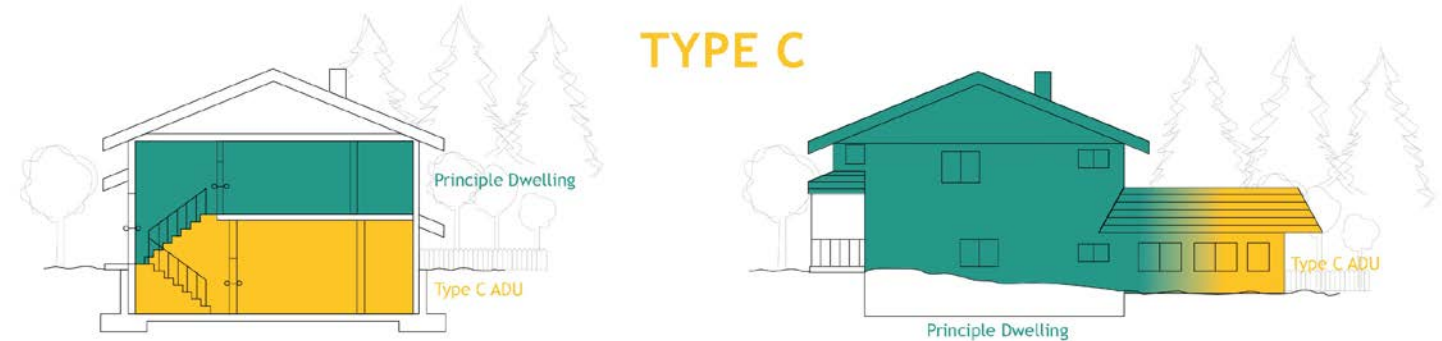
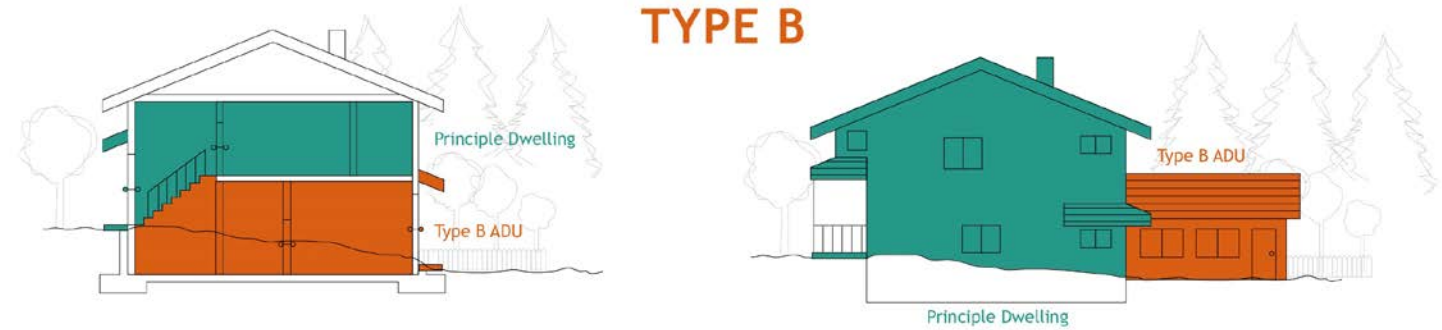
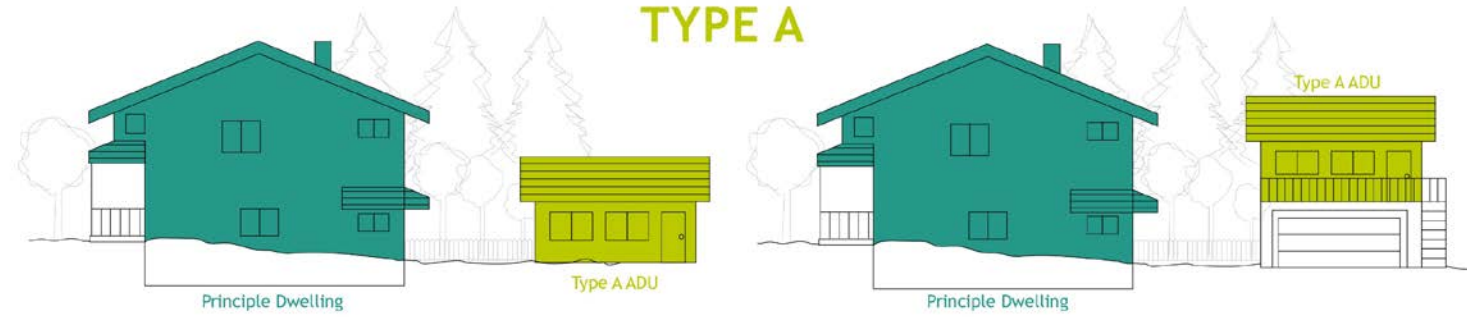


# AGRICULTURAL ADVISORY BOARD

October 5, 2020



# ACCESSORY DWELLINGS (ADU) IN THE AGRICULTURAL ZONING DISTRICT



# Accessory Dwellings (ADU)

- 2017 Housing Package

- Requires jurisdictions to approve ADUs in residential zoning districts – ministerial action
- Additional changes in 2018

- Changes to regulations in 2019

- Limits ability to apply standards such as parking, height, size, setbacks, lot coverage, architectural design standards, etc.
- Limits restrictions on where to allow ADUs
  - Must allow in all zoning districts that allow for residences
    - A-2 (General Agriculture) zoning district
  - Can limit based on water and sewer availability, traffic flow, and health and safety
- ADU Ordinances must be reviewed and deemed consistent with State Law by HCD

# Zoning History

- 1951 to 1973 A-1 (Agricultural) zoning
  - permitted R-3 zoning district uses; one unit per 1,000 square feet
  - 1973 deleted A-1 from zoning ordinance; large rezoning of land to A-2-10
- A-2
  - 1956 allowed 2 dwellings under 10 acres, 1 additional dwelling per additional 10 acres
    - 1967 amended that standard to allow a max of 4 dwellings
  - 1971 amended to allow 1 dwelling if under 15 acres and 2 dwellings if over 15 acres
    - 1981 amended that standard to require the second home not displace ag and share driveways/utilities
  - 1983 to current allowance for dwellings in the A-2 zone; large rezoning of land to A-2-40
    - One home under 20 acres; two homes 20 acres and over
  - 1973 Temporary Mobile Homes
  - 1973 - 1999 permitted homesite splits

# Land Use Policy Issues

- Historic issues with residential development in the Agricultural zoning district
  - Ranchette Conflicts with agriculture
  - Antiquated Subdivisions
  - Homesite Splits
  - Illegal conversion of accessory structures to residences

# Accessory Dwellings (ADU)

- **Accessory Dwellings (ADU)**
  - A secondary dwelling unit (detached, attached, or repurposed existing space) with complete independent living facilities for one or more persons
- **Junior Accessory Dwellings (JADU)**
  - Maximum 500 square feet in size
  - Contained entirely within an existing single-family structure
  - Efficiency Kitchen
  - May have its own bathroom

# Accessory Dwellings (ADU)

## ADUs in the General Agriculture (A-2) Zoning District

- Current Ordinance Proposal allows one ADU and JADU per parcel, regardless of parcel size
  - 20 acres and more may continue to have a 2<sup>nd</sup> dwelling OR an ADU
  - Access/Fire Hazard Severity Zone, and Well & Septic Restrictions
  - Shall be located within one hundred and fifty feet of the main dwelling
  - Shall not displace any area used for agricultural crop production
    - May be permitted by staff approval permit when 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
  - Replaces Temporary Mobile Home Permitting (for care of ill family members)
  - Includes allowance on Williamson Act Contract (WAC) Land

# Accessory Dwelling Units (ADU's)

## ADUs in the General Agriculture (A-2) Zoning District

- Number permitted
  - GPU Committee input one ADU and one JADU per existing single family home
  - Current Ordinance Proposal allows max one ADU and JADU per parcel, regardless of parcel size
  - 20 acres and more may continue to have a 2<sup>nd</sup> dwelling OR an ADU



# Accessory Dwelling Units (ADU's)

## ADUs in the General Agriculture (A-2) Zoning District

- Allowance on Williamson Act Contract (WAC) Land
  - DOC no response
  - HCD indicated that they could support no ADUs on WAC Land
  - Not allowing on WAC Land could encourage non-renewals
  - If we allow should we non-renew all undersized parcels currently in WAC?

# Accessory Dwelling Units (ADU's)

## Other Central Valley Jurisdictions

- Madera and Kern Counties allow ADUs in agricultural zoning districts where there is only one dwelling, silent to WAC land
- San Joaquin County is going through a similar process, proposing to allow ADUs on WAC land
- Merced and Fresno Counties do not allow ADUs in agricultural zoning districts
  - Merced allows up to 4 additional residential units in agricultural zones subject to an Administrative Permit (5 or more with use permit) for farmworkers and relatives of farmers who also live onsite, provided the lot is at least 6 acres in size
  - Fresno County allows second dwellings in agricultural zones, subject to approval of an administrative permit.

# Accessory Dwelling Units (ADU's)

## ADUs in the General Agriculture (A-2) Zoning District

- AAB recommendation
  - Number of ADUs/JADUs per parcel?
  - Allow on Williamson Act Contract land?



## Referral Early Consultation

**Date:** September 25, 2020

**To:** Distribution List (See Attachment A)

**From:** Kristin Doud, Principal Planner, Planning and Community Development

**Subject:** ORDINANCE AMENDMENT APPLICATION NO. PLN2018-0038 –  
ACCESSORY DWELLINGS

**Respond By:** October 12, 2020

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**\*\*\*\*PLEASE REVIEW REFERRAL PROCESS POLICY\*\*\*\***

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

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**Applicant:** Stanislaus County

**Project Location:** Unincorporated Stanislaus County

**APN:** Unincorporated Stanislaus County

**Williamson Act Contract:** N/A

**General Plan:** N/A

**Current Zoning:** N/A

**Project Description:** Request to add Chapter 21.74 Accessory Dwellings (ADUs) and to amend Chapters 21.08 General Provisions, 21.12 Definitions, 21.20 General Agriculture District (A-2), 21.24 Rural Residential District (R-A), 21.28 Single-Family Residential District (R-1), 21.32 Medium Density Residential District (R-2), 21.36 Multiple-Family Residential District (R-3), and 21.72 Mobile Homes of the Stanislaus County Zoning Ordinance to allow for Accessory Dwellings in the unincorporated areas of Stanislaus County in compliance with state requirements.

This project is being deemed exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15282(h).

**Full document with attachments available for viewing at:**  
<http://www.stancounty.com/planning/pl/act-projects.shtm>



**ORDINANCE AMENDMENT APPLICATION NO. PLN2018-0038 – ACCESSORY DWELLINGS**  
Attachment A

Distribution List

X	CA DEPT OF CONSERVATION Land Resources	X	STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE	X	STAN CO ANIMAL SERVICES
X	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE	X	STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
X	CA STATE LANDS COMMISSION	X	STAN CO ERC
X	CEMETERY DISTRICT	X	STAN CO FARM BUREAU
X	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: ALL WITHIN STAN COUNTY	X	STAN CO PARKS & RECREATION
X	COMMUNITY SERVICES DIST: ALL	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION	X	STAN CO RISK MANAGEMENT
X	COUNTY OF: SAN JOAQUIN, MERCED, CALAVERAS, TUOLUMNE, MARIPOSA, SANTA CLARA	X	STAN CO SHERIFF
X	DER GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST: ALL
X	FIRE PROTECTION DIST: ALL	X	STAN COUNTY COUNSEL
X	GSA: ALL	X	StanCOG
X	HOSPITAL DIST: ALL	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: ALL	X	STANISLAUS LAFCO
X	MOSQUITO DIST: ALL	X	STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES		SURROUNDING LAND OWNERS
X	MUNICIPAL ADVISORY COUNCIL: ALL	X	TELEPHONE COMPANY: AT&T
X	PACIFIC GAS & ELECTRIC	X	TRIBAL CONTACTS (CA Government Code §65352.3)
X	POSTMASTER: ALL	X	US ARMY CORPS OF ENGINEERS
X	RAILROAD: ALL	X	US FISH & WILDLIFE
X	SAN JOAQUIN VALLEY APCD		US MILITARY (SB 1462) (7 agencies)
X	SCHOOL DIST 1: ALL	X	USDA NRCS
	SCHOOL DIST 2:	X	WATER DIST: ALL
X	WORKFORCE DEVELOPMENT	X	CA DEPT OF HOUSING AND COMM DEV
X	STAN CO AG COMMISSIONER		
X	TUOLUMNE RIVER TRUST		

## STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

**TO:** Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**FROM:** \_\_\_\_\_

**SUBJECT: ORDINANCE AMENDMENT APPLICATION NO. PLN2018-0038 –  
ACCESSORY DWELLINGS**

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- \_\_\_\_\_ Will not have a significant effect on the environment.
- \_\_\_\_\_ May have a significant effect on the environment.
- \_\_\_\_\_ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Response prepared by:

Name	Title	Date
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## 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.

## **Summary of Proposed Ordinance Amendments Related to Accessory Dwellings (September 24, 2020)**

*\*Note: Specific amendments consisting of additions are reflected in bold and underlined text and deletions are reflected in strikethrough text.*

Amended Section 21.08.040 and 21.08.050 of Chapter 21.08 - GENERAL PROVISIONS as follows:

### **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. ~~If the substandard lot contains the minimum required lot area for a use in the zone in which such lot is located, and if the width of the lot is not less than fifty feet, then the lot may qualify for such use.~~ (Prior code Section 9-125(c)(1)).

### **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. ~~The minimum lot size where both sewer and water systems are available shall be six thousand square feet.~~ (Prior code Section 9-125(c)(2)).

Added Section 21.08.110 of Chapter 21.08 – GENERAL PROVISIONS as follows:

### **21.08.110 DWELLINGS - SECOND STORY SCREENING**

**Second story windows or balconies shall be placed to avoid direct views into the windows or rear yards of adjoining parcels already developed with a dwelling located within fifty feet at time of building permit review. Techniques to achieve this may include placing windows or balconies offset from windows on adjoining parcels, using landscape or other screening materials, or by utilizing window orientations or façade treatments which block direct views into the windows or rear yards of adjoining parcels.**

Added Sections 21.12.175, 21.12.178, and 21.12.212 of Chapter 21.12 – DEFINITIONS as follows:

### **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.**

#### **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.**

#### **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.**

Amended Section 21.12.270 of Chapter 21.12 – DEFINITIONS as follows:

#### **21.12.270 — GUESTHOUSE**

~~"Guesthouse" means living quarters within an accessory building for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling. (Ord. CS 106 Sec. 1 (part), 1984).~~

Added Section 21.12.325 of Chapter 21.12 – DEFINITIONS as follows:

#### **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.**

Amended Section 21.12.430 of Chapter 21.12 – DEFINITIONS as follows:

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

~~"Mobile home" means a vehicle designed and equipped for human habitation and includes a travel trailer and recreational vehicle **structure that meets the definition of a manufactured home** as defined by **Section 18007** the California Health and Safety Code. The vehicle must bear an insignia of approval issued by the California Department of Housing and Community Development, pursuant to Section 18056 of the Health and Safety Code. (Ord. CS 106 Sec. 1 (part), 1984).~~

Added Sections 21.12.475 and 21.12.505 of Chapter 21.12 – DEFINITIONS as follows:

## **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.**

## **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.**

Amended Section 21.12.525 of Chapter 21.12 – DEFINITIONS as follows:

## **21.12.525     SECOND DWELLING UNIT**

~~“Second dwelling unit” means an attached or detached residential dwelling unit provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family dwelling is situated. A second dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code Section 17958.1 and as defined in regulations.~~

Amended Section 21.20.020, Subsections A, B, C, O, and P of Chapter 21.20 – GENERAL AGRICULTURE DISTRICT (A-2) as follows:

## **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:
  - 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.**
  - 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.**
  - 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.**

- C. A mobile home (~~excluding travel trailers, motor homes or campers~~) in lieu of any permitted single-family dwelling **as regulated by Chapter 21.72**, ~~in areas designated as agriculture in the land use element of the general plan; provided, that the mobile home is placed on the county assessment roll; and further provided, that any such mobile home is completely skirted;~~

~~In areas designated as urban transition in the land use element of the general plan, a mobile home in lieu of a permitted single-family dwelling subject to a determination by the director of planning and community development that it meets the following compatibility criteria.~~

- ~~1. Eligibility. A mobile home shall be eligible if it:~~

- ~~a. Is to be occupied only for residential purposes.~~
- ~~b. Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made.~~
- ~~c. Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976.~~
- ~~d. Is attached to a permanent foundation system approved by the building inspection department of the county.~~

- ~~2. Compatibility. A mobile home shall be compatible if:~~

- ~~a. It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site.~~
- ~~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.~~
- ~~c. The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site.~~

- O. **State licensed small and large** 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.~~

Amended Section 21.24.020, Subsections J, M, N, and Q of Chapter 21.24 – RURAL RESIDENTIAL DISTRICT (R-A) as follows:

## **21.24.020 PERMITTED USES**

J. A mobile home in lieu of any permitted single-family dwelling **as regulated by Chapter 21.72;** ~~subject to a determination by the director of planning and community development that it meets the following compatibility criteria.~~

- ~~1. Eligibility. A mobile home shall be eligible if it:~~
  - ~~a. Is to be occupied only for residential purposes;~~
  - ~~b. Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made;~~
  - ~~c. Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976;~~
  - ~~d. Is attached to a permanent foundation system approved by the building inspection department of the county.~~
- ~~2. Compatibility. A mobile home shall be compatible if:~~
  - ~~a. It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site.~~
  - ~~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.~~
  - ~~c. The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site.~~
  - ~~d. The roof has eave and gable overhangs of not less than one foot measured from the vertical side of the mobile home;~~

M. **State licensed small and large** 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.~~

Q. **Accessory Dwellings as regulated by Chapter 21.74;** ~~A second dwelling unit may be permitted provided the following criteria are met:~~

1. ~~The lot contains an existing single-family dwelling.~~
2. ~~The second dwelling unit shall not be sold independently of the existing single-family dwelling.~~
3. ~~The second dwelling unit is either attached to the existing dwelling, located within the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling.~~
4. ~~The increased floor area of an attached second dwelling unit to be newly constructed shall not exceed 30 percent of the existing living area.~~
5. ~~The total floor area of a detached second dwelling unit shall not exceed 1,200 square feet. On parcels of one acre or more the 1,200 square foot limit will not apply.~~
6. ~~The second dwelling unit shall meet all other requirements of this title with respect to yard requirements, lot coverage, off-street parking, etc., but only one additional off-street parking space shall be required for a one-bedroom unit. Detached units with more than one bedroom shall require two off-street parking spaces.~~
7. ~~The lot on which the second dwelling unit is to be located meets the minimum building site area requirements of this chapter.~~
8. ~~The existing dwelling shall be occupied by the property owner at the time of application and one of the dwellings shall continue to be occupied by the property owner.~~

Amended Section 21.24.030, Subsections G and I of Chapter 21.24 – RURAL RESIDENTIAL DISTRICT (R-A) as follows:

#### **21.24.030 USES REQUIRING USE PERMIT**

G. ~~One guesthouse;~~

I. ~~Family day care centers for more than twelve persons or for seven through twelve persons where the criteria listed in Section 21.24.020N are not met.~~



Amended Section 21.28.020, Subsections I, J, K, and M of Chapter 21.28 – SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) as follows:

**21.28.020 PERMITTED USES**

- I. A mobile home in lieu of any permitted single-family dwelling as regulated by Chapter 21.72; ~~subject to a determination by the director of planning and community development that it meets the following compatibility criteria.~~
1. ~~Eligibility. A mobile home shall be eligible if it:~~
    - a. ~~Is to be occupied only for residential purposes,~~
    - b. ~~Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made,~~
    - c. ~~Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976,~~
    - d. ~~Is attached to a permanent foundation system approved by the building inspection department of the county.~~
  2. ~~Compatibility. A mobile home shall be compatible if:~~
    - a. ~~It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site,~~
    - 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,~~
    - c. ~~The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site,~~
    - d. ~~The roof has eave and gable overhangs of not less than one foot measured from the vertical side of the mobile home;~~
- J. **State licensed small and large** 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.~~
- M. **Accessory Dwellings as regulated by Chapter 21.74**; A second dwelling unit may be permitted provided the following criteria are met:

- ~~1. The lot contains an existing single-family dwelling.~~
- ~~2. The second dwelling unit shall not be sold independently of the existing single-family dwelling.~~
- ~~3. The second dwelling unit is either attached to the existing dwelling, located within the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling.~~
- ~~4. The increased floor area of an attached second dwelling unit to be newly constructed shall not exceed 30 percent of the existing living area.~~
- ~~5. The total floor area of a detached second dwelling unit shall not exceed 1,200 square feet. On parcels of one acre or more the 1,200 square foot limit will not apply.~~
- ~~6. The second dwelling unit shall meet all other requirements of this title with respect to yard requirements, lot coverage, off-street parking, etc., but only one additional off-street parking space shall be required for a one-bedroom unit. Detached units with more than one bedroom shall require two off-street parking spaces.~~
- ~~7. The lot on which the second dwelling unit is to be located meets the minimum building site area requirements of this chapter.~~
- ~~8. The existing dwelling shall be occupied by the property owner at the time of application and one of the dwellings shall continue to be occupied by the property owner.~~

Amended Section 21.28.030, Subsections B and D of Chapter 21.28 – SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) as follows:

**21.28.030 USES REQUIRING USE PERMIT**

- ~~B. One guesthouse;~~
- ~~D. 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).~~

Amended Section 21.32.020, Subsections J, K, and L of Chapter 21.32 – MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) as follows:

**21.32.020 PERMITTED USES**

- J. A mobile home in lieu of any permitted single-family dwelling **as regulated by Chapter 21.72;** ~~subject to a determination by the director of planning and community development that it meets the following compatibility criteria.~~
- ~~1. Eligibility. A mobile home shall be eligible if it:~~
    - ~~a. Is to be occupied only for residential purposes;~~

- ~~b. Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made,~~
- ~~c. Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976,~~
- ~~d. Is attached to a permanent foundation system approved by the building inspection department of the county.~~

~~2. Compatibility. A mobile home shall be compatible if:~~

- ~~a. It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site,~~
- ~~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,~~
- ~~c. The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site,~~
- ~~d. The roof has eave and gable overhangs of not less than one foot measured from the vertical side of the mobile home;~~

K. **State licensed small and large** family day care homes for ~~eight or fewer persons;~~

**L. Accessory Dwellings as regulated by Chapter 21.74;**

~~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.~~

Amended Section 21.32.030, Subsection D of Chapter 21.32 – MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) as follows:

#### **21.32.030 USES REQUIRING USE PERMIT**

~~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).~~

Amended Section 21.36.020, Subsections E, K, and M of Chapter 21.36 – MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-3) as follows:

## 21.36.020 PERMITTED USES

- E. **State licensed small and large family day care homes.** ~~D~~ day care centers and schools offering general academic instruction equivalent to the standards prescribed by the State Board of Education, and seminaries;
- K. A mobile home in lieu of a permitted single-family dwelling **as regulated by Chapter 21.72;** ~~subject to a determination by the director of planning and community development that it meets the following compatibility criteria:~~
1. ~~Eligibility. A mobile home shall be eligible if it:~~
    - a. ~~Is to be occupied only for residential purposes,~~
    - b. ~~Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made,~~
    - c. ~~Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976,~~
    - d. ~~Is attached to a permanent foundation system approved by the building inspection department of the county.~~
  2. ~~Compatibility. A mobile home shall be compatible if:~~
    - a. ~~It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site,~~
    - 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,~~
    - c. ~~The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site,~~
    - d. ~~The roof has eave and gable overhangs of not less than one foot measured from the vertical side of the mobile home;~~

## M. **Accessory Dwellings as regulated by Chapter 21.74.**

Amended Section 21.72.020, Subsections A, B, and F of Chapter 21.72 – MOBILE HOMES as follows:

## 21.72.020 DISTRICT REGULATIONS

~~In addition to a **A** mobile home in lieu of **any permitted** single-family dwelling on a foundation as listed in the various zoning districts, mobile homes shall be permitted **subject to the** as follow**ings**~~  
Mobile homes shall be permitted as follows:

- A. ~~On parcels of any size located in an A-2 district designated as agriculture on the land use element of the general plan in lieu of a single-family dwelling, subject to the following standards and conditions:~~

- ~~1. No mobile home shall be located on any parcel without first obtaining all required permits from the Public Works Department - Development Services/Building Inspection Division.~~
- ~~2. No mobile homes or mobile home site approved pursuant to this subsection shall be rented or leased independent of the total parcel or property.~~
- ~~3. All mobile homes shall be placed on the county assessment roll.~~
- ~~4. All mobile homes shall be completely skirted.~~

**A. In any zoning district, except the Historical Site District, the mobile home shall meet the following eligibility and compatibility criteria:**

- 1. Eligibility. A mobile home shall be eligible if it:**
  - a. Is to be occupied only for residential purposes.**
  - 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.**
  - c. Was constructed within twenty years of the date the building permit application placement of the mobile home was submitted.**
  - d. Is attached to a permanent foundation system approved by the county's Chief Building Official.**
  - e. Is placed on the county assessment roll.**
- 2. Compatibility. A mobile home shall be compatible if:**
  - 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.**
  - 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.**
  - 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.**
  - d. The roof of the mobile home shall have eave and gable overhangs as follows:**
    - i. Not less than one foot measured from the vertical side of the mobile home; or**
    - ii. Consistent to those of an existing dwelling located on the same lot.**

**B. A mobile home approved prior to [insert effective date of OA] 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:**

- 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.**
- 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.**

- ~~B. On property located in an R-A or A-2 zoning district on property of one acre or greater in area when necessary to provide supplemental housing for care of ill, infirm or aged members of the family who must have assistance with normal daily activities, where no other housing is available, provided that existing facilities for domestic water supply and sewage disposal are adequate or can be upgraded to support the mobile home as well as any existing family dwellings 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. The property owner may renew the permit each year by the reaffirmation of the need to provide care and payment of a renewal fee. The application shall include verification from a physician describing the family member's physical condition and need to have family nearby to assist with normal daily activities.~~
  - ~~2. The mobile home shall be accessory to and located so that approved connections can be made to sanitary facilities of the occupied single-family dwelling and so that care can easily be provided. The location of the proposed mobile home shall not be detrimental to surrounding properties and shall be located within 150 feet of the occupied single-family dwelling and shall not be located in the front yard of the residence.~~
  - ~~3. Not more than one such mobile home shall be permitted on any one parcel or contiguous parcels. Additional mobile homes may be permitted subject to obtaining a use permit.~~
  - ~~4. Neither the mobile home nor the single-family home to which it is accessory shall be rented or leased.~~
  - ~~5. Accessory mobile home permits approved under this chapter shall become invalid and the mobile home immediately removed if:~~
    - ~~a. The parcel or any portion of the parcel or contiguous parcels is annexed to a city or sold, leased or rented;~~
    - ~~b. The parcels, mobile home or installation of mobile home and accessory structures violates any county ordinance;~~
    - ~~c. The mobile home is no longer occupied by the person for whom approval was granted.~~
- ~~F. The storage of a mobile home (excluding travel trailer, camper, motor home, or recreation vehicle) at a residence is permitted when not used for residential purposes; provided, that the vehicle shall be adequately screened from view from a public roadway or thoroughfare. Such storage is permitted only on property where a mobile home is allowed outright, as a principal use or where an accessory mobile home permit has been issued. This shall not prohibit the storage of any travel trailer, camper, motor home or recreational vehicle.~~

## CHAPTER 21.08

# GENERAL PROVISIONS

### SECTIONS:

21.08.010	GENERAL PROVISIONS
21.08.020	USES
21.08.030	HEIGHT LIMITS
21.08.040	BUILDING SITE AREA - EXISTING LOTS
21.08.050	BUILDING SITE AREA - SANITARY SEWERS OR PUBLIC WATER NOT AVAILABLE
21.08.060	YARDS
21.08.065	SWIMMING POOLS
21.08.070	SIGNS
21.08.075	MONUMENTS
21.08.080	<del>DENSITY BONUS FOR AFFORDABLE HOUSING – Deleted effective January 14, 2016 (Ord. CS 1169 Sec. 1, 2015)</del>
21.08.090	DEVELOPMENT REQUEST - CITY APPROVAL REQUIRED WHEN
21.08.100	NUISANCE
21.08.110	<u>DWELLINGS - SECOND STORY SCREENING</u>

### 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. ~~If the substandard lot contains the minimum required lot area for a use in the zone in which such lot is located, and if the width of the lot is not less than fifty feet, then the lot may qualify for such use.~~ (Prior code Section 9-125(c)(1)).

#### **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. ~~The minimum lot size where both sewer and water systems are available shall be six thousand square feet.~~ (Prior code Section 9-125(c)(2)).

#### **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;

**21.08.060**      Yards

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;
  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).

#### **21.08.080 DENSITY BONUS FOR AFFORDABLE HOUSING – (Deleted effective January 14, 2016 – Ord. CS 1169 Sec. 1, 2015)**

#### **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).

#### **21.08.110 DWELLINGS - SECOND STORY SCREENING**

**Second story windows or balconies shall be placed to avoid direct views into the windows or rear yards of adjoining parcels already developed with a dwelling located within fifty feet at time of building permit review. Techniques to achieve this may include placing windows or balconies offset from windows on adjoining parcels, using landscape or other screening materials, or by utilizing window orientations or façade treatments which block direct views into the windows or rear yards of adjoining parcels.**

## CHAPTER 21.12

# DEFINITIONS

### SECTIONS:

21.12.010	GENERALLY
21.12.020	AGRICULTURE
21.12.025	AGRICULTURAL PROCESSING
21.12.030	AGRICULTURAL SERVICE ESTABLISHMENT
21.12.035	AIRCRAFT
21.12.040	AIRPORT
21.12.042	AIRPORT, AGRICULTURAL SERVICE
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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.**

#### **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.**

**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.**

**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).

#### **~~21.12.270~~ GUESTHOUSE**

~~"Guesthouse" means living quarters within an accessory building for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling. (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.**

**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 ~~vehicle designed and equipped for human habitation and includes a travel trailer and recreational vehicle~~ **structure that meets the definition of a manufactured home** as defined by **Section 18007** the California Health and Safety Code. ~~The vehicle must bear an insignia of approval issued by the California Department of Housing and Community Development, pursuant to Section 18056 of the Health and Safety Code.~~ (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.**

#### **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.**

#### **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).

#### **~~21.12.525~~ SECOND DWELLING UNIT**

~~"Second dwelling unit" means an attached or detached residential dwelling unit provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code Section 17958.1 and as defined in regulations.~~

#### **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 21.20

# 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 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:
  - 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.

**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.**

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.**

- C. A mobile home (~~excluding travel trailers, motor homes or campers~~) in lieu of any permitted single-family dwelling **as regulated by Chapter 21.72**, ~~in areas designated as agriculture in the land use element of the general plan; provided, that the mobile home is placed on the county assessment roll; and further provided, that any such mobile home is completely skirted;~~

~~In areas designated as urban transition in the land use element of the general plan, a mobile home in lieu of a permitted single-family dwelling subject to a determination by the director of planning and community development that it meets the following compatibility criteria.~~

- ~~1. Eligibility. A mobile home shall be eligible if it:~~
- ~~a. Is to be occupied only for residential purposes.~~
- ~~b. Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made.~~
- ~~c. Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976.~~
- ~~d. Is attached to a permanent foundation system approved by the building inspection department of the county.~~
- ~~2. Compatibility. A mobile home shall be compatible if:~~

## 21.20.020 Permitted Uses

- ~~a. It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site.~~
  - ~~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.~~
  - ~~c. The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site.~~
- 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:
  - 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.

## **21.20.020 Permitted Uses**

- 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. **State licensed small and large** 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).

## **21.20.030 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.

**21.20.030** Uses requiring use permit

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.
  - 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.
  - c. 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;



**21.20.030** Uses requiring use permit

- 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.
  - 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:

**21.20.030** Uses requiring use permit

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.

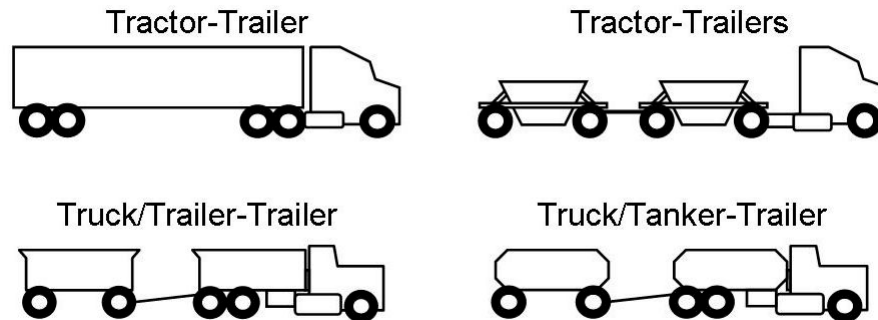
- a. Public stables, including boarding and training, and kennels,
- b. Bridle paths, riding academies, roping arenas and similar facilities for the training, exercising or exhibiting of horses, dogs or other animals,
- c. Recreational camps without housing for permanent residents and dude or guest ranches,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

**21.20.030** Uses requiring use permit

- 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;
  - 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:

**21.20.030** Uses requiring use permit

- 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.
- 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.

**21.20.030** Uses requiring use permit

- 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.

**21.20.040** Uses Requiring Board Of Supervisors Approval

- 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.
  - 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:

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

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:

- 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:
  - 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.

### **21.20.070 Yards**

### **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;** ~~subject to a determination by the director of planning and community development that it meets the following compatibility criteria:~~
  - 1. ~~Eligibility. A mobile home shall be eligible if it:~~
    - a. ~~Is to be occupied only for residential purposes;~~
    - b. ~~Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made;~~
    - c. ~~Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976;~~
    - d. ~~Is attached to a permanent foundation system approved by the building inspection department of the county.~~
  - 2. ~~Compatibility. A mobile home shall be compatible if:~~
    - a. ~~It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site.~~
    - 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.~~
    - c. ~~The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site.~~
    - d. ~~The roof has eave and gable overhangs of not less than one foot measured from the vertical side of the mobile home;~~
- 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;

**21.24.020** Permitted uses

- M. **State licensed small and large** 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;** ~~A second dwelling unit may be permitted provided the following criteria are met:~~
- ~~1. The lot contains an existing single-family dwelling.~~
  - ~~2. The second dwelling unit shall not be sold independently of the existing single-family dwelling.~~
  - ~~3. The second dwelling unit is either attached to the existing dwelling, located within the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling.~~
  - ~~4. The increased floor area of an attached second dwelling unit to be newly constructed shall not exceed 30 percent of the existing living area.~~
  - ~~5. The total floor area of a detached second dwelling unit shall not exceed 1,200 square feet. On parcels of one acre or more the 1,200-square-foot limit will not apply.~~
  - ~~6. The second dwelling unit shall meet all other requirements of this title with respect to yard requirements, lot coverage, off-street parking, etc., but only one additional off-street parking space shall be required for a one-bedroom unit. Detached units with more than one bedroom shall require two off-street parking spaces.~~

**21.24.020** Permitted uses

- ~~7. The lot on which the second dwelling unit is to be located meets the minimum building site area requirements of this chapter.~~
- ~~8. The existing dwelling shall be occupied by the property owner at the time of application and one of the dwellings shall continue to be occupied by the property owner.~~
- 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;
- 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;

#### **21.24.030** Uses requiring use permit

- 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. One guesthouse;~~
- 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 21.24.020N 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;

**21.24.060 Building site area**

- 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;

**21.24.080**      Yards

- 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;

**21.28.020** Permitted uses

- I. A mobile home in lieu of any permitted single-family dwelling **as regulated by Chapter 21.72**; ~~subject to a determination by the director of planning and community development that it meets the following compatibility criteria:~~
1. ~~Eligibility. A mobile home shall be eligible if it:~~
    - a. ~~Is to be occupied only for residential purposes;~~
    - b. ~~Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made;~~
    - c. ~~Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976;~~
    - d. ~~Is attached to a permanent foundation system approved by the building inspection department of the county.~~
  2. ~~Compatibility. A mobile home shall be compatible if:~~
    - a. ~~It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site;~~
    - 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;~~
    - c. ~~The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site;~~
    - d. ~~The roof has eave and gable overhangs of not less than one foot measured from the vertical side of the mobile home;~~
- J. **State licensed small and large** 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;

## 21.28.020 Permitted uses

M. **Accessory Dwellings as regulated by Chapter 21.74;** ~~A second dwelling unit may be permitted provided the following criteria are met:~~

- ~~1. The lot contains an existing single-family dwelling.~~
- ~~2. The second dwelling unit shall not be sold independently of the existing single-family dwelling.~~
- ~~3. The second dwelling unit is either attached to the existing dwelling, located within the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling.~~
- ~~4. The increased floor area of an attached second dwelling unit to be newly constructed shall not exceed 30 percent of the existing living area.~~
- ~~5. The total floor area of a detached second dwelling unit shall not exceed 1,200 square feet. On parcels of one acre or more the 1,200 square foot limit will not apply.~~
- ~~6. The second dwelling unit shall meet all other requirements of this title with respect to yard requirements, lot coverage, off-street parking, etc., but only one additional off-street parking space shall be required for a one-bedroom unit. Detached units with more than one bedroom shall require two off-street parking spaces.~~
- ~~7. The lot on which the second dwelling unit is to be located meets the minimum building site area requirements of this chapter.~~
- ~~8. The existing dwelling shall be occupied by the property owner at the time of application and one of the dwellings shall continue to be occupied by the property owner.~~

## 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. One guesthouse;~~
- 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 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,

**21.28.070**      Yards

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:** ~~subject to a determination by the director of planning and community development that it meets the following compatibility criteria:~~

1. ~~Eligibility. A mobile home shall be eligible if it:~~
  - a. ~~Is to be occupied only for residential purposes,~~
  - b. ~~Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made,~~
  - c. ~~Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976,~~
  - d. ~~Is attached to a permanent foundation system approved by the building inspection department of the county.~~
2. ~~Compatibility. A mobile home shall be compatible if:~~
  - a. ~~It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site,~~
  - 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,~~
  - c. ~~The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site,~~
  - d. ~~The roof has eave and gable overhangs of not less than one foot measured from the vertical side of the mobile home;~~

- K. **State licensed small and large** family day care homes for eight or fewer persons;

**L. Accessory Dwellings as regulated by Chapter 21.74:**

- ~~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.~~

### **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;
- 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;**

#### **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. **State licensed small and large family day care homes**, ~~D~~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;** ~~subject to a determination by the director of planning and community development that it meets the following compatibility criteria:~~
1. ~~Eligibility. A mobile home shall be eligible if it:~~
    - a. ~~Is to be occupied only for residential purposes,~~
    - b. ~~Conforms to all of the residential use development standards for single-family structures applicable to the particular zone for which the application is made,~~
    - c. ~~Is certified under the National Manufactured Home Construction and Safety Act of 1974, and has been constructed after June 5, 1976,~~
    - d. ~~Is attached to a permanent foundation system approved by the building inspection department of the county.~~
  2. ~~Compatibility. A mobile home shall be compatible if:~~
    - a. ~~It is covered with an exterior material commonly found in new conventionally built residential structures within three hundred feet of the proposed site,~~
    - 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,~~
    - c. ~~The roofing material is similar to materials commonly found on conventionally built residential structures within three hundred feet of the proposed site,~~
    - d. ~~The roof has eave and gable overhangs of not less than one foot measured from the vertical side of the mobile home;~~
- L. Home occupations as regulated by Chapter 21.94. (Ord. CS 350, Sec. 1 (part), 1989; Ord. CS 106, Sec. 6 (part), 1984);<sub>1</sub>
- M. Accessory Dwellings as regulated by Chapter 21.74.**

## 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;

**21.36.030** Uses requiring use permit

- 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;
- 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;

**21.36.070**      Yards

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 21.72

### MOBILE HOMES

#### SECTIONS:

21.72.010	APPLICABILITY
21.72.020	DISTRICT REGULATIONS
21.72.030	NONCONFORMING USES
21.72.040	EFFECT OF NONCOMPLIANCE
21.72.050	EXPIRATION OF PERMITS
21.72.060	REAPPLICATION WAITING PERIOD

#### 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

~~In addition to a A mobile home in lieu of any permitted single-family dwelling on a foundation as listed in the various zoning districts, mobile homes shall be permitted subject to the as followings Mobile homes shall be permitted as follows:~~

~~A. On parcels of any size located in an A-2 district designated as agriculture on the land use element of the general plan in lieu of a single family dwelling, subject to the following standards and conditions:~~

- ~~1. No mobile home shall be located on any parcel without first obtaining all required permits from the Public Works Department – Development Services/Building Inspection Division.~~
- ~~2. No mobile homes or mobile home site approved pursuant to this subsection shall be rented or leased independent of the total parcel or property.~~
- ~~3. All mobile homes shall be placed on the county assessment roll.~~
- ~~4. All mobile homes shall be completely skirted.~~

**A. In any zoning district, except the Historical Site District, the mobile home shall meet the following eligibility and compatibility criteria:**

- 1. Eligibility. A mobile home shall be eligible if it:**
  - a. Is to be occupied only for residential purposes.**
  - 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.**
  - c. Was constructed within twenty years of the date the building permit application placement of the mobile home was submitted.**
  - d. Is attached to a permanent foundation system approved by the county's Chief Building Official.**
  - e. Is placed on the county assessment roll.**
- 2. Compatibility. A mobile home shall be compatible if:**
  - 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.

- 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.
- 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.
- d. The roof of the mobile home shall have eave and gable overhangs as follows:
  - i. Not less than one foot measured from the vertical side of the mobile home; or
  - ii. Consistent to those of an existing dwelling located on the same lot.

B. A mobile home approved prior to [insert effective date of OA] 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:

- 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.
- 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.

~~B. On property located in an R-A or A-2 zoning district on property of one acre or greater in area when necessary to provide supplemental housing for care of ill, infirm or aged members of the family who must have assistance with normal daily activities, where no other housing is available, provided that existing facilities for domestic water supply and sewage disposal are adequate or can be upgraded to support the mobile home as well as any existing family dwellings 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. The property owner may renew the permit each year by the reaffirmation of the need to provide care and payment of a renewal fee. The application shall include verification from a physician describing the family member's physical condition and need to have family nearby to assist with normal daily activities.~~
- ~~2. The mobile home shall be accessory to and located so that approved connections can be made to sanitary facilities of the occupied single-family dwelling and so that care can easily be provided. The location of the proposed mobile home shall not be detrimental to surrounding properties and shall be located within 150 feet of the occupied single-family dwelling and shall not be located in the front yard of the residence.~~

- ~~3. Not more than one such mobile home shall be permitted on any one parcel or contiguous parcels. Additional mobile homes may be permitted subject to obtaining a use permit.~~
- ~~4. Neither the mobile home nor the single family home to which it is accessory shall be rented or leased.~~
- ~~5. Accessory mobile home permits approved under this chapter shall become invalid and the mobile home immediately removed if:~~
  - ~~a. The parcel or any portion of the parcel or contiguous parcels is annexed to a city or sold, leased or rented;~~
  - ~~b. The parcels, mobile home or installation of mobile home and accessory structures violates any county ordinance;~~
  - ~~c. The mobile home is no longer occupied by the person for whom approval was granted.~~

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:

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. The storage of a mobile home (excluding travel trailer, camper, motor home, or recreation vehicle) at a residence is permitted when not used for residential purposes; provided, that the vehicle shall be adequately screened from view from a public roadway or thoroughfare. Such storage is permitted only on property where a mobile home is allowed outright, as a principal use or where an accessory mobile home permit has been issued. This shall not prohibit the storage of any travel trailer, camper, motor home or recreational vehicle.~~
- G. 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.

#### **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).

# STANISLAUS COUNTY

## AGRICULTURAL ADVISORY BOARD

October 2, 2020



# Agenda Item V.

## Agricultural Planting Setbacks

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Presentation by David Leamon, Public Works Director

# Background

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- The need for a planting setback is necessary with the proliferation of new orchard plantings.
- There has been an increase of 57,239 acres of new orchard just in almonds and walnuts from 2010 (176,725 acres) to 2018 (233,964 acres).
  - Many of these orchards have trees with the trunks planted on the right-of-way line and some of the orchards have entire rows planted within the right-of-way.

# Background

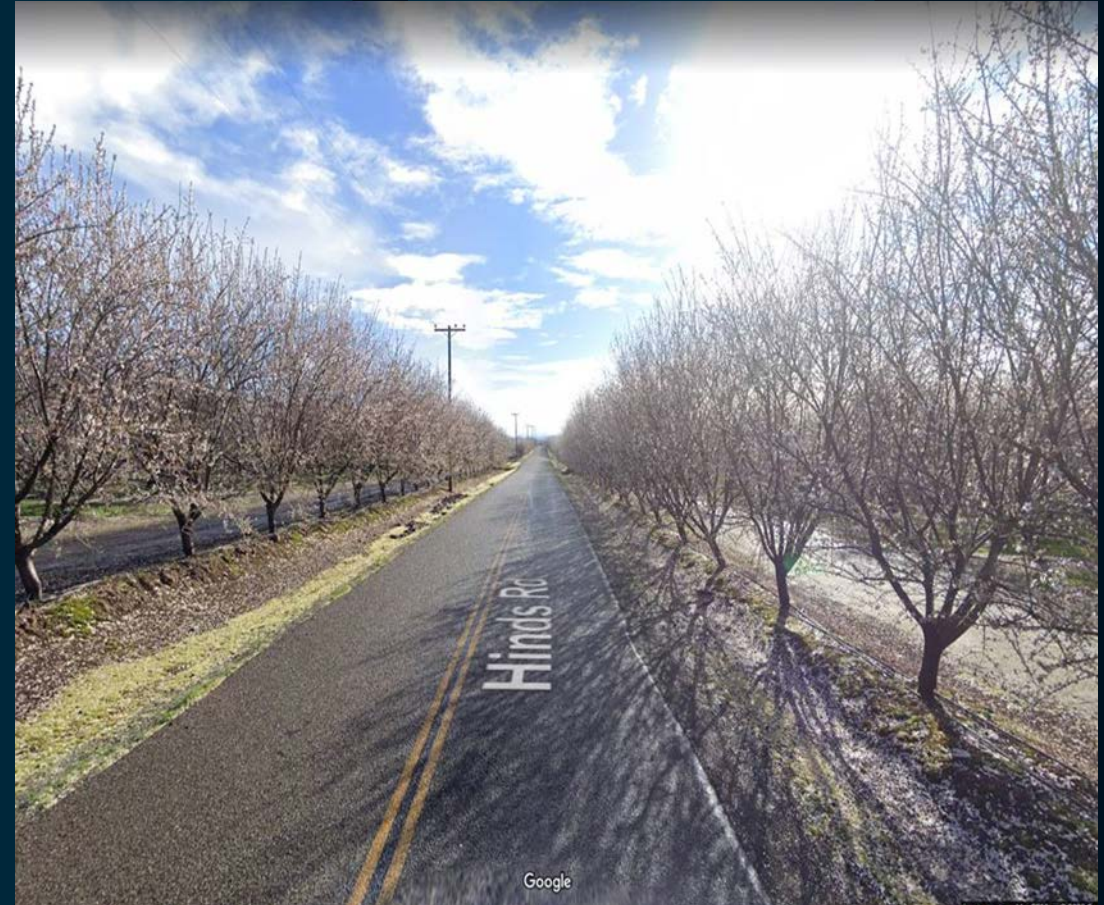
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- For six weeks this summer, the County PW striping crew was converted to an ad-hoc tree crew and they trimmed orchard trees out of the right-of-way to prevent damage to PW equipment that started chip seal in August.
- This delayed the start of the re-striping of the County, which is a Board-mandated performance measure for PW, our goal is 750 miles of striping.



# Examples – District 1

## Hinds Road





# Examples – District 1

## Tim Bell Road





# Examples – District 2

## Grayson and Taylor Road Intersection



Grayson  
Road



# Examples – District 3

## Dunn and Woodland Roads





# Examples – District 4

## Tully Road

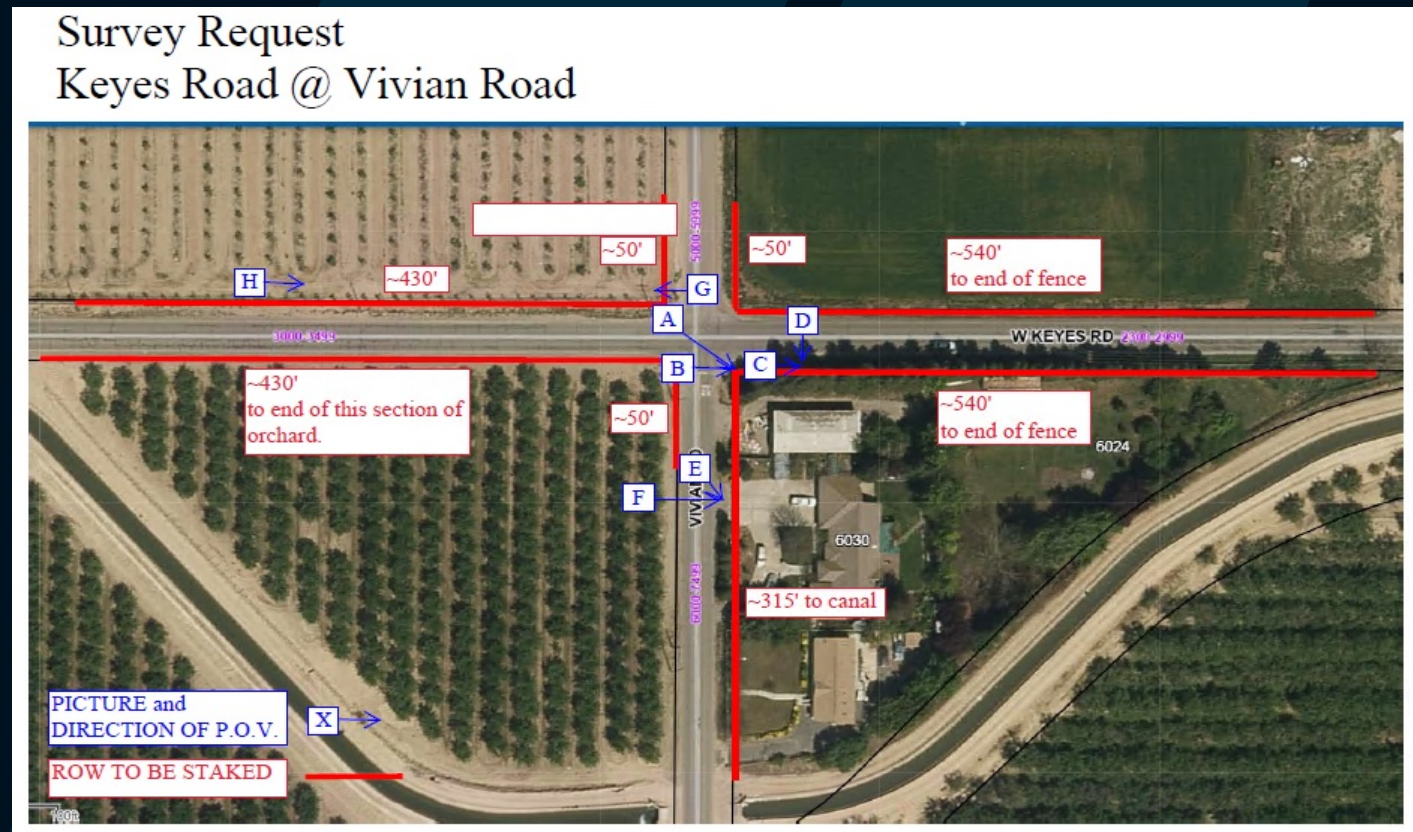




# Examples – District 5

## Keys Road & Vivian Road

- Entire row of trees in ROW along Keys Road west of Vivian Road, which block distance as well as creates a hazard for fixed objects within the ROW.





# Examples – District 5 Keys Road & Vivian Road

- Picture of Stakes showing row within ROW for Keyes Road





# Examples – District 5

## Intersection of Keyes Road and Vivian Road (Southeast Corner)



# Proposed Ordinance

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- *In order to prevent trees, shrubs and vines from encroaching on County roads, it shall be unlawful to plant, or cause to be planted, a tree, shrub or vine less than ten (10) feet from the edge of the right of way to the drip line or canopy of the tree, shrub or vine. This section also applies to trees, shrubs or vines planted for residential landscaping on roads classified as rural roads but not urban roads.*

# Proposed Ordinance

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- *In order to prevent trees, shrubs and vines from encroaching on County roads, it shall be unlawful to plant, or cause to be planted, a tree, shrub or vine less than ten (10) feet from the edge of the right of way, or ten (10) feet from the drip line or canopy of large tree specimens, whichever is greater. This section also applies to trees, shrubs or vines planted for residential landscaping on roads classified as rural roads but not urban roads. A large tree specimen has a spread greater than 20 feet.*



# What should it look like?

- **Walnut Orchard along Grayson Road**



# What should it look like?

- **Walnut & Almond Orchard along Grayson Road**
- **Pole lines are often on the ROW line – 40-ft County Road**





# Questions?

David Leamon  
Public Works Director



# Additional Examples (1)





## Additional Examples (2)



## Right-of-way encroachments

### Stanislaus County

### Public Works

### Agricultural Planting Setbacks

September 2020

#### Purpose:

The purpose of the setback is to reduce liability for Public Works by reducing fixed objects such as trees within our right-of-way, reduce the amount of time Public Works crews trim private orchard trees that encroach into the County right-of-way and eliminate roadway conflicts with tractors and harvesting equipment working inside the right-of-way.

This will increase the efficiency of Public Works operations while reducing the risk to the traveling public, County employees and farmers by of Stanislaus County by eliminating conflicts and obstructions within County road right-of-way.

#### Background:

The need for a planting setback is necessary with the proliferation of new orchard plantings. There has been an increase of 57,239 acres of new orchard just in almonds and walnuts from 2010 (176,725 acres) to 2018 (233,964 acres). Many of these orchards have trees with the trunks planted on the right-of-way line and some of the orchards have entire rows planted within the right-of-way. For six weeks this summer, the County PW striping crew was converted to an ad-hoc tree crew and they trimmed orchard trees out of the right-of-way to prevent damage to PW equipment that will start chip seal in August. This delayed the start of the re-striping of the County, which is a Board mandated performance measure for PW, our goal is 750 miles of striping.

There are numerous roads within the County that have trees planted within the right-of-way and many more with trees planted adjacent to the right-of-way line. This means half the tree encroaches into the right-of-way and there are farming activities such as shaking, sweeping and trimming within the right-of-way of the County.

#### Discussion:

Public Works recommends adopting the following ordinance change which our neighbor to the south, Tulare County has already adopted:

#### ***SPECIAL SETBACK DISTANCES: TREES, SHRUBS AND VINES:***

*In order to prevent trees, shrubs and vines from encroaching on County roads, it shall be unlawful to plant, or cause to be planted, a tree, shrub or vine less than ten (10) feet from the edge of the right of way, or ten (10) feet from the drip line or canopy of ~~the large~~ tree ~~specimens, shrub or vine~~, whichever is greater. This section does not apply to trees, shrubs or vines planted for residential landscaping. A large tree specimen has a spread greater than 20 feet.*

This ordinance change would prevent future plantings closer than 10 feet of the right-of-way. PW staff will work first with the Existing Road Commissioner authority allows the removal of

trees within the right-of-way and staff will be asking for Board support of the use of that authority in heavily trimming and/or removing trees that encroach the right-of-way. As PW staff are not expert orchard trimmers, it would likely be expected that the trees that encroach within the ROW maybe damaged or destroyed by the trimming activities.

Public Works staff is working with the Agricultural Commissioner to perform outreach on this proposed change. Initial feed back included revising the language to explicitly say 10 feet from the edge of the canopy or drip line of the tree. As an example, walnut trees are planted in rows that vary from 22 to 28 feet in width and the canopy of a walnut tree can be as wide as 50 feet. PW would expect that a walnut orchard would be planted no closer than 20 feet from the right-of-way line.

Prior to adoption PW anticipates public outreach to the Agricultural Advisory Board and the Farm Bureau to discuss this proposed County ordinance change.

**Fiscal Impact:**

Should this ordinance be enacted PW will assign an inspector to these duties. Tulare County has a full-time inspector assigned to enforcing their ordinance. For FY 20-21, PW will fund the cost of this activity. In Spring of 2021, with a new fees item for PW, we will ask the Board to approve a methodology for cost recovery to fund this position.

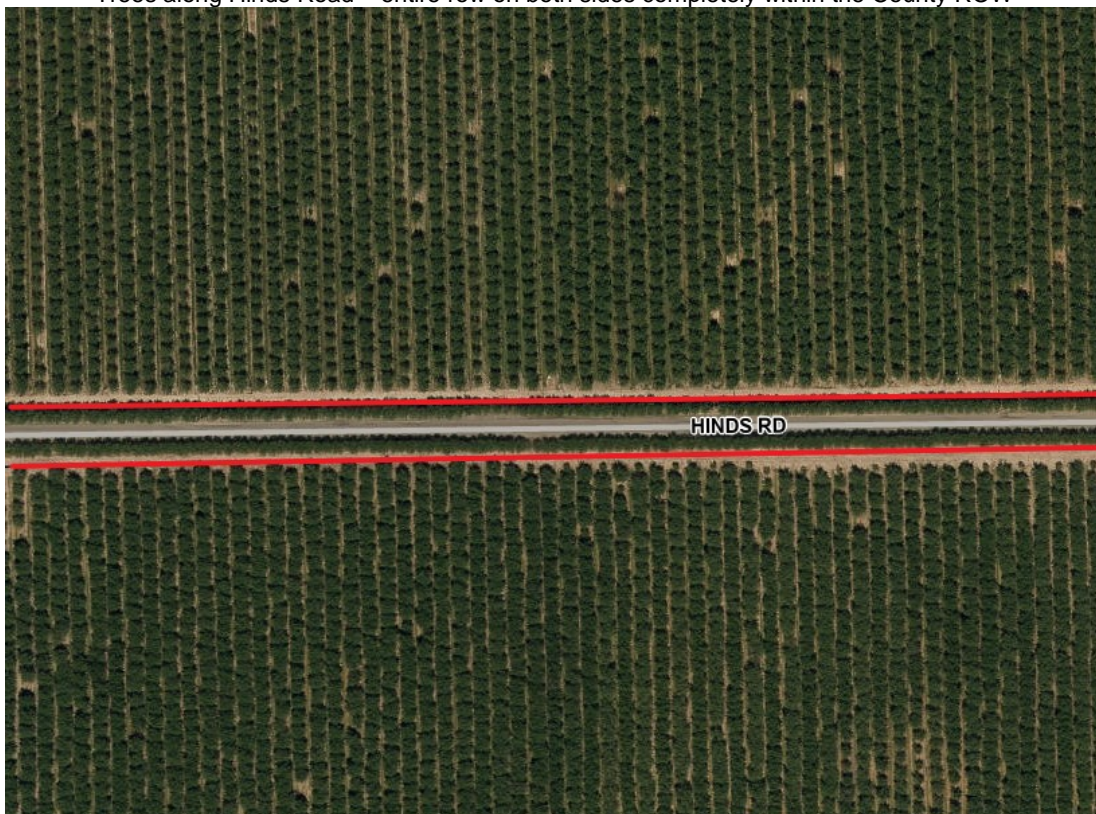


**Examples:**

**District 1:**



Trees along Hinds Road – entire row on both sides completely within the County ROW





**District 3:**

4900 Block of Woodland Ave



## District 5:

Entire row of trees in ROW along Keyes Road west of Vivian Road, which block distance as well as creates a hazard for fixed objects within the ROW. Public Works Staff is working with the farmer on removing the row of trees within the right of way.

### Survey Request Keyes Road @ Vivian Road

