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MEMORANDUM

DATE: July 30, 2024
TO: Planning Commission
FROM: Julia Krog, Director
SUBJECT: **OA_2023-0001 Inland Zoning Code Update**

OA_2023-0001 for the Inland Zoning Code Update was continued from the July 25, 2024 Planning Commission meeting to August 1, 2024. Planning and Building Services took direction from the Planning Commission on several of the Chapters proposed for amendment and several of the new Chapters proposed for adoption. Staff has completed the recommended revisions and included them as attachments to this memorandum.

Changes to Chapters proposed for amendment that already included redline changes have **yellow highlighted redline text** indicating the additional redline changes made since the July 25, 2024 meeting. These Chapters include:

- Chapter 20.008 Definitions
- Chapter 20.020 Civic Use Types
- Chapter 20.168 Temporary Use Regulations
- Chapter 20.176 Recreational Vehicle Parks and Campgrounds

New Chapters proposed for adoption that did not previously contain redlines indicate changes made since July 25, 2024 as **redline** text. These Chapters include:

- Chapter 20.166 Accessory Dwelling Units and Junior Accessory Dwelling Units
- Chapter 20.170 Moveable Tiny Homes
- Chapter 20.190 Administration

In addition, to recommended changes to the Chapters listed above, the Planning Commission requested to see a zoning matrix to review proposed allowance for low intensity camping. This zoning matrix chart is attached to this memorandum for discussion purposes only.

Attachments:

- Chapter 20.008
- Chapter 20.020
- Chapter 20.166
- Chapter 20.168
- Chapter 20.170
- Chapter 20.176
- Chapter 20.190
- Zoning Matrix for Chapter 20.176 for Discussion Purposes

CHAPTER 20.008 DEFINITIONS

Sec. 20.008.005 Declaration.

Provisions of this Chapter shall be known as the "definitions." The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Code. The meaning and construction of words and phrases as set forth shall apply throughout the Zoning Code, except where the context of such words or phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Codes shall be applicable except when in conflict with definitions contained in the Zoning Code, in which case the Zoning Code definition shall prevail.

Sec. 20.008.010 General Rules For Construction of Language.

The following general rules of construction shall apply to the textual provisions of the Zoning Code:

- (A) Headings. Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the Zoning Code.
- (B) Illustration. In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.
- (C) Shall and May. "Shall" is always mandatory and not discretionary. "May" is discretionary.
- (D) Tenses and Numbers. Words used in the present tense include the future, and words used in the plural, include the singular, unless the context clearly indicates the contrary.
- (E) Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - (1) "And" indicates that the connected items or provisions apply.
 - (2) "Or" indicates that the connected items or provisions may apply singly or in any combination.
 - (3) "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.
- (F) All public officials, bodies, and agencies to which reference is made are those of the County of Mendocino unless otherwise indicated.

Sec. 20.008.015 General Terms.

- (A) "Department" means the Department of Planning and Building Services.
- (B) "Board" or "Board of Supervisors" shall have the same meaning.
- (C) "Commission" or "Planning Commission" shall have the same meaning.
- (D) "City" means any city in the County of Mendocino.
- (E) "County" means the County of Mendocino.
- (F) "Federal" means the Government of the United States of America.
- (G) "State" means the State of California.
- (H) "Used" includes "arranged for," "designed for," "occupied," or "intended to be occupied for."
- (I) "General Plan" means the Mendocino County General Plan.
- (J) "Director" means the Director of Planning and Building Services.
- (K) "Section" means a section of the Zoning Code unless otherwise indicated.

(L) "Division" means the entire Zoning Code—Division I unless otherwise indicated.

Sec. 20.008.020 Definitions (A).

(A) "Accessory building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site; i.e., private garage, storage shed, farm out buildings, etc. In no case shall such accessory structure dominate, in area, extent or purpose, the principal lawful structure or use. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy. See Chapter 20.164 Accessory Use Regulations.

(B) "Accessory Dwelling Unit-" ~~means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:~~

~~(1) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.~~

~~(2) A manufactured home, as defined in Section 18007 of the Health and Safety Code. An attached or detached residential dwelling unit in compliance with Section 20.164.015, which provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a single-family dwelling. See Chapter 20.164 Accessory Use Regulations.~~

(C) Accessory Structure. See Accessory Building.

(D) "Accessory use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.

(E) "Administrative Permit" means a permit granted pursuant to Chapter 20.192 by an agency of Mendocino County or the Zoning Administrator for a uses ~~specified as subject to an administrative permit in each zoning district of a temporary nature, a second residential unit, or farm employee housing.~~

~~(N) "Affordable Housing" means housing capable of being purchased or rented by a household with extremely low, very low, low, or moderate income based on a household's ability to make payments necessary to obtain housing. Housing is considered affordable when a household pays less than thirty-five (35) percent of its gross monthly income for housing.~~

~~(O) "Affordable Housing Unit" means a dwelling unit which meets the standards in Section 20.238 of this Code and is affordable to households having extremely low, very low, low, or moderate income.~~

~~Agricultural Employee shall have the same meaning as provided in section 1140.4(b) of the California Labor Code. See Farm Employee.~~

(G) "Airport" means any area of land, water or a structure which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(H) "Alley" means a public or private way permanently reserved as a secondary means of access to abutting property.

(I) "Amendment" means any change, modification, deletion, or addition to the wording, text or substance of the Zoning Code, or any change, modification, deletion, or addition to the application of the Zoning Code to property within Mendocino County, including any alteration in the boundaries of a zone, when adopted by ordinance passed by the Board of Supervisors in the manner prescribed by law.

(J) "Animals, large" is limited to bovine and equine animals, sheep, goats, swine and similar animals.

- (K) "Animals, small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, and other small domesticated animals other than a large animal.
- ~~(PL) "Antenna" means a device used in communications designed to radiate and/or capture electromagnetic signals.~~
- ~~(QM) "Antenna, building-mounted" means any antenna attached to and supported by a building or other structure more than ten (10) feet tall, other than an antenna tower, i.e., the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign.~~
- ~~(RN) "Antenna, roof-mounted" means an antenna directly attached to the roof of an existing building, water tank, tower or structure other than an antenna tower.~~
- ~~(SO) "Antenna tower" means any pole, tower, or other structure, over ten (10) feet tall, erected for the purpose of supporting one or more antennas.~~
- ~~(LP) "Apartment" means a portion of a building which is designed and built for occupancy by three (3) or more families living in separate dwelling units.~~
- ~~(Q) "Assisted Living Residential Care Facility" means the same as "family care home" a state-authorized, certified, or licensed family care home, foster home, group home serving six (6) or fewer mentally impaired or otherwise handicapped persons, persons recovering from alcoholism or drug addiction or dependent and neglected children. A family care home may provide care and service on a twenty-four-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such a manner that facilities, activities, or events thereon are shared by more than six (6) mentally impaired or otherwise handicapped persons or dependent and neglected children.~~
- (MR) "Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.
- ~~(N) "Affordable Housing" means housing capable of being purchased or rented by a household with extremely low, very low, low, or moderate income based on a household's ability to make payments necessary to obtain housing. Housing is considered affordable when a household pays less than thirty five (35) percent of its gross monthly income for housing.~~
- ~~(O) "Affordable Housing Unit" means a dwelling unit which meets the standards in Section 20.238 of this Code and is affordable to households having extremely low, very low, low, or moderate income.~~
- ~~(P) "Antenna" means a device used in communications designed to radiate and/or capture electromagnetic signals.~~
- ~~(Q) "Antenna, building mounted" means any antenna attached to and supported by a building or other structure more than ten (10) feet tall, other than an antenna tower, i.e., the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign.~~
- ~~(R) "Antenna, roof mounted" means an antenna directly attached to the roof of an existing building, water tank, tower or structure other than an antenna tower.~~
- ~~(S) "Antenna tower" means any pole, tower, or other structure, over ten (10) feet tall, erected for the purpose of supporting one or more antennas.~~

Sec. 20.008.022 Definitions (B).

- (A) "Bank" means an establishment for the custody, loan exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

(B) "Barn" means a building used for the shelter of livestock, the storage of agricultural products, or the storage and maintenance of farm equipment and agricultural supplies.

(C) "Battery Energy Storage System (BESS)" means a type of energy storage system that uses batteries to store and distribute energy in the form of electricity. BESS enables energy from renewables such as solar and wind to be stored and released when needed to the grid.

(GD) "Block" means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, terminus of dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

(DE) "Boarding house" means a building or portion thereof, other than an inn or hotel, where regular meals are provided to persons for compensation or profit.

(EE) Boarding Stable. See Stable.

(FG) "Building" means a structure having a roof, and which is constructed in a permanent position upon the ground and is designed and intended to be used for the shelter or enclosure of persons, animals or property. This definition does not include any type of mobile home, recreational vehicle, boat, or tent.

(GH) "Building, height of" means the vertical distance from the average ground level of the building to the highest point of the roof ridge or parapet wall.

Sec. 20.008.024 Definitions (C).

(A) Camping Area, Incidental. See Incidental Camping Area.

(B) "Campsite" means an area within an incidental camping area occupied by a camping party.

(C) "Chimney" means a hollow shaft containing one (1) or more passages vertical or nearly so, for conveying products of combustion.

(D) "Clinic" means any place, establishment or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other word or phrase of like or similar import, either independently or in connection with any other purpose, for the purpose of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances or apparatus, to persons or animals not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.

(E) "Cluster" means the grouping of dwellings or parcels in suitable areas so as to insure the preservation of the valuable site resources as opposed to even dispersal over the project area.

(F) "College" means a college, junior college or university supported by public funds, or a private college, junior college or university which gives comparable general academic instruction and degrees.

(G) "Combining district" means a district providing special regulations which supplement or add to basic zoning district regulations.

(H) "Conservation easement" means a legally drafted and recorded agreement between a landowner and the County, land trust, or other qualified organization in which the owner agrees to place certain restrictions over all or portions of his/her land in perpetuity to retain it in a predominantly natural, scenic, agriculture or other open space condition. Except for the specific restrictions contained in the easement document, the owner retains all other rights in the property. The easement stays with the land and is therefore legally binding on present and future owners.

(I) "Construction" means the placement of construction materials in their permanent position and fastened in a permanent manner.

(J) "Contract zoning" means conditions to a rezoning which are not specified in the Zoning Ordinance but which conditions are binding to both the property owner and the County.

(K) Converted Mobile Home. See Mobile Home, Converted.

(L) Community Design Guidelines. a set of standards regarding the aesthetics of development, including building appearance and character, colors, landscaping, location of parking, siting of structures on building sites, and other issues that are used to evaluate the suitability and appropriateness of individual projects in terms of overall visual appearance, capacity to unify streetscapes, expression of valued community themes, establishment of a "sense of place," and enhancement of community cohesiveness.

(LM) Corner Lot. See Lot, Corner.

(MN) "Cottage industry" means a small scale business operated in or around a residential use and which complies with Chapter 20.160.

(NO) "Co-location" means the installation of antennas operated by different entities in close proximity so that use of substantial elements of the facility such as the antenna tower, equipment shelter or fenced enclosures are shared. Co-location includes replacement of an existing tower with one capable of supporting additional antennas provided the overall height of the facility is not increased.

Sec. 20.008.026 Definitions (D).

(A) "Day Care Home - Small Family" means the same as "small family daycare home" as defined in California Health and Safety Code section 1596.78. a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care

(B) "Day Care Home - Large Family" means the same as "large family daycare home" as defined in California Health and Safety Code section 1596.78. a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

(C) "Density" means the number of dwelling units per acre or square feet.

(D) "Detached bedrooms" means a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred Fifty (150) feet from the main structure, and shall not exceed five hundred (500) square feet of floor area. See Chapter 20.164 Accessory Use Regulations.

(E) "Development agreement" means an agreement between the County and an applicant entered into pursuant to Government Code Sections 65864 through 65869.5.

(F) "Dwelling" means a building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels or boarding houses.

(G) "Dwelling, single-family" means a building containing not more than one (1) dwelling unit. Included is a converted mobile home and moveable tiny homes.

(H) "Dwelling, two family (duplex)" means a building containing two (2) dwelling units. Included is a converted mobile home.

(I) "Dwelling, multifamily (apartment)" means a building or portion thereof containing three (3) or more dwelling units.

(J) "Dwelling group" means a group of two (2) or more dwelling units located on a parcel of land which is held in one (1) ownership.

(K) "Dwelling unit" means a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen. Included in the definition of a dwelling unit is a "moveable tiny home".

Sec. 20.008.027 Definitions (E).

- (A) "Efficiency Kitchen" means a small food preparation area for a junior accessory dwelling unit or moveable tiny home that includes the following:
- (1) A cooking facility with appliances.
 - (2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. A sink with a maximum waste line diameter of one and one-half (1½) inches.
 - ~~(2) A cooking facility with appliances that do not require electrical service greater than one hundred twenty (120) volts, or natural or propane gas.~~
 - ~~(3) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.~~
- (B) "Emergency shelter" means a facility for the temporary shelter and feeding of indigents, disaster victims, or homeless persons that is limited to occupancy of six (6) months or less, as defined in Section 50801(b) of the California Health and Safety Code.
- (C) "Equity Sharing" means an agreement by which appreciation on the value of an affordable unit from the time of original purchase at an affordable price to the time of resale shall be shared between the owner and the County or its designated agency. Such an agreement will be a condition of financial assistance for income qualified households to purchase Affordable Housing Units.

Sec. 20.008.028 Definitions (F).

- (A) "Family" means one (1) or more persons occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. "Family" does not include a fraternal, religious, social or business group. ~~"Family" shall be deemed to include domestic servants employed by a family.~~
- (B) "Family care home" means the same as "Assisted Living Residential Care Facility" a state-authorized, certified, or licensed family care home, foster home, group home serving six (6) or fewer mentally impaired or otherwise handicapped persons, persons recovering from alcoholism or drug addiction or dependent and neglected children. A family care home may provide care and service on a twenty-four-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such a manner that facilities, activities, or events thereon are shared by more than six (6) mentally impaired or otherwise handicapped persons or dependent and neglected children.
- (C) "Family care institution" means a state-authorized, certified, or licensed family care home, foster home, or group home which does not qualify as a family care home.
- (D) "Family care unit" means the temporary use of a building, structure or trailer coach to provide housing for:
- (1) Not more than two (2) adult persons who are sixty (60) years of age or older; or
 - (2) An immediate family member or members who require daily supervision and care; or
 - (3) A person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.
- (E) "Farm employee" means the same as "agricultural employee" as defined in section 1140.4(b) of the California Labor Code. ~~any person who derives employment in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and the preparation of farm products for market and delivery to storage or to market or to carriers for transportation to market. "Farm Employee" does not include persons solely engaged in construction, alteration, painting, or repair of a structure, logging, brush or timber clearing, land grading or leveling or land~~

~~surveying, unless they are providing substantial improvements to the property and enhancing resource production.~~

- (F) "Flood plain" means an area subject to temporary inundation of normally dry land lying outside the normal stream channel as a result of one (1) or more of the following occurrences or conditions: the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
- (G) "Floor area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the roof or floor above.
- (H) "Floor area, gross" means the total floor area including public areas such as hallways, lobbies, wash rooms, related storage areas and service rooms or areas, plus work areas, office space and sales floor.
- (I) "Floor area ratio" means the ratio of total building floor area to total site area, is a commonly used measure of commercial and industrial development intensity. It is typically expressed as a decimal, i.e. 0.50.
- (J) Freestanding sign. See Sign, Freestanding.
- (K) "Frontage" means that portion of a property line which abuts a legally accessible street right-of-way.
- (L) Front Yard. See Yard, Front.

Sec. 20.008.030 Definitions (G).

- (A) "Garage, private" means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.
- (B) "Garage, public" means a building other than a private garage in which spaces or stalls are rented to the public for the shelter or storage of private automobiles and other forms of private transportation or recreational vehicles, and which may include as a use incidental thereto, the storage of personal effects and personal household articles.
- (C) "Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- (D) Gross Floor Area. See Floor Area, Gross.
- (E) "Guest cottage" means a detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without wet bar or kitchen or any provision for appliances for the storage and preparation of food, clearly subordinate and incidental to the primary dwelling on the same lot, and intended for use without compensation by guests of the occupants of the primary dwelling.

Sec. 20.008.032 Definitions (H).

- (A) "Home occupation" means an occupation which is accessory and incidental to a residential use and conducted entirely within the dwelling unit or accessory building(s) located on the premises. See Chapter 20.156, Home Occupations.
- (B) "Hospital" means an institution which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to injured persons and which maintains and operates twenty-four (24) hour inpatient services for the diagnosis and treatment of patients. Any hospital shall be so licensed by the State Department of Health.
- (C) "Hotel" means any building or portion thereof containing three (3) or more guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation.

- (D) "Household" means all the persons related, or unrelated, who occupy a single dwelling unit. Persons not living in households are classified as living in group quarters.
1. "Extremely Low-income Household" means a household with an annual income less than 30 percent of County mean income, adjusted by household size, as determined by the California State Department of Housing and Community Development.
 2. "Very Low-income Household" means a household with an annual income no greater than 50% of the County median income, adjusted by household size, as determined by the California State Department of Housing and Community Development.
 3. "Low-income Household" means a household with an annual income of at least 50% of the County median income, but less than 80% of the County median income, adjusted by household size, as determined by the California State Department of Housing and Community Development.
 4. "Moderate-income Household" means a household with an annual income of at least 80% of the County median income but less than 120% of the County median income, adjusted by household size, as determined by the California State Department of Housing and Community Development.
- (E) "Household pets" means animals or fowl ordinarily permitted in the house and kept for company or pleasure and not for profit such as dogs, cats, and birds but not including a sufficient number of animals to constitute a kennel.

Sec. 20.008.034 Definitions (I).

- (A) "Incidental camping area" means any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes and where one (1) or more campsites used for camping are rented or leased or held out for rent or lease.
- (B) "Inclusionary Unit" means an affordable housing unit required to be provided by the developer of a residential housing project pursuant to the requirements of Section 20.238 of this code.
- (C) "Inn" means any building or portion thereof or group of buildings containing three (3) or more guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit, and where regular meals are provided for compensation or profit.

Sec. 20.008.036 Definitions (J).

- (A) ~~"Junior Accessory Dwelling Unit-" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. A living space not exceeding five hundred (500) square feet in size and contained entirely within a fully permitted single-family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing structure. See Chapter 20.164 Accessory Use Regulations.~~
- (B) "Junkyard" means any land, lot or portion thereof where there is more than: (1) one hundred (100) square feet for parcels less than forty thousand (40,000) square feet; or (2) four hundred (400) square feet for parcels greater than forty thousand (40,000) square feet of waste, discarded or salvaged materials bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, and including used furniture and household equipment yards, house wrecking yards, used lumber yards, and the like; excepting a site on which such uses are conducted within a completely enclosed structure.

Sec. 20.008.038 Definitions (K).

- (A) "Kennel" means any lot, building, structure, enclosure or premises whereupon or wherein are kept seven (7) or more dogs, cats or similar small animals over eight (8) weeks of age, in any

combination, for more than ten (10) days, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire.

- (B) "Kitchen" means any room or portion of a building used or intended or designed to be used for cooking or the preparation of food, including any room having a sink and cooking stove that has a flat top with plates or racks to hold utensils over flames or coils.

Sec. 20.008.040 Definitions (L).

- (A) "Large family daycare home" means the same as "large family daycare home" as defined in California Health and Safety Code section 1596.78.
- (B) "Live/work space" means a space where personal living space and professional workspace is combined in such a way that neither is compromised, such as in an artist's studio or where a loft or apartment is built above a store and/or office.
- (~~BC~~) "Live-work use" means a type of residential use that physically integrates the resident's commercial or manufacturing workspace within the same building or site.
- (D) "Living area" means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure.
- (~~GE~~) "Living unit" means any building or vehicle designed or used for human habitation, including, but not limited to a dwelling, guest house, accessory living quarters, farm employee housing, farm labor camp, or mobile home.
- (~~DF~~) Lodging House. See Hotel.
- (~~EG~~) "Lot" means a parcel or real property which, upon application, is eligible for a Certificate of Compliance.
- (~~FH~~) "Lot area" means the total area, within the boundary lines of a lot, exclusive of easements as required in the County Division of Land Regulations.
- (~~G~~) "Lot, corner" means a lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.
- (~~HJ~~) "Lot coverage" means the percentage of net site area covered by the vertical projection of any structure.
- (~~IK~~) "Lot, double frontage" means a lot fronting on two (2) parallel or approximately parallel streets.
- (~~JL~~) "Lot depth" means the horizontal length of a straight line connecting the mid points of the front and rear lot lines.
- (~~KM~~) "Lot line, front" means the front of a lot shall be that face of a lot that abuts on a street: in the case of a double frontage road and a corner lot, the face abutting on either street. In a case of irregular frontage or access, the front lot line shall be determined by the Planning and Building Services Director.
- (~~LN~~) "Lot line, rear" means the most distant lot line opposite and parallel to the front lot line; in the case of an irregular lot, the line most closely paralleling the front lot line.
- (~~MO~~) "Lot line, side" means any lot line other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.
- (~~NP~~) "Lot, key" means an interior lot adjacent to a corner lot, the side line of which is contiguous with the rear lot line of the corner lot.
- (~~OQ~~) "Lot, width" means the horizontal distance between side lot lines measured at the front yard setback line.
- (R) "Low Barrier Navigation Center" means the same as defined in California Government Code section 65660(a).

Sec. 20.008.042 Definitions (M).

- (A) "Main building" means a building which is devoted primarily to a principal use or uses; or, the only building on a lot or building site.
- ~~(B) Major Use Permit. See Use Permit, Major.~~
- ~~(C) "Market Rate" means not restricted to an "affordable" housing price as defined in section 20.008.020 of this document, or an affordable rent.~~
- ~~(D) Minor Use Permit. See Use Permit, Minor.~~
- (C) "Mixed Use" means the development of any permitted residential use in conjunction with at least one (1) commercial or civic use type within the same building, either vertically (i.e., different uses located on separate floors) or horizontally (i.e., different uses located side-by-side on the same floor), or in multiple buildings, located on one (1) or more parcels, that are developed with shared site improvements such as pedestrian walkways, landscaping, public spaces (e.g., courtyards and plazas), and vehicle parking and circulation.
- (D) Intentionally omitted.
- (E) "Mixing plant" means plant for mixing concrete or asphalt products (including batch plants).
- (F) "Mobile home" means a transportable structure built on a chassis for movement, and designed to be used as a dwelling without permanent foundation when connected to the required utilities. No such structure shall be deemed to be a mobile home which is less than eight (8) feet wide or forty (40) feet in length.
- (G) "Mobile home, converted" means a mobile home, certified under the National Mobile Home Construction and Safety Standards Act of 1974, on a foundation system pursuant to Section 18551 of the California Health and Safety Code.
- (H) "Mobile home lot" means an area or tract of land or portion of a mobile home park designated or used for one (1) mobile home.
- (I) "Mobile home park" means an area or tract of land where two (2) or more mobile home lots are rented or leased or held for rent or lease to accommodate mobile homes for human habitation; provided that mobile home park does not include:
- (1) Premises on which any trailer coaches are parked for inspection and sale;
 - (2) Premises on which all but one (1) of the trailer coaches are used exclusively for temporary uses pursuant to Temporary Use Regulations in Chapter 20.168.
 - (3) Premises on which all but one (1) of the trailer coaches are used exclusively to provide farm employee housing or as a farm labor camp.
- (J) "Mobile home park, standard" means a mobile home park developed pursuant to the regulations of Chapter 20.172.
- (K) "Model home" means an unoccupied dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental for the first time in a particular subdivision or other residential development which may be comprised of one (1) family, two (2) family, or multiple dwellings, or a combination thereof.
- (L) "Motel" means any building or portion thereof or group of buildings containing three (3) or more guest rooms or suites where such rooms or suites are directly accessible from an outdoor parking area and where each is used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit.
- (M) "Moveable Tiny Home" means a dwelling unit utilized as a single family dwelling unit or accessory dwelling unit which complies with the standards found in Chapter 20.170.

Sec. 20.008.044 Definitions (N).

- (A) Nonconforming Sign. See Sign, Nonconforming.
- (B) Nonconforming Structure. See Structure, Nonconforming.
- (C) Nonconforming Use. See Use, Nonconforming.

(D) "Nonconforming Zoning Condition" means a physical improvement on a property that does not conform to current zoning standards.

(DE) Nonoperating Vehicles, Storage of. See Storage of Nonoperating Vehicles.

Sec. 20.008.046 Definitions (O).

- (A) "Off-site service providers" means businesses where the primary activity is conducted off-premises from the location of the business office or equipment, vehicle, or supply storage. Such business may include but is not limited to contractors, tradespeople, equipment servicers, or instructors.
- (B) Off-Site sign. See Sign, Off-Site.
- (C) On-Site sign. See Sign, On-Site.
- (D) "Open space easement" means an easement established pursuant to Section 51050 or Section 51080 of the Government Code or an easement which ensures the permanent retention of land in open space.
- (E) "Organized camp" means a site with program and facilities established for the primary purpose of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives for five (5) days or more during one (1) or more seasons of the year.

The criteria to be used in identifying an organized camp are as follows:

- (1) Camp is located on a permanent site;
- (2) Camp has a well-defined program of organized supervised activity in which campers are required to participate;
- (3) There is present at the camp a qualified program director and a staff adequate to carry out the program;
- (4) A major portion of daily program activities are out of doors;
- (5) Establishments which rent or lease facilities on an individual, family, or group basis for the principal purpose of sporting or other unorganized recreational activities should be considered an organized camp;
- (6) Camps operated by organizations such as the Y.M.C.A., Y.W.C.A., Girl Scouts of America, Boy Scouts of America, Camp Fire Girls, Salvation Army, etc., are true prototypes of organized camps. Membership in one (1) of the following organizations is indicative of status as an organized camp:
 - (a) The American Camping Association,
 - (b) The Christian Camp and Conference Association,
 - (c) The California Association of Private Camps,
 - (d) The Association for Outdoor Education Inc., or
 - (e) Other similar camping associations.
- (F) "Original jurisdiction" refers to either the Zoning Administrator, Planning Commission or Board of Supervisors, whichever body has the initial authority to take action for approval or denial, regardless if that action is appealable or final.
- (G) "Owner Occupied Unit" means a unit that is the primary residence of its owner.

Sec. 20.008.048 Definitions (P).

- (A) "Parcel" means a unit of land or lot which, upon application, is eligible for a Certificate of Compliance.
- (B) "Parcel group" means a cluster of parcels, the maximum number determined by General Plan density.
- (C) "Parking space" means an unobstructed space or area at least nine (9) by twenty (20) feet, other than a street or alley which is permanently reserved and maintained for the parking of one (1) motor vehicle.
- (D) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (DE) "Permitted Use." For the purpose of this Division, a "permitted use" in any district shall include any use listed as a Permitted Use and shall further include uses subject to an Administrative Permit and uses subject to a Minor Use Permit and uses subject to a Major Use Permit for the particular district provided a use permit is obtained.
- (EF) "Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit.
- (FG) "Planned development" means the development of parcels in a single ownership, which are suitable for and of sufficient acreage to contain a planned community or development; or parcels in multiple ownerships, which are determined to have development limitations, and require that improvement plans be prepared before divisions of land occur, or use permits are approved.
- ~~(G) "Promises" means a lot, or contiguous lots or portions thereof with functions, characteristics or uses uncommon to the remainder of the lot or lots.~~
- (H) Portable Sign. See Sign, Portable.
- (I) ~~"Principal use(s)" means the primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed. "Preliminary Development Plan" means a land use diagram that shows the proposed mixed use project will not prevent orderly future development of any undeveloped portion of the project parcel(s). This plan includes the general location and type of possible future uses, circulation, and utilities outside of the project area and shows the project's relationship with the remainder of the site as well as existing development on adjoining lots and streets.~~
- (J) "Premise" means a lot or contiguous lots or portions thereof with functions, characteristics or uses uncommon to the remainder of the lot or lots.
- (K) ~~(G) "Premises" means a lot, or contiguous lots or portions thereof with functions, characteristics or uses uncommon to the remainder of the lot or lots.~~
- (KL) Principal use(s)" means the primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.
- (LM) Private Garage. See Garage, Private.
- (LN) Projecting Sign. See Sign, Projecting.
- (O) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (MP) Public Garage. See Garage, Public.
- (NQ) Public Stable. See Stable, Public.

Sec. 20.008.050 Definitions (R).

- (A) "Recreational vehicles" means a motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, which is less than eight (8) feet wide or forty (40) feet in length.
- (B) "Recreational vehicle park" means an area where one (1) or more camping spaces are rented or leased or held for rent or lease for compensation or profit to owners or users of recreational vehicles or tents and which is intended to be occupied by one (1) or more camping party.
- (C) "Recycling centers" means places of business or public facilities for the collection or processing of recyclable materials which comply with Section 20.024.105.
- (D) "Recyclable material" means reusable material, including but not limited to metals, glass, plastic, or paper which are intended for reuse, reconstitution or remanufacture for the purpose of reusing the altered form. Recyclable materials does not include refuse or hazardous materials except as specifically allowed by a particular use type.
- (E) "Redemption centers" means small collection centers not exceeding three thousand (3,000) square feet for the acceptance and temporary storage of redeemable materials from the public by donation, redemption or purchase, which complies with Section 20.024.107.
- (F) "Refuse disposal site" means an area devoted to the collection, disposal, incineration or transfer of solid waste. Refuse disposal site includes sanitary landfills, transfer stations and containers sites, processing for efficient shipping, disposal or transfer, and accessory recycling and resource recovery facilities and uses.
- (G) "Rental Unit" means a housing unit that is occupied by a party or household that is not its owner, and who pays a fee for the use of the unit.
- (H) "Residential parcel (high density)" means parcels zoned S-R, R-1, R-2, R-3, R-R: L-I or R-C.
- (I) "Resort and recreational facilities" means an establishment comprised of permanent structures offering meals and lodging facilities for temporary or seasonal occupancy, defined as thirty (30) days or less and subject to Mendocino County Code Chapters 5.20 and 6.04, and having recreational facilities for one (1) or more activities such as water sports, tennis, golf, riding, hiking, hunting, fishing or similar uses.
- (J) Roof Sign. See Sign, Roof.
- (K) "Room and Board" means the renting of not more than two (2) rooms for occupancy by transient guests for compensation or profit.

Sec. 20.008.052 Definitions (S).

- (A) ~~(1)~~ "School" means a building or group of buildings which are used or intended to be used for occupancy and use by teachers and students engaged in the process of learning and the pursuit of knowledge. A public school is a free tax supported school controlled by a governmental authority.
- (B) ~~(2)~~ "Seat" or "seating area" means the actual seating capacity of an area based on the number of seats or one (1) seat per eighteen (18) inches on a bench or pew.
- ~~(C)~~ ~~(3)~~ "Second Residential Unit" means either a detached or attached dwelling unit, including a mobile home, which provides complete independent living facilities for one(1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as the primary unit is situated.
- ~~(C)~~(D) "Setback" means a required, specified distance between a building or structure and a lot line or lines, measured perpendicularly to the lot line in a horizontal plane extending across the complete length of said lot line or lines.

~~(D)~~(E) ~~(4)~~ — "Setback, front yard" means the building or structure setback applicable in the front yard of a lot.

~~(E)~~(F) ~~(5)~~ — "Setback, rear yard" means the building or structure setback applicable in the rear yard of a lot.

~~(F)~~(G) ~~(6)~~ — "Setback, side yard" means the building or structure setback applicable in the side yard of a lot.

~~(G)~~(H) ~~(7)~~ — "Shopping center" means any combination of three (3) or more separately owned or leased and operated retail businesses on a single or commonly owned or leased parcel, or a commercial complex including five (5) or more uses occupying a site of at least two (2) acres. A group of contiguous retail stores, service facilities and related uses utilizing common facilities such as parking, landscaping, signing and loading areas. This group does not necessarily have to be in one (1) ownership.

~~(H)~~(I) ~~(8)~~ — "Sign" means any metal, wood, paper, cloth, plastic, paint, material, structure or part thereof, device or other thing whatsoever which is located upon, placed, erected, constructed, posted, painted, tacked, nailed, glued, stuck, carved, fastened or affixed to any building or structure, on the outside or inside of a window or on any awning, canopy, marquee or similar appendage, or on the ground or on any tree, wall, bush, rock, post, fence or other thing whatsoever in such a manner as to be visible out-of-doors and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol device, light, illuminated device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry. "Sign" shall include any portable sign.

~~(I)~~(J) ~~(9)~~ — "Sign area" means the entire area within the smallest parallelogram, triangle, circle, or combination thereof, which can be delineated so as to encompass the extreme limits of all elements comprising an integral part of a sign display, including any frame or border, but not including essential structural elements, unless it is determined that such structural elements are an integral part of the total sign display; provided, however, that where the surface or face of a sign is curved, spherical, cylindrical or any other similar form, the area of such sign shall be computed on the basis of the projected configuration of that surface or face. The area of any double-faced sign shall be the area of the single face, unless otherwise provided. All other multiple-faced signs shall be the total area of all faces or panels. Sign area as it pertains to sign copy shall mean and be computed as the entire area within the smallest continuous perimeter of not more than eight (8) straight lines encompassing the extreme limit of all of the sign copy of a sign. In the case of a sign composed of individual letters or other devices mounted on a building wall, the copy area of such sign shall be the sum of the areas of the smallest rectangles encompassing each of the individual letters or other devices which comprise the sign copy.

~~(J)~~(K) ~~(10)~~ — "Sign face" means the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

~~(K)~~(L) ~~(11)~~ — "Sign, freestanding" means any sign mounted upon its own standard which is supported wholly by structural anchorage to the ground, or mounted upon any accessory structure which does not constitute a building; provided, however, that any such sign which projects over the roof of a building shall be considered to be a freestanding sign.

~~(L)~~(M) ~~(12)~~ — "Sign height" means the highest point of any sign face or structural support members, whichever is the greater.

~~(M)~~(N) ~~(13)~~ — "Sign, nonconforming" means a sign lawfully erected, established, and maintained prior to the effective date of the code codified in this Division, which because of the application of this Division, does not conform to applicable regulations.

~~(N)~~(O) ~~(14)~~ — "Sign, off-site" means any sign as herein defined other than an on-site sign.

~~(O)~~(P) ~~(15)~~ — "Sign, on-site" means any sign which pertains and is accessory to a business or industrial use located on the same lot or which offers a lot or portion thereof for sale or lease.

~~(P)~~(Q) ~~(16)~~ — "Sign, portable" means a sign and its supporting structure not permanently affixed to the ground or any structure, or a sign located upon a vehicle or trailer placed or parked so as to be visible from the public right-of-way, for the basic purpose of providing advertisement of products or directing people to a business or activity. Portable signs shall not include business identification signs on vehicles, the primary purpose of which is identifying the business owning or operating the vehicle.

~~(Q)~~(R) ~~(17)~~ — "Sign, projecting" means any sign other than a wall sign which is attached to and projects from the wall or face of a building or structure including a marquee sign.

~~(R)~~(S) ~~(18)~~ — "Sign, roof" means any sign erected, painted upon, against, or directly above a roof or on top of or above the parapet of a building, and which is supported wholly or in part by said building. Any sign mounted upon its own standard which is supported wholly by structural anchorage to the ground, or mounted upon any accessory structure which does not constitute a building, shall be considered a roof sign where such sign projects over the roof of a building.

~~(S)~~(T) Any roof, the slope of which varies not more than forty-five (45) degrees from a vertical plane, shall be considered wall space for the purpose of placement of wall signs.

~~(T)~~(U) ~~(19)~~ — "Sign, wall" means any sign painted or mounted on a wall or of solid construction located as to be approximately parallel with the face of a building not to extend eighteen (18) inches from the face of a building or structure.

~~(V)~~ ~~(20)~~ — Single-Family Residence. See Dwelling, Single-Family.

~~(U)~~(W) "Small family daycare home" means the same as "small family daycare home" as defined in California Health and Safety Code section 1596.78.

~~(V)~~(X) ~~(21)~~ — "Stable" means a stable used for the boarding, breeding, training, or raising of horses, including horses not owned by the occupants of the premises.

~~(W)~~(Y) ~~(22)~~ — "Stable, public" means a stable or arena used for the riding, training and performing of horses by other than the occupants of the premises or their nonpaying guests, but excluding boarding or breeding stables.

~~(X)~~(Z) ~~(23)~~ — Standard Mobile Home Park. See Mobile Home Park, Standard.

~~(Y)~~(AA) ~~(24)~~ — "Storage of nonoperating vehicles." The storage of "nonoperating motor vehicles" shall not include automobile wrecking. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which no parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of the storage of nonoperating motor vehicles.

~~(Z)~~(BB) ~~(25)~~ — "Street" means a County road, State highway, public road, street or alley, or private thoroughfare or easement not less than ten (10) feet in width connecting with a County road, State highway, public road, street or alley which affords primary access to an abutting lot.

~~(AA)~~(CC) ~~(26)~~ — "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters.

~~(BB)~~(DD) ~~(27)~~ — "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground; excepting tents, recreational vehicles and fences less than six (6) feet in height.

~~(CC)~~(EE) ~~(28)~~ — "Structure, nonconforming" means a building, structure or facility, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is located.

~~(DD)~~~~(FF)~~ ~~(29)~~—"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, and that is linked to on-site 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, as defined in Section 50675.14 of the California Health and Safety Code. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

~~(EE)~~~~(GG)~~ ~~(30)~~—"Swap lot" means a building, structure, enclosure lot or other area into which persons are admitted to display, exchange, barter, sell or bargain for new or used merchandise.

~~(FF)~~~~(HH)~~ ~~(31)~~—"Swimming pool" means a pool, pond, or open tank, capable of containing water to a depth greater than one and one-half (1½) feet at any point and designed or used for wading or swimming.

Sec. 20.008.054 Definitions (T).

(A) "Tandem Parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(B) "Tasting room" means an area devoted to the sampling and sales thereof of wine or beer produced on or off the premises. Sale of food is prohibited, however, the incidental provision of food without compensation is allowed.

~~(BC)~~ "Timberland" means privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least fifteen (15) cubic feet per acre.

~~(GD)~~ "Trailer coach" means any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional or commercial purposes and shall include mobile home and recreational vehicle.

~~(DE)~~ "Transient Guest" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

~~(F)~~ "Transient Habitation" means establishments primarily engaged in the provision of lodging services for a period of thirty (30) consecutive calendar days or less with incidental food, drink and other sales and services intended for the convenience of guests.

~~(DG)~~ "Transitional housing" means rental housing 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 (6) months, and in no case more than two (2) years, as defined in Section 50675.2 of the California Health and Safety Code. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

~~(EH)~~ Travel Trailer. See Recreational Vehicle.

Sec. 20.008.056 Definitions (U).

(A) "Uniform Building Code (UBC)" means the UBC in use by Mendocino County.

(B) "Usable open space" means one (1) or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor recreation.

(C) "Use" means the purpose for which land or a building is occupied, arranged, designed or intended, or which land or a building is or may be occupied or maintained.

(D) Use, Accessory. See Accessory Use.

- (E) "Use classification" means a system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: Residential, Civic, Commercial, Industrial, Agricultural, and Extractive.
- (F) Use Group. See Use Classification.
- (G) "Use, nonconforming" means the use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is located: Eligibility shall include one (1) of the following permits issued prior to March 24, 1982:
 - (1) Prior Use Permit;
 - (2) County Business License;
 - (3) State Resale Permit.
- (H) "Use Permit" means a permit which may be granted by the appropriate Mendocino County authority to provide for the accommodation of land uses with special site or design requirements, operation characteristics, or potential adverse effects on surroundings, which are not permitted by right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.
- ~~(I) "Use Permit, Major" means use permit under the original jurisdiction of the Planning Commission.~~
- ~~(J) "Use Permit, Minor" means use permit under the original jurisdiction of the Zoning Administrator.~~
- ~~(K)~~ Use Type. See Use Classification.

Sec. 20.008.058 Definitions (V).

- (A) "Variance" means a departure from the specific requirements, excluding uses, of the Zoning Code which may be granted by the appropriate Mendocino County authority when the literal enforcement of these requirements would result in practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Division.

Sec. 20.008.060 Definitions (W).

- (A) Wall Sign. See Sign, Wall.
- (B) "Wireless communication facility" means structures and/or equipment, including antennas, antenna towers, equipment cabinets, buildings, generators, fencing, access roads and the land upon which they are situated, associated with wireless communications.

Sec. 20.008.062 Definitions (Y).

- (A) "Yard" means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except as otherwise provided by this Division, on the lot on which a building is situated.
- (B) "Yard, front" means the yard between a front lot line or lines and the line defined by the required front yard setback extending to the side lot lines.
- (C) "Yard, rear" means the yard between a rear lot line or lines and the line defined by a required rear yard setback extending to the side lot lines.
- (D) "Yard, side" means the yard between a side lot line or lines and the line defined by a required side yard setback, extending from the front yard to the rear yard.
- (E) "Yard, side, exterior" means a side yard abutting a street.
- (F) "Yard, side, interior" means any side yard other than an exterior side yard.

Sec. 20.008.064 Definitions (Z).

- (A) "Zone" means an area to which a uniform set of regulations relating to use of the land and the size of and location of buildings on the land, in order to assure the health, safety and general welfare of the County applies.
- (B) "Zoning Administrator" means the Planning and Building Services Director or designated representative who shall have authority to render decisions on ~~minor use permits, variances and~~ administrative permits.
- (C) "Zoning Map" means a map displaying zone district boundaries which is kept and maintained by the Planning and Building Services Department.

CHAPTER 20.020 CIVIC USE TYPES

Sec. 20.020.005 General Description of Civic Use Types.

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance. They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations.

Sec. 20.020.010 Administrative Services Government.

"Administrative services government" means consulting, recordkeeping, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include Federal, State, County, city or special district offices.

Sec. 20.020.015 Ambulance Services.

"Ambulance services" means transportation of ill or injured persons to and from treatment facilities together with incidental storage and maintenance of necessary vehicles.

Sec. 20.020.020 Cemetery.

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Sec. 20.020.025 Clinic Services.

"Clinic services" means providing nonprofit medical services to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement.

~~Sec. 20.020.023 Child Day Care Facility.~~

~~Child Day Care Facility means a facility that provides for non-medical care for children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24 hour basis. Child day facility includes day care centers, nurseries, employer-sponsored childcare and family day care homes.~~

Sec. 20.020.030 Community Recreation.

"Community recreation" means recreational, social or multipurpose uses owned or operated by a public entity. Typical uses include public parks, sports facilities, senior citizen centers, nature centers, teen centers, playhouses, auditoriums and recreational centers.

Sec. 20.020.035 Cultural Exhibits and Library Services.

"Cultural exhibits and library services" means nonprofit, museum-like preservation and exhibition of objects of permanent interest in one (1) or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.

Sec. 20.020.040 ~~Day Care Facilities~~/Small Schools.

~~"Day Care Facility/Small schools" means care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap but excluding overnight care or uses classified as group care or other facilities exempted by the California Health and Safety Code, e.g. Day Care Homes-- Small and Large, or major impact services and utilities. A Day Care Home--Large is subject to an~~

~~Administrative Permit in all zoning districts that permit the Family Residential use types. Typical uses include day nurseries for children, child day care facilities, or day care for elderly, and small schools.~~

Sec. 20.020.045 Educational Facilities.

"Educational facilities" means public and private schools providing education for more than twenty-five (25) persons.

Sec. 20.020.050 Essential Services.

"Essential services" means services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.

Sec. 20.020.055 Fire and Police Protection Services.

"Fire and police protection services" means facilities for conduct of public safety services, including police and fire protection services.

Sec. 20.020.060 Group Care.

"Group care" means services provided in facilities authorized, certified or licensed by the State to provide board, room and personal care to seven (7) or more, but not to exceed twenty-five (25) elderly, or mentally impaired or otherwise handicapped persons or dependent and neglected children but excluding those uses classified under major impact services and utilities. Typical uses include emergency shelters, intermediate care facilities and rest homes.

Sec. 20.020.065 Lodge, Fraternal and Civic Assembly.

"Lodge, fraternal and civic assembly" means meetings and activities conducted primarily for their members by nonprofit organizations which are tax exempt pursuant to Section 501(c) of the Internal Revenue Code. Excluded from this use type are uses classified as group care, or transient habitation (all types). Typical uses include meeting places for civic clubs, grange halls, lodges, or fraternal or veterans organizations.

Sec. 20.020.070 Major Impact Facilities.

"Major impact facilities" means services or facilities which may have a substantial impact. Typical uses include airports, hospitals, group care for more than twenty-five (25) persons, detention and correction institutions, and corporation yards.

Sec. 20.020.075 Major Impact Services and Utilities.

"Major impact services and utilities" means services or utilities which may have a substantial impact. Such uses may be conditionally permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are power generating facilities, **Battery Energy Storage Systems**, sewage disposal facilities, septage disposal facilities and sites, sanitary landfills and water treatment plants, and radio, telephone and other commercial communication transmission towers and antennas.

Sec. 20.020.080 Minor Impact Utilities.

"Minor impact utilities" means public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations and transmission distribution lines. Radio, telephone and other commercial communication transmission towers and antennas are not included.

Sec. 20.020.085 Religious Assembly.

"Religious assembly" means religious services involving public assembly such as customarily occurs in synagogues, temples, and churches.

CHAPTER 20.080 R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 20.080.005 Intent.

This district is intended to create and enhance areas suitable for higher density residential uses, and for professional offices and institutional uses.

Sec. 20.080.010 Permitted Uses.

The following use types are permitted in the R-3 District:

(A) Residential Use Types (See Chapter 20.016).

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family residential—multi-family;

Low Barrier Navigation Center

Supportive Housing;

Transitional Housing.

(B) Civic Use Types (See Chapter 20.020).

Administrative services, government;

Clinic services; Community recreation;

Cultural exhibits and library services;

~~Day care facilities/small schools;~~

Essential services;

Fire and police protection services;

Group care;

Lodge, fraternal and civic assembly;

Minor impact utilities;

Religious assembly;

Small schools.

(C) Commercial Use Types (See Chapter 20.024).

Administrative and business offices;

Community recreation—outdoor sports and recreation;

Medical services;

Personal services;

Transient Habitation—Low Intensity Camping.

(D) Agricultural Use Types (See Chapter 20.032).

Animal raising—personal;

Forest production and processing—limited;

Horticulture;

Packing and processing—limited;
Row and field crops;
Tree crops.

(E) Accessory uses as provided in Chapter 20.164.

Sec. 20.080.015 Uses Subject to a ~~Minor Use~~ an Administrative Permit.

The following use types are permitted in the R-3 District upon issuance of a ~~Minor Use~~ an Administrative Permit:

(A) Residential Use Types (See Chapter 20.016).

Family residential—single family;*

Family residential—two family;*

~~*(The above use types may be permitted with an Administrative Permit if the subject property can be shown to have development constraints such as size, topography, or infrastructural deficiencies such as water or sewer availability. The purpose of this provision is to preserve the intent of the multi-family zoning designation.)~~

Family residential—dwelling groups.

(B) Civic Use Types (See Chapter 20.020).

Cemetery.

(C) Commercial Use Types (See Chapter 20.024).

Automotive and equipment—parking.

Sec. 20.080.020 Uses Subject to a ~~Major Use~~ Permit.

The following use types are permitted in the R-3 District upon issuance of a ~~major~~-use permit:

(A) Residential Use Types (See Chapter 20.016).

Mobile home ~~residential~~park.

(B) Civic Use Types (See Chapter 20.020).

Educational facilities;

Major impact facilities;

Major impact services and utilities.

(C) Commercial Use Types (See Chapter 20.024).

Commercial recreation—indoor entertainment;

Transient habitation—campground;

Transient habitation—lodging (limited).

(D) Extractive Use Type (See Chapter 20.036).

Mining and processing.

Sec. 20.080.025 Minimum Lot Area.

(A) For parcels within water and sewer districts:

4,000 square feet for mobile home parks;

6,000 square feet for all other residential use.

(B) For parcels within water or sewer districts: 12,000 square feet.

(C) For parcels not in a water or sewer district: 40,000 square feet.

~~Six thousand (6,000) square feet. Four thousand (4,000) square feet for mobile home parks and manufactured home subdivisions.~~

Sec. 20.080.030 Maximum Dwelling Density.

(A) For parcels within water and sewer districts:

Single-family and Mobile Home Parks: one (1) unit per four thousand (4,000) square feet.

Two-family; multi-family: one (1) unit per one thousand five hundred (1,500) square feet.

(B) For parcels within water or sewer districts:

Single-family: one (1) unit per twelve-thousand (12,000) square feet.

Two-family; Multi-family: one (1) units per twelve-thousand (12,000) square feet.

(C) For parcels not in a water or sewer district:

Single-family: one (1) unit per 40,000 square feet.

Two-family; Multi-family: not permitted.

~~(A) Single-family; Mobile Home Residential: one (1) unit per four thousand (4,000) square feet.~~

~~(B) Two-family; Multifamily Residential: one (1) unit per one thousand five hundred (1,500) square feet.~~

Sec. 20.080.035 Minimum Front and Rear Yards.

Twenty (20) feet each. See setback exceptions in section 20.152.015.

Sec. 20.080.040 Minimum Side Yards.

Six (6) feet each. See setback exceptions in section 20.152.015.

Sec. 20.080.045 Building Height Limit.

Fifty (50) feet. See height exceptions in section 20.152.025.

NEW! CHAPTER 20.166 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sec. 20.166.005 Purpose and Intent.

This chapter establishes regulations and a ministerial review process for Accessory Dwelling Units (ADU). Accessory dwelling units are intended to expand housing opportunities for low income and moderate income or elderly households by increasing residential units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

Sec. 20.166.010 Applicability.

This chapter applies to all accessory dwelling units and Junior Accessory Dwelling Units (JADU) as defined. Accessory dwelling units and junior accessory dwelling units are permitted by right in any zoning district which permits single-family or multi-family homes and do not exceed allowable density for the lot upon which it is located.

Sec. 20.166.015 Permits and Approval.

- (A) Ministerial Action. Approval or denial of an accessory dwelling unit or junior accessory dwelling unit is a ministerial action and subject to compliance with the standards in this chapter and all other applicable codes.
- (B) Building Permit. All accessory dwelling units or junior accessory dwelling units shall require a building permit, subject to all the standard application and processing fees and procedures that generally apply to building permits. No other planning-related permit is required.
- (C) Issuance of Permit. The County shall issue a building permit within sixty (60) calendar days from the date on which the County received a completed application, unless either:
 - (1) The applicant requests a delay, in which case the sixty (60) -day time period is put on hold for the period of the requested delay; or
 - (2) The application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with an application to create a new single-family dwelling unit on the parcel. The County may delay acting on the accessory dwelling unit or junior accessory dwelling unit application until such time as the new single-family dwelling unit is approved.
 - (3) If the County has not approved or denied the completed application within 60 days, the application shall be deemed approved.
- (D) The County shall not deny an application for a permit to create an accessory dwelling unit or junior accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit or junior accessory dwelling unit.

Sec. 20.166.020 Types of Accessory Dwelling Units.

- (A) Attached Accessory Dwelling Unit. An accessory dwelling unit that is attached to an existing or proposed primary dwelling including attached garages, storage areas or similar uses, such as through a shared wall, floor, or ceiling. An attached accessory dwelling unit can be created by converting a portion of an existing primary dwelling, by constructing a new primary dwelling which includes an accessory dwelling unit, or by constructing an addition to an existing primary dwelling. See Figure 20.166-A below.
- (B) Detached Accessory Dwelling Unit. An accessory dwelling unit that is physically detached or separated from the primary dwelling. A detached accessory dwelling unit includes a second-story addition above an existing detached structure. A detached accessory dwelling unit can be new construction or the conversion or expansion of an existing accessory structure. See Figure 20.166-A below.

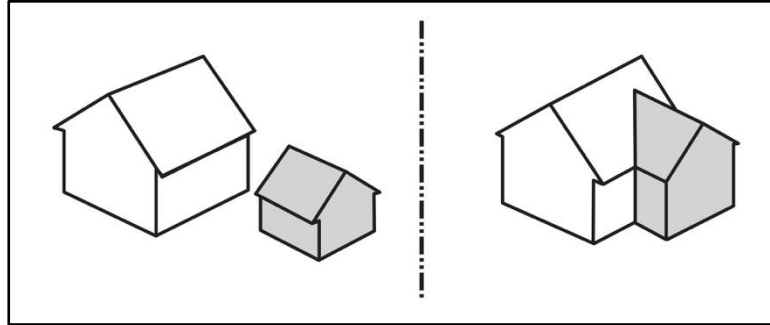


Figure 20.166-A – Accessory Dwelling Unit (Detached and Attached)

Accessory Dwelling Units can be detached from (left) or attached to (right) the primary unit.

(C) Junior Accessory Dwelling Unit. An attached accessory dwelling unit that is a unit that meets the following criteria:

- (1) Maximum of five hundred (500) square feet in size.
- (2) Contained entirely within the existing footprint or area of a single-unit primary dwelling, including any attached garage, storage areas or similar uses (see illustration below).

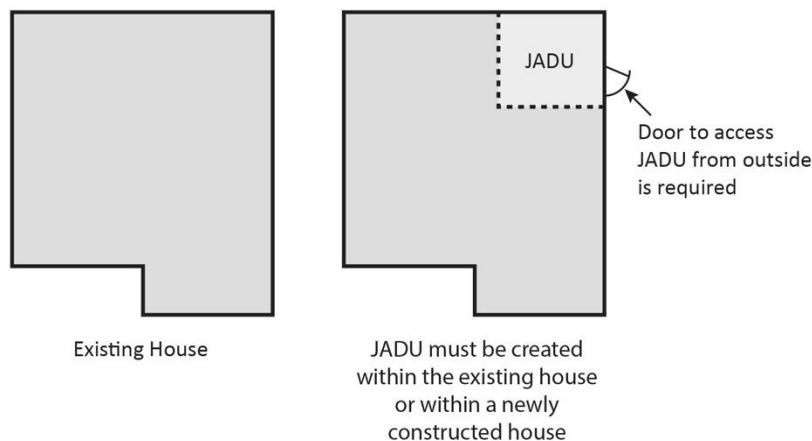


Figure 20.166-B – Junior Accessory Dwelling Unit

- (3) Has a separate entrance from the main entrance to the primary dwelling.
- (4) Has a bathroom either in the JADU itself or in a portion of the primary dwelling the resident of the JADU has full access to.
- (5) Includes an efficiency kitchen.

Sec. 20.166.025 Number of Accessory Dwelling Units and Junior Accessory Dwelling Units on Lots or Parcels which allow Single Family Homes.

The following limits on the number of accessory dwelling units allowed on a lot or parcel apply in all zoning districts that in any zoning district which permits single-family or multi-family homes:

- (A) One attached or detached accessory dwelling unit shall be allowed on a parcel, provided that no Second Residential Unit pursuant to Section 20.164.015(T) exists on the parcel, and that no building permit has been granted and has not expired for the construction of a Second Residential Unit.
- (B) In addition to an accessory dwelling unit or Second Residential Unit, one junior accessory dwelling unit shall be allowed on a parcel.

~~Sec. 20.166.030 Number of Accessory Dwelling Units on Lots or Parcels Which Allow Multi-Family Homes.~~

The following limits on the number of accessory dwelling units allowed on a lot or parcel apply in all zoning districts that allow multi-family homes as a permitted use:

~~(A) Attached Accessory Dwelling Units.~~

~~At least one (1) attached or up to twenty-five (25) percent of the number of the existing multi-family units shall be allowed as attached accessory dwelling units in an existing multi-family development.~~

~~Attached accessory dwelling units in a multi-family development may be created only through the conversion of parts or expansion of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.~~

~~(B) Detached Accessory Dwelling Units. Up to two (2) detached accessory dwelling units shall be allowed on a parcel with one (1) or more multi-family structures, subject to compliance with the development standards for detached accessory dwelling units in this chapter.~~

Sec. 20.166.035-030 Development Standards

(A) Attached Accessory Dwelling Units.

(1) Location. Shall be located on the same lot or parcel as an existing or proposed primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling (above or below the primary dwelling unit).

(2) Size. The total floor area of an attached accessory dwelling unit shall not exceed ~~fifteen hundred (1,500) square feet~~ fifty (50) percent of the existing or proposed primary dwelling unit. This limit does not include up to one hundred fifty (150) square feet of area added to the primary dwelling for the sole purpose of providing access to the accessory dwelling unit. Unless constructed in compliance with provisions of section 20.166.040.

(3) Setbacks.

(a) Front yard setback: Per the zoning district standard for the primary dwelling. The Director shall modify or eliminate the front yard setback if it would prevent the construction of an Accessory Dwelling Unit of at least 800 square feet in size.

(b) Side yard: Four (4) feet.

(c) Rear yard: Four (4) feet.

(4) Height. Per the zoning district standard for the primary dwelling.

(5) Access. An attached accessory dwelling unit shall have direct exterior access separate from the main entrance to the primary dwelling.

(6) An adequate water system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.

(7) An adequate sewage disposal system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit

~~(8)~~ See section 20.166.040-035 for parking requirements.

~~(8)(9)~~ Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(B) Detached Accessory Dwelling Units.

- (1) Location. Shall be located on the same lot or parcel as an existing or proposed primary dwelling unit.
- (2) Size. A detached accessory dwelling unit shall not exceed ~~fifteen~~twelve hundred (1,~~500~~200) square feet in size, unless constructed in compliance with the provisions of section 20.166.040.
- (3) Setbacks. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. An accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure, shall comply with the following setback requirements:
 - (a) Front yard setback: Per the zoning district standard for the primary dwelling. The Director shall modify or eliminate the front yard setback if it would prevent the construction of an Accessory Dwelling Unit of at least 800 square feet in size.
 - (b) Side yard: Four (4) feet.
 - (c) Rear yard: Four (4) feet.
- (4) Height. Per the zoning district standard for the primary dwelling.
- (5) An adequate water system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.
- (6) An adequate sewage disposal system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.
- ~~(7)~~ See section 20.166.~~040~~035 for parking requirements.

~~(7)(8)~~ Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(C) Junior Accessory Dwelling Units.

- (1) Location. Shall be located on the same lot or parcel as an existing or proposed primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling.
- (2) Size. Maximum of five hundred (500) square feet of living area. Up to one hundred fifty (150) square feet of building space may be added to the primary dwelling for the sole purpose of providing access to the accessory dwelling unit; this shall not count toward the maximum area for the junior accessory dwelling unit.
- (3) Setbacks. Setbacks shall be the same as the existing structure or per the zoning district for the primary structure, whichever is less. Larger setbacks shall apply if required by Fire or Building codes on a case-by-case basis.
- (4) Access. A junior accessory dwelling unit shall have direct exterior access separate from the main entrance to the primary dwelling. If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- (5) Kitchen. Each junior accessory dwelling unit shall include an efficiency kitchen.
- (6) Utilities.
 - (a) Whether built as part of a new dwelling or converted from space in an existing dwelling, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or County charges for utilities, including water, sewer, power service, or impact fees.

- (b) No new or separate utility connection between the junior accessory dwelling unit and the utility shall be required, although the property owner may voluntarily install a submeter for the junior accessory dwelling unit.
- (c) Any utility charges or fees shall be consistent with state law.
- (7) Parking. No additional off-street parking is required for the junior accessory dwelling unit.
- (8) Owner Occupancy Requirements for Junior ADUs.
 - (a) The owner of the lot must reside on-site. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 - (b) A Junior Accessory Dwelling Unit shall not be sold, and rentals for terms shorter than thirty (30) days shall be prohibited.
 - (c) Prior to obtaining a building permit for a Junior Accessory Dwelling Unit, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

Sec. 20.166.040-035 Required Parking

- (A) One off-street parking space, covered or uncovered, is required for each attached and detached accessory dwelling unit. However, no off-street parking space is required for an attached or detached accessory dwelling unit if one or more of the following applies:
 - (1) The accessory dwelling unit is located within one-half mile walking distance of public transit, including transit stations and bus stations.
 - (2) When on-street parking permits are required by the County but not offered to the occupant of the accessory dwelling unit.
 - (3) The accessory dwelling unit is part of the proposed or existing primary residence.
 - (4) The accessory dwelling unit is the conversion of an existing accessory structure.
 - ~~(5)~~ When there is a car share vehicle located within one block of the accessory dwelling unit.
 - ~~(6)~~ When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot.
 - ~~(5)(7)~~ When the accessory dwelling unit is located within an architecturally and historically significant historic district.
- (B) No off-street parking is required for a junior accessory dwelling unit.
- (C) Required off-street parking for an accessory dwelling unit space may be located in setback areas or provided as tandem parking, including on a ~~paved~~ driveway.
- (D) Parking lost when a garage, carport, or covered parking structure is demolished to allow for the construction of an accessory dwelling unit or for the conversion of a structure to an accessory dwelling unit shall not be required to be replaced.

Sec. 20.166.045 Conversion of a Single-Family Dwelling or Accessory Structure

The types of accessory dwelling units provided for in this section shall not be required to comply with the development standards included in sections 20.166.030 and 20.166.035 and shall only be rented for a term longer than 30 days. Prior to obtaining a building permit for an accessory dwelling unit pursuant to this section, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include a restriction that the accessory dwelling unit only be rented for a term longer than 30 days, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

- (A) One accessory dwelling unit and one junior accessory dwelling unit is allowed per lot within a proposed or existing single-family dwelling or accessory structure if in compliance with the following:
- (1) If located in an accessory structure, an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure for the purposes of providing ingress and egress is proposed.
 - (2) If located in a proposed or existing single-family dwelling, the space to be used for the accessory dwelling unit has exterior access from the proposed or existing single-family dwelling.
 - (3) The side and rear setbacks are sufficient for fire and safety.
 - (4) The junior accessory dwelling unit complies with the requirements of section 20.166.030(C).
- (B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in paragraph (A).
- (C) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not 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. One accessory dwelling unit shall be allowed within a multifamily dwelling and up to 25 percent of the existing multifamily dwelling units.
- (D) Up to two accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and rear and side yard setbacks of no more than four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, no modification of the existing multifamily dwelling shall be required as a condition of approving the application to construct an accessory dwelling unit pursuant to this paragraph (D).
- (E) The installation of fire sprinklers shall not be required in an accessory dwelling unit described pursuant to paragraphs (A) through (D) if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.

Sec. 20.166.045 Sale of Accessory Dwelling Units or Junior Accessory Dwelling Units

An accessory dwelling unit or junior accessory dwelling unit may be sold in conformance with Government Code section 66341.

CHAPTER 20.168 TEMPORARY USE REGULATIONS

Sec. 20.168.005 Declaration.

The purpose of this Chapter is to establish permitted temporary uses and standards and conditions for regulating same. Because of the temporary nature of the uses they are not subject to the General Plan with respect to permitted uses or densities.

Sec. 20.168.010 Identification of Permitted Temporary Uses.

The following temporary uses shall be permitted as specified by these regulations:

- (A) **Entertainment Events or Religious Assembly.** The temporary gatherings of people for a circus, carnival, concert, lecture, art or antique show or religious purposes.
- (B) **Construction Support.** Temporary building and structures supporting residential development and major construction.
- (C) **Uses in New Subdivisions.** Temporary uses in new major or parcel subdivisions which support the sale of dwellings and lots within the same subdivision.
- (D) **Camping.** The temporary camping on a parcel by an owner or nonpaying guests thereof.
- (E) **Use of a Trailer Coach.** Temporary use of a trailer coach for certain purposes.
- (F) **Family Care Unit.** The temporary use of a building, structure or trailer coach, upon issuance of an administrative permit, to provide housing for (a) one (1) adult or two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) an immediate family member or members providing necessary daily supervision and care for the person or persons residing in the main residence.
- (G) **Use of a Portable Sawmill.** The temporary use of a small portable sawmill for the milling of lumber to be used in the construction of a structure on the same premises.
- (H) **Food Trucks/Mobile Food Vendors.** The operation of a food truck in a fixed location for more than four hours.

Sec. 20.168.015 Temporary Uses Subject to Controls.

Temporary uses shall be subject to all regulations as would be applied to a permitted principal or accessory use located in the same zone, except as otherwise provided by these regulations.

Sec. 20.168.020 Entertainment Events or Religious Assembly.

The temporary gathering of people for a circus, carnival, concert, rodeo, community festival, lecture, art or antique show, religious purposes or other similar activities may be permitted upon the issuance of a permit in compliance with the following provisions:

- (A) **Location.** A circus, carnival, concert, rodeo, community festival, lecture, art or antique show, religious assembly or other similar activities may be permitted in any zone except R-1 and R-2.
- (B) **Duration.** The period of operation of the circus, carnival, concert, rodeo, community festival, lecture, art or antique show, religious assembly or other similar activities shall not exceed five (5) days in any six (6) month period.
- (C) **Permits.** All permit applications for temporary events shall be submitted a minimum of six (6) months prior to the event date(s).
 - (1) Gatherings of one hundred (100) to one thousand (1,000) persons shall be required to obtain an administrative permit.

- (2) Gatherings of over one thousand (1,000) persons shall be required to obtain a ~~minor~~-use permit.
- (D) The requirements of this Section shall not be intended to supersede provisions in Mendocino County Code Chapter 6.16.
- (E) **Exclusions.** The provisions of this Section are not intended to include or regulate private gatherings such as weddings, housewarmings, family gatherings, barbeque, etc.

Sec. 20.168.025 Construction Support.

The temporary occupancy for residential use of buildings during course of construction.

- (A) **Major Construction.** Temporary buildings during the construction phase for commerce, industry or five (5) or more dwelling units to allow the housing of tools, equipment building assembly operations and supervisory offices provided such temporary buildings are located within or adjacent to the development or construction site to which they are incidental regardless of the zoning district.
- (B) **Minor Construction.** Temporary use and occupancy of an existing dwelling while constructing a new residence, subject to the requirements of Chapter 20.192 (Administrative Permits).

Sec. 20.168.030 Uses in New Subdivisions.

Upon the review and approval of a site plan by the Director of the Department of Planning and Building Services and the provisions of this Section, certain temporary uses as specified herein may be established within a major or parcel subdivision for which a map has been recorded or in conjunction with an individual multiple dwelling or multiple dwelling complex solely for the marketing of dwellings, lots, and/or mobilehome spaces in the same residential development.

- (A) **Permitted Uses.** The following temporary uses may be permitted in conformance with the following standards:
 - (1) Model homes in a number not to exceed that necessary to provide one (1) example of each dwelling type being offered in the residential development. Reversed floor plans and exterior facade variations will not be considered as separate dwelling types. Each model home shall be erected on an individual site which conforms to a lot shown on the recorded map; meet all setback requirements of the applicable zone; and qualify in all respects for sale and residential occupancy upon termination of its use as a model home.
 - (2) Real estate sales office facilities for the purpose of promoting the sale or rental of dwellings, lots, and/or mobilehome spaces, which are located only within the same residential development or subdivision.
 - (3) Off-street parking facilities.
- (B) **Site Plan Review Criteria.** No use authorized by this Section will be located, installed or operated in a manner that will have an unnecessarily adverse effect on the use and enjoyment of any property on which an occupied dwelling is located, or may be located during the duration of such authorized use.
- (C) **Site Plan Content.** The site plan shall contain such maps and drawings as are necessary to show the location of the above temporary uses and their relation to off-street parking, vehicular and pedestrian access, and the surrounding area.
- (D) **Building Permits.** Prior to the issuance of building permits for the temporary uses in Subsection (A) of this Section, the following conditions shall be met:
 - (1) A parcel or final map has been recorded for the parcel or major subdivision.
 - (2) The site plan must be submitted to and approved by the Director.

- (3) Necessary sanitary facilities must be provided as required by the Director of Public Health.
- (E) **Termination.** All temporary uses permitted by this Section shall be terminated not later than twenty-four (24) months after issuance of building permits therefor, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said twenty-four (24) months. All temporary uses and related improvements other than model homes shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including reconversion of any garage to a condition suitable for the storage of private vehicles or the provision by other means of required off-street parking spaces.

Sec. 20.168.035 Camping.

The use of real property, by the owner or nonpaying guests thereof, for temporary camping may be permitted in compliance with the following provisions:

- (A) **Location.** Temporary camping may be permitted only in the R-R, U-R, A-G, R-L, F-L and T-P zoning districts.
- (B) **Duration.** The maximum time limit for temporary camping shall not exceed sixty (60) days in any six (6) month period.
- ~~(C)~~ **Permits.** An Administrative Permit shall be required for temporary camping in excess of the Exclusions provided in 20.168.035(D).
- ~~(C)~~ **Intensity.** Not more than thirty (30) individuals or more than ten (10) tents or recreational vehicles may be on a site at any one time. Tents or recreational vehicles etc. shall not be blocked up or placed upon any permanent foundation and shall not be connected to any utility such as water, gas or electricity. Tents or recreational vehicles etc. not in use shall be removed from the site.
- ~~(D)~~ **Exclusions.** Temporary camping, whether sheltered or not sheltered, shall be exempt from the provisions of this Section provided the activity meets the following conditions:
 - ~~(1)~~ Camping activities shall not exceed the There shall be no more than a combination of (10) tents, recreational vehicles, trailer coaches, and/or vehicles
 - ~~(2)~~ Camping activities shall not exceed a period of fourteen (14) days, consecutively or non-consecutively, within a six (6) month period.
 - ~~a.~~ For the purposes of this section, the term "days" is defined as calendar days, to which the real property is being used or occupied between the hours of 7 pm and 7 am.
 - ~~(4)(3)~~ For each day, the presence of tents, recreational vehicles, trailer coaches, vehicles, sleeping or bedding materials, cooking apparatuses, generators, portable toilets, campfire rings or the connections to electrical, water, gas, or sewage shall constitute prima facie evidence of the use or occupancy of real property for the purposes of camping. Temporary camping utilizing ten (10) or less tents or recreational vehicles for fourteen (14) days or less in any six (6) month period shall be exempt from the provisions of this Section.

Sec. 20.168.040 Use of a Trailer Coach.

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

- (A) **Real Estate Office.** A temporary real estate office upon issuance of an Administrative Permit when the trailer coach is located on a lot or parcel of land adjacent to the development to which such real estate office is incidental.

- (B) **Mobile Financial Business Office.** A temporary self-propelled, self-contained mobile financial business office upon issuance of an Administrative Permit, for a period not to exceed five (5) years.
- (C) **Occupancy While Constructing a Dwelling.** The installation, use and occupancy of a trailer coach, upon issuance of an Administrative Permit, as a temporary dwelling by the owner of a lot or contiguous lot on which a dwelling under construction or for which a building permit has been issued. Such administrative permit may be issued for the period required to complete construction of the dwelling, but not to exceed two (2) years unless renewed.
- (D) **Temporary Caretaker Housing.** The installation, use and occupancy of a trailer coach; upon issuance of an Administrative Permit, as a temporary dwelling by a caretaker in association with a park, recreational facility or similar use which is under private ownership but open for public use.
- (E) **Emergency Shelter.** The installation, use and temporary occupancy of a trailer coach for emergency shelter, upon issuance of an Administrative Permit, subject to the following requirements:
 - (1) The term shall not exceed sixty (60) days ~~and shall not be renewed or extended~~ but may be renewed or extended upon approval by the Director.
 - (2) The applicant shall substantiate that the use is required to prevent homelessness or secure safe temporary housing, and that the household is actively seeking alternate housing which may include other emergency or transitional housing.
 - (3) The trailer coach shall not be blocked up or placed on a permanent foundation, or connected to any utility such as water, gas or electricity.
 - (4) Provision shall be made for sewage disposal and potable water to the satisfaction of the Mendocino County Division of Environmental Health.
 - (5) Upon termination of the Administrative Permit, the trailer coach shall cease to be occupied and its use shall conform to this Division.

Sec. 20.168.045 Family Care Unit.

The temporary use of a building, structure or trailer coach, upon issuance of an administrative permit, to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence subject to the following provisions:

- (A) **Administrative Permit.** The temporary unit shall be allowed only after securing an annually renewable Administrative Permit. Said permit may be administratively renewed after original securance.
- (B) **Statement.** Prior to the granting of the administrative permit and yearly renewal:
 - (1) A statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the "family care unit" is to provide housing for not more than two (2) adult persons who are sixty (60) years of age or older, (2) an immediate family member or members who requires daily supervision and care, or (3) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.
- (C) **Termination.** Should the use or necessity of the temporary family care unit cease, it must be removed from the premises or converted to an accessory structure as provided in Chapter 20.164. Should the occupants of the family care unit or the main residence move to another off-site residence, the administrative permit for the family care unit shall become null and void.

Sec. 20.168.050 Portable Sawmill.

A small portable sawmill may be set up and operated as an accessory use on property for the milling of lumber to be used in the construction of a structure on the same property. The mill may be operated only for the duration of the construction project and must be removed from the property or placed in dead storage and not operated once the structure is completed. Raw material for the mill may be produced on the premises or imported from off-site sources. None of the limitations contained in Section 20.032.045(D) shall apply to the operation of a portable mill as an accessory use to a construction project as provided in this Section. The following limitations shall apply to this temporary use:

- (A) The mill operation shall have a maximum term of six (6) months, however, an extension for up to six (6) additional months may be authorized in writing by the Department of Planning and Building Services.
- (B) Hours of operation shall be limited to eight a.m. to five p.m. on weekdays and Saturdays.

(Ord. No. 4038 (part), adopted 1999)

Sec. 20.168.060 Food Trucks/Mobile Food Vendors.

Food trucks may operate in fixed locations or at any given location for more than four hours after obtaining an Administrative Permit. A single Administrative Permit may be issued to one food truck to allow it to operate in up to four (4) locations. The following standards apply to the operation of food trucks:

- (A) Food trucks shall operate with all required health and other permits as required by Mendocino County Code and other applicable state and local regulations.
- (B) Food trucks and any associated improvements or accessories (such as picnic tables or seating) shall not occupy parking which is required to meet the needs of permanent uses on the parcel.
- (C) Food trucks shall never be located in a place that blocks vehicle circulation or emergency access.
- (D) Restroom and other facilities shall be provided as required by the Division of Environmental Health.
- (E) Food trucks shall be parked safely and out of the public right-of-way.
- (A)(F) **Exclusions.** If a permit for an entertainment event or religious assembly pursuant to Section 20.168.020 specifies the location(s) and number of food trucks to be operated during the event, no separate Administrative Permit is required for the food trucks.

NEW! CHAPTER 20.170 MOVEABLE TINY HOMES

Sec. 20.170.005 Declaration.

The purpose of this Chapter is to provide regulations for the alternative housing type known as Moveable Tiny Homes, as defined in Chapter 20.008. [This Chapter does not apply to recreational vehicles or travel trailers.](#)

Sec. 20.170.010 Permitted Locations.

Moveable Tiny Homes may be established as a single-family dwelling, accessory dwelling unit and/or second residential unit in all zoning districts that allow residential dwellings and/or accessory uses, subject to the limitations contained in this Chapter.

Sec. 20.170.015 Development and Design Standards.

(A) Development Standards.

- (1) Height. A Moveable Tiny Home shall have a maximum height of fourteen (14) feet when being towed, per California Vehicle Code section 35250.

Moveable Tiny Homes may exceed fourteen (14) feet in height when the Moveable Tiny Home is placed on a lot and is not being actively towed.

The overall height of a Moveable Tiny Home when it is in place and not mobile shall comply with the applicable standards for the zone in which the Moveable Tiny Home is located.

- (2) Setbacks. A Moveable Tiny Home shall comply with the development standards of the zoning district in which it is located. If the Moveable Tiny Home is used as an Accessory Dwelling Unit pursuant to Section 20.164.015(K) and Chapter 20.166, setback exceptions specified in Chapter 20.166 apply.

- (3) Minimum and Maximum Size.

- (a) Minimum size: 150 gross square feet.

- (b) Maximum size: 400 gross square feet.

- (4) Number of Moveable Tiny Homes Allowed. The number of Moveable Tiny Homes permitted on a lot or parcel as a primary dwelling unit shall be in accordance with the standards of the zoning district in which the moveable tiny home(s) is located. Moveable Tiny Homes used as Accessory Dwelling Units or Second Residential Units shall not count toward maximum density, per the standards of this Code.

- (5) Parking. Moveable Tiny Homes shall be subject to the same parking requirements as other residential dwelling units or Accessory Dwelling Units.

(B) Design. A Moveable Tiny Home shall maintain a residential appearance through the following design standards.

- (1) Skirting. The undercarriage, including wheels and axles, shall be hidden from view with a solid wood, metal, or concrete apron.

- (2) Structure and Insulation: Insulation standards shall be a minimum of R-13 in walls and floors and R-19 in ceiling. Wall framing studs shall be sixteen to twenty-four (16-24 inches) on center, with a minimum of two by four (2x4) wood or metal studs or equivalent structural insulated panel (SIP) construction.
- (3) Foundation or Pad. An approved designated parking area of compacted all weather surface including bumper guards, curbs or other installations to prevent movement of the unit. ~~paved parking pad shall be required, including bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Director.~~ A Moveable Tiny Home may rest on the wheels, or on stands anchored to the parking pad.
- ~~(4) Mechanical Equipment. Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels).~~
- ~~(5)(4) Materials. Materials for the exterior wall covering shall include wood, HardiePanel cement fiber board or equivalent other material as determined by the Director that would be allowed for any conventional construction residential structure. Single piece composite laminates, interlocked metal sheathing, or similar materials are prohibited.~~
- ~~(6)(5) Windows. Windows shall be double pane glass or better, labeled for building use, and be trimmed out.~~
- ~~(7)(6) Kitchen. A Moveable Tiny Home shall include at minimum an efficiency kitchen, as defined in Chapter 20.008. More extensive kitchen facilities may be installed but are not required.~~
- ~~(8)(7) Utility Connections. A Moveable Tiny Home shall be connected to an approved water and sewer or well and septic utilities through dedicated pipe source and waste disposal system as approved by the Division of Environmental Health. A Moveable Tiny Home may use on- or off-grid electricity and may use propane for heating and cooking. Generators are prohibited except when needed in emergencies. All Moveable Tiny Homes shall have a GFI shutoff breaker.~~

Sec. 20.170.020 Applicable Codes.

- (A) Moveable Tiny Homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. All units must be inspected and certified for compliance with the requirements of this ordinance and ANSI or NFPA codes by a qualified third-party inspector for ANSI compliance accredited pursuant to either the American Society for Testing and Materials Appendix E541, or ISO/IEC 17020. All Moveable Tiny Homes shall display a sticker or plaque designating the unit as in compliance.
- (B) Moveable Tiny Homes shall be licensed and registered with the California Department of Motor Vehicles.

Sec. 20.170.025 Inspections Required for Tiny Homes.

The Building Official shall perform the following inspections when a Moveable Tiny Home is placed in a static location for use as a residential structure:

- (A) All utility connections shall be inspected for compliance with applicable codes.
- (B) The Building Official shall verify that a sticker or plaque verifying compliance with ANSI 119.5 or NFPA 1192 is in place.

Sec. 20.170.030 Regular Fire Inspection Required.

Moveable Tiny Homes require an inspection by a qualified third-party inspector for continued compliance with the provisions of ANSI 119.5 or NFPA 1192 every five (5) years to ensure that the units continue to meet requirements of the fire safety standards of the ANSI or NFPA Code to which it was built and requirements of this section. Evidence of the inspection shall be submitted to the Department of Planning and Building Services.

CHAPTER 20.176 RECREATIONAL VEHICLE PARKS ~~AND,~~ CAMPGROUNDS, AND LOW INTENSITY CAMPING

Sec. 20.176.005 Declaration.

The purpose and objective of this Chapter is to recognize the value of the development of recreational vehicle parks and the development of incidental camping areas, for the benefit of the general public utilizing recreational vehicles and such parks and facilities. In addition, this Chapter provides for low intensity commercial camping that is incidental to agricultural or residential use.

Sec. 20.176.010 Recreational Vehicle Parks and Campgrounds Principles.

Whenever an application is submitted to the County for a use permit or other entitlement for use for a recreational vehicle park, or incidental camping area, the Planning Commission shall make its decision in accordance with the following principles and shall make findings accordingly:

Such parks and areas shall possess the following characteristics:

- (A) Located on or within close proximity of a major highway to provide maximum service to traveling public;
- (B) Front on an arterial street of sufficient capacity to carry anticipated traffic;
- (C) May be permitted in conjunction with mobile home parks. Area to be developed shall be limited to not more than twenty-five percent (25%) of the total area.

Sec. 20.176.015 Recreational Vehicle Parks and Campgrounds Development Standards.

~~Prior to a recreational vehicle park, or incidental camping area being deemed approved, a detailed development plan shall be submitted to the Director of the Department of Planning and Building Services for his initial review at least ten (10) days prior to the formal filing of the use permit application.~~ The maximum density shall be determined by the Planning Commission for each such park and area in accordance with the standards of this Chapter. Development may be approved in stages so long as each stage meets the standards of this Chapter. The minimum number of lots at the initial increment of development shall be ten (10) lots.

If the development is to be accomplished in stages, the development shall coordinate improvements of open space, and construction of buildings in order that each development phase achieves a proportionate share of the total open space and structural facilities requirement.

- (A) No such park or camping area may be established or used unless first approved by the granting of a use permit requiring compliance with the following standards:
 - (1) The area of land shall have a minimum area of five (5) acres.
 - (2) The minimum lot or campsite shall be twenty (20) feet in width and forty (40) feet in length. The drive-through spaces shall be fifteen (15) feet in width and sixty (60) feet in length.
 - (3) Each space in a recreational vehicle park, shall be improved with gravel or better covering as approved by the Director of the Department of Planning and Building Services, in order to maintain a dust and mud-free condition.
 - (4) Recreational vehicle lots installed with water, sewer and electricity shall be established at a ratio to the total number of lots on a park by park basis as a condition of the use permit.
 - (5) Restrooms and shower facilities shall be provided in the number and location required by the Director of the Department of Planning and Building Services, with adequate parking areas adjacent thereto.

- (6) Usable open space for common areas shall be planned and provided for at convenient locations to provide at least two hundred (200) square feet per lot. Such open space may include play yards, pools, and recreation buildings but shall not be deemed to include public facilities and open areas not accessible to the tenants.
 - (7) Refuse storage areas shall be provided in key areas throughout the park or campground with provisions for screening and collection.
 - (8) Each such recreational vehicle park shall be enclosed by a six (6) foot perimeter fence and by a landscaping strip of five (5) feet average width on the street side of the park. The Director of the Department of Planning and Building Services may require a higher fence when the park abuts a residential area.
 - (9) There shall be a minimum of ten (10) feet setback between the pads and the exterior perimeter boundaries.
 - (10) Internal streets shall be twenty-eight (28) feet in width edge to edge. This requirement may be reduced to twenty-four (24) feet in areas established for pull-through spaces.
 - (11) The street system shall be maintained in a well-graded, dust-free condition at all times.
 - (12) All utilities shall be placed underground.
 - (13) A secondary emergency exit shall be provided.
- (B) The following plans and reports shall be submitted with the use permit application.
- (1) A storm drain system shall be provided to accommodate runoff, both tributary to and originating within the recreational vehicle park or campground, and to transfer said runoff to a satisfactory point of disposal. Unless a waiver is granted by the Planning Commission or Board of Supervisors at the time the use permit is granted, the storm drain system shall be constructed in accordance with improvement plans prepared by a Civil Engineer and approved by the appropriate building official.
 - (2) A statement on the method of fire protection shall accompany each application, which shall be approved by the fire agency in charge before the application for a use permit is scheduled on the agenda of the Planning Commission.
 - (3) An enlarged plot plan showing a typical site and a typical lot, including all facilities available and accurately dimensioned, shall be provided.
 - (4) All parking spaces and aisles shall be drawn and accurately dimensioned, with flow of traffic noted thereon.
 - (5) A detailed plan with elevations shall be submitted showing location, size, and height of all proposed signs.
 - (6) The location and types of all water supply sources, sewage systems, storage tanks, and similar facilities shall be depicted on the plot plan.
 - (7) A location for a dump station for self-contained trailers and campers shall be provided unless exempted by the Director of the Department of Planning and Building Services.
 - (8) A detailed building elevation of all proposed buildings shall be submitted.

Sec. 20.176.020 Low Intensity Camping

- (A) Transient Habitation. Low intensity camping is commercial camping that is incidental to agricultural or residential uses. Sites generally have fewer facilities and generate less traffic than recreational vehicle parks or campgrounds described in the preceding sections.
- (B) Site Requirements. Low intensity camping is permitted where listed as an allowable use within a Zoning District residential or agricultural uses are permitted subject to intensity level and permits required by Table 20.176-A.

Table 20.176-A – Number of Campsites and Permit Required			
Parcel Size	Business License	Administrative Permit	Use Permit
<u>Less than 5 acres</u>	<u>None</u>	<u>1</u>	<u>2 - 5</u>
<u>Less than 5.01 - 10 acres</u>	<u>None</u>	<u>2 - 3</u>	<u>4 - 5</u>
<u>10.1 - 20 acres</u>	<u>None</u>	<u>2 - 3</u>	<u>4 - 7</u>
<u>Over 20 acres</u>	<u>1</u>	<u>2 - 3</u>	<u>4 - 9</u>

Vehicles under twenty (20) feet are permitted on all sites. Campsites for larger vehicles including all RVs, and trailers over greater than twenty-four (24) feet in length require a Use Permit.

(C) Allowable Locations.

- (1) A residential or agricultural use type must exist on the property at the time of submitting a business license or permit for a low intensity camping use.
- (2) All camping facilities and activities, including sanitation facilities, shall be located a minimum of two hundred and fifty (250) feet from any off-site residence. The setbacks specified in this section may be reduced if it can be demonstrated that there are specific conditions of the site that make the required setback unnecessary to achieve compatibility with surrounding land uses, subject to the following permitting requirements:
 - (a) If only one (1) campsite is requested, the setbacks specified in this section may be reduced with an Administrative Permit.
 - (b) For more than one (1) campsite, an Administrative Permit or Use Permit is required based upon the number of campsites requested as specified in Table 20.176-A.
- (3) All sanitation facilities shall be located or screened from all roadways and off-site residences. Screening may include landscaping or appropriate fencing.

(D) Operational Requirements.

- (1) Occupancy Limits. No more than one tent or recreational vehicle shall be allowed per campsite. A maximum of ten (10) individuals is allowed per campsite.
- (2) Sanitation. The property owner shall maintain sanitation facilities that are fully self-contained or connected to a permitted sewage disposal system serving the property. A chemical toilet and handwashing station are required for all sites, per the requirements of the Division of Environmental Health. Permanent facilities may be permissible with the approval of a Use Permit.
- (3) Fire. No open flames are permitted on any Low Intensity Camping sites. Camping stoves and other gas stoves are permitted, subject to bans or limitations imposed by any fire agency with jurisdiction over the site. A fire extinguisher shall be provided at each campsite.
- (4) Site Boundaries. Campsite boundaries or property lines shall be clearly marked to discourage trespassing onto adjacent properties. Site rules shall be posted at all camp sites for visitors.

- (5) Parking. One designated parking spot per campsite is required. Parking must be at a minimum on an area clear of vegetation but preferably gravel.
- (6) Access. All-weather access is required for all parking spaces. If the site is located on a private road, all owners ~~with access rights~~ of real property as shown on the latest equalized assessment roll adjacent to the private road must be notified of the intent to operate a commercial camp site prior to issuance of a business license or other entitlement. The Applicant shall submit evidence to the Department that this requirement has been complied with including providing a copy of the notice sent and the list of properties and owners it was provided to.
- (7) Duration. Overnight stays shall not exceed fourteen (14) nights for any guest.
- (8) Trash. All trash shall be removed between each guest and properly disposed of. The operator of the low intensity camping facility shall provide secure, animal proof, trash containers at each campsite.
- (9) Electricity. Electrical service, including generators, is prohibited unless approved as part of a Use Permit.
- (10) Noise. No amplified sound equipment or live music shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.
- (11) Licensing and Transient Occupancy Tax. A Business License shall be obtained for all Low Intensity Camping uses and payment of any applicable transient occupancy tax.
- (12) Local Contact Person and Hosting. A local contact person means an individual that ~~can be physically present at the location of the low intensity camping facility within one (1) hours~~ physically present at the parcel where the low intensity camping is occurring and shall be required for all Low Intensity camping facilities to ensure that the occupants do not create loud or unreasonable noise that disturbs others and can address any concerns immediately. All Low Intensity Camping facilities shall:
 - (a) Post on the property in a prominent location(s) and at all access points the name and a twenty-four (24) hour telephone number(s) of the local contact person.
 - (b) Complaints regarding noise or other nuisances shall be resolved within one (1) hour of the complaint being made. Failure to respond to complaints may result in revocation of the business license or permit.
 - (c) If locked gates are present or providing other access points for hosting reasons, access information shall be provided to all emergency services and first responders with jurisdiction over the property.

(E) Site Map Required.

A site map is required to be filed with the Department of Planning and Building Services prior to the issuance of any business license or permit for a low intensity camping facility, which demonstrates compliance with the standards of this Chapter. Any future site map changes shall be submitted for the review and approval of the Department.

(F) Affidavit Required.

An affidavit is required to be filed with the Department of Planning and Building Services prior to the issuance of any business license or permit for a low intensity camping facility which states that the applicant has notified all adjacent property owners within 300 feet of the property boundaries of their intent to establish a low intensity camping use. The notice sent to adjacent property owners shall include the name, address, and phone number of the local contact person.

(A)(G) Advertising. Posting on any website for a campsite for profit without a valid business license or permit shall be considered a violation of this Section.

CHAPTER 20.190 ADMINISTRATION

Sec. 20.190.005 Authorities.

- (A) This chapter lays out the basic roles, responsibilities, and functions of all planning authorities, including the Board of Supervisors, Planning Commission, Zoning Administrator and Planning and Building Services Director.
- (B) Board of Supervisors. The powers and responsibilities of the Board of Supervisors include, but are not limited to the following:
 - (1) Consider and adopt, reject, or modify proposed amendments to the General Plan (including the adoption of a new General Plan), Zoning Code, Zoning Map, specific plans, and environmental documents related to any of the foregoing, pursuant to the provisions of the Amendments to the General Plan, Zoning Code, and Zoning Map section in Chapter 20.212.
 - (2) Hear and decide appeals from decisions of the Planning Commission pursuant to the provisions of the Appeals section in Chapter 20.208.
 - (3) Consider and adopt, reject, or modify development agreements, including environmental documents and any other planning approvals related to the development agreement, following a public hearing and recommended action by the Planning Commission.
 - (4) Establish, by resolution, a County fee schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Division.
- (C) Planning Commission. The powers and responsibilities of the Planning Commission include, but are not limited to the following:
 - (1) Approve, modify, or deny parcel maps, tentative maps, use permits, and variances.
 - (2) Make recommendations to the Board of Supervisors on proposed amendments to the General Plan, Zoning Code, and Zoning Map, specific plans, and environmental documents related to any of the foregoing.
 - (3) Hear and decide appeals from decisions of the Director or the Zoning Administrator.
 - (4) Hear and decide proposals to revoke use permits.
 - (5) Consider and adopt environmental determinations on any approvals that are subject to environmental review under the California Environmental Quality Act, pursuant to State law, or make recommendations regarding the same when the final approval authority for a project is the Board of Supervisors.
 - (6) Make recommendations to the Board of Supervisors on development agreements, including environmental documents and any other planning approvals related to the development agreement.
 - (7) Such other powers and responsibilities as assigned or directed by the Board of Supervisors.
- (D) Planning and Building Services Director. The powers and responsibilities of the Planning and Building Services Director ("the Director"), or his/her designee, include, but are not limited to the following:
 - (1) Perform all the functions designated by State law, including, but not limited to the following:
 - (a) Prepare the annual report related to implementation of the General Plan in compliance with Government Code Section 65400;
 - (b) Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and
 - (c) Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.

- (2) Maintain and administer the Zoning Code, including the processing of applications, abatements, and other enforcement actions.
- (3) Clarify or make determinations when ambiguities exist with regard to the meaning of any provision of this Code or their application to a specific parcel or project.
- (4) Prepare rules and procedures necessary for conducting the Director's business. They may include the administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure, and recordkeeping).
- (5) Issue administrative regulations for the submission and review of applications subject to the requirements of Government Code Section 65950.
- (6) Act as the Zoning Administrator, or designate a different member of the Department to serve as Zoning Administrator, for the purpose of acting on administrative permits pursuant to Chapter 20.192.
- (7) Determine whether a project is subject to review under the California Environmental Quality Act and notify the applicant if any additional information is necessary to conduct the review.
- (8) Make recommendations to the Planning Commission and Board of Supervisors on all applications, appeals, and other matters upon which they have the authority and the responsibility to act under this Division.
- (9) Delegate administrative functions to members of the Department.
- (10) Such other powers and responsibilities as assigned or directed by the Board of Supervisors.

Sec. 20.190.010 Public Hearing Procedures and Noticing.

- (A) Public Hearings Required. Public hearings shall be provided as required by the Planning and Zoning Law (Government Code Section 65000 *et seq.*), including but not limited to the following types of actions:
 - (1) Adoption or amendment to the General Plan, pursuant to Government Code Sections 65353 and 65355.
 - (2) Adoption or amendment of the Zoning Code or the Zoning Map, pursuant to Government Code Sections 65854 and 65856.
 - (3) Variances, conditional use permits or equivalent development permits, any proposed revocation or modification of such permits, or an appeal taken from any approval of such applications pursuant to Government Code Section 65905.
- (B) Notice of public hearings shall be provided consistent with Government Code Section §§ 65090-96, as further specified in this Code, and pursuant to any County procedures adopted pursuant to this Code. Failure to receive the notice required by Government Code Section 65091 shall not invalidate any action on the application. Any hearing may be continued to a specific time, date and place without further public notice.
- (C) Conduct of Public Hearing. A public hearing shall include the following elements identified below.
 - (1) The hearing body shall review the application and any pertinent materials submitted with the application, and any report based on County staff's investigation and review of the application.
 - (2) During any public hearing, the applicant shall have the right to be represented to provide testimony and to present evidence.
 - (3) Members of the public shall have the right to comment on any relevant aspect of the application under consideration.

- (4) Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, deny, or continue the subject of the public hearing.
- (5) If the action is taken to continue the item being considered before adjournment or recess, the person presiding at the public hearing shall either (1) publicly announce the time and place to which the hearing will be continued, in which case no further notice shall be required, or (2) announce that the item is being continued to a date uncertain, in which case the continued hearing date shall be noticed in the same manner and to the same extent as initially noticed.
- (6) The decision of the hearing body shall be considered final unless a decision is appealed. In all cases, the Board of Supervisors shall represent the final approval authority of the County.

Sec. 20.190.015 Modification or Revocation of Approved Permits or Approvals.

This section provides procedures for securing modification or revocation of previously approved permits or approvals.

- (A) **Modifications.** Modification of a permit or approval may include modifying the terms of the permit or approval itself, including changing or adding to the use of the property, or the waiver, alteration or imposition of new conditions of the operational aspect of the project, including buffers, duration of the permit, hours of operation, noise, landscaping, maintenance, lighting, parking, performance guarantees signs, surfacing, traffic circulation or any other aspect or condition determined to be reasonable and necessary to ensure that the project is operated in a manner consistent with the original findings for approval.
- (B) **Application for Modification; County Action.** Any person with an approved permit or approval may apply for a modification of that permit or approval, or the County may commence an action to modify a permit or approval, which may be initiated by order of the Director, the Planning Commission or the Board of Supervisors.
- (C) **Revocation.** The County's action to revoke a permit or approval shall have the effect of terminating the permit or approval and denying the privileges granted by the original permit or approval.
- (D) **Process.** Modifications shall follow the same procedure in which the permit or approval was originally approved and by the same body which made the approval.
 - (1) **Hearings Required.** The hearing body shall hold a public hearing to modify or revoke a permit or approval in compliance with the provisions of this Division. The hearing shall be conducted as required by this Division.
 - (2) **Notice of Hearing.** Notice of the required public hearing shall be made in compliance with Section 20.190.010. In addition, the County shall provide a notice of intention to revoke or modify a permit or approval to the owner(s) of the subject property as shown on the latest assessment roll and any current occupants of the property not less than ten (10) days before the public hearing at which the revocation will be considered.
 - (3) **Notice of Decision.** Written notice of the action to revoke or modify a permit or approval shall be sent to the applicant, if any, and to the owner of the subject property as shown on the latest assessment roll, any current occupants of the property, or as indicated by more recent information as may be available to the County.
 - (4) **Appeal.** A decision on a permit modification or revocation may be appealed pursuant to Chapter 20.208.
- (E) **Grounds for Modification or Revocation.** Grounds for modification or revocation include, but are not limited to the following:
 - (1) **Compliance with any term or condition of the permit or approval has not been achieved or maintained.**

- (2) The property or portion thereof subject to the permit or approval is used or maintained in violation of any statute, ordinance, law, or regulation.
 - (3) False or erroneous information in the record as to a material matter or significant issue regarding the permit or approval.
 - (4) The use for which the permit or approval was granted has been determined to be detrimental to the public health, safety, or welfare and is a nuisance.
 - (5) Changes in technology or in the type or amount of development in the vicinity of the use, or other good cause, warrants modification of the conditions of operation or imposition of additional conditions of operation to assure that the use remains compatible with existing and potential uses or other property within the general area in which the use is located.
- (F) Automatic Revocation. If a permit or approval is granted or modified subject to one (1) or more conditions, such permit or approval shall cease to be valid, and all rights or privileges granted thereby shall lapse, notwithstanding any other provisions of this Division to the contrary, whenever there becomes final any judgment of a court of competent jurisdiction declaring one (1) or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one (1) or more of such conditions.

Sec. 20.190.020 Administrative Withdrawal of Applications.

- (A) Abandonment of Application. The Director may determine that an application has been abandoned due to noncommunication of the applicant of a period of at least one hundred and eighty (180) days. The applicant shall be given notice in writing that the County intends to deem the application abandoned and shall be given an opportunity to provide any missing materials within thirty (30) days of the date of said notice. An abandoned application cannot be reinstated.
- (B) Notice of Abandoned Application. Final notice of an abandoned application shall be mailed to the applicant if no response is received, or if missing materials are not provided. The final notice shall be placed in the application file.
- (C) Application Fees Refunded. Any funds paid or deposited and not used at the time the application is deemed abandoned shall be refunded to the applicant, upon written request of the applicant submitted within thirty (30) days of the official abandonment date.

Sec. 20.190.025 Application Forms and Fees.

- (A) Application Forms and Materials.
 - (1) Application Forms. The Director shall prepare, approve and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Division.
 - (2) Application to be signed by the owner of the property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof of the right to use and possess the property as applied for, satisfactory to the Director, shall accompany the application.
 - (3) Supporting Materials. The Director may require the submission of supporting materials as part of the application, including but not limited to: statements, photographs, plans, drawings, renderings, models, staking and flagging, material samples, and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).
 - (4) Availability of Materials. All submitted material becomes the property of the County, may be distributed to the public, and shall be made available for public inspection. At any time, upon

reasonable request, and during normal business hours, any person may examine application materials in support of or in opposition at the Planning and Building Services Department offices. Unless prohibited by law or superseded by specific permit confidentiality requirements, copies of such materials shall be made available at a reasonable cost.

- (5) Indemnification. Applicants shall be required to agree to indemnify the County as specified in County Code Section 1.04.120 Indemnification and Hold Harmless for Land Use Approvals.
- (B) Multiple Applications; Concurrent Processing. Multiple applications for the same project may be processed concurrently. Each application shall be reviewed and approved or denied by the entity designated by this Division. In the case of concurrent applications which require review and approval by a lower authority and a higher authority (e.g., Planning Commission and Board of Supervisors), the lower authority would serve as the recommending body to the higher decision-making body.
- (C) Application Fees.
 - (1) Fee Schedule. The Board of Supervisors shall approve by resolution a Fee Schedule that establishes fees or deposits for permits, procedures for processing fees or deposits, informational materials, penalties, copying, and other such items.
 - (2) Fee Payment. No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid.
 - (3) Refund of Fees. Application fees which have not been used to account for staff time reviewing the application are refundable prior to action being taken. Once action has been taken fees are non-refundable, unless otherwise provided for in the Mendocino County Code or by policy of the County.

Sec. 20.190.030 Review of Applications.

- (A) Initial Completeness Review. The Director shall determine whether an application is complete within thirty (30) days of the date the application is ~~deemed complete~~filed and the required fee received, whichever is later, except for legislative acts (zoning amendments, Specific Plans, etc.) or where this time limit is superseded by state law.
- (B) Incomplete Application. If an application is deemed incomplete, the Director or their designee shall provide written notification to the applicant listing the application(s), forms, information, and any additional fees that are necessary to complete the application.
- (C) Appeal of Determination. Determinations of incompleteness are subject to the provisions Chapter 20.208 (Appeals).

ZONING MATRIX FOR DISCUSSION PURPOSES – CHAPTER 20.176 FOR LOW INTENSITY CAMPING

	One Campsite	Two to Three Campsites	Four to Five Campsites	Six to Seven Campsites	Eight to Nine Campsites
Suburban Residential (S-R)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
Rural Residential (R-R)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
Agricultural (A-G)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
Upland Residential (U-R)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
Rangeland (R-L)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
Forestland (F-L)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
Timberland Production (TPZ)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
Single Family Residential (R-1)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
Two Family Residential (R-2)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
Multi-family Residential (R-3)	NOT PERMITTED				
Rural Community (R-C)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
General Mixed Use (MU-2)	NOT PERMITTED				
Mixed Use North State (MUNS)	NOT PERMITTED				
Mixed Use Brush Street Triangle (MUBST)	NOT PERMITTED				
Limited Commercial (C-1)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP

ZONING MATRIX FOR DISCUSSION PURPOSES – CHAPTER 20.176 FOR LOW INTENSITY CAMPING

	One Campsite	Two to Three Campsites	Four to Five Campsites	Six to Seven Campsites	Eight to Nine Campsites
General Commercial (C-2)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
Limited Industrial (I-1)	NOT PERMITTED				
General Industrial (I-2)	NOT PERMITTED				
Pinoleville Industrial (PI)	NOT PERMITTED				
Open Space (OS)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP
Public Facilities (PF)	< 20 acres: AP > 20 acres: BL	<5 acres: UP >5.01 acres: AP	UP	>10.1 acres: UP	>20 acres: UP

AP= Administrative Permit

UP= Use Permit

NOT PERMITTED = Not permissible in Zoning District