**

"Residential care home" means a dwelling or building, or structure in which seven or more persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment of disease or injury. (Ord. CS 106 (part) Sec. 1 (part), 1984).

**21.12.515 RETAIL BUSINESS**

"Retail Business" means an establishment engaged in selling goods to the ultimate consumer. The allowed area of a retail store shall include both the interior space within the structure and any outdoor area use to display or store goods for sale. (Ord. CS 896, Sec.1, 2004).

**21.12.520 ROOMINGHOUSE**

"Roominghouse" means a dwelling, building or structure (other than a residential care home) occupied by five or more persons who have agreed to pay a specific rent for a specific space as distinguished from guests subject to innkeepers liability. (Ord. CS 106 Sec. 1 (part), 1984).

### **21.12.530 SMALL LIVESTOCK FARMING**

"Small livestock farming" means the raising or keeping of more than a combined total of twelve chicken hens, turkeys or twelve pigeons (other than defined in Section 21.12.500) or twelve similar fowl or twelve rabbits or twelve similar animals, or four permanent standard beehives. "Small livestock farming" as used in this title shall not allow for the keeping, in any quantity, of roosters, quacking duck, geese, guinea fowl, peafowl, worms (except for personal use), or any other small domestic animal determined by the Planning Director to have the potential to cause a nuisance. The keeping of animals in quantities less than described above is permitted in any district. (Ord. CS 106 Sec. 1 (part), 1984, Ord. CS 1202 Section 1, effective November 16, 2017).

### **21.12.535 SMALL WIND ENERGY SYSTEM**

"Small wind energy system" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission and which will be used primarily to reduce onsite consumption of utility power. "Tower height", as it pertains to such systems, means the height above grade of the fixed portion of the tower, excluding the wind turbine. (Ord CS 798, Section 2, effective July 4, 2002)

### **21.12.540 STABLE, PRIVATE**

"Private stable" means an accessory building or space where horses are kept for the private use of the owner and guests. (Ord. CS 106 Sec. 1 (part), 1984).

### **21.12.550 STABLE, PUBLIC**

"Public stable" means a building other than a private stable for the commercial rental, training, or boarding of horses. (Ord. CS 106 Sec. 1 (part), 1984).

### **21.12.560 STREET**

"Street" means a public or private thoroughfare which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined in this chapter. (Ord. CS 106 Sec. 1 (part), 1984).

### **21.12.570 STREET LINE**

"Street line" means the boundary between a parcel and the abutting street. (Ord. CS 106 Sec. 1 (part), 1984).

### **21.12.580 STRUCTURAL ALTERATIONS**

"Structural alterations" means any change in the supporting member of a building, such as bearing walls, columns, beams, or girders. (Ord. CS 106 Sec. 1 (part), 1984).

### **21.12.590 STRUCTURE**

"Structure" means anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground; including, but not limited to, buildings, fences, walls, and free-standing signs. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.595 SUPPORTIVE HOUSING**

“Supportive Housing” means housing with no limit on length of stay that is occupied by the target population, as defined in California Government Code Section 65582(g), and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. This definition is established pursuant to the provisions of California Health and Safety Code Section 50675.14(b)(2) and California Government Code Section 65582(f). (Ord. CS 1169 Sec. 7, 2015)

#### **21.12.600 SURFACE MINING**

"Surface mining" means processes for the commercial removal of minerals from the surface of the earth. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.602 SWIMMING POOLS**

“Swimming pool” or “pool” means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. “Swimming pool” includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools. (Ord. CS 778, Section 2, 2001).

#### **21.12.605 TASTING ROOM**

"Tasting room" means a facility in which agricultural products grown or processed on the premises may be tasted and sold. A restaurant, where complete meals are served and consumed, shall not be considered to be a tasting room. (Ord. CS 424, Sec. 4, 1991).

#### **21.12.608 TRANSITIONAL HOUSING**

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of assistance. This definition is established pursuant to the provisions of California Health and Safety Code Section 50675.2(h) and California Government Code Section 65582(h). (Ord. CS 1169, Sec. 8, 2015).

#### **21.12.610 USE**

"Use" means the purpose for which land or a building is designed, arranged, or intended or for which it is or may be occupied or maintained. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.620 USE, ACCESSORY**

"Accessory use" means a use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use. Any agricultural use in any R-A district shall be deemed to be an accessory use to the use of the property for residential purposes. (Ord. CS 106 Sec. 1 (part), 1984).



#### **21.12.625 VEHICLE STORAGE YARD**

"Vehicle storage yard" means any location consisting of parcel(s) or lot(s) where three or more vehicles (as defined by Section 670 CVC), or vessels (as defined by Section 651 of the Harbors and Navigation Code), or combinations of both, which are disabled, under repair or restoration, and/or vehicles or vessels which are not currently registered with the State Department of Motor Vehicles are stored. For purposes of this section, a vessel and a trailer designed to carry a vessel that are used together as one unit shall count as one vehicle or one vessel." (Ord. CS 759, 2001; Ord. CS 471 (part), 1991)

#### **21.12.627 WHOLESALE AND DISTRIBUTION**

"Wholesale and Distribution" means establishments engaged in selling merchandise to retailers; to commercial, industrial, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers, commission merchants, assemblers, merchant wholesalers stores primarily selling electrical, plumbing, heating and air conditioning and equipment. (Ord. CS 896, Sec. 2 (part), 2004)

#### **21.12.628 WHOLESALE RETAIL STORES**

"Wholesale Retail Stores" means stores that emphasize the packing and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees. (Ord. CS 896, Sect 2 (part), 2004)

#### **21.12.630 YARD**

"Yard" means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward. In measuring a yard, as provided in this title, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features enumerated in Chapter 21.08 as not to be considered in measuring yard dimensions or being permitted to extend into any front, side, or rear yard, respectively, and the measurement shall be taken from the line of the building to the nearest lot line; provided, however, that if any official plan line has been established for the street on which the lot faces or if any future width line is specified therefor by the provisions of this title, then the measurement shall be taken from the official plan line or the future width line to the nearest line of the building. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.640 YARD, FRONT**

"Front yard" means a yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building. (Ord. CS 106 Sec. 1 (part), 1984).

#### **21.12.650 YARD, REAR**

"Rear yard" means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building. (Ord. CS 106 Sec. 1 (part), 1984).

**21.12.660 YARD, SIDE**

"Side yard" means a yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard. (Ord. CS 106 Sec. 1 (part), 1984).

CHAPTER 21.16

**DISTRICTS GENERALLY**

**SECTIONS:**

|                  |   |
|------------------|---|
| <b>21.16.010</b> | <b>DESIGNATED</b>                                   |
| <b>21.16.020</b> | <b>ESTABLISHED</b>                                  |
| <b>21.16.030</b> | <b>BOUNDARY DETERMINATION</b>                       |
| <b>21.16.040</b> | <b>CONFORMANCE REQUIRED</b>                         |
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| <b>21.16.060</b> | <b>SECTIONAL DISTRICT MAPS--ADOPTED AND ON FILE</b> |
| <b>21.16.070</b> | <b>SECTION DISTRICT MAPS--DESIGNATION</b>           |

**21.16.010 DESIGNATED**

The several districts are as follows:

- A. General agriculture district or A-2 district;
- B. Rural residential district or R-A district;
- C. Single-family residential district or R-1 district;
- D. Medium density residential district or R-2 district;
- E. Multiple-family residential district or R-3 district;
- F. Planned development district or P-D district;
- G. Planned industrial district or PI district;
- H. Historic site district or HS district;
- I. Highway frontage district or H-1 district;
- J. Neighborhood commercial district or C-1 district;
- K. General commercial district or C-2 district;
- L. Industrial district or M district;
- M. Limited industrial district or LM district;
- N. Urban service district or US district;
- O. Specific plan district or S-P district;
- P. Salida Community Plan district or SCP district.  
(Ord. CS 1005, 2007; Ord. CS 381 Sec. 1, 1990; Ord. CS 344 Sec. 9, 1989: prior code Section 9-104).

**21.16.20 ESTABLISHED**

The district indicated in Section 21.16.010 are established and the designations, locations and boundaries thereof are set forth and indicated in Sections 21.16.060 and 21.16.070. The maps constituting Sections 21.16.060 and 21.16.070 and all notations, references and data thereon are made a part of this title. (Prior code Section 9-105).

**21.16.030 BOUNDARY DETERMINATION**

Where uncertainty exists as to the boundaries of any of the aforementioned districts as described aforesaid or as shown on the sectional district maps, the planning commission, upon written application or upon its own motion, shall determine the boundaries of the districts. (Prior code Section 9-106).

**21.16.40 CONFORMANCE REQUIRED**

- A. In districts indicated in sectional district maps adopted as part of this title, no building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be used, or designed to be used for any purpose or in any manner, nor shall any yard or other open space surrounding any building be encroached upon or reduced, except as permitted by and in conformity to the regulations specified in this title for the district in which the building or yard or other open space is located. No building shall be erected, reconstructed, or structurally altered to exceed the height limit designed for the district in which the building is located. No yard or open space provided about any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building or any other lot. (Prior code Section 9-107).
- B. No land use prohibited under local, state, or federal law shall be allowed in any zoning district within the unincorporated area of the county. (CS 1181, Section 2, 2016).

**21.16.050 SETBACK CONFORMANCE**

No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes so that the same will be closer to the right-of-way line of any street than the setback from any official plan line or any building line which has been established for such street by the circulation element, or section thereof of the general plan of the county. (Prior code Section 9-108).

**21.16.060 SECTIONAL DISTRICT MAPS--ADOPTED AND ON FILE**

Sectional district maps heretofore and hereafter adopted are made a part of this title by reference and shall be filed and kept on file in the offices of the county clerk and the planning commission. (Prior code Section 9-109).

**21.16.070 SECTION DISTRICT MAPS--DESIGNATION**

Sectional district maps adopted hereafter shall be designated by the number 9-110 followed by a decimal point and numeral or numerals. (Prior code Section 9-110).

## CHAPTER 21.20

# GENERAL AGRICULTURE DISTRICT (A-2)

### SECTIONS:

|           |  |
|-----------|--|
| 21.20.010 | PURPOSE  |
| 21.20.020 | PERMITTED USES                                       |
| 21.20.030 | USES REQUIRING USE PERMIT                            |
| 21.20.040 | USES REQUIRING BOARD OF SUPERVISORS APPROVAL         |
| 21.20.045 | USES ON LANDS SUBJECT TO WILLIAMSON ACT<br>CONTRACTS |
| 21.20.050 | DIVISION OF LAND                                     |
| 21.20.060 | SITE AREA  |
| 21.20.070 | YARDS  |
| 21.20.080 | HEIGHT LIMITS  |

### 21.20.010 PURPOSE

It is the intent of these district regulations to support and enhance agriculture as the predominant land use in the unincorporated areas of the county. These district regulations are also intended to protect open-space lands pursuant to Government Code Section 65910. The procedures contained in this chapter are specifically established to ensure that all land uses are compatible with agriculture and open space, including natural resources management, outdoor recreation and enjoyment of scenic beauty. (Ord. CS 106 Section 2 (part), 1984).

### 21.20.020 PERMITTED USES

Uses permitted in the A-2 districts:

- A. All agricultural uses not requiring a staff approval or a use permit pursuant to Sections 21.20.030 and 21.20.040; provided, however, that within areas designated on the land use element of the general plan as urban transition the maintenance of animals shall be limited to the provision of Chapter 21.24 (R-A rural residential zoning regulations) unless approval of additional animals is first obtained from the director of planning and community development;
- B. Single-family dwelling(s) and accessory dwellings on parcels meeting the following criteria (Ord. CS 1290, 2021):
  1. Parcels less than 20 acres in size and zoned A-2-3, -5, -10, or -20 - One-single family dwelling is permitted on all parcels that meet or exceed the minimum building site area requirements of this chapter.
    - a. Accessory dwellings as regulated by Chapter 21.74. (Ord. CS 1290, 2021).

**21.20.020** Permitted uses

2. Parcels less than 20 acres in size and zoned A-2-40, or -160 - One-single family dwelling is permitted with approval of a Staff Approval Permit in accordance with Section 21.100.050(C) of the Zoning Ordinance.
  - a. Accessory dwellings as regulated by Chapter 21.74. (Ord. CS 1290, 2021).
3. Parcels of 20 acres or more in size - Two-single family dwellings may be constructed on a parcel, regardless of the minimum parcel size zoning requirement. The second dwelling shall be placed to take maximum advantage of existing facilities including utilities and driveways. New driveways may be authorized by the County Public Works Department when it can be shown public safety will not be degraded, now or in the future, based on both existing traffic conditions and future traffic projected in the County General Plan.
  - a. Any parcel created with a 'no build' restriction shall meet the criteria specified in Section 21.20.050 prior to the construction of any dwelling. Any parcel enrolled in the Williamson Act, and not subject to a 'no build' restriction, shall be in agricultural use prior to the construction of any dwelling. (Ord. CS 1020, Sec. 4, 2007; Ord. CS 741, 2000).
  - b. Accessory dwellings, as regulated by Chapter 21.74, may be permitted in lieu of the permitted second single-family dwelling. (Ord. CS 1290, 2021).
- C. A mobile home in lieu of any permitted single-family dwelling as regulated by Chapter 21.72.--(Ord. CS 1290, 2021).
- D. Buildings, appurtenances, and uses such as custom contract harvesting or land preparation where the buildings, appurtenances, or uses are incidental and accessory to the use of the subject property for farming purposes.
- E. Home occupations as regulated by Chapter 21.94.
- F. Racing homer pigeons as regulated in Chapter 21.92.
- G. Garage sales.
- H. Temporary agricultural service airports.
- I. Detached accessory buildings, the uses of which are incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property as determined by the director of planning and community development.
- J. One identification or informational sign not more than twelve square feet in area nor more than six feet in height may be permitted in the front yard or side yard adjacent to each street frontage of a property which contains a lawful agricultural use, or commercial, or industrial nonconforming use in lieu of any other freestanding sign which may be permitted, provided that:

**21.20.020** Permitted uses

1. It does not bear any advertising message,
  2. It is nonflashing, nonmoving and nonanimated,
  3. It is located wholly on private property on the premises to which it pertains,
  4. A plot plan and elevation of the sign is approved by the planning and community development director prior to request for building and electrical permits and installation;
- K. Lagoons or ponds for the storage of animal wastes, except when a use permit is required under Section 21.20.030 F. Such lagoons or ponds shall be located a minimum of fifty feet from any property line and three hundred feet from any dwelling on an adjacent property. Other standards may be imposed by other county or state agencies.
- L. Christmas tree sales lots and Halloween pumpkin sales lots provided they meet the required setbacks and provide at least ten accessible and useable off-street parking spaces in addition to one space per employee on a maximum shift. Such lots shall be limited to two double-faced signs not to exceed twelve square feet on each face. No off-site signs shall be permitted. Such Halloween pumpkin sales lots may not be established prior to October 1 of any year and shall be removed and the property returned to its previous condition prior to November 15; Christmas tree sales lots may not be established prior to November 15 of any year and shall be removed and the property returned to its previous condition prior to January 1.
- M. Fireworks stands provided they meet all required setbacks and provide at least five accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such stands shall meet all the requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department.
- N. Produce stands as defined and regulated in Chapter 21.90.
- O. Small family day care homes for eight or fewer persons.
- P. Large family day care homes for seven through fourteen persons when the following criteria are met:
1. One off-street parking space shall be provided for each employee plus two spaces;
  2. The two additional parking spaces shall be located so that vehicles will head-in and head-out and not use the public road for maneuvering, loading, or unloading;
  3. There shall be no other day care facilities for more than eight persons within three hundred feet of the exterior boundary of the property.

(Ord. CS 861, Section 2, 2003; Ord. CS 591 Section 1, 1995; Ord. CS 350 Sections 1 (part), 2, 1989; Ord. CS 349 Section 1, 1989; Ord. CS 142 Section 1, 1985; Ord. CS 141 Section 1, 1985; Ord. CS 106 Section 2 (part), 1984).

**21.20.020** Permitted uses

Q. Cultivation of hemp as defined and regulated in Chapter 6.85. (Ord. CS 1293, 2021).

**21.20.030 USES REQUIRING USE PERMIT**

Uses permitted in the A-2 districts subject to first securing a use permit in each case:

- A. TIER ONE. The uses listed below are closely related to agriculture and are necessary for a healthy agricultural economy. Tier One uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050, the use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
1. Stationary installations such as alfalfa and feed dehydrators; commercial viners; fuel alcohol stills designed to serve a localized area; nut hulling, shelling, and drying; agricultural experiment stations; warehouses for storage of grain and other farm produce; weighing, loading and grading stations; wholesale nurseries and landscape contractors when conducted in conjunction with a wholesale nursery; agricultural backhoe services; sale of firewood; and similar agricultural facilities;
  2. Farm labor camps and agricultural service airports;
  3. Permanent housing for persons employed on a full-time basis in connection with the agricultural use of the property or other property owned or leased by the same owner. The parcel(s) shall be large enough in terms of acreage, crops, production, number of animals, to clearly support and justify the establishment of an additional dwelling(s) for a full-time employee. Applicants will be required to substantiate that the employee is, in fact, a full-time employee. Permits granted for employee housing shall require that new residences be placed in close proximity to existing dwelling to minimize the disruption of agricultural land and to take maximum advantage of existing facilities, including utilities and driveways;
  4. Produce markets as defined and regulated in Chapter 21.90. (Ord. CS 591 Section 2, 1995)
- B. TIER TWO. The uses listed below are agriculture-related commercial and industrial uses that may be allowed when the planning commission or board of supervisors finds that, in addition to the findings required under Section 21.96.050:
1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
  2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
  3. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.



**21.20.030** Uses requiring use permit

- a. Agricultural service establishments primarily engaging in the provision of agricultural services to farmers, including contract harvesting when not allowed under Section 21.20.020D. Such establishments shall be designed to serve the immediately surrounding area as opposed to having a widespread service area.
- b. Agricultural processing plants and facilities, such as wineries, dehydrators, canneries, and similar agriculture-related industrial uses, provided:
  - i. The plant or facility is operated in conjunction with, or as a part of, a bona fide agricultural production operation;
  - ii. At least fifty percent of the produce to be processed is grown on the premises or on property located in Stanislaus County in the same ownership or lease; and
  - iii. The number of full-time, year-round employees involved in the processing shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.
- c. In conjunction with an agricultural processing plant or facility, incidental retail sales, tasting rooms and/or facilities for on-site consumption of agricultural produce processed on the premises, provided:
  - i. The primary purpose is to promote sales of the agricultural product(s) produced and processed on the premises;
  - ii. The use is subordinate to the production of such product and the use of such agricultural processing facility; and
  - iii. The number of full-time, year-round employees involved in the operation shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.
  - iv. However, the total number of full-time, year-round employees allowed under Subsections b(iii) and c(iii) shall not exceed ten, and the total number of part-time, seasonal employees shall not exceed twenty.
- d. Soil reclamation, or the process of cleaning or decontaminating soil that has been contaminated by gasoline or other toxic materials.

**21.20.030** Uses requiring use permit

- e. Commercial or municipal composting, processing and/or spreading of whey, treated sludge or biosolids (including Class A and Class B), or other organic matter when the matter to be composted, processed and/or spread is not generated on site and the composting, processing and/or spreading is not part of a routine farming practice. Composting operations with less than 1,000 cubic yards or 300 tons of active composting material on site at any given time shall be considered an agricultural use and shall be exempt from this provision. (This provision is intended to apply to operations whose primary function is the composting, processing and/or spreading of organic matter; it is not intended to apply to composting and/or the use of fertilizers and other soil amendments or feed additives in conjunction with agricultural production.)

C. TIER THREE. The uses listed below are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area. Some of these uses can be people-intensive and, as a result, have the potential to adversely impact agriculture; these people-intensive uses are generally required to be located within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities. Tier Three uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050:

1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, and
2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

In determining "most productive agricultural areas," factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. "Most productive agricultural areas" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

- a. Public stables, including boarding and training, and kennels,
- b. Bridle paths, riding academies, roping arenas and similar facilities for the training, exercising or exhibiting of horses, dogs or other animals,
- c. Recreational camps without housing for permanent residents and dude or guest ranches,
- d. Cemeteries,
- e. Schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education,
- f. Churches,

**21.20.030** Uses requiring use permit

- g. The raising or keeping for commercial or noncommercial purposes of fur-bearing animals, zoo-type animals, exotic birds, fish or wildlife regulated by the California Department of Fish and Game or dangerous animals as described in Chapter 7.28 of this code,
- h. Off-road vehicle parks, motorcycles, bicycle, go-cart and automobile race tracks; rifle ranges; trap and skeet ranges,
- i. Public buildings, parks or other facilities operated by political subdivisions,
- j. Facilities for public utilities and communication towers,
- k. Sanitary landfills,
- l. Circuses, carnivals, outdoor festivals, rallies, revivals, concerts, open-air churches, and similar uses provided that they do not last for more than seven days,
- m. Day care centers when accessory to a school offering general academic instruction equivalent to the standards prescribed by the State Board of Education,
- n. Gun clubs and hunting clubs.
- o. Golf courses (excluding miniature golf), golf driving ranges and practice putting greens, athletic fields and facilities (when operated by a non-profit organization or club), and related facilities (including, but not limited to, clubhouses, pro-shop, and food and drink facilities).
- p. Commercial excavation of earth, minerals, building materials or removal of oil or gas, together with the necessary apparatus and appurtenances incidental thereto.
- q. Corn mazes, hay mazes, and similar seasonal activities when determined by the Planning Director to be similar in nature and when they do not qualify for the exception in Section 21.100.050(E). (Ord. CS 890, Section 1, 2004)
- r. Weddings, and similar events, provided they are not located on Williamson Act Contracted land. (CS 1181 Section 3, 2016).

D. Notwithstanding any other provision of this title relating to the use of property zoned A-2, a factory for processing rabbits shall be allowed after issuance of a use permit subject to the following limitations:

- 1. The property proposed for use shall contain a minimum of ten acres;
- 2. There shall be no more than five employees involved in the processing operation;
- 3. The proposed facility shall satisfy all of the applicable regulations enacted by the California State Department of Food and Agriculture relating to processing of rabbits;
- 4. There shall not be retail sales at the property;
- 5. The processor shall submit a plan for disposing of the animal waste;

**21.20.030** Uses requiring use permit

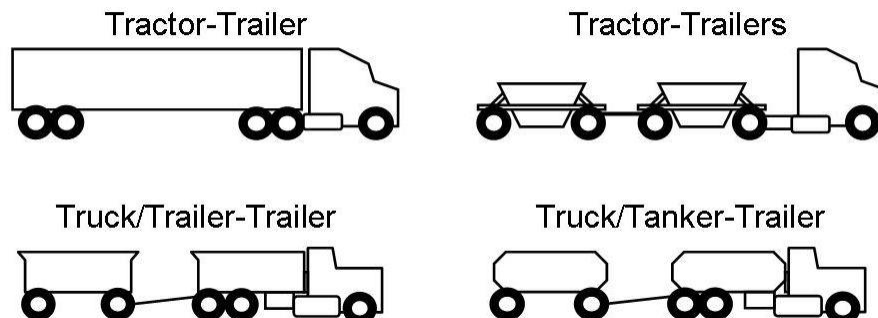
6. Such other limitations or conditions as may be imposed by the planning commission or board of supervisors. (Ord. CS 501 Section 1, 1992; Ord. CS 424 Section 1, 1991; Ord. CS 305 Section 1, 1988; Ord CS 294 Section 1, 1988; Ord. CS 260 Section 1, 1987; Ord. CS 141 Section 3 (part), 1985; Ord. CS 106 Section 2 (part), 1984).

E. Repealed December 18, 2007 (Ord. CS 1020 Sec. 6, 2007).

F. New confined animal facility and expansions of existing confined animal facility requiring a new or modified permit, waiver, order, or waste discharge requirements from the Regional Water Quality Control Board, where the issuance of such permit, waiver, order or waste discharge requirements requires compliance with the California Environmental Quality Act. Lagoons or ponds for the storage of animal wastes shall be located a minimum of fifty feet from any property line and three hundred feet from any dwelling on an adjacent property. (CS Ord. 861, Sec. 3, effective December 25, 2003)

G. Parking of tractor-trailer combinations may be allowed when the Planning Commission finds that, in addition to the findings required under Section 21.96.050:

1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
3. All the following criteria are met:
  - a) For the purpose of this ordinance, a tractor-trailer combination shall include a tractor-trailer, truck/trailer-trailer, or truck/tanker-trailer combination with a minimum of five (5) axles and capable of hauling a combined gross vehicle weight (GVW) of 80,000 pounds. The following illustrates the type of permitted combinations:



- b) At least one of the combinations shall be registered to the property owner and the property owner shall live on the parcel.

**21.20.030** Uses requiring use permit

- c) The total number of tractors, truck/trailers and truck/tankers shall not exceed twelve (12) and the total number of trailers shall not exceed two (2) per tractor, truck/trailer, or truck/tanker. For the purpose of this ordinance, a set of double trailers shall be equivalent to one trailer.
- d) The parcel on which parking will occur is one acre or more in size, the total area of the parcel used for the parking operation does not exceed 1.5 acres in size, and the area used for parking, including employee parking, shall not exceed fifty percent of the entire parcel.
- e) No off-loading of trailers shall occur on-site.
- f) All tractors, truck/trailers, truck/tankers and trailers parking on-site shall be in full operable condition for at least six consecutive months of every year.
- g) One on-site office, accessory to the parking operation, not to exceed 1,200 square feet in size, may be maintained within an on-site dwelling or within an accessory structure provided all applicable building permits are obtained and public facility fees paid, if applicable.
- h) Access to the site shall be available without violation of any state, county, or city roadway weight restrictions, and a driveway approach acceptable to the Department of Public Works is provided.
- i) Parking areas, including employee parking, and driveways shall be adequately graveled to reduce dust emissions and all parking areas shall be located outside any required front yard or corner lot side yard and delineated through fencing or vegetative landscaping to distinguish the authorized parking area.
- j) On-site maintenance shall be limited to oil and tire changes, light and windshield wiper replacements, and checking fluids.
- k) No signs advertising parking shall be placed on the property.
- l) On-site storage and use of related equipment may be considered by the Planning Commission as part of the application consideration.

This subsection is intended to allow for the parking of tractor-trailer, truck/trailer-trailer, and truck/tanker-trailer combinations used to transport goods and materials and requiring a California commercial A license for operation on a public roadway. This subsection is not intended to allow the parking of commercial vehicles used for the transportation of people or pick-up trucks, tow trucks, delivery trucks, box trucks, fleet vehicles or other similar vehicles. Trucks used solely for permitted agricultural operations on site are exempt from this provision. (Ord. CS 1117 Section 1, 2012)

- H. Commercial cannabis cultivation or nursery activities and distribution activities (limited to permitted commercial cannabis product grown on-site) subject to Section 21.08.020(D) of this Title, may be allowed when conducted within a greenhouse or accessory agricultural storage building as permitted by Title 6 of the County Code. (Ord. CS 1205, Sec. 3, 2018).

#### **21.20.040 USES REQUIRING BOARD OF SUPERVISORS APPROVAL**

Public and private airports are permitted subject to board of supervisor's approval when the following procedure is followed:

- A. Application shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a filing fee in such amount as may be fixed from time to time by order of the board of supervisors as well as a plot plan and other pertinent data as may be deemed necessary by the planning director.
- B. In order to obtain an airport permit, the applicant must introduce evidence in support of this application sufficient to enable the planning commission and the board of supervisors to find that the establishment of the airport is consistent with the general plan, consistent with any adopted county policies and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
- C. The application shall be referred to the Airport Land Use Commission for review prior to approval by the planning commission and board of supervisors.
- D. A public hearing shall be held by the planning commission. Notice of hearing shall be given as required by Section 21.96.040. The planning commission shall make a report of its findings and recommendation to the board of supervisors.
- E. Upon receipt of the report from the planning commission a public hearing shall be held by the board of supervisors. Notice of the hearing shall be given as required by Section 21.96.040. At the conclusion of any hearing held by the board of supervisors, the board  
  
may approve the airport permit if the findings listed in Section 21.20.040B can be established. (Ord. CS 106 Section 2 (part), 1984).

#### **21.20.045 USES ON LANDS SUBJECT TO WILLIAMSON ACT CONTRACTS**

- A. As required by Government Code Section 51238.1, the Planning Commission and/or Board of Supervisors shall find that uses requiring use permits that are approved on lands under California Land Conservation Contracts (Williamson Act Contracts) shall be consistent with all of the following principles of compatibility:
  - 1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
  - 2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

**21.20.045** Uses on lands subject to Williamson Act contracts

3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
- B. Unless the Planning Commission and/or the Board of Supervisors makes a finding to the contrary, the following uses are hereby determined to be consistent with the principles of compatibility and may be approved on contracted land:
1. The erection, construction, alteration, or maintenance of gas, electric, water, communication facilities,
  2. Farm labor camps and farm employee housing, and
  3. All Tier One uses requiring use permits listed in Section 21.20.030 A.
- C. The following uses are hereby determined to be inconsistent with the principles of compatibility and shall not be approved on contracted land:
1. Churches,
  2. Schools, and
  3. Day care centers when accessory to a school offering general academic instruction equivalent to the standards prescribed by the State Board of Education.
- D. Mineral extraction on contracted land may be approved consistent with Government Code Section 51238.2.
- E. Uses on nonprime contracted land may be approved consistent with subdivision (c) of Government Code Section 51238.1.
- F. All other uses requiring use permits on contracted lands, except those specified in Subsections B, C, D and E of this Section, shall be evaluated on a case-by-case basis by the Planning Commission and/or Board of Supervisors to determine whether they are consistent with the principles of compatibility set forth in Government Code Section 51238.1.

**21.20.050** **DIVISION OF LAND**

All divisions of land on property zoned A-2 (General Agriculture) shall conform to the minimum parcel designation exhibited on the county's sectional district maps. The subdivision of agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under the Williamson Act, into parcels of less than 160-acres in size shall be allowed provided a "no build" restriction on the construction of any residential development on newly created parcel(s) is observed until one or both of the following criteria is met:

**21.20.050** Division of land

- A. 90% or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.
- B. Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation. (Ord. CS 1020 Sec. 7, 2007; Ord. CS 344 Section 4, 1989; Ord. CS 106 Section 2 (part), 1984).

**21.20.060** **SITE AREA**

The minimum allowable area for creation of a parcel shall be either three, five, ten, twenty, forty, or one hundred sixty acres as designated on the sectional district map following the zone symbol. Minimum parcel size may be determined by including internal area occupied by irrigation canals, laterals and other facilities and area up to the centerline of public roads, railroads, transmission lines, aqueducts or irrigation laterals which are located at a parcel's boundary. The following shall be exempt as to the minimum parcel size requirements provided the parcels are consistent with the subdivision ordinance and all other applicable county regulations:

- A. Parcels created or used for public utility or communication purposes.
- B. Repealed December 18, 2007 (CS 1020 Sec. 8, 2007; prior code CS 741, effective November 24, 2000)
- C. Repealed December 18, 2007 (CS 1020 Sec. 9, 2007).
- D. Parcels created and used pursuant to Sections 21.20.030 and 21.20.040, or where there exists a nonresidential legal nonconforming use, approved by the planning commission based upon findings that such parcel exhibits size, location and orientation characteristics which are supportive of the use without detriment to other agricultural usage in the vicinity.
- E. Parcels created by a lot line adjustment between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, where the integrity and purpose of Section 21.20.010 is maintained, where one of the parcels is already below the minimum lot area of the zone in which it is located, where a greater number of nonconforming parcels, in terms of parcel size and permitted dwelling(s), is not thereby created and the following criteria can be met:



**21.20.060** Site area

1. Parcels greater than 10-acres in size shall not be adjusted to a size smaller than 10-acres, unless the adjustment is needed to address a building site area or correct for a physical improvement which is found to encroach upon a property line. In no case shall a parcel enrolled in the Williamson Act be reduced to a size smaller than 10-acres; and
2. Parcels less than 10-acres in size may be adjusted to a larger size, 10 acres or greater in size if enrolled in the Williamson Act, or reduced, if not enrolled in the Williamson Act, as needed to address a building site area or correct for a physical improvement which is found to encroach upon a property line. (Ord. CS 1020 Section 10, 2007; Ord. CS 501 Section 2, 1992; Ord. CS 344 Section 5, 1989; Ord. CS 333 Section 1, 1989; Ord. CS 142 Section 2, 1985; Ord. CS 106 Section 2 (part), 1984).

**21.20.070** YARDS

Yards required in A-2 districts:

A. Front yards:

1. Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.
2. Not less than forty-five feet from the existing centerline of the street on a collector street sixty feet wide, nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.
3. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide), nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.

B. Side yards, interior lot line and rear yards: Five feet.

C. Side yards, corner lot: The main building and accessory building or garages not having direct access to the street may be five feet closer to the planned street line than at the front yard. (Ord. CS 106 Section 2 (part), 1984).

**21.20.080** HEIGHT LIMITS

No fence, hedge or screen planting, in excess of three feet in height, shall be constructed or permitted to grow within any required front yard or side yard of a corner lot unless the director determines that visibility will not be obstructed. (Ord. CS 106 Section 2 (part), 1984).

## CHAPTER 21.24

# RURAL RESIDENTIAL DISTRICT (R-A)

### SECTIONS:

|                  |                                  |
|------------------|----------------------------------|
| <b>21.24.010</b> | <b>APPLICABILITY</b>             |
| <b>21.24.020</b> | <b>PERMITTED USES</b>            |
| <b>21.24.030</b> | <b>USES REQUIRING USE PERMIT</b> |
| <b>21.24.040</b> | <b>HEIGHT LIMITS</b>             |
| <b>21.24.050</b> | <b>LOT WIDTH</b>                 |
| <b>21.24.060</b> | <b>BUILDING SITE AREA</b>        |
| <b>21.24.070</b> | <b>BUILDING SITE COVERAGE</b>    |
| <b>21.24.080</b> | <b>YARDS</b>                     |
| <b>21.24.090</b> | <b>OFF-STREET PARKING</b>        |

### **21.24.010 APPLICABILITY**

The regulations set forth in this chapter shall apply in all R-A districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106, Sec. 3 (part), 1984).

### **21.24.020 PERMITTED USES**

Uses permitted in R-A districts:

- A. One single-family dwelling on any one parcel;
- B. Small livestock farming, on parcels of one acre or more, but excluding hogs;
- C. On parcels containing one acre or more, there may be maintained two horses or two cows (termed "large animals"), or four sheep or four goats (termed "small animals"), or a combination of one large animal and two small animals. The maximum number of large animals per parcel shall not exceed two per acre, or the maximum number of small animals per parcel shall not exceed four per acre. In the case where large and small animals are kept in combination, the total number of animals per parcel shall not exceed three per acre;
- D. Home occupations as regulated by Chapter 21.94;
- E. Accessory uses normally incidental to a single-family dwelling or light farming, but this shall not be construed as permitting any commercial use;
- F. One sign, not over six square feet in area and unlighted pertaining only to the sale, lease or rental of the property on which the sign is located;
- G. On parcels containing more than two acres, the storage of petroleum products for use on the premises by farm equipment, as governed by law and ordinances;

**21.24.020** Permitted uses

- H. Racing homer pigeons as regulated in Chapter 21.92;
- I. Garage sales;
- J. A mobile home in lieu of any permitted single-family dwelling as regulated by Chapter 21.72 (Ord. CS 1290, 2021);
- K. Crop farming;
- L. When there is a recorded subdivision map, there may be maintained one advertising sign of not more than two hundred square feet in area illuminated but nonflashing and nonanimated, and one temporary sales office, for a period of two years immediately following the recording date of the subdivision map; however, the time for maintaining such sign and temporary sales office may be extended for an additional two-year period provided a use permit is first secured. Such sign and office shall be subject to all yard requirements and located within the boundaries of the subdivision;
- M. Small family day care homes for eight or fewer persons;
- N. Large family day care homes for seven through fourteen persons when the following criteria are met:
  - 1. One off-street parking space shall be provided for each employee plus two spaces;
  - 2. The two additional parking spaces shall be located so that vehicles will head-in and head-out and not use the public road for maneuvering, loading, or unloading;
  - 3. There shall be no other day care facilities for more than eight persons within three hundred feet of the exterior boundary of the property.
- O. Detached accessory buildings, the use of which are incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property as determined by the director of planning and community development.
- P. Duplexes on corner lots of subdivisions created after January 1, 1979; provided, that each unit fronts on a separate street and that, in the opinion of the director of planning and community development, each unit has the appearance of a single-family residence. Applicants may be required to submit building elevations or other proof that the duplex will meet this requirement;
- Q. Accessory Dwellings as regulated by Chapter 21.74 (Ord. CS 1290, 2021);
- R. Christmas tree sales lots provided they meet the required setbacks and provide at least ten accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such lots shall be limited to two double-faced signs not to exceed twelve square feet each. No off-site parking shall be permitted. Such lots may not be established prior to November 15 of any year and shall be removed and the property returned to its original condition prior to January 1st;
- S. Fireworks stands provided they meet all required setbacks and provide at least five accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such stands shall meet all requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department;

**21.24.020** Permitted uses

- T. Wayside stands for the display, sale or offering for sale of fresh agricultural produce grown on the same property or on property which is in the same ownership or lease as that on which the stands are located. Such stands shall provide at least five accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such stands shall be open for a period not to exceed ninety days in any one calendar year and shall be limited to two double-faced signs not to exceed twelve square feet each. No off-site signs shall be permitted. (Ord. CS 350, Secs. 1 (part), 3, 1989; Ord. CS 349, Sec. 2, 1989; Ord. CS 141, Sec. 2, 1985; Ord. CS 106, Sec. 3 (part), 1984).

**21.24.030 USES REQUIRING USE PERMIT**

Uses permitted subject to first securing a use permit in each case:

- A. Residential care homes; provided, that the use is demonstrated to be properly located without detriment to or in conflict with the agricultural or residential usage of the vicinity and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working within the use vicinity;
- B. Boarding stables, bridle paths, and private riding clubs when the parcel under one ownership contains ten acres or more; however, these uses do not include the conducting of rodeos;
- C. Country clubs, golf courses (excluding miniature golf courses), boat launching and rental facilities, summer camps, and picnic grounds where the parcel of land in one ownership exceeds ten acres, and public parks operated by public agencies;
- D. Agricultural uses specified in Sections 21.20.030 and 21.20.040, (A-2 general agriculture district) except airports of any kind; provided that the property is designated on the land use element of the general plan as rural residential and that the planning commission finds that the proposed usage is consistent with such designation and the character of the surrounding area;
- E. Churches (excluding tent and open-air churches), schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education, hospitals, public buildings, facilities for public utilities, and community antenna television systems with an antenna not exceeding one hundred fifty feet in height;
- F. Drilling for, or removal of, gas, oil, or commercial removal of minerals, earth or other natural materials;
- G. Repelled on January 26, 2021 (Ord. CS 1290, 2021).
- H. Mobile home parks; provided that all units are connected to public sanitary sewer and public water system and that the density does not exceed the maximum allowable in this district; and
- I. Family day care centers for more than twelve persons or for seven through twelve persons where the criteria listed in Section 21.24.020(N) are not met.

#### **21.24.040 HEIGHT LIMITS**

Height limits in R-A districts:

- A. Maximum of thirty-five feet for all buildings;
- B. No fence, hedge or screen planting shall be constructed or permitted to grow in excess of eight feet in height within any required side or rear yard, nor in excess of three feet within any required front yard or side yard of a corner lot except fences within the side and rear yard which enclose electrical substations which may be constructed to the height required by law or unless the director determines that visibility will not be obstructed.

#### **21.24.050 LOT WIDTH**

Lot width requirements in R-A districts:

- A. The minimum lot width shall be sixty-five feet;
- B. The minimum lot depth shall be eighty feet. (Ord. CS 106, Sec. 3 (part), 1984).

#### **21.24.060 BUILDING SITE AREA**

Building site area requirements in R-A districts:

- A. No new building site shall be approved without prior approval of sanitary and water facilities by the county health department;
- B. For areas designated as residential on the land use element of the general plan, the minimum building site areas shall be as follows:
  - 1. Sites serviced by public sewer and water facilities, eight thousand square feet,
  - 2. Sites serviced by public water and septic tank facilities or private well and public sewer facilities, twenty thousand square feet,
  - 3. Sites serviced by private well and septic tank facilities, one acre;
- C. For areas designated as estate residential on the land use element of the general plan, the minimum building site areas shall be three acres. Minimum building site areas may be determined by including internal area occupied by irrigation canals, laterals and other facilities and area up to the centerline of public roads and irrigation facilities which are located at a boundary of a parcel. (Ord. CS 344, Sec. 6, 1989; Ord. CS 106, Sec. 3 (part), 1984).

#### **21.24.070 BUILDING SITE COVERAGE**

Percentage of building site coverage permitted in R-A districts:

For aggregate buildings coverage, maximum of forty percent of lot area. (Ord. CS 106, Sec. 3 (part), 1984).

## **21.24.080 YARDS**

Yards and open space required in R-A districts:

- A. Front yard.
  - 1. Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
  - 2. Not less than forty-five feet from the existing centerline of the street on a collector street (sixty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
  - 3. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide), nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
- B. Side Yard. Interior lot line and rear yard. Five feet;
- C. Side Yard. Corner lot. The main building, and garages or accessory building not having direct vehicular access to the street, may be located five feet closer to the planned street line than at the front yard;
- D. Buildings for Keeping Livestock or Poultry. Not less than fifty feet from any public street, measured from edge of pavement, nor less than forty feet from any adjacent property. (Ord. CS 663 §40, 1998; Ord. CS 106 §3, 1984; Ord. CS 1202, Sec. 3, effective November 16, 2017).

## **21.24.090 OFF-STREET PARKING**

See Chapter 21.76 for all parking requirements. (Ord. CS 106, Sec. 3 (part), 1984).

## CHAPTER 21.28

# SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

### SECTIONS:

|                  |                                  |
|------------------|----------------------------------|
| <b>21.28.010</b> | <b>APPLICABILITY</b>             |
| <b>21.28.020</b> | <b>PERMITTED USES</b>            |
| <b>21.28.030</b> | <b>USES REQUIRING USE PERMIT</b> |
| <b>21.28.040</b> | <b>HEIGHT LIMIT</b>              |
| <b>21.28.050</b> | <b>BUILDING SITE AREA</b>        |
| <b>21.28.060</b> | <b>LOT COVERAGE</b>              |
| <b>21.28.070</b> | <b>YARDS</b>                     |
| <b>21.28.080</b> | <b>OFF-STREET PARKING</b>        |

### **21.28.010 APPLICABILITY**

The regulations set forth in this chapter shall apply in all R-1 districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106, Sec. 4 (part), 1984).

### **21.28.020 PERMITTED USES**

Uses permitted in R-1 districts:

- A. One single-family dwelling on any one parcel;
- B. Accessory uses and buildings normally incidental to single-family residences.  
This is not to be construed as permitting any commercial use;
- C. One sign, not over six square feet in area, and pertaining to only the sale, lease or rental of the property upon which the sign is to be located;
- D. Home occupations, as regulated by Chapter 21.94;
- E. Crop farming;
- F. Where there is a recorded subdivision map, there may be maintained one advertising sign of not more than two hundred square feet in area illuminated but nonflashing and nonanimated, and one temporary sales office, for a period of two years immediately following the recording date of the subdivision map, however, the time for maintaining the sign and temporary sales office may be extended for an additional two-year period provided a use permit is first secured. The sign and office shall be subject to all yard requirements and located within the boundary of the subdivision;
- G. Racing homer pigeons as regulated in Chapter 21.92;
- H. Garage sales;
- I. A mobile home in lieu of any permitted single-family dwelling as regulated by Chapter 21.72 (Ord. CS 1290, 2021);

**21.28.020** Permitted uses

- J. Small family day care homes for eight or fewer persons;
- K. Large family day care homes for seven through fourteen persons. when the following criteria are met:
  - 1. One off-street parking space shall be provided for each employee plus two spaces,
  - 2. The two additional parking spaces shall be located so that vehicles will head-in and head-out and not use the public road for maneuvering, loading or unloading,
  - 3. There shall be no other day care facilities for more than eight persons within three hundred feet of the exterior boundary of the property.
- L. Duplexes on corner lots of subdivisions created after January 1, 1979; provided, that each unit fronts on a separate street and that, in the opinion of the director of planning and community development, each unit has the appearance of a single-family residence. Applicants may be required to submit building elevations or other proof that the duplex will meet this requirement;
- M. Accessory Dwellings as regulated by Chapter 21.74. (Ord. CS 1290, 2021).

**21.28.030 USES REQUIRING USE PERMIT**

Uses permitted, subject to first securing a use permit in each case:

- A. Churches (excluding tent and open-air churches), schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education, hospitals, public buildings, facilities for public utilities, and community antenna systems with an antenna not exceeding one hundred fifty feet in height;
- B. Mobile home parks; provided that all units are connected to a public sanitary sewer and public water system and that the density does not exceed the maximum allowable in this district;
- C. Family day care centers for more than twelve persons or for seven to twelve persons where the criteria listed in Section 21.28.020K are not met. (Ord. CS 106, Sec. 4 (part), 1984).

**21.28.040 HEIGHT LIMIT**

Height limit in R-1 districts:

- A. For dwellings, maximum thirty-five feet;
- B. For detached accessory buildings, maximum twenty feet;
- C. No fence, hedge, or screen planting shall be constructed or permitted to grow in excess of eight feet in height within any required side or rear yard, nor in excess of three feet within any required front yard, or side yard of a corner lot, except fences within the side and rear yard which enclose electrical substations which may be constructed to the height required by law or unless the director determines that visibility will not be obstructed. (Ord. CS 106, Sec. 4 (part), 1984).



### **21.28.050 BUILDING SITE AREA**

Building site area required in R-1 districts:

- A. Sites serviced by public sewer and water facilities, five thousand square feet;
- B. Sites serviced by public water and septic tank facilities or private well and public sewer facilities, twenty thousand square feet;
- C. Sites serviced by private well and septic tank facilities, one acre. (Ord. CS 106, Sec. 4 (part), 1984).

### **21.28.060 LOT COVERAGE**

Percentage of lot coverage permitted in R-1 districts:

- A. For aggregate building coverage, maximum forty percent of lot area. (Ord. CS 106, Sec. 4 (part), 1984).

### **21.28.070 YARDS**

Yards required in R-1 districts:

- A. Front yard.
  - 1. Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces,
  - 2. Not less than forty-five feet from the existing centerline of the street on a collector street (sixty feet wide), nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces,
  - 3. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
- B. Side Yard, Interior Lot Line and Rear Yard. Five feet;
- C. Side Yard, Corner Lots. The main building and garages or accessory buildings not having direct vehicular access to the street may be located five feet closer to the planned street line than at the front yard. (Ord. CS 106 Sec. 4 (part), 1984).

### **21.28.080 OFF-STREET PARKING**

See Chapter 21.76 for parking requirements for all uses in all districts. (Ord. CS 106, Sec. 4 (part), 1984).

## CHAPTER 21.32

# MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

### SECTIONS:

|                  |                                  |
|------------------|----------------------------------|
| <b>21.32.010</b> | <b>APPLICABILITY</b>             |
| <b>21.32.020</b> | <b>PERMITTED USES</b>            |
| <b>21.32.030</b> | <b>USES REQUIRING USE PERMIT</b> |
| <b>21.32.040</b> | <b>HEIGHT LIMITS</b>             |
| <b>21.32.050</b> | <b>SITE AREA</b>                 |
| <b>21.32.060</b> | <b>LOT COVERAGE</b>              |
| <b>21.32.070</b> | <b>YARDS</b>                     |
| <b>21.32.080</b> | <b>OFF-STREET PARKING</b>        |

### **21.32.010 APPLICABILITY**

The regulations set forth in this chapter shall apply in all R-2 districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106, Sec. 5 (part), 1984).

### **21.32.020 PERMITTED USES**

Uses permitted in R-2 districts:

- A. One single-family dwelling on any one parcel; or
- B. Two dwelling units on one parcel;
- C. Accessory uses and buildings normally incidental to single-family or two family residences. This is not to be construed as permitting any commercial use;
- D. One sign, not over six square feet in area, and pertaining only to the sale, lease or rental of the property upon which the sign is to be located;
- E. Home occupations, as regulated in Chapter 21.94;
- F. Crop farming;
- G. Racing homer pigeons as regulated in Chapter 21.92;
- H. Garage sales;
- I. Where there is a recorded subdivision map, there may be maintained one advertising sign of not more than two hundred square feet in area, illuminated but nonflashing and nonanimated, and one temporary sales office, for a period of two years immediately following the recording date of the subdivision map; however, the time for maintaining the sign and temporary sales office may be extended for an additional two-year period provided a use permit is first secured. The sign and office shall be subject to all yard requirements and located within the boundary of the subdivision;

**21.32.020** Permitted uses

- J. A mobile home in lieu of any permitted single-family dwelling as regulated by Chapter 21.72 (Ord. CS 1290, 2021);
- K. Small family day care homes for eight or fewer persons;
- L. Large family day care homes for seven through fourteen persons when the following criteria are met:
  - 1. One off-street parking space shall be provided for each employee plus two spaces;
  - 2. The two additional parking spaces shall be located so that vehicles will head-in and head-out and not use the public road for maneuvering, loading or unloading;
  - 3. There shall be no other day care facilities for more than fourteen persons within three hundred feet of the exterior boundary of the property;
- M. Accessory Dwellings as regulated by Chapter 21.74. (Ord. CS 1290, 2021).

**21.32.030 USES REQUIRING USE PERMIT**

Uses permitted subject to first securing a use permit in each case:

- A. Dwelling groups, including single-family dwellings, duplexes, triplexes and fourplexes, or combination thereof; provided, that all units are connected to a public sanitary sewer and public water system, and that there are not more than fourteen dwelling units per net acre of land;
- B. Churches, (excluding tent and open-air churches), schools offering academic instruction equivalent to the standards prescribed by the State Board of Education, hospitals, public buildings, facilities for public utilities and community antenna systems with an antenna not exceeding one hundred fifty in height;
- C. Mobile home parks; provided that all units are connected to a public sanitary sewer and public water system and that the density does not exceed the maximum allowable in this district;
- D. Family day care centers for more than twelve persons or for seven to twelve persons where the criteria listed in Sec. 21.32.020L are not met. (Ord. CS 106, Sec. 5 (part), 1984).

**21.32.040 HEIGHT LIMITS**

Height limits in R-2 districts:

- A. For dwellings, maximum thirty-five feet;
- B. For detached accessory buildings, maximum twenty feet;

**21.32.040** Height limits

- C. No fence, hedge or screen planting shall be constructed or permitted to grow in excess of eight feet in height within any required side or rear yard, nor in excess of three feet within any required front yard or side yard of a corner lot except fences within the side and rear yard which enclose electrical substations which may be constructed to the height required by law or unless the director determines that visibility will not be obstructed.

**21.32.050** **SITE AREA**

Building site area required in R-2 districts:

- A. Sites serviced by public sewer and water facilities, six thousand square feet;
- B. Sites serviced by public water and septic tank facilities or private well and public sewer facilities, twenty thousand square feet;
- C. Sites serviced by private well and septic tank facilities, one acre. (Ord. CS 106, Sec. 5 (part), 1984).

**21.32.060** **LOT COVERAGE**

Percentage of lot coverage permitted, for aggregate building coverage, maximum fifty percent of lot area. (Ord. CS 106, Sec. 5 (part), 1984).

**21.32.070** **YARDS**

Yards required in R-2 districts:

- A. Front Yard.
  - 1. Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.
  - 2. Not less than forty-five feet from the existing centerline of the street on a collector street (sixty feet wide), nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces,
  - 3. Not less than forty feet from the existing centerline of the street, on a minor street (fifty feet wide), nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
- B. Side Yard, Interior Lot Line and Rear Yard. Five feet;
- C. Side Yard, Corner Lot. The main building and garage or accessory building not having direct vehicular access to the street may be located five feet closer to the planned street line than at the front yard;

**21.32.070**      Yards

- D.      Distance Between Buildings in a Dwelling Group. Minimum ten feet side to side; twenty feet front to side or rear to rear; and forty feet front to rear;
- E.      Side Yard Providing Access to Single Row of Dwellings and Interior Court Providing Access to Double Row of Dwellings. Twenty feet. (Ord. CS 106, Sec. 5 (part), 1984).

**21.32.080**      **OFF-STREET PARKING**

See Chapter 21.76 for off-street parking requirements for all uses in all districts. (Ord. CS 106, Sec. 5 (part), 1984).

## CHAPTER 21.36

# MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-3)

### SECTIONS:

|                  |                                  |
|------------------|----------------------------------|
| <b>21.36.010</b> | <b>APPLICABILITY</b>             |
| <b>21.36.020</b> | <b>PERMITTED USES</b>            |
| <b>21.36.030</b> | <b>USES REQUIRING USE PERMIT</b> |
| <b>21.36.040</b> | <b>HEIGHT LIMITS</b>             |
| <b>21.36.050</b> | <b>SITE AREA AND LOT WIDTH</b>   |
| <b>21.36.060</b> | <b>LOT COVERAGE</b>              |
| <b>21.36.070</b> | <b>YARDS</b>                     |
| <b>21.36.080</b> | <b>OFF-STREET PARKING</b>        |
| <b>21.36.090</b> | <b>DENSITY</b>                   |

### **21.36.010 APPLICABILITY**

The regulations set forth in this chapter shall apply to all R-3 districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106, Sec. 6 (part), 1984).

### **21.36.020 PERMITTED USES**

Uses permitted in the R-3 districts:

- A. Single-family dwelling on any one parcel; or
- B. Two dwelling units on any parcel;
- C. Accessory uses and buildings normally incidental to residential use;
- D. One apartment house, dwelling group, dormitory, fraternity house, rooming or boarding house or sorority house, hospital, orphanage or residential care home; provided, that public sanitary sewer and water systems are connected thereto;
- E. Day care centers and schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education, and seminaries;
- F. Club houses, community centers, fraternal lodges, public and quasi-public buildings, public parks and social halls and similar uses as determined by the director of planning and community development;
- G. Crop farming;
- H. Racing homer pigeons as regulated in Chapter 21.92;
- I. Garage sales;

**21.36.020 Permitted uses**

- J. Where there is a recorded subdivision map, there may be maintained one advertising sign of not more than two hundred square feet in area, illuminated but nonflashing and nonanimated, and one temporary sales office for a period of two years immediately following the recording date of the subdivision map; however, the time for maintaining the sign and temporary sales office may be extended for an additional two-year period provided a use permit is first secured. Such sign and offices shall be subject to all yard requirements and located within the boundary of the subdivision;
- K. A mobile home in lieu of a permitted single-family dwelling as regulated by Chapter 21.72 (Ord. CS 1290, 2021);
- L. Home occupations as regulated by Chapter 21.94. (Ord. CS 350, Sec. 1 (part), 1989; Ord. CS 106, Sec. 6 (part), 1984.)
- M. Accessory Dwellings as regulated by Chapter 21.74. (Ord. CS 1290, 2021).

**21.36.030 USES REQUIRING USE PERMIT**

Uses permitted, subject to first securing a use permit in each case:

- A. Mobile home parks provided, that all units are connected to a public sanitary sewer and public water system;
- B. Facilities for public utilities;
- C. Churches (excluding tent and open-air churches). (Ord. CS 106, Sec. 6 (part), 1984).

**21.36.040 HEIGHT LIMITS**

Height limit in R-3 districts:

- A. Maximum of forty-five feet for main buildings;
- B. Maximum height of detached garages and accessory buildings, fifteen feet;
- C. No fence, hedge, or screen planting shall be constructed or permitted to grow in excess of eight feet in height within any required side or rear yard, nor in excess of three feet within any required front yard, or side yard of a corner lot except fences within the side and rear yard which enclose electrical substations which may be constructed to the height required by law or unless the director determines that visibility will not be obstructed. (Ord. CS 106, Sec. 6 (part), 1984).

**21.36.050 SITE AREA AND LOT WIDTH**

Building site area and lot width required in R-3 districts:

- A. Sites serviced by public sewer and water facilities, six thousand square feet;
- B. Sites serviced by public water and septic tank facilities or private well and public sewer facilities, twenty thousand square feet;
- C. Sites serviced by private well and septic tank facilities, one acre;

**21.36.050** Site area and lot width

D. Minimum lot width, sixty-five feet. (Ord. CS 106, Sec. 6 (part), 1984).

**21.36.060 LOT COVERAGE**

Percentage of lot coverage, for aggregate buildings, maximum sixty percent. (Ord. CS 106, Sec. 6 (part), 1984).

**21.36.070 YARDS**

Yards required in R-3 districts:

A. Front yard.

1. Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
2. Not less than forty-five feet from the existing centerline of the street on a collector street (sixty feet wide), nor less the fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
3. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide), nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;

B. Side Yard, Interior Lot Line and Rear Yard. Five feet;

C. Side Yard, Corner Lot. The main building and garage or accessory buildings not having direct vehicular access to the street may be located five feet closer to the planned right-of-way line than at the front yard;

D. Distance Between Buildings in a Building Group. Minimum ten feet side to side; twenty feet front to side or rear to rear and forty feet front to rear;

E. Side Yard Providing Access to Single Row of Dwellings and Interior Court Providing Access to Double Row of Dwellings. Twenty feet. (Ord. CS 106, Sec. 6 (part), 1984).

**21.36.080 OFF-STREET PARKING**

See Chapter 21.76 for off-street parking requirements for all uses in all districts. (Ord. CS 106, Sec. 6 (part), 1984).

**21.36.090 DENSITY**

Two dwelling units are permitted on the first six thousand square feet of a lot with one additional unit permitted for each additional fifteen hundred square feet of the lot to a maximum density of twenty-five units per net acre. (Ord. CS 106, Sec. 6 (part), 1984).



## CHAPTER 21.38

# SPECIFIC PLAN DISTRICT (S-P)

### SECTIONS:

|                  |                                  |
|------------------|----------------------------------|
| <b>21.38.010</b> | <b>APPLICABILITY</b>             |
| <b>21.38.020</b> | <b>PERMITTED USES</b>            |
| <b>21.38.030</b> | <b>DEVELOPMENT STANDARDS</b>     |
| <b>21.38.040</b> | <b>ZONING ADOPTION OR CHANGE</b> |
| <b>21.38.050</b> | <b>MAP NUMBERING</b>             |

### **21.38.010 APPLICABILITY**

The regulations set forth in this chapter shall apply in all S-P districts, subject to the provision of Chapter 21.08. Other provisions of this title shall apply to S-P districts only insofar as they are not inconsistent with the specific regulations set forth in this chapter, and County Specific Plan Guidelines. This district may be used either as a specific zone which stands on its own, or in conjunction with other districts as an overlay or combining district.

### **21.38.020 PERMITTED USES**

The uses permitted in an S-P district shall be those allowed by the specific plan approved by the county for that district, pursuant to County Specific Plan Guidelines. (Ord. CS 381, Sec. 2 (part), 1990).

### **21.38.030 DEVELOPMENT STANDARDS**

The development standards and criteria for an S-P district shall be those established by the specific plan approved by the county for that district, pursuant to County Specific Plan Guidelines. No development approvals may be issued before the specific plan has been adopted. (Ord. CS 381, Sec. 2 (part), 1990).

### **21.38.040 ZONING ADOPTION OR CHANGE**

S-P district zoning shall be adopted or changed by the same procedure prescribed by Chapter 21.108 of this title for zoning district amendments. No S-P district zoning shall be adopted unless the county has approved or is concurrently approving a specific plan for the area to be rezoned. (Ord. CS 381, Sec. 2 (part), 1990).

### **21.38.050 MAP NUMBERING**

Each S-P district map shall be numbered, the first adopted being shown on the zoning map as S-P(1) and each map subsequently adopted being numbered successively. (Ord. CS 381, Sec. 2 (part), 1990).

## CHAPTER 21.40

# PLANNED DEVELOPMENT DISTRICT (P-D)

### SECTIONS:

|           |                                    |
|-----------|------------------------------------|
| 21.40.010 | APPLICABILITY                      |
| 21.40.020 | PURPOSE AND INTENT                 |
| 21.40.030 | SEWER AND WATER                    |
| 21.40.040 | PERMITTED USES                     |
| 21.40.050 | DEVELOPMENT STANDARDS              |
| 21.40.060 | ZONING ADOPTION OR CHANGE          |
| 21.40.070 | DEVELOPMENT PLAN                   |
| 21.40.080 | AMENDMENTS TO THE DEVELOPMENT PLAN |
| 21.40.090 | DEVELOPMENT SCHEDULE               |
| 21.40.100 | MAP NUMBERING                      |
| 21.40.110 | NONCOMPLIANCE                      |
| 21.40.120 | PARCEL SIZE                        |

### 21.40.010 APPLICABILITY

The regulations set forth in this chapter shall apply in all P-D districts and shall be subject to the provisions of Chapter 21.08 and other provisions of this title not inconsistent with the specific regulations set forth in this chapter. (Ord. CS 106, Sec. 7 (part), 1984).

### 21.40.020 PURPOSE AND INTENT

The application of the conventional regulations can stifle creative planning and design efforts. The P-D District zoning is generally intended to apply to larger scale, integrated development as a means of providing opportunities for creative and cohesive design concepts. The District is intended to allow modification of requirements established by other districts and diversification in the relationship of different uses, buildings, structures, lot sizes and open spaces, while ensuring compliance with, and implementation of the General Plan. Additional objectives of the P-D District include the provision of development consistent with site characteristics, creation of optimum quantity and use of open space, encouragement of good design, and promotion of compatible uses.

### 21.40.030 SEWER AND WATER

When projects are located in a City of Special District Sphere of Influence connection to public sanitary, sewer and approved public water systems shall be mandatory in all P-D districts where or when such facilities are available. (Prior Code Section 9-117(a)). Package sewer treatment facilities may be allowed when public sanitary sewer is not available. Sanitary sewer is generally considered as being available whenever an existing sewer system is located within two thousand six hundred forty feet (2,640) of any part of the parcel on which the project is located. If access to public sanitary sewer is denied then the package sewer treatment facilities may be accepted.

#### **21.40.040 PERMITTED USES**

All uses, when consistent with the general plan, shall be allowed in P-D districts subject to the approval of the development plan by the planning commission. (Prior Code Section 9-117(b)).

#### **21.40.050 DEVELOPMENT STANDARDS**

Minimum lot size, setback and parking requirements, and maximum height, density, and percentage of coverage shall be established for each P-D district by the development plan approved by the planning commission. (Prior Code Section 9-117(c)).

#### **21.40.060 ZONING ADOPTION OR CHANGE**

P-D district zoning shall be adopted or changed in the same manner as prescribed by this title concerning zoning district amendments. No P-D district zoning shall be adopted unless a development plan has been approved for the area. (Ord. CS 106, Sec. 7 (part), 1984).

#### **21.40.070 DEVELOPMENT PLAN**

An application for P-D zoning shall be made to the planning commission and shall include and be accompanied by a development plan. The purpose of such plan is to indicate within stated limits, as proposed by the applicant, the height of proposed buildings and the general appearance of proposed structures to the end that the entire development will have architectural unity and be in harmony with surrounding developments. The development plan shall be adopted by resolution and the P-D district, when established, shall become part of the zoning map of the county as provided for in this title.

A. The development plan shall include:

1. A map showing any street system and lot design proposed within the area. Any areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other such uses must be shown. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the subdivision regulations or any other applicable regulations of the county;
2. A plot plan for each building site in the proposed P-D district. The plot plan shall show the approximate location of all proposed buildings, indicating maximum and minimum distances between buildings, and between buildings and property or building site lines, and the location of all active or abandoned wells, septic systems and irrigation lines. For residential projects plans may show typical plot plans;
3. Elevations and colored illustrative drawings or perspective drawings of all proposed structures. Such drawings need not be working architectural drawings but shall contain sufficient architectural detail to identify roof treatments, exterior wall treatments etc.

All of the following plans and diagrams shall be required or similar information may be required to be included on the plot plan or appended thereto:

**21.40.070**      Development Plan

- a.      Off-street parking and loading plan, including provisions for truck parking and loading where appropriate,
- b.      A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the P-D zone to and from adjacent public thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown,
- c.      Landscaping and tree planting plan, typical street cross sections to indicate relationship to landscaping,
- d.      A map showing the existing and proposed topography of the area at one foot contour intervals, (unless the slope is 20% or greater, in which case intervals of 5' are acceptable) and trees over six inches in diameter measured four feet aboveground,
- e.      Solid waste systems:
  - i.          Type of storage
  - ii.         Collection accessibility
  - iii.        Franchise collector, ability to provide service;
- f.      In areas of industrial development prevailing wind direction, air currents and adjacent development, existing or proposed,
- g.      Location of all sound walls, decorative and privacy walls:
  - i.          Walls shall be a minimum of four (4) inches thick.
  - ii.         Walls shall be designed with continuity and be harmonious with the design of the project and surrounding area.
  - iii.        All walls shall be landscaped.
  - iv.        Structural details of walls shall be submitted. "Graffiti resistant" materials are encouraged.

**21.40.080**      **AMENDMENTS TO THE DEVELOPMENT PLAN**

- A.      Any subsequent amendments in the development plan shall be submitted to the director of planning and shall be treated as follows:
  - 1.      If the proposed amendments do not involve new uses, the director of planning shall have authority to approve such amendments; provided, that the proposed amendments conform in principle to the approved plan.
  - 2.      If the proposed amendments do not in the opinion of the planning director conform to the development plan, the proposed amendments shall be referred to the planning commission and may be approved in accordance with the procedure set forth in this title for use permits.
  - 3.      If in the opinion of the planning director, the proposed amendments are of such a size or nature as to change the character of the development plan, such amendments will be referred to the planning commission and board of supervisors as a request for adoption of a new development plan according to procedures set forth in this title for zoning changes. (Ord. CS 106, Sec. 7 (part), 1984).

#### **21.40.090 DEVELOPMENT SCHEDULE**

- A. An application for P-D district zoning shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. The development schedule, if approved by the commission, shall become part of the development plan and shall be adhered to by the owner of the property and successors in interest. Cash shall be posted or a savings and loan certificate or letter of credit or a performance bond issued by a corporate surety company, in an amount to be determined by the director of public works, to cover the cost of public improvements adjacent to the proposed development prior to the issuance of the building permit for first phase construction. The planning commission shall have authority to compare, from time to time, the actual development accomplished in the various P-D zone districts with the approved development schedules.
- B. Upon request by the property owner and for good cause shown, the planning commission may extend the time limits of the development schedule; provided, that any request for an extension of time limits shall be on file in the office of the director of planning prior to the expiration of any time limit required by the development schedule. (Ord. CS 106, Sec. 7 (part), 1984).

#### **21.40.100 MAP NUMBERING**

Each P-D district map shall be numbered, the first adopted being shown on the zoning map as P-D (1) and each map subsequently adopted being number successively. (Ord. CS 106, Sec. 7 (part), 1984).

#### **21.40.110 NONCOMPLIANCE**

If any portion of the approved development plan, development schedule or any exhibits attached thereto are not met or complied with, the planning commission may initiate proceedings under Chapter 21.108 to rezone the property to the zone classification it held prior to being zoned P-D or other appropriate zone classification. (Ord. CS 106, Sec. 7 (part), 1984).

#### **21.40.120 PARCEL SIZE**

Minimum parcel sizes for parcel maps or subdivisions within an approved P-D zoning district shall be determined by the planning commission. Such parcels created shall be consistent with an approved development plan indicating the specific future use of each parcel. (Ord. CS 106, Sec. 7 (part), 1984).

## CHAPTER 21.42

# PLANNED INDUSTRIAL DISTRICT (PI)

### SECTIONS:

|           |                             |
|-----------|-----------------------------|
| 21.42.010 | APPLICABILITY               |
| 21.42.020 | PERMITTED USES              |
| 21.42.025 | USES REQUIRING A USE PERMIT |
| 21.42.030 | ZONING ADOPTION OR CHANGE   |
| 21.42.040 | DEVELOPMENT PLAN            |
| 21.42.050 | DEVELOPMENT STANDARDS       |
| 21.42.060 | HEIGHT LIMITS               |
| 21.42.070 | BUILDING SITE AREA          |
| 21.42.080 | YARDS                       |
| 21.42.090 | MAP NUMBERING               |
| 21.42.100 | NONCOMPLIANCE               |

### 21.42.010 APPLICABILITY

The regulations set forth in this chapter shall apply in all PI districts and shall be subject to the provisions of Chapter 21.08 and other provisions of this title not inconsistent with the specific regulations set forth in this chapter. (Ord. CS 256, Sec. 1 (part), 1987).

### 21.42.020 PERMITTED USES

Uses permitted when consistent with the general plan and existing uses upon adoption of a development plan according to procedures set forth in this title for zoning changes (Chapter 21.108).

- A. Ambulance and armored car service;
- B. Animal hospitals;
- C. Appliance repair;
- D. Auto parts establishment, wholesale only;
- E. Body and paint shops;
- F. Bottling plant;
- G. Building materials yard;
- H. Bus and truck terminal;
- I. Cabinet shops;
- J. Cleaning and dyeing establishments;

**21.42.020** Permitted uses

- K. Clinics;
- L. Compounding and packaging of cosmetics, pharmaceutical and toiletries;
- M. Contractor's yards;
- N. Crop farming and the dwellings and outbuildings appurtenant to crop farming;
- O. Cultured marble manufacture;
- P. Express office;
- Q. Farm and garden supply, wholesale only;
- R. Farm equipment service;
- S. Farm implement manufacture;
- T. Food processing, packaging, and storage, including milk products, fruits, nuts, vegetables, blended foods, candies, nonalcoholic beverages, preserves, bakery goods and frozen foods provided adequate sewage treatment facilities and capacity are available;
- U. Fork lift sales/service;
- V. Laboratories;
- W. Machine shops;
- X. Mail order establishments;
- Y. Mini-warehouses;
- Z. Mobile home storage and service;
- AA. Assembly of products, consisting of previously prepared materials, including but not limited to jewelry, clocks, appliances, containers, business machines, toys, electronic equipment, leather goods, office supplies and photographic and optical equipment;
- BB. Offices, administrative, business and professional;
- CC. Office furniture repair;
- DD. Outside storage when screened by a solid ornamental or uniformly painted wooden fence of not less than six feet in height;
- EE. Petroleum and oil storage when accessory to another permitted use;
- FF. Plumbing and heating establishments;

**21.42.020** Permitted uses

- GG. Printing, publishing and book binding;
- HH. Public and quasi-public buildings;
- II. Public garages;
- JJ. Public utilities, including electrical receiving and/or transformer stations;
- KK. Radio, television and communications facilities;
- LL. Research institutions;
- MM. Recreational vehicle service;
- NN. Sheet metal shops;
- OO. Sign shop and storage;
- PP. Signage: one identification or informational sign not more than twelve square feet in area nor more than six feet in height, may be permitted in the front yard or side yard of each lot adjacent to each street frontage in lieu of any other freestanding sign, provided that:
  - 1. It does not bear any advertising message,
  - 2. It is nonflashing, nonmoving, and nonanimated,
  - 3. It is located wholly on private property on the premises to which it pertains, and
  - 4. A plot plan and elevation of the sign is approved by the planning and community development director prior to request for building and electrical permits and installation;
- QQ. Single-family dwellings or one apartment if it is accessory to a permitted use;
- RR. Tire, battery and auto parts, wholesale only;
- SS. Uses normally accessory (incidental and secondary) to other listed uses, including storage of fresh fruit or vegetable containers which are uniformly stacked and maintained at least one hundred feet from the nearest property line;
- TT. Warehouses, including storage within a building but excluding storage of explosives;
- UU. Welding, portable;
- VV. Welding school;
- WW. Wholesale stores and establishments;
- XX. Sandwich/donut shop designed to serve planned industrial development;
- YY. Uses similar to those listed. (Ord. CS 256, Sec. 1 (part), 1987).



## **21.42.025 USES REQUIRING A USE PERMIT**

- A. Commercial cannabis retail (non-storefront only), manufacturing (non-volatile), testing labs, distribution, and cultivation or nursery activities (mixed-light or indoor), subject to Section 21.08.020(D) of this Title.
1. Where a Planned Industrial zoning district is adopted after January 4, 2018, the adoption of the zoning district may authorize the uses permitted by Section A, in-lieu of a use permit, provided the uses are specifically identified in the development plan required by Section 21.42.040 of this Chapter. (Ord. CS 1205, Sec. 4 (part), 2018).

## **21.42.030 ZONING ADOPTION OR CHANGE**

PI district zoning shall be adopted or changed in the same manner as prescribed by this title concerning zoning district amendments. No PI district zoning shall be adopted unless development standards and a development plan have been approved for the area. (Ord. CS 256, Sec. 1 (part), 1987).

## **21.42.040 DEVELOPMENT PLAN**

Prior to any approval of a planned industrial zone a development plan shall be submitted by the applicant.

- A. The development plan shall include:
1. A description of proposed uses and where appropriate disclosure of any chemicals used or wastes generated, including but not limited to petroleum, dyes, thinners, solvents and pesticides;
  2. A map showing any street system and lot design proposed within the area. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the subdivision regulations or any other applicable regulations of the county;
  3. A plot plan for each building site in the PI district for which development is requested. The plot plan shall show the location of all proposed buildings, indicating the distances between buildings, and between buildings and property or building site lines, and the location of all active or abandoned wells, septic systems, irrigation lines, public sewer lines and public water lines;
  4. Elevations and perspective drawings and measurements of all proposed structures to scale. The purpose of such drawings is to indicate the height of proposed buildings and the appearance of the proposed structures to the end that the entire development will have architectural unity and be in harmony with surrounding developments;
  5. Off-street parking and loading plan which shall include a circulation diagram indicating the proposed movement of vehicles and goods;
  6. Landscaping and tree planting plan;
  7. Proposed method of sewage disposal.
- B. Any subsequent changes in the development plan shall be submitted to the department of planning and community development and shall be treated as follows:

**21.42.040** Development plan

1. If the proposed changes do not involve any new uses not already permitted in the adopted planned industrial district, the director of planning and community development may approve the changes through the staff approval application process;
2. If the proposed changes involve uses not permitted in the adopted planned industrial district, the requested changes shall be processed according to the procedures set forth in this title for use permits (Chapter 21.96);
3. If the proposed changes are of such a size or nature as to change the character of the development plan, such changes will be referred to the planning commission and board of supervisors as a request for the adoption of a new development plan according to procedures set forth in this title for zoning changes (Chapter 21.108). (Ord. CS 256, Sec. 1 (part), 1987).

**21.42.050 DEVELOPMENT STANDARDS**

The following development standards shall apply to all planned industrial districts:

- A. At least five percent of the area of a parcel shall be landscaped. If a parcel is to develop in phases, at least five percent of each phase shall be landscaped. Landscaping shall be completed prior to final inspection of the building or occupancy of the property;
- B. Interior streets shall be developed at a seventy foot width with fifty feet of pavement curb to curb, five foot sidewalks and five feet behind each sidewalk to be used for underground facilities;
- C. Loading docks shall be so located that trucks head-in and head-out of the property and do not use the street right-of-way for maneuvering, loading, or unloading. Projects will be so designed as to provide for rear delivery to every proposed business whether loading docks are used or not;
- D. On-site parking shall be provided for each use as required by the Stanislaus county code except that parking in connection with warehouses and manufacturing plants shall be provided at the rate of one space for every one thousand square feet of building if the number of employees is not known. Conversion of a use to a more parking intensive use will be dependent upon the provision of additional parking spaces to meet ordinance requirements;
- E. Connection to sanitary sewer and approved public water systems shall be mandatory in all PI districts where and when such facilities are available;
- F. Any other development standards established for each planned industrial district approved by the planning commission and board of supervisors;
- G. All planned industrial approvals shall be consistent with county standards as well as the standards of any city within whose sphere of influence the planned industrial zone is located with respect to landscaping, off-street parking, sign control and street improvements insofar as these standards do not conflict with the specific standards required by the general plan or the specific development standards adopted for the planned industrial district;
- H. All utilities within an adopted PI zoning district shall be underground;
- I. An eight-foot masonry wall shall be constructed along the property line adjacent to any residential or agricultural zone or any PD zoning for residential use, except as follows:

**21.42.040** Development Standards

1. Where a building abuts an alley, no wall shall be required,
  2. In other circumstances where the planning commission determines that a wall is not needed to provide protection for existing or future adjacent land uses, no wall shall be required. Chain link or other fencing may be required;
- J. Buildings shall occupy no more than seventy percent of the area of any parcel;
- K. Street lights shall be installed to county standards. The property being developed shall be annexed to an existing lighting district. If the area cannot annex to the existing district, one shall be formed. The developer shall contribute one year's operating and maintenance cost of the lights to Stanislaus county. (Ord. CS 256, Sec. 1 (part), 1987).

**21.42.060 HEIGHT LIMITS**

Height limits in PI districts:

- A. Maximum of thirty-five feet for all buildings;
- B. No fence, hedge or screen planting shall be constructed or permitted to grow in excess of three feet in height within any required front yard or side yard of a corner lot unless the director determines that visibility will not be obstructed. (Ord. CS 256, Sec. 1 (part), 1987).

**21.42.070 BUILDING SITE AREA**

Building site area requirements in PI districts:

- A. No new building site shall be approved without prior approval of sanitary and water facilities by the county health department;
- B. Building site area shall be sufficient to provide for open spaces, appurtenant uses and off-street parking requirements as required by this chapter and shall in all cases meet the following minimum building site areas:
  1. Sites serviced by public sewer and water facilities, six thousand square feet,
  2. Sites serviced by public water and septic tank facilities or private well and public sewer facilities, twenty thousand square feet,
  3. Sites serviced by private well and septic tank facilities, one acre.
- C. All requests for parcel maps or subdivisions within an approved PI district shall be reviewed to ensure that all parcels to be created are consistent with an approved development plan indicating the specific future use of each parcel. (Ord. CS 256, Sec. 1 (part), 1987).

## **21.42.080 YARDS**

Yards required in PI districts:

- A. Front yard and side yards of corner lots:
  - 1. Not less than fifteen feet from the ultimate right-of-way line or planned street line where a specific plan has been adopted;
  - 2. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading or unloading;
  - 3. Vehicle openings of any buildings shall be no closer than twenty feet to the property line toward which the opening faces;
  - 4. The side yards of corner lots may be five feet less than the required front yard for the main building.
- B. Side yard or interior lot and rear yard. To be governed by the Uniform Building Code for use or occupancy and type of construction. (Ord. CS 256, Sec. 1 (part), 1987).

## **21.42.090 MAP NUMBERING**

Each PI district map shall be numbered, the first adopted being shown on the zoning map as PI(1) and each map subsequently adopted being numbered successively. (Ord. CS 256, Sec. 1 (part), 1987).

## **21.42.100 NONCOMPLIANCE**

If any portion of the approved development plan or any exhibits attached thereto are not met or complied with, the planning commission may initiate proceedings under Chapter 21.108 to rezone the property to the zone classification it held prior to being zoned PI or other appropriate zone classification. (Ord. CS 256, Sec. 1 (part), 1987).

## CHAPTER 21.44

# HISTORICAL SITE DISTRICT (HS)

### SECTIONS:

|           |  |
|-----------|--|
| 21.44.010 | PURPOSE                                    |
| 21.44.020 | PERMITTED USES                             |
| 21.44.030 | PROHIBITED USES                            |
| 21.44.040 | USES REQUIRING HISTORICAL SITE PERMIT      |
| 21.44.050 | EXEMPTIONS FROM BUILDING CODE REQUIREMENTS |
| 21.44.060 | DEMOLITION                                 |
| 21.44.070 | SITE AREA                                  |

### 21.44.010 PURPOSE

It is the intent of these district regulations to support and enhance the character of historical areas within the county. These district regulations also recognize historical structures as a finite resource which is a product of another time and worthy of special consideration. When new additions, alterations, or rehabilitation projects are proposed to existing structures and are approved by the historical site subcommittee of the county planning commission or planning staff, these district regulations shall enable the building official to grant exemptions from building code requirements when in his opinion such maintenance of the historical character of such buildings or structures and the granting of the exemptions will not create or allow any condition which is immediately hazardous to life or property. The existing unique character of these areas is considered a scenic and economic asset and has significant value to the general welfare. The review provided for by this chapter is intended to ensure that any development in the subject areas will not be unsightly, undesirable, or obnoxious to the extent that such development will impair the quality of the area. The following regulations shall apply in HS districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106, Sec. 8 (part), 1984).

### 21.44.020 PERMITTED USES

Uses permitted in HS districts:

- A. One sign, unlighted, not over four square feet in area, and pertaining only to the sale, lease or rental of the property upon which the sign is located;
- B. Home occupations as regulated in Chapter 21.94;
- C. Crop farming and pasturing, but excluding small animal farming, hog farming, and feed lots;
- D. Garage sales;
- E. One single-family dwelling, additions to already existing buildings requiring a building permit, and accessory uses and buildings normally incidental to single-family dwellings. The new dwelling or addition shall adhere to the guidelines for new construction and rehabilitation of older buildings within the adopted community plan for each historic community. Evidence of its conformance may be required. (Ord. CS 1142, Sec. 1, 2014; Ord. CS 106, Sec. 8 (part), 1984).

#### **21.44.020 Permitted Uses**

- F. Small family day care homes for eight or fewer persons;
- G. Large family day care homes for seven through fourteen persons when the following criteria are met:
  - 1. One off-street parking space shall be provided for each employee plus two spaces;
  - 2. The two additional parking spaces shall be located so that vehicles will head-in and head-out and not use the public road for maneuvering, loading or unloading;
  - 3. There shall be no other day care facilities for more than eight persons within three hundred feet of the exterior boundary of the property.

#### **21.44.030 PROHIBITED USES**

Uses prohibited in HS districts:

- A. Mobile homes;
- B. Replacement of or addition to any existing mobile home shall be prohibited, except that mobile homes located within any mobile home park existing on the effective date of the ordinance codified in this chapter may be replaced. (Ord. CS 106, Sec. 8 (part), 1984).

#### **21.44.040 USES REQUIRING HISTORICAL SITE PERMIT**

Uses permitted subject to first securing an historical site permit in each case:

- A. Land uses not listed in Sections 21.44.020 or 21.44.030 may be permitted subject to first obtaining approval in each case. This approval shall be requested on forms provided by the department of planning and community development staff and shall require a fee equal to that required for use permit approval. Following receipt of a properly completed application, an advertised public hearing shall be held at a location within the historical site district by a five-person subcommittee of the county planning commission. Any approval shall be subject to a finding that the use will not be detrimental to the unique historical character of the community or to the residents of the community. Any approval shall have prescribed conditions as to the architecture of proposed construction, the area of building site, yards required, height limitation permitted, automobile standing space, signs which may be displayed, driveway and parking area improvements, provision for sewage and storm water disposal, domestic water supply, street widening and improvement to be required and shall be consistent with all guidelines established by the community plan. (Ord. CS 106, Sec. 8 (part), 1984).
- B. Additional single-family dwellings provided the Historical General Plan density requirements are maintained. (Ord CS 1142, Sec 2, 2014)

#### **21.44.050 EXEMPTIONS FROM BUILDING CODE REQUIREMENTS**

Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all of the requirements of the building code, when authorized by the building official, provided:

- A. Any unsafe or substandard conditions will be corrected in accordance with approved plans;

**21.44.050** Exemptions from Building Code Requirements

- B. The restored building or structure will be less hazardous, based on life and fire risk, than the existing building. (Ord. CS 106, Sec. 8 (part), 1984).

**21.44.060 DEMOLITION**

No building or structure, or portion thereof, shall be removed, relocated, demolished or structurally altered without prior approval of the director of planning and community development in the form of a staff approval permit. (Ord. CS 106, Sec. 8 (part), 1984).

**21.44.070 SITE AREA**

The minimum allowable area for creation of a parcel within Knights Ferry shall be determined based on the location of the subject parcel as follows:

- A. Sites bordered to the south by the Stanislaus River, 250-feet west of Sonora Road (to the west), 250-feet north of Valentine Street (to the north), and 250-feet east of Lynde Street (to the east), sites serviced by public water and septic tank facilities, twenty thousand square feet. Sites serviced by private well and septic tank facilities, one acre.
- B. Sites within any historical zoned land and outside of the area described above, the minimum building site area shall be five (5) acres.

The minimum allowable area for creation of a parcel within La Grange shall be twenty thousand square feet for sites serviced by public water and septic tank facilities; and one acre for sites serviced by private well and septic tank facilities. (Ord. CS 1142, Sec 3, 2014)

## CHAPTER 21.48

# HIGHWAY FRONTAGE DISTRICT (H-1)

### SECTIONS:

|                  |                                  |
|------------------|----------------------------------|
| <b>21.48.010</b> | <b>APPLICABILITY</b>             |
| <b>21.48.020</b> | <b>PERMITTED USES</b>            |
| <b>21.48.030</b> | <b>USES REQUIRING USE PERMIT</b> |
| <b>21.48.040</b> | <b>DEVELOPMENT STANDARDS</b>     |

### **21.48.010 APPLICABILITY**

The regulations set forth in this chapter shall apply in all H-1 districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106 Sec. 9 (part), 1984).

### **21.48.020 PERMITTED USES**

The following uses are permitted subject to all provisions of this chapter including the development standards listed in Section 21.48.040:

- Amusement arcade;
- Art gallery;
- Automobile agency;
- Automobile repair (excluding body and paint) shop;
- Bakery shop;
- Billiard parlor;
- Botanical garden;
- Catering service;
- Clinics (medical; small animal when entirely enclosed by a building);
- Clubhouse;
- Christmas tree sales lots which provide at least ten accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift; are limited to two double-faced signs not to exceed twelve square feet each; and are not established prior to November 15 of any year and are removed and properly returned to its original condition prior to January 1;
- Church (excluding tent and open air churches);
- Convention center;
- Crop farming;
- Dance studio;
- Day care center;
- Emergency Shelters, in conformance with Section 21.48.024 of this Chapter;
- Facilities for public utility;
- Financial institution;
- Fireworks stands which provide at least five accessible and usable off-street parking spaces in addition to one per employee on a maximum shift. Such stands shall meet all the requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department;



## **21.48.020** Permitted uses

Greenhouse;  
Laboratory;  
Lodge;  
Mini-warehouse;  
Mobile home (when accessory to a permitted use which has substantial outside storage);  
Museum;  
Office (administrative, business and professional);  
Parking lot and garage;  
Personal service establishment;  
Public building and park;  
Radio and television studio;  
Restaurant without bar services;  
Retail and wholesale store when conducted entirely within a building and less than 65,000 square feet of building and sales area;  
School (commercial, technical, trade, academic);  
Service station;  
Single-family dwelling or one apartment if it is accessory to a permitted commercial use;  
Skating rink;  
Social hall;  
Theater, indoor;  
Other uses which the planning director may deem to be similar in character and purpose to those enumerated in this section. (Ord. CS 1169 Sec. 9, 2015; Ord. CS 896, Sec. 3, 2004; Ord. CS 106 Sec. 9 (part), 1984).

## **21.48.024 EMERGENCY SHELTERS**

Emergency Shelters are permitted when served by both public sewer and water and located in an area served by public transit (at least 6 days a week), outside of the Sphere of Influence of a city, subject to the following:

1. The operator shall obtain a non-discretionary permit subject to the staff approval permit application process described in Chapter 21.100 of this County Code. The following development standards shall be applied to the permit:
  - a. The maximum number of beds shall not exceed ten (10) beds
  - b. Outdoor activity and intake areas shall be screened from public view and from the view of adjacent properties.
  - c. On-site lighting shall be provided in all parking, pedestrian paths, and entry areas. Lights shall be shielded and reflected away from adjacent uses.
  - d. Off-street parking shall be provided at a rate of one (1) vehicle parking space per employee (by shift) plus one (1) additional vehicle parking space. Bicycle parking shall be provided at a rate of one (1) space for every three (3) beds.
  - e. A minimum of one (1) supervisory level staff member must be present on the site during hours of operation. Operator(s) must ensure that loitering does not occur on the property during non-shelter hours and must ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood.

**21.48.024** Emergency shelters

- f. A security plan shall be submitted to the Sheriff Department for review and approval prior to operation and shall be annually reviewed.
  - g. A security guard or security officer must be provided during the intake period. Security guards must be licensed through the State of California Department of Consumer Affairs Bureau of Security and Investigative Services.
  - h. The maximum length of stay shall be no longer than six (6) months, as established by the California Health and Safety Code for emergency shelters.
  - i. The shelter shall have set hours of operation and the hours shall be posted in a publicly visible and accessible location on a sign that is no larger than one (1) square foot.
  - j. Outdoor activity shall be allowed only during the hours of 8:00 a.m. to 10:00 p.m. The shelter shall comply with the County's Noise Ordinance.
  - k. If pets are permitted, a plan for their care must be reviewed and approved by the Department of Animal Services.
  - l. Outdoor trash receptacles shall be provided on-site and the property maintained free of litter and debris.
  - m. All other applicable local, State and federal laws, regulations and codes shall be met.
2. The non-discretionary permit shall be submitted to responsible departments for review and comment.
3. A maximum of 10 beds may be permitted in the H-1 zoning district through this provision. After 10 beds have been permitted, a Use Permit must be obtained, in conformance with Chapter 21.96 of this County Code. (Ord. CS 1169 Sec. 10, 2015).

**21.48.030 USES REQUIRING USE PERMIT**

Uses permitted subject to first securing a use permit in each case and subject to all provisions of this chapter, including the development standards listed in Section 21.48.040:

Ambulance and armored car service;  
Apartment house when connected to public sewer and water systems;  
Boarding and rooming house;  
Body and paint shop;  
Bowling alley;  
Bus terminal;  
Coin-operated car wash;  
Dwelling group when connected to public sewer and water systems;  
Driving range;  
Drive-in theater;  
Dry cleaning outlet;  
Duplex;  
Emergency Shelters (when not permitted under Section 21.48.024 of this Chapter);  
Golf course;  
Hospital;

**21.48.030** Uses requiring use permit

Hotel;  
Household appliance repair;  
Laundromat;  
Machine shop;  
Miniature golf course;  
Mobile home parks where connected to both public sewer and water systems;  
Mortuary;  
Motel;  
Motorcycle shop;  
Nursery;  
On-sale liquor establishment;  
Plumbing and heating establishment;  
Restaurant with bar service;  
Retail and wholesale retail store 65,000 square feet or greater in building and sales area;  
Sheet metal shop;  
Skateboard park;  
Taxi terminal;  
Truck terminal;  
Warehouse;  
Waterslide;

Other uses which the planning director may deem to be similar in character and purpose to those enumerated in this section. (Ord. CS 1169 Sec. 11, 2015; Ord. CS 896, Sec. 4 (part), 2004; Ord. CS 106 Sec. 9 (part), 1984; Ord. CS 344 Sec. 7, 1989).

**21.48.040 DEVELOPMENT STANDARDS**

The following development standards shall apply to all land and buildings in the H-1 zone:

A. Building Height Limit.

1. Maximum height of all buildings and advertising signs, thirty-five feet;
2. No fence or screen planting in excess of three feet in height shall be constructed or permitted to grow within any required front yard, or side yard of a corner lot unless the director determines that visibility will not be obstructed.

B. Building Site Area Required.

1. Sites serviced by public sewer and water facilities, six thousand square feet;
2. Sites serviced by public water and septic tank facilities, twenty thousand square feet;
3. Sites serviced by private well and septic tank facilities, one acre.

C. Yards Required.

1. Front Yard.
  - a. Not less than seventy feet from the existing centerline of the street nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. Loading docks shall be so located that trucks will head-in and head-out and not use the public street for

**21.48.040** Development standards

maneuvering, loading or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.

- b. Not less than forty-five feet from the existing centerline of the street on a collector street (sixty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.
  - c. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.
2. Side Yard, Interior Lot Line and Rear Yard, Residential Uses. Five feet, except where the lot line abuts an alley, in which case there shall be no yard requirement.
  3. Side Yard, Interior Lot Line and Rear Yard, Commercial Uses. None, except where the side or rear of the property abuts an R district in which case the minimum side or rear yard shall not be less than five feet.
  4. Side Yard, Corner Lot. The main building and garages or accessory buildings not having direct access to the street may be located five feet closer to the planned street line than at the front yard.
- D. Nuisances. No operations shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration or electrical interference detectable off the site.
- E. Screening. An eight-foot masonry wall shall be constructed along the property line adjacent to any residential or agricultural zone or any P-D zoning for residential use, except where a building abuts an alley, in which case no wall shall be required.
- F. Landscaping. A landscaping plan indicating plant species, initial size, location and method of irrigation shall be approved by the planning director prior to issuance of any permit. Such required landscaping shall be installed within six months of project completion and shall be maintained by the applicant.
- G. Signs.
1. Any sign program for any use shall be submitted to the planning director for approval prior to installation. Freestanding signs are prohibited except where the director determines them to be necessary to serve the traveling public where the use could not otherwise be identified.

**21.48.040** Development standards

2. One identification or informational sign not more than twelve square feet in area nor more than six feet in height may be permitted in the front yard or side yard adjacent to each street frontage of a property which contains a lawful agricultural, commercial, or industrial use in lieu of any other freestanding sign which may be permitted, provided that:
    - a. It does not bear any advertising message;
    - b. It is nonflashing, nonmoving, and nonanimated;
    - c. It is located wholly on private property on the premises to which it pertains;
    - d. A plot plan and elevation of the sign is approved by the planning and community development director prior to a request for building and electrical permits and installation.
- H. Parking. See Chapter 21.76 for off-street parking requirements for all uses in all districts. (Ord. CS 106 Sec. 9 (part), 1984)

## CHAPTER 21.52

# NEIGHBORHOOD COMMERCIAL DISTRICT (C-1)

### SECTIONS:

|                  |                                  |
|------------------|----------------------------------|
| <b>21.52.010</b> | <b>APPLICABILITY</b>             |
| <b>21.52.020</b> | <b>PERMITTED USES</b>            |
| <b>21.52.030</b> | <b>USES REQUIRING USE PERMIT</b> |
| <b>21.52.040</b> | <b>DEVELOPMENT STANDARDS</b>     |

### **21.52.010 APPLICABILITY**

The regulations set forth in this chapter shall apply in all C-1 districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106 Sec. 10 (part), 1984).

### **21.52.020 PERMITTED USES**

Uses permitted in C-1 districts:

- A. Apartment houses, dwelling groups, two-family dwellings or duplexes when connected to public sewer and water systems;
- B. Churches (excluding tent and open air churches), clubhouses, residential care homes, convents, day care centers, facilities for public utilities, family day care homes, fraternal organizations, orphanages, public and quasi-public buildings, rooming and boarding houses, and social halls;
- C. Administrative offices, art galleries, botanical gardens, business and professional offices, clinics, laboratories, small animal hospitals, and small animal shelters when entirely within a building;
- D. Amusement machines, bakery shops, billiard parlors, candy stores, coin-operated car washes, financial institutions, laundrettes, mini-warehouses, music and dance schools, personal service establishments, real estate offices, restaurants (excluding drive-in, bar and outside service), retail stores, service stations (excluding major overhaul, paint shops and body work). Also other uses which the planning director may deem to be similar in character and purpose to those enumerated in this subsection;
- E. Accessory buildings incidental and secondary to all permitted uses, including appurtenant outdoor advertising signs which are nonflashing and nonanimated;

**21.52.020** Permitted uses

- F. One identification or informational sign not more than twelve square feet in area nor more than six feet in height may be permitted in the front yard or side yard adjacent to each street frontage in lieu of any other freestanding sign provided that:
  - 1. It does not bear any advertising message,
  - 2. It is nonflashing, nonmoving, and nonanimated,
  - 3. It is located wholly on private property on the premises to which it pertains,
  - 4. A plot plan and elevation of the sign is approved by the director of planning and community development prior to request for building and electrical permits and installation.
- G. Mobile homes as allowed by the provisions of Chapter 21.72;
- H. Crop farming;
- I. Racing homer pigeons as regulated in Chapter 21.92;
- J. Garage sales;
- K. Single-family dwelling or one apartment if it is accessory to a permitted commercial use;
- L. Christmas tree sales lots provided they meet the required setbacks and provide at least ten accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such lots shall be limited to two double-faced signs not to exceed twelve square feet each. No off-site signs shall be permitted. Such lots may not be established prior to November 15 of any year and shall be removed and the property returned to its original condition prior to January 1;
- M. Fireworks stands provided they meet all required setbacks and provide at least five usable and accessible off-street parking spaces in addition to one space per employee on a maximum shift. Such stands shall meet all the requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department. (Ord. CS 106 Sec. 10 (part), 1984)
- N. Retail and wholesale retail stores with a gross building/sales area less than 65,000 square feet. (Ord. CS 896, Sec. 5, 2004)

**21.52.030 USES REQUIRING USE PERMIT**

Uses permitted, subject to first securing a use permit in each case:

- A. Mobile home parks; provided, that all units are connected to a public sanitary sewer and public water system. (Ord. CS 106 Sec. 10 (part), 1984).

**21.52.030** Uses requiring use permit

- B. Retail and wholesale retail stores with a gross building/sales area of 65,000 square feet or greater. (Ord. CS 896, Sec. 6, 2004)

**21.52.040 DEVELOPMENT STANDARDS**

A. Building Height Limit.

- 1. Maximum height of all buildings and advertising signs, thirty-five feet;
- 2. No fence or screen planting in excess of three feet in height shall be constructed or permitted to grow within any required front yard, or side yard of a corner lot unless the director determines that visibility will not be obstructed.

B. Building Site Area Required.

- 1. Sites serviced by public sewer and water facilities, six thousand square feet;
- 2. Sites serviced by public water and septic tank facilities or private well and public sewer facilities, twenty thousand square feet;
- 3. Sites serviced by private wells and septic tank facilities, one acre.

C. Yards Required.

1. Residential Uses.

a. Front Yard.

- i. Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
- ii. Not less than forty-five feet from the existing centerline of the street on a collector street (sixty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line towards which the opening faces;
- iii. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces.



**21.52.040** Development standards

- b. Side Yard, Interior Lot Line and Rear Yard. Five feet, except where the lot line abuts an alley, in which case there shall be no yard requirement.
- c. Side Yard, Corner Lot. The main building and garages not having direct vehicular access to the street may be located five feet closer to the planned street line than at the front yard.

2. Commercial Uses.

- a. Front Yard.
  - i. Not less than seventy feet from the existing centerline of the street nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. Loading docks shall be so located that trucks will head-in and head-out and not use the public street for maneuvering, loading or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces except where the property line abuts an alley of at least twenty feet in width, in which case, the vehicle opening may be five feet from the property line;
  - ii. Not less than forty-five feet from the existing centerline of the street on a collector street (sixty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
  - iii. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line towards which the opening faces;
  - iv. At street intersections, fences shall be located with a minimum twenty-five-foot corner cutoff; measured along the lot lines from the point of right-of-way intersection.
- b. Side Interior Lot Line or Rear Yard. None, except where the side or rear of the property abuts an R district, shall not be less than five feet.

**21.52.040** Development standards

- c. Side Yard, Corner Lot. Structures not having direct vehicular access to the street may be located five feet closer to the planned street line than at the front yard.
- D. Nuisances. No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site.
- E. Screening. An eight-foot masonry wall shall be constructed along the property line adjacent to any residential or agricultural zone or any P-D zoning for residential use, except where a building abuts an alley in which case no wall shall be required.
- F. Landscaping. A landscaping plan indicating plant species, initial size, location and method of irrigation shall be approved by the planning director prior to issuance of any permit. Such required landscaping shall be installed within six months of project completion and shall be maintained by the applicant.
- G. Signs.
  - 1. Any sign program for any use shall be submitted to the planning director for approval prior to installation. Freestanding signs are prohibited except where the director determines them to be necessary to serve the traveling public where the use could not otherwise be identified.
  - 2. One identification or informational sign not more than twelve square feet in area nor more than six feet in height may be permitted in the front yard or side yard adjacent to each street frontage of a property which contains a lawful agricultural, commercial, or industrial use in lieu of any other freestanding sign which may be permitted, provided that:
    - a. It does not bear any advertising message;
    - b. It is nonflashing, nonmoving, and nonanimated;
    - c. It is located wholly on private property on the premises to which it pertains;
    - d. A plot plan and elevation of the sign is approved by the planning and community development director prior to request for building and electrical permits and installation.
- H. Parking. See Chapter 21.76 for off-street parking requirements for all uses in all districts. (Ord. CS 106 Sec. 10 (part), 1984).

## CHAPTER 21.56

# GENERAL COMMERCIAL DISTRICT (C-2)

### SECTIONS:

|                  |                                  |
|------------------|----------------------------------|
| <b>21.56.010</b> | <b>APPLICABILITY</b>             |
| <b>21.56.020</b> | <b>PERMITTED USES</b>            |
| <b>21.56.030</b> | <b>USES REQUIRING USE PERMIT</b> |
| <b>21.56.040</b> | <b>DEVELOPMENT STANDARDS</b>     |

### **21.56.010 APPLICABILITY**

The regulations set forth in this chapter shall apply in all C-2 districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106 Sec. 11 (part), 1984).

### **21.56.020 PERMITTED USES**

Uses permitted subject to the property development standards listed in Section 21.56.040:

- A. Churches, day care centers, family day care homes, hospitals, schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education, and seminaries;
- B. Clubhouses, community centers, convention centers, fraternal lodges, public and quasi-public buildings, public parks and social halls;
- C. Facilities for public utilities, administrative offices, art galleries, botanical gardens, business and professional offices, clinics, laboratories, bakery shops, billiard parlors, candy stores, financial institutions, music and dance schools, personal service establishments, real estate offices, restaurants, retail stores, and service stations;
- D. Wholesale stores, mini-warehouses and storage within a building, except the storage of explosives;
- E. Ambulance and armored car services; amusement machines; animal hospitals; auditoriums; automobile repair shops; automobile washing and cleaning establishments; body and paint shops; bottling plants; bowling alleys; building materials yards; bus and truck terminals; cabinet shops; cleaning and dyeing establishments; contractors yards; creameries; drive-in restaurants; express office; farm and garden supply; farm equipment sales and service; golf driving ranges; hatcheries; hotels; household appliance sales and service; laundries; machine shops; mail order establishments; miniature golf courses; mobile home sales; storage and service; mortuaries; motels; motorcycle shops; on-sale liquor establishments; outdoor advertising signs which are nonanimated and nonflashing; petroleum and oil storage; pet shops; plumbing and heating establishments; printing, publishing, book binding and paper sales; public garages and automobile sales; recreational vehicle sales and service; sheet metal shops; studios; theaters; tire, battery and automobile parts establishments; sign shops; used motor vehicles when all vehicles are operable without major body damage; used merchandise sales (excluding operable used motor vehicles) when conducted within a building or yard entirely enclosed by a solid fence at least six feet in height; and other uses which in the opinion of the director of planning and community development are similar in character and purpose to uses enumerated in this section.

**21.56.020** Permitted uses

- F. One identification or informational sign not more than twelve square feet in area nor more than six feet in height may be permitted in the front yard or side yard adjacent to each street frontage in lieu of any other freestanding sign, provided that:
  - 1. It does not bear any advertising message,
  - 2. It is nonflashing, nonmoving, and nonanimated,
  - 3. It is located wholly on private property on the premises to which it pertains,
  - 4. A plot plan and elevation of the sign is approved by the director of planning and community development prior to request for building or electrical permit and installation;
- G. Mobile homes as allowed by the provisions of Chapter 21.72;
- H. Crop farming;
- I. Ballrooms, commercial clubs, dance halls, drive-in theaters, night clubs, stadiums and tent or open-air churches. However, when located within two hundred feet of the boundary of any R district, a use permit shall first be secured in each case;
- J. Single-family dwellings or one apartment if it is accessory to a permitted commercial use;
- K. Christmas tree sales lots provided they meet the required setbacks and provide at least ten accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such lots shall be limited to two double-faced signs not to exceed twelve square feet each. No off-site signs shall be permitted. Such lots may not be established prior to November 15 of any year and shall be removed and the property returned to its original condition prior to January 1;
- L. Fireworks stands provided they meet all required setbacks and provide at least five usable and accessible off-street parking spaces in addition to one space per employee on a maximum shift. Such stands shall meet all the requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department. (Ord. CS 106 Sec. 11 (part), 1984).
- M. Emergency Shelters, when served by both public sewer and water and located in an area served by public transit (at least 6 days a week), outside of the Sphere of Influence of a city, subject to the following:
  - 1. The operator shall obtain a non-discretionary permit subject to the staff approval permit application process described in Chapter 21.100 of this County Code. The following development standards shall be applied to the permit:
    - a. The maximum number of beds shall not exceed ten (10) beds
    - b. Outdoor activity and intake areas shall be screened from public view and from the view of adjacent properties.
    - c. On-site lighting shall be provided in all parking, pedestrian paths, and entry areas. Lights shall be shielded and reflected away from adjacent uses.

**21.56.020** Permitted uses

- d. Off-street parking shall be provided at a rate of one (1) vehicle parking space per employee (by shift) plus one (1) additional vehicle parking space. Bicycle parking shall be provided at a rate of one (1) space for every three (3) beds.
  - e. A minimum of one (1) supervisory level staff member must be present on the site during hours of operation. Operator(s) must ensure that loitering does not occur on the property during non-shelter hours and must ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood.
  - f. A security plan shall be submitted to the Sheriff Department for review and approval prior to operation and shall be annually reviewed.
  - g. A security guard or security officer must be provided during the intake period. Security guards must be licensed through the State of California Department of Consumer Affairs Bureau of Security and Investigative Services.
  - h. The maximum length of stay shall be no longer than six (6) months, as established by the California Health and Safety Code for emergency shelters.
  - i. The shelter shall have set hours of operation and the hours shall be posted in a publicly visible and accessible location on a sign that is no larger than one (1) square foot.
  - j. Outdoor activity shall be allowed only during the hours of 8:00 a.m. to 10:00 p.m. The shelter shall comply with the County's Noise Ordinance.
  - k. If pets are permitted, a plan for their care must be reviewed and approved by the Department of Animal Services.
  - l. Outdoor trash receptacles shall be provided on-site and the property maintained free of litter and debris.
  - m. All other applicable local, State and federal laws, regulations and codes shall be met.
2. The non-discretionary permit shall be submitted to responsible departments for review and comment.
3. A maximum of 10 beds may be permitted in the C-2 zoning district through this provision. After 10 beds have been permitted, a Use Permit must be obtained, in conformance with Chapter 21.96 of this County Code. (Ord. CS 1169 Sec. 12, 2015)

**21.56.030 USES REQUIRING USE PERMITS**

Uses permitted subject to first securing a use permit in each case:

- A. Drilling for, or removal of, gas, oil or commercial removal of minerals, earth or other natural materials;
- B. Assembly of typewriters, business machines, and similar mechanical equipment;
- C. Compounding and packaging of cosmetics, pharmaceuticals and toiletries, but excluding soap manufacturing;
- D. Manufacturing and assembly of jewelry, watches, clocks, precision instruments, appliances, musical instruments, bottles, and other glass products which are made from previously prepared materials; electric and electronic instruments and equipment; electric motors, toys,

television and radio equipment, electrical plating;

**21.56.030** Uses requiring use permit

- E. Manufacturing of leather goods, paper products, pens, pencils and artist supplies when such goods, products and supplies are made from previously prepared materials;
- F. Manufacturing and assembling of professional and scientific instruments, photographic and optical equipment;
- G. Mobile home parks where connected to both public sewer and water systems. (Ord. CS 106 Sec. 11 (part), 1984).
- H. Retail and wholesale retail stores with a gross building and sales are of 65,00 square feet or greater. (Ord. CS 896 Sec. 8, 2004).
- I. Emergency Shelters (when not permitted under Section 21.56.020(M) of this Chapter). (Ord. CS 1169 Sec. 13, 2016).
- J. Commercial cannabis retail (storefront only), or testing activities, subject to Section 21.08.020(D) of this Title. (Ord. CS 1205, Sec. 5, 2018).

**21.56.040 DEVELOPMENT STANDARDS**

The following development standards shall apply to all land and buildings in the C-2 zone:

- A. Height Limits.
  - 1. Maximum height of building, seventy-five feet;
  - 2. Maximum height of separate standing advertising structure, thirty-five feet;
  - 3. Additional height may be granted for advertising signs, transmitting towers, storage towers and structures not used for human occupancy; provided that a use permit is first secured in each case;
  - 4. No fence or screen planting in excess of three feet in height shall be constructed or permitted to grow within any required front yard, or side yard of a corner lot, unless the director determines that visibility will not be obstructed.
- B. Building Site Area Required.
  - 1. All parcels used for residential purposes shall have an area not less than the minimum set forth in the appropriate R district;
  - 2. All nonresidential uses shall be on a parcel sufficient to provide for open spaces, appurtenant uses and off-street parking requirements as set forth in Chapters 21.08 and 21.76.
- C. Yards Required.
  - 1. Residential Uses and Uses Listed in Section 21.56.020 A and B.
    - a. Front Yard.

- i. Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces except where the property line abuts

**21.56.040** Development standards

an alley of at least twenty feet in width, in which case, the vehicle opening may be five feet from the property line.

- ii. Not less than forty-five feet from the existing centerline of the street on a collector (sixty feet wide) street, nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces except where the property line abuts an alley of at least twenty feet in width, in which case, the vehicle opening may be five feet from the property line.

- iii. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces except where the property line abuts an alley of at least twenty feet in width, in which case, the vehicle opening may be five feet from the property line.

- b. Side Yard, Interior Lot Line and Rear Yard. Five feet, except where the lot line abuts an alley, in which case there shall be no yard requirement.
- c. Side Yard, Corner Lot. The main building and garage or accessory building not having direct vehicular access to the street may be located five feet closer to the planned street line than at the front yard.

2. Commercial and Industrial Uses.

a. Front Yard.

- i. Not less than seventy feet from the existing centerline of the street, nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. Loading docks shall be so located that trucks will head-in and head-out and not use the public street for maneuvering, loading, or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces except where the property line abuts an alley of at least twenty feet in width, in which case, the vehicle opening may be five feet from the property line.

- ii. Not less than forty-five feet from the existing centerline of the street on a collector street (sixty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading or

unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces except where the property line abuts an alley of at least twenty feet in width, in which case, the vehicle opening may be five feet from the property line.

**21.56.040** Development standards

- iii. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces except where the property line abuts an alley of at least twenty feet in width, in which case, the vehicle opening may be five feet from the property line.
  - iv. At street intersections, fences shall be located with a minimum twenty-five-foot corner cutoff, measured along the lot lines from the point of right-of-way intersection.
  - b. Side Yard, Interior Lot Line or Rear Yard. None, except where the side or rear of the property abuts an R district, in which case the minimum side or rear yard shall not be less than five feet.
  - c. Side Yard, Corner Lot. Structures not having direct vehicular access to the street may be located five feet closer to the planned street line than the front yard.
- D. Nuisance. No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration or electrical interference detectable off the site.
- E. Screening. An eight-foot masonry wall shall be constructed along the property line adjacent to any residential or agricultural zone or any P-D zoning for residential use, except where a building abuts an alley in which case no wall shall be required.
- F. Landscaping. A landscaping plan indicating plant species, initial size, location and method of irrigation shall be approved by the planning director prior to issuance of any permit. Such required landscaping shall be installed within six months of project completion and shall be maintained by the applicant.
- G. Signs. Any sign program for any use shall be submitted to the planning director for approval prior to installation.
- H. Parking. See Chapter 21.76 for off-street parking requirements for all uses in all districts. (Ord. CS 106 Sec. 11 (part), 1984).



**CHAPTER 21.60**

**INDUSTRIAL DISTRICT (M)**

**SECTIONS:**

|                  |                                    |
|------------------|------------------------------------|
| <b>21.60.010</b> | <b>APPLICABILITY</b>               |
| <b>21.60.020</b> | <b>PERMITTED USES</b>              |
| <b>21.60.030</b> | <b>USES REQUIRING A USE PERMIT</b> |
| <b>21.60.040</b> | <b>HEIGHT LIMIT</b>                |
| <b>21.60.050</b> | <b>YARDS</b>                       |
| <b>21.60.060</b> | <b>NUISANCES</b>                   |
| <b>21.60.070</b> | <b>SCREENING</b>                   |
| <b>21.60.080</b> | <b>OFF-STREET PARKING</b>          |
| <b>21.60.090</b> | <b>LOT COVERAGE</b>                |

**21.60.010 APPLICABILITY**

The regulations set forth in this chapter shall apply in all M districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106 Sec. 12 (part), 1984).

**21.60.020 PERMITTED USES**

Uses permitted in M districts:

- A. All retail and wholesale establishments, warehouses, service establishments, public and quasi-public buildings; junkyards, wrecking yards and auto dismantling yards; and all uses permitted in the C districts except dwelling units of any kind unless otherwise specifically permitted in this zone;
- B. All industrial uses except those specified in Section 21.60.030;
- C. Outdoor advertising signs which are nonflashing and nonanimated;
- D. One mobile home when appurtenant and secondary to a permitted use with substantial outside storage subject to provisions of Chapter 21.72;
- E. One identification or informational sign not more than twelve square feet in area nor more than six feet in height may be permitted in the front yard or side yard adjacent to each street frontage in lieu of any other freestanding sign, provided that:
  - 1. It does not bear any advertising message,
  - 2. It is nonflashing, nonmoving, and nonanimated,
  - 3. It is located wholly on private property on the premises to which it pertains,
  - 4. A plot plan and elevation of the sign is approved by the director of planning and community development prior to request for building or electrical permits and installation;

**21.60.020** Permitted uses

- F. Crop farming;
- G. Ballrooms, commercial clubs, dance halls, drive-in theaters, night clubs, stadiums and tent or open-air churches. However, when located within two hundred feet of the boundary of an R district, a use permit shall first be secured;
- H. Single-family dwelling or one apartment if it is accessory to a permitted commercial or industrial use;
- I. Christmas tree sales lots provided they meet the required setbacks and provide at least ten accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such lots shall be limited to two double-faced signs not to exceed twelve square feet each. No off-site signs shall be permitted. Such lots may not be established prior to November 15 of any year and shall be removed and the property returned to its original condition prior to January 1;
- J. Fireworks stands provided they meet all required setbacks and provide at least five usable and accessible off-street parking spaces in addition to one space per employee on a maximum shift. Such stands shall meet all the requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department. (Ord. CS 106 Sec. 12 (part), 1984).
- K. Adult businesses as allowed by the provisions of Chapter 21.68.
- L. All retail stores and wholesale retail stores which have a building and sales area less than sixty-five thousand square feet or greater. (Ord. CS 896 Secs 9, 10, 2004; Ord. CS 607 Sec 3, 1995; Ord. CS 106 §12, 1984).

**21.60.030 USES REQUIRING A USE PERMIT**

Uses permitted, subject to first securing a use permit in each case:

- A. Distillation of bones, disposal, dumping, sanitary landfill; incineration or reduction of dead animals, garbage, offal, refuse or sewage; and fat rendering;
- B. Manufacturing of acid, cement, compressed gases, fertilizer, fungicides, glue, gypsum, hides, insecticides, lime, paper pulp, pesticides, plaster of paris or poison gas;
- C. Manufacture of explosives, or fireworks, and storage of explosives;
- D. Feed lots, stockyards, slaughter of animals or poultry;
- E. Refining of petroleum products, smelter of copper, iron, tin, zinc or other ores and metals;
- F. Drilling for, or removal of gas, oil or commercial removal of minerals, earth or other materials;
- G. Go-cart tracks, motor vehicle rides, race tracks, rifle ranges, skeet ranges, motorcycle tracks and motorcycle hill climbs. (Ord. CS 106 Sec. 12 (part), 1984).

**21.60.030** Uses Requiring a Use Permit

- H. All retail stores and wholesale retail stores with a gross building and/or sales area of sixty-five thousand square feet or greater. (Ord. CS 896 §11, 2004; Ord. CS 106 §12, 1984)
- I. Emergency Shelters. (Ord. CS 1169, Sec 14, 2015)
- J. Commercial cannabis retail (storefront or non-storefront), manufacturing (volatile or non-volatile), testing labs, distribution, and cultivation or nursery activities (mixed-light or indoor), subject to Section 21.08.020(D) of this Title. (Ord. CS 1205, Sec 6, 2018).

**21.60.040 HEIGHT LIMIT**

Height limit in M districts:

- A. Building and appurtenant structures, seventy-five feet;
- B. Fireproof structures (excluding advertising structures) not used for human occupancy, no height limit;
- C. Separate standing advertising structures, thirty-five feet;
- D. No fence or screen planting in excess of three feet in height shall be constructed or permitted to grow within any required front yard, or side yard of a corner lot, unless the director determines that visibility will not be obstructed;
- E. Additional height may be granted for advertising signs, transmitting towers, storage towers, and structures not used for human occupancy, provided that a use permit is first secured in each case. (Ord. CS 106 Sec. 12 (part), 1984).

**21.60.050 YARDS**

Yards required in M districts:

- A. Front Yard and Side Yards of Corner Lots.
  - 1. Not less than seventy feet from the existing centerline of the street nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. Loading docks shall be so located that trucks will head-in and head-out and not use the public street for maneuvering, loading and unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
  - 2. Not less than forty-five feet from the existing centerline of the street on a collector street (sixty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
  - 3. Not less than forty feet from the existing centerline of the street on a minor street (fifty feet wide) nor less than fifteen feet from the planned street line where a specific plan has been adopted. Loading docks shall be so located that trucks will head-in and head-out and not use the public highway for maneuvering, loading and

**21.60.050**      Yards

unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;

4.      The side yards of corner lots may be five feet less than the required front yard for the main building.

- B.      Side Yard of Interior Lot and Rear Yard. To be governed by the Uniform Building Code for use or occupancy and type of construction. (Ord. CS 106 Sec. 12 (part), 1984).

**21.60.060**      **NUISANCES**

No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site. (Ord. CS 106 Sec. 12 (part), 1984).

**21.60.070**      **SCREENING**

An eight-foot masonry wall shall be constructed along the property line adjacent to any residential or agricultural zone or any P-D zoning for residential use, except where a building abuts an alley in which case no wall shall be required. (Ord. CS 106 Sec. 12 (part), 1984).

**21.60.080**      **OFF-STREET PARKING**

See Chapter 21.76 for off-street parking requirements for all uses in all districts. (Ord. CS 106 Sec. 12 (part), 1984).

**21.60.090**      **LOT COVERAGE**

Percentage of lot coverage, total area of building, maximum seventy-five percent. (Ord. CS 106 Sec. 12 (part), 1984).

CHAPTER 21.61

**INDUSTRIAL BUSINESS PARK (IBP)**

**SECTIONS:**

|           |   |
|-----------|---|
| 21.61.010 | PURPOSE OF CHAPTER                              |
| 21.61.020 | LAND USES AND PERMIT REQUIREMENTS               |
| 21.61.030 | USES REQUIRING USE PERMIT                       |
| 21.61.040 | DEVELOPMENT STANDARDS                           |
| 21.61.050 | EXCEPTIONS                                      |
| 21.61.060 | PROHIBITED USES                                 |
| 21.61.070 | LANDSCAPE AND IRRIGATION PLAN APPROVAL REQUIRED |
| 21.61.080 | LANDSCAPE AREA REQUIREMENTS                     |
| 21.61.090 | MAINTENANCE OF LANDSCAPE AREAS                  |
| 21.61.100 | PUBLIC EDUCATION                                |
| 21.61.110 | PERFORMANCE STANDARDS                           |

**21.61.010 PURPOSE OF CHAPTER**

This Chapter lists the land uses that may be allowed within the Industrial Business Park zoning district, determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size. The purposes of the Industrial Business Park zoning district and the manner in which it is applied is as follows.

- A. **IBP (Industrial/Business Park) District.** The IBP zoning district is applied to areas appropriate for light industrial and business park land uses, including low-intensity manufacturing and assembly processes, research and development, and corporate headquarters offices. The land uses allowed and development standards required within the IBP district are intended to protect adjacent areas from impacts while allowing indoor, clean, and quiet industry. Land uses in the IBP zoning district are often organized as a business park, with tenants that may include some commercial activities. The IBP zoning district is consistent with the Planned Industrial land use designation of the Stanislaus County General Plan.

**21.61.020 LAND USES AND PERMIT REQUIREMENTS**

- A. **General requirements.** Table 21.61.A identifies the uses of land allowed by this Zoning Ordinance in the Industrial Business Park zoning district, and the land use permit required to establish each use, in compliance with the Stanislaus County Zoning Ordinance.

**Note:** the far right column in the tables ("Specific Use Regulations") will show a section number for regulations that apply to the particular use listed, in addition to the other general standards of this Zoning Ordinance.

- B. The following uses are permitted subject to the development standards (21.61.040): Crop farming and horticulture, assembly of products, call centers, communication systems research and development, computer systems research and development, electronic repair and assembly, manufacturing and technology support industries, packaging, printing and publishing companies, book binding, software development, wholesale distribution and catalog sales, parcel delivery service.

**21.61.020** Land Uses and Permit Requirements

- C. Government offices and facilities (police and fire) and infrastructure when used to support uses in this district, may be permitted.

**21.61.030 USES REQUIRING USE PERMIT**

Uses permitted subject to first securing a use permit in each case:

- A. Corporate offices, conference center, furniture manufacturing, interior design and office equipment sales, pharmaceutical manufacturing, research and development laboratories, sheet metal fabrication, sign fabrication, broadcast studios, offices, regional offices and facilities of the County and state government, regional, state or national offices of the federal government.
- B. Offices for building contractors, engineering and architectural firms may be permitted in buildings with multiple tenants subject to the issuance of a conditional use permit and subject to the following limitations:
1. The combined floor area of all such offices within a single building or group of buildings developed as a single development shall not exceed 25% of the total floor area.
  2. No outdoor storage is allowed.
- C. Support services including, but not limited to, banks, convenience stores, day care centers, gymnasias and exercise businesses, copying and reprographics service, restaurants and food take out businesses may be allowed in a building housing multiple tenants subject to the issuance of a conditional use permit and subject to the following findings and limitations:
1. Required findings for a conditional use permit for support businesses:
    - a. The use will be consistent with the purpose and intent of the Industrial Business Park Zoning District and any appropriate Business Park Master Development Plan.
    - b. The use will be compatible with existing and allowed uses in the Zoning District and/or any appropriate Master Development Plan area.
    - c. The use does not preclude the establishment of industrial/business park uses favored for the Zoning District or any appropriate Master Development Plan area.
  2. Limitations for the establishment of support services.
    - a. The combined floor area of all such offices within a single building or group of buildings developed as a single development shall not exceed 25% of the total gross floor area.
    - b. All such businesses must be integrated with the design of the building or group of buildings developed as a single project and shall be found to be incidental to, and supportive of, the primary industrial business or businesses.
    - c. All such businesses shall comply with the design guidelines established by the Zoning Ordinance and/or any applicable Business Park Master Development Plan.
    - d. No outdoor storage shall be allowed.
    - e. All signage shall comply with the provisions of this chapter and the design guidelines established by any applicable Business Park Master Development Plan.

**21.61.030** Uses Requiring Use Permit

- D. **Permit requirement for expansion.** Any expansion of an existing use within an industrial zoning district comprising less than 25 percent of the existing building floor area shall be subject to administrative approval by the Director or his/her staff. An expansion involving greater than 25 percent of existing floor area may be allowed subject to the issuance of a conditional use permit.

| <p align="center"><b>Table 21.61.A<br/>Allowed Uses and Permit Requirements for<br/>Industrial Business Park Zoning District</b></p> | <p><b>P<br/>CUP</b></p>               | <p><b>Permitted Use<br/>Conditional Use Permit<br/>required<br/>Use not allowed</b></p> |
|--|---------------------------------------|---|
|  | <p align="center"><b>Land Use</b></p> | <p align="center"><b>Permit<br/>Required</b></p>  |
| <p align="center"><b>AGRICULTURE AND OPEN SPACE USES</b></p>   |                                       |   |
| <p>Crop production and horticulture</p>  | <p align="center">P</p>               |   |
| <p align="center"><b>INDUSTRY, MANUFACTURING &amp; PROCESSING USES</b></p>   |                                       |   |
| <p>Assembly of products</p>  | <p align="center">P</p>               |   |
| <p>Bakery wholesale and distribution</p>   | <p align="center">--</p>              |   |
| <p>Bottling plant</p>  | <p align="center">--</p>              |   |
| <p>Call centers</p>  | <p align="center">P</p>               |   |
| <p>Communication systems research and development</p>  | <p align="center">P</p>               |   |
| <p>Computer systems research and development</p>   | <p align="center">P</p>               |   |
| <p>Conference center</p>   | <p align="center">CUP</p>             |   |
| <p>Corporate offices</p>   | <p align="center">P</p>               |   |
| <p>Furniture manufacturing</p>   | <p align="center">CUP</p>             |   |
| <p>Electronic repair and assembly</p>  | <p align="center">P</p>               | <p align="center">21.61.040</p>   |
| <p>Food packaging</p>  | <p align="center">--</p>              |   |
| <p>Interior design and office equipment sales</p>  | <p align="center">CUP</p>             |   |
| <p>Manufacturing and technology support industries</p>   | <p align="center">P</p>               | <p align="center">21.61.040</p>   |
| <p>Packaging</p>   | <p align="center">P</p>               |   |
| <p>Pharmaceutical manufacturing</p>  | <p align="center">CUP</p>             |   |
| <p>Printing and publishing companies, book binding</p>   | <p align="center">P</p>               |   |
| <p>Research and development, laboratories</p>  | <p align="center">CUP</p>             |   |
| <p>Seed processing and packaging</p>   | <p align="center">--</p>              |   |
| <p>Sheet metal fabrication<sup>1</sup></p>   | <p align="center">CUP</p>             |   |

| <b>Table 21.61.A<br/>Allowed Uses and Permit Requirements for<br/>Industrial Business Park Zoning District</b> |                            | <b>P<br/>CUP<br/>-</b>              | <b>Permitted Use<br/>Conditional Use Permit<br/>required<br/>Use not allowed</b> |
|--|----------------------------|-------------------------------------|--|
| <b>Land Use</b>  | <b>Permit<br/>Required</b> | <b>Specific Use<br/>Regulations</b> |  |
|  | <b>IBP</b>                 |                                     |  |
| Sign fabrication companies <sup>1</sup>  | CUP                        |                                     |  |
| Software development   | P                          |                                     |  |
| Warehouses as a principle use  | --                         |                                     |  |
| Wholesale distribution and catalog sales   | P                          |                                     |  |
| <b>RETAIL AND SERVICES USES</b>  |                            |                                     |  |
| Banks  | CUP                        |                                     | 21.61.040  |
| Broadcast studios  | CUP                        |                                     | 21.61.040  |
| Convenience store  | CUP                        |                                     | 21.61.040  |
| Day care center  | CUP                        |                                     | 21.61.040  |
| Gymnasium/exercise business  | CUP                        |                                     | 21.61.040  |
| Offices  | CUP                        |                                     | 21.61.040  |
| Parcel delivery service  | P                          |                                     |  |
| Public buildings   | P                          |                                     |  |
| Copying and reprographics service  | CUP                        |                                     | 21.61.040  |
| Restaurants, food take-out   | CUP                        |                                     | 21.61.040  |

Notes

1. As long as the use is conducted entirely within an enclosed building and complies with the performance standards established by Section 21.61.110. Outdoor storage is prohibited.
2. Computer and peripheral equipment manufacturing and assembly incorporating activities defined by the *North American Industry Classification System, United States Office of Management and Budget*, Sub-Sectors 334 and 335, including but not limited to mainframe computers, personal computers, workstations, laptops and computer servers; peripheral equipment such as storage devices, printers, monitors, input/output devices, and terminals, and similar activities. Also included in this category is the manufacture and assembly of other parts, casings, cable sets, switches, and similar peripheral equipment in support of computer and technology industries.



**21.61.040 DEVELOPMENT STANDARDS**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 21.61.B, in addition to any other applicable requirements of the Stanislaus County Zoning Ordinance.

**TABLE 21.61.B  
INDUSTRIAL BUSINESS PARK ZONING DISTRICT  
DEVELOPMENT STANDARDS**

| <b>IBP</b>            |   |
|-----------------------|---|
| Minimum lot size      | Minimum area and dimensions for parcels proposed in new subdivisions.   |
| Minimum lot area      | 5 acres   |
| Minimum dimensions    | 100 ft.   |
| Minimum Building Size | 50,000 sq.ft.   |
| Setbacks(3)           | Minimum setbacks required. See Chapter 21.61.080 for setback measurements, exceptions, and allowed projections into setbacks. |
| Front                 | 15 ft.  |
| Sides (each)          | 10 ft.  |
| Rear                  | 15 ft.  |
| Site coverage         | 50% maximum   |
| Height limit (1)      | 45 ft. (2)  |
| Landscaping           | As required by Chapter 21.61.070 and 21.61.080  |
| Lighting              | As required by Section 21.61.110  |
| Parking and loading   | As required by Chapter 21.76 (Offstreet Parking)  |
| Signs                 | As required by County of Stanislaus or applicable City Sign regulations   |

**21.61.040** Development Standards

**Notes:**

- (1) Maximum allowed height of structures. Exceptions may be allowed by Chapter 21.61.050 (exceptions).
- (2) Except as may be required by the Airport Land Use Plan for the Patterson Airport.
- (3) The minimum setback for parking, buildings and other structures along Rogers Road, Baldwin Road, Sperry Avenue shall be twenty (20) feet measured from the property line or the adopted right-of-way plan line, whichever is greater. (Other minimum setbacks may be required based on site specific development proposals)

**21.61.050 EXCEPTIONS**

Exceptions to Sections 21.61.020, 21.61.030, and 21.61.040 (specific use requirements and development standards) may be granted by the Director (in the case of a permitted use) or by the Planning Commission upon review of a conditionally allowable use, upon making all of the following required findings:

- 1. The exception will not constitute a grant of special privilege inconsistent with the purpose and intent of the Zoning District or any applicable Business Park Master Development Plan or the applicable City or Stanislaus County Zoning Ordinances.
- 2. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity.

In the case of this Zoning District being used outside of the West Patterson Master Plan Area, Exceptions may be granted with approval of a specific Development Plan and a negotiated Development Agreement.

**21.61.060 PROHIBITED USES**

The following uses are prohibited: Bakery-wholesale and distribution, bottling plant, food packaging including packing shed, automobile sales or repair, seed processing and packaging, and warehouses as a principle use. Additionally, Table 21.61.C provides a listing of further prohibited uses:

**TABLE 21.61.C**

|   |
|---|
| Adult Establishments                                    |
| Airports/Heliports                                      |
| Appliance Sales and Repair                              |
| Auto/Truck Sales or Repair or Body Shops                |
| Bed and Breakfast Inns                                  |
| Boarding Houses   |
| Boat, Motorcycle, Jet Ski, Auto and RV Sales and Repair |
| Building Materials Sales with outside Storage           |
| Car Washes automatic and self serve                     |
| Cemeteries, mausoleums, columbaria and memorial gardens |
| Coal and wood lots                                      |

| <b>TABLE 21.61.C (continued)</b>  |
|---|
| Commercial dorms  |
| Concrete Plants   |
| Contractor or Building Supply - Retail with or without outside storage  |
| Convenience stores with gasoline sales  |
| Correctional Facilities and Jails   |
| Crematoriums  |
| Detached single family dwellings  |
| Drive-in Theaters   |
| Duplexes, triplexes, and multi-family units   |
| Exterminators   |
| Fairgrounds   |
| Farmers Markets   |
| Feed and Grain Sales and Storage  |
| Funeral Homes   |
| Garden Centers  |
| Hazardous & Nuclear material storage and disposal unless a very minor accessory to approved use - (UP required) |
| Heavy Equipment Sales or Repair   |
| Hospitals   |
| Incinerators  |
| Junk Yards and Wrecking yards   |
| Kennels   |
| Landfills   |
| Manufacture and Storage of Chemicals when not accessory use (UP required)                                       |
| Manufacture and storage of fireworks or explosives  |
| Manufactures home or office sales   |
| Mini-storage  |
| Parking as an independent use   |
| Pet Grooming  |
| Public Schools (K-12)   |
| Public Sewer Treatment plants   |
| Quarries or mining  |
| Rendering plants for poultry or animals   |
| Repair shops with outdoor storage or operation  |
| Retirement Centers and life care facilities   |
| Salvage and scrap yards   |
| Service Stations  |
| Shopping Centers  |
| Slaughtering Plants   |
| Stadiums and Arenas   |
| Storage yards including bulk storage of flammables  |
| Storage yards not including bulk storage of flammables  |
| Theaters, Movie Theaters  |
| Transfer Stations   |
| Veterinarian Offices, Clinics, Hospitals  |

#### 21.61.070 LANDSCAPE AND IRRIGATION PLAN APPROVAL REQUIRED

- A. **Preliminary Landscape and Irrigation Plan.** A Preliminary Landscape Plan shall be submitted as part of an application for a land use entitlement, for new development, and the significant expansion or redevelopment of an existing use as determined by the Director.
- B. **Final Landscape and Irrigation Plan.** Following approval of the land use entitlement, a Final Landscape Plan shall be submitted as part of the application for a Building Permit. Final plans shall be approved by the Director prior to the start of on-site construction or soil disturbance and prior to the issuance of a Building Permit.
- C. **Content.** Preliminary Landscape and Irrigation Plans and Final Landscape and Irrigation Plans shall contain information as specified in the instructions for preparing landscape plans provided by the Department.
- D. **Review and approval.** After initial application, the Director shall review each Preliminary Landscape and Irrigation Plan and Final Landscape and Irrigation Plan to verify its compliance with the provisions of this Chapter. The Director may approve the submittal in compliance with this Chapter, or may disapprove or require changes to a submittal that is not in compliance.
- E. **Statement of surety.** When required by the Director, a statement of surety in the form of cash, performance bond, letter of credit, or certificate of deposit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the County or appropriate City (if within a City Sphere of Influence) for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project's landscaping before occupancy of the site.
- F. **Minor changes to approved plans.** Landscape and Irrigation plan approval may include the Director authorizing minor changes from the requirements of this Chapter.
- G. **Water efficiency.** All landscape and irrigation plans shall be prepared in compliance with applicable County or City Ordinances regarding Water Efficient Landscaping for New Construction and Development.

#### 21.61.080 LANDSCAPE AREA REQUIREMENTS

Landscaping shall be provided in the locations specified below:

- A. **Setbacks.** All setback and open space areas required by this Ordinance, and easements for utilities, and drainage courses shall be landscaped, except where a required setback is screened from public view or it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.
- B. **Unused areas.** All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped unless it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.

## 21.61.080 Landscape Area Requirements

C. **Parking areas.** Parking areas shall be landscaped in compliance with the following requirements.

1. **Landscape materials.** Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs, and ground cover.
2. **Curbing.** Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide. Alternative barrier design to protect landscaped areas from damage by vehicles may be approved by the Director.
3. **Location of landscaping.** Parking lot landscaping shall be located so that pedestrians are not required to cross landscaped areas to reach building entrances from parked cars. This should be achieved through proper orientation of the landscaped fingers and islands.
4. **Bumper overhang areas.** To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a two-foot bumper overhang while maintaining the required parking dimensions.
5. **Perimeter parking lot landscaping.**

- a. **Adjacent to streets.** Parking areas adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the zoning district or 15 feet, whichever is more.

The landscaping shall be designed and maintained to screen cars from view from the street to a height of between 30 inches and 42 inches. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices which meet the intent of this requirement. Shade trees shall be provided at a minimum rate of one for every 30 linear feet of landscaped area. Plant materials, signs, or structures within a traffic safety sight area of a driveway.

- b. **Adjacent to side or rear property lines.** Parking areas for nonresidential uses shall provide a perimeter landscaped strip at least five feet wide (inside dimension) where the facility adjoins a side or rear property line. The perimeter landscaped strip may include a required yard or buffer area. Trees shall be provided at the rate of one for each 30 linear feet of landscaped area.
- c. **Adjacent to structures.** When parking areas are located adjacent to structures, a minimum five-foot wide landscape strip shall be provided adjacent to the structure.

## **21.61.080 Landscape Area Requirements**

### **6. Interior parking lot landscaping.**

#### **a. Amount of landscaping.**

- (1) Industrial/manufacturing uses shall provide landscaping within the parking area at a minimum ratio of six percent of the gross area of the parking lot. One tree shall be provided for every 10 parking spaces.

#### **b. Location of landscaping.** Landscaping shall be evenly dispersed throughout the parking area. Use of an orchard-style planting scheme (placement of trees in uniformly-spaced rows) is encouraged for larger parking areas. Parking lots with more than 100 spaces should provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.

7. Drainage Areas, Retention/Detention Basins. All surface drainage facilities and retention/detention basins shall be landscaped and integrated as an amenity into the site and landscaping plan for a project. Plant materials shall be chosen that are water tolerant and that provide visual relief to the appearance of the retention/detention basin during periods when no water is present.

8. Wet Ponds. Wet ponds may be incorporated into the site and landscaping plan as an amenity which may also provide storm water retention/detention. All such ponds shall be integrated as an amenity into the site and landscaping plan for a project.

## **21.61.090 MAINTENANCE OF LANDSCAPE AREAS**

- A. **Maintenance required.** All landscaped areas shall be maintained in a healthful and sound condition at all times. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Chapter. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; adding/replenishing mulch, fertilizer, and soil amendments; pruning; and weeding all landscaped areas.

- B. **Water waste prohibited.** Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures is prohibited.

## **21.61.100 PUBLIC EDUCATION**

Developers shall provide information to prospective tenants regarding water-efficient landscaping techniques. A sample of the information to be provided shall be submitted to the Director for approval prior to issuance of a Building Permit.

## **21.61.110 PERFORMANCE STANDARDS**

- A. All land uses proposed in the IBP zoning district shall be operated and maintained so as to not be injurious to public health, safety or welfare, and shall comply with the following standards.
1. Air emissions. No approved land use shall generate or cause any visible dust, gasses, or smoke to be emitted into the atmosphere, except as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.
  2. Glare and heat. No direct or sky-reflected glare or heat, whether from floodlights or from high temperature processes (including combustion or welding or otherwise) shall be visible or felt at the property line.
  3. Ground vibration. No approved land use shall generate ground vibration perceptible without instruments at any point along or outside of the property line of the use, except for motor vehicle operations.
  4. Odor. No approved land use shall generate or emit any odor or fumes perceptible at the property line.

## CHAPTER 21.62

# LIGHT INDUSTRIAL (LI)

### SECTIONS:

|           |   |
|-----------|---|
| 21.62.010 | PURPOSE OF CHAPTER                              |
| 21.62.020 | LAND USES AND PERMIT REQUIREMENTS               |
| 21.62.030 | USES REQUIRING USE PERMIT                       |
| 21.62.040 | DEVELOPMENT STANDARDS                           |
| 21.62.050 | EXCEPTIONS                                      |
| 21.62.060 | PROHIBITED USES                                 |
| 21.62.070 | LANDSCAPE AND IRRIGATION PLAN APPROVAL REQUIRED |
| 21.62.080 | LANDSCAPE AREA REQUIREMENTS                     |
| 21.62.090 | MAINTENANCE OF LANDSCAPE AREAS                  |
| 21.62.100 | PUBLIC EDUCATION                                |
| 21.62.110 | PERFORMANCE STANDARDS                           |

### 21.62.010 PURPOSE OF CHAPTER

This Chapter lists the land uses that may be allowed within the Light Industrial zoning district, determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size. The purpose of the Light Industrial zoning district and the manner in which it is applied is as follows.

- A. **LI (Light Industrial) District.** The LI zoning district is applied to areas appropriate for light industrial and manufacturing, warehousing, offices and assembly uses. Land uses allowed in the LI zoning district will not create objectionable noise, smoke, odor, dust, noxious gases, glare, heat, vibration, or industrial wastes. The LI zoning district is consistent with the Planned Industrial land use designation of the Stanislaus County General Plan.

### 21.62.020 LAND USES AND PERMIT REQUIREMENTS

- A. **General requirements.** Table 21.62.A identifies the uses of land allowed by this Zoning Ordinance in the Light Industrial zoning district, and the land use permit required to establish each use, in compliance with Stanislaus County Zoning Ordinance (Allowable Land Uses and Permit Requirements).

**Note:** the far right column in the tables ("Specific Use Regulations") will show a section number for regulations that apply to the particular use listed, in addition to the other general standards of this Zoning Ordinance.

- B. The following uses are permitted subject the development standards described in Chapter 21.62.040: Crop farming and horticulture, assembly of products, bakery-warehouse and distribution, bottling plant, call centers, communication systems research and development, computer systems research and development, furniture manufacturing, food packaging, packaging, printing and publishing companies B book binding, software development, warehouses as a principle use, wholesale distribution and catalog sales, parcel delivery service, public safety (police and fire stations), public infrastructure, electronic repair and assembly, manufacturing and technology support industries.



## 21.62.020 Land Uses and Permit Requirements

- C. **Permit requirement for expansion.** Any expansion of an existing use within an industrial zoning district comprising less than 25 percent of the existing building floor area shall be subject to administrative approval by the Director or his/her staff. An expansion involving greater than 25 percent of existing floor area may be allowed subject to the issuance of a conditional use permit.

## 21.62.030 USES REQUIRING USE PERMIT

Uses permitted, subject to first securing a Use Permit in each case:

- A. Pharmaceutical manufacturing, research and development laboratories, seed processing and packaging, sheet metal fabrication, sign fabrication, broadcast studios.
- B. Corporate offices, regional offices and facilities of the County and state government, regional, state or national offices of the federal government may be permitted subject to the establishment of the following findings by the Planning Commission:
1. The use will be consistent with the purpose and intent of the Zoning District and any applicable Business Park Master Development Plan.
  2. The use will be compatible with existing and allowed uses in the Zoning District and any applicable Master Development Plan area.
  3. The use does not preclude the establishment of industrial/business park uses favored for the zoning district or any applicable Master Development Plan area.
- C. Offices for building contractors, engineering and architectural firms may be permitted in buildings with multiple tenants subject to the issuance of a conditional use permit and subject to the following limitations:
1. The combined floor area of all such offices within a single building or group of buildings developed as a single development shall not exceed 25% of the total floor area.
  2. No outdoor storage is allowed.
- D. Support services including, but not limited to, banks, convenience stores, day care centers, gymnasia and exercise businesses, copying and reprographics service, restaurants and food take out businesses may be allowed in a building housing multiple tenants subject to the issuance of a conditional use permit and subject to the following findings and limitations:
1. Required findings for a conditional use permit for support businesses:
    - a. The use will be consistent with the purpose and intent of the Zoning District and any applicable Business Park Master Development Plan.
    - b. The use will be compatible with existing and allowed uses in the Zoning District and any applicable Master Development Plan area.
    - c. The use does not preclude the establishment of industrial/business park uses favored for the Zoning District or any applicable Master Development Plan area.

**21.62.030** Uses Requiring Use Permit

2. Limitations for the establishment of support services.

- a. The combined floor area of all such offices within a single building or group of buildings developed as a single development shall not exceed 25% of the total gross floor area.
- b. All such businesses must be integrated with the design of the building or group of buildings developed as a single project and shall be found to be incidental to, and supportive of, the primary industrial business or businesses.
- c. All such businesses shall comply with the design guidelines established by the Zoning District and any applicable Business Park Master Development Plan.
- d. No outdoor storage shall be allowed.
- e. All signage shall comply with the provisions of this chapter and the design guidelines established by Stanislaus County and or any applicable Business Park Master Development Plan.

| Table 21.62.A<br>Allowed Uses and Permit Requirements for<br>Light Industrial Zoning District | P Permitted Use<br>CUP Conditional Use Permit<br>B Use not allowed |                             |
|---|--|-----------------------------|
|   | Permit Required<br>LI  | Specific Use<br>Regulations |
| <b>AGRICULTURE AND OPEN SPACE USES</b>  |  |                             |
| Crop production and horticulture  | P  |                             |
| <b>INDUSTRY, MANUFACTURING &amp; PROCESSING USES</b>  |  |                             |
| Assembly of products  | P  |                             |
| Bakery wholesale and distribution   | P  |                             |
| Bottling plant  | P  |                             |
| Call centers  | P  |                             |
| Communication systems research and development  | P  |                             |
| Computer systems research and development   | P  |                             |
| Conference center   | --   |                             |
| Furniture manufacturing   | P  |                             |
| Electronic repair and assembly  | P  | 21.62.040                   |
| Food packaging  | P  |                             |
| Interior design and office equipment sales  | --   |                             |
| Manufacturing and technology support industries   | P  | 21.62.040                   |
| Packaging   | P  |                             |
| Pharmaceutical manufacturing  | CUP  |                             |
| Printing and publishing companies, book binding   | P  |                             |

| <b>Table 21.62.A<br/>Allowed Uses and Permit Requirements for<br/>Light Industrial Zoning District</b> |                        | <b>P<br/>CUP<br/>B</b>              | <b>Permitted Use<br/>Conditional Use Permit<br/>required<br/>Use not allowed</b> |
|--|------------------------|-------------------------------------|--|
| <b>Land Use</b>  | <b>Permit Required</b> | <b>Specific Use<br/>Regulations</b> |  |
|  | <b>LI</b>              |                                     |  |
| Research and development, laboratories   | CUP                    |                                     |  |
| Seed processing and packaging  | CUP                    |                                     |  |
| Sheet metal fabrication <sup>1</sup>   | CUP                    |                                     |  |
| Sign fabrication companies <sup>1</sup>  | CUP                    |                                     |  |
| Software development   | P                      |                                     |  |
| Warehouses as a principle use  | P                      |                                     |  |
| Wholesale distribution and catalog sales   | P                      |                                     |  |
| <b>RETAIL AND SERVICES USES</b>  |                        |                                     |  |
| Banks  | CUP                    | 21.62.040                           |  |
| Broadcast studios  | CUP                    | 21.62.040                           |  |
| Convenience store  | CUP                    | 21.62.040                           |  |
| Day care center  | CUP                    | 21.62.040                           |  |
| Gymnasium/exercise business  | CUP                    | 21.62.040                           |  |
| Offices  | CUP                    | 21.62.040                           |  |
| Parcel delivery service  | P                      |                                     |  |
| Government buildings and facilities  | P                      | 21.62.040                           |  |
| Copying and reprographics service  | CUP                    | 21.62.040                           |  |
| Restaurants, food take-out   | CUP                    | 21.62.040                           |  |

Notes

1. As long as the use is conducted entirely within an enclosed building and complies with the performance standards established by Section 21.62.110. Outdoor storage is prohibited.
2. Manufacturing and technology support industries. Computer and peripheral equipment manufacturing and assembly incorporating activities defined by the *North American Industry Classification System, United States Office of Management and Budget*, Sub-Sectors 334 and 335, including but not limited to mainframe computers, personal computers, workstations, laptops and computer servers; peripheral equipment such as storage devices, printers, monitors, input/output devices, and terminals, and similar activities. Also included in this category is the manufacture and assembly of other parts, casings, cable sets, switches, and similar peripheral equipment in support of computer and technology industries.

**21.62.040 DEVELOPMENT STANDARDS**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 21.62.B, in addition to any other applicable requirements of the Stanislaus County and any applicable City Zoning Ordinances.

**TABLE 21.62.B  
LIGHT INDUSTRIAL ZONING DISTRICT  
DEVELOPMENT STANDARDS**

| LI                    |  |
|-----------------------|--|
| Minimum lot size      | Minimum area dimensions for parcels proposed in new subdivisions   |
| Minimum lot area      | 2 acres  |
| Minimum dimensions    | 100 ft.  |
| Minimum Building Size | 25,000 sq.ft.  |
| Setbacks(3)           | Minimum setback required. See Chapter 21.62.080 for setback measurements, and allowed projections into setbacks. |
| Front                 | 15 ft.   |
| Sides (each)          | 10 ft.   |
| Rear                  | 15 ft.   |
| Site coverage         | 50% maximum  |
| Height limit (1)      | 45 ft. (2)   |
| Landscaping           | As required by Section 21.62.070 and 21.62.080   |
| Lighting              | As required by Section 21.62.110   |
| Parking and loading   | As required by Section 21.76   |
| Signs                 | As required by Stanislaus County any applicable City Sign Regulations  |

**Notes:**

- (1) Maximum allowed height of structures. Exceptions may be allowed by Chapter 21.62.050 (Exceptions).
- (2) Except as may be required by the Airport Land Use Plan for the Patterson Airport.

**21.62.040** Development Standards

- (3) The minimum setback for parking, buildings and other structures along Rogers Road, Baldwin Road, Sperry Avenue shall be twenty (20) feet measured from the property line or the adopted right-of-way plan line, whichever is greater. (Other minimum setbacks may be required based on site specific development proposals)

**21.62.050 EXCEPTIONS**

Exceptions to Sections 21.62.020, 21.62.030, and 21.62.040 (specific use requirements and development standards) may be granted by the Director (in the case of a permitted use) or by the Planning Commission upon review of a conditionally allowable use, upon making all of the following required findings:

- 1. The exception will not constitute a grant of special privilege inconsistent with the purpose and intent of any applicable Business Park Master Development Plan or applicable City or Stanislaus County Zoning Ordinances.
- 2. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity.

In the case of this Zoning District being used outside of the West Patterson Master Plan Area, Exceptions may be granted with approval of a specific Development Plan and a Development Agreement.

**21.62.060 PROHIBITED USES**

The following uses are prohibited:

Medical offices and clinics, branch offices for attorneys, real estate and financial institutions, automobile sales or repair. Additionally, Table 21.62.C provides a listing of further prohibited uses:

**TABLE 21.62.C**

|  |
|--|
| Adult Establishments   |
| Airports/Heliports   |
| Appliance Sales and Repair   |
| Auto/Truck Sales or Repair or Body Shops                               |
| Bed and Breakfast Inns   |
| Boarding Houses  |
| Boat, Motorcycle, Jet Ski, Auto and RV Sales and Repair                |
| Building Materials Sales with outside Storage                          |
| Car Washes automatic and self serve                                    |
| Cemeteries, mausoleums, columbaria and memorial gardens                |
| Coal and wood lots   |
| Commercial dorms   |
| Concrete Plants  |
| Contractor or Building Supply - Retail with or without outside storage |
| Convenience stores with gasoline sales                                 |

|   |
|---|
| <b>TABLE 21.62.C (continued)</b>  |
| Correctional Facilities and Jails   |
| Crematoriums  |
| Detached single family dwellings  |
| Drive-in Theaters   |
| Duplexes, triplexes, and multi-family units   |
| Exterminators   |
| Fairgrounds   |
| Farmers Markets   |
| Feed and Grain Sales and Storage  |
| Funeral Homes   |
| Garden Centers  |
| Hazardous & Nuclear material storage and disposal unless a very minor accessory to approved use - (UP required) |
| Heavy Equipment Sales or Repair   |
| Hospitals   |
| Incinerators  |
| Junk Yards and Wrecking yards   |
| Kennels   |
| Landfills   |
| Manufacture and Storage of Chemicals when not accessory use (UP required)                                       |
| Manufacture and storage of fireworks or explosives  |
| Manufactures home or office sales   |
| Mini-storage  |
| Parking as an independent use   |
| Pet Grooming  |
| Public Schools (K-12)   |
| Public Sewer Treatment plants   |
| Quarries or mining  |
| Rendering plants for poultry or animals   |
| Repair shops with outdoor storage or operation  |
| Retirement Centers and life care facilities   |
| Salvage and scrap yards   |
| Service Stations  |
| Shopping Centers  |
| Slaughtering Plants   |
| Stadiums and Arenas   |
| Storage yards including bulk storage of flammables  |
| Storage yards not including bulk storage of flammables  |
| Theaters, Movie Theaters  |
| Transfer Stations   |
| Veterinarian Offices, Clinics, Hospitals  |

**21.62.070 LANDSCAPE AND IRRIGATION PLAN APPROVAL REQUIRED**

- A. **Preliminary Landscape and Irrigation Plan.** A Preliminary Landscape Plan shall be submitted as part of an application for a land use entitlement, for new development, and the significant expansion or redevelopment of an existing use as determined by the Director.

## 21.62.070 Landscape and Irrigation Plan Approval Required

- B. **Final Landscape and Irrigation Plan.** Following approval of the land use entitlement, a Final Landscape Plan shall be submitted as part of the application for a Building Permit. Final plans shall be approved by the Director prior to the start of on-site construction or soil disturbance and prior to the issuance of a Building Permit.
- C. **Content.** Preliminary Landscape and Irrigation Plans and Final Landscape and Irrigation Plans shall contain information as specified in the instructions for preparing landscape plans provided by the Department.
- D. **Review and approval.** After initial application, the Director shall review each Preliminary Landscape and Irrigation Plan and Final Landscape and Irrigation Plan to verify its compliance with the provisions of this Chapter. The Director may approve the submittal in compliance with this Chapter, or may disapprove or require changes to a submittal that is not in compliance.
- E. **Statement of surety.** When required by the Director, a statement of surety in the form of cash, performance bond, letter of credit, or certificate of deposit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the County or appropriate City (if within a City Sphere of Influence) for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project's landscaping before occupancy of the site.
- F. **Minor changes to approved plans.** Landscape and Irrigation Plan approval may include the Director authorizing minor changes from the requirements of this Chapter.
- G. **Water efficiency.** All landscape and irrigation plans shall be prepared in compliance with Stanislaus County and applicable City Ordinances regarding Water Efficient Landscaping for New Construction and Development.

## 21.62.080 LANDSCAPE AREA REQUIREMENTS

Landscaping shall be provided in the locations specified below:

- A. **Setbacks.** All setback and open space areas required by this Ordinance, and easements for utilities, and drainage courses shall be landscaped, except where a required setback is screened from public view or it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.
- B. **Unused areas.** All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped unless it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.
- C. **Parking areas.** Parking areas shall be landscaped in compliance with the following requirements.
  - 1. **Landscape materials.** Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs, and ground cover.

## 21.62.080 Landscape Area Requirements

2. **Curbing.** Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide. Alternative barrier design to protect landscaped areas from damage by vehicles may be approved by the Director.
3. **Location of landscaping.** Parking lot landscaping shall be located so that pedestrians are not required to cross landscaped areas to reach building entrances from parked cars. This should be achieved through proper orientation of the landscaped fingers and islands.
4. **Bumper overhang areas.** To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a two-foot bumper overhang while maintaining the required parking dimensions.
5. **Perimeter parking lot landscaping.**

- a. **Adjacent to streets.** Parking areas adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the zoning district or 15 feet, whichever is more.

The landscaping shall be designed and maintained to screen cars from view from the street to a height of between 30 inches and 42 inches. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices which meet the intent of this requirement. Shade trees shall be provided at a minimum rate of one for every 30 linear feet of landscaped area. Plant materials, signs, or structures within a traffic safety sight area of a driveway.

- b. **Adjacent to side or rear property lines.** Parking areas for nonresidential uses shall provide a perimeter landscaped strip at least five feet wide (inside dimension) where the facility adjoins a side or rear property line. The perimeter landscaped strip may include a required yard or buffer area. Trees shall be provided at the rate of one for each 30 linear feet of landscaped area.
- c. **Adjacent to structures.** When parking areas are located adjacent to structures, a minimum five-foot wide landscape strip shall be provided adjacent to the structure.

### 6. Interior parking lot landscaping.

- a. **Amount of landscaping.**
  - (1) Industrial/manufacturing uses shall provide landscaping within the parking area at a minimum ratio of six percent of the gross area of the parking lot. One tree shall be provided for every 10 parking spaces.



## 21.62.080 Landscape Area Requirements

- b. **Location of landscaping.** Landscaping shall be evenly dispersed throughout the parking area. Use of an orchard-style planting scheme (placement of trees in uniformly-spaced rows) is encouraged for larger parking areas. Parking lots with more than 100 spaces should provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.
7. **Drainage Areas, Retention/Detention Basins.** All surface drainage facilities and retention/detention basins shall be landscaped and integrated as an amenity into the site and landscaping plan for a project. Plant materials shall be chosen that are water tolerant and that provide visual relief to the appearance of the retention/detention basin during periods when no water is present.
8. **Wet Ponds.** Wet ponds may be incorporated into the site and landscaping plan as an amenity which may also provide storm water retention/detention. All such ponds shall be integrated as an amenity into the site and landscaping plan for a project.

## 21.62.090 MAINTENANCE OF LANDSCAPE AREAS

- A. **Maintenance required.** All landscaped areas shall be maintained in a healthful and sound condition at all times. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Chapter. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; adding/replenishing mulch, fertilizer, and soil amendments; pruning; and weeding all landscaped areas.
- B. **Water waste prohibited.** Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures is prohibited.

## 21.62.100 PUBLIC EDUCATION

Developers shall provide information to prospective tenants regarding water-efficient landscaping techniques. A sample of the information to be provided shall be submitted to the Director for approval prior to issuance of a Building Permit.

## 21.62.110 PERFORMANCE STANDARDS

- A. All land uses proposed in the IBP and LI zoning districts shall be operated and maintained so as to not be injurious to public health, safety or welfare, and shall comply with the following standards.
  1. **Air emissions.** No approved land use shall generate or cause any visible dust, gasses, or smoke to be emitted into the atmosphere, except as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.

**21.62.110** Performance Standards

2. Glare and heat. No direct or sky-reflected glare or heat, whether from floodlights or from high temperature processes (including combustion or welding or otherwise) shall be visible or felt at the property line.
3. Ground vibration. No approved land use shall generate ground vibration perceptible without instruments at any point along or outside of the property line of the use, except for motor vehicle operations.
4. Odor. No approved land use shall generate or emit any odor or fumes perceptible at the property line.

## CHAPTER 21.64

# LIMITED INDUSTRIAL DISTRICT (LM)

### SECTIONS:

|           |                           |
|-----------|---------------------------|
| 21.64.010 | APPLICABILITY             |
| 21.64.020 | PERMITTED USES            |
| 21.64.030 | USES REQUIRING USE PERMIT |
| 21.64.040 | HEIGHT LIMIT              |
| 21.64.050 | YARDS                     |
| 21.64.060 | OFF-STREET PARKING        |
| 21.64.070 | NUISANCES                 |
| 21.64.080 | SCREENING                 |

### 21.64.010 APPLICABILITY

The regulations set forth in this chapter shall apply in all LM districts and shall be subject to the provisions of Chapter 21.08. (Ord. CS 106 Sec. 13 (part), 1984).

### 21.64.020 PERMITTED USES

Uses permitted in LM districts:

- A. Crop farming and pasturing of horses, cattle, sheep, or goats, and the dwellings and outbuildings appurtenant to crop farming and pasturing, but excluding livestock feeding lots, corrals, hog and poultry farming;
- B. Assembling of typewriters, business machines, and similar mechanical equipment;
- C. Bottling plants;
- D. Compounding and packaging of cosmetics, pharmaceuticals and toiletries, but excluding soap manufacture;
- E. Food processing, packaging and storage, including milk products, fruits, nuts, vegetables, blended foods, candies, nonalcoholic beverages, preserves, bakery goods and frozen foods; but excluding dehydrating of aromatic vegetables and spices; olive processing, vinegar manufacturing by fermentation, pickle manufacturing, sauerkraut manufacturing, livestock feet manufacturing, butchering, slaughtering, eviscerating and fat rendering;
- F. Manufacturing and assembling of jewelry, watches, clocks, precision instruments, appliances, musical instruments, bottles and other glass products which are made from previously prepared materials; electric and electronic instruments and equipment; electric motors, toys, television and radio equipment, electrical plating;
- G. Manufacturing of leather goods, paper products, pens, pencils, and artist supplies when such goods, products and supplies are made from previously prepared materials;

**21.64.020** Permitted uses

- H. Manufacturing and assembling of professional and scientific instruments, photographic and optical equipment;
- I. Manufacturing of containers from previously prepared materials when such process does not include enameling, lacquering, rubber coating or electrical plating;
- J. Outdoor advertising structures;
- K. Printing, publishing, bookbinding and paper sales;
- L. Public utilities, including electrical receiving or transforming stations, radio, television and communication facilities, research institutions and administrative institutions;
- M. Wholesale and distribution establishments and storage warehouse; (Ord. CS 896, Sec. 12, 2004)
- N. Accessory uses normally incidental and secondary to the above permitted uses, including storage of fresh fruit or vegetable containers which are uniformly stacked and maintained at least one hundred feet from the nearest property line;
- O. One identification or informational sign not more than twelve square feet in area nor more than six feet in height may be permitted in the front yard or side yard adjacent to each street frontage of a property which contains a lawful agricultural, commercial, or industrial use in lieu of any other freestanding sign which may be permitted; provided that:
  - 1. It does not bear any advertising message,
  - 2. It is nonflashing, nonmoving and nonanimated,
  - 3. It is located wholly on private property on the premises to which it pertains,
  - 4. A plot plan and elevation of the sign is approved by the planning and community development director prior to request for building and electrical permits and installation;
- P. Single-family dwelling or one apartment if it is accessory to a permitted commercial or industrial use;
- Q. Christmas tree sales lots provided they meet the required setbacks and provide at least ten accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift. Such lots shall be limited to two double-faced signs not to exceed twelve square feet each. No off-site signs shall be permitted. Such lots may not be established prior to November 15 of any year and shall be removed and the property returned to its original condition prior to January 1;
- R. Fireworks stands provided they meet all required setbacks and provide at least five usable and accessible off-street parking spaces in addition to one space per employee on a maximum shift. Such stands shall meet all the requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department. (Ord. CS 106 Sec. 13 (part), 1984).

### **21.64.030 USES REQUIRING USE PERMIT**

Uses permitted, subject to first securing a use permit in each case:

- A. Industrial operations which include enameling, lacquering, rubber coating, electrical or hotdip plating, which may become offensive because of the creation of vapors, dust, odors, smoke or fumes;
- B. The outside storage (except storage of fresh fruit and vegetable containers as permitted under subsection N of Section 21.64.020) of materials, merchandise, supplies, equipment, wastes, incineration, sewage disposal, the storage of dangerous materials, or the storage of more than two hundred gallons of petroleum products above ground. All outside storage in excess of that required for a space in excess of two hundred square feet shall be enclosed within a solid ornamental or uniformly painted wooden fence of not less than six feet in height;
- C. Dray, freight or truck yards and railroad terminals;
- D. Wholesale retail stores with a gross building and/or sales area of 65,000 square feet or greater. (Ord. CS 896, Sec. 13, 2004).
- E. Commercial cannabis manufacturing (non-volatile), testing labs, distribution, and cultivation or nursery activities (mixed-light or indoor), subject to Section 21.08.020(D) of this Title. (Ord. CS 1205, Sec 7, 2018).

### **21.64.040 HEIGHT LIMIT**

Height limit in LM districts:

- A. Buildings with human occupancy, sixty-five feet;
- B. Fireproof structures (excluding advertising structures) not used for human occupancy, no height limit;
- C. Separate standing advertising structures, thirty-five feet;
- D. No fence or screen planting in excess of three feet in height shall be constructed or permitted to grow within any required front yard, or side yard of a corner lot, unless the director determines that visibility will not be obstructed. (Ord. CS 106 Sec. 13 (part), 1984).

### **21.64.050 YARDS**

Yards required in LM districts:

- A. Front and Side Yards of Corner Lots.
  - 1. Not less than seventy feet from the existing centerline of the street nor less than fifteen feet from the planned street line on a major street or expressway, whichever is the greater. Loading docks shall be so located that trucks will head-in and head-out and not use the public street for maneuvering, loading or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;

**21.64.050**     Yards

2.     Not less than forty-five feet from the existing centerline of the street on a collector or minor street nor less than fifteen feet from the planned street line where a specific plan has been adopted. Loading docks shall be so located that trucks will head-in and head-out and not use the public street for maneuvering, loading or unloading. The vehicle opening of any building shall be no closer than twenty feet to the property line toward which the opening faces;
- B.     Side Yard, Interior Lot. Ten feet except where a lot abuts a railroad or a highway where no vehicular access is permitted to the property, in which case, none, provided other ordinance requirements regarding sight-distance are met;
- C.     Rear Yard. Minimum ten feet for buildings except where a lot abuts a railroad or a highway where no vehicular access is permitted to the property, in which case, none, provided other ordinance requirements regarding sight-distance are met. (Ord. CS 106 Sec. 13 (part), 1984).

**21.64.060**     **OFF-STREET PARKING**

See Chapter 21.76 for off-street parking requirements. (Ord. CS 106 Sec. 13 (part), 1984).

**21.64.070**     **NUISANCES**

No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration or electrical interference detectable off the site. (Ord. CS 106 Sec. 13 (part), 1984).

**21.64.080**     **SCREENING**

An eight-foot masonry wall shall be constructed along the property line adjacent to any residential or agricultural zone or any P-D zoning for residential use, except where a building abuts an alley, in which case no wall shall be required. (Ord. CS 106 Sec. 13 (part), 1984).

## Chapter 21.66

# SALIDA COMMUNITY PLAN DISTRICT (SCP)

### SECTIONS

|                  |   |
|------------------|---|
| <b>21.66.010</b> | <b>PURPOSE</b>                          |
| <b>21.66.020</b> | <b>SCP DISTRICT AND SUB-DISTRICTS</b>   |
| <b>21.66.030</b> | <b>SCP DISTRICT STANDARDS</b>           |
| <b>21.66.040</b> | <b>PROCEDURE</b>                        |
| <b>21.66.050</b> | <b>RELATIONSHIP TO LAND SUBDIVISION</b> |
| <b>21.66.060</b> | <b>FINDINGS REQUIRED</b>                |
| <b>21.66.070</b> | <b>LAPSE OF APPROVAL</b>                |
| <b>21.66.080</b> | <b>EXTENSION AND RENEWAL</b>            |
| <b>21.66.090</b> | <b>PLAN MODIFICATIONS</b>               |
| <b>21.66.100</b> | <b>URBAN SERVICES REQUIRED</b>          |
| <b>21.66.110</b> | <b>SALIDA COMMUNITY PLAN FEE</b>        |

### **21.66.010 PURPOSE**

The SCP District is intended to implement the General Plan's stated vision for the development of the Salida Community Plan Amendment Area. The SCP District shall encourage the use of flexible development standards designed to ensure the development of the District as a master planned community. The general development standards applicable to the SCP District are defined below. Specific development standards designed for the SCP shall be implemented pursuant to discretionary non-legislative Development Plan(s) prepared according to the regulatory zoning parameters described in this Chapter. Any conditional use permit issued pursuant to this Chapter is a non-legislative approval.

### **21.66.020 SCP DISTRICT AND SUB-DISTRICTS**

- A. The SCP District shall be applied to all parcels within the defined Amendment Area for the Salida Community Plan pursuant to the County of Stanislaus Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative.
- B. SCP Sub-Zoning Districts. Within the SCP District, nine (9) separate sub-zoning districts are established:
1. Salida Community Plan District, Low-Density Residential Zone (SCP-R-1)
  2. Salida Community Plan District, Medium-Density Residential Zone (SCP-R-2)
  3. Salida Community Plan District, Multiple-Family Residential Zone (SCP-R-3)
  4. Salida Community Plan District, Single-Family Residential – Special Treatment Zone (SCP-R-1-ST)
  5. Salida Community Plan District, Neighborhood Commercial Zone (SCP-C-1)
  6. Salida Community Plan District, General Commercial Zone (SCP-C-2)
  7. Salida Community Plan District, Planned Industrial Zone (SCP-PI)
  8. Salida Community Plan District, Industrial Business Park Zone (SCP-IBP)
  9. Salida Community Plan District, General Agriculture Zone (SCP-A-2)

## 21.66.030 SCP DISTRICT STANDARDS

- A. **Allowable land uses.** The uses of land that may be allowed within the SCP District and each of its sub-districts shall be in accordance with the development standards set forth in this Section 21.66.030. The maximum number of residential dwelling units located on lands designated SCP-R-1, R-2, R-3 by the County of Stanislaus Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative is limited to 5,000 units.
- B. **Development standards.** Proposed development and new land uses within the SCP District and applicable sub-districts shall comply with the development standards identified for the specific site in the applicable Development Plan, in compliance with Section 21.66.040 and the following:
1. SCP District, Low-Density Residential Zone (SCP-R-1) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-R-1 shall be designed, constructed, and/or established consistent with the R-1 District standards contained in Chapter 21.28 except that the height limit, building site, lot coverage, and yard standards contained in Sections 21.28.040, 21.28.050, 21.28.060, and 21.28.070 of the Stanislaus County Code Title 21, Zoning, respectively, are modified as shown in Table 1 — Salida Community Plan District, Low-Density Residential Zone (SCP-R-1) Standards.
  2. SCP District, Medium-Density Residential Zone (SCP-R-2) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-R-2 shall be designed, constructed, and/or established consistent with the R-2 District standards contained in Chapter 21.32 except that the height limit, building site, lot coverage, and yard standards contained in Sections 21.32.040, 21.32.050, 21.32.060, and 21.32.070 of the Stanislaus County Code Title 21, Zoning, respectively, are modified as shown in Table 2 — Salida Community Plan District, Medium-Density Residential Zone (SCP-R-2) Standards.
  3. SCP District Multiple-Family Residential Zone (SCP-R-3) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-R-3 shall be designed, constructed, and/or established consistent with the R-3 District standards contained in Chapter 21.36 except that the height limit, building site, lot coverage, and yard standards contained in Sections 21.36.040, 21.36.050, 21.36.060, and 21.36.070 of the Stanislaus County Code Title 21, Zoning, respectively, are modified as shown in Table 3 — Salida Community Plan District, Multiple-Family Residential Zone (SCP-R-3) Standards.



4. SCP District Single-Family Residential - Special Treatment Zone (SCP-R-1-ST) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-R-1-ST shall be designed, constructed, and/or established consistent with the standards set forth in the SCP-R-1 Zone.

The SCP-R-1-ST zone is intended to provide for residential use, or other alternative uses, of the parcels owned by the Salida Sanitation District on which it operates the Salida Wastewater Treatment Plant and associated ancillary improvements. The regulations set forth in this zone shall apply only to the subject parcels.

This zone explicitly allows for the continued operation of the existing Salida Wastewater Treatment Plant and for its modification/expansion as necessary over time to meet the needs of the Salida Sanitation District.

Should the Salida Sanitation District determine that its existing or future operations do not require the use of vacant land within the subject parcels, vacant lands may be utilized for single-family residential development. In the event that site conditions, environmental constraints, or other factors limit the potential of the vacant land for residential development, other appropriate land uses may be considered.

**Table 1 — Salida Community Plan District, Low-Density Residential Zone (SCP-R-1) Standards**

| Lot Type                                    | SCP-R-1                |                        |                        |
|---|------------------------|------------------------|------------------------|
|   | 5,000 S.F. and greater | 6,000 S.F. and greater | 7,000 S.F. and greater |
| Minimum Lot Area [1]                        | 5,000 S.F.             | 6,000 S.F.             | 7,000 S.F.             |
| Minimum Lot Width [2]                       |                        |                        |                        |
| Interior Lot                                | 40'                    | 50'                    | 60'                    |
| Corner Lot                                  | 45'                    | 55'                    | 70'                    |
| Minimum Lot Depth                           | 90'                    | 90'                    | 100'                   |
| Minimum Front Setbacks [3]                  |                        |                        |                        |
| Porch                                       | 10'                    | 10'                    | 10'                    |
| Living Area                                 | 15'                    | 15'                    | 15'                    |
| Forward Garage [4]                          | 18'                    | 20'                    | 20'                    |
| Swing-in Garage [5]                         | 15'                    | 15'                    | 15'                    |
| Minimum Rear Setbacks [3]                   |                        |                        |                        |
| Typical                                     | 12'                    | 12'                    | 15'                    |
| Detached Garages                            | 2'                     | 2'                     | 2'                     |
| Detached Garage with Living Space Above [4] | n/a                    | 5'                     | 6'                     |

| Lot Type  | SCP-R-1                |                        |                        |
|---|------------------------|------------------------|------------------------|
|   | 5,000 S.F. and greater | 6,000 S.F. and greater | 7,000 S.F. and greater |
| Rear-Loaded Garage Door (alley configuration) [4] | 4'                     | 4'                     | 4'                     |
| Minimum Side Setbacks [3, 6]                      |                        |                        |                        |
| Interior Side                                     | 5'                     | 5'                     | 6'                     |
| Detached Garage                                   | 5'                     | 5'                     | 6'                     |
| Corner Side Yard                                  |                        |                        |                        |
| <i>Porch</i>                                      | 10'                    | 10'                    | 10'                    |
| <i>Living Area</i>                                | 10'                    | 10'                    | 15'                    |
| <i>Forward Garage</i> [4]                         | 20'                    | 20'                    | 20'                    |
| Minimum Distance Between Structures [6]           |                        |                        |                        |
| Between Structures on Adjacent Lots               | 10'                    | 10'                    | 12'                    |
| Between Unit and Detached Garage on Same Lot      | 6'                     | 6'                     | 6'                     |
| Maximum Building Height [7]                       |                        |                        |                        |
| Primary Building                                  | 40' (2.5 Stories Max.) | 40' (2.5 Stories Max.) | 40' (2.5 Stories Max.) |
| Accessory Structure or Detached Garage            | 15' (1 Story Max.)     | 35' (2 Stories Max.)   | 35' (2 Stories Max.)   |
| Parking   |                        |                        |                        |
| Off-Street  | 2 spaces in garage     | 2 spaces in garage     | 2 spaces in garage     |
| On-Street [8]                                     | 1 space per unit       | 1 space per unit       | 1 space per unit       |

**General SCP- R-1 Setback Notes:**

[1] Lots may exceed the minimum square foot lot size area; however, oversized lots are subject to the development standards required for the specific neighborhood/housing type in which they are located.

[2] Minimum lot width is to be measured at front setback.

[3] All setbacks are from associated property lines.

[4] Setbacks to garages are measured to the garage wall plane.

[5] Swing-in garages should not be used on lots less than 55' wide.

[6] Acceptable encroachments include fireplaces, media niches, roof overhangs, and architectural projections as long as Uniform Building Code is met.

[7] A 2.5-story residence is defined as a two-story home with third-story element(s).

[8] Parking spaces on driveways 18' or longer may be counted toward the on-street parking requirement.

**Table 2 — Salida Community Plan District, Medium-Density Residential Zone (SCP-R-2)  
Standards**

| Land Use Designation                              | SCP-R-2  |  |   |
|---|--|--|---|
|   | Small Lot Single-Family<br>(Conventional Loaded) | Small Lot Single-Family<br>(Rear-Loaded)         | Duets   |
| Minimum Lot Area [1]                              | 2,400 SF   | 2,000 SF   | 3,000 SF/unit                                   |
| Minimum Lot Width [2]                             |  |  |   |
| Interior Lot                                      | 40'  | 30'  | 40' per unit                                    |
| Corner Lot  | 46'  | 36'  | 46'   |
| Minimum Lot Depth                                 | 60'  | 60' for private street<br>70' for alley easement | 60'   |
| Minimum Front Setbacks [3]                        |  |  |   |
| Porch   | 10'  | 10'  | 10'   |
| Living Area                                       | 10'  | 10'  | 10'   |
| Forward Garage [4]                                | 18'  | n/a  | 18'   |
| Minimum Rear Setbacks [3, 6]                      |  |  |   |
| Living Area                                       | 10'  | 4' for private street<br>14' for alley easement  | 10'   |
| Rear-Loaded Garage Apron                          | n/a  | 4'   | 4'  |
| Detached Garages                                  | n/a  | 5'   | 5'  |
| Rear-Loaded Garage Door (alley configuration) [4] | n/a  | 4' for private street<br>14' for alley easement  | 4' for private street<br>14' for alley easement |
| Minimum Side Setbacks [3, 5, 6]                   |  |  |   |
| Interior Side Yard                                | 4'   | 4'   | 0'/4'   |
| Corner Side Yard                                  |  |  |   |
| Porch   | 10'  | 10'  | 10'   |
| Living Area                                       | 10'  | 10'  | 10'   |
| Forward Garage                                    | 18'  | n/a  | 18'   |
| Minimum Distance Between Structures [5]           |  |  |   |
| Between Structures on Adjacent Lots               | 8'   | 8'   | 0'/8'   |
| Between Unit and Detached Garage on Same Lot      | n/a  | 10'  | 10'   |
| Maximum Building Height                           | 40' (2.5 Stories Max.)                           | 40' (2.5 Stories Max.)                           | 40' (2.5 Stories Max.)                          |
| Parking   |  |  |   |
| Off-Street  | 2 spaces in garage                               | 2 spaces in garage                               | 2 spaces in garage                              |
| On-Street   | 1 space per unit                                 | 1 space per unit                                 | 1 space per unit                                |

**General SCP-R-2 Setback Notes:**

- [1] Lots may exceed the minimum square foot lot size area; however, oversized lots are subject to the development standards required for the specific neighborhood/housing type in which they are located.
- [2] Minimum lot width is to be measured at front setback.
- [3] All setbacks are from associated property lines.
- [4] Setbacks to garages are measured to the garage wall plane.
- [5] Acceptable encroachments include fireplaces, media niches, roof overhangs, and architectural projections as long as Uniform Building Code is met.
- [6] Rear and side setbacks may be modified with County approval for innovative architecture and land plans.

**Table 3 — Salida Community Plan District, Multiple-Family Residential Zone (SCP-R-3)  
Standards**

|  | SCP-R-3   |
|--|---|
| Land Use Designation                                 | Rowhouses/Townhomes/Apartments/Condominiums   |
| <b>Minimum Front Setbacks/Corner Side [1]</b>        |   |
| <b>Porch</b>   | 10'   |
| <b>Living Area</b>                                   | 10'   |
| <b>Forward Garage [2]</b>                            | 5' or 18'+  |
| <b>Minimum Rear Setbacks [1, 4, 5]</b>               |   |
| <b>Front-Loaded Units</b>                            | 10'   |
| <b>Rear-Loaded Units [2]</b>                         | 4' for private street<br>14' for alley easement                                     |
| <b>Minimum Distance Between Structures [3, 4, 5]</b> |   |
| <b>Primary Wall to Primary Wall</b>                  | 20'   |
| <b>Primary Wall to Secondary Wall</b>                | 20'   |
| <b>Secondary Wall to Secondary Wall</b>              | 15'   |
| <b>Maximum Building Height</b>                       |   |
| <b>Rowhouses and Townhomes</b>                       | 40' (3 stories max.)  |
| <b>Apartments and Condominiums</b>                   | 40' (3 stories max.)  |
| <b>Parking</b>                                       |   |
| <b>Off-Street</b>                                    |   |
| <i>Apartments and Condominiums</i>                   | 1 uncovered space for each 1 bedroom unit, 1.5 spaces for each 2 and 3 bedroom unit |
| <i>Rowhouses/Townhouses</i>                          | 2 covered spaces  |
| <b>Guest Parking</b>                                 | 0.25 space per unit   |

**General SCP-R-3 Setback Notes:**

- [1] All setbacks are from associated property lines.
- [2] Setbacks to garages are measured to the garage wall plane.
- [3] Acceptable encroachments include fireplaces, media niches, and roof overhangs as long as Uniform Building Code is met.
- [4] Where appropriate, reciprocal easements may be used to satisfy rear or side yard requirements.
- [5] Rear and side setbacks may be modified with County approval for innovative architecture and land plans.
- [6] Primary walls are defined as building facades with one or more unit entries. Secondary walls are defined as building facades without unit entries.

5. SCP District Neighborhood Commercial Zone (SCP-C-1) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-C-1 shall be designed, constructed, and/or established consistent with the C-1 District standards contained in Chapter 21.52.
  
6. SCP District General Commercial Zone (SCP-C-2) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-C-2 shall be designed, constructed, and/or established consistent with the C-2 District standards contained in Chapter 21.56.
  
7. Salida Community Plan District, Planned Industrial Zone (SCP-PI) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-PI shall be

designed, constructed, and/or established consistent with the PI District standards contained in Chapter 21.42.

8. Salida Community Plan District, Industrial Business Park Zone (SCP-IBP) development-type standards. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-IBP shall be designed, constructed, and/or established consistent with the IBP District standards contained in Chapter 21.61, except upon making the findings set forth in Section 21.66.060(B), the Board of Supervisors may consider the range of permitted land uses specifically set forth in Title 21. This is intended to allow flexibility in approving uses as the market for modern business parks evolves with time.
  9. Salida Community Plan District, General Agriculture Zone (SCP-A-2) development-type standards. This designation applies solely to the Stanislaus River Park. Subdivisions, new land uses and structures, and changes and alterations to existing land uses and structures designated in the Salida Community Plan as SCP-A-2 shall be designed, constructed, and/or established consistent with the A-2 District standards contained in Chapter 21.20 except that active recreational facilities may also be approved as a conditional use. A Development Plan for the Stanislaus River Park will be required and used as a primary park implementation tool.
- C. Notwithstanding the development standards otherwise set forth in this Section, restrictions of the A-2 Agriculture District shall apply to lands within the SCP District that are subject to Williamson Act contracts for the term of the applicable contract and the uses of the A-2 Agriculture District shall be permitted uses, except as restricted by this section, for the term of the Williamson Act contract. It is the express intent of the SCP District that all lands subject to Williamson Act contracts remain in the Agricultural Preserve and there is no intent to remove such lands from the Agricultural Preserve, to trigger a notice of non-renewal, or impair any contract. No provision of the SCP District is intended to modify any provision of Subdivision Map Act that restricts the subdivision of lands subject to Williamson Act contracts. Nothing herein shall preclude a landowner from filing a notice of non-renewal or requesting cancellation of a Williamson Act contract in accordance with state law or cancellation or removal through other lawful methods.
1. Permitted uses shall not include any new residential uses, Tier Three uses, or other uses determined by the Planning Director to be in conflict with the Salida Community Plan.
- D. To allow for the implementation of contemporary zoning standards, a limited amount of flexibility is built into the development standards established for the SCP-R-1, R-2, R-3 and SCP-R-1-ST Zones, which may be implemented through adoption of alternative development standards with approval of the non-legislative Development Plan, upon a finding by the Board of Supervisors that:
1. The alternative development standard substantially conforms to the General Plan and Salida Community Plan.

2. The alternative development standard facilitates flexibility in the types of housing products that may be constructed creating a greater mix of housing and better meeting the housing needs of the County's residents.
- E. To allow for the implementation of contemporary zoning standards, a limited amount of flexibility is built into the development standards for the SCP-C-1, SCP-C-2, SCP-PI, and SCP-IBP Zones which may be implemented through adoption of alternative development standards with approval of the non-legislative Development Plan, upon a finding by the Board of Supervisors that:
1. The alternative development standard substantially conforms to the General Plan and Salida Community Plan.
  2. The alternative development standard facilitates flexibility in the type of buildings which may be constructed and contributes to the vibrancy of retail, business park, and industrial park land uses.
  3. The project meets high standards and is of high quality.

#### **21.66.040 PROCEDURE**

- A. A proposed Development Plan for any defined area within the SCP District shall be submitted to County staff for review and recommendation by the Planning Commission and approval by the Board of Supervisors. The following information shall be provided at a minimum:
1. Proposed land uses. The distribution, location, and extent (e.g., density, intensity, etc.) of land uses proposed within the area covered by the Development Plan, including open space areas;
  2. Infrastructure. A description of the major components of public and private facilities, including circulation/transportation, energy, sanitary sewage, solid waste disposal, water, storm water drainage, and other essential facilities proposed to be located within the Development Plan area and needed to support the proposed land uses;
  3. Land use and development standards. Criteria, guidelines, and standards by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
  4. Implementation measures. A program of implementation measures and environmental mitigation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria;
  5. Relationship to General Plan. A discussion of the relationship of the Development Plan to the objectives, policies, general land uses, and programs of the General Plan.

Following a public hearing, the Planning Commission shall make a recommendation to the Board of Supervisors based on substantial consistency

with the General Plan and this Chapter and a review of the environmental impacts of the plan, the appropriateness and interrelationship of the proposed uses, any effects on traffic circulation due to development of the plan, the quality of the suggested site plan design, and other details of the proposed Development Plan. In considering the Development Plan at its public hearing, the Commission shall also determine its appropriateness based on its ability to meet the purpose of this Chapter. A favorable recommendation must include the findings listed in this Chapter for the Development Plan and any proposed conditions. At its public hearing, the Board may decide to approve, conditionally approve, or deny the Development Plan or return the matter to the Planning Commission for further evaluation.

- B. Following approval of a Development Plan, all development subject to the Development Plan shall be in substantial conformance with the approved Development Plan and the conditions thereof.

#### **21.66.050 RELATIONSHIP TO LAND SUBDIVISION**

In situations where a tentative map or parcel map is undertaken in conjunction with the approval of the Development Plan, such subdivision and approval may be processed concurrently.

#### **21.66.060 FINDINGS REQUIRED**

- A. The Planning Commission, prior to recommending the Development Plan to the Board of Supervisors, and the Board of Supervisors, prior to the Board's approval of the Development Plan, shall make the following findings, based on substantial evidence in the entire administrative record:
  - 1. The Development Plan is substantially consistent with the requirements of the General Plan of the County;
  - 2. The Development Plan is substantially consistent with the requirements of this Chapter.
- B. Prior to approving additional uses in the SCP-IBP Zone that are not currently contained in Chapter 21.61; the Board of Supervisors, based on substantial evidence in the entire administrative record, shall make the following findings:

The use would not significantly detract from the Salida Community Plan's goal of creating a vibrant employment center within land designated for job creation;

The use would enhance the vibrancy of the business park land and would strengthen the live-work environment for the entire Salida Community Plan.

#### **21.66.070 LAPSE OF APPROVAL**

A Development Plan shall expire 5 years, or any term otherwise approved by a Development Agreement, after the date of its approval, unless there has been activity within the area covered by the Development Plan (e.g., a use permit has been approved or a building permit issued for any development phase contemplated by the Development Plan), an extension has been granted, or as otherwise provided by a development agreement.

#### **21.66.080 EXTENSION AND RENEWAL**

A Development Plan approval may be extended by the Planning Director for a two-year period without notice or public hearings, if the required findings remain valid.

#### **21.66.090 PLAN MODIFICATIONS**

A request for modifications to the final development or any conditions of approval thereof shall be treated as a new application, unless the Planning Director finds that the changes proposed are minor in the context of the overall Development Plan and are consistent with the intent of the original approval.

#### **21.66.100 URBAN SERVICES REQUIRED**

Prior to development of any of the uses permitted in the SCP District, the property to be developed shall be annexed to an existing district or included within a new district, and receive service from a sanitary district, water district, and/or community services district.

#### **21.66.110 SALIDA COMMUNITY PLAN FEE**

The Board of Supervisors, after adoption of the County of Stanislaus Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative, may impose a Salida Community Plan fee upon persons seeking governmental approvals within the SCP District. The fees shall be established so that they defray, but do not exceed, the cost of preparation, election or adoption, and administration, plus interest, of the County of Stanislaus Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative and implementation of the Salida Community Plan. The costs shall include, but not be limited to, the actual County costs, third-party consultant costs, and reasonable costs paid and incurred by the proponents of the County of Stanislaus Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative which the Board of Supervisors agrees are reimbursable. As nearly as can be estimated, the fee charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the Salida Community Plan and SCP District zoning. It is the intent in providing for such fees to charge persons who benefit from the Salida Community Plan for the costs of developing and implementing the Salida Community Plan and advocating changed land uses which are authorized pursuant to the Salida Community Plan and SCP District zoning.



## CHAPTER 21.68

# ADULT BUSINESSES

### SECTIONS:

|           |  |
|-----------|--|
| 21.68.010 | PURPOSE AND APPLICATION                    |
| 21.68.020 | DEFINITIONS                                |
| 21.68.030 | LOCATION REQUIREMENTS                      |
| 21.68.040 | DEVELOPMENT AND PERFORMANCE STANDARDS      |
| 21.68.050 | ADULT BUSINESS PERMIT                      |
| 21.68.060 | ADULT BUSINESS PERMIT–APPLICATION–CONTENTS |
| 21.68.070 | PERMIT APPLICATION–REVIEW AND APPROVAL     |
| 21.68.080 | SEVERABILITY                               |

### 21.68.010 PURPOSE

The purpose of this chapter is to regulate adult businesses which, unless closely regulated may have serious secondary effects on the community. These secondary effects include, but are not limited to, the following: depreciation of property values, deterioration of neighborhoods, increases in vacancy rates in residential and commercial areas, increases in incidences of criminal activity, increases in litter, noise, and the interference with residential property owner's enjoyment of their property in the vicinity of such businesses. It is the Board's intent to prevent community-wide adverse impacts which can be brought about by the concentration of adult businesses in close proximity to each other or proximity to incompatible uses such as schools, churches, parks, public facilities and buildings and residentially zoned uses. The Board finds that it has been demonstrated in various communities that the concentration of adult businesses causes adverse impacts described above and can cause businesses and residents to move elsewhere. It is, therefore, the further purpose of this chapter to establish reasonable and uniform regulations to prevent the concentration of adult businesses or their close proximity to incompatible uses, while permitting the location of adult businesses in certain areas.

### 21.68.020 DEFINITIONS

- A. "Adult businesses" include the following:
1. Any business conducted for the entertainment of adults, engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Included in the definition is any business, that as substantial or significant course of conduct, sells offers for sale, rents, exhibits, shows or displays publications depicting the anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Also included in this definition is any business selling, renting, or displaying sexually oriented devices intended for use in the specified sexual activities.

**21.68.020** Definitions

2. A particular business at a particular location that sells, offers for sale, rents, exhibits, shows or displays specified anatomical areas or specified sexual activities in the form of a book, magazine, newspaper, pamphlet, film video or any other form or medium, or sexually oriented devices intended for use in the specified sexual activities, which receives 25% or more of the gross revenue from, or devotes 25% or more of the stock on hand or 25% or more of the gross floor area to such activity, is presumed to be engaging in “substantial or significant” conduct with respect to such activity.
  3. Any business wherein the selling of any food or beverage served by employees engaged in partial or total nudity or exposed specified anatomical areas.
  4. Any business conducted for the entertainment of adults wherein an employee, patron or any other person engages in or are shown specified sexual activities or exhibit or engage in partial or total nudity or otherwise expose specified anatomical areas.
  5. Any business, which as a substantial or significant portion of its business, provides live or filmed entertainment wherein specified anatomical areas of the human anatomy are exposed.
- B. “Specified anatomical areas” include any of the following, whether actual or simulated: (1) less than completely and opaquely covered: (a) human genitals or pubic region, (b) buttock, and, (c) female breast below a point immediately above the top of the areola; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- C. “Specified sexual activities” means and includes any of the following: (1) the fondling or sexual touching of human genitals, pubic regions, buttocks, anus, or female breasts; or (2) sex acts, normal or deviant, actual or simulated, including intercourse, oral copulation, or sodomy; or (3) masturbation, actual or simulated; or (4) excretory functions as part of, or in connection with, any of the activities set forth above.
- D. Adult business may not sell or display “obscene matter,” as that term is defined by Penal Code Section 311 or its successors, and may not exhibit “harmful matter,” as that term is defined by Penal Code Section 313 or its successors, to minors.

**21.68.030** LOCATION REQUIREMENTS

- A. Adult businesses shall not be located within five hundred (500) feet of the following whether or not located within the County:
1. Any real property located in a residential, commercial or industrial district, including the R-A (Rural Residential), R-1 (Low density Residential), R-2 (Medium density Residential), R-3 (Multiple Family Residential), P-D (Planned Development), C-1 (Neighborhood Commercial), H-1 (Highway Frontage), LM (Limited Industrial), P-I (Planned Industrial), H-S (Historical Site) zoning districts, or equivalent zoning in any other jurisdiction; and

**21.68.030** Location Requirements

2. Any public or private school; and
  3. Any church, chapel, or other publicly recognized place of worship; and
  4. Any park or building used by the public and owned by a public entity; and
  5. Any residence and curtilage in any zoning district; and
  6. Any parcel of land owned by a school district, church, chapel, or public entity.
  7. Any privately owned recreation area, amusement park or sports facility.
  8. Any motion picture theater.
- B. Adult businesses shall not be located within one thousand (1,000) feet of any other adult business.
- C. Adult businesses may be located in C-2 (General Commercial) or M (Industrial) zoning districts; and,
- D. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, or geological features from the nearest point of the property line in which the proposed adult business is to be established to the nearest property line of a use or zoning district listed above. The distances specified shall not be measured to one of the uses specified in A (1) above which are established after the commencement of the adult business use, if the adult business use is continuous, which means that interruptions in use may not exceed six (6) months.

**21.68.040 DEVELOPMENT AND PERFORMANCE STANDARDS**

- A. The following development standards shall apply to all adult businesses:
1. No adult business shall be located in any temporary or portable structure.
  2. Trash dumpsters shall be enclosed by a screening enclosure so as not to be accessible to the public.
  3. Off-street parking shall be as specified in Chapter 21.76.140 or 21.76.150.
  4. The entire exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times.
  5. Any signage shall conform to the requirements of Chapters 21.56.020 F., 21.56.040 G., 21.60.020 E. and 21.08.070, and shall not contain sexually oriented photographs, silhouettes, or other pictorial representations.
  6. All entrances to an adult business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.

**21.68.040** Development and Performance Standards

7. (a). No residential structure or any other nonconforming structure shall be converted for use as an adult business.
- (b). No residence, apartment, living quarters or mobile home shall be located on the parcel where an adult business is located.

B. The following performance standards shall apply to all adult businesses:

1. California Code of Regulations, Title 4, Article 22, Sections 143.2, 143.3 and 143.4 or its successors, are hereby adopted and shall regulate the attire and conduct of employees and entertainers; including visual displays.
2. The adult business shall not conduct or sponsor any special events, promotions, festivals, concerts, or similar activities which would create a demand for parking spaces beyond the number of spaces required for the business.
3. The traffic generated by the adult business shall not overload the capacity of the surrounding street system and shall not create a hazard to public safety, as determined by the Stanislaus County Public Works Department.
4. No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to "specified sexual activities" or "specified anatomical areas", inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening.
5. No loudspeakers or sound equipment shall be used by an adult business for the amplification of sound to a level audible beyond the walls of the building in which the business is located.
6. All exterior areas of the adult business, including buildings, landscaping, and parking areas shall be kept free of trash and debris and maintained in a clean and orderly manner at all times.
7. Hours of operation shall be from 6:00 a.m. to 2:00 a.m.
8. Each adult business shall conform to all applicable laws and regulations, including obtaining a County business license.

**21.68.050 ADULT BUSINESS PERMIT - REQUIRED**

No adult business shall commence operation until an application for an adult business permit is approved by the Planning Director or designee following the procedures set out in the following sections.

## **21.68.060 ADULT BUSINESS PERMIT - APPLICATION - CONTENTS**

An application for a adult business permit shall include the following:

- A. Name, permanent address and telephone number of applicant.
- B. The name, business address and telephone number for the applicant. If the applicant is a corporation, the name shall be exactly as set forth in its Articles of Incorporation, and the applicant shall show the name and residence address of each of the officers, directors, and each stockholder owning twenty-five percent (25%) or more of the stock of the corporation. If the applicant is a partnership, the application shall show the name and residence address of each of the members, including limited partners.
- C. Name(s) and address(es) of the property owner(s).
- D. Assessor's parcel number(s).
- E. Legal description of the property.
- F. A site development plan drawn at the scale specified by the Planning Director, which includes the following information:
  - 1. Location of all existing buildings, structures, and improvements on the property;
  - 2. Location of all proposed buildings, structures, and improvements on the property;
  - 3. Existing and proposed streets and highways bordering and within the boundaries of the property;
  - 4. Location of existing and proposed parking areas;
  - 5. Proposed landscaping;
  - 6. North arrow;
  - 7. Scale.
- G. Elevations and floor plans of proposed buildings or structures including any existing or proposed signs related to the adult business drawn to scale.
- H. A narrative description of the proposed use or development including:
  - 1. Description of the nature of the proposed use or development and an explanation of how the proposed business will satisfy the applicable requirements set forth in Sections 21.68.020 through 21.68.040 of this chapter.
- I. A letter of consent signed and notarized from all property owners.

**21.68.060** Adult Business Permit - Application - Contents

- J. A vicinity map showing specific land uses (houses, churches, public buildings, parcel lines, parcel sizes, etc.) for a 1,500 foot radius of the subject site.
- K. The fee prescribed by the Board of Supervisors by ordinance or resolution for processing the application.

**21.68.070 PERMIT APPLICATION - REVIEW AND APPROVAL**

- A. Once an application has been accepted as complete, the Planning Director or designee shall make a non-discretionary determination within sixty (60) days.
- B. For the purposes of application processing, any application for a permit pursuant to this chapter is considered to be a ministerial permit and, as such, is not subject to the time frames specified in Section 65950 et seq. of the California Government Code, or the California Environmental Quality Act.
- C. Once an application has been accepted as complete, the Director of Planning and Community Development shall refer the permit application to the following departments and agencies:
  - 1. Public Works,
  - 2. Development Services,
  - 3. Sheriff,
  - 4. Environmental Resources, and
  - 5. County Executive Officer/Environmental Review Committee, who will review and comment within thirty (30) days of the date of referral in their area of expertise and speciality as to the ability of the site to meet the criteria in Stanislaus County Code Section 21.68.040.
- D. In considering an application for a permit pursuant to this chapter, the Planning Director or designee shall approve the permit only if it makes the following findings:
  - 1. The adult business is consistent with the location, requirements and development and performance standards contained in this chapter; and
  - 2. The adult business is located in a zoning district which lists adult businesses as a permitted use; and
  - 3. The zoning district classification for the property is consistent with the applicable General Plan or Specific Plan designation for the property; and
  - 4. The adult business structure does not contain any apartments or other living quarters; and

**21.68.070** Permit Application - Review and Approval

5. A permittee shall not transfer ownership or control of an adult business permit to any other person or entity. All changes in ownership shall require a new permit application and approval.
- E. Permit issuance or non-issuance of application may be appealed pursuant to Chapter 21.112.

**21.68.080 SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions be declared invalid or unconstitutional. If for any reason this or any part thereof shall be declared invalid or unconstitutional, then all other provisions thereof shall remain valid and enforceable.

## CHAPTER 21.70

# URBAN SERVICES DISTRICT (US)

### SECTIONS:

|                  |                                |
|------------------|--------------------------------|
| <b>21.70.010</b> | <b>APPLICABILITY</b>           |
| <b>21.70.020</b> | <b>PURPOSE</b>                 |
| <b>21.70.030</b> | <b>PERMITTED USES</b>          |
| <b>21.70.040</b> | <b>URBAN SERVICES REQUIRED</b> |

### **21.70.010 APPLICABILITY**

The regulations in this chapter shall apply in all districts which are combined US districts. These regulations are in addition to other regulations specified in this title. However, if any of the regulations specified in this title for any other district which is combined with a US district conflict with the provisions of this chapter, then the provisions of this chapter shall govern. (Ord. CS 203, Sec. 1 (part), 1986).

### **21.70.020 PURPOSE**

The US combining district is intended for use within the spheres of influence of any sanitary district, water district or community services district serving an unincorporated area. Use of this district combined with any of the other districts in this title will require, prior to development, annexation to, and service from, the special district within whose sphere of influence the property lies. (Ord. CS 203, Sec. 1 (part), 1986).

### **21.70.030 PERMITTED USES**

Uses permitted in US combining districts are all uses permitted in the respective districts with which the US district is combined, subject to the restrictions of Section 21.70.040. (Ord. CS 203, Sec. 1 (part), 1986).

### **21.70.040 URBAN SERVICES REQUIRED**

Prior to development of any of the uses permitted in Section 21.70.030 in any district in this title which is combined with the US district, the property to be developed shall be annexed to, and receive services from, the sanitary district, water district, or community services district within whose sphere of influence the property lies. (Ord. CS 203, Sec. 1 (part), 1986).



## CHAPTER 21.72

# MOBILE HOMES

### SECTIONS:

|                  |                                     |
|------------------|-------------------------------------|
| <b>21.72.010</b> | <b>APPLICABILITY</b>                |
| <b>21.72.020</b> | <b>DISTRICT REGULATIONS</b>         |
| <b>21.72.030</b> | <b>NONCONFORMING USES</b>           |
| <b>21.72.040</b> | <b>EFFECT OF NONCOMPLIANCE</b>      |
| <b>21.72.050</b> | <b>EXPIRATION OF PERMITS</b>        |
| <b>21.72.060</b> | <b>REAPPLICATION WAITING PERIOD</b> |

### **21.72.010 APPLICABILITY**

The regulations set forth in this chapter shall apply to the allowance of mobile homes used for residential purposes in all zoning districts. (Ord. CS 106, Sec. 14 (part), 1984).

### **21.72.020 DISTRICT REGULATIONS**

A mobile home in lieu of any permitted single-family dwelling shall be permitted subject to the following (Ord. CS 1290, 2021):

- A. In any zoning district, except the Historical Site District, the mobile home shall meet the following eligibility and compatibility criteria (Ord. CS 1290, 2021):
  1. Eligibility. A mobile home shall be eligible if it (Ord. CS 1290, 2021):
    - a. Is to be occupied only for residential purposes. (Ord. CS 1290, 2021).
    - b. Conforms to all of the residential use development standards for single family structures applicable to the particular zoning of the lot on which it is being placed. (Ord. CS 1290, 2021).
    - c. Was constructed within twenty years of the date the building permit application placement of the mobile home was submitted. (Ord. CS 1290, 2021).
    - d. Is attached to a permanent foundation system approved by the county's Chief Building Official. (Ord. CS 1290, 2021).
    - e. Is placed on the county assessment roll. (Ord. CS 1290, 2021).
  2. Compatibility. A mobile home shall be compatible if (Ord. CS 1290, 2021):
    - a. It is covered with material commonly found in new conventionally built residential structures within three hundred feet of the lot on which the mobile home is being placed. (Ord. CS 1290, 2021).
    - b. The exterior covering material extends to the ground. If a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Alternative skirting materials commonly found on conventionally built residential structures will be considered compatible. (Ord. CS 1290, 2021).
    - c. The roofing material shall be similar to materials commonly found on conventionally built residential structures within three hundred feet of the lot on which the mobile home is being placed. (Ord. CS 1290, 2021).

**21.72.020** District regulations

- d. The roof of the mobile home shall have eave and gable overhangs as follows (Ord. CS 1290, 2021):
  - i. Not less than one foot measured from the vertical side of the mobile home; or (Ord. CS1290, 2021)
  - ii. Consistent to those of an existing dwelling located on the same lot. (Ord. CS 1290, 2021).
  
- B. A mobile home approved prior to February 25, 2021 for the care of ill, infirm, or aged members of family may be converted to an accessory dwelling in accordance with Chapter 21.74 of this Title or maintained under a temporary permit subject to the following (Ord. CS 1290, 2021):
  - a. If converted to an accessory dwelling, a building permit shall be obtained and finalized and all applicable fees shall be paid to convert the temporary mobile home to a permanent status. (Ord. CS 1290, 2021).
  - b. If maintained under a temporary permit, the permit shall be subject to a renewal every five years and the permit shall not be transferrable to a new property owner and/or family member. In order to renew the permit, the property owner shall attest to the continued need for the mobile home for the original purpose as the permit was issued. (Ord. CS 1290, 2021).
  
- C. On property located in an A-2 zoning district to provide housing on the premises for persons employed on a full-time basis in connection with the agricultural use of the property or other property owned or leased by the same owner, where the type and amount of crops and/or animals are substantial enough to warrant such full-time employees and where the occupant of the principal residence works full-time on the property, subject to the following standards and conditions:
  - 1. Approval of an accessory mobile home permit by the director of planning and community development. Application shall be made by completing forms provided by the department of planning and community development and payment of an application fee. Applicants may be required to substantiate that the employee is, in fact, a full-time employee. Watchmen shall not be considered full-time employees for purposes of this subsection. The property owner may renew the permit each year by the reaffirmation of the need to provide the housing and the payment of a renewal fee.
  - 2. The mobile home shall be accessory to and located in reasonable relationship to the existing agricultural use of the property.
  - 3. The mobile home shall not be rented or leased independent of the agricultural use to which it is accessory.
  - 4. The mobile home shall be removed from the premises at any time the principal use to which it is accessory is discontinued for a period of six months.
  
- D. On property located in an H-1, C-2, P-D, LM or M zoning district, to provide housing on the premises, for a person employed as a watchman, only on properties with substantial outside storage areas, based on the amount and value of the stored materials, and where there are no other residences, or in any zoning district to provide housing for a watchman on the site of a school or facility of any public agency, subject to the following conditions:

**21.72.020** District regulations

1. Approval of an accessory mobile home permit by the director of planning and community development. Application shall be made by completing forms provided by the department of planning and community development and payment of an application fee. The property owner may renew the permit each year by the reaffirmation of the need to provide the housing and the payment of a renewal fee;
  2. The mobile home shall not be rented or leased independent of the principal use to which it is accessory;
  3. The mobile home shall be accessory to and located in reasonable relationship to the existing principal use of the property;
  4. The mobile home shall be removed from the premises at any time the principal use to which it is accessory is discontinued for a period of six months.
- E. On property located in an A-2, R-A, R-1, R-2, or R-3 zoning district for temporary residential purposes when constructing a dwelling on the same property subject to all requirements assigned by the County's Chief Building Official. Such mobile homes shall be removed from the site within ten days after the issuance of a final inspection by the county building inspector or occupancy of the dwelling, whichever occurs first. A financial guarantee will be required to be deposited with the county to assure removal.
- F. On property located in an R-2, R-3, H-1, C-1 or C-2 zoning district following approval of a use permit for a mobile home park by the planning commission pursuant to Chapter 21.96 (Ord. CS 1290, 2021)

**21.72.030 NONCONFORMING USES**

Any mobile home which on October 19, 1973, had a valid zoning use permit, mobile home permit, or variance, shall become a valid nonconforming use under the provisions of Chapter 21.80. This section shall not be applicable to mobile homes for which such a permit had not been secured or for which a permit had expired prior to such date. (Ord. CS 106, Sec. 14 (part), 1984).

**21.72.040 EFFECT OF NONCOMPLIANCE**

Failure to comply with all applicable federal, state and county regulations with respect to transportation, location, and occupancy of the mobile home shall invalidate any approval obtained pursuant to this chapter. (Ord. CS 106, Sec. 14 (part), 1984).

**21.72.050 EXPIRATION OF PERMITS**

If the required site permits, installation permits, and any other required permits are not obtained within three months, any mobile home permit approved pursuant to this chapter shall automatically expire. (Ord. CS 106, Sec. 14 (part), 1984).

**21.72.060 REAPPLICATION WAITING PERIOD**

No application for a mobile home permit which has been denied wholly or in part by the director of planning and community development, or the planning commission or the board of supervisors on appeal, shall be resubmitted for a period of one year from the date the order of denial became final, except on grounds of new evidence or proof of changed conditions found to be valid by the planning commission or the board of supervisors, whichever issued the order of denial. (Ord. CS 106, Sec. 14 (part), 1984).

## CHAPTER 21.74

# ACCESSORY DWELLINGS (ADUs)

### SECTIONS:

|                  |                              |
|------------------|------------------------------|
| <b>21.74.010</b> | <b>PURPOSE AND INTENT</b>    |
| <b>21.74.020</b> | <b>APPLICABILITY</b>         |
| <b>21.74.030</b> | <b>GENERAL PROVISIONS</b>    |
| <b>21.74.040</b> | <b>DEVELOPMENT STANDARDS</b> |
| <b>21.74.050</b> | <b>RECORDATION</b>           |

### **21.74.010 PURPOSE AND INTENT**

The purpose of these regulations is to provide clearly stated land use regulations and development standards that allow for the development of accessory dwellings in compliance with applicable state regulations and local land use policy.

These regulations are intended to encourage the development of accessory dwellings providing for an expanded variety of housing opportunities for all income levels while retaining compatibility with surrounding uses and, when located within an agricultural zoning district, promoting the continued conservation of agricultural resources.

### **21.74.020 APPLICABILITY**

The regulations set forth in this Chapter shall apply in all R-1 (Low Density Residential), R-2 (Medium-Density Residential), R-3 (High-Density Residential), R-A (Rural Residential), and A-2 (General Agriculture) zoning districts. These regulations shall also apply in all Planned Development (P-D) zoning districts permitting residential uses.

- A. When located within a local agency formation commission (LAFCO) adopted sphere of influence (SOI) of a city, accessory dwellings and junior accessory dwellings shall be permitted consistent with any applicable regulations of that city, provided said standards are consistent with State law.

### **21.74.030 GENERAL STANDARDS**

The following general standards shall apply to accessory dwellings permitted by this Chapter:

- A. Number of units.
  1. The total number of accessory dwellings permitted per parcel with any existing or proposed single family dwelling shall be limited to the following:
    - a. One junior accessory dwelling when located within the space of a proposed or existing single-family dwelling subject to all general and development standards of this Chapter; and
    - b. One detached or attached accessory dwelling subject to all general and development standards of this Chapter.

2. The total number of accessory dwellings permitted per parcel with any existing two-family dwelling (duplex) or multiple dwelling shall be limited to the following:
    - a. One accessory dwelling within an existing two-family or multiple dwelling or up to 25 percent of the existing dwelling units, whichever is greatest, subject to all general and development standards of this Chapter and provided that the accessory dwelling(s) is located within the portions of the existing two-family or multiple dwelling that are not currently used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings; and
    - b. Two detached accessory dwellings subject to all general and development standards of this Chapter.
  3. Exceptions.
    - a. Where a parcel has a combination of single-family, two-family (duplex) or multiple dwellings, as permitted by the applicable zoning district, accessory dwellings shall be limited to the number permitted by Section 21.74.030(A)(2) of this Chapter.
    - b. Where a parcel contains more units than are permitted by the applicable zoning district, in conformance with Chapter 21.80 of this Title, the parcel shall be limited to Section 21.74.030(A)(1)(a).
- B. Accessory dwellings shall meet the following criteria:
1. The maximum square footage of a new accessory dwelling shall not exceed 1,200 square feet of living space, or 500 square feet of living space for a junior accessory dwelling, except for temporary mobile homes being converted to permanent status in accordance with Chapter 21.72 of this Title. Any replacement of the mobile home shall comply with the maximum square footage requirements of this Chapter at the time of replacement.
  2. The accessory dwelling shall have a separate entrance and no shared living space, or connecting interior access, with the main dwelling, unless the unit meets the definition of a junior accessory dwelling.
  3. The accessory dwelling shall be constructed concurrent with or subsequent to the main dwelling.
- C. Location. Detached accessory dwellings shall be placed to take maximum advantage of existing facilities including utilities and driveways. New driveways may be authorized in accordance with Section 21.74.030(F) of this Chapter.
1. In the A-2 zoning district, an accessory dwelling shall be located within one hundred and fifty feet of the main dwelling and shall not displace any area used for agricultural crop production. Any accessory dwelling unit not meeting these location standards may be permitted by staff approval permit when, in addition to the findings required under Section 21.100.030(A) of this Title, the Planning Director determines that the location of the accessory dwelling unit is by design accessory to the main dwelling and will not interfere with the continued agricultural use of the parcel.

- D. Mobile Homes. A mobile home may be utilized in lieu of a detached accessory dwelling, provided the mobile home meets the requirements of this Chapter and the Eligibility and Compatibility criteria included in Section 21.72.020 of this Title.
- E. Water Supply and Wastewater Disposal. All accessory dwellings shall comply with all applicable local and state requirements for water supply and wastewater disposal, including, but not limited to, Section 21.08.050 requirements of this Title.
- F. Access. Access to the accessory dwelling shall be in conformance with adopted County Fire Code and Public Works Standards and Specifications. Where access does not meet current standards, including street and alley access, access may be approved when the Fire Warden and the director of Public Works both find that public safety will not be negatively impacted.
- G. Fire Hazard Severity Zones. Accessory dwellings located in Very High and High Fire Hazard Severity Zones, as designated by the most current California Department of Forestry and Fire Protections Fire Hazard Severity Zone Maps, shall meet current Fire Code Standards.
- H. Williamson Act Contracted Lands. Accessory dwellings permitted under this Chapter shall be allowed on Williamson Act Contracted Lands provided the accessory dwelling does not interfere with the continued agricultural use of the parcel in accordance with Section 21.74.030(C)(1) of this Chapter.

#### **21.74.040 DEVELOPMENT STANDARDS**

Accessory Dwellings developed in accordance with this Chapter shall meet the development standards outlined in this Section, in addition to any other applicable development standards for Title 21. Where a conflict may arise, the provisions of this Section shall govern. The following development standards shall be met:

- A. Height. Maximum height shall be the same as specified for dwellings in the applicable zoning district.
- B. Setbacks. Accessory dwellings shall comply with the setback requirements of the applicable zoning district with the following exceptions:
  - 1. A minimum setback of four feet from the side and rear lot lines shall be required for new construction.
  - 2. No additional setbacks shall be required when an existing, legally established, garage or other existing residential accessory building is converted to an accessory dwelling in accordance with the provisions of this Section.
- C. Parking. The following parking requirements shall apply to all accessory dwellings:
  - 1. One off-street parking space shall be required for every accessory dwelling, except no off-street parking shall be required if any of the following apply:
    - a. An existing legally constructed accessory structure, including a garage or carport, is being converted into an accessory dwelling;
    - b. The accessory dwelling is located within a half mile from a public transit stop, 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;

- c. The accessory dwelling is located in an area where on-street parking permits are required, but not offered to the occupant of the accessory dwelling; or
  - d. The accessory dwelling is located within one block of a designated car share/commuting pick up area; or
  - e. The unit is a junior accessory dwelling.
2. All required off-street parking facilities shall be developed in accordance with the standards of the county department of public works.
- D. Density. An accessory dwelling that conforms to the requirements of this Chapter shall be deemed a residential accessory use and will not be considered to exceed the allowable density for the parcel as established by the Stanislaus County General Plan or this Title.

#### **21.74.050 RESTRICTIVE COVENANT**

Before obtaining a building permit for an accessory dwelling, the property owner shall sign, and provide the necessary recording fees, and the county shall file with the county recorder, a restrictive covenant acknowledging that:

- A. Any accessory dwelling cannot be sold separately from or subdivided from the main dwelling. Any future land division shall be subject to all applicable Stanislaus County subdivision requirements and regulations in effect at the time a land division is proposed and may include conversion of the accessory dwelling to a main dwelling.
- B. Any modification to the accessory dwelling shall comply with all applicable provisions of this Title for accessory dwellings, as such provisions may be amended from time to time.
- C. The rental of the accessory dwelling shall be for a term longer than 30 days.
- D. The limitations set by this Chapter shall be binding upon any assigns, successors in interest, personal representatives, estates, and heirs of the owner of any property which includes accessory dwellings or junior accessory dwellings.



## CHAPTER 21.76

# OFF-STREET PARKING

### SECTIONS:

|           |   |
|-----------|---|
| 21.76.010 | APPLICABILITY   |
| 21.76.020 | BANKS AND FINANCIAL INSTITUTIONS                          |
| 21.76.030 | CHURCHES, LODGES AND PLACES OF PUBLIC ASSEMBLY            |
| 21.76.040 | DWELLINGS   |
| 21.76.050 | GARAGES AND REPAIR SHOPS                                  |
| 21.76.060 | HOSPITALS   |
| 21.76.070 | MANUFACTURING OR ASSEMBLY PLANTS AND WHOLESALE WAREHOUSES |
| 21.76.080 | MOBILE HOME PARKS   |
| 21.76.090 | MORTUARIES  |
| 21.76.100 | MOTELS AND HOTELS   |
| 21.76.110 | OFFICE BUILDINGS  |
| 21.76.120 | RECREATIONAL USES   |
| 21.76.130 | REST OR NURSING HOMES                                     |
| 21.76.140 | RESTAURANTS AND BARS                                      |
| 21.76.150 | RETAIL STORES AND SERVICE ESTABLISHMENTS                  |
| 21.76.160 | SCHOOLS   |
| 21.76.170 | SHOPPING CENTERS AND FLEA MARKETS                         |
| 21.76.180 | THEATERS  |
| 21.76.190 | VEHICLE SALES   |
| 21.76.200 | COMBINED USES   |
| 21.76.210 | USES NOT SPECIFIED  |
| 21.76.220 | STANDARDS   |
| 21.76.230 | LOCATION  |

### **21.76.010 APPLICABILITY**

Off-street parking or vehicle storage space is required as set forth in this chapter. (Prior code Section 9-123 (part)).

### **21.76.020 BANKS AND FINANCIAL INSTITUTIONS**

Banks and financial institutions require one space for every three hundred square feet of gross floor area. (Prior code Sec. 9-123(a)).

### **21.76.030 CHURCHES, LODGES AND PLACES OF PUBLIC ASSEMBLY**

Churches, lodges and places of public assembly require one space for every three fixed seats, or for every three persons allowed under the maximum capacity established by the fire warden where there are no fixed seats, in the main place of assembly. (Prior code Sec. 9-123(b)).

#### **21.76.040 DWELLINGS**

Dwellings require:

- A. Single-family, two spaces per dwelling;
- B. Two-family, one and one-half spaces per unit;
- C. Multiple-family, one and one-half spaces per unit;
- D. Guestroom or roominghouse, one space per room plus one space. (Prior code Sec. 9-123(c)).

#### **21.76.050 GARAGES AND REPAIR SHOPS**

Garages and repair shops require one space for every three hundred square feet of gross floor area. Spaces inside a garage may be counted toward meeting the requirement. (Prior code Sec. 9-123(d)).

#### **21.76.060 HOSPITALS**

Hospitals require one and one-half spaces for each bed. (Prior code Sec. 9-123(e)).

#### **21.76.070 MANUFACTURING OR ASSEMBLY PLANTS AND WHOLESALE WAREHOUSES**

Manufacturing or assembly plants and wholesale warehouses require one space for each employee on a maximum shift plus three additional spaces, or, when the number of employees cannot be determined, one space for every three hundred square feet of gross floor area. (Prior code Sec. 9-123(f)).

#### **21.76.080 MOBILE HOME PARKS**

Mobile home parks require two spaces for each mobile home space plus one recreational vehicle parking space for every five mobile homes in parks where recreational vehicles or boats are allowed. These spaces can be constructed in tandem. (Prior code Sec. 9-123(g)).

#### **21.76.090 MORTUARIES**

Mortuaries require one space for every five seats, or one space for every thirty-five square feet in assembly rooms where seating is not fixed. (Prior code Sec. 9-123(h)).

#### **21.76.100 MOTELS AND HOTELS**

Motels and hotels require one space for each sleeping room or dwelling unit. (Prior code Sec. 9-123(i)).

#### **21.76.110 OFFICE BUILDINGS**

Office buildings require:

- A. General business and professional offices, one space for every three hundred square feet of gross floor area;

**21.76.110** Office buildings

- B. Medical-dental offices and clinics, one space per doctor and each employee, plus one space per individual examining room or one space for every one hundred square feet of gross floor area where the number of examining rooms is unknown. (Prior code Sec. 9-123(j)).

**21.76.120 RECREATIONAL USES**

Recreational uses require:

- A. Bowling alleys, five spaces per lane;
- B. Amusement centers, twenty-five spaces per one thousand square feet of gross floor area;
- C. Golf courses, ten spaces per hole plus one space per thirty-five square feet of public assembly areas and one space per two hundred fifty square feet gross floor area for related uses;
- D. Stadiums, one space for every three seats. (Prior code Sec. 9-123(k)).

**21.76.130 REST OR NURSING HOMES**

Rest or nursing homes require one space for each employee on a maximum shift plus one space for every eight beds. (Prior code Sec. 9-123(1)).

**21.76.140 RESTAURANTS AND BARS**

Restaurants and bars require one space for every four seats or four persons allowed under the maximum capacity established by the fire warden where the seating capacity is not fixed. (Prior code Section 9-123(m)).

**21.76.150 RETAIL STORES AND SERVICE ESTABLISHMENTS**

Retail stores and service establishments require one space for each three hundred square feet of gross floor area. (Prior code Sec. 9-123(n)).

**21.76.160 SCHOOLS**

Schools require:

- A. Elementary, two spaces for each classroom;
- B. High schools and trade schools, one space for every five seats;
- C. Colleges, one space for every three seats. (Prior code Sec. 9-123(o)).

## **21.76.170 SHOPPING CENTERS AND FLEA MARKETS**

Shopping centers and flea markets require:

- A. Neighborhood, six spaces per one thousand square feet of gross floor area;
- B. Community and regional, eight spaces per one thousand square feet of gross floor area;
- C. Flea markets, eight spaces per one thousand square feet of indoor or outdoor sales area. (Prior code Sec. 9-123(p)).

## **21.76.180 THEATERS**

Theaters require one space for every three seats. (Prior code Sec. 9-123(q)).

## **21.76.190 VEHICLE SALES**

Vehicle sales establishments require one space for each employee on a maximum shift, plus one customer parking space per every twenty vehicles for sale. (Prior code Sec. 9-123(r)).

## **21.76.200 COMBINED USES**

The number of required spaces shall be determined by combining individual requirements for each use. (Prior code Sec. 9-123(s)).

## **21.76.210 USES NOT SPECIFIED**

All other uses not set forth in this chapter shall be determined by the planning commission based on the intensity of use by motor vehicles. (Prior code Sec. 9-123(t)).

## **21.76.220 STANDARDS**

All off-street parking facilities shall be done in accordance with the standards of the county department of public works. (Prior code Sec. 9-123(u)).

## **21.76.230 LOCATION**

No required off-street parking spaces shall be located within the building setback area or any required yard space. (Prior code Sec. 9-123(v)).

## CHAPTER 21.80

# NONCONFORMING USES

### SECTIONS:

|           |                                |
|-----------|--------------------------------|
| 21.80.010 | APPLICABILITY                  |
| 21.80.020 | CONTINUATION                   |
| 21.80.030 | EXTENSION WITHIN A BUILDING    |
| 21.80.040 | ABANDONMENT                    |
| 21.80.060 | MAINTENANCE AND REPAIRS        |
| 21.80.070 | ENLARGEMENT OR ALTERATION      |
| 21.80.080 | USES SUBJECT TO STAFF APPROVAL |

### 21.80.010 APPLICABILITY

Nonconforming uses are governed by the regulations set forth in this chapter. (Ord. CS 106, Sec. 15 (part), 1984).

### 21.80.020 CONTINUATION

- A. A lawful nonconforming use may be continued; provided, that no such use shall be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use prior to the date the use became nonconforming, and that if any such use is abandoned, the subsequent use shall be in conformity to the regulations specified by this title for the district in which the land is located.
1. The keeping of animals in quantities greater than permitted by this title shall not be subject to continuation. (Ord. CS 1202, Sec. 4, effective November 16, 2017).

### 21.80.030 EXTENSION WITHIN A BUILDING

The nonconforming use of a portion of a building may be extended throughout the building; provided, that in each case a use permit shall first be obtained. (Ord. CS 106, Sec. 15 (part), 1984).

### 21.80.040 ABANDONMENT

- A. The nonconforming use of a building, even though the use has ceased for a period exceeding six months, shall not be considered abandoned if the structure cannot reasonably be used in accordance with the regulations for the district in which it is located.
- B. If a nonconforming use ceases for a continuous period of six months, it shall be considered abandoned and shall thereafter be used only in accordance with the regulations for the district in which it is located. (Ord. CS 106, Sec. 15 (part), 1984).

## **21.80.060 MAINTENANCE AND REPAIRS**

Ordinary maintenance and repairs may be made to any nonconforming building provided no structure alterations are made and provided that the work does not exceed fifteen percent of the appraised value in any one-year period. Other repairs or alterations may be permitted provided that a use permit shall first be secured in each case. (Ord. CS 106, Sec. 15 (part), 1984).

## **21.80.070 ENLARGEMENT OR ALTERATION**

- A. The planning commission, after a public hearing, may authorize the enlargement, expansion or restoration of a nonconforming use, or a change to a different use of equal or lesser intensity than the legal nonconforming use, on the same parcel as the existing use, if it finds that the enlargement, expansion, restoration or changes:
1. Will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use; and
  2. Will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of persons residing or working in the neighborhood or to the general welfare of the county; and
  3. Is logically and reasonably related to the existing use and that the size or intensity of the enlargement, expansion, restoration or changes is not such that it would be more appropriately moved to a zoning district in which it is permitted.

The proponent of such change, enlargement, expansion or restoration may seek authorization thereof by filing an application for a use permit in the manner prescribed by Chapter 21.96.

The secretary to the commission shall fix the time and date for a public hearing by the commission, and notify the applicant thereof. Notice of said hearing shall be given in the manner prescribed by Chapter 21.96.

In authorizing such change, enlargement, expansion or restoration, the planning commission may include such conditions as it deems necessary and reasonable under the circumstances to carry out the intent of this Section.

- B. When any new use is approved, the existing legal nonconforming use shall be deemed to be ceased. In no case may the number of new uses exceed the number of existing legal nonconforming uses.
- C. The existence of a greater number of residential dwelling units than normally permitted in a district may not be used as a basis for requesting additional units as an expansion of a nonconforming use nor shall such units be used as a basis for conversion to any kind of nonresidential nonconforming use. This section is not intended to restrict potential expansion of mobile home parks.

**21.80.070**      Enlargement or alteration

- D.      For the purposes of this chapter, the following shall be considered nonconforming uses, the expansion, modification or replacement of which shall be permitted without use permit or staff approval when they comply with the development standards of the appropriate zoning designation with respect to setbacks, lot coverage, etc.:
1.      Single-family residences which were legally established under a previous zoning designation of the subject property.
  2.      Mobile homes which were legally established under a previous zoning designation of the subject property. (Ord. CS 106, Sec. 15 (part), 1984).

**21.80.080**      **USES SUBJECT TO STAFF APPROVAL**

For the purposes of this chapter, the following shall be considered to be nonconforming uses, the expansion, change or modification of which shall be subject to review and staff approval of the director of planning and community development, when such changes do not alter the present character of the uses. Such approval may include conditions deemed necessary and reasonable to carry out the intent of this title. Any such decision may be appealed to the planning commission, in writing, within ten days of the decision.

- A.      Minor changes in other uses which, in the opinion of the director of planning and community development, do not change the nature of, or add new uses to, the legally established use and which do not expand the area of the building or use by more than twenty-five percent. (Ord. CS 106, Sec. 15 (part), 1984).

**CHAPTER 21.82**

**DENSITY BONUS FOR AFFORDABLE HOUSING**

**SECTIONS:**

|                  |                                     |
|------------------|-------------------------------------|
| <b>21.82.010</b> | <b>INTENT AND PURPOSE</b>           |
| <b>21.82.020</b> | <b>GENERAL PROVISIONS</b>           |
| <b>21.82.030</b> | <b>AFFORDABILITY PROVISIONS</b>     |
| <b>21.82.040</b> | <b>INCENTIVES OR CONCESSIONS</b>    |
| <b>21.82.050</b> | <b>APPLICATION PROCEDURES</b>       |
| <b>21.82.060</b> | <b>AFFORDABLE HOUSING AGREEMENT</b> |

**21.82.010 INTENT AND PURPOSE**

The intent of the density bonus program is to contribute significantly to the economic feasibility of affordable housing in proposed developments by offering incentives to developers consisting of density bonuses or other concessions of equal financial value, in compliance with California Government Code Sections 65915 - 65918.

**21.82.020 GENERAL PROVISIONS**

Projects which meet the requirements of this Chapter shall qualify for a density bonus as described below:

- A. Very Low and Low Income Housing and Senior Citizen Housing. Upon written request to the County, an applicant for a housing development is eligible for one density bonus of twenty percent over the maximum residential density provided that the applicant agrees to construct the housing development in accordance with one of the following criteria:
  - 1. Very Low Income Households. Five percent of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to very low income households; or
  - 2. Low Income Households. Ten percent of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to low income households; or
  - 3. Senior Citizen Housing Development. For senior citizen housing developments conforming with Section 21.82.020(G) of this Chapter, the density bonus shall be twenty percent of the number of senior housing units provided.
  
- B. Moderate Income Housing. Upon written request to the County, an applicant for a housing development is eligible for one density bonus of five percent over the maximum residential density if the applicant agrees to construct the housing development in accordance with all of the following criteria:
  - 1. At least ten percent of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable ownership costs to moderate income households; and
  - 2. The housing development is a common interest project as defined by Section 1351 of the California Civil Code; and



**21.82.020** General Provisions

3. All of the dwelling units in the housing development are offered for sale to the public.
- C. Higher Density Bonus for Greater Contribution of Affordable Units: Upon written request to the County, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units, may receive a higher amount of density bonus if the percentage of very low, low, and moderate income housing units exceeds the base percentage established in Section 21.82.020(A) or (B) of this Chapter, as follows:
1. Very Low Income Units. For each one percent increase above five percent in affordable units for very low income households, the density bonus shall be increased by two and one-half percent up to a maximum of thirty five percent.
  2. Low Income Units. For each one percent increase above ten percent in the affordable units for low income households, the density bonus shall be increased by one and one-half percent up to a maximum of thirty five percent.
  3. Moderate Income Units. For each one percent increase above ten percent in affordable units offered for sale to moderate income households, the density bonus shall be increased by one percent up to maximum thirty five percent.

Table 1: Density Bonus Summary

| Types Of Affordable Units Providing Eligibility For A Density Bonus | Minimum Percent       | Bonus Granted    | Bonus For Each 1% Increase In Affordable Units | Additional Percent Of Affordable Units Required For Maximum 35% Bonus |
|---|-----------------------|------------------|--|---|
| Very Low Income   | 5%                    | 20%              | 2.5%   | 11%   |
| Lower Income  | 10%                   | 20%              | 1.5%   | 20%   |
| Moderate Income   | 10%                   | 5%               | 1%   | 40%   |
| Senior Citizen Housing  | Qualified Development | 20% of the units | -  | -   |

- D. Higher Density Bonus for Land Donation. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the county, in accordance with Section 65915 of the California Government Code, the applicant shall be entitled to a fifteen percent increase, and up to thirty five percent density bonus increase when very low income units are accommodated on the donated land, above the otherwise maximum allowable residential density for the entire development.
- E. Child Care Facilities. When an applicant proposes to construct a housing development which includes a child care facility either of the following may be granted, up to a maximum density bonus of thirty five percent:

**21.82.020**      General Provisions

1.      An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or
  2.      An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- F.      The highest possible density bonus is thirty five percent above the normally allowed density, regardless of which density bonus the developer chooses to apply to their project.
- G.      For the purposes of this section, "total units" or "total dwelling units" do not include units added by a density bonus awarded pursuant to this Chapter or any local law granting a greater density bonus.
- H.      "Housing development," as used in this section, means a development project for five or more residential units.
- I.      All density calculations resulting in fractional units shall be rounded up to the next whole number.
- J.      For the purposes of any provisions in this article, an applicant may elect to accept a lesser percentage of density bonus than that to which the housing development is eligible.
- K.      Senior citizen housing is a housing development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units, as defined in Section 51.3 and Section 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code.

**21.82.030**                      **AFFORDABILITY PROVISIONS**

- A.      Rental Units. An applicant shall ensure continued affordability of all very low and low income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the low income density bonus units shall be set at an affordable rent as defined in Section 50053 of the California Health and Safety Code.
- B.      For Sale Units. An applicant shall ensure that, the initial occupant of all for sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the California Health and Safety Code.
1.      The local government shall enforce an equity sharing agreement in conformance with the requirements set forth in Section 65915 of the California Government Code, unless it is in conflict with the requirements of another public funding source or law.

**21.82.030**            Affordability Provisions

2.            Where there is a direct financial contribution to a housing development pursuant to Section 65915 of the California Government Code through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the county shall assure continued availability for low and moderate-income units for 30 years.
- C.            An applicant shall be ineligible for a density bonus or any other incentives or concessions under this Chapter, in conformance with the requirements set forth in Section 65915 of the California Government Code, if the housing development is proposed on property which had previously been subject to an affordable housing covenant or was occupied by low income persons within the last five years.

**21.82.040**            **INCENTIVES OR CONCESSIONS**

- A.            Projects which meet the requirements of this Chapter may request concessions to development standards, in accordance with Section 65915 of the California Government Code, as described below:
1.            One incentive or concession for projects that include at least ten percent of the total units for low income households, at least five percent for very low income households, or at least ten percent for persons and families of moderate income in a common interest development.
  2.            Two incentives or concessions for projects that include at least twenty percent of the total units for low income households, at least ten percent for very low income households, or at least twenty percent for persons and families of moderate income in a common interest development.
  3.            Three incentives or concessions for projects that include at least thirty percent of the total units for low income households, at least fifteen percent for very low income households, or at least thirty percent for persons and families of moderate income in a common interest development.
- B.            **Waivers to Other Development Standards.** Applicants granted a density bonus may, by written proposal, seek a waiver, modification or reduction of other development standards that would otherwise have the effect of physically precluding the construction of the housing development at the densities or with the concessions or incentives permitted pursuant to this Chapter.
1.            In order to obtain a waiver or modification of development standards, the applicant shall show that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of this Chapter, at the densities or with the concessions or incentives permitted by this Chapter.
  2.            A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to 21.82.40(A) of this Chapter.
  3.            The County may deny a request for any waiver, modification or reduction of development.

#### **21.82.040** Incentives or Concessions

- C. In accordance with paragraph (d) of California Government Code Section 65915, the requested concession(s) shall be granted unless the Planning Director makes a written finding, based upon substantial evidence, of any of the following:
1. The concession or incentive is not required in order to provide for affordable housing costs or for rents for the targeted units.
  2. The concession or incentive would have a specific adverse impact, as defined in of California Government Code Section 65589.5, upon public health and 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- and moderate-income households.
  3. The concession or incentive would be contrary to state or federal law.
- D. Amendment, Zone Change. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

#### **21.82.050 APPLICATION PROCEDURES**

- A. The application for a density bonus, incentive or concession shall be submitted with the first application for approval of a housing development and shall be processed concurrently with any other planning permit required for the housing development. If no other planning permit is required, then the application for a density bonus shall be submitted in accordance with Section 21.100 of the County Code. The application shall be submitted on a form and contain such information and support data as prescribed by the Planning Director. The application shall contain sufficient information to make the required determinations and findings defined in Section 65915 of the California Government Code.
- B. The following findings must be made in order to approve an application for a density bonus:
1. The housing development is eligible for a density bonus in conformance with this Chapter and Section 65915 of the California Government Code, and is supported by a financing mechanism for all implementation and monitoring costs.
  2. If the density bonus is based all or in part on dedication of land, the application must meet the qualifications and findings stated in Section 65915(g) of the California Government Code.

#### **21.82.060 AFFORDABLE HOUSING AGREEMENT**

- A. Applications requesting a density bonus shall agree to enter into a density bonus housing agreement with the County. The terms of the draft agreement shall be reviewed and revised as appropriate by the Planning Director. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this article and shall be recorded as a restriction on any parcels on which the affordable units or density bonus units will be constructed.

**21.82.060** Affordable Housing Agreement

- B. The density bonus housing agreement shall be recorded prior to recording of a final subdivision or parcel map, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind future owners and successors in interest. (Ord. CS 1169, Sec 15, 2015).

## CHAPTER 21.84

# VARIANCES

### SECTIONS:

|                  |                           |
|------------------|---------------------------|
| <b>21.84.010</b> | <b>AUTHORIZED</b>         |
| <b>21.84.020</b> | <b>APPLICATION</b>        |
| <b>21.84.030</b> | <b>HEARING</b>            |
| <b>21.84.040</b> | <b>ISSUANCE OR DENIAL</b> |
| <b>21.84.050</b> | <b>REAPPLICATION</b>      |

### **21.84.010 AUTHORIZED**

Where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of this title may result from the strict application of certain provisions thereof, a variance may be granted as provided in this chapter except for uses not permitted by zoning district regulations. (Prior code Sec. 9-128 (part)).

### **21.84.020 APPLICATION**

Application for variance shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a filing fee in such amount as may be fixed from time to time by order or resolution of the board of supervisors and a statement, plans and evidence showing:

- A. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this title will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications;
- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;
- C. That the granting of the application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. (Prior code Sec. 9-128(a)).

### **21.84.030 HEARING**

A public hearing shall be held within forty days after filing of the application, notice of which shall be given by the mailing, at least ten days prior to the hearing, of postcard notices through the United States mail, with postage prepaid, to all property owners within three hundred feet of the property on which the proposed variance is to be established, as shown on the current assessment roll of the county and using addresses from the last adopted tax roll. (Prior code Sec. 9-128(b)).

#### **21.84.040 ISSUANCE OR DENIAL**

- A. After the conclusion of the public hearing, the planning commission shall make a finding of facts indicating whether the circumstances enumerated in subsections A, B and C of Section 21.84.020 apply to the land, buildings or use for which variance is sought and whether the variance shall be in harmony with the general purpose of this title.
- B. The planning commission may impose such conditions in connection with the variance as it deems necessary to secure the purposes of this title and may require a bond, undertaking or other assurances that such conditions are being or will be complied with.
- C. If the planning commission, after receiving and considering the evidence, and any proposed conditions, is unable to make the foregoing finding of facts, the variance shall be denied. (Prior code Sec. 9-128(c)).

#### **21.84.050 REAPPLICATION**

No application for a variance which has been denied wholly or in part by the planning commission, or by the board of supervisors on appeal, shall be resubmitted for a period of one year from the date the order of denial became final, except on grounds of new evidence or proof of changed conditions found to be valid by the planning commission or the board of supervisors, whichever issued the order of denial. (Prior code Sec. 9-128(d)).

## CHAPTER 21.86

# REASONABLE ACCOMMODATION

### SECTIONS:

|                  |                              |
|------------------|------------------------------|
| <b>21.86.010</b> | <b>INTENT AND PURPOSE</b>    |
| <b>21.86.020</b> | <b>APPLICABILITY</b>         |
| <b>21.86.030</b> | <b>APPLICATION PROCESS</b>   |
| <b>21.86.040</b> | <b>APPROVAL PROCESS</b>      |
| <b>21.86.050</b> | <b>FINDINGS AND DECISION</b> |

### **21.86.010 INTENT AND PURPOSE**

This chapter is established pursuant to the provisions of California Government Code Sections 12927(c)(1) and 12955(1) to provide a formal procedure to request a reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests.

### **21.86.020 APPLICABILITY**

In order to make housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability, equal opportunity to housing of their choice. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter applies only to those persons who are defined as disabled under the Acts.

### **21.86.030 APPLICATION PROCESS**

In order to make housing available to an individual with a disability, an applicant may request a reasonable accommodation in zoning and other land use regulations, policies, practices and procedures.

- A. All requests shall be reasonable and limited to the minimum that the applicant believes is necessary to accommodate the disability. The applicant is requested to provide the following information:
  1. Description of the requested accommodation, and the regulation(s), policy or procedure for which accommodation is sought, which could include site plans, floor plans, and/or details as necessary to define the extent of the required accommodation;
  2. The basis for the claim that the fair housing laws apply to the individual(s) with a disability and evidence supporting the claim, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, a handicapped license, or other appropriate evidence;



**21.86.030** Application Process

3. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the property; and
  4. How the property will be used by the applicant and individual(s) with disabilities.
- B. Any information identified by the applicant as confidential shall be retained by the County in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection.
- C. A request for a reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not negate an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.
- D. If an individual needs assistance in making the request for a reasonable accommodation, the County will provide assistance to ensure that the process is accessible.
- E. Requests for a reasonable accommodation shall be submitted as a non-discretionary permit subject to the staff approval permit application process described in Section 21.100 of the Stanislaus County Code.

**21.86.040 APPROVAL PROCESS**

- A. The Planning Director or an appointed designee has the authority to review and make determinations upon requests for a reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter.
- B. The Planning Director, or an appointed designee, shall approve, approve with conditions, or deny the application within 30 days after the application is deemed complete, based on the findings set forth in Section 21.86.050 of the County Code.
- C. If the application for a reasonable accommodation involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the Planning Director or an appointed designee.

**21.86.050 FINDINGS AND DECISION**

Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:

1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts;
2. The requested reasonable accommodation is necessary to make housing available to an individual with a disability under the Acts;

**21.86.050** Findings and Decision

3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the County;
4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a County program or law, including but not limited to land use and zoning; and
5. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the County's applicable rules, standards and practices.

In granting a request for a reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings above. (Ord. CS 1169 Sec. 16, 2015).

## Chapter 21.88

# SURFACE MINING AND RECLAMATION

### SECTIONS:

|           |                             |
|-----------|-----------------------------|
| 21.88.010 | PURPOSE AND INTENT          |
| 21.88.020 | DEFINITIONS                 |
| 21.88.030 | INCORPORATION BY REFERENCE  |
| 21.88.040 | SCOPE                       |
| 21.88.050 | VESTED RIGHTS               |
| 21.88.060 | PROCESS                     |
| 21.88.070 | STANDARDS FOR RECLAMATION   |
| 21.88.080 | STATEMENT OF RESPONSIBILITY |
| 21.88.090 | FINDINGS FOR APPROVAL       |
| 21.88.100 | FINANCIAL ASSURANCES        |
| 21.88.110 | INTERIM MANAGEMENT PLANS    |
| 21.88.120 | ANNUAL REPORT REQUIREMENTS  |
| 21.88.130 | INSPECTIONS                 |
| 21.88.140 | VIOLATIONS AND PENALTIES    |
| 21.88.150 | APPEALS                     |
| 21.88.160 | FEES                        |
| 21.88.170 | MINERAL RESOURCE PROTECTION |
| 21.88.180 | SEVERABILITY                |
| 21.88.190 | EFFECTIVE DATE              |

### 21.88.010 PURPOSE AND INTENT

The County of Stanislaus recognizes that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The County also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

The purpose and intent of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's 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 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.), to ensure that:

- A. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

## **21.88.010** Purpose and Intent

- B. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
- C. Residual hazards to the public health and safety are eliminated.

## **21.88.020** DEFINITIONS

The definitions set forth in this section shall govern the construction of this chapter.

- A. Area of Regional Significance. An area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.
- B. Area of Statewide Significance. An area designated by the Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.
- C. Borrow Pits. Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.
- D. Compatible Land Uses. Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.
- E. Haul Road. A road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.
- F. Idle. Surface mining operations curtailed for a period of one year 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.
- G. Incompatible Land Uses. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.

## **21.88.020** Definitions

- H. Mined Lands. The surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, working, 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.
- I. Minerals. Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substance, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
- J. Operator. Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.
- K. 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.
- L. Stream Bed Skimming. Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.
- M. Surface Mining Operations. 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).

## **21.88.030** INCORPORATION BY REFERENCE

The provisions of SMARA (PRC §2710 et seq.), PRC Section 2207, and State regulations CCR §3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

## **21.88.040 SCOPE**

Except as provided in this Chapter, no person shall conduct surface mining operations unless a permit, Reclamation Plan, and financial assurances for reclamation have first been approved by the County. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the County, including but not limited to, the application of CEQA, the requirement of Site Approval/Use Permit or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Chapter shall apply to all lands within the County, public and private.

This Chapter shall not apply to the following activities, subject to the above-referenced exceptions:

- A. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
- B. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that 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, subject to all of the following conditions:
  - 1. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA", Public Resources Code, Division 13, §21000 et seq.).
  - 2. The County's approval of the construction project included consideration of the on-site excavation and on-site earthmoving activities pursuant to CEQA.
  - 3. The approved construction project is consistent with the general plan or zoning of the site.
  - 4. Surplus materials shall not be exported from the site unless and 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.
- C. Operation of a plant site used for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:
  - 1. The plant site is located on lands designated for industrial or commercial uses in the County's general plan.

**21.88.040** Scope

2. The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the County.
  3. None of the minerals being processed are being extracted on-site.
  4. All reclamation work has been completed pursuant to the approved Reclamation Plan for any mineral extraction activities that occurred on-site after January 1, 1976.
- D. 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.
- E. 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.
- F. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.
- G. The solar excavations of sea water or bay water for the production of salt and related minerals.
- H. Emergency excavations or grading conducted by the 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.
- I. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does 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 excavations for materials that are, or have been, sold for commercial purposes.

**21.88.050 VESTED RIGHTS**

No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this Chapter. Where a person with vested rights have continued surface mining in the same area subsequent to January 1, 1976, he shall obtain County approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

All other requirements of State law and this Chapter shall apply to vested mining operations.

## **21.88.060 PROCESS**

- A. Applications for a Site Approval/Use Permit or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Planning Department. Said application shall be filed in accord with this Chapter and procedures to be established by the Planning Director. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (§2772-2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Planning Director. As many copies of the Site Approval/Use Permit application as may be required by the Planning Director shall be submitted to the Planning Department.
- B. As many copies of a Reclamation Plan application as may be required shall be submitted in conjunction with all applications for Site Approval/Use Permits for surface mining operations. For surface mining operations that are exempt from a Site Approval/Use Permit pursuant to this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the County at one time.
- C. Applications shall include all required environmental review forms and information prescribed by the Planning Director.
- D. Upon completion of the environmental review procedure and filing of all documents required by the Planning Director, consideration of the Site Approval/Use Permit or Reclamation Plan for the proposed or existing surface mine shall be completed pursuant to Section 21.20 and 21.96 of the County Ordinance Code at a public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code.
- E. Within thirty (30) days of acceptance of an application for a Site Approval/Use Permit for surface mining operations and/or a Reclamation Plan as complete, the Planning Department shall notify the State Department of Conservation of the filing of the application(s).

Whenever mining operations are 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 within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that the application has been received.

- F. The Planning Department shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the County environmental review guidelines.
- G. Subsequent to the appropriate environmental review, the Planning Department shall prepare a staff report with recommendations for consideration by the Planning Commission.
- H. The Planning Commission shall hold at least one noticed public hearing on the Site Approval/Use Permit and/or Reclamation Plan.



## **21.88.060** Process

- I. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Planning Commission shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the Reclamation Plan and financial assurance before submittal to the State Department of Conservation. If a Site Approval/Use Permit is being processed concurrently with the Reclamation Plan, the Planning Commission may simultaneously also conceptually approve the Site Approval/Use Permit. However, the Planning Commission may defer action on the Site Approval/Use Permit until taking final action on the Reclamation Plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the Site Approval/Use Permit with the condition that the Planning Commission may conditionally approve the Site Approval/Use Permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

Pursuant to PRC §2774(d), the State Department of Conservation shall be given 30 days to review and comment on the Reclamation Plan and 45 days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.

- J. The Planning Commission shall then take action to approve, conditionally approve, or deny the Site Approval/Use Permit and/or Reclamation Plan, and to approve the financial assurances pursuant to PRC §2770(d).
- K. The Planning Department shall forward a copy of each approved Site Approval/Use Permit for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1 of each year, the Planning Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Site Approval/Use Permit or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year.

## **21.88.070 STANDARDS FOR RECLAMATION**

- A. All Reclamation Plans shall comply with the provisions of SMARA (§2772 and §2773) and State regulations (CCR §3500-3505). Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations, and any substantial amendments to previously approved Reclamation Plans, shall also comply with the requirements for reclamation performance standards (CCR §3700-3713).

#### **21.88.070 Standards for Reclamation**

- B. The County may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of Countywide performance standards.
- A. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the County. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) estimated costs for completion of each phase of reclamation.

#### **21.88.080 STATEMENT OF RESPONSIBILITY**

The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning Department in the mining operations's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Department for placement in the permanent record.

#### **21.88.090 FINDINGS FOR APPROVAL**

- A. Site Approval/Use Permits. In addition to any findings required by the County Ordinance Code, Site Approval/Use Permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.
- B. Reclamation Plans. For Reclamation Plans, the following findings shall be required:
  - 1. That the Reclamation Plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;
  - 2. That the Reclamation Plan complies with applicable requirements of State regulations (CCR §3500-3505, and §3700-3713).
  - 3. That the Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter and the County's General Plan and any applicable resource plan or element.
  - 4. That the Reclamation Plan has been reviewed pursuant to CEQA and the County's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.
  - 5. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.

**21.88.090** Findings for Approval

6. That the Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.
7. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by the Department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

**21.88.100 FINANCIAL ASSURANCES**

- A. To ensure that reclamation will proceed in accordance with the approved 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 State Mining and Geology Board as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the County of Stanislaus and the State Department of Conservation.
- B. Financial assurances will be required to ensure compliance with elements of the 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 and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.
- C. Cost estimates for the financial assurance shall be submitted to the Planning Department for review and approval prior to the operator securing financial assurances. The Planning Director shall forward 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 the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the costs may be incurred. The Planning Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.
- D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved 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 since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Planning Director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved 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 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 ten percent (10%) shall be added to the cost of financial assurances.

- E. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
- F. 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).
- G. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, except that the permittee may not claim credit for reclamation scheduled for completion during the coming year.
- H. Revisions to financial assurances shall be submitted to the Planning Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost 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.

#### **21.88.110 INTERIM MANAGEMENT PLANS**

- A. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Site Approval/Use Permit conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Department, and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environment review.
- B. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.
- C. Upon receipt of a complete proposed IMP, the Planning Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Planning Commission.
- D. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Planning Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Planning Director, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within sixty (60) days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the Board of Supervisors.

#### **21.88.110 Interim Management Plans**

- E. The IMP may remain in effect for a period not to exceed five years, at which time the Planning Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

#### **21.88.120 ANNUAL REPORT REQUIREMENTS**

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the County Planning Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

#### **21.88.130 INSPECTIONS**

The Planning Department shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Section 12, to determine whether the surface mining operation is in compliance with the approved Site Approval/Use Permit and/or Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said 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 Planning Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The Planning Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

#### **21.88.140 VIOLATIONS AND PENALTIES**

If the Planning 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 the Chapter, the applicable Site Approval/Use Permit, any required permit and/or the Reclamation Plan, the County shall follow the procedures set forth in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of the County Development Code for revocation and/or abandonment of a Site Approval/Use Permit which are not preempted by SMARA.

#### **21.88.150 APPEALS**

The appeal process shall be consistent with Ordinance Code Section 21.112.

#### **21.88.160 FEES**

The County shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the County, at the time of filing of the Site Approval/Use Permit application, Reclamation Plan application, and at such other times as are determined by the County to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator.

#### **21.88.170 MINERAL RESOURCE PROTECTION**

Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the County's General Plan.

In accordance with PRC §2762, the County's General Plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of such information. Land use decisions with the County will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

#### **21.88.180 SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter.

#### **21.88.190 EFFECTIVE DATE**

This Chapter shall take effect thirty (30) days following its adoption.

## CHAPTER 21.90

# PRODUCE STANDS AND PRODUCE MARKETS

### SECTIONS:

|           |                    |
|-----------|--------------------|
| 21.90.010 | PURPOSE AND INTENT |
| 21.90.020 | DEFINITIONS        |
| 21.90.030 | GENERAL STANDARDS  |
| 21.90.040 | PRODUCE STANDS     |
| 21.90.050 | PRODUCE MARKETS    |

### 21.90.010 PURPOSE AND INTENT

The purpose of these regulations is to provide workable, clearly stated land use regulations that allow farmers in Stanislaus County to market their produce directly to local consumers, travelers and tourists.

These regulations are intended to encourage the sale of farm produce and related goods that promote the sale of locally grown agricultural produce. However, these regulations are not intended to encourage the proliferation of traditional retail stores or convenience markets in agricultural districts of the County.

### 21.90.020 DEFINITIONS

- (a) **"Produce Stand"** means structures and/or areas up to 1,600 square feet in size, including any outside display area, that are accessory to on-site agricultural operations and are used to sell only raw, unprocessed fruits, vegetables, nuts and other agricultural produce in its raw or natural state.
- (b) **"Produce Market"** means structures and/or areas up to 3,500 square feet in size, including any outside display area, that are accessory to on-site agricultural operations and are primarily used to sell raw, unprocessed fruits, vegetables, nuts and other agricultural produce in its raw or natural state. Produce markets also may be used for limited sales of processed foods and non-food items.
- (c) **"Retail Food Law"** for purposes of this chapter, means any chapter of any California Code regulating health and sanitation standards for retail food facilities. Retail Food Law shall be administered and enforced by the Stanislaus County Department of Environmental Resources (DER), unless another agency is specifically identified by law.

### 21.90.030 GENERAL STANDARDS

The following general standards shall apply to all produce stands and produce markets regulated by this chapter:

## **21.90.030** General Standards

1. One produce stand or one produce market per parcel is allowed, subject to approval as set forth in this chapter. Applications submitted for review shall be on a form provided by the Planning Department and shall be subject to fees established by the Board of Supervisors.
2. A produce stand or produce market shall be allowed only if:
  - a. It is located within the A-2 (General Agriculture) zoning district;
  - b. It is accessory to agricultural production on the same parcel;
  - c. At least 25 percent of the area of the parcel is devoted to agricultural production;  
and
  - d. The entire parcel is owned or leased by the produce stand/market proprietor.
3. The produce stand, produce market and parking, shall be set back from any public right-of-way in compliance with Section 21.20.070 of the A-2 zoning regulations. This yard or setback area shall be kept clear to provide unobstructed visibility for motorists.
4. There shall be safe ingress and egress from the site as determined under review by the Stanislaus County Public Works Department.
5. Produce stands and produce markets may have a maximum of six double-faced free-standing signs and one attached sign, not to exceed 20 square feet on each face. No illuminated signs or off-site signs shall be allowed without specific approval of the Planning Commission. All signs shall be located outside public rights-of-way.
6. A building permit issued by the Stanislaus County Building Inspections Division shall be required for all structures larger than 120 square feet or as required by Uniform Building Code.
7. The point of origin of each commodity sold at the produce stand or produce market, including the name of the farm and county where it was grown, shall be prominently displayed using legible lettering.
8. Produce stands and produce markets also may be subject to the laws and regulations administered by other Stanislaus County departments including the Building Inspections Division, Department of Environmental Resources, Public Works Department, and Agricultural Commissioner's Office, as well as the requirements of other applicable agencies such as the California Department of Transportation (CALTRANS) and the California Department of Food and Agriculture (CDFA).
9. No agricultural produce may be sold from a motorized vehicle.
10. Permits granted in accordance with this chapter may include additional conditions regarding the construction, size, and use of the structure and/or operation.
11. Driveway locations shall be approved by the appropriate jurisdiction. Access controls and driveway approaches may be required as needed to insure safety.



## **21.90.040 PRODUCE STANDS**

Produce Stands are permitted subject to approval of a Staff Approval Permit and subject to the following standards and requirements:

1. One off-street parking space shall be provided for each 300 square feet of gross floor area or a minimum of three parking spaces, whichever is greater. Each parking space shall be at least 10' x 20' in size and shall not encroach upon any public rights-of-way or create a traffic hazard. Parking spaces for produce stands are specifically exempt from the standards established by the Stanislaus County Public Works Department as referenced in Section 21.76.220 and need not be paved, striped or otherwise improved.
2. A produce stand may sell only raw, unprocessed fruits, vegetables, nuts, and other agricultural produce in its raw or natural state produced on land that the produce stand proprietor controls. No other commodities may be sold from a produce stand.
3. Produce stands not used for a period of three consecutive years shall be removed from the premises at the landowner's expense or used in accordance with the regulations for the district in which it is located.
4. Cold storage shall be allowed when accessory to the on-site farming operation and used only for storage of crops grown by the person(s) farming the parcel. Cold storage shall not be included as part of the allowable produce stand size.

## **21.90.050 PRODUCE MARKETS**

Produce Markets are permitted subject to approval of a Use Permit and subject to the following standards and requirements:

1. One off-street parking space shall be provided for each 300 square feet of gross floor area, with a minimum of at least three parking spaces. Parking spaces shall comply with the standards and specifications established by the Stanislaus County Public Works Department, including pavement and striping, and shall not encroach upon any public rights-of-way or create a traffic hazard.
2. A produce market shall be used to sell primarily raw, unprocessed fruits, vegetables, nuts and other agricultural produce in its raw or natural state.
3. Up to 25 percent of the display area may be used for the display of pre-packaged, processed, non-potentially hazardous foods such as dried fruit, roasted and salted nuts, jams and jellies, and fruit pies. All processed foods are subject to any applicable retail food law and must be obtained from approved sources.
4. Up to 5 percent of the display area may be used for sales of taxable items such as snack foods, craft items and promotional non-food items that advance the sale of agricultural products or educate the public about the agricultural industry.
5. Except as provided in paragraph four of Section 21.90.050, no taxable items, including but not limited to petroleum products, alcoholic beverages, tobacco or magazines, may be sold or dispensed at produce.
6. Cold storage accessory to a produce market shall be located within or attached to the main structure. Cold storage shall be used only to store raw produce products and bottled water.

## CHAPTER 21.91

# COMMUNICATION FACILITIES

### SECTIONS:

|           |                          |
|-----------|--------------------------|
| 21.91.010 | APPLICABILITY            |
| 21.91.020 | APPROPRIATE AUTHORITY    |
| 21.91.030 | SITING STANDARDS         |
| 21.91.040 | CO-LOCATION PREFERRED    |
| 21.91.050 | AESTHETIC CONSIDERATIONS |
| 21.91.060 | OTHER REQUIREMENTS       |

### 21.91.010 APPLICABILITY

The regulations set forth in this chapter shall apply to the location in all zoning districts of all communication facilities, including communication towers, antennas, microwave dish antennas, and equipment shelters, except the following:

- A. Conventional television antennas, amateur radio antennas and similar types of communication equipment for personal, non-commercial use, and that are not over 60 feet above ground level, are not subject to the requirements of this chapter.
- B. Commercial communication facilities in industrial or commercial zoning districts that are not over 75 feet above ground level are not subject to the requirements of this chapter.
- C. Microwave dish antennas for personal, non-commercial use, and commercial microwave dish antennas less than three feet in diameter that receive signals only are not subject to the requirements of this chapter. (Commercial microwave dish antennas that are greater than three feet in diameter or that send signals are subject to the requirements of this chapter.)

### 21.91.020 APPROPRIATE AUTHORITY

Communication facilities, including communication towers, antennas, microwave dish antennas, and equipment shelters, may be permitted in any zoning district subject to approval of a use permit or staff approval permit by the appropriate authority as follows:

- A. Planning Director--Any communication facilities that meet the siting standards of this chapter are subject to a staff approval permit, pursuant to Chapter 21.100. Prior to action by the Planning Director on communication facilities in the A-2 (General Agriculture) district, surrounding property owners and appropriate agencies shall be notified as provided in Section 21.96.040(A).
- B. Planning Commission--Any communication facilities, including ancillary equipment buildings, that do not meet the siting standards of this chapter are subject to issuance of a use permit by the Planning Commission, pursuant to Chapter 21.96.

## **21.91.030 SITING STANDARDS**

### **A. General standards**

The following standards apply to all communication towers, antennas, microwave dish antennas, and equipment shelters:

1. The facility shall be located in any area other than a residential district or historical site (H-S) district or an area designated Residential on the General Plan map.
2. The facility shall meet all yard requirements for structures in the particular zoning district in which it is located.
3. The communication facilities shall not significantly displace or impair agricultural operations, including crop dusting, on the subject parcel or surrounding parcels.
4. Identification signs, including emergency phone numbers of the service provider, shall be posted at all tower and equipment sites.
5. All unused or obsolete towers and equipment shall be removed from their respective sites within six months after their operation has ceased, at the landowner's expense.

### **B. Siting standards for communication towers**

1. The tower shall be a monopole design unless the Planning Director determines that it would not be visible to the general public, in which case a lattice tower design may be approved.
2. The height of the tower shall not exceed 130 feet above ground level.
3. The tower shall be located a distance equal to at least twice the height of the tower from residential structures on adjoining properties.

### **C. Siting standards for antennas, including microwave dish antennas**

1. Antennas may be mounted on communication towers, water towers, billboards, building facades, or other structures if they are screened or mounted in an aesthetically acceptable manner. Both the antenna and any screening structure are subject to all applicable building code requirements including building structure and wind load integrity.
2. The overall height of the antenna, including mounting hardware or base, shall not exceed ten feet above the height of the building or structure on which it is mounted, or the height of the building plus the horizontal distance from the antenna to the edge of the roof, whichever is greater.

### **D. Equipment shelters shall be a maximum of 600 square feet in size.**

#### **21.91.040 CO-LOCATION PREFERRED**

To minimize the number of communication towers throughout the County, service providers shall employ all reasonable measures to co-locate their antenna equipment on existing towers prior to applying for approval of new towers. All County agencies and service providers shall be encouraged to permit co-location of microwave dishes and cellular facilities on appropriate existing structures subject to reasonable engineering requirements.

#### **21.91.050 AESTHETIC CONSIDERATIONS**

Decisions on use permits or staff approval permits may take into consideration the aesthetic impact of the proposed microwave dish antennas and/or communications facilities and may include conditions of approval for the purpose of reducing the visual impact of the antenna and/or facility as seen from adjacent properties or for the purpose of reducing the potential of safety or health hazards. Such conditions may include, but are not limited to partitions, screening, landscaping, mountings, fencing, height of antenna, and site location within the parcel.

#### **21.91.060 OTHER REQUIREMENTS**

In addition to the requirements listed herein, cellular communication facilities are subject to all other applicable regulations and permits, including those of the Public Utilities Commission (PUC) of the State of California and the Federal Communication Commission (FCC).

## CHAPTER 21.92

# RACING HOMER PIGEONS

### SECTIONS:

|           |                              |
|-----------|------------------------------|
| 21.92.010 | APPLICABILITY                |
| 21.92.020 | DISTRICTS PERMITTED          |
| 21.92.030 | REGULATIONS                  |
| 21.92.040 | APPLICATION--REVIEW          |
| 21.92.050 | APPLICATION--DECISION NOTICE |
| 21.92.060 | REVOCACTION                  |

### 21.92.010 APPLICABILITY

The regulations set forth in this chapter shall apply to the allowance of racing homer pigeons in all zoning districts. (Prior code Sec. 9-125.2 (part)).

### 21.92.020 DISTRICTS PERMITTED

Racing homer pigeons shall be permitted only as follows:

- A. On property located in an A-2 zoning district, when the property is designated by the land use element of the county general plan as agricultural, without restriction;
- B. On property containing at least one dwelling unit located in an R-1, R-2, R-3 or R-A zoning district, or within an A-2 zoning district when the property is designated by the land use element of the county general plan as urban transition, subject to regulation as set forth in Section 21.92.030;
- C. On property within any other zoning district when requested by the owner of a lawful or legal nonconforming single-family residence located thereon, subject to regulation as set forth in Section 21.92.030. (Prior code Sec. 9-125.2(a)).

### 21.92.030 REGULATIONS

Location and maintenance of racing homer pigeons as permitted in subsections B and C of Section 21.92.020 shall be dependent upon initial and continued compliance with the following:

- A. Approval by the director of planning and community development following review of an application which includes the filing fee, a site plan, floor plan, building elevations and a statement as to method of operation. Such approval must be accompanied by findings that will not result in detriment to others residing on the same or adjacent properties.
- B. Structures for the keeping of pigeons must be kept in a clean and healthy manner.
- C. Structures for the keeping of pigeons must be painted and kept up to neighborhood standards.

**21.92.030** Regulations

- D. Structures for the keeping of pigeons must be no less than forty feet from the permanent living quarters of any neighbor. An exception to the forty-foot rule may be approved when accompanied by direct notarized written permission obtained from any such neighbor.
- E. No approval may be for more than seventy-five pigeons.
- F. No more than fifty pigeons may be exercised at one time.
- G. All pigeons being exercised must be under direct control and supervision at all times.
- H. All pigeons shall be trained to enter the structure in which they are housed immediately upon completion of their exercise period or upon returning from training flights from a designated liberation point. (Prior code Sec. 9-125.2(b)).

**21.92.040 APPLICATION--REVIEW**

Upon receipt of a properly filed application, the director of planning and community development shall send copies of all information to the owners and/or residents of all adjacent properties, the county director of environmental health, all local representatives of any recognized nation or state racing homer pigeon organization with a request for comments. (Prior code Sec. 9-125.2(c)).

**21.92.050 APPLICATION--DECISION NOTICE**

After allowing a period of three weeks for response, the director shall approve, conditionally approve or deny the application and forward a copy of the decisions together with all conditions and notice of the right to appeal the decision to the county planning commission to all persons originally contacted. (Prior code Sec. 9-125.2(d)).

**21.92.060 REVOCATION**

Any approval of an application shall include provisions for revocation of the approval if the terms and conditions of the approval are violated. (Prior code Sec. 9-125.2(e)).

## CHAPTER 21.94

# HOME OCCUPATIONS

### SECTIONS:

|           |                 |
|-----------|-----------------|
| 21.94.010 | APPLICATION     |
| 21.94.020 | CRITERIA        |
| 21.94.030 | PROHIBITED USES |
| 21.94.050 | DEFINITIONS     |

### 21.94.010 APPLICATION

Applications for home occupations are administered by the department of planning and community development. (Ord. CS 9 (part), 1983).

### 21.94.020 CRITERIA

It is the intent of the following criteria to reduce the impact of the home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity.

- A. Only occupants of the dwelling shall be engaged in the home occupation on the subject property. In the event of a partnership or corporation, at least one of the members must be a resident of the subject property.
- B. Off-site employees or partners are permitted so long as they do not work or report for work at subject property.
- C. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation may be conducted in the principal dwelling or accessory structures on the subject property provided that the area does not exceed twenty percent of the habitable floor area of the principal dwelling.
- D. There shall be no mechanical equipment or operation used which creates or makes noise, dust, odor, vibration or other effects detectable at the property line. Noise level at the property line shall not exceed sixty-five dBA.
- E. There shall be no display of products produced by the home occupation visible in any manner from the outside of the dwelling unit.
- F. The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than two additional vehicles at any one time.
- G. There shall be no storage of materials or supplies out-of-doors.
- H. There shall be no change in the outside appearance of the building premises, or any visible evidence of the conduct of such home occupations other than one sign not to exceed two square feet. Visible evidence shall include, but not be limited to, any vehicles associated with the home occupation, except as allowed by Section 21.94.020(J)(2) and (4). (Ord. CS 1117, Sec 2, 2012)

**21.94.020**      Criteria

- I.      There shall be no advertising, including phone book advertising, newspaper ads, etc., of the home occupation which depicts the address of location. (Ord. CS 350, Sec. 4, 1989; Ord CS 9 (part), 1983).
  
- J.      The following specific home occupation uses shall be permitted subject to further limitations as follows:
  - 1.      Beauty/barber shops limited to one operator only.
  
  - 2.      Contractors and subcontractors offices are permitted as home occupations. However, the storage of materials, equipment or more than one commercial vehicle not normally associated with residential uses shall be prohibited.
  
  - 3.      Furniture repair, restoration and reupholstery shall be limited to one occupant of the dwelling subject to approval of building inspection and fire marshall as applicable. There shall be no pick up or delivery at this location by the public.
  
  - 4.      Trucking operations with on-site parking of up to three (3) tractor trailer combinations, as defined in this chapter, provided:
    - a.      The home occupation is located within the A-2 (General Agriculture) zoning district, the parcel on which the parking will occur is at least one (1) acre or more in size, the total area of the acres used for the parking operation does not exceed 1.5 acres, and the area to be used for parking shall not exceed fifty percent of the entire parcel.
  
    - b.      All of the tractor-trailer combinations parked on the parcel shall be registered to an occupant of a dwelling located on the parcel. On parcels with more than one trucking operation operating as a home occupation, the total number of tractor- trailer combinations parking on-site shall not exceed three (3).
  
    - c.      Any trailers parked on-site shall be operational and accessory to the use of any tractor, truck/trailer, or truck/tanker permitted to be parked on-site.
  
    - d.      On-site maintenance shall be limited to oil and tire changes, light and windshield wiper replacements, and checking fluids.
  
    - e.      No off-loading of any trailer, and no parking of any trailer housing hazardous materials, shall occur on-site. (Ord. CS 1117, Sec 3, 2012)

**21.94.030**      **PROHIBITED USES**

The following uses are expressly prohibited as home occupations:

- A.      Repair or reconditioning of motorized vehicles or equipment, on site;
  
- B.      Manufacturing, including cabinet shops and similar uses;



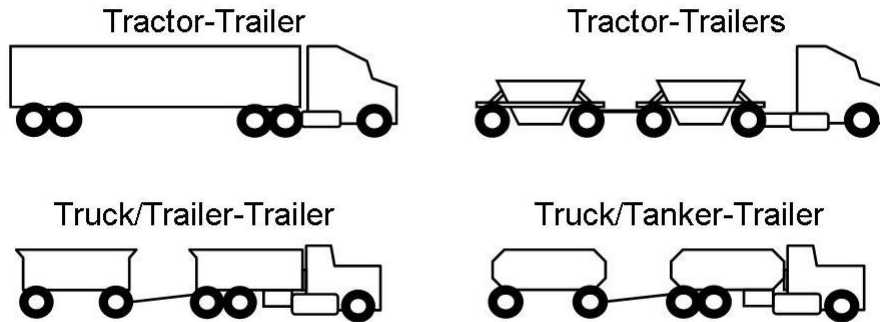
**21.94.030 Prohibited Uses**

- C. Repair or reconditioning of major household appliances, including refrigerators, freezers, clothes washers and dryers, dishwashers, stoves, heating and air conditioning equipment, and lawn mowers;
- D. Repair or reconditioning of boats or recreational vehicles;
- E. Medical, dental and chiropractic clinics and offices. (Ord. CS 9 (part), 1983).

**21.94.050 DEFINITIONS**

The definition set forth in this section shall apply to this chapter.

**“Tractor-Trailer Combinations”** mean a tractor-trailer, truck/trailer, or truck/tanker-trailer combination with a minimum of five (5) axles and capable of hauling a combined gross vehicle weight (GVW) of 80,000 pounds. The following illustrates the type of permitted vehicles:



(Ord. CS 1117, Sec 4, 2012)

## CHAPTER 21.96

# USE PERMITS

### SECTIONS:

|                  |  |
|------------------|--|
| <b>21.96.020</b> | <b>AUTHORIZED</b>                                  |
| <b>21.96.030</b> | <b>APPLICATION</b>                                 |
| <b>21.96.040</b> | <b>HEARING</b>                                     |
| <b>21.96.050</b> | <b>APPROVAL OR DENIAL</b>                          |
| <b>21.96.060</b> | <b>REAPPLICATION--REQUIRED FOR BUILDING PERMIT</b> |
| <b>21.96.070</b> | <b>USES REQUIRING STAFF APPROVAL</b>               |

### **21.96.020 AUTHORIZED**

Use permits, which are revocable, conditional and valid for either a specified or an indefinite period of time, may be issued for any of the uses which, under the terms of this title, are permitted subject to first securing a use permit. The procedure for securing use permits shall be as provided in this chapter. (Ord. CS 106, Sec. 16 (part), 1984).

### **21.96.030 APPLICATION**

- A. Application for a use permit shall be made by the owner of the real property for which the use permit is sought, or by the authorized agent of the owner.
- B. The application shall be filed with the department of planning and community development in writing, on a form prescribed by the planning commission and shall be signed by the owner or his authorized agent.
- C. The application shall be accompanied by plans, including a plot plan and other pertinent data as may be deemed necessary by the planning director to show in detail the proposed use or buildings.
- D. A filing fee, in such amount as may be fixed from time to time by order or resolution of the board of supervisors, shall be paid at the time the application is filed. (Ord. CS 106, Sec. 16 (part), 1984).

### **21.96.040 HEARING**

A public hearing shall be held on all use permit applications. Notice of the hearing shall be given by either of the following methods, as directed by the planning commission:

- A. By the mailing, at least ten days prior to the hearing, of postcard notices through the United States mail, with postage prepaid, to all property owners within three hundred feet of the property on which the proposed use is to be established, as shown on the current assessment roll of the county and using addresses from the last adopted tax roll;

**21.96.040** Hearing

- B. By the publication of notice in a newspaper of general circulation in accordance with Section 65351 of the Government Code and posting the notice at least ten days before the hearing in a conspicuous place on the property on which the proposed use is to be established and in conspicuous places close to the property. (Ord. CS 106, Sec. 16 (part), 1984).

**21.96.050 APPROVAL OR DENIAL**

- A. In order to obtain a use permit, the applicant must introduce evidence in support of his application sufficient to enable the planning commission to find that the establishment, maintenance and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
- B. The planning commission may impose such conditions in connection with the use permit as it deems necessary to secure the purpose of this title and may require a bond, undertaking or other assurance that such conditions are being or will be complied with.
- C. If the planning commission, after receiving and considering the evidence, and any proposed conditions, is unable to make the foregoing findings, the use permit shall be denied. In cases where the use permit is denied, the planning commission shall state its reasons for such denial. Use permits shall not become effective for ten days after being granted and in the event an appeal is filed, the permit shall not become effective until a decision is made by the board of supervisors on the appeal. (Ord. CS 106, Sec. 16 (part), 1984).

**21.96.060 REAPPLICATION--REQUIRED FOR BUILDING PERMIT**

- A. No application for a use permit which has been denied wholly or in part by the planning commission, or by the board of supervisors on appeal, shall be resubmitted for a period of one year from the date the order of denial became final, except on grounds of new evidence or proof of changed conditions found to be valid by the planning commission or the board of supervisors, whichever issued the order of denial.
- B. No building permit shall be issued in any case where a use permit is required by the terms of this title unless and until the use permit has been granted by the planning commission or board of supervisors and then only in accordance with the terms and conditions of the use permit so granted. (Ord. CS 106, Sec. 16 (part), 1984).

**21.96.070 USES REQUIRING STAFF APPROVAL**

For the purpose of this chapter, the following shall be considered to be uses, the expansion, change or modification of which shall be subject to obtaining a staff approval from the director of planning and community development, when the changes do not alter the present character of the uses. The approval may include conditions deemed necessary and reasonable to carry out the intent of this chapter. Any such decision may be appealed to the planning commission, in writing, within ten days of the decision:

**21.96.070** Uses requiring staff approval

- A. Minor changes in legal uses which, in the opinion of the director of planning and community development, do not change the nature of, or add new uses to, the legally established use and which do not expand the area of the building or use by more than twenty-five percent. (Ord. CS 106, Sec. 16 (part), 1984).

## CHAPTER 21.100

# STAFF APPROVAL PERMITS

### SECTIONS:

|            |   |
|------------|---|
| 21.100.010 | PURPOSE                                     |
| 21.100.020 | APPLICATION                                 |
| 21.100.030 | ISSUANCE OR DENIAL                          |
| 21.100.040 | REAPPLICATION--REQUIRED FOR BUILDING PERMIT |
| 21.100.050 | USES REQUIRING STAFF APPROVAL               |

### 21.100.010 PURPOSE

Staff approval permits, which are revocable, conditional, and valid for either a specified or an indefinite period of time, may be issued for any of the uses which, under the terms of this title, are permitted subject to first securing a staff approval permit. The procedure for securing staff approval permits shall be as provided in this chapter. A staff approval permit shall have the same effect as a use permit, except that it is granted by the director of planning and community development rather than by the planning commission. (Ord. CS 106, Sec. 17 (part), 1984).

### 21.100.020 APPLICATION

- A. Application for a staff approval permit shall be made by the owner of the real property for which the permit is sought, or by the authorized agent of the owner.
- B. The application shall be filed with the department of planning and community development, in writing, on a form prescribed by the planning commission and shall be signed by the owner or his authorized agent.
- C. The application shall be accompanied by plans, including elevations and other pertinent data, to show in detail the proposed use or buildings.
- D. A filing fee, in such amount as may be fixed from time to time by order or resolution of the board of supervisors, shall be paid at the time the application is filed. (Ord. CS 106, Sec. 17 (part), 1984).

### 21.100.030 ISSUANCE OR DENIAL

Action by the director of planning and community development:

- A. In order to obtain a staff approval permit, the applicant must introduce evidence in support of his application sufficient to enable the planning director to find that the establishment, maintenance and operation of the proposed use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

### **21.100.030** Issuance or denial

- B. The planning director may impose such conditions in connection with the staff approval permit as he deems necessary to secure the purpose of this title and may require a bond, undertaking or other assurance that such conditions are being or will be complied with.
- C. If the planning director, after receiving and considering the evidence, and any proposed conditions, is unable to make the foregoing findings, the staff approval permit shall be denied. In cases where the staff approval permit is denied, the planning director shall state his reasons for the denial. (Ord. CS 106, Sec. 17 (part), 1984).

### **21.100.040 REAPPLICATION--REQUIRED FOR BUILDING PERMIT**

- A. No application for a staff approval permit which has been denied wholly or in part by the planning director or by the planning commission, or the board of supervisors on appeal, shall be resubmitted for a period of one year from the date the order of denial became final, except on grounds of new evidence or proof of changed conditions found to be valid by the planning director, planning commission or the board of supervisors, whichever issued the order of denial.
- B. No building permit shall be issued in any case where a staff approval permit is required by the terms of this title unless and until the staff approval permit has been granted by the planning commission or board of supervisors and then only in accordance with the terms and conditions of the staff approval permit so granted. (Ord. CS 106, Sec. 17 (part), 1984).

### **21.100.050 USES REQUIRING STAFF APPROVAL**

For the purpose of this chapter, the following shall be considered to be uses, the expansion, change or modification of which shall be subject to review and staff approval of the director of planning and community development, when the changes do not alter the present character of the uses. The approval may include conditions deemed necessary and reasonable to carry out the intent of this title. Any such decision may be appealed to the planning commission, in writing, within ten days of the decision.

- A. Minor changes in legal nonconforming or other legal uses which, in the opinion of the director of planning and community development, do not change the nature of, or add new uses to, the legally established use and which do not expand the area of the building or use by more than twenty-five percent.
- B. Replacing one dwelling or mobile home with another while continuing to live in the existing dwelling until completion or occupancy of the replacement. A financial guarantee shall be required equal to one dollar per square foot of the dwelling being replaced or one thousand dollars, whichever is greater. (Ord. CS 106, Sec. 17 (part), 1984).
- C. One single-family dwelling on a parcel legally created that is less than twenty acres in size and located in the A-2-40 or -160 (General Agriculture) zoning district.

The following findings must be made in addition to the findings required pursuant to Section 21.100.030:

**21.100.050** Uses Requiring Staff Approval

1. The dwelling would be consistent with the County's General Plan;
  2. The dwelling would not likely create a concentration of residential uses in the vicinity or induce other similarly situated parcels to become developed with single-family dwellings; and
  3. The dwelling will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity. (Ord. CS 1020, Section 11, 2007; Ord. CS 741, 2000)
- D. One "small wind energy system" shall be allowed on a legally created parcel of at least one acre in area located within the A-2 (General Agriculture) zoning district, providing the following criteria are met:
1. Tower heights of not more than 65 feet shall be allowed on parcels between one and five acres and tower heights of not more than 80 feet shall be allowed on parcels of five acres or more, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.
  2. Setbacks for the system tower shall be no farther from the property line than the height of the system, provided that it also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.
  3. Decibel levels for the system shall not exceed the lesser of 60 decibels (dBA), existing maximum noise levels applied pursuant to the noise element of a general plan for the applicable zoning classification in a jurisdiction, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
  4. The system's turbine must have been approved by the California Energy Commission as qualifying under the Emerging Renewables Fund of the commission's Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.
  5. The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code or the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.

**21.100.050** Uses Requiring Staff Approval

6. The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code). In the event a small wind energy system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the local agency shall take reasonable steps, concurrent with other notices issued pursuant to this subdivision, to notify pest control aircraft pilots registered to operate in the county pursuant to Section 11921 of the Food and Agriculture Code.
7. The applicant shall provide information demonstrating that the system will be used primarily to reduce onsite consumption of electricity and, unless the applicant does not plan to connect the system to the electricity grid, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator.

Applicants must submit evidence in support of each of the above criteria. Small wind energy systems shall also comply with all requirements of Section 65892.13 of the California Government Code and any other additional and/or subsequent regulations pertaining to such systems as may be adopted by the State of California. (Ord. CS 798, Section 1, July 4, 2002)

- E. Corn mazes, hay mazes and similar seasonal activities when accessory to an approved Produce Stand or Produce Market and not conducted in excess of three occasions, nor more than a combined total of 45 days, within any one calendar year and where the site is returned to its previous condition within 7 days of the ending of each activity. Said activities shall comply with the required setbacks and provide off-street parking as determined necessary by the Planning Director. Conditions of Approval shall be imposed as necessary to insure compliance with all applicable fire, building, and health codes.

A staff approval for said activities shall be obtained at least 30 days prior to operation and shall be subject to yearly renewal. The property owner shall be notified 6-months in advance if the permit will not be renewed. Any notice of non-renewal may be appealed subject to Section 21.112.020 of the County Code. Any approved activity not conducted for a period of one calendar year shall be deemed expired and a new staff approval required. (Ord. CS 890, Section 9, 2004; Ord. CS 894, Section 1, October 21, 2004)



## CHAPTER 21.102

# LANDSCAPE AND IRRIGATION STANDARDS

### SECTIONS:

|            |  |
|------------|--|
| 21.102.010 | PURPOSE AND INTENT                           |
| 21.102.020 | APPLICABILITY                                |
| 21.102.030 | DEFINITIONS                                  |
| 21.102.040 | STANDARDS OF LANDSCAPE DESIGN IMPLEMENTATION |
| 21.102.050 | PLANTING PLAN SPECIFICATIONS                 |
| 21.102.060 | IRRIGATION PLAN SPECIFICATIONS               |
| 21.102.070 | INSPECTION                                   |
| 21.102.080 | MAINTENANCE                                  |
| 21.102.090 | FEES   |
| 21.102.100 | MODEL HOMES                                  |

### 21.102.010 PURPOSE AND INTENT

Water is an increasingly limited and costly resource. It is the intent of this section to establish a water conservation plan to reduce water consumption in the landscape environment using conservation principles. (Ord. CS 509 (part), 1992).

### 21.102.020 APPLICABILITY

Whenever landscaping or a landscape plan is required by this code or as a condition of any action authorized by this code, the following standards of planting and irrigation system design and landscape and irrigation specifications shall apply. This code shall not be construed to require landscaping of single-family homes, excluding model homes as contained in Section 21.102.100 and tree planting requirements contained in Section 21.202.040(h). (Ord. CS 509 (part), 1992).

### 21.102.030 DEFINITIONS

- A. **"Landscape area"** means the total area of the site not covered by buildings, parking lots, driveways or streets, and shall include patios, plazas, sidewalks, hard-courts, swimming pools, spas and parkway areas.
- B. **"Turf"** means a single-bladed grass or sod.
- C. **"Water conserving plant"** means any plant which exhibits drought tolerant characteristics, that is to say, will, in designed location, survive with limited supplemental water. Hybrid dwarf type fescues and warm season grasses shall be considered water conserving. A suggested listing of these plants shall be made available by the planning and community development department and may be added to at the discretion of the director upon the recommendation of certified nurserymen, landscape architects or others knowledgeable in the field.

### 21.102.030 Definitions

- D. **"Friable condition"** means returning the soil to an easily crumbled or loosely compacted condition down to a minimum depth per planting material requirement, whereby the root structure of newly planted water conserving plants will be allowed to spread unimpeded. (Ord. CS 509 (part), 1992).

### 21.102.040 STANDARDS OF LANDSCAPE DESIGN IMPLEMENTATION

- A. Plan preparation. It is required that a licensed landscape architect, landscape contractor, architect, engineer, or certified irrigation designer be employed in preparing the landscape and irrigation plans. In addition to plants, the use of structural elements like pools, fountains, raised planters, benches and sun-shades are encouraged in the landscape plan.
- B. Plant materials. The selection of plant materials should include both evergreen and deciduous trees, shrubs and attractive erosion-preventing ground cover. It is required that at least ninety percent of the plants selected in non-turf areas be well-suited to the climate of the region and require minimal water once established in the landscape. Up to ten percent of the plants may be of a non-drought-tolerant variety as long as they are grouped together and can be irrigated separately. Attention shall be given to appearance, height, spread, growth rate, moisture requirements, potential root damage, disease and pest susceptibility, climatic adaptability, soil type, slope, function and degree of maintenance required.
- C. Plant coverage. Plants shall be so spaced and sized that, when mature, they will fill the planter area. Although a reasonable number of growing seasons will be allowed for full plant coverage to develop, interim ground cover shall be provided during this period. Interim cover of surfacing materials shall consist of wood mulch or chips, or any other approved material. Mulches must be a minimum of three inches thick when used as an interim measure.
- D. Plant maintenance. Underground automated irrigation systems shall be provided to assure efficient water use with a minimum of labor and water waste. Irrigation controllers must have multiple cycle capabilities. Plant material must be maintained in a healthy condition. Unhealthy plants shall be replaced. Planters shall be kept free of all weeds, debris and trash.
- E. Planter construction. All planter areas should have a permanent border to prevent cars and pedestrians from damaging plant materials. All planters constructed adjacent to buildings or structures shall be so designed to avoid irrigation water intrusion into or on that adjacent building or structure. The minimum width of a planter bed shall be forty inches measured from the inside of curbing or acceptable permanent border.
- F. Commercial landscaping. Landscaping within commercial zoning districts should provide a minimum of three percent of the total lot area as planted areas within the front yard area. Total planted areas should not be less than five percent of the lot area for existing buildings and ten percent for new construction.

#### **21.102.040 Standards of landscape design implementation**

- G. Compacted soils. Prior to the planting of any materials, the compacted soils within the planting area shall be returned to a friable condition. Friable condition shall mean returning the soil to an easily crumbled or loosely compacted condition down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.
- H. Tree planting plan. In new residential subdivisions, a tree planting plan shall be submitted as part of the subdivision application. Prior to final inspection of the homes within an approved subdivision, the specified trees of the tree planting plan shall be planted for the particular lot. (Ord. CS 509 (part), 1992).

#### **21.102.050 PLANTING PLAN SPECIFICATIONS**

- A. Three copies of the planting plan shall be submitted for review and approval by the director of planning in accordance with the standards of landscape design set forth in this chapter.
- B. One copy of all building elevations and site grading plans or one copy of all building plans shall be submitted together with the landscape plan. The building elevation and site grading plans shall be in sufficient detail to permit determination of the location, width and height of all doors and windows and roof overhangs on all proposed buildings within or adjacent to proposed landscape areas.
- C. The landscape plans shall be legible and drawn to a scale no smaller than one inch equals twenty feet. Maximum sheet size on all drawings shall be twenty-four inches by thirty-six inches ("D" size).
- D. The landscape plans shall indicate property lines, important dimension lines, setback lines, walls and fences, driveways, adjacent streets, outline of all structures and adjacent land uses.
- E. The landscape plans shall indicate planting details, pre-emergent soil treatment rates and materials, and soil preparation.

The results of soil tests for horticultural suitability, if any, shall be submitted with the landscape plan. Soils shall be prepared and/or amended as appropriate. At a minimum the acid/alkaline levels (Ph) need to be indicated.

A minimum of three inches of mulch shall be added in non-turf areas to the soil surface after planting. Plant types that are intolerant of mulch shall be excluded from this requirement.

Sheet plastic and other non-porous material shall not be placed under mulch.

- F. The use of turf as a plant material will not be permitted in narrow planter areas (less than ten feet in width), in traffic median strips, parking strips, between curbs and sidewalks, on slopes that are in excess of three to one (3:1), or in non-activity areas.

On slopes exceeding fifteen percent, a level buffer zone of eighteen inches is required between bermed turf areas and any hardscape (i.e. streets, walkways, etc.).

**21.102.050** Planting plan specifications

- G. The landscape plans shall include a plant list giving the common and botanical names of plants to be used. This plant list shall be arranged in legend form with a key number assigned to each plant. On the plan, each plant shall be identified by a key number or other reference. The size of the plant, its spacing and the quantity to be used shall follow in the legend, as the example in Table 21.102.050 below illustrates.

**Table 21.102.050**

| <b>No.</b> | <b>Botanical Name</b>   | <b>Common Name</b> | <b>Size</b> | <b>Space</b> | <b>Quantity</b> |
|------------|-------------------------|--------------------|-------------|--------------|-----------------|
| 1.         | Campanula isophylla     | Italian bellflower | Flat        | 6"           | 6               |
| 2.         | Eucalyptus polyanthemos | Silver dollar gum  | 5 gal.      | 20'          | 10              |
| 3.         | Pinus mugo mughus       | Mugho pine         | 1 gal.      | 10'          | 14              |
| 4.         | Ajuga reptans           | Carpet bugle       | Flat        | 6"           | 5               |

(Ord. CS 509 (part), 1992).

**21.102.060 IRRIGATION PLAN SPECIFICATIONS**

- A. Three copies of the irrigation plans shall be submitted for review and approval by the director of planning for backflow prevention and minimum depth of soil coverage. The irrigation system shall be designed with water conservation in mind. Wind direction, surface drainage, soil type and application method shall be considered.
- B. 1. The irrigation plan shall indicate potable water system point of connection and size, water pressure available and maximum demand of the system in gallons per minute or gallons per hour if appropriate.
2. Reclaimed water may also be used as an alternate irrigation water source if it is supplied through a dual distribution system that conforms to Stanislaus County environmental resources department standards.
- C. Irrigation equipment specified must be identified by manufacturer's name and equipment identification number.
- D. Performance data for irrigation heads and emitters including discharge rates, effective diameter and operating pressure shall be listed in the irrigation legend.
- E. All locations of irrigation valves, controllers, hose bibs, quick coupler valves, sprinkler heads and backflow prevention devices, valves, filters, pressure regulators, emitters, rain switches and moisture sensors must be indicated.
- F. Irrigation details must be used to clarify particular situations. Typical details should include backflow prevention devices, valves, irrigation heads, emitters, filters, pressure regulators, moisture sensors, rain switches, check valves and irrigation controllers.
- G. All irrigation lines must be sized.

### **21.102.060** Irrigation plan specifications

- H. Schedule 40 PVC pipe is required under all paved areas. Piping must be installed a minimum of twelve inches underground for non-pressure irrigation lines and eighteen inches underground for constant pressure irrigation lines. Emitter distribution tubing may be located at grade.
- I. Irrigation watering schedules for the entire year must be provided on irrigation drawings. These schedules will include an establishment (first twelve months) and post-establishment period. Post-establishment schedules will be divided into four quarters. Those quarters are winter, spring, summer and fall.
- J.
  - 1. Pop-up sprinklers in turf areas shall have a minimum four inch pop-up height. Sprinkler coverage shall be one hundred percent. Heads shall be placed at a maximum of fifty percent of the diameter of throw (head to head) unless specific justification is provided for greater spacing. Sprinkler heads must have matched precipitation rates within each control valve circuit.
  - 2. Sprinklers and sprays shall not be used in areas less than five feet wide. Drip and bubblers shall be used that do not exceed 1.5 gallons per minute per device.
  - 3. Serviceable check valves are required where elevation differential may cause low head drainage.
  - 4. Irrigation controllers must be capable of multiple programming. Controllers must have multiple cycle start capacity and a flexible calendar program. Controllers shall not be set to operate between the hours of 10:00 a.m. and 8:00 p.m.
  - 5. Water application rates shall be less than .25 inches per cycle on slopes greater than three percent. A minimum of a one-hour period shall be allowed prior to the application of additional water on such slopes.
- K. Copies of pressure/flow calculations for the valve circuit with the highest demand shall accompany the irrigation plans. (Ord. CS 509 (part), 1992).

### **21.102.070 INSPECTION**

Upon installation of landscaping and irrigation systems, the installer must contact the planning department and request an inspection. The planting and irrigation installation must conform to the approved plans before a certificate of occupancy will be issued by the chief building official. (Ord. CS 509 (part), 1992).

### **21.102.080 MAINTENANCE**

Whenever landscaping or a planting and irrigation plan is required by the code, or as a condition of and action authorized by this code, the planting and irrigation system shall be maintained in accordance with the approved planting and irrigation plan. Maintenance includes removal of weeds, litter or other debris and replacement of dead plant materials. (Ord. CS 509 (part), 1992).

## **21.102.080 FEES**

A landscaping and irrigation plan review fee shall be paid to the planning department. The amount of the fee will be set by resolution of the board of supervisors. (Ord. CS 509 (part), 1992).

## **21.102.100 MODEL HOMES**

To promote landscape water conservation through education, all single-family residential developments with two or more model homes to be constructed by a developer, shall provide for landscaping of at least fifty percent of the models consistent with the requirements of this chapter.

- A. Signs. Each development with "water-saving" model homes may provide information to potential buyers regarding the water-saving design by means of a front yard sign up to four square feet in area. The sign should indicate that the model features a water-saving planting and irrigation design and may list the designer and supplier of the plants.
- B. If the optional sign is not used or it does not provide details on the design, an interior display including a drawing, or combination of drawings, shall be displayed inside each "water-saving" model which provides a schematic of the landscape. These drawings shall include a key identifying the common name of the plants used in the "water-saving" model yards. A brochure with the same information may be distributed with the sales information to potential buyers to satisfy this requirement. (Ord. CS 509 (part), 1992).

## CHAPTER 21.104

# AMENDMENT AND REVOCATION OF PERMITS

### SECTIONS:

|                   |                           |
|-------------------|---------------------------|
| <b>21.104.010</b> | <b>AUTHORIZED</b>         |
| <b>21.104.015</b> | <b>AMENDMENT</b>          |
| <b>21.104.020</b> | <b>REVOCATION HEARING</b> |
| <b>21.104.030</b> | <b>EXPIRATION</b>         |

### **21.104.010 AUTHORIZED**

Any permit or variance granted in accordance with the conditions of this title may be amended to address nuisance concerns or revoked if any of the conditions or terms of the permit or variance are violated, or if any law or ordinance is violated in connection therewith. (Prior code Section 9-130 (part); CS 1181 Section 5, 2016).

### **21.104.015 AMENDMENT**

- A. The Director of Planning and Community Development may amend the conditions of any permit or variance granted in accordance with this title in order to address nuisance concerns, subject to the following:
1. A written Notice of Amended Conditions shall be provided to the property owner 30-days prior to any amendment being effective.
  2. The Planning Director's decision to amend conditions, as reflected in the Notice of Amended Conditions, may be appealed pursuant to Section 21.112.020(B).
- B. Property owner requested amendments shall be considered in accordance with the requirements for approval of the original permit or variance. (CS 1181 Section 6, 2016).

### **21.104.020 REVOCATION HEARING**

The planning commission shall hold a hearing on any proposed revocation after the Planning Director has given written notice to the property owner at least ten days prior to the hearing and the planning commission shall submit its recommendations to the board of supervisors. The board of supervisors shall act thereon within sixty days after receipt of the recommendation of the planning commission. (Prior code Section 9-130(a); CS 1181, Section 7, 2016)).

### **21.104.030 EXPIRATION**

- A. Except as provided in subsection B of this section, all land use permits, including zoning permits, staff approval permits, use permits, and variances (hereafter permits or variances), shall be null and void eighteen months from the date of final approval, unless prior to the expiration of the permit or variance, the permit or variance has been signed, and all conditions of approval have been met, and either (a) the property is being used for the purpose for which the permit or variance was granted, or (b) the landowner or developer has applied for all permits relating to project improvements, and the landowner or developer is working diligently to complete all project improvements. The Planning Commission, in the

**21.104.030** Expiration

case of use permits or variances, may extend the expiration of any use permit or variance for not exceeding one year upon application being made by the owner of the property, in writing prior to expiration of the permit or variance, provided the use is still a permitted use in the district in which it is proposed to be located.

- B. Variances granted in conjunction with a tentative parcel map or tentative subdivision map shall be valid for the same period of time as the tentative parcel map or tentative subdivision map. This subsection is a declaration and clarification of existing law. (CS. 984, Section 2, 2007; Prior code Section 9-130(b)).



## CHAPTER 21.108

# ORDINANCE AMENDMENTS

### SECTIONS:

|                   |                                    |
|-------------------|------------------------------------|
| <b>21.108.010</b> | <b>AUTHORIZED</b>                  |
| <b>21.108.020</b> | <b>INITIATION</b>                  |
| <b>21.108.030</b> | <b>HEARING</b>                     |
| <b>21.108.040</b> | <b>PLANNING COMMISSION ACTION</b>  |
| <b>21.108.050</b> | <b>BOARD OF SUPERVISORS ACTION</b> |
| <b>21.108.060</b> | <b>REAPPLICATION</b>               |

### **21.108.010 AUTHORIZED**

This title may be amended by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and the general welfare require the amendment by the procedure set out in this chapter. (Prior code Sec. 9-131 (part)).

### **21.108.020 INITIATION**

An amendment may be initiated by:

- A. The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the planning commission, and shall be accompanied by a filing fee in such amount as may be fixed from time to time by order or resolution of the board of supervisors; or by
- B. Resolution of intention of the board of supervisors; or by
- C. Resolution of intention by the planning commission. (Prior code Sec. 9-131(a)).

### **21.108.030 HEARING**

- A. The planning commission shall hold at least one public hearing on any proposed amendment and shall give notice thereof by at least one publication in a newspaper of general circulation within the county at least ten days prior to the first of the hearings.
- B. If the proposed amendment consists of a change of the boundaries of any district, so as to reclassify property from any district to any other district, or to change the classification of any property from one district to any other district, the planning commission shall give additional notice of the time and place of the hearings and of the purpose thereof either:
  1. By causing postcard notices to be mailed to all property owners within the district of which the boundaries are proposed to be changed, or whose property is proposed to be reclassified from one district to another, as shown on the preceding assessment roll of the county and to all owners of properties bordering or within three hundred feet of the exterior boundaries of the district, as shown on the roll; or
  2. By posting at least three public notices of the hearings in conspicuous places on each street within the district and upon all streets which abut the property proposed to be reclassified from one district to another. Each such notice shall consist of the words "Notice of Proposed Zoning Change" in letters not less than one inch in height, and in addition thereto, a statement in small letters setting forth a general

### **21.108.030** Hearing

description of the area involved in the proposed change of boundaries of the district or the proposed reclassification of property; the times and places of the public hearings on the proposed change and any other information which the planning commission may deem to be necessary or desirable;

3. Any failure to post public notices as aforesaid shall not invalidate any proceedings for amendment of this title. (Prior code Sec. 9-131(b)).

### **21.108.040 PLANNING COMMISSION ACTION**

- A. Following the aforesaid hearings, the planning commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the board of supervisors an attested copy of the report within ninety days after the notice of the first of the hearings; provided, that the time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the planning commission so to report within ninety days without the aforesaid agreement shall be deemed to be the district's approval of the proposed amendment by the planning commission.
- B. The favorable recommendations of any amendment shall be carried by the affirmative vote of a majority of the voting members of the planning commission present. (Prior code Sec. 9-131(c)).

### **21.108.050 BOARD OF SUPERVISORS ACTION**

- A. Upon receipt of the report from the planning commission or upon expiration of the ninety days as aforesaid, the board of supervisors shall fix a time and place for public hearing of the proposed amendment and give notice thereof by at least one publication in a newspaper of general circulation within the county at least ten days prior to the hearing; however, if the matter under consideration is an amendment to this code which would change property from one district to another, and the planning commission has recommended against the adoption of such an amendment, the board of supervisors shall not be required to take further action thereon unless an interested party shall request the hearing by filing a written request with the clerk of the board of supervisors within ten days after the planning commission files its recommendations with the board of supervisors. At the conclusion of any hearing held by the board of supervisors, the board may adopt the amendment or any part thereof set forth in the petition in such form as the board may deem to be advisable.
- B. The decision of the board of supervisors shall be rendered within fifty days after the receipt of a report and recommendation from the planning commission, or after the expiration of such ninety days as aforesaid. In its discretion, the board of supervisors may extend the time for the decision an additional sixty days. (Prior code Sec. 9-131(c)).

### **21.108.060 REAPPLICATION**

No application for a zoning change which has been denied wholly or in part by the planning commission, or by the board of supervisors on appeal, shall be resubmitted for a period of one year from the date the order of denial became final, except on grounds of new evidence or proof of changed conditions found to be valid by the planning commission or the board of supervisors, whichever issued the order of denial. (Prior code Sec. 9-131(d)).

## CHAPTER 21.112

# APPEALS

### SECTIONS:

|            |  |
|------------|--|
| 21.112.010 | AUTHORIZED                                   |
| 21.112.020 | STAFF DECISIONS                              |
| 21.112.030 | HISTORICAL SITE SUBCOMMITTEE DECISION        |
| 21.112.040 | PLANNING COMMISSION DECISIONS                |
| 21.112.050 | APPEAL FEE                                   |
| 21.112.060 | SCHEDULING HEARINGS                          |
| 21.112.070 | EXTENSION OF APPEAL PERIOD ENDING ON HOLIDAY |

### **21.112.010 AUTHORIZED**

Any applicant or other person, firm or corporation which is dissatisfied with a decision resulting from the application, interpretation, or enforcement of the provisions of this title may appeal that decision; provided, that the appeal is in writing and clearly sets forth the reasons why the appeal ought to be granted. Appeals must be filed as set forth in this chapter. (Ord. CS 106 Sec. 18 (part), 1984).

### **21.112.020 STAFF DECISIONS**

- A. Staff decisions pursuant to Section 21.44.020 (historical site district) are appealable to the historical site subcommittee of the planning commission if filed with the secretary of the planning commission within ten days of the postmark date on the envelope within which the letter giving notice of the decision was received.
- B. All other staff decisions are appealable to the planning commission if filed with the secretary of the planning commission within ten days of the postmark date on the envelope within which the letter giving notice of the decision was received. (Ord. CS 106, Sec. 18 (part), 1984).

### **21.112.030 HISTORICAL SITE SUBCOMMITTEE DECISION**

Decisions of the historical site subcommittee of the planning commission are appealable to the planning commission if filed with the secretary of the commission within ten days of the subcommittee meeting at which the decision was made. (Ord. CS 106 Sec. 18 (part), 1984).

### **21.112.040 PLANNING COMMISSION DECISIONS**

Decisions of the planning commission are appealable to the board of supervisors if filed with the clerk of the board within ten days of the date of the planning commission meeting at which the decision was made. (Ord. CS 106, Sec. 18 (part), 1984).

### **21.112.050 APPEAL FEE**

All appeals shall be accompanied by an appeal fee as established from time to time by Resolution of the Board of Supervisors.

#### **21.112.060 SCHEDULING HEARINGS**

- A. Decisions appealed to the historical site subcommittee shall be scheduled for consideration at the earliest reasonable opportunity, not later than thirty days from the date on which the appeal is filed.
- B. Decisions appealed to the planning commission shall be scheduled for consideration at the earliest possible regular meeting, not later than forty-five days from the date on which the appeal is filed.
- C. Decisions appealed to the board of supervisors shall be set for specific time and place of public hearing at the next regular meeting and considered not later than forty-five days from the date on which the appeal is filed. (Ord. CS 106, Sec. 18 (part), 1984).

#### **21.112.070 EXTENSION OF APPEAL PERIOD ENDING ON HOLIDAY**

When the last day of the appeal period would fall upon a non-workday or a holiday, the appeal period shall be extended to include the next subsequent regular working day. (Ord. CS 479, 1992: Ord. CS 106, Sec. 18 (part), 1984).

## CHAPTER 21.112

# APPEALS

### SECTIONS:

|            |  |
|------------|--|
| 21.112.010 | AUTHORIZED                                   |
| 21.112.020 | STAFF DECISIONS                              |
| 21.112.030 | HISTORICAL SITE SUBCOMMITTEE DECISION        |
| 21.112.040 | PLANNING COMMISSION DECISIONS                |
| 21.112.050 | APPEAL FEE                                   |
| 21.112.060 | SCHEDULING HEARINGS                          |
| 21.112.070 | EXTENSION OF APPEAL PERIOD ENDING ON HOLIDAY |

### 21.112.010 AUTHORIZED

Any applicant or other person, firm or corporation which is dissatisfied with a decision resulting from the application, interpretation, or enforcement of the provisions of this title may appeal that decision; provided, that the appeal is in writing and clearly sets forth the reasons why the appeal ought to be granted. Appeals must be filed as set forth in this chapter. (Ord. CS 106 Sec. 18 (part), 1984).

### 21.112.020 STAFF DECISIONS

- A. Staff decisions pursuant to Section 21.44.020 (historical site district) are appealable to the historical site subcommittee of the planning commission if filed with the secretary of the planning commission within ten days of the postmark date on the envelope within which the letter giving notice of the decision was received.
- B. All other staff decisions are appealable to the planning commission if filed with the secretary of the planning commission within ten days of the postmark date on the envelope within which the letter giving notice of the decision was received. (Ord. CS 106, Sec. 18 (part), 1984).

### 21.112.030 HISTORICAL SITE SUBCOMMITTEE DECISION

Decisions of the historical site subcommittee of the planning commission are appealable to the planning commission if filed with the secretary of the commission within ten days of the subcommittee meeting at which the decision was made. (Ord. CS 106 Sec. 18 (part), 1984).

### 21.112.040 PLANNING COMMISSION DECISIONS

Decisions of the planning commission are appealable to the board of supervisors if filed with the clerk of the board within ten days of the date of the planning commission meeting at which the decision was made. (Ord. CS 106, Sec. 18 (part), 1984).

### 21.112.050 APPEAL FEE

All appeals shall be accompanied by an appeal fee as established from time to time by Resolution of the Board of Supervisors.

#### **21.112.060 SCHEDULING HEARINGS**

- A. Decisions appealed to the historical site subcommittee shall be scheduled for consideration at the earliest reasonable opportunity, not later than thirty days from the date on which the appeal is filed.
- B. Decisions appealed to the planning commission shall be scheduled for consideration at the earliest possible regular meeting, not later than forty-five days from the date on which the appeal is filed.
- C. Decisions appealed to the board of supervisors shall be set for specific time and place of public hearing at the next regular meeting and considered not later than forty-five days from the date on which the appeal is filed. (Ord. CS 106, Sec. 18 (part), 1984).

#### **21.112.070 EXTENSION OF APPEAL PERIOD ENDING ON HOLIDAY**

When the last day of the appeal period would fall upon a non-workday or a holiday, the appeal period shall be extended to include the next subsequent regular working day. (Ord. CS 479, 1992: Ord. CS 106, Sec. 18 (part), 1984).

## CHAPTER 21.118

# 30-YEAR LAND USE RESTRICTION

### SECTIONS:

- 21.118.010 INTRODUCTION**
- 21.118.020 VOTER APPROVAL REQUIREMENT**
- 21.118.030 COST OF ELECTION**

### **21.118.010 INTRODUCTION**

The voters of Stanislaus County approved the Thirty-Year Land Use Restriction Initiative on February 5, 2008, which added a goal and policy to the to the Stanislaus County General Plan. The provisions of this Chapter are intended to implement the requirements of the Thirty-Year Land Use Restriction Initiative.

### **21.118.020 VOTER APPROVAL REQUIREMENT**

Notwithstanding any other provision in Title 20 of the Stanislaus County Code related to approval of any tentative or final subdivision map or parcel map, including any provision related to vested rights, any decision by the Board of Supervisors of the County of Stanislaus to approve the redesignation or rezoning of land from an agricultural or open space use to a residential use shall require, and be contingent upon, approval by a majority vote of the County voters at a general or special local election. In the event the Board approves the redesignation or rezoning of such land for a residential use, such approval shall not take effect unless and until that decision is approved by an affirmative majority vote of the voters of the County voting on the proposal.

### **21.118.030 COST OF ELECTION**

- A. Any direct or indirect costs to the County caused by the elections mandated by the Thirty-Year Land Use Restriction Initiative shall be borne by the applicants of the amendment of the General Plan land-use map designation or other development proposal requiring the election, unless otherwise prohibited by State law. Elections mandated by Thirty-Year Land Use Restriction Initiative shall be consolidated with other elections, whenever feasible. Different proposals may appear on the same ballot at the same election provided that each separate proposal affecting a discrete property or development project shall be submitted to the voters as a separate measure.
- B. This section shall remain in effect until December 31, 2036, and may be amended or repealed only by the voters of the County at an election held in accordance with State law.