

## CHAPTER 20.004 GENERAL

### **Sec. 20.004.005 Title.**

This Division shall be known and cited as the "Mendocino County Zoning Code—Division I."

### **Sec. 20.004.010 Adoption of Zoning Enabling Plan—Declaration.**

There is adopted a Zoning Enabling Plan for the County of Mendocino, exclusive of those areas within the Coastal Zone.

### **Sec. 20.004.015 Purpose.**

This Division is adopted to protect and promote the public health, safety, morals, peace, comfort, convenience, prosperity and general welfare; and further, the purpose of this Division is to prescribe land use regulations and a zoning plan for the County of Mendocino deemed necessary to promote forestry and agriculture; to provide open space for light and air and to prevent and fight fires and other hazards; to prevent undue dispersion or concentration of population; to promote orderly community development; to lessen congestion of streets and highways; and to facilitate adequate provisions for community utilities such as transportation, schools, parks and other public requirements.

### **Sec. 20.004.020 Intent.**

This Division is intended to be in harmony with the Mendocino County General Plan and any area plans adopted pursuant thereto. Future amendments of these plans shall be reflected in amendments of the Zoning Code, and future amendments to the Mendocino County Zoning Code – Division I shall only be made in conformity with the General Plan and adopted area plans.

### **Sec. 20.004.025 Findings.**

The Board of Supervisors finds that agriculture is a major industry of the County and that for the protection of agriculture and in order to prevent further encroachment upon it by incompatible uses of property and for the general welfare of the County as a whole, there are created zone classifications within which agriculture shall be encouraged to the exclusion of such other uses of land as may be in conflict therewith. Therefore, the provisions of this Division shall be liberally interpreted, insofar as they apply to agricultural pursuits and services, and shall not be deemed or construed to permit interference with any normal accessory use conducted in conjunction therewith. It is the intention of this Division to provide maximum protection to existing and future agricultural enterprises and to encourage the highest and best use of the lands so classified for agricultural purposes, including the necessary residential, recreational, educational, public utilities and other similar uses necessary and incidental thereto.

### **Sec. 20.004.030 Applicability of Mendocino County Zoning Code—Division I.**

The Board of Supervisors declares that the regulations of this Division are intended to apply to all properties within the unincorporated area of the County, exclusive of those areas known as the Coastal Zone.

### **Sec. 20.004.035 Conflict Resolution.**

- (A) Where conflict occurs between the regulations of this Division and any building code or other regulations within the County, the more restrictive of any such regulations shall apply.
- (B) In interpreting and applying the provisions of this Division, unless otherwise stated, requirements shall be held to be the minimum requirements for the promotion and protection of the public safety, health and the general welfare.
- (C) It is not intended that this Division shall interfere with or abrogate or annul any easements, covenants or other agreements now in effect; provided, however, that where this Division

imposes a greater restriction than are imposed or required by other ordinances, articles, chapters rules or regulations, or by easements, covenants, or agreements, the provisions of this Division shall apply except in the case of a development agreement entered into pursuant to Government Code Sections 65864 through 65869.5.

#### **Sec. 20.004.040 Completion of Existing Buildings.**

Nothing herein shall require any change in the plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of the ordinance codified in this Division or any amendment of these regulations, provided that actual construction of such building or structure is commenced within six (6) months after the date of issuance of the building permit and is completed within one (1) year from the effective date of such amendment, and provided further that such construction and proposed use of such building or structure is not on said effective date in violation of any other code or law. Actual construction is hereby defined for purposes of this Section, to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement is being excavated, such excavating shall be deemed to be actual construction, or where demolition or removal of an existing structure has been begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

#### **Sec. 20.004.045 Effect of Zoning Enabling Plan.**

To make effective a degree of zoning protection in the unincorporated area of the County, all uses of land within a particular district as defined by this Division (except those uses similar in scope and intensity to those uses cited as typical uses within Chapters 20.016 through 20.036) which are not permitted by the regulations established herein for that district are prohibited.

Except as hereinafter otherwise provided:

- (A) No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or premises to be used, designated or intended to be used for any purpose or in any manner other than is included among the uses listed in this Division as permitted, or uses permitted by use permit, in the district in which such building, land or premises is located.
- (B) No building shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this Division for the districts in which such building is located.
- (C) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area and building location regulations designated in this Division for the district in which such building or open space is located.
- (D) No yard or other open space provided about any building for the purpose of complying with the provisions of this Division shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site.

#### **Sec. 20.004.050 Interpretation of Split Zoning.**

For parcels that are split between two zoning districts, the zoning district boundary shall be treated as a parcel line and the regulations of each district apply to the portion of the lot within each zoning district.

#### **Sec. 20.004.055 Severability.**

If any chapter, section, subsection, paragraph, sentence, clause or phrase of this Division, which is reasonably separable from the remaining portion of this Division is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Division, it being herein expressly declared that this Division and each chapter, section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted

irrespective of the fact that any one or more sections, subsections, paragraphs, clauses or phrases be declared invalid or unconstitutional.

## 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.
- (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.
- (F) Agricultural Employee shall have the same meaning as provided in section 1140.4(b) of the California Labor Code.
- (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.
- (L) "Antenna" means a device used in communications designed to radiate and/or capture electromagnetic signals.
- (M) "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.
- (N) "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.

- (O) "Antenna tower" means any pole, tower, or other structure, over ten (10) feet tall, erected for the purpose of supporting one or more antennas.
- (P) "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.
- (R) "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.

**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.
- (D) "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.
- (E) "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.
- (F) Boarding Stable. See Stable.
- (G) "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.
- (H) "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.
- (M) Corner Lot. See Lot, Corner.
- (N) "Cottage industry" means a small scale business operated in or around a residential use and which complies with Chapter 20.160.
- (O) "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.
- (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.
- (C) "Dead storage" means the storage of the owner's or occupant's recreational vehicle on the site in such a manner that it is not connected to utilities and is not occupied as living quarters.
- (D) "Density" means the number of dwelling units per acre or square feet.
- (E) "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.

- (F) "Development agreement" means an agreement between the County and an applicant entered into pursuant to Government Code Sections 65864 through 65869.5.
- (G) "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.
- (H) "Dwelling, single-family" means a building containing not more than one (1) dwelling unit. Included is a converted mobile home and moveable tiny home.
- (I) "Dwelling, two family (duplex)" means a building containing two (2) dwelling units. Included is a converted mobile home.
- (J) "Dwelling, multifamily (apartment)" means a building or portion thereof containing three (3) or more dwelling units.
- (K) "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.
- (L) "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", "Accessory Dwelling Unit" and "Junior Accessory Dwelling Unit".

#### **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.
- (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.
- (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.
- (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..
- (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.
- (C) "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.
- (E) "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.
- (F) Lodging House. See Hotel.
- (G) "Lot" means a parcel or real property which, upon application, is eligible for a Certificate of Compliance.
- (H) "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.
- (I) "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.
- (J) "Lot coverage" means the percentage of net site area covered by the vertical projection of any structure.
- (K) "Lot, double frontage" means a lot fronting on two (2) parallel or approximately parallel streets.
- (L) "Lot depth" means the horizontal length of a straight line connecting the mid points of the front and rear lot lines.
- (M) "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.
- (N) "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.
- (O) "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.
- (P) "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.

- (Q) "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) "Market Rate" means not restricted to an "affordable" housing price as defined in section 20.008.020 of this document, or an affordable rent.
- (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.
- (E) 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.
- (E) "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 Use Permit for the particular district provided a use permit is obtained.
- (F) "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.
- (G) "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.
- (H) Portable Sign. See Sign, Portable.
- (I) "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) "Premises" means a lot, or contiguous lots or portions thereof with functions, characteristics or uses uncommon to the remainder of the lot or lots.
- (L) Principal use(s)" means the primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.
- (M) Private Garage. See Garage, Private.
- (N) 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.
- (P) Public Garage. See Garage, Public.
- (Q) 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) "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) "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) "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.
- (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.
- (E) "Setback, front yard" means the building or structure setback applicable in the front yard of a lot.
- (F) "Setback, rear yard" means the building or structure setback applicable in the rear yard of a lot.
- (G) "Setback, side yard" means the building or structure setback applicable in the side yard of a lot.
- (H) "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.

- (I) "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.
- (J) "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.
- (K) "Sign face" means the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
- (L) "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.
- (M) "Sign height" means the highest point of any sign face or structural support members, whichever is the greater.
- (N) "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.
- (O) "Sign, off-site" means any sign as herein defined other than an on-site sign.
- (P) "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.
- (Q) "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.
- (R) "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.



- (S) "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.
- (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.
- (U) "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) Single-Family Residence. See Dwelling, Single-Family.
- (W) "Small family daycare home" means the same as "small family daycare home" as defined in California Health and Safety Code section 1596.78.
- (X) "Stable" means a stable used for the boarding, breeding, training, or raising of horses, including horses not owned by the occupants of the premises.
- (Y) "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.
- (Z) Standard Mobile Home Park. See Mobile Home Park, Standard.
- (AA) "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.
- (BB) "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.
- (CC) "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.
- (DD) "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.
- (EE) "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.
- (FF) "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.
- (GG) "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.
- (HH) "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.
- (C) "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.
- (D) "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.
- (E) "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.
- (G) "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.
- (H) 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 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) "Water Extraction for Bulk Sale" means extraction of water from a parcel, whether from a well, spring, watercourse or any other source of water, that is not done by a water district, where the water is sold for use on a different property than where it was extracted, including any transportation of water in containers including but not limited to bottles or tank trucks.
- (C) "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 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 20.012 USE CLASSIFICATIONS

### Sec. 20.012.005 General Intent of the Use Classifications.

The purpose of these provisions is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout this Division.

### Sec. 20.012.010 Listing of Use Classifications.

All uses are hereby classified into the following use types, which are described in Section 20.016.005 through Section 20.036.010, inclusive. See Section 20.012.015 for classification of combinations of uses resembling different types. The names of these use types start with capital letters throughout this Division.

#### (A) Residential Use Types.

- (1) Assisted Living Residential Care Facility;
- (2) Day Care Facility;
- (3) Employee Housing;
- (4) Family residential—single-family;
- (5) Family residential—two-family;
- (6) Family residential—multifamily;
- (7) Family residential—dwelling groups;
- (8) Family residential—cluster development;
- (9) Low Barrier Navigation Center;
- (10) Mobile home park;
- (11) Supportive Housing;
- (12) Transitional Housing.

#### (B) Civic Use Types.

- (1) Administrative services, government;
- (2) Ambulance services;
- (3) Cemetery services;
- (4) Clinic services;
- (5) Community recreation;
- (6) Cultural exhibits and library services;
- (7) Day care facilities/small schools;
- (8) Educational facilities;
- (9) Essential services;
- (10) Fire and police protection services;
- (11) Group care;
- (12) Lodge, fraternal and civic assembly;

- (13) Major impact facilities;
  - (14) Major impact services and utilities;
  - (15) Minor impact utilities;
  - (16) Religious assembly.
- (C) Commercial Use Types.
- (1) Administrative and business offices;
  - (2) Agricultural sales and services;
  - (3) Animal sales and services—auktioning;
  - (4) Animal sales and services—household pets;
  - (5) Animal sales and services—horse stables;
  - (6) Animal sales and services—kennels;
  - (7) Animal sales and services—stockyards;
  - (8) Animal sales and services—veterinary. (large animals);
  - (9) Animal sales and services—veterinary (small animals);
  - (10) Automotive and equipment—cleaning;
  - (11) Automotive and equipment—fleet storage;
  - (12) Automotive and equipment—parking;
  - (13) Automotive and equipment—gasoline sales;
  - (14) Automotive and equipment—repairs, light;
  - (15) Automotive and equipment—repairs, heavy;
  - (16) Automotive and equipment—sales/rentals;
  - (17) Automotive and equipment—storage, nonoperating vehicles;
  - (18) Automotive and equipment—storage, recreational vehicles and boats;
  - (19) Building maintenance services;
  - (20) Business equipment sales and services;
  - (21) Commercial recreation—indoor sports and recreation;
  - (22) Commercial recreation—outdoor sports and recreation;
  - (23) Commercial recreation – outdoor sports and recreation—limited;
  - (24) Commercial recreation—indoor entertainment;
  - (25) Commercial recreation—outdoor entertainment;
  - (26) Communications services;
  - (27) Construction sales and services;
  - (28) Cottage industries—limited;
  - (29) Cottage industries—general;
  - (30) Eating and drinking establishments;
  - (31) Financial, services;
  - (32) Food and beverage retail sales;

- (33) Food and beverage preparation—without consumption;
  - (34) Funeral and interment services;
  - (35) Laundry services;
  - (36) Mail order businesses;
  - (37) Medical services;
  - (38) Personal services;
  - (39) Recycling centers;
  - (40) Redemption centers
  - (41) Repair services, consumer;
  - (42) Research services;
  - (43) Retail sales, general;
  - (44) Scrap operations;
  - (45) Swap meets;
  - (46) Transient habitation—campground;
  - (47) Transient habitation—lodging—limited;
  - (48) Transient habitation—lodging;
  - (49) Transient habitation—resort and recreational facilities;
  - (50) Wholesaling, storage and distribution—mini-warehouses;
  - (51) Wholesaling, storage and distribution—light;
  - (52) Wholesaling, storage and distribution—heavy.
- (D) Industrial Use Types.
- (1) Custom manufacturing;
  - (2) Explosives storage;
  - (3) General industrial;
  - (4) Heavy industrial.
- (E) Agricultural Use Types.
- (1) Horticulture;
  - (2) Row and field crops;
  - (3) Tree crops;
  - (4) Animal raising—general agriculture;
  - (5) Animal raising—personal;
  - (6) Animal waste processing;
  - (7) Packing and processing—limited;
  - (8) Packing and processing—winery;
  - (9) Packing and processing—general;
  - (10) Packing and processing—commercial cooperage;
  - (11) Forest production and processing—limited;

- (12) Forest production and processing—general;
  - (13) Forest production and processing—commercial woodlots;
  - (14) Forest production and processing – portable sawmills.
- (F) Extractive Use Types.
- (1) Mining and processing.

**Sec. 20.012.015 Classification of Combination of Principal Uses.**

The following rules shall apply where a lot contains uses which resemble two (2) or more different use types and which are not classified either as accessory uses or as permitted secondary uses.

- (A) Separate Classification of Several Establishments. The principal uses conducted on a lot by two (2) or more individual establishments, managements, or institutions shall be classified separately into use types.
- (B) Classification of Different Uses Conducted by Individual Establishment. If principal uses conducted on a lot by an individual establishment, management, or institution resemble two (2) or more different use types all such principal uses shall be classified in the use types whose description most closely portrays the nature of such uses. However, when the principal uses have any of the characteristics of the following list of use types, all such principal uses shall be classified in one (1) or more of the use types on the list:
  - (1) Animal sales and services: auctioning;
  - (2) Animal sales and services: stockyards-
  - (3) Animal waste processing;
  - (4) Explosive storage:
  - (5) General industrial:
  - (6) Heavy industrial;
  - (7) Major impact services and utilities;
  - (8) Mining and processing;
  - (9) Scrap operations;
  - (10) Wholesaling, storage and distribution: heavy.

**Sec. 20.012.020 Classifying Uses.**

Uses will be classified into use types upon the description of the use types as contained in Section 20.016.005 through Section 20.036.010, inclusive, and upon common functional, product, or compatibility characteristics with other uses already classified within the use type, subject to the applicable provisions of Section 20.012.015 with respect to combinations of uses. A list of common uses and the use types into which they are classified shall be maintained by the Director. The Director shall have the authority to classify common uses according to use types. The classification of a use is subject to the right of appeal pursuant to the administrative appeal procedure in Chapter 20.208.

## **CHAPTER 20.016 RESIDENTIAL USE TYPES**

### **Sec. 20.016.005 General Description of Residential Use Types.**

Residential use types include the occupancy of living accommodations on a wholly or primarily nontransient basis. They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations.

### **Sec. 20.016.010 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.

### **Sec. 20.016.015 Family Residential.**

The family residential use type refers to the residential occupancy of dwelling units by families on a monthly or longer basis. Typical uses include occupancy of dwelling or apartment. The following are family residential use types:

- (A) Family Residential—Single-family. The use of a parcel for only one (1) dwelling unit including if said unit is a moveable tiny home consistent with Chapter 20.170;
- (B) Family Residential—Two-family. The use of a parcel for two (2) dwelling units within a single building;
- (C) Family Residential—Multifamily. The use of a parcel for three (3) or more dwelling units in one (1) building;
- (D) Family Residential—Dwelling Groups. The use of a parcel for more than one (1) but not more than four (4) single family dwellings, except on R-2 zoned properties, no more than four (4) dwelling units. On the agriculture, range land, forest land, and timber land production districts, open space easements or other methods may be required on all open space land not included in the residential development area:
- (E) Family Residential—Cluster Development. The use of a parcel for more than four (4) dwelling units when clustered to enhance and protect the agriculture or natural resources of a site. Typical uses are single-family, two (2) family, or multiple-family units which shall meet the requirements in Chapter 20.116 Cluster Combining District.

### **Sec. 20.016.020 Day Care Facility**

The use of a dwelling unit as a “small family daycare home” or “large family daycare home” as defined in California Health and Safety Code section 1596.78. “Small family daycare home” or “large family daycare home” includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the family daycare provider resides and includes a dwelling or dwelling unit that is rented, leased, or owned. Pursuant to California Health and Safety Code section 1597.45 Day Care Facilities are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.



### **Sec. 20.016.025 Employee Housing.**

Employee Housing consistent with the Employee Housing Act as specified in California Health and Safety Code sections 17000 through 17062.5.

### **Sec. 20.016.030 Low Barrier Navigation Center**

A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing, as further defined in California Government Code section 65660(a).

### **Sec. 20.016.035 Mobile Home Park.**

The mobile home park use type refers to the residential occupancy of mobile homes by families on a monthly or longer basis. Typical uses include mobile home parks.

### **Sec. 20.016.040 Supportive Housing.**

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.

### **Sec. 20.016.045 Transitional Housing.**

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.

## 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. 20.020.030 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 20.024 COMMERCIAL USE TYPES

### Sec. 20.024.005 General Description of Commercial Use Types.

Commercial use types include the distribution and sale or rental of goods; and the provision of services other than those classified as civic uses. They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations.

### Sec. 20.024.010 Administrative and Business Offices.

"Administrative and business offices" means offices of private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, travel, secretarial services, telephone answering, photocopy and reproduction, and other activities when the service rendered is that customarily associated with administrative office services. Excluded are banks.

### Sec. 20.024.015 Agricultural Sales and Services.

"Agricultural sales and services" means establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the services are rendered. Typical uses include nurseries, hay, feed and grain stores, crop dusting, or tree service firms.

### Sec. 20.024.020 Animal Sales and Services.

"Animal sales and services" means establishments or places of business primarily engaged in animal related sales and services. The following are animals sales and services use types:

- (A) Animal Sales and Services—Auctioning. Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding seventy-two (72) hour periods. Typical uses include animal auctions or livestock auction yards.
- (B) Animal Sales and Services—Household Pets. Retail sales and grooming of dogs, cats, birds, fish and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.
- (C) Animal Sales and Services—Horse Stables. Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their nonpaying guests. Typical uses include boarding stables or public stables.
- (D) Animal Sales and Services—Kennels. Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels or dog training centers.
- (E) Animal Sales and Services—Stockyards. Stockyard services involving the temporary keeping of transient livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales yards.
- (F) Animal Sales and Services—Veterinary (Large Animals). Veterinary services for large animals. Typical uses include animal hospitals (large animals) and veterinary hospitals (large animals). Typical uses include clinics for the treatment of sheep, cattle, horses, goats and similar large animals.
- (G) Animal Sales and Services—Veterinary (Small Animals). Veterinary services for small animals provided that overnight care shall be within a fully enclosed building or structure. Typical uses include pet clinics, dog and cat hospitals or animal hospitals treating small animals.

## **Sec. 20.024.025 Automotive and Equipment.**

"Automotive and equipment" means establishment or places of business primarily engaged in automotive related or heavy equipment sales or services. The following are automotive and equipment use types:

- (A) Automotive and Equipment—Cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.
- (B) Automotive and Equipment—Fleet Storage. Storage or parking of one (1) or more vehicles used regularly in business operations. Excluded from this use type are automotive and equipment—sales/rentals, and the incidental parking of vehicles as an accessory use to a permitted use on the same premises. Typical uses include taxi fleets, mobile catering truck storage or delivery truck fleets.
- (C) Automotive and Equipment—Parking. Parking of motor vehicles on a temporary basis within a public or privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots or commercial garages.
- (D) Automotive and Equipment—Gasoline Sales. Establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with incidental sale of tires, batteries, and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations or truck stops.
- (E) Automotive and Equipment—Repairs, Light (Under Six Thousand (6,000) Pounds). Repairs of automobiles, pick-up trucks, recreational vehicles, farm equipment and boats (less than twenty-four (24) feet in length) and the sale, installation and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto repair garages, auto glass shops or auto parts stores.
- (F) Automotive and Equipment—Repairs, Heavy (Six Thousand (6,000) Pounds and Over). Repair of motor vehicles such as aircraft, boats, (twenty-four (24) feet or longer) heavy construction equipment, trucks, or major truck terminals etc., as well as the sale, installation and servicing of automotive equipment and parts together with body repairs, painting and steam cleaning. Typical uses include truck transmission shops, body shops or motor freight maintenance groups.
- (G) Automotive and Equipment—Sales/Rentals. Sale, retail or wholesale and/or rental from the premises of auto, trucks, motorcycles, mobile homes, motor homes, trailers, construction equipment, farm equipment and aircraft together with incidental maintenance. Typical uses include auto dealers, car rental agencies, aircraft dealers, boat dealers, construction equipment dealers, or mobile home dealers.
- (H) Automotive and Equipment—Storage, Nonoperating Vehicles. Storage of nonoperating motor vehicles. Typical uses include storage of private parking towaways or impound yards.
- (I) Automotive and Equipment—Storage, Recreational Vehicles and Boats. Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles or boats.

## **Sec. 20.024.030 Building Maintenance Services.**

"Building maintenance services" means establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

## **Sec. 20.024.035 Business Equipment Sales and Services.**

"Business equipment sales and services" means establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction

and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

### **Sec. 20.024.040 Commercial Recreation.**

"Commercial recreation" means establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:

- (A) **Indoor Sports and Recreation.** Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, penny arcades.
- (B) **Outdoor Sports and Recreation.** Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, swimming pools, water slides, tennis courts, racquetball courts. Shooting ranges and motorcycle parks shall require a use permit.
- (C) **Outdoor Sports and Recreation—Limited.** Recreational activities that are compatible with and not detrimental to the agricultural use of the property, specifically meaning the use of land by the public, with or without charge, for any of the following recreational uses: Walking, hiking, picnicking, swimming, boating, fishing, hunting, equestrian uses or other outdoor games such as golf driving ranges, tennis courts (grass only), par course (physical fitness) and athletic fields (football, soccer and batting practice range). This recreational use is limited as follows:
  - (1) A duration of two (2) years, subject to renewal.
  - (2) No permanent structures may be constructed to support this use.
  - (3) No soil shall be moved to support this use.
  - (4) Use must be in compliance with Williamson Act contract restrictions and with the use as specified in Mendocino County Code Section 22.08.071.
- (D) **Indoor Entertainment.** Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, dance halls and auditoriums.
- (E) **Outdoor Entertainment.** Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, amusement parks.

### **Sec. 20.024.045 Communications Services.**

"Communications services" means establishments primarily engaged in the provisions of broadcasting and other information relay services accomplished through the use of electronic mechanisms but excludes those classified as major or minor impact services and utilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.

### **Sec. 20.024.050 Construction Sales and Services.**

"Construction sales and services" means establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the automotive and heavy equipment use types. Typical uses include building materials stores, tool and equipment rental or sales, retail lumber, contractors storage yard, furniture manufacturing or cabinet shops.

### **Sec. 20.024.055 Cottage Industries—Limited.**

"Cottage industries—limited" means use types conducted in compliance with Chapter 20.160.

### **Sec. 20.024.060 Cottage Industries—General.**

"Cottage industries—general" means use types conducted in compliance with Chapter 20.160.

### **Sec. 20.024.065 Eating and Drinking Establishments.**

"Eating and drinking establishments" means establishments or places of business primarily engaged in the sale of prepared food and beverage for on-premises consumption. Typical uses include restaurants, short order eating places, bars, or tasting rooms when not associated with a Packaging and Processing—winery use type.

### **Sec. 20.024.070 Financial Services.**

"Financial services" means establishments primarily engaged in the provision of financial services and banking. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.

### **Sec. 20.024.075 Food and Beverage Retail Sales.**

"Food and beverage retail sales" means establishments or places of business primarily engaged in the retail sale of food and beverage for home consumption. Typical uses include grocery stores, liquor stores, delicatessens or retail bakeries.

### **Sec. 20.024.080 Food and Beverage Preparation—Without Consumption.**

"Food and beverage preparation—without consumption" means establishments or places of business primarily engaged in the preparation of food and beverage and which no consumption of the products occur on the premises. Typical uses include catering.

### **Sec. 20.024.085 Funeral and Interment Services.**

"Funeral and interment services" means establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead. Typical uses include funeral homes or mortuaries.

### **Sec. 20.024.090 Laundry Services.**

"Laundry services" means establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include laundry agencies, diaper services or linen supply services.

### **Sec. 20.024.092 Mail Order Businesses.**

"Mail order businesses" means the storage, sale and delivery of goods and merchandise produced on or off the premises to retail or wholesale consumers by way of the mails, delivery services, or in any other manner in which visitation to the premises by the wholesale or retail consumers is strictly incidental.

### **Sec. 20.024.095 Medical Services.**

"Medical services" means establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment or rehabilitation services provided by physicians, dentists, nurses and other health personnel as well as the provisions of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories or health maintenance organizations.

### **Sec. 20.024.100 Personal Services.**

"Personal services" means establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, self-

service laundry, photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

### **Sec. 20.024.105 Recycling Centers.**

"Recycling centers" means places of business or public facilities for the collection or processing of recyclable materials, including but not limited to metals, glass, plastic, paper, appliances or white metals. Appliances and white metals shall be limited to twenty-five (25) percent of the floor area devoted to the storage of recyclable materials but not more than four hundred (400) square feet. Recycling centers exclude automobile wrecking yards, junk yards, and the collection of refuse or hazardous materials except recyclable batteries, or paint, oil or antifreeze limited to one thousand (1,000) gallons of each fluid. Recycling centers may process recyclable materials for efficient shipping or to an end-user's specifications by baling, bunching, crushing, smashing, separation, shredding or similar action. The recycling of materials excluded from recycling centers may be permitted as an industrial use type. See Chapter 20.164 for exemptions classified as accessory recycling.

### **Sec. 20.024.107 Redemption Centers.**

"Redemption centers" means small collection centers for the acceptance and temporary storage of redeemable recyclable materials from the public by donation, redemption or purchase. A redemption center may include reverse vending machine(s) or a mobile recycling unit. A redemption center shall not exceed three thousand (3,000) square feet, and if not contained within a permanent structure shall be contained behind a minimum six (6) foot high view-obstructing fence secure from unauthorized entry. Processing is limited to preparing the accumulated recyclable material for efficient shipping or to an end-user's specifications, including baling, compacting, crushing, mechanical sorting, or shredding, provided that the noise level does not exceed fifty (50) dBA Leq at the property line adjacent to a residential or similar noise sensitive use or sixty (60) dBA Leq at the property line adjacent to a commercial use. All processing shall be conducted between the hours of 9:00 a.m. and 6:00 p.m., Monday through Saturday. Recycling which exceeds the limits of a redemption center may be permitted under recycling centers. See also Chapter 20.164 for accessory recycling.

### **Sec. 20.024.110 Repair Services, Consumer.**

"Repair services, consumer" means establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, apparel repair firms or musical instrument repair firms.

### **Sec. 20.024.115 Research Services.**

"Research services" means establishments primarily engaged in research of an industrial or scientific nature which is provided as a service or which is conducted by and for a private firm, but excludes medical testing and analysis and product testing. Typical uses include electronics research laboratories, space research and development firms or pharmaceutical research labs.

### **Sec. 20.024.120 Retail Sales, General.**

"Retail sales, general" means sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in Sections 20.024.005 to 20.024.115 and Sections 20.024.125 to 20.024.140 (all other commercial use types) inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating



services, office supplies; bicycles; automotive parts and accessories (excluding service and installation) or hardware stores (excluding lumber storage or sales).

### **Sec. 20.024.125 Scrap Operations.**

"Scrap operations" means places of business primarily engaged in the storage, sale dismantling or other processing of used or waste materials which are not intended for reuse in their original form. Typical uses include automotive wrecking, and junk yards.

### **Sec. 20.024.130 Swap Meets.**

"Swap meets" means display, exchange, barter or sale of new or used common household items or office equipment and furnishings, provided that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged.

### **Sec. 20.024.135 Transient Habitation.**

"Transient habitation" means establishments primarily engaged in the provision of lodging services on a less than monthly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are transient habitation use types:

- (A) Transient Habitation—Campground. Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks or campgrounds. Uses within this use type are subject to Chapter 20.176, Recreational Vehicle Parks and Campgrounds.
- (B) Transient Habitation—Lodging (Limited). Lodging services involving the provision of room and/or board. Typical uses include hotels, motels, inns, or transient boarding houses with three (3) to six (6) rooms.
- (C) Transient Habitation—Lodging. Lodging services involving the provision of room and/or board. Typical uses include hotels, motels, inns, or transient boarding houses with seven (7) or more rooms.
- (D) Transient Habitation—Resort and Recreational Facilities. Resort services including the provision of extensive outdoor recreation and entertainment services especially for vacationers. Typical uses include resort and recreational facilities, health spas, resort hotels and motels, guest ranch, inns or organized camps.

### **Sec. 20.024.140 Wholesaling, Storage and Distribution.**

"Wholesaling, storage and distribution" means establishment or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals. The following are wholesaling, storage and distribution use types:

- (A) Wholesaling, Storage and Distribution—Mini-Warehouses.

Storage or warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store material for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse facility function as an independent retail, wholesale, business or service use. Individual storage spaces within a mini-warehouse shall have a maximum gross floor area of four hundred (400) square feet and shall not be used for workshops, hobbyshops, manufacturing or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials. Driveways between mini-warehouse buildings on the same site shall have a minimum width of twenty-four (24) feet to accommodate the temporary parking of vehicles during loading and unloading operations.

- (B) Wholesaling, Storage and Distribution—Light. Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributor, storage warehouses or moving and storage firms.
- (C) Wholesaling, Storage and Distribution—Heavy. Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators, propane providers, or open storage yards.

## *CHAPTER 20.028 INDUSTRIAL USE TYPES*

### **Sec. 20.028.005 General Description of Industrial Use Types.**

Industrial use types include on-site production of goods by methods not agricultural or extractive in nature. They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations.

### **Sec. 20.028.010 Custom Manufacturing.**

"Custom manufacturing" means the on-site production of individually crafted goods using hand tools or mechanical equipment typical of the type or specifications found in a home shop or not creating noise, dust, fumes, visual impacts or electrical or water use in excess of home shop or hobby equipment and may include incidental on-site sales of those goods to retail consumers. Typical uses include ceramic studios, candle-making shops, custom jewelry manufacturing and wood working shops, or light assembly of components manufactured off-premises.

### **Sec. 20.028.015 General Industrial.**

"General industrial" means industrial plants primarily engaged in manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and products. Included are aggregate processing plants such as crushing, screening, washing and mixing plants.

### **Sec. 20.028.020 Heavy Industrial.**

"Heavy industrial" means all other industrial plants or other uses involving the compounding of radioactive materials, petroleum refining or manufacturing of explosives.

### **Sec. 20.028.025 Explosives Storage.**

"Explosives storage" means storage of any quantity of explosives as defined by Section 1200 of the California Health and Safety Code. Typical uses include storage in the course of manufacturing, selling or transporting explosives or in the course of blasting operations.

## CHAPTER 20.032 AGRICULTURAL USE TYPES

### Sec. 20.032.005 General Description of Agricultural Use Types.

Agricultural use types include the on-site production of plant and animal products by agricultural methods. They also include certain uses accessory to the above specified in Chapter 20.164, Accessory Use Regulations.

### Sec. 20.032.010 Horticulture.

"Horticulture" means premises devoted to horticultural and floracultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. Typical uses include wholesale/retail nurseries limited to the sale of horticulture and horticulture specialties grown on site and in green houses.

### Sec. 20.032.015 Row and Field Crops.

"Row and field crops" means premises devoted to the cultivation for sale of agricultural products grown in regular or scattered patterns such as vines, field, forage and other plant crops intended to provide food or fibers.

### Sec. 20.032.020 Tree Crops.

"Tree crops" means premises devoted to the cultivation for sale at wholesale of tree-grown agricultural products such as pears, apples, walnuts and Christmas trees but excluding other forestry products.

### Sec. 20.032.025 Animal Raising—General Agriculture.

"Animal raising—general agriculture" means the raising of crops or livestock on parcels greater than forty thousand (40,000) square feet or zoned A-G, R-L, U-R, F-L or TPZ and shall include:

- (A) Grazing of livestock and feeding and caring incidental thereof;
- (B) Animal husbandry including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits, and poultry, including egg production;
- (C) Sale of agricultural products grown, raised, or produced on the premises;
- (D) 4-H, FFA or similar projects shall be permitted in all zoning districts.

### Sec. 20.032.030 Animal Raising—Personal.

"Animal raising—personal" means the raising of hen chickens or rabbits for personal use on parcels forty thousand (40,000) square feet or less in size in accordance with the following criteria:

- (A) No more than six (6) of any one (1) or combination of such animals on the lot;
- (B) Maintained in coops or pens located at a distance of fifty (50) feet or more from buildings used for human habitation;
- (C) Coops or pens shall be located only on the rear one-third ( $\frac{1}{3}$ ) of the lot;
- (D) Coops or pens shall be located no closer than five (5) feet from the side or rear property line.

### Sec. 20.032.035 Animal Waste Processing.

"Animal waste processing" means processing of animal waste and byproducts, including but not limited to animal manure, animal bedding waste, and similar byproducts of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting operations.

## Sec. 20.032.040 Packing and Processing.

"Packing and processing" means packing or processing of agricultural crops, animals and their byproducts which entails more than picking, cutting, sorting and boxing or crating, but does not include rendering, tanning, or reduction of meat. The following are packing and processing use types:

- (A) **Packing and Processing—Limited.** Packing or processing of crops grown on the premises;
- (B) **Packing and Processing—Winery.** Crushing of grapes and fermentation, storage, and bottling of wine from grapes grown on or off the premises. Said use type also includes tasting rooms in conjunction with a winery and breweries provided said tasting room occupies less than twenty-five percent (25%) of the floor space of the winery;
- (C) **Packing and Processing—General.** Packing or processing of crops, mineral water, animals or their byproducts regardless of where they were grown or found. Includes mineral water bottling plants;
- (D) **Packing and Processing—Commercial Cooperage.** Manufacture of wood vessels, such as barrels for storing and maturing wine, beer or other beverages, regardless whether the agricultural products stored are grown on or off the premises if it is established in connection with a winery operation on the premises.

## Sec. 20.032.045 Forest Production and Processing.

"Forest production and processing" refers to the production and byproduct process from growing to milling to sales of forest products. The following are forest production and processing use types:

- (A) **Forest Production and Processing—Limited.** Refers to the growing, harvesting, curing, milling, packaging, packing, shipping and selling of forest products, produced on the premises.
- (B) **Forest Production and Processing—General.** Refers to the growing, harvesting, curing, milling, packaging, packing, shipping, and selling of forest products regardless of where they are grown.
- (C) **Forest Production and Processing—Commercial Woodlots.** Refers to open or closed storage of firewood for wholesale or retail sales, regardless of where the firewood products are produced.
- (D) **Forest Production and Processing—Portable Sawmills.** Refers to the operation of small portable milling machines for production of rough-sawed lumber subject to the following limitations:
  - (1) Logs or other material to be sawed may come from timber produced on the premises or imported from off-site sources;
  - (2) Combined horsepower of all engines or motors used in the milling process shall not exceed seventy-five (75);
  - (3) Planing or other remanufacturing of lumber shall not be allowed.
  - (4) A maximum of three (3) workers/employees including the owner/operator;
  - (5) Production shall not exceed three thousand (3,000) board feet in any day or thirty thousand (30,000) board feet in any month;
  - (6) Milling machinery shall not be located closer than two hundred (200) feet from the nearest property line;
  - (7) Log/lumber storage and similar uses accessory to the milling operation shall not be located closer than fifty (50) feet from the nearest property line;
  - (8) All equipment and materials associated with the milling operation shall not be located closer than one hundred (100) feet from any Class I or Class II stream, and shall not be located within a one hundred-year (100-year) flood plain;

- (9) Minimum parcel size shall be ten (10) acres;
- (10) Maximum area encompassed by operation shall not exceed one (1) acre;
- (11) Maximum building area shall not exceed 5,000 square feet if the structure is pre-existing, and that any new building area shall be limited to 2,000 square feet as per cottage industries. Pre-existing (legal) facilities must pre-date July 1, 1999;
- (12) Noise created by the operation shall not exceed the levels specified in Appendix C.

## *CHAPTER 20.036 EXTRACTIVE USE TYPES*

### **Sec. 20.036.005 General Description of Extractive Use Types.**

Extractive use types include the on-site production of mineral products by extractive methods. They also include certain uses accessory to the above, as specified in Chapter 20.164, Accessory Use Regulations.

### **Sec. 20.036.010 Mining and Processing.**

The mining and processing use type refers to places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic materials, geothermal development, oil or gas together with essential processing of only nonmetallic mineral products. Except where conducted within a Mineral Processing Combining District, and subject to the requirement for a use permit, all such processing shall be of a temporary nature and carried on in conjunction with, and only for the duration of a specific construction project (except that portable screening and crushing equipment need not be related to a specific construction project). The sale of additional materials may be allowed for other off-site uses where such materials do not exceed ten percent (10%) of that volume specified for the primary construction project. Typical places or uses include borrow pits, gravel bars, rock quarries, oil and gas drilling rigs, or portable crushing, screening, washing, mixing plants, and water extraction for bulk sale from either a well, spring, watercourse or any other source that is not a water district.

## CHAPTER 20.040 ESTABLISHMENT OF ZONING DISTRICTS

### Sec. 20.040.005 Zoning Districts Established.

Mendocino County is divided into zoning districts to allow for orderly, planned development and to implement the General Plan. Table 20.040-A (Zoning Districts Implementing the General Plan) identifies the zoning districts established by this Division and the General Plan land use classifications the zoning districts implement. Table 20.040-A shall be utilized in determining the compatibility of zoning districts with General Plan land use classifications. The minimum parcel size allowed by zoning may not be smaller than the minimum parcel size specified by the General Plan Classification. The several classes of districts, and into which the County may be divided, are designated as follows:

- S-R Suburban Residential;
- R-R Rural Residential;
- A-G Agricultural;
- U-R Upland Residential;
- R-L Rangeland;
- F-L Forest Land;
- TPZ Timberland Production;
- R-1 Single-family Residential;
- R-2 Two-family Residential;
- R-3 Multiple-family Residential;
- R-C Rural Community;
- MU-2 General Mixed Use District
- MUNS Mixed Use North State Street
- MUBST Mixed Use Brush Street Triangle
- C-1 Limited Commercial;
- C-2 General Commercial;
- I-1 Limited Industrial;
- I-2 General Industrial;
- P-I Pinoleville Industrial;
- O-S Open Space;
- P-F Public Facilities.

<b>Table 20.040-A – Zoning Districts Implementing the General Plan and Compatibility Chart</b>		
<b>Zoning District Symbol</b>	<b>Zoning District Name</b>	<b>General Plan Land Use Designations Implemented by Zoning District and Compatible with Zoning District</b>
<b>Zoning Districts</b>		
<b>Agricultural and Resource Conservation Zoning Districts</b>		



<b>Table 20.040-A – Zoning Districts Implementing the General Plan and Compatibility Chart</b>		
A-G	Agricultural District	Remote Residential; Agricultural Lands
R-L	Rangeland District	Rangelands; Remote Residential
F-L	Forest Land District	Remote Residential; Rangelands; Forest Lands; Remote Resource Lands
T-P	Timberland Production District	Remote Residential; Rangelands; Forest Lands; Remote Resource Lands
<b>Residential Zoning Districts</b>		
R-R	Rural Residential	Rural Residential
U-R	Upland Residential	Remote Residential
S-R	Suburban Residential	Rural Community; Suburban Residential
R-1	Single-Family Residential	Rural Community; Suburban Residential
R-2	Two-Family Residential	Rural Community; Mixed-Use, Suburban Residential
R-3	Multiple-Family Residential	Rural Community; Mixed-Use; Suburban Residential
<b>Mixed Use Zoning Districts</b>		
MU-2	Mixed-Use 2	Mixed Use
MUNS	Mixed Use North State	Mixed Use; Mixed Use North State Street (see Ukiah Valley Area Plan)
MUBST	Mixed Use Brush Street Triangle	Mixed Use; Mixed Use Brush Street Triangle (see Ukiah Valley Area Plan)
<b>Commercial Zoning Districts</b>		
C-1	Limited Commercial	Suburban Residential; Commercial; Mixed Use, Rural Community
C-2	General Commercial	Rural Community; Mixed Use; Commercial
R-C	Rural Community	Rural Community
<b>Industrial Zoning Districts</b>		
I-1	Limited Industrial	Rural Community; Industrial

<b>Table 20.040-A – Zoning Districts Implementing the General Plan and Compatibility Chart</b>		
I-2	General Industrial	Rural Community; Industrial
<b>Public/Quasi-Public Zoning Districts</b>		
O-S	Open Space	Rural Community; Suburban Residential; Rural Residential; Remote Residential; Agricultural Lands; Rangelands; Forest Lands; Remote Resource Lands; Public Lands; Open Space; and Public Services
P-F	Public Facilities	Rural Community; Mixed-Use; Suburban Residential; Rural Residential; Remote Residential; Industrial; Commercial; Agricultural Lands; Public Lands; Public Services

**Sec. 20.040.010 Combining Districts.**

A combining district supplements the zoning district for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying zoning district. In the event of conflict between the zoning district regulations and the combining district regulations, the provisions of the combining district shall apply. In the event of conflict between multiple overlapping, combining districts, the most stringent regulations shall apply unless an applicable code section explicitly states otherwise. Combining districts may be established and designated as follows, subject to the procedures contained in Chapter 20.212:

- "AZ" Airport Zone Combining District;
- "C" Cluster Combining District;
- "CA" Cannabis Accommodation Combining District;
- "CC" Community Character Combining District;
- "CP" Commercial Cannabis Prohibition Combining District;
- "FP" Special Flood Plain Combining District;
- "IS" Isolated Service Combining District;
- "L" Special Minimum Lot Size Combining District;
- "MP" Mineral Processing Combining District;
- "PD" Planned Development Combining District;
- "P" Plan Combining District;
- "R" Commercial Resort Combining District;
- "SS" Seismic Study Combining District.

**Sec. 20.040.015 Location and Boundaries of Districts.**

The designation, location and boundaries of the aforesaid districts shall be by written description, assessors parcel or by delineation on zoning maps which may be hereafter be adopted as provided in Chapter 20.212, Amendments and Alterations. Said maps and all notations, references, data and other

information shown thereon shall become a part of this Division and subject thereto, and all such written descriptions and maps shall constitute Section 20.040.020 (next section) hereof.

### **Sec. 20.040.020 Zoning Maps of the County of Mendocino.**

This Section consists of the document entitled "Computer Print Out of Zoning Designation by Assessors Parcel Number." Said document is hereby adopted and incorporated herein by reference. Copies of said document shall be maintained by the Clerk of the Board and by the Department of Planning and Building Services. Said document shall not be codified.

### **Sec. 20.040.025 Determining Uncertain Boundaries.**

The Director of the Department of Planning and Building Services shall determine the boundaries of zoning districts when there is uncertainty. The Director's determination may be appealed to the Planning Commission pursuant to Chapter 20.208. The Director shall utilize the following rules in making determinations regarding zoning district boundaries:

- (A) **Streets or Alleys.** Where the indicated zoning boundaries are approximately street or alley lines, the center lines of such street or alley shall be construed to be the boundaries of such zone.
- (B) **Lot Lines.** Where the zoning boundaries are not shown to be streets or alleys, and where the property has been or may hereafter be divided into blocks, lots, or assessors parcels, the zoning boundaries shall be construed to be lot lines or assessors parcels; and where the indicated boundaries are approximately lot lines or assessors parcels, said lot lines or assessors parcels shall be construed to be the boundaries of said zone, unless said boundaries are otherwise indicated.
- (C) **Scale of Map.** Where the property is indicated on a zoning map or maps as acreage and not divided into lots, blocks, or assessors parcels or where the zone boundary lines are not approximately street, alley or lot lines, the zone boundary line shall be determined by use of the scale on the map unless dimensions are shown thereof by figures.
- (D) **Vacated Street or Alley.** In the event a dedicated street or alley shown on the zoning map or maps is vacated by resolution or amendment of any section of this Code, the property formerly in said street or alley shall be included within the zone of the adjoining property on either side of said vacated street or alley. In the event said street or alley was a zone boundary between two (2) or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.

## CHAPTER 20.044 "S-R" SUBURBAN RESIDENTIAL DISTRICT

### Sec. 20.044.005 Intent.

This district is intended to create and enhance neighborhoods where a mixture of residential, public facilities and services and community oriented commercial uses are desired. Typically the S-R District would be one in which a few specific types of convenience commercial services would be permitted in a residential area. Commercial uses are to be subordinate to the dominant residential character of the area. Areas designated Suburban Residential should be served by a publicly-maintained road network, and should be located within public service districts or logical extensions thereof.

### Sec. 20.044.010 Permitted Uses.

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

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

- Assisted Living Residential Care Facility;
- Day Care Facility;
- Employee Housing;
- Family residential-single-family;
- Low Barrier Navigation Center;
- Supportive Housing;
- Transitional Housing.

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

- Administrative services, government;
- Cemetery;
- Clinic services;
- Community recreation;
- Cultural exhibits and library services;
- Essential services;
- Fire and police protection services;
- Lodge, fraternal and civic assembly;
- Minor impact utilities;
- Religious assembly.

#### (C) Agricultural Use Types (See Chapter 20.032).

- Animal raising—general agriculture;
- Animal raising—personal;
- Forest production and processing—limited;
- Horticulture;
- Packing and processing—limited;
- Row and field crops;
- Tree crops.

**(D) Accessory uses as provided in Chapter 20.164.**

**Sec. 20.044.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the S-R District upon issuance of an Administrative Permit:

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

Family residential—two-family;  
Family residential—multifamily;  
Family residential—dwelling group.

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

Day care facilities/small schools;  
Group care.

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

Administrative and business offices;  
Cottage industries—Limited;  
Medical services;  
Personal services;  
Redemption centers;  
Repair services, consumer.

**Sec. 20.044.020 Uses Subject to a Use Permit.**

The following use types are permitted in the S-R District upon issuance of a Use Permit:

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

Mobile home residential.

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

Educational facilities;  
Major impact facilities;  
Major impact service and utilities.

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

Agricultural sales and services;  
Animal sales and services—veterinary (large animals);  
Animal sales and services—veterinary (small animals);  
Automotive and equipment—gasoline sales;  
Commercial recreation—indoor sports and recreation;  
Commercial recreation—outdoor sports and recreation;  
Commercial recreation—indoor entertainment;  
Eating and drinking establishments;  
Food and beverage retail sales;  
Transient habitation—Lodging (limited).

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

Packing and processing winery.

**(E) Extractive Use Type (See Chapter 20.036).**

Mining and processing.

**Sec. 20.044.025 Minimum Lot Area.**

**(A) For parcels within water and sewer districts:**

Mobile home and manufactured home subdivisions: 4,000 square feet;

Single-family residential or other uses: 6,000 square feet.

**(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.**

**Sec. 20.044.030 Maximum dwelling density.**

One (1) single-family per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group use type and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

**(A) For parcels within water and sewer districts:**

Single-family; one (1) unit per six thousand (6,000) square feet.

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

Mobile home park: one (1) unit per four thousand (4,000) square feet.

**(B) For parcels within water or sewer district:**

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

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

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

Single-family: one (1) unit per forty thousand (40,000) square feet. Multiple family dwelling units not permitted.

**Sec. 20.044.035 Minimum Front and Rear Yards.**

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

**Sec. 20.044.040 Minimum Side Yards.**

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

**Sec. 20.044.045 Building Height Limit.**

Thirty-five (35) feet. See height exceptions in section 20.152.025.

## CHAPTER 20.048 "R-R" RURAL RESIDENTIAL DISTRICT

### Sec. 20.048.005 Intent.

This district is intended to create and enhance residential areas where agricultural use compatible with a permanent residential use is desired. Typically the "R-R" District would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired.

### Sec. 20.048.010 Permitted Uses.

The following use types are permitted in the RR District:

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

Assisted Living Residential Care Facility;  
Day Care Facility;  
Employee Housing;  
Family residential—single-family.

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

Cemetery;  
Community recreation;  
Cultural exhibits and library services;  
Essential services;  
Fire and police protection services;  
Minor impact utilities.

#### (C) Agricultural Use Types (See Chapter 20.032).

Animal raising—general agriculture;  
Animal raising—personal;  
Forest production and processing—limited;  
Horticulture;  
Packing and processing—limited;  
Row and field crops;  
Tree crops.

#### (D) Accessory uses as provided in Chapter 20.164.

### Sec. 20.048.015 Uses Subject to an Administrative Permit.

The following use types are permitted in the R-R District upon issuance of an Administrative Permit.

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

Family residential—dwelling groups;  
Low Barrier Navigation Center  
Supportive Housing

Transitional Housing

**(B) Civic Use Types (see Chapter 20.020);**

Administrative services, government;

Ambulance services;

Clinic services;

Day care facilities/small schools;

Group care;

Lodge, fraternal and civic assembly;

Religious assembly.

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

Animal sales and service—auctioning;

Animal sales and service—horse stables;

Animal sales and service—kennels;

Animal sales and service—veterinary (all types);

Cottage industries—limited (R-R:L-1; R-R:L-2);

Cottage industries—general (R-R:L-5; R-R:L-10).

**(D) Agricultural Use Type (See Chapter 20.032).**

Forest production and processing—commercial woodlots.

**Sec. 20.048.020 Uses Subject to a Use Permit.**

The following use types are permitted in the R-R District upon issuance of a Use Permit.

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

Family residential—cluster development.

**(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—outdoor sports and recreation;

Transient habitation—lodging (limited).

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

Packing and processing—winery.

**(E) Extractive Use Type (See Chapter 20.036).**

Mining and processing.

**Sec. 20.048.025 Minimum Lot Area.**

(A) R-R:L-1: forty thousand (40,000) square feet;

(B) R-R:L-2: eighty thousand (80,000) square feet;



- (C) R-R:L-5: five (5) acres;
- (D) R-R:L-10: ten (10) acres.

**Sec. 20.048.030 Maximum Dwelling Density.**

One (1) single-family per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

- (A) R-R:L-1: one (1) unit per forty thousand (40,000) square feet;
- (B) R-R:L-2: one (1) unit per eighty thousand (80,000) square feet;
- (C) R-R:L-5: one (1) unit per five (5) acres;
- (D) R-R:L-10: one (1) unit per ten (10) acres.

**Sec. 20.048.035 Minimum Front and Rear Yards.**

- (A) R-R:L-1; RR:L-2: twenty (20) feet each; See setback exceptions in section 20.048.045.
- (B) R-R:L-5: thirty (30) feet each; See setback exceptions in section 20.048.045.
- (C) R-R:L-10: fifty (50) feet each. See setback exceptions in section 20.048.045.

**Sec. 20.048.040 Minimum Side Yards.**

- (A) R-R:L-1; R-R:L-2: six (6) feet each; See setback exceptions in section 20.048.045.
- (B) R-R:L-5: thirty (30) feet each; See setback exceptions in section 20.048.045.
- (C) R-R:L-10: fifty (50) feet each. See setback exceptions in section 20.048.045.

**Sec. 20.048.045 Setback Exception.**

Any nonconforming parcel which is less than five (5) acres and which is zoned R-R:L-5 or R-R:L-10 shall observe a minimum front, side and rear yard of twenty (20) feet. Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.

**Sec. 20.048.050 Building Height Limit.**

Thirty-five (35) feet. See height exceptions in section 20.152.025.

## CHAPTER 20.052 "A-G" AGRICULTURAL DISTRICT

### Sec. 20.052.005 Intent.

This district is intended to create and preserve areas for the raising of crops and animals. Processing of products produced or raised on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically the A-G District would be applied to lands subject to Agricultural Preserve contracts, land having present or future potential for significant agricultural production, and contiguous or intermixed smaller parcels on which noncompatible uses could jeopardize the agricultural use of surrounding lands.

### Sec. 20.052.010 Permitted Uses.

The following use types are permitted in the A-G District:

- (A) **Residential Use Types (See Chapter 20.016).**
  - Assisted Living Residential Care Facility;
  - Day Care Facility;
  - Employee Housing;
  - Family residential—single-family.
- (B) **Civic Use Type (See Chapter 20.020).**
  - Community recreation;
  - Essential services;
  - Fire and police protection services;
  - Minor impact utilities.
- (C) **Agricultural Use Types (See Chapter 20.032).**
  - Animal raising—general agriculture;
  - Animal raising—personal;
  - Forest production and processing—limited;
  - Horticulture;
  - Packing and processing—limited;
  - Packing and processing—winery; Row and field crops;
  - Tree crops.
- (D) **Accessory uses as provided in Chapter 20.164.**

### Sec. 20.052.015 Uses Subject to an Administrative Permit.

The following use types are permitted in the A-G District upon issuance of an Administrative Permit:

- (A) **Residential Use Types (See Chapter 20.016).**
  - Family residential—dwelling group;
  - Low Barrier Navigation Center;
  - Supportive Housing;
  - Transitional Housing;
- (B) **Civic Use Types (See Chapter 20.020).**

Day care facilities/small schools.

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

Agricultural sales and services;

Animal sales and services—auctioning;

Animal sales and services—horse stables;

Animal sales and services—kennels;

Animal sales and services—stockyards;

Animal sales and services—veterinary (large animals);

Cottage industries—general.

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

Packing and processing—general;

Forest production and processing—commercial woodlots;

Forest production and processing—portable sawmills.

**Sec. 20.052.020 Uses Subject to a Use Permit.**

The following use types are permitted in the A-G District upon issuance of a Use Permit:

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

Family residential—cluster development.

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

Educational facilities;

Major impact facilities;

Major impact services and utilities.

(C) **Commercial Use Type (See Chapter 20.024).**

Commercial recreation—outdoor sports and recreation (limited).

Transient habitation—lodging (limited).

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

Animal waste processing.

(E) **Extractive Use Type (See Chapter 20.036).**

Mining and processing.

**Sec. 20.052.025 Minimum Lot Area.**

Forty (40) acres.

**Sec. 20.052.030 Maximum Dwelling Density.**

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the following density standard: One (1) unit per forty (40) acres.

### **Sec. 20.052.035 Minimum Front and Rear Yards.**

Fifty (50) feet each. See setback exceptions in section 20.052.045.

### **Sec. 20.052.040 Minimum Side Yards.**

Fifty (50) feet each. See setback exceptions in section 20.052.045.

### **Sec. 20.052.045 Setback Exceptions.**

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.

### **Sec. 20.052.050 Building Height Limit.**

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

### **Sec. 20.052.055 Lot Splits in Agricultural Preserves for Farmworker Housing.**

- (A) In compliance with Government Code 51230.2, a two (2)-way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:
- (B) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purposes of this section, "agricultural employee" shall have the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code.
- (C) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease.
- (D) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel.
- (E) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract.
- (F) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses.
- (G) The farmworker housing project shall include provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.

A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract.

## CHAPTER 20.056 U-R UPLAND RESIDENTIAL DISTRICT

### Sec. 20.056.005 Intent.

This district is intended to create and enhance farming and low-density agricultural/residential uses. Typically the U-R District would be applied to nonprime production lands which have constraints to commercial agriculture, timber production or grazing but which are absent of such limitations as inadequate access, unacceptable hazard exposure or incompatibility with adjoining resource lands.

### Sec. 20.056.010 Permitted Uses.

The following use types are permitted in a U-R District:

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

Assisted Living Residential Care Facility;  
Day Care Facility;  
Employee Housing;  
Family residential—single-family.

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

Cemetery;  
Community recreation;  
Essential services;  
Fire and police protection services;  
Minor impact utilities.

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

Animal sales and services—stables;

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

Animal raising—general agriculture;  
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. 20.056.015 Uses Subject to an Administrative Permit.

The following use types are permitted in the U-R District upon issuance of an Administrative Permit:

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

Family residential—dwelling group;  
Low Barrier Navigation Centers;  
Supportive Housing;  
Transitional Housing.

- (B) **Civic Use Types (See Chapter 20.020).**  
 Day care facilities/small school;  
 Group care;  
 Lodge, fraternal and civic assembly;  
 Religious assembly.
- (C) **Commercial Use Types (See Chapter 20.024).**  
 Animal sales and services—auction;  
 Animal sales and services—kennel;  
 Animal sales and services—veterinary (large animals);  
 Cottage industries—general.
- (D) **Agricultural Use Types (See Chapter 20.032).**  
 Forest production and processing—portable sawmills.

**Sec. 20.056.020 Uses Subject to a Use Permit.**

The following use types are permitted in the U-R District upon issuance of a Use Permit:

- (A) **Residential Use Types (See Chapter 20.016).**  
 Family residential—cluster development.
- (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).**  
 Transient habitation—campground;  
 Transient habitation—lodging (limited);  
 Transient habitation—resort and recreational facilities.
- (D) **Agricultural Use Types (See Chapter 20.032).**  
 Animal waste processing;  
 Packing and processing—winery.
- (E) **Extractive Use Type (See Chapter 20.036).**  
 Mining and processing.

**Sec. 20.056.025 Minimum Lot Area.**

- (A) U-R:L-20: twenty (20) acres.
- (B) U-R:L-40: forty (40) acres.

**Sec. 20.056.030 Maximum Dwelling Density.**

One (1) single-family per legally created parcel, except as provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

(A) U-R:L-20: one (1) unit per twenty (20) acres.

(B) U-R:L-40: one (1) unit per forty (40) acres.

**Sec. 20.056.035 Minimum Front and Rear Yards.**

Fifty (50) feet each. See setback exceptions in section 20.056.045.

**Sec. 20.056.040 Minimum Side Yards.**

Fifty (50) feet each. See setback exceptions in section 20.056.045.

**Sec. 20.056.045 Setback Exception.**

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.

**Sec. 20.056.050 Building Height Limit.**

Thirty-five (35) feet. See height exceptions in section 20.152.025.

## CHAPTER 20.060 R-L RANGELAND DISTRICT

### Sec. 20.060.005 Intent.

This district is intended to create and preserve areas for (A) the grazing of livestock, (B) the production and harvest of natural resources, and (C) the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects. Processing of products produced on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically the R-L District would be applied to lands for incorporation into Type H Agricultural Preserves, other lands generally in range use, and intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of rangelands.

### Sec. 20.060.010 Permitted Uses.

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

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

Assisted Living Residential Care Facility;  
Day Care Facility;  
Employee Housing;  
Family residential—single-family.

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

Cemetery;  
Community recreation;  
Essential services;  
Fire and police protection services;  
Minor impact utilities.

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

Animal sales and services—horse stables;  
Animal sales and services—kennels;  
Animal sales and services—stockyards.

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

Animal raising—general agriculture;  
Animal raising—personal;  
Animal waste processing;  
Forest production and processing—limited;  
Forest production and processing—portable sawmills;  
Horticulture;  
Packing and processing—limited;  
Packing and processing—winery;  
Row and field crops;  
Tree crops.



- (E) **Accessory uses as provided in Chapter 20.164.**

**Sec. 20.060.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the R-L District upon issuance of an Administrative Permit:

- (A) **Residential Use Type (See Chapter 20.016).**  
Family residential—dwelling groups;  
Low Barrier Navigation Center;  
Supportive Housing;  
Transitional Housing.
- (B) **Civic Use Types (See Chapter 20.020).**  
Day care facilities/ small schools
- (C) **Commercial Use Types (See Chapter 20.024).**  
Agricultural sales and services;  
Animal sales and services—auctioning;  
Animal sales and services—veterinary (large animals);  
Cottage industries—general.
- (D) **Agricultural Use Types (See Chapter 20.032).**  
Packing and processing—general.

**Sec. 20.060.020 Uses Subject to a Use Permit.**

The following use types are permitted in the R-L District upon issuance of a Use Permit:

- (A) **Residential Use Types (See Chapter 20.016).**  
Family residential—cluster development.
- (B) **Civic Use Types (See Chapter 20.020).**  
Educational facilities;  
Lodge, fraternal and civic assembly;  
Major impact services and utilities;  
Religious assembly.
- (C) **Commercial Use Types (See Chapter 20.024).**  
Commercial recreation—outdoor sports and recreation;  
Commercial recreation—outdoor entertainment;  
Transient habitation—campground;  
Transient habitation—lodging (limited);  
Transient habitation—resort and recreational facilities.
- (D) **Agricultural Use Types (See Chapter 20.032).**  
Packing and processing—commercial cooperation.
- (E) **Extractive Use Types (See Chapter 20.036).**  
Mining and processing.

**Sec. 20.060.025 Minimum Lot Area.**

One hundred sixty (160) acres.

**Sec. 20.060.030 Maximum Dwelling Density.**

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the following density standard: One (1) unit per one hundred sixty (160) acres.

**Sec. 20.060.035 Minimum Front and Rear Yards.**

Fifty (50) feet each. See setback exceptions in section 20.060.045.

**Sec. 20.060.040 Minimum Side Yards.**

Fifty (50) feet each. See setback exceptions in section 20.060.045.

**Sec. 20.060.045 Setback Exception.**

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.

**Sec. 20.060.050 Building Height Limit.**

Thirty-five (35) feet. See height exceptions in section 20.152.025.

**Sec. 20.060.055 Lot Splits in Agricultural Preserves for Farmworker Housing.**

In compliance with Government Code 51230.2, a two (2)-way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:

- (A) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purposes of this section, "agricultural employee" shall have the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code.
- (B) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease.
- (C) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel.
- (D) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract.
- (E) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses.
- (F) The farmworker housing project shall include provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.

A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract.

## CHAPTER 20.064 F-L FOREST LAND DISTRICT

### Sec. 20.064.005 Intent.

This district is intended to create and preserve areas suited for the growing, harvesting and production of timber and timber-related products. Processing of products produced on the premises would be permitted as would certain commercial activities associated with timber production and the raising of livestock. Typically the F-L District would be applied to lands not zoned Timberland Production but which have the present or future potential for timber production, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection of efficient management of timber resource lands.

### Sec. 20.064.010 Permitted Uses.

The following use types are permitted in the F-L District:

- (A) **Residential Use Types (See Chapter 20.016).**
  - Assisted Living Residential Care Facility;
  - Day Care Facility;
  - Employee Housing;
  - Family residential—single-family.
- (B) **Civic Use Types (See Chapter 20.020).**
  - Cemetery;
  - Community recreation;
  - Essential services;
  - Fire and police protection services;
  - Minor impact utilities.
- (C) **Commercial Use Types (See Chapter 20.024).**
  - Animal sales and services—horse stables.
  - Animal sales and services—kennels.
- (D) **Agricultural Use Types (See Chapter 20.032).**
  - Animal raising—personal;
  - Animal raising—general agriculture;
  - Animal waste processing;
  - Forest production and processing—limited;
  - Forest production and processing—portable sawmills;
  - Horticulture;
  - Packing and processing—limited;
  - Packing and processing—winery;
  - Row and field crops;
  - Tree crops.
- (E) **Accessory uses as provided in Chapter 20.164.**

### **Sec. 20.064.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the F-L District upon issuance of an Administrative Permit:

- (A) **Residential Use Types (See Chapter 20.016).**
  - Family residential—dwelling Groups;
  - Low Barrier Navigation Center;
  - Supportive Housing;
  - Transitional Housing.
- (B) **Civic Use Types (See Chapter 20.020)**
  - Day care facilities/small schools.
- (C) **Commercial Use Types (See Chapter 20.024).**
  - Animal sales and services—auctioning;
  - Animal sales and services—stockyard;
  - Cottage industries—general.
- (D) **Agricultural Use Types (See Chapter 20.032).**
  - Forest production and processing—general.
  - Forest production and processing—commercial woodlots;
  - Packing and processing—general.

### **Sec. 20.064.020 Uses Subject to a Use Permit.**

The following use types are permitted in the F-L District upon issuance of a Use Permit:

- (A) **Residential Use Types (See Chapter 20.016).**
  - Family residential—cluster development.
- (B) **Civic Use Types (See Chapter 20.020).**
  - Educational facilities;
  - Lodge, fraternal and civic assembly;
  - Major impact services and utilities;
  - Religious assembly.
- (C) **Commercial Use Types (See Chapter 20.024).**
  - Commercial recreation—outdoor sports and recreation;
  - Commercial recreation—outdoor entertainment;
  - Transient habitation—campground;
  - Transient habitation—lodging (limited);
  - Transient habitation—resort and recreational facilities.
- (D) **Extractive Use Type (See Chapter 20.036).**
  - Mining and processing.

### **Sec. 20.064.025 Minimum Lot Area.**

One hundred sixty (160) acres.

### **Sec. 20.064.030 Maximum Dwelling Density.**

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the following density standard: One (1) unit per one hundred sixty (160) acres.

### **Sec. 20.064.035 Minimum Front and Rear Yards.**

Fifty (50) feet each. See setback exceptions in section 20.064.045.

### **Sec. 20.064.040 Minimum Side Yards.**

Fifty (50) feet each. See setback exceptions in section 20.064.045.

### **Sec. 20.064.045 Setback Exceptions.**

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.

### **Sec. 20.064.050 Building Height Limit.**

Thirty-five (35) feet.

### **Sec. 20.064.055 Lot Splits in Agricultural Preserves for Farmworker Housing.**

In compliance with Government Code 51230.2, a two (2)-way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:

- (A) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purposes of this section, "agricultural employee" shall have the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code.
- (B) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease.
- (C) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel.
- (D) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract.
- (E) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses.
- (F) The farmworker housing project shall include provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.

A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract.

## CHAPTER 20.068 TPZ TIMBERLAND PRODUCTION ZONING DISTRICT

### **Sec. 20.068.005 Intent.**

This district is intended to be applied to areas of the County which because of their general soil types, location and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such.

### **Sec. 20.068.010 Permitted Uses.**

The following compatible use types are permitted in the TPZ District:

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

Assisted Living Residential Care Facility;  
Day Care Facility;  
Employee Housing;  
Family residential—single-family.

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

Community recreation;  
Essential services;  
Fire and police protection services;  
Minor impact utilities.

(C) **Agricultural Use Types (See Chapter 20.032).**

Animal raising—personal;  
Animal raising—general agriculture;  
Forest production and processing—all types;  
Horticulture;  
Packing and processing—limited;  
Row and field crops;  
Tree crops.

(D) **Accessory uses as provided in Chapter 20.164.**

### **Sec. 20.068.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the TPZ District upon issuance of an Administrative Permit:

(A) **Residential Use Type (See Chapter 20.016).**

Family residential—dwellings groups;  
Low Barrier Navigation Center;  
Supportive Housing;  
Transitional Housing.

(B) **Commercial Use Types (See Chapter 20.024).**

Cottage industries—general.

**Sec. 20.068.020 Uses Subject to a Use Permit.**

The following use types are permitted in the TPZ District upon the issuance of a Use Permit:

- (A) **Residential Use Types (See Chapter 20.016).**  
Family residential—cluster development.
- (B) **Civic Use Types (See Chapter 20.020).**  
Major impact services and utilities.
- (C) **Commercial Use Types (See Chapter 20.024).**  
Transient habitation—campground;  
Transient habitation—lodging (limited).
- (D) **Agricultural Use Type (See Chapter 20.032).**  
Animal waste processing.
- (E) **Extractive Use Type (See Chapter 20.036).**  
Mining and processing.

**Sec. 20.068.025 Special Provisions.**

No use permit shall be granted in a TPZ District until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products.

**Sec. 20.068.030 Minimum Lot Area.**

One hundred sixty (160) acres.

**Sec. 20.068.035 Maximum Dwelling Density.**

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group or Family Residential—Cluster Development use types and shall be consistent with the following density standard: One (1) unit per one hundred sixty (160) acres.

**Sec. 20.068.040 Minimum Front and Rear Yards.**

Fifty (50) feet each. See setback exceptions in section 20.068.050.

**Sec. 20.068.045 Minimum Side Yards.**

Fifty (50) feet each. See setback exceptions in section 20.068.050.

**Sec. 20.068.050 Setback Exception.**

Any nonconforming parcel which is less than five (5) acres shall observe a minimum front, side and rear yard of twenty (20) feet. Additional setback exceptions for certain types of structures or improvements are located in section 20.152.015.

**Sec. 20.068.055 Building Height Limit.**

Thirty-five (35) feet. See height exceptions in section 20.152.025.



## CHAPTER 20.072 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

### **Sec. 20.072.005 Intent.**

This district is intended to create and enhance neighborhoods where a topography, access, utilities and public services make the land suitable and desirable for single-family home development and community services appurtenant thereto.

### **Sec. 20.072.010 Permitted Uses.**

The following use types are permitted in the R-1 District:

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

Assisted Living Residential Care Facility;  
Day Care Facility;  
Employee Housing;  
Family residential—single-family.

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

Community recreation;  
Essential services;  
Fire and police protection services;  
Minor impact utilities.

#### **(C) 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.

#### **(D) Accessory uses as provided in Chapter 20.164.**

### **Sec. 20.072.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the R-1 District upon issuance of an Administrative Permit:

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

Family residential—dwelling groups;  
Low Barrier Navigation Center;  
Supportive Housing;  
Transitional Housing.

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

Cemetery;

Day care facilities/small schools;  
Group care;  
Lodge, fraternal and civic assembly;  
Religious assembly.

**Sec. 20.072.020 Uses Subject to a Use Permit.**

The following use types are permitted in the R-1 District upon issuance of a Use Permit:

- (A) **Residential Use Types (See Chapter 20.016).**  
Mobile Home Park.
- (B) **Civic Use Types (See Chapter 20.020).**  
Major impact services and utilities.
- (C) **Commercial Use Types (See Chapter 20.024).**  
Commercial recreation—outdoor sports and recreation;  
Transient habitation—lodging (limited).
- (D) **Extractive Use Types (See Chapter 20.036).**  
Mining and processing.

**Sec. 20.072.025 Minimum Lot Area.**

- (A) For parcels within water and sewer districts:  
4,000 square feet for mobile home parks;  
6,000 square feet for single-family 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.

**Sec. 20.072.030 Maximum Dwelling Density.**

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group use type and shall be consistent with the following density standards:

- (A) For parcels within water and sewer districts:  
One (1) single family dwelling per 4,000 square feet of lot area in mobile home parks.  
One (1) single family dwelling per 6,000 square feet of lot area.
- (B) For parcels within water or sewer districts:  
One (1) single-family dwelling per 12,000 square feet of lot area.
- (C) For parcels not in a water or sewer district:  
One (1) single family dwelling per 40,000 square feet of lot area.

**Sec. 20.072.035 Minimum Front and Rear Yards.**

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

**Sec. 20.072.040 Minimum Side Yards.**

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

**Sec. 20.072.045 Building Height Limit.**

Thirty-five (35) feet. See height exceptions in section 20.152.025.

## CHAPTER 20.076 R-2 TWO-FAMILY RESIDENTIAL DISTRICT

### **Sec. 20.076.005 Intent.**

This district is intended to create and enhance certain medium-density residential areas, where a compatible mingling of single-family units, dual-unit dwellings and community services appurtenant thereto are likely to occur.

### **Sec. 20.076.010 Permitted Uses.**

The following use types are permitted in the R-2 District:

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

Assisted Living Residential Care Facility;  
Day Care Facility;  
Employee Housing;  
Family residential—single-family;  
Family residential—two-family;  
Low Barrier Navigation Center;  
Supportive Housing;  
Transitional Housing.

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

Community recreation;  
Essential services;  
Fire and police protection services;  
Minor impact utilities.

#### **(C) 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.

#### **(D) Accessory uses as provided in Chapter 20.164.**

### **Sec. 20.076.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the R-2 District upon issuance of an Administrative Permit:

#### **(A) Residential Use Types (See Chapter 20.016)**

Family residential—dwelling groups.

#### **(B) Civic Use Types (See Chapter 20.020)**

Cemetery;  
Day care facilities/small schools;  
Group care;  
Lodge, fraternal and civic assembly;  
Religious assembly.

### **Sec. 20.076.020 Uses Subject to a Use Permit.**

The following use types are permitted in the R-2 District upon issuance of a Use Permit:

- (A) **Residential Use Types (See Chapter 20.016).**  
Mobile Home Park.
- (B) **Civic Use Types (See Chapter 20.020).**  
Major impact services and utilities;
- (C) **Commercial Use Types (See Chapter 20.024).**  
Commercial recreation—outdoor sports and recreation;  
Transient habitation—lodging (limited).
- (D) **Extractive Use Types (See Chapter 20.036).**  
Mining and processing.

### **Sec. 20.076.025 Minimum Lot Area.**

- (A) For parcels within water and sewer districts:  
4,000 square feet for mobile home parks;  
6,000 square feet for single-family or two-family 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.

### **Sec. 20.076.030 Maximum Dwelling Density.**

One (1) single-family per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group use type and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

- (A) For parcels within water and sewer districts:  
Single-family: one (1) unit per six thousand (6,000) square feet.  
Two-family: one (1) two-family unit per six thousand (6,000) square feet.  
Mobile home park: one (1) unit per four thousand (4,000) square feet.
- (B) For parcels within water or sewer districts:  
Single-family: one (1) unit per twelve-thousand (12,000) square feet.  
Two-family: one (1) two-family unit 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: one (1) two-family unit per 40,000 square feet.

**Sec. 20.076.035 Minimum Front and Rear Yards.**

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

**Sec. 20.076.040 Minimum Side Yards.**

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

**Sec. 20.076.045 Building Height Limit.**

Thirty-five (35) feet. See height exceptions in section 20.152.025.

## 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.

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

Administrative and business offices;  
Community recreation—outdoor sports and recreation;  
Medical services;  
Personal services.

#### (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 an Administrative Permit.**

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

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

Family residential—single family;

Family residential—two family;

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 Use Permit.**

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

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

Mobile home 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.

**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.

**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.

## CHAPTER 20.084 R-C RURAL COMMUNITY DISTRICT

### **Sec. 20.084.005 Intent.**

This district is intended to maintain and enhance existing rural communities where a mixture of residential, commercial, and limited industrial uses are desired. Such a mixture may include commercial uses occupying the ground floor with residential uses above, or limited industrial uses abutting commercial uses with appropriate buffering to achieve compatibility with adjacent uses. The regulations of this Chapter are intended to insure that new developments, particularly commercial and limited industrial uses, are compatible in scale, function and character in those communities where this district is applied.

### **Sec. 20.084.010 Permitted Uses.**

The following uses types are permitted in the R-C Districts:

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

Assisted Living Residential Care Facility;  
Day Care Facility;  
Employee Housing;  
Family residential—single-family;  
Low Barrier Navigation Center;  
Supportive Housing;  
Transitional Housing.

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

Administrative services, government;  
Cemetery;  
Clinic services;  
Community recreation;  
Cultural exhibits and library services; Essential services;  
Fire and police protection services;  
Lodge, fraternal and civic assembly;  
Minor impact utilities;  
Religious assembly.

#### **(C) Agricultural Use Types (See Chapter 20.032).**

Animal raising—general agriculture;  
Animal raising—personal;  
Forest production and processing—limited;  
Horticulture;  
Packing and processing—limited;  
Row and field crops;  
Tree crops.

#### **(D) Accessory uses as provided in Chapter 20.164.**

### **Sec. 20.084.015 Uses Subject to an Administrative Permit.**

The following uses are permitted in the R-C District upon issuance of an Administrative permit:

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

Family residential—two family;  
Family residential—multifamily;  
Family residential—dwelling groups.

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

Day care facilities/small schools;  
Group care.

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

Agricultural sales and services;  
Animal sales and services—all types;  
Automotive and equipment—all types;  
Building maintenance services;  
Business equipment sales and services;  
Communication services;  
Construction sales and services;  
Cottage industries—limited;  
Eating and drinking establishments;  
Financial services;  
Food and beverage retail sales;  
Funeral and interment services;  
Laundry services;  
Mail order businesses;  
Medical services;  
Personal services;  
Recycling centers;  
Redemption centers;  
Repair services, consumer;  
Research services;  
Retail sales, general;  
Swap meets;  
Wholesaling, storage and distribution—all types.

### **Sec. 20.084.020 Uses Subject to a Use Permit.**

The following use types are permitted in the R-C District upon securing a Use Permit:

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

Mobile home residential.

**(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 (all types);

Scrap operations;

Transient habitation—all types.

**(D) Industrial Use Types (See Chapter 20.028).**

Custom manufacturing.

**(E) Agricultural Use Types (See Chapter 20.032).**

Packing and processing—winery;

Packing and processing—general;

Forest production and processing—commercial woodlots;

Forest production and processing—general.

**(F) Extractive Use Type (See Chapter 20.036).**

Mining and processing.

**Sec. 20.084.025 Minimum Lot Area.**

**(A) For parcels within water and sewer districts:**

Commercial Use: None

Mobile Home Parks: four thousand (4,000) square feet

Residential: six thousand (6,000) square feet.

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

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

**Sec. 20.084.030 Maximum Dwelling Density.**

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group use type and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

**(A) For parcels within water and sewer districts:**

Single-family: one (1) unit per six thousand (6,000) square feet.

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

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

**(B) For parcels within water or sewer district:**

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

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

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

Two-family; Multi-family: not permitted.

**Sec. 20.084.035 Minimum Front and Rear Yard.**

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

**Sec. 20.084.040 Minimum Side Yards.**

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

**Sec. 20.084.045 Building Height Limit.**

Thirty-five (35) feet. See height exceptions in section 20.152.025.

## CHAPTER 20.085 MU-2 GENERAL MIXED USE DISTRICT

### 20.085.005 Intent.

The intent of the Mixed Use General zoning district is to promote greater efficiency and economy in providing public services, conserve agriculture and resource lands, preserve the rural character of the County, and provide more opportunities for affordable housing. It will also encourage more walking and biking, benefiting community health. This zoning district implements the mixed use land use classification contained in both the General Plan and Ukiah Valley Area Plan and is intended to accomplish the following general objectives.

- (A) The Mixed Use General zoning district is intended to allow multiple story mixed use developments with commercial uses encouraged at street level. Uses may be mixed vertically or horizontally (stacked or linearly) on the site.
- (B) Mixed use developments should combine at least two (2) of the permitted uses listed in Section 20.085.010 and are encouraged to include public open space and facilities.
- (C) Multi-family and live/work uses shall be encouraged but should be designed and sited in a manner that is compatible with and protects the ability of on-site and adjacent commercial and light industrial uses to operate and expand.
- (D) Single-use residential or commercial projects shall be discouraged.
- (E) Promote higher density mixed use development along the State Street Corridor to support public transit.

### 20.085.006 Definitions.

See definitions for “Community Design Guidelines”, “Floor area ratio”, “Live-work use”, “Mixed-Use” and “Preliminary Development Plan” in Chapter 20.008.

### 20.085.010 Permitted Uses.

The following use types are permitted uses provided the development of any permitted residential use occurs in conjunction with at least one (1) different permitted commercial or civic use type on the same property, as a live-work use, or is part of a mixed use project:

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

Assisted Living Residential Care Facility;  
Day Care Facility;  
Employee Housing;  
Family Residential — single-family;  
Family Residential — two-family;  
Family residential—multifamily;  
Low Barrier Navigation Center;  
Supportive Housing;  
Transitional Housing;

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

Administrative services, government;  
Clinic services;  
Cultural exhibits and library services;

Day care facilities/small schools;  
Essential services;  
Group care;  
Lodge, fraternal and civic assembly;  
Religious assembly.

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

Administrative & Business Offices;  
Communication Services;  
Eating and Drinking Establishments;  
Food and Beverage Retail Sales;  
Medical Services;  
Personal Services;  
Repair Services, Consumer;  
Retail Sales, General.

**(D) Accessory uses as provided in Chapter 20.164.**

**20.085.015 Uses Subject to an Administrative Permit.**

The following uses are permitted in a mixed use project upon issuance of an Administrative Permit:

**(A) Agricultural Use Types (See Chapter 20.032).**

Animal Raising — Personal.

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

Ambulance services;  
Fire and police protection services;  
Minor impact utilities;  
Community Recreation.

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

Laundry services;  
Redemption Centers.

**20.085.020 Uses Subject to a Use Permit.**

The following use types are permitted in a mixed use project upon securing a Use Permit:

**(A) Civic Use Types (See Chapter 20.020).**

Educational facilities;  
Major impact facilities;  
Major impact services and utilities.

**(B) Industrial Use Types (See Chapter 20.028).**

Custom manufacturing.

### **20.085.025 Minimum Lot Area.**

Twelve thousand (12,000) square feet, except smaller lot sizes may be permitted upon approval of a mixed use site development plan.

### **20.085.030 Maximum Dwelling Density.**

Residential Use: one (1) unit per one thousand five hundred (1,500) square feet, except that a density bonus may be granted for the provision of affordable housing in accordance with Chapter 20.234.

### **20.085.035 Minimum Front and Rear Yard.**

- (A) Residential Use: Twenty (20) feet.
- (B) Non-Residential Use: None, except that a rear yard contiguous with a residential zoning district shall not be less than twenty (20) feet.

### **20.085.040 Minimum Side Yard.**

- (A) Residential Use: Six (6) feet.
- (B) Non-Residential Use: None, except that a five (5) foot side yard is required adjoining any district other than commercial or industrial.

### **20.085.045 Building Height Limit.**

Fifty (50) feet.

### **20.085.050 Building Floor Area Ratio.**

- (A) Residential Use: None
- (B) Non-Residential Use: Three-tenths (0.3) minimum; One (1.0) maximum.

### **20.085.055 Mixed Use Compatibility Standards.**

All permitted mixed use projects shall be consistent with the Mixed Use Compatibility Standards and are encouraged to incorporate design principles and examples contained in the Community Design Guidelines to the extent feasible. Any permitted mixed use project determined to be inconsistent with these standards shall be subject to a discretionary permit as described in Section 20.085.060, Mixed Use Development Review.

- (A) Land Use: Structures and site improvements associated with mixed use projects shall be developed and operated according to the following land use standards.
  - (1) Site Improvements: Building siting and orientation, and landscape improvements shall integrate pedestrian circulation. Site and landscape improvements shall incorporate outdoor pedestrian use areas such as courtyards and plazas (which could include amenities such as trellises, raised planters, and landscaped berms) and other structures that create semi-protected outdoor spaces. Pedestrian use areas shall be visible from street corridors and pedestrian access routes.
  - (2) Separation: Separation between use types, whether the uses are located on the same parcel or not, shall apply in addition to minimum side and rear yards specified in this chapter.

- a) Residential uses shall be separated from non-residential uses as follows:

- No less than three hundred (300) feet from any industrial use on the same site or from an industrial zoning district.



• No less than eleven (11) feet from any commercial or civic use on the same site, except that a residential use may be located in the same or abutting structure containing a commercial and/or civic use.

- b) Where residential and non-residential separation is required, landscape areas shall be provided in the separation area (including property lines setbacks) to prevent noise, lighting, and privacy intrusion. Pedestrian activity areas and circulation improvements are allowed; trash enclosures are prohibited.
- c) Notwithstanding the minimum side and rear yard setbacks of this chapter, a fifty (50) foot setback and a fence or wall no less than six (6) feet high is required along a side or rear property line of an adjacent parcel within Agricultural Land, as defined by Section 10A.13.010 of the Mendocino County Code, or a parcel developed with an Agricultural Use Type (Chapter 20.032) exceeding one (1) acre in size.
- d) No portion of a wall or fence should be used for advertising or display. No barbed wire or concertina wire may be used as fencing material.

(3) Utilities:

- a) All utilities including but not limited to electrical power, telecommunications, and cable television shall be placed underground to the extent practicable, taking into account economic and environmental factors.
- b) If utilities, communications towers, and devices must be above ground they shall be designed and located to minimize visual impact and clutter, using techniques such as screening and shared use of facilities.
- c) When available, connection to public water and sewer services is required for development.

(4) Land Use Limitations:

- a) All outdoor industrial use operations, excluding delivery docks, shall be enclosed within a building.
- b) Commercial loading areas, trash enclosures, utility meters, and mechanical and electrical equipment shall be located as far as possible from residential uses and shall be screened from view from the residential portion of the project and any adjoining residential use.
- c) Non-residential uses shall not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.
- d) All new uses shall comply with General Plan Noise Policy (Development Element, Chapter 3, DE-93 to DE-110).

(B) Parking: Notwithstanding the applicable provisions of Chapter 20.180 Off-Street Parking, the following additional off-street parking and circulation requirements shall apply.

- (1) On-site circulation and parking shall be provided and continuously maintained according to an approved parking plan illustrating the location, number and configuration of parking spaces for vehicles and bicycles, vehicle and pedestrian circulation improvements, truck loading areas and travel path, and emergency vehicle access, public transit stops, and public areas.
- (2) The number and configuration of parking and circulation shall be consistent with parking standards (Chapter 20.180 Off-Street Parking) except that a reduction in the number of off-street parking spaces, consistent with Section 20.180.010 of the County Code, may be granted when the project includes shared parking facilities, affordable housing, and transit improvements.
- (3) Shared driveway access between neighboring uses and parcels shall be encouraged. Wherever possible, driveway access shall be provided at the property boundary to permit future negotiations of shared access agreements when adjoining parcels are developed.

Where shared access is provided, a ten (10) percent reduction in the required parking spaces for all commercial uses shall be permitted for each participating parcel.

- (4) Instead of locating a single parking lot on the street frontage, separate parking areas shall be established throughout the mixed use project, away from the street frontage and, to the extent possible, not located between building groups. When feasible, parking within or under buildings is encouraged.
  - (5) All new development shall be required to provide sidewalks along any street frontage and shall provide on-site pedestrian walkways that directly link all parking areas with building entrances, off-site transportation facilities, established sidewalks, and adjacent public rights-of-way. The walkway shall be a minimum of five (5) feet in width and shall be constructed of concrete, pavers, or similar sidewalk material that is firm, stable, and slip-resistant walkways may be located within the landscaping/walkway corridors of the public rights-of-way. The specific location of pedestrian walkways shall be determined by each property owner. However, narrow linear strips of landscaping between walkways and streets shall be discouraged. Required walkways shall connect to existing walkways on adjacent properties, and where such adjacent walkways have not been developed, the required walkways shall be located in areas where the future continuation of the walkway across adjoining properties is feasible.
- (C) Landscape: Utilizing climate adapted plants supported by low volume irrigation systems, landscape improvements shall be provided and continuously maintained throughout and along the perimeter of the mixed use development site, subject to State of California Water Conservation in Landscape Act of 1990 and the following standards.
- (1) No less than ten (10) percent of the gross parking and circulation area shall be dedicated to and continuously maintained as landscape areas.
  - (2) Parking lot shade trees, selected from the Mixed Use Design Guideline Master Tree List, shall be provided and continuously maintained at a minimum rate of one (1) tree per five (5) parking spaces.
  - (3) Drainage swales and similar stormwater retention features shall be integrated with the design and location of landscape improvements.
  - (4) Planting areas, no less than ten (10) feet wide, shall separate parking lots from property lines and buildings.
  - (5) A landscape improvement bond or another form of surety acceptable to the Planning Director shall be offered prior to the issuance of a building permit to commence construction of the project and will be released three (3) years after the completion of the landscape installation upon demonstrating the landscaping is established and maintained according to the approved landscape improvement plan.
- (D) Lighting: The location, intensity, and shielding of all exterior lighting for buildings, businesses, landscaping, streets and parking lots, and recreational and public areas shall be downward shielded and employ approved "Dark Sky Friendly Fixtures" ([www.darksky.org](http://www.darksky.org)) that are operated on a limited night schedule so as to avoid or prevent the illumination of adjoining uses or areas or the night sky.

### **20.085.060 Mixed Use Development Review.**

The Mixed Use Development Review will implement the goals and policies of the Ukiah Valley Area Plan by providing site planning, architectural design guidance, and criteria for commercial uses in mixed use projects. The intent of this process is to develop aesthetically appealing urban form, which reflects the rural, small town character of the Ukiah Valley, protect and enhance the natural beauty and scenic view sheds, and reinforce the uniqueness of existing communities.

- (A) Development Review. All development within the MU-2 is subject to one (1) of the following review processes unless the development is: (1) A façade improvement, (2) A one (1) time

addition/expansion of an existing structure(s) not to exceed five hundred (500) square feet per site, and (3) Minor amendments to previously approved plans, or a change in use of existing structure(s) that do not require additional parking, and will not generate substantial amounts of additional traffic, noise, or other potential nuisances.

- (1) Zoning Clearance. A mixed use project shall be eligible for zoning clearance through the building permit process when the project includes only permitted uses listed in Section 20.085.010, and is consistent with the Mixed Use Compatibility Standards contained in Section 20.085.055, and will develop a site not to exceed forty thousand (40,000) square feet.
  - (2) Administrative Permit. A mixed use project shall be subject to an administrative permit in accordance with Chapter 20.192 when the project only includes permitted uses listed in Section 20.085.010, is consistent with the Mixed Use Compatibility Standards contained in Section 20.085.055, and will develop a site exceeding forty thousand (40,000) square feet. In addition, a mixed use project shall be subject to an administrative permit when any of the following apply:
    - a) A single use project other than those uses subject to a use permit.
    - b) The project includes permitted uses listed in Section 20.085.010 Permitted Uses and will require an exception from the Mixed Use Compatibility Standards in Section 20.085.055.
    - c) The project includes uses listed in Section 20.085.015, Uses Subject to an Administrative Permit.
  - (3) Use Permit. A mixed use shall be subject to a use permit under the original jurisdiction of the Planning Commission, in accordance with Chapter 20.196, and is subject to CEQA review when the project includes any use listed in Section 20.085.020, Uses Subject to a Use Permit, including a project that requires an exception to the Mixed Use Compatibility Standards contained in Section 20.085.055.
- (B) Submittal Requirement. The following submittal requirements govern the submittal, review, and action on the Mixed Use Development Plan, when it is required.
- (1) General: A Mixed Use Development Plan shall be submitted for any mixed use project subject to an administrative permit or use permit as specified by section 20.085.060(A).
  - (2) Mixed Use Development Plan Requirement: In addition to the information and plans otherwise required for an administrative permit or use permit, a Mixed Use Development Plan is required and shall include, but is not limited to, the following information:
    - a) A detailed site plan at a scale that is sufficient to fully illustrate proposed uses and site improvements as well as a Preliminary Development Plan, as defined in this Chapter.
    - b) Building elevation drawings of all proposed structures showing exterior wall color and material, and exterior lighting of proposed and existing development on all sides of the structure. The Community Design Guidelines shall be applied to all mixed use projects subject to Mixed Use Development Review.
    - c) A building floor plan of the proposed structure delineating each building or portion thereof by use type.
    - d) A landscaping plan detailing all new and existing landscaping to be incorporated into the design of the project including pedestrian walkway improvements, location of existing and proposed vegetation, including removed vegetation and trees, public amenities, landscape lighting, fencing, and irrigation improvements. The landscape plan must include a planting and lighting schedule noting the size, number, and type of plant materials and light fixtures.

- e) A parking and circulation plan showing the location of and access to parking spaces, loading zones, delivery docks, transit improvements, bicycle parking, parking lot landscape areas (detailed by the landscape plan), and lighting. The parking and circulation plan shall include a schedule showing the number and size of required off-street parking based the County's parking requirements.
- (C) Supplemental Findings. The Zoning Administrator and/or Planning Commission shall make the following supplemental findings when acting to approve any discretionary project (i.e., administrative permit or use permit) within the Mixed Use zoning district. The findings shall not be vague and conclusory. The findings shall be sufficiently detailed to inform a reviewing court of the basis of the action by bridging the gap between the evidence and the decision-maker's conclusions, and shall be based upon evidence contained in the administrative record. Failure to make findings that support the following determinations shall result in a denial of the Mixed Use Development Plan application.

The proposed mixed use project, including an exception from the Mixed Use Compatibility Standards, will substantially fulfill the intent and purpose of the Mixed Use General zoning district and Community Design Guidelines, by accomplishing the following.

1. Land Use: The project will —
  - a) Preserve the character of the neighborhood; will protect the community's character, provide for harmonious and orderly development, and create a desirable environment for the occupants, neighbors, and visiting public
  - b) Include appropriate use of materials, textures, and colors, which will remain aesthetically appealing and appropriately maintained; and will locate and orient windows, doorways, and outdoor use areas to minimize the potential impacts from heat, glare, noise, or other disturbances caused by on-site or off-site sources.
  - c) Locate structure(s) on the parcel which are compatible with the location and orientation of other structures in the immediate neighborhood that conform to applicable setback requirements.
  - d) Be compatible with other uses on the property.
2. Parking: The project will —
  - a) Provide adequate ingress, egress, parking for vehicles and bicycles, and internal circulation for vehicles, bicycles, pedestrians, and delivery vehicles designed to promote safety and convenience.
  - b) Not create potential hazards to vehicular, pedestrian, or bicycle traffic, or cause a distraction for motorists.
  - c) Provide shade for parking spaces to the extent practical.
3. Landscape: The project will —
  - a) Include provisions to ensure maintenance of all approved landscaping.
  - b) Include landscaping as an integral part of the project design and enhance the appearance of the development.
  - c) Ensure protection of existing and desirable mature trees when feasible.
  - d) Utilize irrigation systems which provide for the efficient use of water.
4. Lighting: The project will —
  - a) Provide adequate lighting to all pedestrian and building access areas to provide safety, security and enhance aesthetic quality.
  - b) Provide lighting that is appropriate in scale, intensity, and height

- c) Provide lighting that is energy efficient and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site.
- (D) Conditions of Approval. Conditions of project approval may be imposed on a Mixed Use Development Plan.
  - (1) In approving a Mixed Use Development Plan, the Zoning Administrator or Planning Commission may include such conditions as are deemed reasonable and necessary to maintain or assure (1) compliance with the standards/criteria listed in Section 20.085.055, Mixed Use Compatibility Standards, and (2) the mitigation of any "significant adverse environmental impacts" of the development as may be required by the California Environment Quality Act. Nothing in this Section shall be construed to limit the discretion of the authority of the Zoning Administrator or Planning Commission to require conditions.
  - (2) The Zoning Administrator or Planning Commission may condition a Mixed Use Development Plan to prohibit occupancy of a project building until an inspection has been made which finds that the project building, landscaping and other required improvements have been completed, and the project complies with all conditions specifically required to be completed prior to occupancy. If a Mixed Use Development Plan is so conditioned, the Planning Director shall notify the County Building Official of such conditions. If a building permit is issued for a building or structure which is subject to a Mixed Use Development Plan so conditioned, the Building Official shall not approve a final inspection of such building or structure until the conditions have been satisfied. The Planning Commission or the Zoning Administrator may also require conditions be completed prior to the issuance of building permits.

## CHAPTER 20.086 MUNS MIXED USE NORTH STATE DISTRICT

### **20.086.005 Intent.**

The intent of the Mixed-Use North State (MUNS) zoning district is intended to encourage mixed-use development with commercial uses encouraged at street level, retail and service businesses, residential uses, processing, manufacturing, and assembly. Mixed-use development shall combine two or more of the permitted uses listed in this Chapter along with some form of public open space. Single-use development is discouraged.

### **20.086.010 Permitted Uses.**

The following use types are permitted uses provided the development of any permitted residential use occurs in conjunction with at least one (1) different permitted commercial or civic use type on the same property, as a live-work use, or is part of a mixed use project: Definitions for live-work use and mixed use are contained in Chapter 20.008 Definitions.

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

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family Residential — single-family;

Family Residential — two-family;

Family Residential—multifamily;

Low Barrier Navigation Center;

Supportive Housing;

Transitional Housing;

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

Administrative services, government;

Clinic services;

Cultural exhibits and library services;

Essential services;

Group care;

Lodge, fraternal and civic assembly;

Religious assembly;

Day Care Facilities/small schools.

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

Administrative & Business Offices;

Communication Services;  
Eating and Drinking Establishments;  
Food and Beverage Retail Sales;  
Medical Services;  
Personal Services;  
Repair Services, Consumer;  
Retail Sales, General.

**(D) Industrial Use Types ( See Chapter 20.028).**

Custom Manufacturing

**(E) Accessory uses as provided in Chapter 20.164.**

**20.086.015 Uses Subject to an Administrative Permit.**

The following uses are permitted in a mixed use project upon issuance of an Administrative Permit:

**(A) Agricultural Use Types (See Chapter 20.032).**

Animal Raising — Personal.

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

Ambulance services;  
Fire and police protection services;  
Minor impact utilities;  
Community Recreation.

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

Laundry services;  
Redemption Centers.

**20.086.020 Uses Subject to a Use Permit.**

The following use types are permitted in a mixed use project upon securing a Use Permit:

**(A) Civic Use Types (See Chapter 20.020).**

Educational facilities;  
Major impact facilities;  
Major impact services and utilities.

### **20.086.025 Minimum Lot Area.**

There is no minimum lot area.

### **20.086.030 Maximum Dwelling Density.**

Single Family Residential: one (1) unit per seven thousand (7,000) square feet.

Multi-Family Residential: one (1) unit per one thousand five hundred (1,500) square feet.

### **20.086.035 Minimum Front and Rear Yard.**

(A) Residential Use: Twenty (20) feet.

(B) Non-Residential Use: None, except that a twenty (20) foot rear yard is required adjoining any district other than MU-2, MUBST, commercial, or industrial.

### **20.086.040 Minimum Side Yard.**

(A) Residential Use: Six (6) feet.

(B) Non-Residential Use: None, except that a five (5) foot side yard is required adjoining any district other than commercial or industrial.

### **20.086.045 Building Height Limit.**

Fifty (50) feet.

### **20.086.050 Building Floor Area Ratio.**

(A) Residential Use: None

(B) Non-Residential Use: Three-tenths (0.3) minimum; One (1.0) maximum.

### **20.086.055 Mixed Use Compatibility Standards.**

All permitted mixed use projects shall be consistent with the Mixed Use Compatibility Standards stated in this section and are encouraged to incorporate design principles and examples contained in the Community Design Guidelines to the extent feasible. Any permitted mixed use project determined to be inconsistent with these standards shall be subject to a discretionary permit as described in Section 20.086.060, Mixed Use Development Review.

(A) Land Use: Structures and site improvements associated with mixed use projects shall be developed and operated according to the following land use standards.

(1) Site Improvements: Building siting and orientation, and landscape improvements shall integrate pedestrian circulation. Site and landscape improvements shall incorporate outdoor pedestrian use areas such as courtyards and plazas (which could include amenities such as trellises, raised planters, and landscaped berms) and other structures that create semi-protected outdoor spaces. Pedestrian use areas shall be visible from street corridors and pedestrian access routes.

(2) Separation: Separation between use types, whether the uses are located on the same parcel or not, shall be required as stated below, in addition to minimum side and rear yards specified in this chapter.

(a) Residential uses shall be separated from non-residential uses as follows:

- No less than three hundred (300) feet from any industrial use on the same site or from an industrial zoning district.



- No less than eleven (11) feet from any commercial or civic use on the same site, except that a residential use may be located in the same or abutting structure containing a commercial and/or civic use.
  - (b) Where residential and non-residential separation is required, landscape areas shall be provided in the separation area (including property lines setbacks) to prevent noise, lighting, and privacy intrusion. Pedestrian activity areas and circulation improvements are allowed in the separation area; trash enclosures are prohibited.
  - (c) Notwithstanding the minimum side and rear yard setbacks of this chapter, a fifty (50) foot setback and a fence or wall no less than six (6) feet high is required along a side or rear property line of an adjacent parcel within Agricultural Land, as defined by Section 10A.13.010 of the Mendocino County Code, or a parcel developed with an Agricultural Use Type (Chapter 20.032) exceeding one (1) acre in size.
  - (d) No portion of a wall or fence shall be used for advertising or display. No barbed wire or concertina wire may be used as fencing material.
- (3) Utilities:
- (a) All utilities including but not limited to electrical power, telecommunications, and cable television shall be placed underground to the extent practicable, taking into account economic and environmental factors.
  - (b) If utilities, communications towers, and devices must be above ground they shall be designed and located to minimize visual impact and clutter, using techniques such as screening and shared use of facilities.
  - (c) When available, connection to public water and sewer services is required for development.
- (4) Land Use Limitations:
- (a) All industrial use operations, excluding delivery docks, shall be enclosed within a building.
  - (b) Commercial and industrial loading areas, trash enclosures, utility meters, and mechanical and electrical equipment shall be located as far as possible from residential uses and shall be screened from view from the residential portion of the project and any adjoining residential use.
  - (c) Non-residential uses shall not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.
  - (d) All new uses shall comply with the General Plan Noise Policies (Development Element, Chapter 3, DE-93 to DE-110).
- (B) Parking: Notwithstanding the applicable provisions of Chapter 20.180 Off-Street Parking, the following additional off-street parking and circulation requirements shall apply.
- (1) On-site circulation and parking shall be provided and continuously maintained according to an approved parking plan illustrating the location, number and configuration of parking spaces for vehicles and bicycles, vehicle and pedestrian circulation improvements, truck loading areas and travel path, and emergency vehicle access, public transit stops, and public areas.
  - (2) The number and configuration of parking and circulation shall be consistent with parking standards (Chapter 20.180 Off-Street Parking) except that a reduction in the number of off-street parking spaces, consistent with Section 20.180.010 of the County Code, may be granted when the project includes shared parking facilities, affordable housing, and transit improvements.
  - (3) Shared driveway access between neighboring uses and parcels shall be encouraged. Wherever possible, driveway access shall be provided at the property boundary to permit

future negotiations of shared access agreements when adjoining parcels are developed. Where shared access is provided, a twenty-five (25) percent reduction in the required parking spaces for all commercial uses shall be permitted for each participating parcel.

- (4) Instead of locating a single parking lot on the street frontage, separate parking areas shall be established throughout the mixed use project, away from the street frontage and, to the extent possible, not located between building groups. When feasible, parking within or under buildings is encouraged.
  - (5) All new development shall be required to provide sidewalks along any street frontage and shall provide on-site pedestrian walkways that directly link all parking areas with building entrances, off-site transportation facilities, established sidewalks, and adjacent public rights-of-way. The walkway shall be a minimum of five (5) feet in width and shall be constructed of concrete, pavers, or similar sidewalk material that is firm, stable, and slip-resistant. Walkways may be located within the landscaping/walkway corridors of the public rights-of-way. The specific location of pedestrian walkways shall be determined by each property owner. However, narrow linear strips of landscaping between walkways and streets shall be discouraged. Required walkways shall connect to existing walkways on adjacent properties, and where such adjacent walkways have not been developed, the required walkways shall be located in areas where the future continuation of the walkway across adjoining properties is feasible.
- (C) Landscape: Utilizing climate adapted plants supported by low volume irrigation systems, landscape improvements shall be provided and continuously maintained throughout and along the perimeter of the mixed use development site, subject to State of California Water Conservation in Landscape Act of 1990 and the following standards.
- (1) No less than ten (10) percent of the gross parking and circulation area shall be dedicated to and continuously maintained as landscape areas.
  - (2) Parking lot shade trees, selected from the Mixed Use Design Guideline Master Tree List, shall be provided and continuously maintained at a minimum rate of one (1) tree per five (5) parking spaces.
  - (3) Drainage swales and similar stormwater retention features shall be integrated with the design and location of landscape improvements.
  - (4) Planting areas, no less than ten (10) feet wide, shall separate parking lots from property lines and buildings.
  - (5) A landscape improvement bond or another form of surety acceptable to the Planning Director shall be offered prior to the issuance of a building permit to commence construction of the project and will be released three (3) years after the completion of the landscape installation upon demonstrating the landscaping is established and maintained according to the approved landscape improvement plan.
- (D) Lighting: The location, intensity, and shielding of all exterior lighting for buildings, businesses, landscaping, streets and parking lots, and recreational and public areas shall be downward shielded and that are operated on a limited night schedule so as to avoid or prevent the illumination of adjoining uses or areas or the night sky.

### **20.086.060 Mixed Use Development Review.**

This section will implement the goals and policies of the Ukiah Valley Area Plan by providing site planning, architectural design guidance, and criteria for commercial uses in mixed use projects. The intent of this process is to develop aesthetically appealing urban form, which reflects the rural, small town character of the Ukiah Valley, protect and enhance the natural beauty and scenic view sheds, and reinforce the uniqueness of existing communities.

- (A) Development Review. All development within the MUNS is subject to one (1) of the following review processes unless the development is: (1) a façade improvement, (2) A one (1) time

addition/expansion of an existing structure(s) not to exceed five hundred (500) square feet per site, and (3) minor amendments to previously approved plans, or a change in use of existing structure(s) that do not require additional parking, and will not generate substantial amounts of additional traffic, noise, or other potential nuisances.

- (1) Zoning Clearance. A project shall be eligible for zoning clearance through the building permit process when it is a mixed use project, includes only permitted uses listed in Section 20.086.010, and is consistent with the Mixed Use Compatibility Standards contained in Section 20.086.055, and will develop a site not to exceed forty thousand (40,000) square feet.
  - (2) Administrative Permit. A project shall be subject to an administrative permit in accordance with Chapter 20.192 when the project only includes permitted uses listed in Section 20.086.010, is consistent with the Mixed Use Compatibility Standards contained in Section 20.086.055, and will develop a site exceeding forty thousand (40,000) square feet. In addition, a project shall be subject to an administrative permit when any of the following apply:
    - (a) The project contains only a single permitted use.
    - (b) The project includes permitted uses listed in Section 20.086.010 Permitted Uses and will require an exception from the Mixed Use Compatibility Standards in Section 20.086.055.
    - (c) The project includes uses listed in Section 20.086.015, Uses Subject to an Administrative Permit.
  - (3) Use Permit. A project shall be subject to a use permit under the original jurisdiction of the Planning Commission, in accordance with Chapter 20.196, and is subject to CEQA review when the project includes any use listed in Section 20.086.020, Uses Subject to a Use Permit, including a project that requires an exception to the Mixed Use Compatibility Standards contained in Section 20.086.055.
- (B) Submittal Requirement. The following submittal requirements govern the submittal, review, and action on the Mixed Use Development Plan, when it is required.
- (1) General: A Mixed Use Development Plan shall be submitted for any mixed use project subject to an administrative permit or use permit as specified by section 20.086.060(A).
  - (2) Mixed Use Development Plan Required Elements: In addition to the information and plans otherwise required for an administrative permit or use permit, a Mixed Use Development Plan is required and shall include, but is not limited to, the following information:
    - (a) A detailed site plan at a scale that is sufficient to fully illustrate proposed uses and site improvements as well as a Preliminary Development Plan, as defined in Chapter 20.008.
    - (b) Building elevation drawings of all proposed structures showing exterior wall color and material, and exterior lighting of proposed and existing development on all sides of the structure. The Community Design Guidelines shall be applied to all mixed use projects subject to Mixed Use Development Review.
    - (c) A building floor plan of the proposed structure delineating each building or portion thereof by use type.
    - (d) A landscaping plan detailing all new and existing landscaping to be incorporated into the design of the project including pedestrian walkway improvements, location of existing and proposed vegetation, including removed vegetation and trees, public amenities, landscape lighting, fencing, and irrigation improvements. The landscape plan must include a planting and lighting schedule noting the size, number, and type of plant materials and light fixtures.

- e) A parking and circulation plan showing the location of and access to parking spaces, loading zones, delivery docks, transit improvements, bicycle parking, parking lot landscape areas (detailed by the landscape plan), and lighting. The parking and circulation plan shall include a schedule showing the number and size of required off-street parking based the County's parking requirements.
- (C) Supplemental Findings. The Zoning Administrator and/or Planning Commission shall make the following supplemental findings when acting to approve any discretionary project (i.e., administrative permit or use permit) within the MUNS zoning district. The findings shall not be vague and conclusory. The findings shall be sufficiently detailed to inform a reviewing court of the basis of the action by bridging the gap between the evidence and the decision-maker's conclusions, and shall be based upon evidence contained in the administrative record. Failure to make findings that support the following determinations shall result in a denial of the Mixed Use Development Plan application.

The proposed mixed use project, including one needing an exception from the Mixed Use Compatibility Standards, will substantially fulfill the intent and purpose of the MUNS zoning district and Community Design Guidelines, by accomplishing the following.

- (1) Land Use: The project will —
  - (a) Preserve the character of the neighborhood; will protect the community's character, provide for harmonious and orderly development, and create a desirable environment for the occupants, neighbors, and visiting public
  - (b) Include appropriate use of materials, textures, and colors, which will remain aesthetically appealing and appropriately maintained; and will locate and orient windows, doorways, and outdoor use areas to minimize the potential impacts from heat, glare, noise, or other disturbances caused by on-site or off-site sources.
  - (c) Locate structure(s) on the parcel which are compatible with the location and orientation of other structures in the immediate neighborhood that conform to applicable setback requirements.
  - (d) Be compatible with other uses on the property.
- (2) Parking: The project will —
  - (a) Provide adequate ingress, egress, parking for vehicles and bicycles, and internal circulation for vehicles, bicycles, pedestrians, and delivery vehicles designed to promote safety and convenience.
  - (b) Not create potential hazards to vehicular, pedestrian, or bicycle traffic, or cause a distraction for motorists.
  - (c) Provide shade for parking spaces to the extent practical.
- (3) Landscape: The project will —
  - (a) Include provisions to ensure maintenance of all approved landscaping.
  - (b) Include landscaping as an integral part of the project design and enhance the appearance of the development.
  - (c) Ensure protection of existing and desirable mature trees when feasible.
  - (d) Utilize irrigation systems which provide for the efficient use of water.
- (4) Lighting: The project will —
  - (a) Provide adequate lighting to all pedestrian and building access areas to provide safety, security and enhance aesthetic quality.
  - (b) Provide lighting that is appropriate in scale, intensity, and height

- (c) Provide lighting that is energy efficient and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site.
- (D) Conditions of Approval. Conditions of project approval may be imposed on a Mixed Use Development Plan.
- (1) In approving a Mixed Use Development Plan, the Zoning Administrator or Planning Commission may include such conditions as are deemed reasonable and necessary to maintain or assure (1) compliance with the standards/criteria listed in Section 20.086.055, Mixed Use Compatibility Standards, and (2) the mitigation of any "significant adverse environmental impacts" of the development as may be required by the California Environment Quality Act. Nothing in this Section shall be construed to limit the discretion of the authority of the Zoning Administrator or Planning Commission to require conditions.
  - (2) The Zoning Administrator or Planning Commission may condition a Mixed Use Development Plan to prohibit occupancy of a project building until an inspection has been made which finds that the project building, landscaping and other required improvements have been completed, and the project complies with all conditions specifically required to be completed prior to occupancy. If a Mixed Use Development Plan is so conditioned, the Planning Director shall notify the County Building Official of such conditions. If a building permit is issued for a building or structure which is subject to a Mixed Use Development Plan so conditioned, the Building Official shall not approve a final inspection of such building or structure until the conditions have been satisfied. The Planning Commission or the Zoning Administrator may also require conditions be completed prior to the issuance of building permits.

## **CHAPTER 20.087 MUBST MIXED USE BRUSH STREET TRIANGLE DISTRICT**

### **20.087.005 Intent.**

The intent of the Mixed-Use Brush Street Triangle (MUBST) zoning district is to promote greater efficiency by encouraging mixed-use development that preserves and expands options for housing and provides for live-work opportunities. It also aims to enhance community health by promoting active transportation and to support local businesses by providing a variety of commercial and residential uses in a compact and accessible area within the Mixed-Use Brush Street Triangle (MUBST) area as defined in the Ukiah Valley Area Plan.

### **20.087.010 Permitted Uses.**

The following use types are permitted uses provided the development of any permitted residential use occurs in conjunction with at least one (1) different permitted commercial or civic use type on the same property, as a live-work use, or is part of a mixed use project: Definitions for live-work use and mixed use are contained in Chapter 20.008 Definitions.

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

Assisted Living Residential Care Facility;

Day Care Facility;

Employee Housing;

Family Residential — single-family;

Family Residential — two-family;

Family Residential—multifamily;

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;

Education facilities;

Essential services;

Group care;

Lodge, fraternal and civic assembly;

Religious assembly;  
Day Care Facilities/small schools.

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

Administrative & Business Offices;  
Communication Services;  
Eating and Drinking Establishments;  
Food and Beverage Retail Sales;  
Medical Services;  
Personal Services;  
Repair Services, Consumer;  
Retail Sales, General.

**(D) Industrial Use Types (See Chapter 20.028).**

Custom Manufacturing

**(E) Accessory uses as provided in Chapter 20.164.**

**20.087.015 Uses Subject to an Administrative Permit.**

The following uses are permitted in a mixed use project upon issuance of an Administrative Permit:

**(A) Agricultural Use Types (See Chapter 20.032).**

Animal Raising — Personal.

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

Ambulance services;  
Fire and police protection services;  
Minor impact utilities;

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

Laundry services;  
Redemption Centers.

**20.087.020 Uses Subject to a Use Permit.**

The following use types are permitted in a mixed use project upon securing a Use Permit:

**(A) Civic Use Types (See Chapter 20.020).**

Educational facilities;

Major impact facilities;

Major impact services and utilities.

**20.087.025 Minimum Lot Area.**

No Minimum.

**20.087.030 Maximum Dwelling Density.**

Single Family Residential: one (1) unit per four thousand five hundred (4,500) square feet.

Multi-Family Residential and Mixed Use: one (1) unit per two thousand one hundred (2,100) square feet.

**20.087.035 Minimum Front and Rear Yard.**

(A) Residential Use: Twenty (20) feet.

(B) Non-Residential Use: None, except that a twenty (20) foot rear yard is required adjoining any district other than MU-2, MUNS, commercial, or industrial

**20.087.040 Minimum Side Yard.**

(A) Residential Use: Six (6) feet.

(B) Non-Residential Use: None, except that a five (5) foot side yard is required adjoining any district other than commercial or industrial.

**20.087.045 Building Height Limit.**

Fifty (50) feet.

**20.087.050 Building Floor Area Ratio.**

(A) Residential Use: None

(B) Non-Residential Use: Three-tenths (0.3) minimum; One (1.0) maximum.

**20.087.055 Mixed Use Compatibility Standards.**

All permitted mixed use projects shall be consistent with the Mixed Use Compatibility Standards and are encouraged to incorporate design principles and examples contained in the Community Design Guidelines to the extent feasible. Any permitted mixed use project determined to be inconsistent with these standards shall be subject to a discretionary permit as described in Section 20.087.060, Mixed Use Development Review.

- (1) Site Improvements: Building siting and orientation, and landscape improvements shall integrate pedestrian circulation. Site and landscape improvements shall incorporate outdoor pedestrian use areas such as courtyards and plazas (which could include amenities such as trellises, raised planters, and landscaped berms) and other structures that create semi-protected outdoor spaces. Pedestrian use areas shall be visible from street corridors and pedestrian access routes.
- (2) Separation: Separation between use types, whether the uses are located on the same parcel or not, shall be required as stated below, in addition to minimum side and rear yards specified in this chapter.
  - (a) Residential uses shall be separated from non-residential uses as follows:
    - No less than three hundred (300) feet from any industrial use on the same site or from an industrial zoning district.



- No less than eleven (11) feet from any commercial or civic use on the same site, except that a residential use may be located in the same or abutting structure containing a commercial and/or civic use.
  - (b) Where residential and non-residential separation is required, landscape areas shall be provided in the separation area (including property lines setbacks) to prevent noise, lighting, and privacy intrusion. Pedestrian activity areas and circulation improvements are allowed in the separation area; trash enclosures are prohibited.
  - (c) Notwithstanding the minimum side and rear yard setbacks of this chapter, a fifty (50) foot setback and a fence or wall no less than six (6) feet high is required along a side or rear property line of an adjacent parcel within Agricultural Land, as defined by Section 10A.13.010 of the Mendocino County Code, or a parcel developed with an Agricultural Use Type (Chapter 20.032) exceeding one (1) acre in size.
  - (d) No portion of a wall or fence shall be used for advertising or display. No barbed wire or concertina wire may be used as fencing material.
- (3) Utilities:
- (a) All utilities including but not limited to electrical power, telecommunications, and cable television shall be placed underground to the extent practicable, taking into account economic and environmental factors.
  - (b) If utilities, communications towers, and devices must be above ground they shall be designed and located to minimize visual impact and clutter, using techniques such as screening and shared use of facilities.
  - (c) When available, connection to public water and sewer services is required for development.
- (4) Land Use Limitations:
- (a) All industrial use operations, excluding delivery docks, shall be enclosed within a building.
  - (b) Commercial and industrial loading areas, trash enclosures, utility meters, and mechanical and electrical equipment shall be located as far as possible from residential uses and shall be screened from view from the residential portion of the project and any adjoining residential use.
  - (c) Non-residential uses shall not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.
  - (d) All new uses shall comply with the General Plan Noise Policies (Development Element, Chapter 3, DE-93 to DE-110).
- (B) Parking: Notwithstanding the applicable provisions of Chapter 20.180 Off-Street Parking, the following additional off-street parking and circulation requirements shall apply.
- (1) On-site circulation and parking shall be provided and continuously maintained according to an approved parking plan illustrating the location, number and configuration of parking spaces for vehicles and bicycles, vehicle and pedestrian circulation improvements, truck loading areas and travel path, and emergency vehicle access, public transit stops, and public areas.
  - (2) The number and configuration of parking and circulation shall be consistent with parking standards (Chapter 20.180 Off-Street Parking) except that a reduction in the number of off-street parking spaces, consistent with Section 20.180.010 of the County Code, may be granted when the project includes shared parking facilities, affordable housing, and transit improvements.
  - (3) Shared driveway access between neighboring uses and parcels shall be encouraged. Wherever possible, driveway access shall be provided at the property boundary to permit

future negotiations of shared access agreements when adjoining parcels are developed. Where shared access is provided, a twenty-five (25) percent reduction in the required parking spaces for all commercial uses shall be permitted for each participating parcel.

- (4) Instead of locating a single parking lot on the street frontage, separate parking areas shall be established throughout the mixed use project, away from the street frontage and, to the extent possible, not located between building groups. When feasible, parking within or under buildings is encouraged.
  - (5) All new development shall be required to provide sidewalks along any street frontage and shall provide on-site pedestrian walkways that directly link all parking areas with building entrances, off-site transportation facilities, established sidewalks, and adjacent public rights-of-way. The walkway shall be a minimum of five (5) feet in width and shall be constructed of concrete, pavers, or similar sidewalk material that is firm, stable, and slip-resistant. Walkways may be located within the landscaping/walkway corridors of the public rights-of-way. The specific location of pedestrian walkways shall be determined by each property owner. However, narrow linear strips of landscaping between walkways and streets shall be discouraged. Required walkways shall connect to existing walkways on adjacent properties, and where such adjacent walkways have not been developed, the required walkways shall be located in areas where the future continuation of the walkway across adjoining properties is feasible.
- (C) Landscape: Utilizing climate adapted plants supported by low volume irrigation systems, landscape improvements shall be provided and continuously maintained throughout and along the perimeter of the mixed use development site, subject to State of California Water Conservation in Landscape Act of 1990 and the following standards.
- (1) No less than ten (10) percent of the gross parking and circulation area shall be dedicated to and continuously maintained as landscape areas.
  - (2) Parking lot shade trees, selected from the Mixed Use Design Guideline Master Tree List, shall be provided and continuously maintained at a minimum rate of one (1) tree per five (5) parking spaces.
  - (3) Drainage swales and similar stormwater retention features shall be integrated with the design and location of landscape improvements.
  - (4) Planting areas, no less than ten (10) feet wide, shall separate parking lots from property lines and buildings.
  - (5) A landscape improvement bond or another form of surety acceptable to the Planning Director shall be offered prior to the issuance of a building permit to commence construction of the project and will be released three (3) years after the completion of the landscape installation upon demonstrating the landscaping is established and maintained according to the approved landscape improvement plan.
- (D) Lighting: The location, intensity, and shielding of all exterior lighting for buildings, businesses, landscaping, streets and parking lots, and recreational and public areas shall be downward shielded and that are operated on a limited night schedule so as to avoid or prevent the illumination of adjoining uses or areas or the night sky.

### **20.087.060 Mixed Use Development Review.**

The Mixed Use Development Review will implement the goals and policies of the Ukiah Valley Area Plan by providing site planning, architectural design guidance, and criteria for commercial uses in mixed use projects. The intent of this process is to develop aesthetically appealing urban form, which reflects the rural, small town character of the Ukiah Valley, protect and enhance the natural beauty and scenic view sheds, and reinforce the uniqueness of existing communities.

- (A) Development Review. All development within the MUBST is subject to one (1) of the following review processes unless the development is: (1) a façade improvement, (2) a one (1) time

addition/expansion of an existing structure(s) not to exceed five hundred (500) square feet per site, and (3) minor amendments to previously approved plans, or a change in use of existing structure(s) that do not require additional parking, and will not generate substantial amounts of additional traffic, noise, or other potential nuisances.

- (1) Zoning Clearance A project shall be eligible for zoning clearance through the building permit process when it is a mixed use project, includes only permitted uses listed in Section 20.087.010, and is consistent with the Mixed Use Compatibility Standards contained in Section 20.087.055, and will develop a site not to exceed forty thousand (40,000) square feet.
  - (2) Administrative Permit. A project shall be subject to an administrative permit in accordance with Chapter 20.192 when the project only includes permitted uses listed in Section 20.087.010, is consistent with the Mixed Use Compatibility Standards contained in Section 20.087.055, and will develop a site exceeding forty thousand (40,000) square feet. In addition, a project shall be subject to an administrative permit when any of the following apply:
    - (a) The project contains only a single permitted use.
    - (b) The project includes permitted uses listed in Section 20.087.010 Permitted Uses and will require an exception from the Mixed Use Compatibility Standards in Section 20.087.055.
    - (c) The project includes uses listed in Section 20.087.015, Uses Subject to an Administrative Permit.
  - (3) Use Permit. A project shall be subject to a use permit under the original jurisdiction of the Planning Commission, in accordance with Chapter 20.196, and is subject to CEQA review when the project includes any use listed in Section 20.087.020, Uses Subject to a Use Permit, including a project that requires an exception to the Mixed Use Compatibility Standards contained in Section 20.087.055.
- (B) Submittal Requirement. The following submittal requirements govern the submittal, review, and action on the Mixed Use Development Plan, when it is required.
- (1) General: A Mixed Use Development Plan shall be submitted for any mixed use project subject to an administrative permit or use permit as specified by section 20.087.060(A).
  - (2) Mixed Use Development Plan Requirement: In addition to the information and plans otherwise required for an administrative permit or use permit, a Mixed Use Development Plan is required and shall include, but is not limited to, the following information:
    - a) A detailed site plan at a scale that is sufficient to fully illustrate proposed uses and site improvements as well as a Preliminary Development Plan, as defined in this Chapter.
    - b) Building elevation drawings of all proposed structures showing exterior wall color and material, and exterior lighting of proposed and existing development on all sides of the structure. The Community Design Guidelines shall be applied to all mixed use projects subject to Mixed Use Development Review.
    - c) A building floor plan of the proposed structure delineating each building or portion thereof by use type.
    - d) A landscaping plan detailing all new and existing landscaping to be incorporated into the design of the project including pedestrian walkway improvements, location of existing and proposed vegetation, including removed vegetation and trees, public amenities, landscape lighting, fencing, and irrigation improvements. The landscape plan must include a planting and lighting schedule noting the size, number, and type of plant materials and light fixtures.

- e) A parking and circulation plan showing the location of and access to parking spaces, loading zones, delivery docks, transit improvements, bicycle parking, parking lot landscape areas (detailed by the landscape plan), and lighting. The parking and circulation plan shall include a schedule showing the number and size of required off-street parking based the County's parking requirements.
- (C) Supplemental Findings. The Zoning Administrator and/or Planning Commission shall make the following supplemental findings when acting to approve any discretionary project (i.e., administrative permit or use permit) within the MUBST zoning district. The findings shall not be vague and conclusory. The findings shall be sufficiently detailed to inform a reviewing court of the basis of the action by bridging the gap between the evidence and the decision-maker's conclusions, and shall be based upon evidence contained in the administrative record. Failure to make findings that support the following determinations shall result in a denial of the Mixed Use Development Plan application.

The proposed mixed use project, including an exception from the Mixed Use Compatibility Standards, will substantially fulfill the intent and purpose of the Mixed Use General zoning district and Community Design Guidelines, by accomplishing the following.

- (1). Land Use: The project will —
  - (a) Preserve the character of the neighborhood; will protect the community's character, provide for harmonious and orderly development, and create a desirable environment for the occupants, neighbors, and visiting public
  - (b) Include appropriate use of materials, textures, and colors, which will remain aesthetically appealing and appropriately maintained; and will locate and orient windows, doorways, and outdoor use areas to minimize the potential impacts from heat, glare, noise, or other disturbances caused by on-site or off-site sources.
  - (c) Locate structure(s) on the parcel which are compatible with the location and orientation of other structures in the immediate neighborhood that conform to applicable setback requirements.
  - (d) Be compatible with other uses on the property.
- (2) Parking: The project will —
  - (a) Provide adequate ingress, egress, parking for vehicles and bicycles, and internal circulation for vehicles, bicycles, pedestrians, and delivery vehicles designed to promote safety and convenience.
  - (b) Not create potential hazards to vehicular, pedestrian, or bicycle traffic, or cause a distraction for motorists.
  - (c) Provide shade for parking spaces to the extent practical.
- (3) Landscape: The project will —
  - (a) Include provisions to ensure maintenance of all approved landscaping.
  - (b) Include landscaping as an integral part of the project design and enhance the appearance of the development.
  - (c) Ensure protection of existing and desirable mature trees when feasible.
  - (d) Utilize irrigation systems which provide for the efficient use of water.
- (4) Lighting: The project will —
  - (a) Provide adequate lighting to all pedestrian and building access areas to provide safety, security and enhance aesthetic quality.
  - (b) Provide lighting that is appropriate in scale, intensity, and height

- (c) Provide lighting that is energy efficient and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site.
- (D) Conditions of Approval. Conditions of project approval may be imposed on a Mixed Use Development Plan.
  - (1) In approving a Mixed Use Development Plan, the Zoning Administrator or Planning Commission may include such conditions as are deemed reasonable and necessary to maintain or assure (1) compliance with the standards/criteria listed in Section 20.087.055, Mixed Use Compatibility Standards, and (2) the mitigation of any "significant adverse environmental impacts" of the development as may be required by the California Environment Quality Act. Nothing in this Section shall be construed to limit the discretion of the authority of the Zoning Administrator or Planning Commission to require conditions.
  - (2) The Zoning Administrator or Planning Commission may condition a Mixed Use Development Plan to prohibit occupancy of a project building until an inspection has been made which finds that the project building, landscaping and other required improvements have been completed, and the project complies with all conditions specifically required to be completed prior to occupancy. If a Mixed Use Development Plan is so conditioned, the Planning Director shall notify the County Building Official of such conditions. If a building permit is issued for a building or structure which is subject to a Mixed Use Development Plan so conditioned, the Building Official shall not approve a final inspection of such building or structure until the conditions have been satisfied. The Planning Commission or the Zoning Administrator may also require conditions be completed prior to the issuance of building permits.

## CHAPTER 20.088 C-1 LIMITED COMMERCIAL DISTRICT

### Sec. 20.088.005 Intent.

This district is intended to create and enhance areas where public facilities and services are available. It is also intended to facilitate a balance between jobs and housing, provide for the possibility of live/work spaces, and provide additional opportunities for affordable housing. A limited number of retail commercial goods and services are desired primarily to meet day to day needs of local residents and to facilitate livable/walkable communities and live/work opportunities. Typically this district would be applied in conjunction with residential uses and would permit only those uses which do not significantly increase traffic, noise or other impacts

### Sec. 20.088.010 Permitted Uses.

The following use types are permitted in the C-1 District:

#### (A) Residential Use Types (see Chapter 20.016).

- Assisted Living Residential Care Facility;
- Day Care Facility;
- Employee Housing;
- Family residential — single-family;
- Family residential — two family;
- 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;
- Essential services;
- Fire and police protection services;
- Lodge, fraternal and civic assembly;
- Minor impact utilities;
- Religious assembly.

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

- Administrative and business offices;
- Animal sales and services-household pets;
- Animal sales and services-veterinary (small animals);
- Automotive and equipment-parking;
- Business equipment sales;

Communication services;  
Eating and drinking establishments; Food and beverage preparation-without consumption;  
Food and beverage retail sales;  
Medical services;  
Personal services;  
Repair services, consumer;  
Retail sales-general.

**(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. 20.088.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the C-1 District upon issuance of an Administrative Permit:

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

Family residential - dwelling groups

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

Group care;  
Day care facilities/small schools;

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

Automotive and equipment — gasoline sales;  
Cottage industries — limited;  
Recycling centers;  
Redemption centers.

**Sec. 20.088.020 Uses Subject to a Use Permit.**

The following use types are permitted in the C-1 District upon issuance of a Use Permit:

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

Mobile home 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).**

Transient habitation—campground;  
Transient habitation—lodging (limited).

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

Mining and processing.

**Sec. 20.088.025 Minimum Lot Area.**

- (A) For parcels within water and sewer districts:  
Commercial Use: None  
Mobile Home Parks: four thousand (4,000) square feet  
Residential: six thousand (6,000) square feet.
- (B) For parcels within water or sewer districts: twelve thousand (12,000) square feet
- (C) For parcels not in a water or sewer district: forty thousand (40,000) square feet.

**Sec. 20.088.030 Maximum Dwelling Density.**

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential—Dwelling Group use type and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

- (A) For parcels within water and sewer districts:  
Single-family: one (1) unit per six thousand (6,000) square feet.  
Two-family; Mobile Home Park: one (1) unit per four thousand (4,000) square feet.  
Multi-family: one (1) unit per one thousand five hundred (1,500) square feet.
- (B) For parcels within water or sewer district:  
Single-family; Two-family; Multi-family: one (1) unit per twelve thousand (12,000) square feet.
- (C) For parcels not in a water or sewer district:  
Single-family: one (1) unit per forty thousand (40,000) square feet.  
Two-family; Multi-family: not permitted.

**Sec. 20.088.035 Minimum Front Yard.**

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

**Sec. 20.088.040 Minimum Side and Rear Yards.**

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. See setback exceptions in section 20.152.015.

**Sec. 20.088.045 Building Height Limit.**

Thirty-five (35) feet. See height exceptions in section 20.152.025.



## CHAPTER 20.092 C-2 GENERAL COMMERCIAL DISTRICT

### **Sec. 20.092.005 Intent.**

This district is intended to create and enhance commercial areas where complete retail sales and services are available and desirable for public service are available and desirable for public and convenience. Typically this district would be applied in the central core of community areas where central area commercial facilities were desired, or at major roadway intersections. Uses in this district are also intended to facilitate live/work convenience through multiple story construction and shared parking arrangements for a range of residential and commercial uses.

### **Sec. 20.092.010 Permitted Uses.**

The following use types are permitted in the C-2 District:

#### **(A) Residential Use Types (see Chapter 20.016)**

Assisted Living Residential Care Facility;  
Day Care Facility;  
Employee Housing;  
Family residential — single-family;  
Family residential — two-family;  
Family residential — multi-family;  
Low Barrier Navigation Center;  
Supportive Housing;  
Transitional Housing;

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

Administrative services, government;  
Ambulance services;  
Clinic services;  
Community recreation;  
Cultural exhibits and library services;  
Essential services;  
Fire and police protection services;  
Lodge, fraternal and civic assembly;  
Minor impact utilities;  
Religious assembly.

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

Administrative and business offices;  
Animal sales and services-household pets;  
Animal sales and services-veterinary (small animals);  
Automotive and equipment-cleaning;  
Automotive and equipment-fleet storage;

Automotive and equipment-parking;  
Automotive and equipment-repairs, light;  
Automotive and equipment-sales/rentals;  
Business equipment sales;  
Commercial recreation-all types;  
Communication services;  
Eating and drinking establishments;  
Financial services;  
Food and beverage preparation-without consumption;  
Food and beverage retail sales;  
Funeral and interment services;  
Laundry services;  
Mail order businesses;  
Medical services;  
Personal services;  
Repair services, consumer;  
Research services;  
Retail sales-general;  
Transient habitation-lodging;  
Transient habitation-resort and recreational facilities;  
Wholesaling, storage and distribution-mini-warehouse.

**(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. 20.092.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the C-2 District upon issuance of an Administrative Permit:

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

Family residential-dwelling groups.

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

Day care facilities/small schools;  
Group care;

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

Animal sales and services-kennels;  
Agricultural sales and services;  
Automotive and equipment-gasoline sales;  
Automotive and equipment-repairs, heavy;  
Automotive and equipment-storage, recreational vehicles and boats;  
Construction sales and services;  
Recycling centers;  
Redemption centers;  
Swap meet.

**(D) Industrial Use Types (See Chapter 20.028).**

Custom manufacturing.

**Sec. 20.092.020 Uses Subject to a Use Permit.**

The following use types are permitted in the C-2 District upon issuance of a Use Permit:

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

Mobile home residential.

**(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).**

Animal sales and services—veterinary (large animals);  
Automotive and equipment—storage, nonoperating vehicles;  
Transient habitation—campground;  
Wholesaling, storage and distribution—light.

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

Mining and processing.

**Sec. 20.092.025 Minimum Lot Area.**

**(A) For parcels within water and sewer districts:**

Commercial Use: None  
Mobile Home Park: four thousand (4,000) square feet  
Residential: six thousand (6,000) square feet.

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

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

### **Sec. 20.092.030 Maximum Dwelling Density.**

One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as the Family Residential— Dwelling Group use type and shall be consistent with the below density standards. The following density standards apply where there is adequate lot area to accommodate higher density:

- (A) For parcels within water and sewer districts:
  - Single-family: one (1) unit per six thousand (6,000) square feet.
  - Two-family; Mobile Home Park: one (1) unit per four thousand (4,000) square feet.
  - Multi-family: one (1) unit per one thousand five hundred (1,500) square feet.
- (B) For parcels within water or sewer district:
  - Single-family; Two-family; Multi-family: one (1) unit per twelve thousand (12,000) square feet.
- (C) For parcels not in a water or sewer district:
  - Single-family: one (1) unit per forty thousand (40,000) square feet.
  - Two-family; Multi-family: not permitted.

### **Sec. 20.092.035 Minimum Front Yard.**

Ten (10) feet. See setback exceptions in section 20.152.015.

### **Sec. 20.092.040 Minimum Side and Rear Yard.**

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. See setback exceptions in section 20.152.015.

### **Sec. 20.092.045 Building Height Limit.**

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

## CHAPTER 20.096 I-1 LIMITED INDUSTRIAL DISTRICT

### Sec. 20.096.005 Intent.

This district is intended to create and preserve areas where manufacturing and industrial uses which evidence no or very low nuisance characteristics may locate. Nonindustrial uses which support or are adjuncts to industrial uses and are compatible with such uses are permitted within the zone particularly administrative, sales and service uses.

### Sec. 20.096.010 Permitted Uses.

The following use types are permitted in the I-1 District:

**(A) Residential Use Type (See Chapter 20.016).**

Day Care Facility (only if associated with Employee Housing)

Employee Housing

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

Ambulance services;

Cemetery;

Community recreation;

Essential services;

Fire and police protection services;

Lodge, fraternal and civic assembly;

Minor impact utilities;

Religious assembly.

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

Administrative and business offices;

Agricultural sales and services;

Animal sales and services—auctioning;

Animal sales and services—household pets;

Animal sales and services—kennels;

Animal sales and services—veterinary (large animals);

Animal sales and services—veterinary (small animals);

Automotive and equipment—all types;

Building maintenance services;

Business equipment sales and services;

Commercial recreation—indoor entertainment;

Commercial recreation—indoor sports and recreation;

Communications services;

Construction sales and services;

Laundry services;

Mail order businesses;  
Recycling centers;  
Redemption centers;  
Research services;  
Repair services, consumer;  
Swap meets;  
Wholesaling, storage and distribution—mini warehouses;  
Wholesaling, storage and distribution—light.

**(D) Industrial Use Types (See Chapter 20.028).**

Custom manufacturing;  
General industrial.

**(E) Agricultural Use Types (See Chapter 20.032).**

Animal raising—general agriculture;  
Animal waste processing;  
Horticulture;  
Packing and processing—all types;  
Forest production and processing—all types;  
Row and field crops;  
Tree crops.

**(F) For further clarification, refer to Appendices A and B to this Division.**

**(G) Accessory uses as provided in Chapter 20.164.**

**Sec. 20.096.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the I-1 District upon issuance of an Administrative Permit:

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

Low Barrier Navigation Center;  
Supportive Housing;  
Transitional Housing.

**(B) Commercial Use Types (See Chapter 20.024).**

Retail sales, general.

**Sec. 20.096.020 Uses Subject to a Use Permit.**

The following use types are permitted in the I-1 District upon issuance of a Use Permit:

**(A) Civic Use Types (See Chapter 20.020).**

Major impact facilities;  
Major impact services and utilities.

**(B) Commercial Use Types (See Chapter 20.024).**

Animal sales and services—stockyard;

Commercial recreation—outdoor entertainment;  
Commercial recreation—outdoor sports and recreation;  
Scrap operations;  
Wholesaling, storage and distribution: heavy.

**(C) Extractive Use Types (See Chapter 20.036).**

Mining and processing.

**Sec. 20.096.025 Minimum Lot Area.**

- (A) For parcels within water and sewer districts: None required.
- (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.

**Sec. 20.096.030 Minimum Front Yard.**

Ten (10) feet. See setback exceptions in section 20.152.015.

**Sec. 20.096.035 Minimum Side and Rear Yards.**

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. See setback exceptions in section 20.152.015.

**Sec. 20.096.040 Building Height Limit.**

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

## CHAPTER 20.100 I-2 GENERAL INDUSTRIAL DISTRICT

### Sec. 20.100.005 Intent.

This district is intended to create and preserve areas where a full range of industrial uses with moderate to high nuisance characteristics may locate. Typically this district would be applied to locations where large land acreages were available and where the impacts associated with the unsightliness, noise, odor, and traffic, and the hazards associated with certain industrial uses, would not impact on residential and commercial areas.

### Sec. 20.100.010 Permitted Uses.

The following use types are permitted in the I-2 District:

**(A) Residential Use Type (See Chapter 20.016).**

Day Care Facility (only if associated with Employee Housing);  
Employee Housing.

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

Ambulance services;  
Cemetery;  
Community recreation;  
Essential services;  
Fire and police protection services;  
Lodge, fraternal and civic assembly;  
Minor impact utilities;  
Religious assembly.

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

Administrative and business offices;  
Agricultural sales and services;  
Animal sales and services—auctioning;  
Animal sales and services—household pets;  
Animal sales and services—kennels;  
Animal sales and services—veterinary (large animals);  
Animal sales and services—veterinary (small animals);  
Automotive and equipment—all types;  
Building maintenance services;  
Business equipment sales and services;  
Communications services;  
Commercial recreation—indoor entertainment;  
Commercial recreation—indoor sports and recreation;  
Construction sales and services;  
Laundry services;



Mail order businesses;  
Recycling centers;  
Redemption centers;  
Research services;  
Repair services, consumer;  
Scrap operations;  
Swap meets;  
Wholesaling, storage and distribution heavy;  
Wholesaling, storage and distribution—mini warehouses;  
Wholesaling, storage and distribution—light.

**(D) Industrial Use Types (See Chapter 20.028).**

Custom manufacturing;  
General industrial.

**(E) Agricultural Use Types (See Chapter 20.032).**

Animal raising—general agriculture;  
Animal waste processing;  
Forest production and processing—all types;  
Horticulture;  
Packing and processing—all types;  
Row and field crops;  
Tree crops.

**(F) For further clarification, refer to Appendices A and B.**

**(G) Accessory uses as provided in Chapter 20.164.**

**Sec. 20.100.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the I-2 District upon issuance of an Administrative Permit:

**(A) Residential Use Types (See Chapter 20.16).**

Low Barrier Navigation Center;  
Supportive Housing;  
Transitional Housing;

**(B) Commercial Use Types (See Chapter 20.024).**

Retail sales, general.

**Sec. 20.100.020 Uses Subject to a Use Permit.**

The following use types are permitted in the I-2 District upon issuance of a Use Permit:

**(A) Civic Use Types (See Chapter 20.020).**

Major impact facilities;  
Major impact services and utilities.

**(B) Commercial Use Types (See Chapter 20.024).**

Animal sales and services—stockyard;  
Commercial recreation—outdoor entertainment;  
Commercial recreation—outdoor sports and recreation.

**(C) Industrial Use Types (See Chapter 20.028).**

Heavy industrial;  
Explosives storage.

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

Mining and processing.

**(E) All other uses which do not appropriately fall into any of the use types described in Section 20.016.005 to Section 20.036.010.**

**Sec. 20.100.025 Minimum Lot Area.**

- (A) For parcels within water and sewer districts: None required.
- (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.

**Sec. 20.100.030 Minimum Front Yard.**

Ten (10) feet. See setback exceptions in section 20.152.015.

**Sec. 20.100.035 Minimum Side and Rear Yards.**

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. See setback exceptions in section 20.152.015.

**Sec. 20.100.040 Building Height Limit.**

Sixty-five (65) feet. See height exceptions in section 20.152.025.

## CHAPTER 20.102 P-I PINOLEVILLE INDUSTRIAL DISTRICT

### Sec. 20.102.005 Intent.

The Pinoleville Industrial (P-I) Zoning District is intended to be applied to all lands zoned Limited Industrial (I-1) within the Pinoleville Rancheria. The objective of the P-I District is to provide for industrial uses and at the same time to protect the health, safety and general welfare of the residents living within the Rancheria. Creation of a new zoning district was determined to be preferable to rezoning lands within the Rancheria from I-1 to a commercial or residential zone because the new zoning district avoided making existing industrial uses nonconforming. But because some industrial uses may be incompatible with existing or future residential use of the Rancheria, it is the intent of the P-I District to require discretionary permit approval for such uses, and further, that approval of Administrative Permits or Use Permits within the P-I District shall be granted only if the proposed use is compatible with residential use of the Rancheria and will not cause any significant nuisance or hardship to Rancheria residents. Within the P-I District the allowable uses shall be as specified in Sections 20.102.010 through 20.102.050.

### Sec. 20.102.010 Permitted Uses.

The following use types are permitted within the P-I District:

- (A) **Residential Use Types (See Chapter 20.016).**
  - Assisted Living Residential Care Facility
  - Day Care Facility
  - Employee Housing
  - Family residential-single family;
- (B) **Civic Use Types (See Chapter 20.020).**
  - Ambulance services;
  - Cemetery;
  - Community recreation;
  - Essential services;
  - Fire and police services;
  - Group care;
  - Minor impact utilities.
- (C) **Commercial Use Types (See Chapter 20.024).**
  - Administrative and business offices;
  - Agricultural sales and service;
  - Animal sales and services—household pets;
  - Automotive and equipment—all types;
  - Building maintenance service;
  - Business equipment sales and service;
  - Commercial recreation—all types;
  - Communications services;
  - Construction sales and service;
  - Redemption centers;

Repair services, consumer;  
Research services;  
Wholesaling, storage and distribution-mini warehouses;  
Wholesaling, storage and distribution—light.

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

Horticulture;  
Row and field crops;  
Tree crops;  
Animal raising—general agriculture;  
Animal raising—personal;  
Packing and processing—limited;  
Forest production and processing—limited.

**Sec. 20.102.015 Uses Subject to an Administrative Permit.**

The following use types are permitted within the P-I District upon issuance of an Administrative Permit:

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

Low Barrier Navigation Center;  
Supportive Housing;  
Transitional Housing.

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

Lodge, fraternal and civic assembly;  
Religious assembly.

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

Animal sales and services—kennels;  
Animal sales and services—veterinary (small animals);  
Animal sales and services-veterinary (large animals);  
Cottage industries—all types.

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

Packing and processing—winery;  
Packing and processing—general;  
Forest production and processing—general;  
Forest production and processing—commercial; woodlots;  
Forest production and processing-portable sawmills.

**Sec. 20.102.020 Uses Subject to a Use Permit.**

The following use types are permitted within the P-I District upon issuance of a Use Permit:

(A) **Civic Use Types (See Chapter 20.020).**

Major impact facilities;

Major impact services and utilities.

(B) **Commercial Use Types (See Chapter 20.024).**

Animal sales and services—auctioning;  
Animal sales and services—stockyards;  
Recycling centers;  
Retail sales, general;  
Scrap operations;  
Swap meets;  
Wholesaling, storage and distribution-heavy.

(C) **Industrial Use Types (See Chapter 20.028).**

Custom manufacturing;  
General industrial.

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

Animal waste processing.

(E) **Extractive Use Types (See Chapter 20.036).**

Mining and processing.

**Sec. 20.102.025 Minimum Lot Area.**

- (A) Industrial: none.
- (B) Residential: six thousand (6,000) square feet.

**Sec. 20.102.030 Maximum Dwelling Density.**

One unit per six thousand (6,000) square feet.

**Sec. 20.102.035 Minimum Front Yard.**

Ten (10) feet. See setback exceptions in section 20.152.015.

**Sec. 20.102.040 Minimum Side and Rear Yards.**

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. See setback exceptions in section 20.152.015.

**Sec. 20.102.045 Building Height Limit.**

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

**Sec. 20.102.050 Findings.**

Prior to granting any administrative or use permit on lands subject to the P-I Industrial District, the Zoning Administrator, Planning Commission or Board of Supervisors shall make the following findings in addition to the findings required by Chapter 20.192 or Chapter 20.196, as applicable:

- (A) The proposed project, including traffic generated by the project, will not produce noise levels in excess of:
  - 50 dBA Ldn day (DEH goal from General Plan),

40 dBA Ldn night measured at the project site property lines (excluding roads).

- (B) The proposed project will not subject neighboring parcels to dust, odor or other impairment to air quality in excess of that which would normally be associated with residential or agricultural uses within the Rancheria.
- (C) At least fifteen (15) calendar days prior to any hearing on the administrative or use permit application and supporting information, the application was referred to the Governing Council of the Pinoleville Indian Community for its review and recommendation.

## CHAPTER 20.104 O-S OPEN SPACE DISTRICT

### **Sec. 20.104.005 Intent.**

This district is intended to be applied to lands not suited for development or to lands most valuable in their undeveloped natural state. Generally structures and significant grading shall be prohibited, but may be permitted with an Administrative Permit provided the structures or grading furthers the open space intent.

### **Sec. 20.104.010 Permitted Uses.**

The following use types excepting structures and significant grading are permitted in the O-S District:

#### **(A) Civic Use Types (See Chapter 20.020).**

Community recreation;  
Essential services;  
Fire and police protection services;  
Minor impact utilities.

#### **(B) Agricultural Use Types (See Chapter 20.032)**

Animal raising—general agriculture;  
Forest production and processing—limited;  
Horticulture;  
Packing and processing—limited;  
Row and field crops;  
Tree crops.

### **Sec. 20.104.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the O-S District upon issuance of an Administrative Permit:

#### **(A) Structure or significant grading in conjunction with any permitted use.**

#### **(B) Residential Use Types (See Chapter 20.016).**

Assisted Living Residential Care Facility;  
Day Care Facility;  
Employee Housing;  
Family residential—single-family;  
Low Barrier Navigation Centers;  
Supportive Housing;  
Transitional Housing.

#### **(C) Accessory uses as provided in Chapter 20.164.**

### **Sec. 20.104.020 Uses Subject to a Use Permit.**

The following use types are permitted in the O-S District upon issuance of a Use Permit:

#### **(A) Civic Use Type (See Chapter 20.020).**

Major impact services and utilities.

**(B) Commercial Use Types (See Chapter 20.024).**

Commercial recreation—outdoor sports and recreation;

Transient habitation—campground.

**(C) Extractive Use Type (See Chapter 20.036).**

Mining and processing.

**Sec. 20.104.025 Minimum Lot Area.**

No divisions permitted unless it can be demonstrated that the division furthers the intent of the OS District.

**Sec. 20.104.030 Minimum Front and Rear Yards.**

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

**Sec. 20.104.035 Minimum Side Yards.**

Five (5) feet each. See setback exceptions in section 20.152.015.

**Sec. 20.104.040 Building Height Limit.**

Thirty-five (35) feet. See height exceptions in section 20.152.025.



## CHAPTER 20.108 P-F PUBLIC FACILITIES DISTRICT

### **Sec. 20.108.005 Intent.**

This district is intended to create and preserve those properties which are properly used for or are proposed to be used for public purposes or for specified public utility purposes.

### **Sec. 20.108.010 Permitted Uses.**

The following use types are permitted in the P-F District:

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

Employee Housing.

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

Administrative services government;  
Cemetery;  
Clinic services;  
Community recreation;  
Cultural exhibits and library services;  
Day care facilities/small schools;  
Education facilities;  
Essential services;  
Fire and police protection services;  
Group care;  
Lodge, fraternal and civic assembly;  
Major impact facilities;  
Major impact services and utilities.

**(C) Commercial Use Type (See Chapter 20.024).**

Automotive and equipment—parking;  
Recycling centers;  
Redemption centers.

**(D) Agriculture Use Types (See Chapter 20.032).**

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. 20.108.015 Uses Subject to an Administrative Permit.**

The following use types are permitted in the P-F District upon issuance of an Administrative Permit:

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

Assisted Living Residential Care Facility;  
Day Care Facility;  
Family residential—single-family;  
Low Barrier Navigation Center;  
Supportive Housing;  
Transitional Housing.

**Sec. 20.108.020 Uses Subject to a Use Permit.**

The following use types are permitted in the P-F District upon issuance of a Use Permit:

**(A) Commercial Use Type (See Chapter 20.024).**

Transient habitation—lodging (limited).

**(B) Extractive Use Type (See Chapter 20.036).**

Mining and processing.

**Sec. 20.108.025 Minimum Lot Area.**

None required.

**Sec. 20.108.030 Minimum Front Yard.**

None required.

**Sec. 20.108.035 Minimum Side and Rear Yards.**

None required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side and/or rear setback as established for the contiguous district. See setback exceptions in section 20.152.015.

**Sec. 20.108.040 Building Height Limit.**

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

## *CHAPTER 20.114 "AZ" AIRPORT ZONE COMBINING DISTRICT*

### **Sec. 20.114.005 Intent.**

This district is intended to be applied to parcels outside of airports which are located in airport planning zones as specified in the County's adopted Airport Comprehensive Land Use Plan (CLUP) or Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) for the purpose of notifying interested parties that restrictions may apply to certain parcels as described within the CLUP or UKIALUCP.

### **Sec. 20.114.010 Regulations.**

Development of parcels within the "AZ" Airport Zone Combining District shall be subject to the regulations set forth in the CLUP or UKIALUCP, as applicable.

## CHAPTER 20.116 "C" CLUSTER COMBINING DISTRICT

### Sec. 20.116.005 Intent.

This district is intended to be combined with property to provide protection to agricultural or natural resources by providing a buffer on adjacent lands:

- (A) Lying adjacent to lands in agricultural preserve or zoned Timberland Production for the purpose of providing a buffer to these resource lands; or
- (B) Used for more than four (4) dwelling units when clustered to enhance and protect the agricultural or natural resources of a site.

### Sec. 20.116.010 Regulations for "C" Cluster Combining District.

The following regulations apply to the "C" Combining District. These regulations supersede the standards and regulations of the underlying zoning district and are implemented either through obtaining a Use Permit or subdividing the property pursuant to Division 17.

- (A) Parcels contiguous to Agricultural Preserves shall have a five (5) acre minimum except that a higher density may be allowed to recognize the average density of the existing parcel sizes within one-quarter ( $\frac{1}{4}$ ) mile.
- (B) Parcels contiguous to Timberland Production zoning shall have a ten (10) acre minimum except that a higher density may be allowed to recognize the average density of the existing parcel sizes within one-quarter ( $\frac{1}{4}$ ) mile.
- (C) In exception to Subsections (A) and (B) above of this Section, a higher density may be allowed if:
  - (1) A use permit or subdivision is processed and approved which preserves and protects those lands adjacent to resource lands for nonresidential purposes.
- (D) **Development Standards.**
  - (1) Residential development shall be limited to twenty-five percent (25%) of the area of the property.
  - (2) Open Space easements or other methods will be required on all open space not included within the residential development area on both parcel groups and dwelling groups.
- (E) **Use Permit Standards.**
  - (1) Residential development shall be located at the farthest feasible point from the protected resource. Unless energy conservation and environmental concerns require location nearest to public roadways and utilization of common water sources and septic disposal.
    - (a) Residential development area shall be measured along the outside perimeter of the structures on the plot plan.
    - (b) Residential development (structures) should be arranged in such a way that the area of development should not exceed 3:1, length to width ratio.
  - (2) Access to the residential development shall be via a common easement or driveway.
  - (3) Width of the access easement and improvements for access, drainage and utilities shall be determined as necessary by the Planning Commission and/or Board of Supervisors based on the Department of Transportation's recommendations.
  - (4) If clustering is accomplished by the approval of a use permit, a condition of approval shall state that the Open Space portion of the property shall remain in Open Space, which may include an Open Space easement or conservation easement, until such time as the land use density is increased by a General Plan amendment.

- (5) If clustering is accomplished by the filing of a parcel or final map, the Open Space parcel shall be noted on said map as "Not a Residential Building Site."
- (6) In no instance shall the density allowed exceed the maximum allowable density within the General Plan.

## CHAPTER 20.118 "CA" CANNABIS ACCOMMODATION COMBINING DISTRICT

### Sec. 20.118.010 Intent.

The "CA" Cannabis Accommodation Combining District (CA Combining District or CA district) is intended to be applied to areas where greater flexibility in the development standards related to cannabis cultivation operations is desirable and necessary in order to accommodate existing commercial cannabis cultivation sites.

### Sec. 20.118.020. Applicability.

- (A) The CA Combining District may be applied to areas that include existing commercial cannabis cultivation operations, and where the zoning designation of the majority of the lots allows residential use by right.
- (B) A CA Combining District may range from neighborhood to community in scale, but in no case be composed of fewer than ten (10) legal parcels as that term is defined in section 10A.17.020. All parcels within a CA Combining District shall be contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).
- (C) The regulations in this section are supplemental to the regulations for the applicable underlying zoning district. In the event of a conflict between the regulations for the CA Combining District and the underlying zoning district, the CA district regulations shall prevail.

### Sec. 20.118.030. Establishment of CA Combining District.

- (A) The establishment of a CA Combining District shall be in accordance with the provisions of Chapter 20.212, except as otherwise provided in this section.
- (B) Establishment of a CA Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CA district. Such application shall be filed with the Planning and Building Services Department and shall be accompanied by either:
  - (1) A petition that demonstrates support for the proposed CA district by more than sixty percent (60%) of the affected property owners (as demonstrated by one (1) owner's signature per legal parcel) within the proposed CA district; or
  - (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.
- (C) Action on the filed application shall be taken by the Planning Commission and Board of Supervisors as established in Chapter 20.212.
- (D) Applications for CA Combining Districts will be accepted until November 1, 2019.

### Sec. 20.118.040. Regulations for CA Combining District.

- (A) Notwithstanding application deadlines identified in section 10A.17.080(A)(1), applications for cannabis cultivation permits within a CA Combining District must be submitted within one hundred eighty (180) days of the effective date of the ordinance that establishes the CA Combining District.
- (B) The Sunset Provision for cannabis cultivation (section 10A.17.080(B)(2)(b)) shall not apply within the CA district.
- (C) Cannabis cultivation permit types defined in section 10A.17.060 as (C) Small Outdoor, (C-A) Small Indoor, Artificial Light, and (C-B) Small Mixed Light may be permitted for existing cultivation sites on any parcel subject to the planning permit and approval requirements in section 20.242.040(C).

- (D) The minimum setback for a cultivation site from any adjoining legal parcel under separate ownership, as required by section 10A.17.040(A)(5), shall be twenty (20) feet.
- (E) The minimum setback for a cultivation site to an adjoining legal parcel under separate ownership, as required by section 10A.17.040(A)(5), may be reduced to less than twenty (20) feet or waived through the approval of an Administrative Permit pursuant to section 20.242.070(C).
- (F) The minimum setback for a cultivation site to any occupied legal residential structure located on a separate legal parcel, as required by section 10A.17.040(A)(2), may be reduced to twenty (20) feet through the approval of an Administrative Permit pursuant to section 20.242.070(C).
- (G) Changes to the underlying zoning of a parcel or parcels within the CA Combining District would have no effect on the uses permitted and defined by this section, nor would the CA Combining District limit any use rights granted by a future rezoning of property within this CA district.

**Sec. 20.118.050. Changes to CA Combining District.**

- (A) For the first ten (10) years after the date of adoption, no application to repeal or amend a CA Combining District, except as described in section 20.118.050(D), may be initiated by a member of the public.
- (B) Following the in-effect period of ten (10) years from the date of adoption, a CA Combining District may be repealed or amended upon submittal of an application by one (1) or more property owner(s) within the boundaries of the CA district. The application shall be accompanied by either:
  - (1) A petition demonstrating support for the repeal or amendment of the CA district by more than sixty percent (60%) of all current property owners (as demonstrated by one owner's signature per parcel or parcels owned) within the CA district; or
  - (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.
- (C) If a CA Combining District is repealed at any time, all current cultivators that do not meet the development standards of the underlying zoning district shall be permitted to continue operations for three (3) years from the date of repeal of the CA district. After three (3) years following the date of repeal of the CA district, permits for cultivators that do not meet the standards of the underlying zoning district shall not be renewed by the County.
- (D) An owner of property that is contiguous with a CA Combining District may submit a petition to the County to be included in the CA district. Petitions for inclusion in an existing CA district shall only be submitted by the current property owner. An addition of new property to an established CA district shall not alter the in-effect period of ten (10) years for the district.
- (E) Action on an application to repeal, amend, or add contiguous property to a CA Combining District shall be taken by the Planning Commission and Board of Supervisors consistent with the provisions of Chapter 20.212, except as provided by this section.

**Sec. 20.118.060. Fees for Petitions for CA Combining District.**

The Board of Supervisors shall require payment of fees or deposits, as established by the Board, for the processing of applications seeking to establish, repeal, or amend a CA Combining District in an amount that covers all costs for review, public noticing and hearings, and approval or denial of the application. The fees shall be as set and established by Resolution passed by the Board of Supervisors.

**Sec. 20.118.070. Adopted CA Combining Districts.**

The CA Combining District has been applied to the following areas, which are more specifically defined in the ordinance that rezoned the areas to the CA Combining District:

- (A) Covelo Core;

- (B) Covelo Fairbanks Road;
- (C) Laytonville;
- (D) South Leggett.



## **CHAPTER 20.119 "CP" COMMERCIAL CANNABIS PROHIBITION COMBINING DISTRICT**

### **Sec. 20.119.010. Intent.**

The "CP" Commercial Cannabis Prohibition Combining District (CP Combining District or CP district) is intended to allow the County to designate specific areas where commercial cannabis operations are prohibited.

### **Sec. 20.119.020. Applicability.**

- (A) The CP Combining District may be applied to an area where a majority of the parcels allow residential use by right.
- (B) A CP Combining District shall be composed of no fewer than ten (10) legally created legal parcels, as that term is defined in section 10A.17.020, that are contiguous (excepting separations by public or private roads, rail lines, utility easements, or similar linear public facilities).
- (C) The regulations in this section are supplemental to the regulations for the applicable underlying zoning district. In the event of a conflict between the regulations for the CP Combining District and the underlying zoning district, the CP district regulations shall prevail.

### **Sec. 20.119.030. Establishment of CP Combining District.**

- (A) The establishment of a CP Combining District shall be in accordance with the provisions of Chapter 20.212, except as otherwise provided in this section.
- (B) Establishment of a CP Combining District may be initiated by one (1) or more property owner(s) within the boundaries of the proposed CP district. Such application shall be filed with the Planning and Building Services Department and shall be accompanied by either:
  - (1) A petition that demonstrates support for the proposed CP district by more than sixty percent (60%) of the affected property owners (as demonstrated by one (1) owner's signature per legal parcel) within the proposed CP district; or
  - (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.
- (C) Action on the filed application shall be taken by the Planning Commission and Board of Supervisors as established in Chapter 20.212.

### **Sec. 20.119.040. Regulations for CP Combining District.**

- (A) All new and unpermitted cannabis cultivation sites as defined in section 10A.17.020, except those uses identified as exempt under section 10A.17.030, and all cannabis facilities as defined in section 20.243.030 shall be prohibited within the CP district.
- (B) Existing permitted cannabis cultivation sites or permitted cannabis facilities located within a newly adopted CP Combining District zone shall be permitted to continue operations for three (3) years from the date of establishment of the CP district. After three (3) years following the date of establishment of the district, all previously permitted commercial cannabis cultivation sites and commercial cannabis facilities shall cease operations.
- (C) Nothing in this section shall be construed to extend the period of allowed cultivation as established under Mendocino County Code section 10A.17.080(B)(2)(b) (Sunset provisions).

### **Sec. 20.119.050. Changes to CP Combining District.**

- (A) For the first ten (10) years after the date of adoption, no application to repeal or amend a CP Combining District, except as described in section 20.119.050(C), may be initiated by a member of the public.
- (B) Following the in-effect period of ten (10) years from the date of adoption, a CP Combining District may be repealed or amended upon submittal of an application by one (1) or more property owner(s) within the boundaries of the CP district. The application shall be accompanied by either:
  - (1) A petition demonstrating support for the repeal or amendment of the CP district by more than sixty percent (60%) of all current property owners (as demonstrated by one (1) owner's signature per legal parcel) within the CP district; or
  - (2) An alternative demonstration of landowner support, including but not limited to a landowner survey conducted by the County and funded by the applicant, or other method as approved by the County.
- (C) An owner of property that is contiguous with a CP district may submit a petition to the County to be included in the CP Combining District. Petitions for inclusion in an existing CP district shall only be submitted by the current property owner. An addition of new property to an established CP district shall not alter the in-effect period of ten (10) years for the district.
- (D) Action on an application to repeal, amend, or add contiguous property to a CP district shall be taken by the Planning Commission and Board of Supervisors consistent with the provisions of Chapter 20.212, except as provided by this section.

### **Sec. 20.119.060. Fees for Petitions for CP Combining District.**

The Board of Supervisors shall require payment of fees or deposits, as established by the Board, for the processing of applications seeking to establish, repeal, or amend a CP Combining District in an amount that covers all costs for review, public noticing and hearings, and approval or denial of the application. The fees shall be as set and established by Resolution passed by the Board of Supervisors.

### **Sec. 20.119.070. Adopted CP Combining Districts.**

The CP Combining District has been applied to the following areas, which are more specifically defined in the ordinance that rezoned the areas to the CP Combining District:

- (A) Deerwood (Ukiah area);
- (B) Boonville Road - Woodyglen (Ukiah area).

## **CHAPTER 20.124 "IS" ISOLATED SERVICE COMBINING DISTRICT**

### **Sec. 20.124.005 Intent.**

This district is intended to allow continued use of legally established commercial and industrial uses within a General Plan land use classification which make the use legal nonconforming. This Chapter is intended to retain the individual identity of the existing land use, and the ability of that use to expand based upon economic demand or public need.

### **Sec. 20.124.010 Regulations for "IS" Isolated Service Combining District.**

In any district combined with an "IS" District, the regulations of this Chapter shall apply in addition to those herein specified for such district, provided that if conflict in regulations occurs, the regulations of this Chapter shall govern.

- (A) Establishment of "IS" Isolated Service Combining District.
  - (1) In each instance in which a legally existing land use made nonconforming by the General Plan is determined to warrant "Isolated Service" designation, a contract zoning shall be established for the site.
  - (2) Application for "IS" Isolated Service Combining District shall be initiated by the property owner and the application shall be submitted to the Planning and Building Services Department. Upon approval of the "IS" Combining District the owner and the Planning and Building Services Director shall sign a zoning contract.
  - (3) The zoning contract shall designate the nature, extent and intensity of the land use in question and will control said use to the extent that exists upon adoption of the contract zoning.
  - (4) Upon termination of the contract use the "IS" Isolated Service Combining District shall be null and void and all subsequent uses of the site shall comply with the provisions of the base zone designation for the parcel.
- (B) The modification or expansion of a commercial or industrial use in the "IS" Combining District may be allowed upon the issuance of a use permit. The following findings must be made prior to the approval of the use permit:
  - (1) The proposal will not result in unmitigated adverse impacts to surrounding land uses.
  - (2) The expansion or modification is found necessary to meet economic demand or increased public need.

## *CHAPTER 20.132 "L" SPECIAL MINIMUM LOT SIZE COMBINING DISTRICT*

### **Sec. 20.132.005 Intent.**

This district is intended to allow the density in the zoning to be compatible with the General Plan density and to allow for decreased density in the zoning expressed in multiples of the density allowed in the corresponding General Plan designation (i.e., General Plan AG-40; zoning AG, AG:L-80, AG:L-120, etc.). Where such decreased density is desirable for the protection of existing land uses or environmental values, or for the recognition of constraints upon development, the "L" combining district shall be applied.

### **Sec. 20.132.010 Regulations for "L" Special Minimum Lot Size Combining District.**

In any district with which the "L" district is combined, the minimum lot size specified by the "L" district shall apply in lieu of the lot size requirements specified for such district.

## **CHAPTER 20.134 "MP" MINERAL PROCESSING COMBINING DISTRICT**

### **Sec. 20.134.005 Intent.**

This combining district is intended to allow, in limited circumstances, the processing of mineral resources near the site of extraction. Processing includes, and is limited to, operation of asphalt and/or concrete batch plants. Since mineral extraction must take place on the physical site where the minerals naturally occur, special controls are needed to minimize conflicts with other land uses. The Mineral Processing Combining District functions as an "overlay district" to be applied to the area where mineral processing activities will take place.

### **Sec. 20.134.010 Regulations for "MP" Mineral Processing Combining District.**

- (A) Objectives: The operation of asphalt and concrete batch plants shall be allowed on properties within the Mineral Processing Combining District, subject to the issuance of a major use permit. "Asphalt and concrete batch plants" are defined as machinery used to process raw gravel, sand, and other materials into either hot asphalt or ready-mix concrete.
- (B) Locational Requirements: The Mineral Processing Combining District shall only be applied to areas with an R-L zoning designation (See Chapter 20.060) within one-half miles of a legally established and active mining or mineral extraction operation. The Mineral Processing Combining District shall not be applied to:
  - (1) Land within any area of special flood hazard established in Section 22.17.210; or
  - (2) Land incorporated into Agricultural Preserves under Williamson Act contract.
- (C) Designation: The Mineral Processing Combining District shall be designated by the symbol (MP) on the County Land Use Plan.
- (D) Development Standards:
  - (1) The operation of asphalt and concrete batch plants shall be limited to areas within one-half mile of surface mining activities that have vested rights or a permit to mine from the County.
  - (2) The general building height limitations for R-L districts shall not apply to mineral processing equipment located within a Mineral Processing Combining District. Instead, asphalt silos and other mineral processing equipment are subject to the seventy-five (75) foot height limitation provided in Section 20.152.025(B)(3).
  - (3) When mining activity ceases, the mineral processing use must cease within one (1) year.
  - (4) The batch plant site shall be reclaimed subject to a Reclamation Plan approved as part of the Use Permit approval provided for in Section 20.134.015.
- (E) Required Information: A Mining/Reclamation Plan describing the phasing of reclamation, in relation to the phases of the mining operation, shall be submitted for land areas which are to be included within a Mineral Processing Combining District. When approving an MP use permit the County may include a condition of approval requiring the permittee to remove the MP zoning overlay upon expiration of the mining use permit.

### **Sec. 20.134.015 Uses Subject to a Use Permit.**

In addition to the use types specified as uses subject to a use permit by the zoning district with which the "MP" combining district is combined, the onsite use of asphalt and concrete batch plants shall also be permitted upon issuance of a use permit.

## **CHAPTER 20.136 PD PLANNED DEVELOPMENT COMBINING DISTRICT**

### **Sec. 20.136.005 Intent.**

The PD Combining Zone is used to create project-specific development standards where standard residential and commercial and industrial design would be inappropriate due to the unique or highly visible nature of the site, to encourage imaginative development incorporating cluster development, and maximize and preserve open space and views from public roads. This district is intended to be applied on:

- (A) Parcels in a single ownership, which are suitable for and of sufficient acreage to contain a planned community or development;
- (B) 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.

### **Sec. 20.136.010 General Development Criteria.**

A Use Permit pursuant to Chapter 20.196 is required to implement the PD Combining District. All Use Permit applications to implement the PD Combining District shall be accompanied by proposed development standards. Final development standards shall be determined by the Use Permit and shall include regulations for the following development standards:

- (A) Lot size and dimensions (width and depth)
- (B) Setbacks
- (C) Height Limits
- (D) Compatibility with Adjacent Land Uses. A planned development shall be designed and developed in a manner compatible with and complementary to existing and potential residential, commercial or agricultural development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development.
- (E) Relation to Natural Features. A planned development shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, rough terrain and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.
- (F) Site Plan at sufficient detail to allow development to be reviewed for conformance with this section.
- (G) Design Criteria. A planned development shall be designed in a manner to include low impact development techniques and enhanced pedestrian facilities.

### **Sec. 20.136.015 Maximum Density.**

The maximum allowable density shall be as designated by the Mendocino County General Plan.

### **Sec. 20.136.020 Lot Size.**

The lot size regulations within the zoning district shall not apply in a planned development, provided however, that minimum lot size on a site designated Suburban Residential or Rural Community by the General Plan shall observe a minimum of four thousand (4,000) square feet. Property within all other designations shall observe a six thousand (6,000) square feet minimum lot size.

## **CHAPTER 20.138 "P" PLAN COMBINING DISTRICT**

### **Sec. 20.138.005 Intent.**

This district is intended to be applied to parcels which are subject to the provisions of a plan such as a specific plan, area plan, master plan, or other type of community plan.

### **Sec. 20.138.010 Regulations.**

Development of parcels within the "P" Plan Combining District shall be subject to the regulations set forth within the adopted subsidiary plan, or as stipulated in this Chapter.

### **Sec. 20.138.015 Plan Identification.**

As additional plans are adopted throughout the County, each Plan will be numbered, listed within this Chapter, and shown on the appropriate land use and zoning maps.

### **Sec. 20.138.020 "P-1": Brooktrails Specific Plan.**

- (A) The P-I Brooktrails Specific Plan Combining District shall apply to all parcels within the territory of the Brooktrails Township Community Services District, excepting and excluding those lands located within that portion of the District generally referred to as "Spring Creek" (all territory shown on Parcel Map 1-76 recorded in the office of the Mendocino County Recorder, Map Case 2, Drawer 29, Page 87), and "Sylvandale" (all territory shown on Parcel Map 1-73 recorded in the office of the Mendocino County Recorder, Map Case 2, Drawer 22, Page 15).

## *CHAPTER 20.144 "SS" SEISMIC STUDY COMBINING DISTRICT*

### **Sec. 20.144.005 Purpose.**

This district is intended to be applied on parcels which are identified by the California Division of Mines and Geology as being in a "Special Study Zone" pursuant to the Alquist-Priolo Act.

### **Sec. 20.144.010 Regulations.**

Development of parcels within the "SS" Seismic Study Combining District shall be subject to the regulations set forth in Chapter 7.5, Division 2 of the California Public Resources Code.



## **CHAPTER 20.147 COMMUNITY CHARACTER COMBINING DISTRICT**

### **Sec. 20.147.010 Intent.**

The Community Character Combining District ("CC Combining District") is intended to establish special requirements and regulations to retain and enhance the special features of community areas and commercial places within Mendocino County by:

- (A) Enhancing the visual attractiveness of commercial structures by restricting standardized features that would detract from the distinctive character of the community areas and commercial places in the County.
- (B) Protecting diverse commercial activities of each community area and commercial places by encouraging a variety of commercial land uses that serve the needs of the community.
- (C) Preserve and enhance the established historic character of each of the communities, including the retention and restoration of historic building sites.
- (D) Establish places and facilities that create a sense of community, and encourage building designs that reflect and incorporate historic character of each community.
- (E) Encourage locally owned businesses, and support the creation of economic opportunity, places and facilities that support a sense of community, as well as promoting economic opportunities that support infill development and improve the aesthetic character of core downtown community areas.

### **Sec. 20.147.020 Applicability.**

The CC Combining District may be applied over C-1 (Limited Commercial) and C-2 (General Commercial) zoning districts in the unincorporated areas of the County including but not limited to the following Community Areas or Commercial Places:

- Anderson Valley
  - Boonville
  - Navarro
  - Philo
- Covelo
- Fort Bragg
  - Cleone
- Hopland
- Laytonville
- Potter Valley
- Redwood Valley
- Willits
  - Brooktrails
  - Ridgewood
- Calpella
- Ukiah
  - Lake Mendocino Drive

- South Ukiah
- Talmage
- Other Commercial Places
- Bell Springs
- Comptche

### **Sec. 20.147.030 Definitions.**

As used in this Chapter, and as used in this Chapter only, the following definitions shall apply unless the context otherwise requires:

- (A) Community Area. "Community Area" includes communities located in unincorporated Mendocino County that are listed and described by Chapter 6, Community-Specific Policies, of the General Plan.
- (B) Commercial Places. "Commercial Places" includes lands designated C-1 (Limited Commercial) or C-2 (General Commercial) that are not located within a Community Area.
- (C) Formula Business. "Formula Business" means a business of any of the following type of commercial use types, as defined by Mendocino County Zoning Code — Division 1, Chapter 20.024, regardless of location or ownership, which along with ten (10) or more other establishments maintains two (2) or more Standardized Features:
  - (1) Eating and Drinking Establishments (Section 20.024.065).
  - (2) Food and Beverage Retail Sales (Section 20.024.075).
  - (3) Food and Beverage Preparation — Without Consumption (Section 20.024.080).
  - (4) Retail Sales, General (Section 20.024.120).
- (D) Improvement. "Improvement," as used in this article, shall be interpreted and shall include the construction, alteration, and repair of all buildings, structures, and facilities permanently affixed to real property, and appurtenances thereto.
- (E) Standardized Features. "Standardized Features" include the following:
  - (1) Color Scheme. A selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the façade.
  - (2) Décor. The style of interior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.
  - (3) Façade. The face or front of a building, including awnings, looking onto a street or an open space.
  - (4) Servicemark. Words, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the services from one (1) party from those of others.
  - (5) Signage. "Signage" shall be defined as a sign pursuant to Title 20 of the Mendocino County Code.
  - (6) Standardized array of merchandise. An inventory of merchandise of which fifty (50) percent or more is provided by a single distributor bearing uniform markings.
  - (7) Standardized array of services. A substantially common menu or set of services priced and performed in a consistent manner.
  - (8) Uniforms. Standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, that, and points (other than name tags) as well as standardized colors of clothing uniforms.

- (F) Structure. "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.
- (G) Substantially Reconstructed Structure. "Substantially Reconstructed Structure" means the alternation, removal, replacement of more than fifty (50) percent of the structure's existing floor area or exterior walls, whichever occurs first.

### **Sec. 20.147.040 Prohibitions.**

The County, and its agents, employees and departments, shall not approve any subdivision, use permit, variance, building permit, grading permit, business license, certificate of use, certificate of occupancy or any other approval, permit, license or entitlement for the use of land or structures by a Formula Business in the CC Combining District without compliance with the provisions of this Chapter.

Any application for an approval, permit, license or entitlement for the use of land or structures that is determined by the County to be for a Formula Business that does not identify the use as a Formula Business is incomplete and cannot be processed until the omission is corrected. Any approval, permit, license or entitlement approved after the effective date of the ordinance adopting this Chapter that is determined by the County to have been, at the time of application, for a Formula Business that did not identify the use as a Formula Business is subject to revocation at any time. If the County determines that the application for an approval, permit, license or entitlement is for a Formula Business, the applicant bears the burden of proving to the County that the proposed use is not a Formula Business.

### **Sec. 20.147.050 Requirements.**

- (A) The establishment of a new Formula Business in a newly constructed Structure on any lot or within a Substantially Reconstructed Structure located within a Community Area or Commercial Place, as defined in this Chapter, within the CC Combining District, is subject to the approval of a Minor Use Permit, pursuant to Mendocino County Zoning Code — Division I, Chapter 20.196, Use Permits. Establishment of such Formula Businesses are subject to review of the following requirements, unless the applicable base zoning district contains a more restrictive similar requirement, in which case the more restrictive requirement shall control:
  - (1) Site Improvements. Site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements shall be designed to integrate with adjoining properties and provide a desirable environment compatible with existing development in the area.
  - (2) Architectural Design. The character, scale and quality of the design, the architectural relationship between the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements have been incorporated into the Formula Business' design concept in order to ensure its compatibility with the character of adjacent buildings and properties.
  - (3) Signage. Signage shall be established in conformance with Mendocino County Code — Division I, Chapter 20.184 Sign Regulations. All signs shall be designed to be compatible with the architecture and design of buildings/structures on-site, and shall incorporate similar and compatible building materials and colors as utilized by the buildings/structures on which they are affixed.
  - (4) Landscape Design. The design of the Formula Business shall include a landscape design plan which shall include the location, type, size, color, texture and coverage of plant materials, and provisions for irrigation, maintenance and protection of landscaped areas and similar elements to ensure visual relief, to compliment buildings and structures and to provide an attractive environment.
- (B) In addition to the findings required for a Minor Use Permit, all approvals of a Formula Business shall contain a finding that the requirements of this section have been satisfied.

- (C) In addition to all noticing required for a Minor Use Permit, ten (10) days prior to the date of the hearing required by Chapter 20.196, notice of the time and place of the hearing and of the intention to consider the Minor Use Permit shall be posted by the applicant on the subject property of the proposed Formula Business in a manner best calculated by the Department to give public notice. Notices shall be posted on paper not less than eight and one-half (8.5) inches by eleven (11) inches in size.

**Sec. 20.147.060 Exceptions.**

The provisions of the CC Combining District shall not apply to a Formula Business in the following instances.

- (A) When an active building permit for a new Formula Business on any lot or within a substantially reconstructed structure is deemed complete by the Department prior to September 22, 2015.
- (B) When building and site improvements associated with an existing Formula Business are necessary to comply with fire safety or Americans with Disabilities Act ("ADA") requirements.

## CHAPTER 20.152 GENERAL PROVISIONS AND EXCEPTIONS DISTRICTS

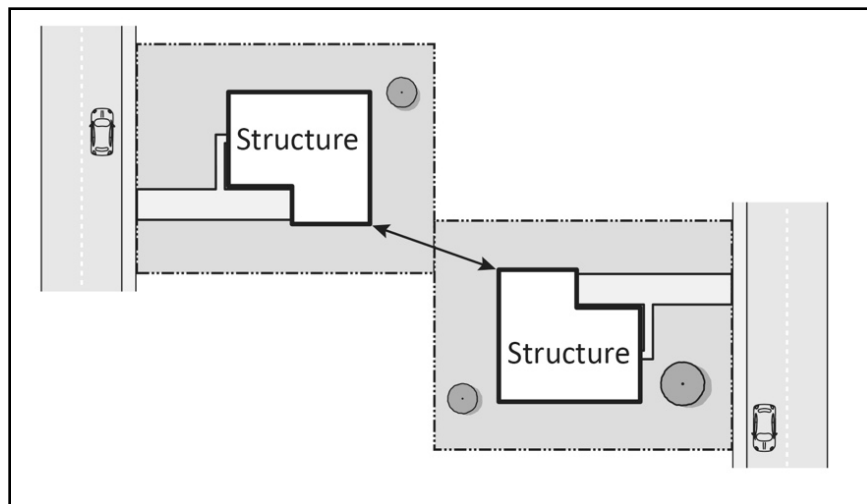
### Sec. 20.152.005 Purpose.

The regulations specified in this Division shall be subject to the general provisions and exceptions set out in this Chapter.

### Sec. 20.152.010 Measurement of Height, Setbacks, Etc.

#### (A) Measuring Distances.

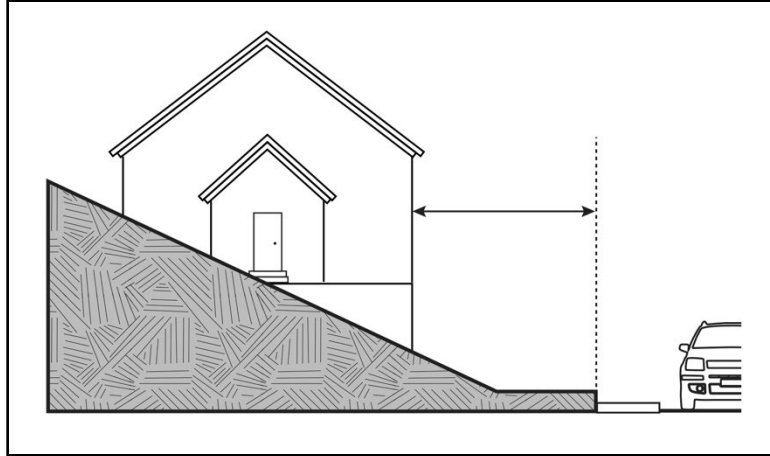
- (1) Measurements Are Shortest Distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.



**Figure 20.152-A – Measuring Distances Between Structures**

*Example of measuring the shortest distance, in this case between two buildings.*

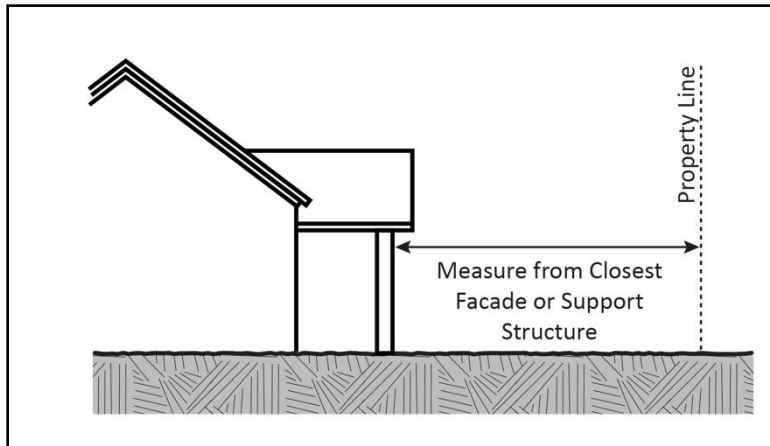
- (2) Distances Are Measured Horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.



**Figure 20.152-B – Measuring Setbacks Along Slopes**

*Setbacks and other dimensions are measured horizontally, even on sloping sites.*

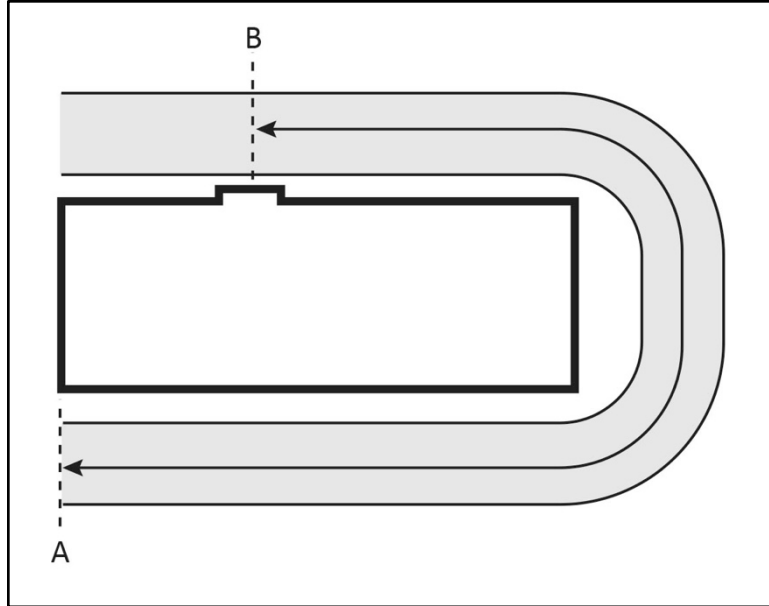
- (3) Measurements Involving a Structure. Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.



**Figure 20.152-C – Measuring Distances from Support Structures**

*Setbacks are measured to the support element of the structure.*

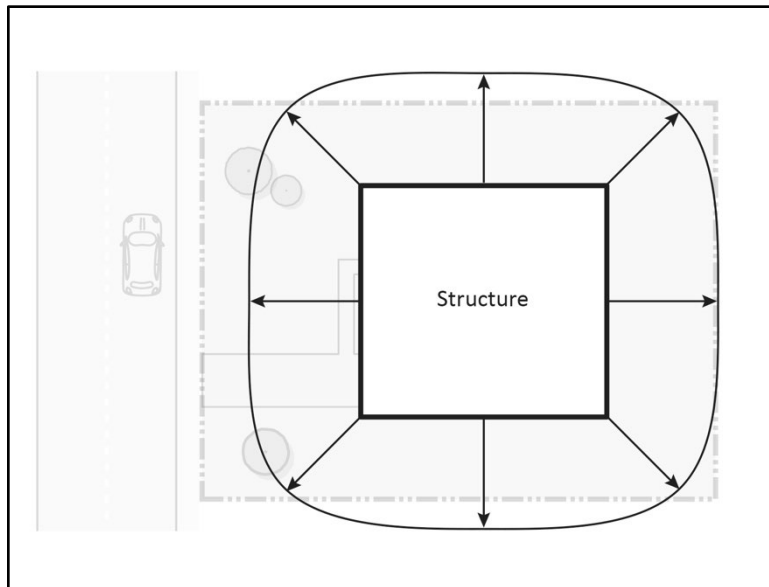
- (4) Measurement of Vehicle Stacking or Travel Areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.



**Figure 20.152-D – Measuring Vehicle Stacking and Travel Areas**

*Distance is measured along the centerline of a roadway or driveway.*

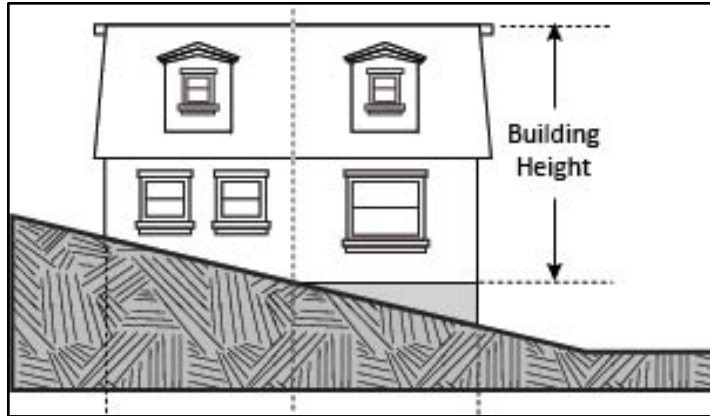
- (5) Measuring Radius. When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.



**Figure 20.152-E – Measuring Radius from Buildings or Land Use Restrictions**

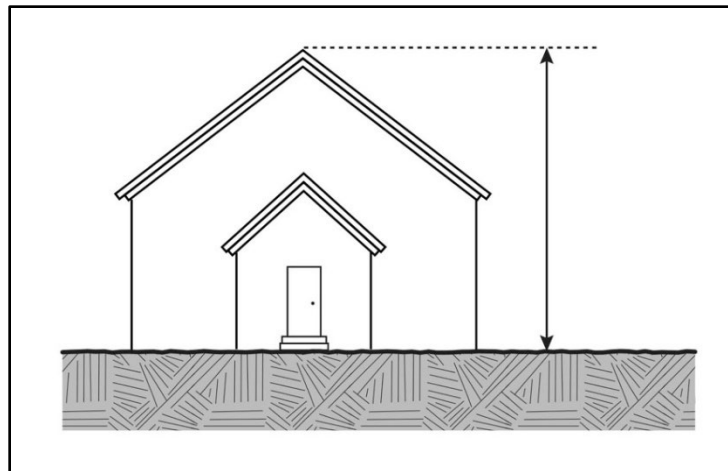
*Example of measuring required minimum distance.*

- (B) Measuring Height.
  - (1) Measuring Building Height. The vertical distance from the average ground level of the building to the highest point of the roof ridge or parapet wall.



**Figure 20.152-F – Measuring Height of Building on a Hillside**

*On a sloping site, building height is measured from the average of the high and low points on the finished grade to the top of the structure.*



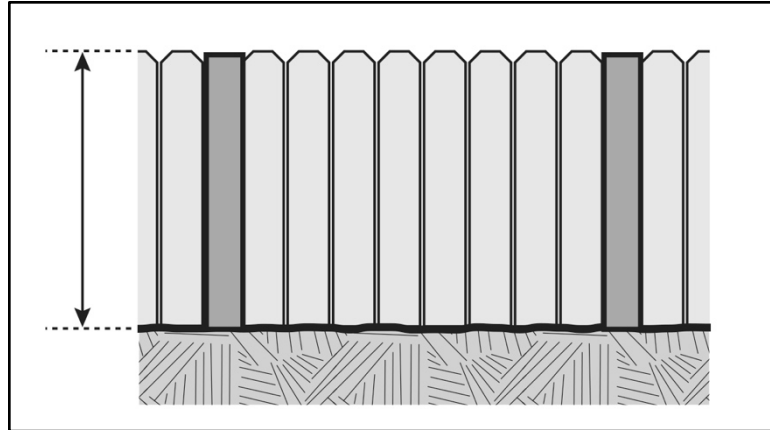
**Figure 20.152-G – Measuring Building from Ground Level**

*On a flat site, the ground level is the same at all points; building height is measured from ground level to the highest point of the structure.*



(2) Measuring Height of Fences or Walls.

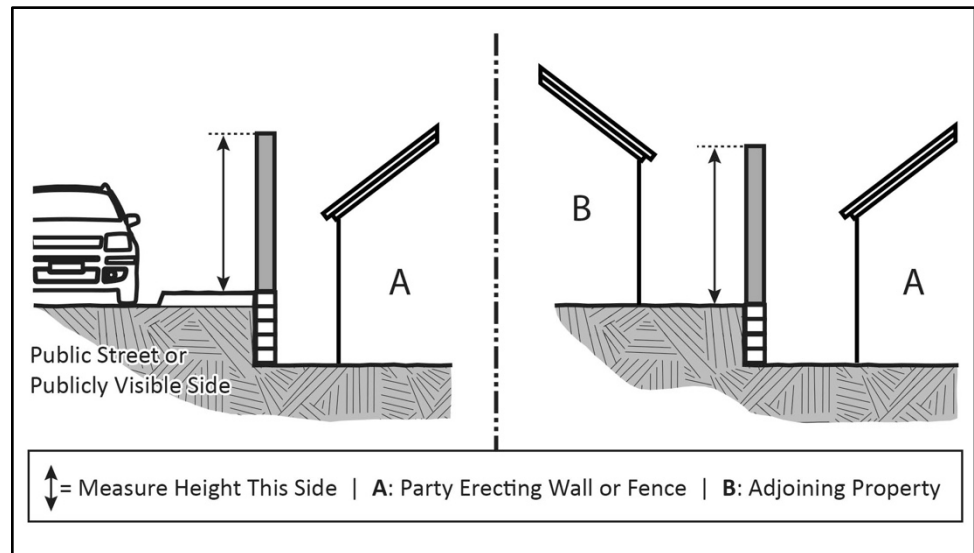
- (a) Fence or wall height shall be measured as the vertical distance between the finished grade at the base of the fence or wall and the top edge.



**Figure 20.152-H – Measuring Fence Height**

*Fence height is measured to the top edge of the fence.*

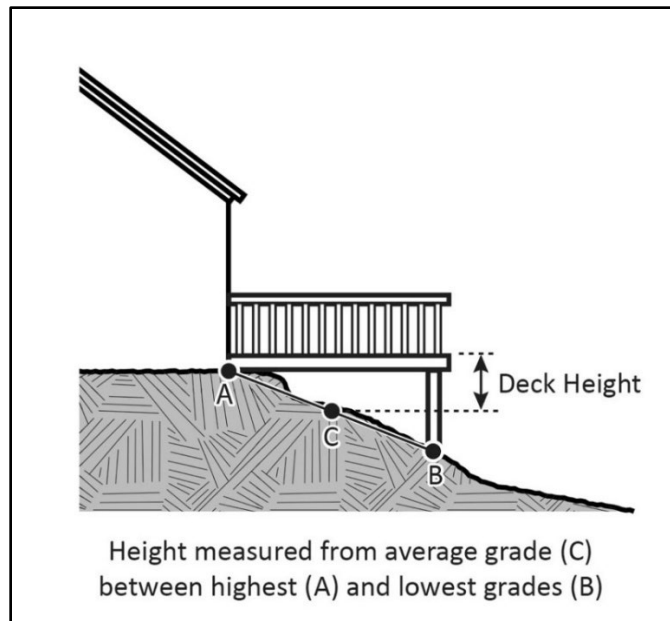
- (b) The height of fencing placed atop a wall shall be measured from the base of the wall, except as provided in (c), below.
- (c) The height of a fence or wall shall be measured on the side facing a public right-of-way or the lot or parcel adjacent to the lot or parcel of the person(s) erecting the fence or wall, as shown in the figure below.



**Figure 20.152-I – Measuring Height From Public View**

*Fence or wall height is measured from the side visible to the public (in the example above, from the adjacent street) or from the side not owned by the party constructing the fence or wall.*

- (3) Measuring the Height of Decks. Deck height is determined by measuring from average level of the ground below the deck to the top of the floor of the deck directly above the point measured.

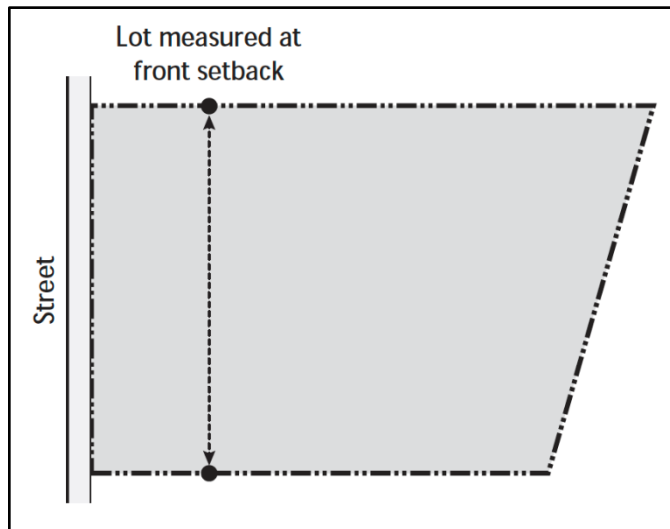


**Figure 20.152-J – Measuring Height of Deck**

*Measuring deck height. On a very flat site, A, B, and C will be the same height.*

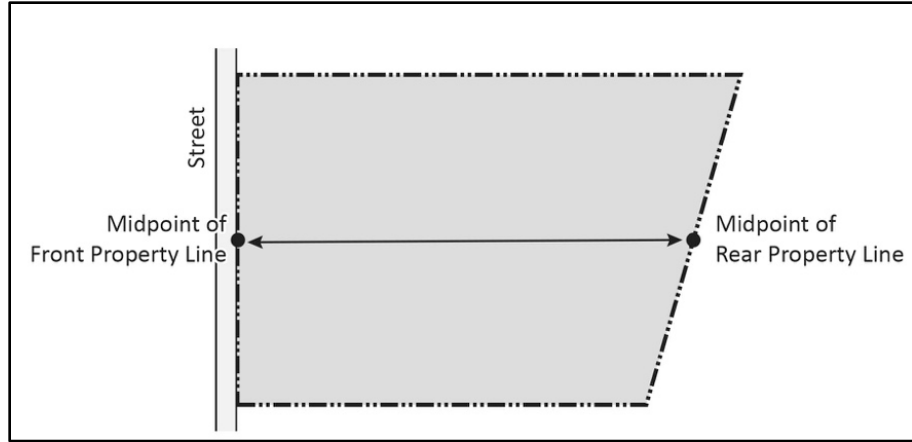
- (C) Measuring Lot Width and Depth.

- (1) Lot Width. Lot width is the horizontal distance between side lot lines measured at the front yard setback line.



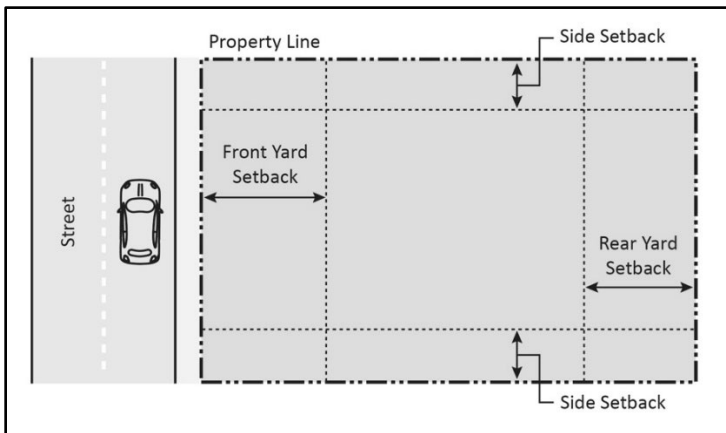
**Figure 20.152-K – Measuring Lot Width**

- (2) Lot Depth. Lot depth is measured along a straight line down from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

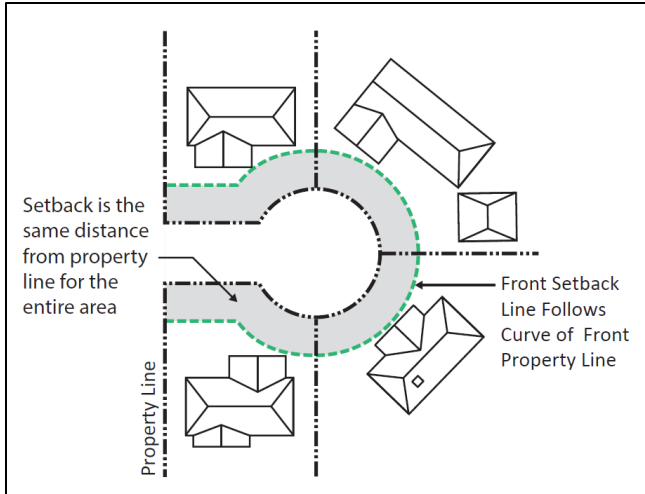


**Figure 20.152-L – Measuring Lot Depth.**

- (3) Irregular lot configurations. In a case of irregular lot configuration, the lot width and depth shall be determined by the Director.
- (D) Determining Gross Floor Area of Structures. The gross floor area of a building is the gross horizontal areas of all floors, including usable attics, basements, hallways, closets, etc., below the roof and within the exterior surfaces of surrounding exterior walls of a building, excluding enclosed, unconditioned porches.
- (E) Lot Lines. Rules used to determine front, rear, and side lot lines are provided in the Chapter 20.008 Definitions.
- (F) Determining Setbacks (Yards). A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line.



**Figure 20.152-M – Measuring Setbacks on a Parcel with Straight Frontage**



**Figure 20.152-N – Measuring Setbacks on a Parcels with Curved Frontage**

**Sec. 20.152.015 Yards and Setback Exceptions.**

- (A) No yard or other open space provided about any building for the purpose of complying with the regulations of this Division shall be considered as providing a yard or open space for any other building or structure.
- (B) In any case where a setback line plan line has been established, the required yards on the street frontage of lots shall be measured in accordance with such lines, and in no case shall the provisions of this Division be construed as permitting any structure to extend beyond such lines.
- (C) If a roadway easement or access easement serves, or has the potential to serve, more than four (4) lots or parcels, said easement shall be considered a street for the purpose of establishing a front-yard setback.
- (D) Eaves, canopies, and similar roof features may overhang into any required yard setback a distance not exceeding two (2) feet.
- (E) Private swimming pools and hot tubs are not subject to setback requirements in the side or rear yards of any zoning district.
- (F) A detached garage, detached storage shed, or similar detached accessory building not exceeding fifteen (15) feet in height at the ridge and five hundred (500) square feet of floor area shall observe a four (4) foot setback from rear property lines that do not have street frontage. Setbacks from property lines having street frontage shall be as otherwise required by this Division.
- (G) Uncovered decks or porches shall observe a four (4) foot setback from rear property lines that do not have street frontage. Setbacks from property lines having street frontage shall be as otherwise required by this Division.
- (H) Barns, stables, chicken houses and similar accessory buildings that contain animals are subject to the following setbacks:
  - (1) For parcels greater than 40,000 square feet in size, such buildings shall be not less than fifty (50) feet from any property line, and not less than forty (40) feet from any dwelling.
  - (2) For parcels less than 40,000 square feet in size, such buildings shall be located on the rear one-third (1/3) of the lot, not less than four (4) feet from the side or rear property line, and not less than forty (40) feet from any dwelling.

- (I) In the case of a corner lot in any district, front yard setbacks shall be maintained from all lot lines having street frontage. Side yard setbacks shall be maintained from all other lot lines not having street frontage.
- (J) Animal Sales and Services – Veterinary (all types) as described in sections 20.024.020(F) and (G) must maintain a minimum fifty (50) foot setback from the nearest property line to all indoor treatment areas and a minimum one-hundred (100) foot setback from the nearest property line for outdoor treatment or confinement areas.

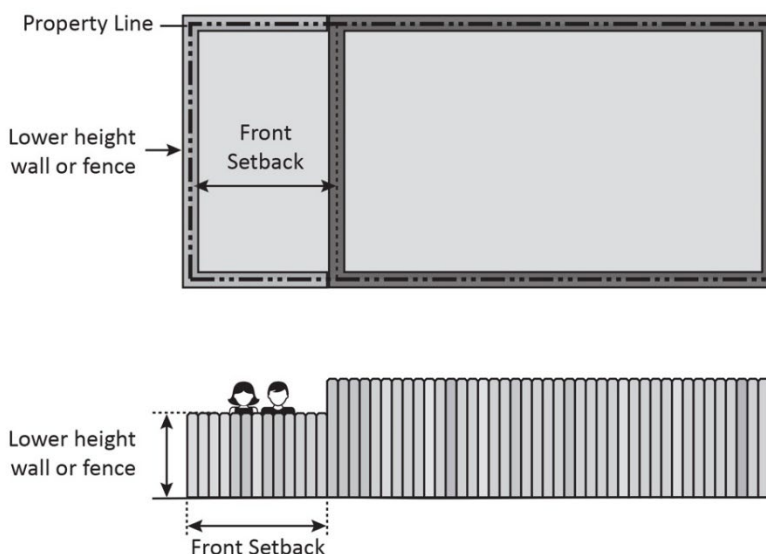
**Sec. 20.152.020 Fences, Walls, and Screening.**

(A) Fence and Screening Height Limits and Locations.

- (1) View-obscuring fences, such as board and picket fences, or hedges are subject to the height limits and locations as shown in Table 20.152-A and Figure 20.152-O, below. See section 20.152.010(B)(2) for how to measure the height of a fence.

Table 20.152-A – Maximum Height of View Obscuring Fences and Hedges in Required Yard Area	
Location of Fence/Wall/Screen	Maximum Height
Required front yard	3½ feet
All other locations on a lot or parcel except at intersections (see below)	8 feet <sup>1</sup>
At intersections of streets, alleys, and driveways within the clear visibility area	Consult Department of Transportation for required dimensions of clear visibility area

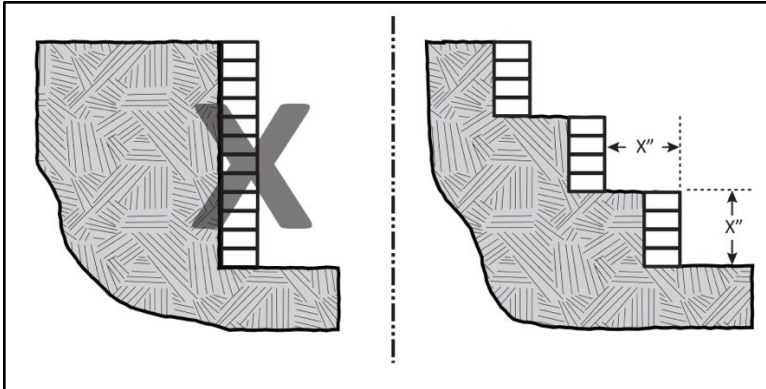
<sup>1</sup> Fences over 7 feet require a building permit.



**Figure 20.152-O – Measuring Setbacks for Fence Heights**

- (2) Non-view-obscuring fences, such as fences for containment of animals, chicken wire, hog wire, and similar loose-meshed wire fences that allow ninety percent (90) percent of light to pass through them are not subject to any height or location restrictions.

- (B) Retaining Walls. An embankment to be retained that is over six (6) feet in height shall be benched so that no individual retaining wall exceeds a height of forty-eight (48) inches above the finished grade and each wall has a bench at least equal to the height of the wall.



**Figure 20.044-P – Retaining Wall Step Design Illustration**

*Retaining walls more than 6 feet high shall be stepped as shown above.*

- (C) Temporary Fencing. Temporary fencing may be required as part of approval of an Administrative Permit, Use Permit, Variance, or Subdivision where necessary to protect trees or other sensitive features and the general public from construction activities during site preparation and construction. Temporary fencing shall be removed within ninety (90) days after construction has been completed.
- (D) Temporary Security Fencing. Temporary security fencing may be installed around the property lines of vacant property with approval from the Director. The maximum height of the fencing allowed shall be determined at the sole discretion of the Director, but in no case shall be greater than eight (8) feet in height. Temporary security fencing shall be removed upon the issuance of a permit or entitlement to allow development of the property.
- (E) Razor/Concertina Wire. Razor/Concertina wire is prohibited, whether individually or in conjunction with a fence or wall, unless approved through an Administrative Permit pursuant to Chapter 20.192 for security needs (i.e., an industrial user) or where required by County, State, or Federal Law or Regulation.

### **Sec. 20.152.025 Height Exceptions.**

- (A) Height limitations shall not apply to electric transmission lines and towers.
- (B) A Variance pursuant to Chapter 20.200 is not required for the following Height Exceptions:
- (1) Radio and television aerials and antennae, and similar utility structures and necessary mechanical appurtenances for private reception, may be built and used to a height not more than twenty-five (25) feet above the height limit established for the district in which the structures are located, provided, however, that no such structure in excess of the allowable building height shall be used for any commercial or advertising purposes or any communication transmissions.
  - (2) Wind generators (including windmills used for agricultural uses) and their associated towers may be built and used to a height of one hundred (100) feet as measured from the ground to the highest point of the system.
  - (3) Asphalt silos, and other mineral processing equipment located within Mineral Processing Combining Districts may be built and used to a height not more than seventy-five (75) feet as measured from the ground to the highest point of the equipment.

- (C) The above height limitations in (A) shall be subject to laws and regulations of the State and Federal Governments. And in no case may the height of any of the above structures exceed the airport height restrictions as may be required by the "AZ" combining district.

## CHAPTER 20.156 HOME OCCUPATIONS

### Sec. 20.156.005 Declaration.

It is the intent of this Chapter to provide for the accessory use of a dwelling or accessory building(s) on the same parcel as the dwelling for gainful employment involving the manufacture, provision, or sale of goods and/or services. The use must be clearly incidental and secondary to the use of the premises for residential purposes and must not change or adversely affect the residential or rural character of the property or its surroundings. A use permit is not required to conduct a home occupation; however, such use shall be subject to all conditions of this Division generally, such as off-street parking, and all other permits required under County Code, such as building permits and business licenses.

### Sec. 20.156.010 General Standards.

The particular uses conducted as the home occupation, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.

### Sec. 20.156.015 Specific Standards.

Home occupations shall conform to the following requirements:

- (A) No person other than members of the family residing on the premises shall be engaged in the home occupation; provided, however, that one (1) employee shall be permitted when the property on which the home occupation is located is a minimum of forty thousand (40,000) square feet.
- (B) The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. All aspects of the home occupation, including storage, shall be conducted entirely within the dwelling unit or enclosed accessory building(s) on the premises. The total area used for the home occupation shall not exceed six hundred forty (640) square feet.
- (C) The home occupation shall not result in any change in the outside appearance of the building or premises, or other visible evidence of the conduct of such occupation, other than one (1) nonilluminated sign not exceeding two (2) square feet.
- (D) The sale of merchandise not produced on the premises (except mail order businesses) shall be incidental and accessory to the merchandise or service produced by the home occupation, and shall not be advertised in any manner.
- (E) Not more than ten (10) customers or clients shall come to the premises during any one (1) day, restricted to the hours 8:00 a.m. to 8:00 p.m. Not more than three (3) delivery vehicles shall access the premises each day.
- (F) Heavy commercial vehicles shall not be used in the home occupation for delivery of materials to or from the premises.
- (G) No mechanical or electrical equipment shall be employed other than machinery or equipment typical of the type or specifications used in a hobby or a vocation customarily conducted within the confines of the dwelling unit.
- (H) No equipment or process used shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.

### Sec. 20.156.020 Examples of Uses That Frequently Qualify as Home Occupations.

The following are typical examples of uses which often can be conducted within the limits of the restrictions established in this Division and thereby qualify as home occupations. Uses which qualify as home occupations are not limited to those named in this Section (nor does the listing of a use in this Section automatically qualify it as a home occupation):



- (A) Artists and sculptors;
- (B) Authors and composers;
- (C) Babysitters;
- (D) Beauticians and barbers, limited to one chair;
- (E) Dressmaking, seamstress and tailors;
- (F) Day care center, family care home, or school for six (6) or less persons;
- (G) Home crafts, such as model making, rug weaving, lapidary work, photography, or ceramics;
- (H) Repair or fix-it shop for items normally found in or around the home;
- (I) Office facility of an architect, attorney, broker, consultant, dance instructor, doctor, dentist, engineer, instructor in arts and crafts, insurance agent, land surveyor, music instructor, real estate agent, tutor or off-site service providers;
- (J) Off-site service providers;
- (K) Food and beverage preparation—without consumption;
- (L) Mail order businesses.

## CHAPTER 20.160 COTTAGE INDUSTRIES

### Sec. 20.160.005 Declaration.

It is the intent of this Chapter to provide for limited commercial and industrial uses in conjunction with a dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Such limited commercial and industrial uses are known as cottage industries and are defined within this Chapter.

### Sec. 20.160.010 Permit.

- (A) Cottage industries are permitted upon issuance of an Administrative Permit.
- (B) An administrative permit for a Cottage Industry may be granted for an unlimited period of years, unless the Zoning Administrator determines that a shorter period is more appropriate to ensure conformance with the intent and standards of this Section or other applicable requirements.
- (C) Findings of compatibility must be made before the administrative permit is granted.

### Sec. 20.160.015 General Standard.

- (A) The particular uses conducted by the cottage industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surroundings.
- (B) The use is environmentally sound regarding the project site and region.
- (C) No additional service demands will be created by the use.

### Sec. 20.160.020 Specific Standards for Cottage Industries—Limited.

Cottage Industries—Limited shall conform to the following requirements:

- (A) Not more than two (2) employees working on the premises in addition to the members of the family residing on the premises;
- (B) The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes;
- (C) Multiple uses may be permitted within the cottage industry. The total area occupied by all uses within the cottage industry, including storage, shall not exceed one thousand (1,000) square feet;
- (D) All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), with the exception of outdoor storage of materials, products or vehicles as specifically provided by the administrative permit when completely screened from the street and adjoining properties. There shall be no other change in the outside appearance of the building or premises, except one (1) nonilluminated sign not exceeding four (4) square feet;
- (E) The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner;
- (F) Not more than ten (10) customers or clients shall come to the premises during any one (1) day. Not more than three (3) delivery vehicles shall access the premises each day;
- (G) Large vehicles or construction equipment (such as trucks of over one (1) ton rating) shall not be operated, maintained, or parked in public view in connection with a cottage industry, except to the extent customarily used by residents in the surrounding neighborhood on their own property. Not more than one (1) vehicle for servicing may be parked in public view;
- (H) No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily

generated by single-family residential uses in the neighborhood, nor shall noise exceed the one (1) or two (2) family residential standards in Appendix C at the property line.

### **Sec. 20.160.025 Specific Standards for Cottage Industries—General.**

Cottage Industries—General shall conform to the following requirements:

- (A) Not more than three (3) employees working on the premises in addition to the members of the family residing on the premises;
- (B) The cottage industry shall be incidental and subordinate to the use of the premises for residential purposes;
- (C) Multiple uses are permitted within a cottage industry. The area occupied by all uses within the cottage industry, including storage, shall not exceed two thousand (2,000) square feet. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), except as specifically provided by the administrative permit;
- (D) One (1) nonilluminated sign not to exceed four (4) square feet shall be permitted;
- (E) The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental to the merchandise or service produced by the cottage industry and shall not be advertised in any manner;
- (F) Not more than ten (10) customers or clients shall come to premises during any one (1) day, restricted to the hours 8:00 a.m. to 8:00 p.m. The use and parking of large vehicles or construction equipment (such as trucks of over one (1) ton rating, or vehicles being repaired shall be regulated by the administrative permit;
- (G) No equipment or process used shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood, nor shall noise exceed the one (1) or two (2) family residential standards in Appendix A at the nearest off-site dwelling unit.

### **Sec. 20.160.030 Examples of Uses Permitted Upon Securing an Administrative Permit.**

- (A) The following uses may be conducted as Cottage Industries—Limited in the S-R, RR-1, RR-2, R-C, and C-1 Districts, subject to securing an Administrative permit and compliance with the criteria in Section 20.160.020:
  - Administrative and business offices;
  - Animal sales and services—household pets;
  - Automotive and equipment—repairs, light;
  - Building maintenance services;
  - Business equipment sales and services;
  - Custom manufacturing;
  - Food and beverage preparation—without consumption;
  - Mail order businesses;
  - Medical services;
  - Personal services;
  - Repair services, consumer.

(B) The following uses may be conducted as Cottage Industries—General in the RR-5, RR-10, U-R, A-G, R-L, F-L and T-P zoning districts, subject to securing an Administrative permit and compliance with the criteria in Section 20.160.025:

- Administrative and business offices;
- Agricultural sales and services;
- Animal sales and services—household pets;
- Automotive and equipment—repairs, light;
- Automotive and equipment—repairs, heavy;
- Building maintenance services;
- Business equipment sales and services;
- Construction sales and services;
- Custom manufacturing;
- Food and beverage preparation—without consumption;
- Forest production and processing—commercial woodlots;
- Mail order businesses;
- Packing and processing—all types;
- Personal services;
- Repair services, consumer.

**Sec. 20.160.035 Conflict Resolution.**

Where a use permitted in this chapter is permitted in a zoning district without the necessity of obtaining an Administrative permit the regulations of the zoning district shall apply.

## CHAPTER 20.164 ACCESSORY USE REGULATIONS

### Sec. 20.164.005 Declaration.

It is the intent of this Chapter to establish the relation among the principal and accessory uses and the criteria for regulating accessory uses.

### Sec. 20.164.010 Accessory Uses Encompassed by Principal Use.

- (A) In addition to the principal uses expressly included in the zoning districts such use types shall be deemed to include such accessory uses which are specifically identified by these accessory use regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director of the Department of Planning and Building Services to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Such determinations which are made by the Director shall be subject to the administrative appeal procedure commencing at Section 20.208.005.
- (B) An accessory structure may be constructed prior to construction of the main structure on the premises; provided that the structure shall not be used for temporary or permanent occupancy as a residence, without compliance with Section 20.168.025(B) (Construction Support).
- (C) An accessory use may be allowed on the same parcel as the principal use, or on an adjacent parcel in the same ownership as the parcel which has an established principal use.

### Sec. 20.164.015 Residential and Agricultural Use Types.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where residential and agricultural use types are permitted:

- (A) Private garages. See setback exceptions in Section 20.152.015(F).
- (B) Children's playhouses, patios, porches, decks, gazebos, etc. See setback exceptions in Sections 20.152.015(F) and (G).
- (C) Radio and television receiving antennas. See height exceptions in Section 20.152.025.
- (D) Windmills. See height exceptions in Section 20.152.025.
- (E) Silos.
- (F) Shops (nonbusiness purposes).
- (G) Barns. See setback exceptions in Section 20.152.015(H).
- (H) Private swimming pools and hot tubs. See setback exceptions in Section 20.152.015(E).
- (I) Guest Cottage. One (1) guest cottage is permitted for each legal parcel. In lieu of a guest cottage a detached bedroom may be substituted.
- (J) Detached Bedrooms. Not more than two (2) detached bedrooms are permitted upon each parcel. If a guest cottage is constructed, the guest cottage and one (1) detached bedroom may be constructed instead of the two (2) detached bedrooms.
- (K) Accessory Dwelling Unit. One Accessory Dwelling Unit per parcel, provided no Second Residential Unit pursuant to Section 20.164.015(T) exists on the parcel, nor a building permit granted and valid for the construction of a Second Residential Unit and subject to any additional requirements of Chapter 20.166.

- (L) Room and Board. The renting of not more than two (2) rooms for occupancy by transient guests for compensation or profit, provided the parcel has frontage on a publicly maintained road. A Use Permit is required if the parcel does not have frontage on a publicly maintained road.
- (M) Travel Trailer or Camper. The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes. In any S-R, R-1, R-2, R-3, RR-1 or R-C residential parcel, no motor vehicle over three-quarter ( $\frac{3}{4}$ ) ton, boat, or recreational vehicle shall be stored or parked in any front yard setback nor any side or rear yard setback facing a street for a continuous period exceeding seventy-two (72) hours.
- (N) Home Occupations. Subject to Chapter 20.156.
- (O) Household Pets. The keeping of dogs and cats and other household pets, but not including kennels.
- (P) Roadside Sales of Agricultural Products. Operation of a single roadside stand for a display and sales of only those products produced on the premises, or on other property owned or leased by the vendor, as permitted by this Division, provided that the stand does not exceed an area of two hundred (200) square feet, and is located not nearer than fifteen (15) feet to any street or highway, and provided further that such stands shall be permitted only in the S-R, R-R, A-G, U-R, R-L, F-L, and T-P districts.
- (Q) Wild Animal Keeping. The keeping of not more than one (1) wild animal for which a Wild Animal Permit is required and has been issued pursuant to Title 14 of the California Administrative Code.
- (R) Other Necessary and Customary Uses. Accessory nonresidential uses and nonresidential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal use, as determined by the Director of the Department of Planning and Building Services.
- (S) The parking of two (2) large vehicles or construction equipment upon private property. Additional vehicles and equipment are allowed to the extent that such vehicles and equipment are of a type and number customarily used by residents of the surrounding neighborhood for their own agricultural or home use on their own property. In any S-R, R-1, R-2, R-3, RR-1 or R-C residential parcel, no motor vehicle over three-quarter ( $\frac{3}{4}$ ) ton, boat, or recreational vehicle shall be stored or parked in any front yard setback nor any side or rear yard setback facing a street for a continuous period exceeding seventy-two (72) hours.
- (T) Second Residential Unit. One (1) second residential unit is permitted for each legal parcel in all zoning districts which allow single-family dwellings subject to the following standards and criteria:
  - (1) The lot contains an existing single-family dwelling or a building permit for a single-family dwelling has been applied for.
  - (2) An adequate water system and adequate sewage disposal system, as approved by the Division of Environmental Health, is available to serve the second residential unit.
  - (3) No Accessory Dwelling Units pursuant to section 20.164.015(K) and Chapter 20.166 exist on the parcel nor a building permit granted and valid for construction of one. This limitation does not apply to Junior Accessory Dwelling Units.
  - (4) The proposed second residential unit complies with the height, setback, lot coverage, off-street parking, and other zoning requirements for the zone in which the second residential unit is located.
  - (5) The second residential unit may be attached or detached from the single-family dwelling.
  - (6) The second residential unit may be rented but is not intended for sale.
- (U) Junior Accessory Dwelling Unit. Subject to Chapter 20.166.

**Sec. 20.164.020 Civic, Commercial, Industrial or Extractive Use Types.**

- (A) Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where these use types are permitted.
- (B) **Accessory Recycling.** The recycling of recyclable materials may be permitted as an accessory and incidental use as follows:
  - (1) Storage containers or processing activities located on the premises of a commercial, industrial or civic use when used solely for the recycling of recyclable material generated by such use, accepted in trade for new, used or rehabilitated materials, or customarily accepted for recycling by the particular use.
  - (2) Refuse disposal sites may include recycling facilities and resource recovery as accessory uses.

## **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 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.

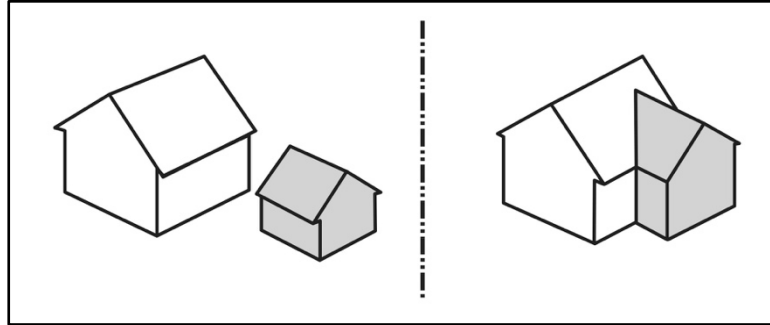
### **Sec. 20.166.015 Permits and Approval.**

- (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.



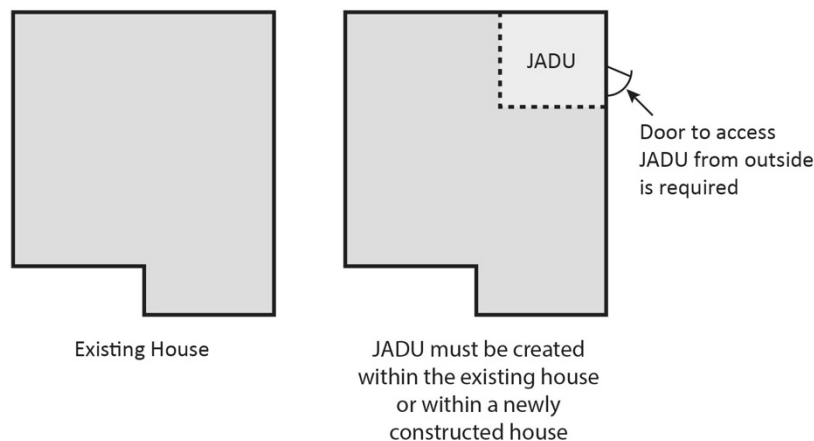


**Figure 20.166-A – Accessory Dwelling Unit (Detached and Attached)**

*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 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 fifty (50) percent of the existing or proposed primary 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 20.166.035 for parking requirements.
- (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 twelve hundred (1,200) 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 20.166.035 for parking requirements.
  - (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.
  - (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. 20.166.035 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.
  - (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 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 Accessory Dwelling Units and Junior Accessory Dwelling Units Exempt from Development Standards**

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. 20.166.050 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 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(E).
- (D) **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.
- (E) **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) 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.
  - (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.

### **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 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.
- (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.

## 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. A Moveable Tiny Home may rest on the wheels, or on stands anchored to the parking pad.
- (4) Materials. Materials for the exterior wall covering shall include material that would be allowed under the California Building Code.
- (5) Windows. Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
- (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.
- (7) Utility Connections. A Moveable Tiny Home shall be connected to an approved water 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 20.172 MOBILE HOMES AND MOBILE HOME PARKS

### Sec. 20.172.005 Declaration.

The purpose and objective of this Chapter is to recognize mobile homes as a means of adding an alternative to the County's supply of housing and to set reasonable standards for the development of well-designed mobile home parks.

### Sec. 20.172.010 Development Standards—Mobile Home Parks.

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 mobile home park shall be established or used unless first approved by the granting of a use permit requiring compliance with the following standards:
- (1) The site shall have a minimum area of three (3) acres.
  - (2) Each mobile home space shall be a minimum of fifty (50) feet wide and a minimum of eighty (80) feet deep. The allowance for four thousand (4,000) square feet lot within mobile home parks shall constitute an automatic density bonus and no additional density bonus shall be awarded.
  - (3) A minimum of two (2) parking spaces shall be provided for each mobile home space. A minimum of one (1) parking space shall be provided on the same lot as the mobile home and shall not be located in the front yard setback area.
  - (4) All utilities shall be placed underground.
  - (5) Each mobile home space shall contain a utility island containing the sewer, water and utility connections; said island, together with a typical mobile home pad, to be depicted in an enlarged plot plan.
  - (6) There shall be adequate areas within the mobile home park for refuse storage. Such refuse storage areas shall be screened by a six (6) foot solid fence, or by optional screening as approved by the Director of Planning and Building Services.
  - (7) All boats, campers, travel trailers, park maintenance vehicles and equipment, and similar large items shall be stored in an area set aside for such purposes on the approved plans. The minimum gross area shall be one hundred (100) square feet per mobile home lot.
  - (8) For each mobile home lot, there shall be provided a minimum of two hundred (200) square feet of usable common recreation area.
  - (9) A landscaping plan showing the treatment of open areas and recreation areas shall be submitted as a part of the use permit application. Landscape treatment shall be effectively used throughout the park.
  - (10) Adequate screening or fencing of acceptable design shall be provided around the entire park, in the exact type and adequacy to be determined by the Planning Commission.
  - (11) When a mobile home park abuts a public street, a planted strip having an average width of ten (10) feet shall be provided adjacent to said street. All landscaped areas shall be continually maintained.
  - (12) Sections of the mobile home devoted to families and those devoted to adults shall be clearly identified. Adequate recreational areas and facilities shall be provided to suit the needs of each said group, and a bus stop shall be provided for children.

- (13) In addition to the usable common area, a community recreation center with a floor area of twenty (20) square feet per mobile lot shall be applied to mobile home parks having twenty (20) lots or more. Space devoted to administrative office, laundry, or nonrecreational uses may be developed in conjunction with the community center, provided, however, that such spaces shall not be attributed to required recreation space.
  - (14) Internal collector streets shall have a minimum width of thirty-two (32) feet with parking on one (1) side and forty (40) feet with parking on both sides. All other roadways shall be at least twenty-five (25) feet wide, curb-to-curb, and no parking shall be permitted on them.
  - (15) All roadways within a mobile home park shall be paved. Pavement design shall be based on an engineering analysis of the anticipated traffic loads and the quality of the subgrade soil to support traffic loads. Pavement shall consist of a minimum of two (2) inches of asphalt concrete over a minimum of four (4) inches of aggregate base placed on a suitably prepared subgrade. All roadways shall have concrete gutters on both sides. Street naming shall be consistent with County policy.
  - (16) A minimum of one (1) emergency exit shall be provided.
  - (17) A network of pedestrian walkways shall be provided leading to common recreational areas, service facilities, and circulation among the residential areas whenever possible.
  - (18) In addition to the regulations specified herein, all mobile home parks shall comply with the Uniform Building Code Title 25, Chapter 5.
- (B) The following plans and reports shall be submitted with the use permit application.
- (1) A lighting plan shall be submitted for all streets, walkways, and recreational and service areas.
  - (2) Plans showing the location, size, and height of all proposed signs shall be submitted with each mobile home proposal.
  - (3) A storm drain system shall be provided to accommodate runoff, both tributary to and originating within the mobile home park, 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.
  - (4) A water and sewer feasibility report must be prepared by the applicant and accepted by the County Division of Environmental Health and a fire protection proposal approved by the appropriate agency before the application for a use permit is scheduled on the agenda of the Planning Commission.
  - (5) Detailed building elevations for all proposed buildings shall be provided.
  - (6) The location of all sewer systems, water storage tanks and similar facilities shall be depicted on a plot plan.

### **Sec. 20.172.015 Development Standards Individual Mobile Homes.**

The following regulations shall apply to the placement of a mobile home on a lot not within a mobile home park.

- (A) In the R-R, R-1, R-2, R-3, R-C, S-R, C-1 and C-2 Districts, mobile homes shall conform to the following regulations:
  - (1) Be certified under the National Mobile Home Construction and Safety Standards Act of 1974;
  - (2) Has not been altered in violation of applicable codes;
  - (3) Be occupied only as a residential use type in compliance with all applicable regulations;

- (4) Be subject to all provisions of this Division applicable to residential structures;
  - (5) Have roof and siding of nonreflective material, except that crushed rock of any kind may be used for roof surfacing. The exterior cover material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
- (B) In the U-R, A-G, R-L, F-L and T-P districts, mobile homes shall conform to the following regulations:
- (1) Has not been altered in violation of applicable codes;
  - (2) Be occupied only as a residential use type in compliance with all applicable regulations;
  - (3) Be subject to all provisions of this Division applicable to residential structures;
  - (4) Exterior cover material (siding) shall extend to the ground except that when a solid concrete or masonry perimeter foundation is used, the exterior cover material need not extend below the top of the foundation.
- (C) Exemptions. Trailer coaches permitted for (1) temporary family care units (Section 20.168.045), (2) occupancy while constructing a dwelling (and other uses permitted in Section 20.168.040), (3) employee housing (Section 20.016.025), or (4) moveable tiny homes (Chapter 20.170) shall not be subject to the standards contained within this Chapter.

## **CHAPTER 20.176 RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS**

### **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.

### **Sec. 20.176.010 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 Development Standards.**

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.

## CHAPTER 20.180 OFF-STREET PARKING

### Sec. 20.180.005 Declaration.

The purpose of this Chapter is to require off-street parking spaces for all land uses in the unincorporated areas of Mendocino County in sufficient numbers to accommodate vehicles which will be congregated at a given location by drivers using or occupying the facility. On street parking will be minimized and traffic and pedestrian safety increased. It is also the purpose of this Chapter to facilitate livable, walkable communities, by allowing shared parking between compatible uses that have different peak usage times (for example Multi-family Residential above Commercial).

### Sec. 20.180.010 General.

- (A) Accessible off-street parking areas shall be provided and maintained as set forth in this Division to provide minimum parking and maneuvering room for motor vehicles and for pedestrian safety based on the anticipated occupancy of a given building, structure or area of land or water.
- (B) At the time of initial occupancy of a site or of construction of a structure or of a major alteration or enlargement of a site or structure, there shall be provided off-street parking facilities for automobiles in accordance with the regulations prescribed in this Chapter. For the purposes of this section the term "major alteration or enlargement" shall mean a change of use or an addition which would increase the number of parking spaces required by not less than ten percent (10%) of the total number required.
- (C) The required parking spaces shall be on-site except that an exception may be granted from the parking requirements of this Division in order that some or all of the required parking spaces be located off-site, including locations in other local jurisdictions, if the following conditions are met:
  - (1) The exception will be an incentive to, and a benefit for, the non-residential development.
  - (2) The exception will facilitate access to the non-residential development by patrons of public transit facilities, particularly guideway facilities.
  - (3) The exception shall not impact existing or proposed traffic patterns or parking conditions on residential or other adjacent property use types.
- (D) Shared parking facilities for more than one use may be developed under the following requirements. If a shared parking facility is developed, the total number of required parking spaces may be reduced by twenty-five (25) percent with the Director's approval if the following findings can be made:
  - (1) The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
  - (2) The proposed shared parking provided will be adequate to serve each use;
  - (3) A shared parking agreement shall be submitted for review and approval by the County. Once approved for recording, the applicant shall record the agreement and provide a conformed copy to the Department.
- (E) Where strict application of certain provisions of this Chapter results in an unnecessary hardship or where said application will reduce the affordability of a residential project, a waiver may be granted by the Director.
- (F) If an applicant can demonstrate that an apartment complex for seniors or residents with special needs will not generate a need for as much parking as regular multi-family residential, the Director may reduce the number of required spaces.
- (G) All parking spaces shall meet required yard setbacks for the zoning district in which they are located; however, one of the required parking spaces for any parcel may be located in the front or side yard setback area.

- (H) Pursuant to California Government Code section 65863.2, if a residential, commercial, or other development project is located within one-half mile of public transit, no off-street parking is required.

**Sec. 20.180.015 Calculation of Required Spaces.**

For any use not specified in the following paragraphs, the same number of parking spaces shall be provided as required for the most similar specified use, as determined by the Director. Off-street parking for all uses shall be consistent with Table 20.180-A, below.

- (A) Where there is a question of primary use of any given site the use requiring the most parking spaces shall be used.
- (B) Where there is a combination of principal uses in any one (1) facility, the sum of the parking requirements of these uses shall be provided unless the uses are known to have separate peak use times.
- (C) Uses with differing peak use times may be eligible for shared parking arrangements. If the calculation of parking needs results in the requirement for a fraction of a parking space, such a parking space need not be provided unless the fraction exceeds fifty percent (50%).
- (D) This Division shall not be construed to prohibit the installation and maintenance of more parking spaces than the minimums required.
- (E) The number of Accessible parking spaces shall be as required by the California Building Code.

<b>Table 20.180-A – Required Parking</b>	
<b>Residential Uses</b>	<b>Off-Street Parking Spaces Required</b>
Single- and two-family dwellings (See Chapter 20.166 for parking standards for Accessory Dwelling Units)	Two (2) spaces for each unit.
Multi-family dwellings	(A) one (1) space per unit for one (1) bedroom, (B) one and one-half (1½) spaces per unit for two (2) bedrooms, (C) two (2) spaces per unit for three (3) or more bedrooms. (B) If residences are in conjunction with a commercial enterprise, residential parking requirements may be waived or modified by the Director. (C) Multifamily development in the R-3 zone shall require one parking space per unit, with visitor parking provided at the Director’s discretion.
Caretaker Units	1 space per unit
Group Residential	1 space per employee, plus 1 per bedroom or 1 per every two beds, whichever is greater
Mobile Home Parks	2 spaces for each mobile home space
Residential Care Facilities, Small	1 space for every 500 square feet of gross floor area.
Residential Care Facilities, Large	1 space for every 500 square feet of gross floor area.

<b>Table 20.180-A – Required Parking</b>	
Residential Facility, Assisted Living	1 space per every 3 beds.
Supportive Housing	None beyond the parking required for the residential use type.
Transitional Housing	None beyond the parking required for the residential use type.
<b>Recreational Uses</b>	<b>Off-Street Parking Spaces Required</b>
Places of public assembly with fixed seats. This category includes: auditoriums, exhibit halls, dance halls, places of worship, and other buildings used for public assembly.	1 space for every four seats, or 1 space for each seven lineal feet of bench seating
Places of public assembly without fixed seats. This category includes: auditoriums, exhibit halls, dance halls, places of worship, and other buildings used for public assembly.	1 space per 100 square feet of assembly area
Bowling centers	4 spaces for each lane plus one space for each shift employee
Billiard and card rooms	2 spaces for each table
Golf, driving and shooting ranges	4 spaces per tee, 1 ½ spaces per range stall
Commercial swimming pools	1 space per 100 square feet of pool area (total of water and adjacent deck area)
Skating rinks and commercial recreational areas (e.g., water slides)	1 space for each 100 square feet gross floor area of skating or recreational area
Tennis, handball and racket courts	2 spaces per court, plus one space for each shift employee
<b>Institutional Uses</b>	<b>Off-Street Parking Required</b>
Hospitals	2 spaces per each permanent bed plus 1 space for each 500 square gross floor area.
Convalescent homes and nursing homes	See “Residential Facility, Assisted Living”
Day care and nursery schools	1 space per 500 square feet of floor area
Mortuaries with chapels	1 space for every four seats or one space for each seven lineal feet of bench or pew.
Public, parochial and private elementary schools	1 space for each employee, plus one space for each five students of planned capacity

<b>Table 20.180-A – Required Parking</b>	
Public, parochial, and private high schools	6 per classroom plus 1 per 350 square feet of office/administrative area
Colleges, art, craft, music and dancing schools, business, professional and trade schools	1 space for each employee, plus one space for every two students of planned capacity
<b>Professional Office Uses</b>	<b>Off-Street Parking Requirements</b>
Medical, dental, optometry or chiropractic offices and clinics	1 space per 300 gross square feet of floor area, plus 3 spaces per doctor or dentist or similar health professional
Research facilities	1 space per employee, plus one space per 500 gross square feet.
Banks, lending agencies, financial institutions, governmental institutions, and public utility offices (including those with drive-up facilities)	1 space per 300 square feet of gross floor area Drive-up facilities shall have a stacking area for 5 vehicles When part of a mixed-use project, shared parking arrangements are allowed
All other professional offices	1 space per 300 square feet of gross floor area
<b>Retail and Commercial Uses</b>	<b>Off-Street Parking Requirements</b>
General retail sales, repair and services	1 space per 300 square feet of gross floor area, including office, storage, restrooms, etc.
Retail sales of large appliances, automobiles, furniture or other similar bulky merchandise	1 space per 500 square feet of gross floor area
Restaurants, bars, taverns, lunchrooms, nightclubs and cocktail lounges	1 space for every 3 three seats or one stall per 100 square feet of floor area devoted to dining, whichever is greater
Barber and beauty shops	1 space for each barber chair or beautician station, plus one space for each employee working on the largest shift
Uncovered retail sales area for landscaping nurseries, vehicles and construction materials	1 space for each 1,000 square feet of gross display area, plus one space per employee
Automotive repair garages	3 spaces for each service bay, plus one space for every employee
Fueling Stations	1 space for each employee
Convenience Stores	1 space for each 1,000 square feet of gross floor area, minimum of 3 spaces
Hotels and motels	1 space for each guestroom, plus two spaces for employees
Bus stations, train depots and other transportation depots	1 space for each employee, plus user parking as determined by the Director

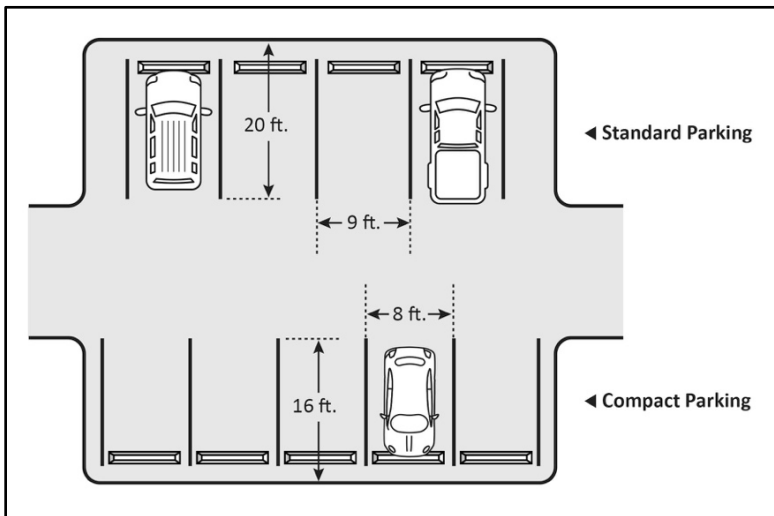
<b>Table 20.180-A – Required Parking</b>	
Undefined commercial uses	1 space per 250 square feet of gross floor area, subject to additional spaces depending on the eventual uses
<b>Type of Industrial Use</b>	<b>Off-Street Parking Required</b>
Manufacturing and General Industrial Uses	1 space per 500 square feet of gross floor area for projects up to 10,000 square feet 1 space per 1,000 square feet of gross floor area for projects over 10,000 square feet
Office area within a manufacturing or industrial building	Park per the standard for “All professional offices”
Recycling Collection facility	1 space for each 3,000 square feet of site area, plus 1 additional parking space for each commercial vehicle operated by the facility
Self-storage facility	1 space per 50 units or spaces, plus two spaces for the manager’s unit
Warehousing/Distribution and Fulfillment Centers	1 space per 2,500 square feet of warehouse space, plus parking for office per the standard for “All professional offices”
<b>Mixed Use</b>	<b>Off-Street Parking Required</b>
A single unified development or district that incorporates two or more different uses within walking distance of one another.	1 space for each 500 square feet of nonresidential gross floor area and one space for each dwelling unit.

**Sec. 20.180.020 Parking Design Standards.**

- (A) At least fifty percent (50%) of parking areas shall be surfaced with gravel, permeable pavers, or other permeable surfacing materials to encourage on-site infiltration of stormwater runoff. The remaining fifty percent (50%) may be impermeable surfaces.
- (B) At least fifty percent (50%) of required parking spaces shall be regular spaces. A maximum of fifty percent (50%) may be compact car spaces.
- (C) All lighting within the parking area shall be downcast and shielded.
- (D) Parking space dimensions shall be consistent with Table 20.180-B and Figures 20.180-A.
- (E) Maneuvering aisles shall be consistent with Tables 20.180-C and -D.
- (F) Electric Vehicle Charging Stations.
  - (1) Electric vehicle charging stations may be provided in any area designed for the parking of vehicles.
  - (2) Electric vehicle ready charging infrastructure shall be provided in multi-family housing developments and non-residential developments according to the standards outlined by CALGreen (Title 24 California Code of Regulations, Part 11).
  - (3) Parking spaces with electric vehicle charging shall be counted as a two standard parking space for the purpose of providing required parking per this Chapter.

- (4) If an electric vehicle charging station and any associated equipment interfere with, reduce, eliminate or in any way impact the required parking spaces for existing uses, the Director may reduce the number of required parking spaces for the existing uses by the amount necessary to accommodate the electric vehicle charging station and associated equipment.
- (G) **Bicycle Parking.** Parking lots with twenty (20) or more spaces shall provide one (1) bicycle parking space for each ten (10) parking spaces, either as a bicycle rack designed to enable bicycles to be locked to the rack or in a secured enclosed location.
- (H) **Striping and Marking.**
- (1) **Space Outline.** All parking spaces shall be clearly outlined with double striping three inches in width, in durable white paint designed for that purpose.
  - (2) **Maneuvering Areas.** All aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe movement.
  - (3) **Compact Spaces.** All compact spaces shall be clearly marked as such.
  - (4) **Striping and Marking for Accessible spaces and electric vehicle charging spaces** shall be as required by the California Building Code.

<b>Table 20.180-B – Parking Space Minimum Dimensions For 90-Degree Spaces</b>		
<b>Type of Parking Space</b>	<b>Width (feet)</b>	<b>Length (feet)</b>
Standard	9	20
Compact	8	16
Parallel	9	22
Accessible	Compliant with the California Building Code	



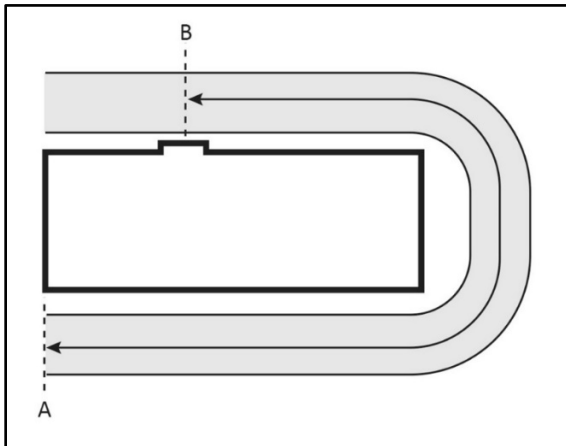
**Figure 20.180-A – Parking Space Dimensions**

*Measuring parking space dimensions in a 90-degree configuration.*

### **Sec. 20.180.025 Drive-Through Facilities.**

Any use which proposes drive-through or drive-up facilities shall require an Administrative Permit pursuant to Chapter 20.192 and comply with the following requirements:

- (A) A pedestrian and vehicular circulation plan shall be submitted along with any building permit application. Such plan shall indicate how pedestrian and vehicular traffic will be accommodated to provide pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or drive-up facilities in a manner that will not impede traffic flow on any public right-of-way. Such plan will be reviewed against the following standards:
- (1) Drive-through aisles shall be inwardly focused within the site and located away from adjoining streets to the extent feasible.
  - (2) Pedestrian walkways shall not intersect the drive-through access aisles unless they have clear visibility and are emphasized by enhanced paving or markings.
  - (3) Parking for drive-through and drive-in uses shall be provided as required by this Chapter.
  - (4) Drive-through access aisles shall be located entirely within the property and shall account for the stacking of a minimum of 5 vehicles. The Director may determine that more stacking is required depending on the need of the specific business. In such instances, the Applicant shall have a stacking study prepared by a qualified expert.



**Figure 20.180-B – Drive-through Aisle**

*Drive aisle length is measured from the start of the drive aisle (A) to the pickup window (B).*



## CHAPTER 20.184 SIGN REGULATIONS

### Sec. 20.184.005 Intent.

The purpose of this chapter is to promote and protect the public health, welfare, and safety through a comprehensive system of reasonable, effective, consistent, content-neutral, and non-discriminatory sign standards and requirements. This Chapter is intended to:

- (A) Encourage signs as an effective channel of communication while preventing visual clutter that will detract from the aesthetic character of the County;
- (B) Balance public and private objectives by allowing adequate opportunities for signs;
- (C) Protect and improve the local economy and quality of life by preserving and enhancing the appearance of the streetscape;
- (D) Maintain and enhance the County's appearance by regulating the location, number, type, quality of materials, size, illumination, and maintenance of signs;
- (E) Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers;
- (F) Provide clear and unambiguous sign standards that enable fair and consistent enforcement; and
- (G) Ensure that the constitutionally guaranteed right of free speech is protected.

### Sec. 20.184.010 General Regulations.

- (A) Compliance and Permits. All signs within the regulatory scope of this Chapter shall conform to the provisions of this Chapter.
- (B) No person shall erect, place, display, or maintain any sign in violation of this Chapter.
- (C) Property owner's consent. No sign may be placed or displayed without consent of the property owner of the property upon which the sign is located.
- (D) All signs, banners, billboards, markers, and pennants shall comply with applicable federal, state, and local laws.
- (E) The regulations of this Chapter apply to all signs, including those that display commercial and non-commercial messages.
- (F) Lighting and illumination of displays.
  - (1) Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible.
  - (2) Signs making use of stroboscopic lights, rotary beacons, chasing or similar types of light to convey the effect of movement shall not be permitted, nor shall flashing, intermittent or variable intensity lighting be permitted. This restriction shall not apply to signs which convey information such as time, temperature, or weather.
- (G) Movement of signs. No sign shall move or revolve, nor display any moving and/or revolving parts. Wind propellers and other noise creating devices shall not be permitted.
- (H) Setback. Signs shall meet the rear and side yard setback requirements of the applicable zoning district. In addition to applicable setbacks, signs shall be located such that:
  - (1) They do not interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;
  - (2) They do not conflict with overhead utility lines, overhead lights, or walkway lights; or
  - (3) They do not physically block the use of pedestrian or bicycle ways.

- (4) Visibility at street corners and driveways connecting with a public street shall be maintained as an area of unrestricted visibility as required by the County Department of Transportation.

### **Sec. 20.184.015 Off-Site Signs—Permanent.**

The following standards shall apply to off-site, permanent signs:

- (A) Permitted Locations. Off-site signs may be placed on any property zoned Limited Industrial, General Industrial or General Commercial, except as prohibited below:
  - (1) Within three hundred (300) feet of any residential zone having frontage on the same street;
  - (2) Upon or over the right of way of any county, state, or federal road or highway.
- (B) Setbacks. All off-site signs shall conform to all setback requirements of the zone in which it is located.
- (C) Area. Off-site signs may be single-faced or double-faced with a maximum area of three hundred (300) square feet.
- (D) Height. No portion of an off-site freestanding sign or its supporting structures shall exceed thirty-five (35) feet in height. Building-mounted off-site signs shall conform with the standards for on-site roof signs and/or wall signs, as applicable.
- (E) Number. Only one (1) off-site sign shall be permitted per lot. No limit on the number of off-site signs per use is imposed by this Section.
- (F) Construction. Double-faced signs shall be so constructed that the area and perimeter of both faces coincide and are back-to-back in parallel planes at a distance not to exceed three (3) feet apart.
- (G) Off-site signs shall not count toward the maximum sign area for the parcel upon which they are located.
- (H) Permission of Owner. The owner of an off-site sign must obtain the written permission of the property owner upon which the sign is to be located.

### **Sec. 20.184.020 Off-Site Directional Signs.**

In areas where street identification or house numbering systems do not exist or are inadequate to a degree as to make finding particular residences unduly difficult, signs intended solely to provide directional information to a particular residence are permitted.

Not more than three (3) single-faced or double-faced signs having an area not greater than two (2) square feet on each face may be permitted pertaining to any one (1) property or residence. Such signs shall be limited to the name of the owner or resident and directional information to the property or residence thereof.

### **Sec. 20.184.025 Temporary Signs.**

Temporary (visible for less than ninety (90) days) signs may be constructed, placed and maintained in any location upon the granting of an Administrative Permit in accordance with Chapter 20.192 (Administrative Permits). Such temporary signs shall be subject to the following conditions:

- (A) Area. No sign shall exceed a total of thirty-two (32) square feet in area.
- (B) Number. The number of temporary signs per use or event shall be established by the Administrative Permit.
- (C) Height. No sign shall exceed the height limitation for the district in which it is located.
- (D) Time Limit. As specified by the Administrative Permit.
- (E) Permission of Owner. The owner of any on- or off-site temporary sign shall obtain the written permission of the property owner upon which the sign is to be located.
- (F) Location of Sign(s). As specified by the Administrative Permit.

- (G) Design and Materials. Off-site temporary signs shall not be illuminated. Signs shall be made of durable, weatherproof materials capable of lasting for the time the sign is displayed. Off-site temporary signs shall be designed to ensure that the sign faces are securely fastened to the supporting structure, and the supporting structure is securely fastened to the ground.

### **Sec. 20.184.030 On-Site Signs—Standards.**

- (A) Permitted Locations. Except for signs specified in Section 20.184.035, 20.184.040, 20.156.015(C), 20.160.020(D) and 20.160.025(D) on-premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated and maintained only in the locations specified:
- (1) All commercial and industrial zones.
  - (2) On any lot upon which a commercial or industrial use type is a permitted use type.
  - (3) On any lot in any zone where a legal nonconforming commercial or industrial use type exist.
- (B) Sign Types.
- (1) Wall Signs. Signs attached or painted onto a building or approved structure. Wall signs shall meet the following standards:
    - (a) Not extend more than eighteen (18) inches from the wall thereof;
    - (b) Extend no higher than the building roof line;
    - (c) Not exceed one (1) square foot of sign area for each foot of street frontage, but in no case to exceed one hundred sixty (160) square feet. All sites shall be permitted twenty-five (25) square feet minimum wall signs.
  - (2) Freestanding Signs. A sign detached from the main or accessory buildings, advertising uses on site. Freestanding signs shall meet the following standards:
    - (a) Not project into a private or public right-of-way;
    - (b) Extend no higher than twenty-five (25) feet;
    - (c) Not exceed sixty-four (64) square feet;
    - (d) The square footage of portable on-premise signs shall count towards the total square footage allowed for free-standing signs.
  - (3) Roof Signs. Signs attached to a main building or accessory structure that project above the roof line. Roof signs shall meet the following standards:
    - (a) Extend no higher than five (5) feet above the highest point of the roof on which located, or beyond the height limitations for the district in which it is located, whichever is the lesser;
    - (b) Shall not extend beyond the exterior wall of the structure on which it is located;
    - (c) Shall not exceed sixty-four (64) square feet in area.
- (C) Setbacks. All on-site signs shall conform to all setback requirements of the zone in which it is located.
- (D) Sign Area—Maximum. Except as permitted in Section 20.184.065, the total square-footage of all signs on a lot may not exceed one hundred twenty-eight (128) square feet; provided, however, in the absence of both freestanding signs and roof signs the maximum total sign area allowed may be increased to one hundred sixty (160) square feet.

### **Sec. 20.184.035 Exempt Signs.**

The following signs are exempt from the regulations in this Chapter:

- (A) Directional, warning or informational signs required or authorized by law which are erected by Federal, State, County or Municipal officials;
- (B) Official notices issued by a court or public body or office and posted in the performance of a public duty;
- (C) Danger signs, railroad crossing signs and signs of public utility companies indicating danger and aids to service or safety;
- (D) House or building numbers;
- (E) Flags, emblems and insignia of a nation or political subdivision;
- (F) Commemorative signs or plaques of recognized historical organizations;
- (G) Signs on public transportation vehicles regulated by a political subdivision, including but not limited to buses and taxicabs;
- (H) Signs on licensed vehicles, provided such vehicles are not used or intended for use as portable signs;
- (I) Signs which are not intended to be viewed from public streets and are not legible therefrom nor from adjacent properties, such as signs in interior areas of shopping centers, commercial buildings and structures, ball parks, stadiums, race tracks and similar uses of a recreational or entertainment nature;
- (J) Changing the sign copy of a sign, or other maintenance which does not involve physical changes to a sign. Physical changes to the sign may require a building permit;
- (K) Murals, paintings, and works of art that are not intended to advertise or identify a business or product;
- (L) Signs required by State or Federal law, including state-required fuel price information at gas stations. In the case of gas station signs, the area devoted to price information shall not be counted toward the sign's overall area.

### **Sec. 20.184.040 Regulations for Specific Sign Types.**

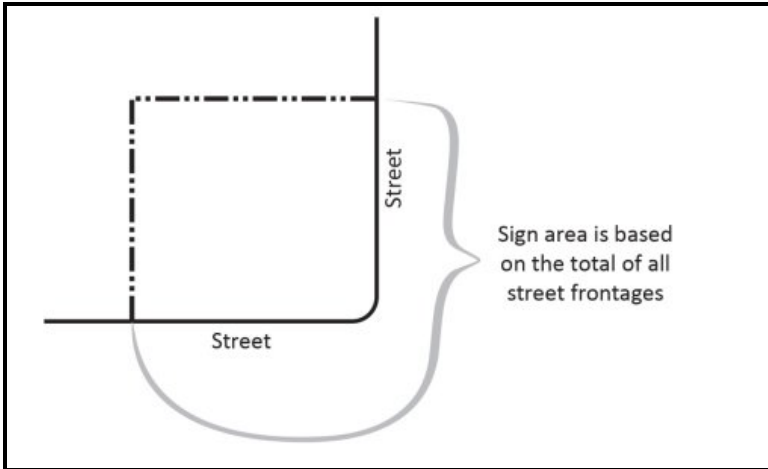
The following sign types are permitted subject to the regulations provided below for each specific sign type. Exceptions to the regulations provided in this Section may be granted with an Administrative Permit, as provided for in section 20.184.065. Said Administrative Permit shall be processed in accordance with Chapter 20.192.

- (A) "No Trespassing," and "No Parking" and similar warning signs shall not exceed four (4) square feet each;
- (B) Incidental signs showing trading stamps offered, credit cards accepted, notices of services required by law, trade affiliations, and the like, attached to a freestanding sign, structure or building; provided that all of the following conditions hold:
  - (1) No more than four (4) such signs may be placed on any single property.
  - (2) No such sign may project beyond any property line.
  - (3) No such sign shall exceed an area per face of two (2) square feet.
- (C) Signs on awnings or removable canopies not permanently attached to or built as part of a building shall not exceed an area of four (4) square feet on any side of such awning or canopy.
- (D) Identification plaques, provided no more than two (2) such signs of not more than two (2) square feet each may be placed on a single building.
- (E) Temporary window signs shall not exceed twenty-five percent (25%) of the window area.
- (F) Signage identifying agricultural products produced on the premises is permitted, subject to the following:

- (1) One (1) sign per lot or parcel.
  - (2) Maximum of eight (8) square feet in area.
  - (3) Maximum height of eight (8) feet.
- (G) Signage identifying multiple dwellings, clubs, or similar uses are permitted, subject to the following:
- (1) One (1) freestanding and one (1) building-mounted sign per parcel
  - (2) Maximum of eight (8) square feet in area.
- (H) Signage identifying civic use types such as hospitals and institutions of an educational philanthropic or charitable nature are permitted, subject to the following:
- (1) One (1) sign per use.
  - (2) Sign may be freestanding or building-mounted.
  - (3) Maximum of forty (40) square feet in area.
  - (4) Maximum height of eight (8) feet.
- (I) Signs offering premises for sale or lease and temporary construction site signs are permitted subject to the following:
- (1) Signs may be freestanding or building-mounted.
  - (2) Signs shall be located on the site of the sale or lease.
  - (3) Maximum of two (2) signs along any one (1) frontage.
  - (4) The total area of all signs on a frontage shall not exceed thirty-two (32) square feet. Sites with two frontages are allowed thirty-two (32) square feet of signs per frontage.
  - (5) Maximum height of eight (8) feet with freestanding signs.
  - (6) Construction site signs shall be in place only for the duration of the construction with which they are associated.
  - (7) Signs shall be removed no later than ten (10) days after the end of an event, project completion, sale or lease of a building, lot, or residential development.
- (J) Community Identification Signs. Signs solely to identify a community, its civic, fraternal, and religious organizations, and its community slogan or motto, provided:
- (1) Number and Location. Not more than one (1) sign may be located along any principal approach route to a community.
  - (2) Area and Height. Each sign may be single-faced or double-faced with no face to exceed an area of fifty (50) square feet. No sign shall exceed a height of twenty (20) feet above the average elevation of the ground directly below the sign.

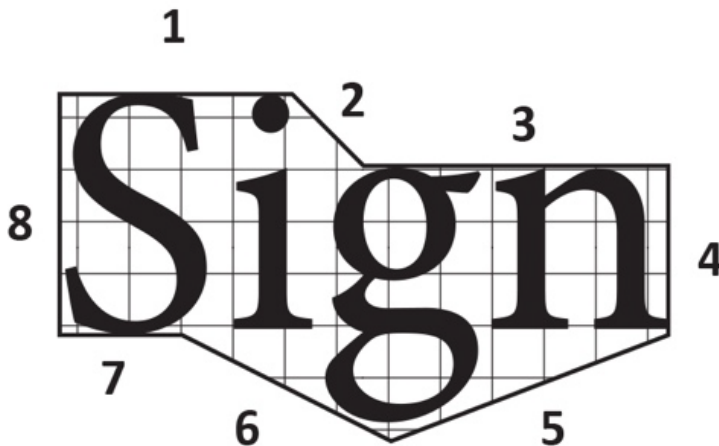
**Sec. 20.184.045 Computing Sign Area and Height.**

- (A) Allowable sign area which is determined by the amount of street frontage shall be based on the total of all street frontages for the lot or parcel, as shown in Figure 20.180-A below.



**Figure 20.180-A – Sign Area Frontage**

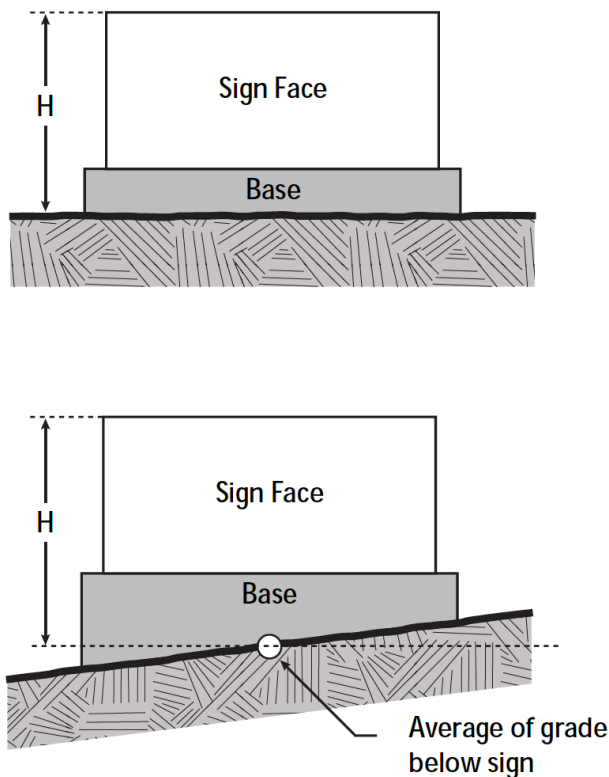
- (B) The area of a sign is computed by multiplying the height by the length of the sign, not including any framework which is not part of the sign. For signs whose shape is a regular geometric figure (square, rectangle, circle, etc.), the area shall be calculated using standard formulas (Height x Width for a rectangle, etc.).
- (C) Where a sign contains a frame, background, or other material used to differentiate the sign from the background on which it is placed, the sign area shall be measured to include the entire frame, background, or other material.
- (D) For signs whose shape is irregular, such as individual letters placed on a wall or a monument sign, the area shall be measured by enclosing the sign elements within up to eight (8) straight, intersecting lines, as shown in Figure 20.180-B below.



**Figure 20.180-B – Irregular Sign**

- (E) The base or supporting structure of a sign is not considered part of the sign unless it is part of the message presentation.
- (F) The area of a two-sided back-to-back sign shall be computed by determining the area of only one (1) side if the two (2) sides are within forty-five (45) degrees of parallel and not more than three (3) feet apart. Where the sign faces are at an angle of forty-five (45) degrees or more, or more than three (3) feet apart, area shall be computed by multiplying the height by the length of each sign face and adding the results (area of Face A + area of Face B).

- (G) Time and temperature displays are considered part of the allowable sign display area and are subject to the same size and height rules as other aspects of a sign.
- (H) For establishments providing services to customers while in their vehicles, signs related to such services are allowed, but are counted in the aggregate allowed signage for the use. Drive-through establishment menu boards shall not be included in this calculation.
- (I) Measuring Sign Height. The height of a sign is the vertical distance from the uppermost point used to measure sign area to the average finished grade of the ground below the sign and/or support structure, as shown in Figure 20.180-C below.



**Figure 20.180-C – Measuring Sign Height**  
*Sign height measurement for freestanding signs.*

**Sec. 20.184.050 Nonconforming Signs.**

A nonconforming sign is a sign lawfully erected, established and maintained prior to the effective date of this Division but does not conform to the use regulations and/or standards of height, setback, sign area, or number, etc., for the zone in which it is located or to the regulations of this Chapter.

**Sec. 20.184.055 Nonconforming Sign—Continuation.**

All nonconforming signs shall be allowed to continue provided, however, that if the sign shall be destroyed or deteriorated as a result of vandalism, fire, wind flood, age or other cause to the extent where repairs exceed fifty (50) percent of the replacement value of the sign, said sign shall be brought into conformance with this Chapter.

### **Sec. 20.184.060 Illegal Signs.**

Any sign not legally erected or placed pursuant to the regulations in existence at the time of its erection or placement is an illegal sign and shall be removed immediately; and shall not be re-erected or replaced until the illegal sign or its replacement sign conforms to the provisions of this Chapter. If the illegal sign is not remedied to conform with the provisions of this Chapter, the illegal sign shall be deemed unlawful and is subject to enforcement as provided in Chapter 20.216.

### **Sec. 20.184.065 Variances and Exceptions.**

In order to reduce practical difficulties and unnecessary hardships inconsistent with the objectives of this Chapter, the Planning Commission may grant variances pursuant to Chapter 20.200 of the Zoning Code with respect to the regulations prescribed herein relating to the height, area, location, or number of signs.

Exceptions from the Regulations for Specific Sign Types provided in section 20.184.040 may be granted by the Zoning Administrator upon approval of an Administrative Permit.



## CHAPTER 20.188 DEVELOPMENT REVIEW

### **Sec. 20.188.005 Intent.**

It is the purpose of this Chapter to develop a formal development review process for certain properties industrially zoned.

The objective of this Chapter is to provide for a review process of certain projects proposed for industrial lands.

### **Sec. 20.188.010 Improvements Subject to Development Review.**

- (A) Projects subject to development review shall be those projects, located in an industrial zone and:
  - (1) Identified in Appendix A which are found to require further review due to the specific nature of the proposed activity; or
  - (2) Identified in Appendix B which require mitigation of negative environmental impacts identified in the Environmental Checklist.
- (B) Projects subject to obtaining a use permit are not subject to this Chapter.
- (C) Structures and/or improvements mandated by agencies such as Environmental Health, Air Pollution Control District, Regional Water Quality Control Board or Environmental Protection Agency shall not be subject to development review where such mandates are imposed to mitigate adverse environmental impacts in a timely manner.

### **Sec. 20.188.015 Development Review Package and Application Form.**

The formal application for development review shall be in the form required by the Department of Planning and Building Services and shall include the following package of information for staff review:

- (A) The Environmental Review Checklist; and
- (B) New Development: site plans and building elevation plans.
- (C) Existing Project: site plan.

### **Sec. 20.188.020 Development Projects Subject to Further Review.**

- (A) If, after review of the Environmental Review Checklist, it is determined that there are no significant adverse environmental impacts, no further requirements under this Chapter shall be imposed.
- (B) If, after review of the Environmental Review Checklist, it is determined that the development project may have a significant adverse environmental impact then the applicant shall be subject to Section 20.188.025.

### **Sec. 20.188.025 Development Review Process.**

It is the intent of this Chapter that those industrial projects subject to development review shall be expedited and that processing of building and health permits and a business license shall occur simultaneously with development review processing. Upon the completion of development review and environmental clearance, the developer shall be entitled to receive building and health permits and a business license.

- (A) The Department of Planning and Building Services shall follow the "State CEQA Guidelines" as set forth in Chapter 3 of Title 14 of the California Administrative Code in processing the development project.

- (B) If applied for by the developer, building and health permits and a business license shall be processed simultaneously with the development review so that they may be issued immediately upon environmental clearance.
- (C) A new or changed industrial use shall require further review pursuant to this Chapter. The developer, tenant, lessee, or occupant shall report a new or changed industrial use to the Department of Planning and Building Services and shall not commence construction or operation of that use until he or she has received approval from the Department of Planning and Building Services and obtained a business license.

**Sec. 20.188.030 Final Plans and Certification.**

The Department of Planning and Building Services shall review, correct and certify, by stamp, that the plans are in conformance with any specified requirements. Once approval is given, a stamped set of final plans shall be sent to the developer, Public Works Department, Public Health Department Division of Environmental Health, and Building Inspection Division and be filed with the Department of Planning and Building Services.

**Sec. 20.188.035 Appeals.**

The conditions of approval may be appealed as provided in Chapter 20.208 (Appeals), Section 20.208.015.

**Sec. 20.188.040 Prohibitions.**

No work shall be commenced nor any building occupied, until the industrial development project has received approval pursuant to this Chapter, except as specified in Section 20.188.060.

**Sec. 20.188.045 Nuisances.**

Any improvement constructed, located, repaired, altered, or maintained contrary to the provisions of this Division is hereby declared to be unlawful and a public nuisance.

**Sec. 20.188.050 Effect on Other Laws.**

Nothing in this Division shall be construed to exempt any applicant from compliance with any requirement of any other law of the County or the Mendocino County General Plan or amend any such other law or plan.

**Sec. 20.188.060 Exceptions.**

At the discretion of the Zoning Administrator, permits may be authorized for:

- (A) Preliminary grading and excavating; or
- (B) Foundation work.

## 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 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).

## **CHAPTER 20.192 ADMINISTRATIVE PERMITS**

### **Sec. 20.192.005 Declaration.**

The purpose of this Chapter is to provide for the issuance of Administrative Permits. The Administrative Permit procedure shall be applied as required by this Division.

### **Sec. 20.192.010 Original Jurisdiction.**

The original jurisdiction shall be exercised over Administrative Permits as follows:

- (A) Concurrent Application. When an application for granting or modifying an Administrative Permit is submitted concurrently with an application for a use permit, variance, General Plan amendment or zone reclassification related to the same property, the administrative permit shall be under the jurisdiction of the officer or body having jurisdiction over the use permit, variance, General Plan amendment or zone reclassification, and shall be reviewed and decided concurrently with such other application. A use permit may include authorization for any use, structure, or action for which an Administrative Permit is required, in which case no Administrative Permit is required.
- (B) Regular Administrative Permit. All other Administrative Permits shall be designated as regular Administrative Permits and applications for their granting or modification shall be under the jurisdiction of the Zoning Administrator unless specified otherwise. The Zoning Administrator may refer an application for an Administrative Permit to the Planning Commission for consideration.

### **Sec. 20.192.015 Application and Fee.**

- (A) Applications for Administrative Permits shall be filed with the Department upon such forms and accompanied by such plans and data as may be prescribed by the Department so as to assure the fullest practical presentation of facts for the permanent record. Such application shall be accompanied by a fee.
- (B) The Department shall review the application and determine whether the requested use is allowable under the existing zoning classification. If it finds that it is, the application shall be processed pursuant to this Chapter.
- (C) If the Department finds that the requested use is not allowable under the existing zoning classification, the Planning and Building Services Department shall notify the applicant that the application may not be further processed and that this decision may be administratively appealed pursuant to Chapter 20.208 (Appeals). Should the Department's decision be reversed on administrative appeal, the application shall be processed pursuant to this Chapter.

### **Sec. 20.192.020 Findings.**

All of the following findings must be made in order to approve an Administrative Permit:

- (A) The proposed use is permitted within the applicable zone and complies with all other applicable provisions of this Division and all other titles of the Mendocino County Code, General Plan, and any applicable Specific Plan;
- (B) The proposed use will not constitute a nuisance or be detrimental to the public health, safety, or general welfare of the persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare



of the county; provided, that if any proposed building or use is necessary for the public health, safety or welfare, the finding shall be to that effect;

- (C) The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Division;
- (D) That adequate utilities, access roads, drainage improvements and other necessary facilities have been or are being provided.

### **Sec. 20.192.025 Decision and Notice.**

- (A) Action. Upon completion of agency review and evaluation of an application for an Administrative Permit, the Zoning Administrator shall hold a public hearing and either:
  - (1) Make all of the findings specified in Section 20.192.020 and any other determination as is required by the pertinent sections of this Division and approve the application, or
  - (2) Notify the applicant of the changes and modifications required for approval of the application, or
  - (3) Deny the Administrative Permit. The Zoning Administrator shall deny the permit if:
    - (a) The permit cannot be conditioned by adequate requirements to ensure compliance with applicable regulations, or
    - (b) The application for the permit cannot reasonably be modified to conform to the applicable requirements; or
    - (c) The required findings cannot be made.
- (B) Time Period for Review and Approval. Review and approval of Administrative Permits shall be governed by the provisions of the Permit Streamlining Act (Government Code Section 65920 *et seq.*), as it may be amended from time to time.
- (C) Public Hearing and Notice. A public hearing shall be held and noticed pursuant to the provisions of Section 20.190.010.
- (D) Notice of Decision. The decision to approve or deny an application for an Administrative Permit shall be provided to the applicant in writing. The notice of decision shall include:
  - (1) The decision regarding the Administrative Permit and the date of the decision.
  - (2) Any conditions of approval.
  - (3) The deadline for the public or the applicant to file an appeal of the decision, which shall as provided in Chapter 20.208 (Appeals).
- (E) Effective Date. The decision to approve or deny an application for an Administrative Permit shall be final when the deadline for the filing of an appeal by the public or applicant has expired without the filing of an appeal.

### **Sec. 20.192.030 Conditional Administrative Permits.**

Any Administrative Permit granted may be subject to such conditions or restrictions deemed necessary by the Zoning Administrator or Board of Supervisors to secure the purposes of this Division and ensure that the project's operation will allow all of the findings for approval to be made. The Zoning Administrator or Board of Supervisors may require reasonable guarantees and evidence that such conditions are being, or will be, complied with. Conditions of approval may also require that specific actions take place by specified deadlines. Noncompliance with conditions of approval may result in revocation of an Administrative Permit as provided in this Chapter.

Administrative Permits are not required to have an expiration date, though any Administrative Permit may be limited to a term and expiration date set when the Administrative Permit is granted. The establishment, maintenance or operation of any use under this section shall cease at the end of the term, if any, of the Administrative Permit.

### **Sec. 20.192.035 Appeal.**

The decision made pursuant to Sections 20.192.025 (Decision and Notice) or 20.192.060 (Revocation or Modification) may be appealed as provided in Chapter 20.208 (Appeals).

### **Sec. 20.192.040 Expiration.**

Each valid unrevoked and unexpired Administrative Permit shall expire and become null and void at either:

- (A) the expiration of two (2) years after granting, except where construction and/or use of the property in reliance on such permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 20.192.045; or
- (B) the expiration date specified in such Administrative Permit, if an expiration date is specified.

### **Sec. 20.192.045 Application for Extension.**

If prior to expiration of the Administrative Permit pursuant to Section 20.192.040(A), the applicant files a written application for extension, the period within which construction or use of the property in reliance on the permit must be commenced may be extended by order of the Zoning Administrator at any time within ninety (90) days after the date of expiration as originally established. An application for such an extension shall be made on the prescribed form and shall be filed with the Department. The period within which construction and/or use of the property in reliance on administrative permit must be commenced may be extended subject to conditions, as provided by Section 20.192.030. Decisions of the Zoning Administrator may be appealed as provided by Chapter 20.208 (Appeals).

### **Sec. 20.192.050 Discontinuance.**

Each Administrative Permit granted pursuant to these provisions shall expire and become null and void at the expiration of one (1) year after the purpose for which it was granted has been discontinued or abandoned.

### **Sec. 20.192.055 Renewal.**

Should an Administrative Permit be granted with a specific term and expiration date, on or before the date of expiration of an Administrative Permit the person holding the permit shall apply for a renewal of said permit if the use is to be continued beyond the date of expiration. Application for renewal shall be submitted in compliance with Section 20.192.015 and be processed pursuant to Section 20.192.025. The time limit for completion of use permit conditions may be extended by the Zoning Administrator for a maximum of one hundred eighty (180) days.

**Sec. 20.192.060 Revocation or Modification.**

An Administrative Permit may be revoked or modified as provided by the provisions of Section 20.190.015.

**Sec. 20.192.065 Reapplication.**

No application for an Administrative Permit which has been denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless specific permission to do so has been granted as follows:

- (A) Denial by Zoning Administrator. If the Zoning Administrator denied the Administrative Permit, permission to reapply may be granted by the Zoning Administrator or the Board of Supervisors.
- (B) Denial by Planning Commission. If the Planning Commission denied the Administrative Permit, permission to reapply may be granted by the Planning Commission or the Board of Supervisors
- (B) Denial by the Board of Supervisors. If the Board of Supervisors has denied the Administrative Permit, permission to reapply may be granted by the Board of Supervisors.

**Sec. 20.192.070 Nuisance.**

The granting or modification of any Administrative Permit shall not authorize or legalize the maintenance of any private or public nuisance.

**Sec. 20.192.075 Notice to Assessor.**

Whenever an Administrative Permit is granted with respect to any property, the Department shall, within thirty (30) days, notify the County Assessor.

## CHAPTER 20.196 USE PERMITS

### Sec. 20.196.005 Declaration.

A use permit may be granted to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval.

### Sec. 20.196.010 Original Jurisdiction.

The original jurisdiction shall be exercised over use permits as follows:

- (A) Use Permit. Applications for granting, extending time limits, or modifying the conditions of a use permit shall be under the original jurisdiction of the Planning Commission.
- (B) Concurrent Application. When an application for granting or modifying a use permit is submitted concurrently with an application for a zone reclassification and/or General Plan amendment related to the same property, the use permit shall be under the jurisdiction of the Board of Supervisors and shall be reviewed and decided concurrently with such other application and the Planning Commission shall make a recommendation to the Board of Supervisors on the application.

### Sec. 20.196.015 Application and Fee.

- (A) Applications for use permits shall be filed with the Department upon such forms and accompanied by such plans and data as may be prescribed by the Department so as to assure the fullest practical presentation of facts for the permanent record. Such application shall be accompanied by a fee.
- (B) The Department shall review the application and determine whether the requested use is allowable under the existing zoning classification. If it finds that it is, the application shall be processed pursuant to this Chapter.
- (C) If the Department finds that the requested use is not allowable under the existing zoning classification, the Planning and Building Services Department shall notify the applicant that the application may not be further processed and that this decision may be administratively appealed pursuant to Chapter 20.208 (Appeals). Should the Department's decision be reversed on administrative appeal, the application shall be processed pursuant to this Chapter.

### Sec. 20.196.020 Findings.

All of the following findings must be made in order to approve a use permit:

- (A) The proposed use is permitted within the applicable zone and complies with all other applicable provisions of this Division and all other titles of the Mendocino County Code, General Plan, and any applicable Specific Plan;
- (B) The proposed use will not constitute a nuisance or be detrimental to the public health, safety, or general welfare of the persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or welfare, the finding shall be to that effect;
- (C) The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Division;

- (D) That adequate utilities, access roads, drainage improvements and other necessary facilities have been or are being provided.

### **Sec. 20.196.025 Decision and Notice.**

- (A) Action. Upon completion of review and evaluation for a use permit the Planning Commission shall hold a public hearing and shall either:
  - (1) Make all of the findings specified in Section 20.196.020 and any other determination as is required by the pertinent sections of this Division and approve the application;
  - (2) Notify the applicant of the changes and modifications required for approval of the application:  
or
  - (3) Deny the use permit. The Planning Commission shall deny the use permit if:
    - (a) The use permit cannot be conditioned by adequate requirements to ensure compliance with applicable regulations, or
    - (b) The application for the use permit cannot reasonably be modified to conform to the applicable requirements; or
    - (c) The required findings cannot be made.
- (B) Time Period for Review and Approval. Review and approval of use permits shall be governed by the provisions of the Permit Streamlining Act (Government Code Section 65920 *et seq.*), as it may be amended from time to time.
- (C) Public Hearing and Notice. A public hearing shall be held and noticed pursuant to the provisions of Section 20.190.010.
- (D) Notice of Decision. The decision to approve or deny an application for a use permit shall be provided to the applicant in writing. The notice of decision shall include:
  - (1) The decision regarding the use permit and the date of the decision.
  - (2) Any conditions of approval.
  - (3) The deadline for the public or the applicant to file an appeal of the decision, which shall as provided in Chapter 20.208 (Appeals).
- (E) Effective Date. The decision to approve or deny an application for a use permit shall be final when the deadline for the filing of an appeal by the public or applicant has expired without the filing of an appeal.

### **Sec. 20.196.030 Conditional Use Permit.**

Any use permit granted may be subject to such conditions or restrictions deemed necessary by the Planning Commission to secure the purposes of this Division and ensure that the project's operation will allow all of the findings for approval to be made. The Planning Commission or Board of Supervisors may require such reasonable guarantees and evidence that such conditions are being, or will be, complied with. Conditions of approval may also require that specific actions take place by specified deadlines. Noncompliance with conditions of approval may result in revocation of a use permit as provided in this Chapter. The term "use permit" is interchangeably used with the term "Conditional Use Permit".

Use permits are not required to have an expiration date, though any use permit may be limited to a term and expiration date set when the use permit is granted. The establishment, maintenance or operation of any use under this section shall cease at the end of the term, if any, of the use permit.

### **Sec. 20.196.035 Appeal.**

The decision made pursuant to Sections 20.196.025 (Decision and Notice) or 20.196.060 (Revocation or Modification) may be appealed as provided in Chapter 20.208 (Appeals).

### **Sec. 20.196.040 Expiration.**

Each valid unrevoked and unexpired use permit shall expire and become null and void at either:

- (A) the expiration of two (2) years after granting, except where construction and/or use of the property in reliance on such permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 20.196.045; or
- (B) the expiration date specified in such use permit, if an expiration date is specified.

### **Sec. 20.196.045 Application for Extension.**

If prior to expiration of the use permit pursuant to Section 20.196.040(A), the applicant files a written application for extension, the period within which construction or use of the property in reliance on the permit must be commenced may be extended by order of the Zoning Administrator at any time within ninety (90) days after the date of expiration as originally established. An application for such an extension shall be made on the prescribed form and shall be filed with the Department. The period within which construction and/or use of the property in reliance on the use permit must be commenced may be extended subject to conditions, as provided by Section 20.196.030. Decisions of the Zoning Administrator may be appealed as provided by Chapter 20.208 (Appeals).

### **Sec. 20.196.050 Discontinuance.**

Each use permit granted pursuant to these provisions shall expire and become null and void at the expiration of one (1) year after the purpose for which it was granted has been discontinued or abandoned.

### **Sec. 20.196.055 Renewal.**

Should a use permit be granted with a specific term and expiration date, on or before the date of expiration of a use permit the person holding the permit shall apply for a renewal of said permit if the use is to be continued beyond the date of expiration. Application for renewal shall be submitted in compliance with Section 20.196.015 and be processed pursuant to Section 20.196.025. The time limit for completion of use permit conditions may be extended by the Zoning Administrator for a maximum of one hundred eighty (180) days.

### **Sec. 20.196.060 Revocation or Modification.**

A use permit may be revoked or modified as provided by the provisions Section 20.190.015.

### **Sec. 20.196.065 Reapplication.**

No application for the granting of a use permit which has been denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless specific permission to do so has been granted as follows:

- (A) Denial by the Planning Commission. If the Planning Commission has denied the use permit, permission to reapply may be granted by the Planning Commission or the Board of Supervisors.
- (B) Denial by the Board of Supervisors. If the Board of Supervisors has denied the use permit, permission to reapply may be granted by the Board of Supervisors.

### **Sec. 20.196.070 Nuisance.**

The granting or modification of any use permit shall not authorize or legalize the maintenance of any private or public nuisance.

### **Sec. 20.196.075 Notice to Assessor.**

Whenever a use permit is granted with respect to any property, the Department shall, within thirty (30) days, notify the County Assessor.

## CHAPTER 20.200 VARIANCES

### Sec. 20.200.005 Declaration.

A variance is an exception from zone restrictions that is granted by the Planning Commission upon application which permits the development of real property to vary to a specified extent from area height, yard or space requirements when strict and literal interpretation of the provisions of this chapter create practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Division. Variances shall not be granted to authorize uses or activities which are not otherwise expressly authorized by the zone regulations governing the property.

The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the vicinity and zone.

### Sec. 20.200.010 Original Jurisdiction.

The original jurisdiction shall be exercised over variances as follows:

- (A) Concurrent Application. When an application for granting or modifying a variance is submitted concurrently with an application for a use permit, variance, General Plan amendment or zone reclassification related to the same property, the administrative permit shall be under the jurisdiction of the officer or body having jurisdiction over the use permit, variance, General Plan amendment or zone reclassification, and shall be reviewed and decided concurrently with such other application.
- (B) Regular Variance. All other variances shall be designated as regular variances and applications for their granting or modification shall be under the jurisdiction of the Planning Commission.

### Sec. 20.200.015 Application and Fee.

Applications for a variance or modification thereof shall be filed with the Department upon such forms and accompanied by such plans and data as may be prescribed by the Department so as to assure the fullest practical presentation of facts for the permanent record. Such application shall be accompanied by a fee.

### Sec. 20.200.020 Findings

Before any variance may be granted or modified it shall be shown:

- (A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;
- (B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the Division;
- (C) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.
- (D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located;



- (E) That the granting of such variance will not adversely affect the General Plan.

### **Sec. 20.200.025 Decision and Notice.**

- (A) Action. Upon completion of review and evaluation of an application for a variance, the Planning Commission shall hold a public hearing and shall either:
  - (1) Make all of the findings specified in Section 20.200.020 and any or other determination as is required by the pertinent sections of this Division and approve the application. The variance may be granted for the full dimensions and extent, or any portion thereof, as requested by the applicant.
  - (2) Notify the applicant of the changes and modifications required for approval of the application; or
  - (3) Deny the variance. The Planning Commission shall deny the variance if:
    - (a) The variance cannot be conditioned by adequate requirements to ensure compliance with applicable regulations; or
    - (b) The application for the variance cannot reasonably be modified to conform to the applicable requirements; or
    - (c) The required findings cannot be made.
- (B) Time Period for Review and Approval. Review and approval of variances shall be governed by the provisions of the Permit Streamlining Act (Government Code Section 65920 *et seq.*), as it may be amended from time to time.
- (C) Public Hearing and Notice. A public hearing shall be held and noticed pursuant to the provisions of Section 20.190.010.
- (D) Notice of Decision. The decision to approve or deny an application for a variance shall be provided to the applicant in writing. The notice of decision shall include:
  - (1) The decision regarding the variance and the date of the decision.
  - (2) Any conditions of approval.
  - (3) The deadline for the public or the applicant to file an appeal of the decision, which shall as provided in Chapter 20.208 (Appeals).
- (E) Effective Date. The decision to approve or deny an application for a variance shall be final when the deadline for the filing of an appeal by the public or applicant has expired without the filing of an appeal.

### **Sec. 20.200.030 Conditional Variance.**

Any variance granted may be subject to such conditions or restrictions as will ensure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located and ensure that the project's operation will allow all of the findings for approval to be made. The Planning Commission may also require such reasonable guarantees and evidence to ensure compliance with the terms and conditions. Conditions of approval may also require that specific actions take place by specified deadlines. Noncompliance with conditions of approval may result in revocation of a variance as provided in this Chapter.

### **Sec. 20.200.035 Appeal.**

The decision made pursuant to Sections 20.200.025 (Decision and Notice) or 20.200.055 (Revocation or Modification) may be appealed as provided in Chapter 20.208 (Appeals).

### **Sec. 20.200.040 Expiration.**

Each valid unrevoked and unexpired variance shall expire and become null and void at the expiration of two (2) years after granting except where construction and or use of the property in reliance on such variance has commenced prior to its expiration.

### **Sec. 20.200.045 Application for Extension.**

If prior to expiration of the variance pursuant to Section 20.200.040, the applicant files a written application for extension, the period within which construction or use of the property in reliance on the variance must be commenced may be extended by order of the Zoning Administrator at any time within ninety (90) days after the date of expiration as originally established. An application for such an extension shall be made on the prescribed form and shall be filed with the Department. The period within which construction and/or use of the property in reliance on the variance must be commenced may be extended subject to conditions, as provided by Section 20.200.030. Decisions of the Zoning Administrator may be appealed as provided by Chapter 20.208 (Appeals).

### **Sec. 20.200.050 Revocation or Modification.**

A variance may be revoked or modified as provided by the provisions of Section 20.190.015.

### **Sec. 20.200.055 Discontinuance.**

Each variance granted pursuant to these provisions shall expire and become null and void at the expiration of one (1) year after the purpose for which it was granted has been discontinued or abandoned.

### **Sec. 20.200.060 Reapplication.**

No application for a variance which has been denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless specific permission to do so has been granted as follows:

- (A) Denial by the Planning Commission. If the Planning Commission has denied the variance, permission to reapply may be granted by the Planning Commission or the Board of Supervisors.
- (B) Denial by the Board of Supervisors. If the Board of Supervisors has denied the variance, permission to reapply may be granted by the Board of Supervisors.

### **Sec. 20.200.065 Nuisance.**

The granting or modification of any variance to these provisions shall not authorize or legalize the maintenance of any private or public nuisance.

**Sec. 20.200.070 Notice to Assessor.**

Whenever a variance is granted with respect to any property, the Department shall, within thirty (30) days, notify the County Assessor.

## CHAPTER 20.204 NONCONFORMING USES AND STRUCTURES

### Sec. 20.204.005 Declaration.

- (A) A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this Division but which does not conform with the use regulations for the zone in which it is located.
- (B) A nonconforming structure is a structure which was lawfully erected prior to the effective date of the application of these regulations but which, under this Division, does not conform with the standards of yard spaces, height of structures, distance between structures, parking, etc., prescribed in the regulations for the zone in which the structure is located.
- (C) Chapter 20.124 ("IS" Combining District) may be utilized to identify uses and establish regulations thereto.

### Sec. 20.204.010 Continuation and Maintenance.

- (A) A use lawfully occupying a structure or a site prior to the effective date of the application of these regulations which does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued as provided in this Chapter.
- (B) A structure lawfully occupying a site prior to the effective date of the application of these regulations which does not conform with the standards of front yards, side yards, rear yards, height of structures, distances between structures, parking, etc., prescribed in the regulations for the zone in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintained as provided in this Chapter.
- (C) Routine maintenance and repairs may be performed on a structure or site, the use of which is nonconforming, and on a nonconforming structure.

### Sec. 20.204.015 Restoration of Damaged Structures.

Whenever a structure containing an existing legal nonconforming use or legal nonconforming structure is destroyed or partially destroyed either voluntarily or involuntarily, the structure may be:

- (A) Rebuilt to its previous dimensions and arrangement and utilized to the same extent prior to its destruction provided the following timelines are satisfied:
  - (1) a demolition permit is obtained and receives a final inspection within one (1) year of issuance,
  - (2) a building permit for the restoration is submitted within one (1) year of the date of final inspection of the demolition permit, and
  - (3) restoration is started within two (2) years from date of submittal of the building permit for the restoration and diligently pursued to completion.

A one-time one (1) year extension to each of these timelines may be granted by the Director; or

- (B) Rebuilt, if the nonconforming structure is destroyed by involuntary means or forces out of control of the owner(s), provided it shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent; shall be sited in the same location on the affected property as the destroyed structure except that no part of the ten (10) percent addition shall encroach further into the setback than the original structure; and further provided the following timelines are satisfied:
  - (1) a demolition permit is obtained and receives a final inspection within one (1) year of issuance,

- (2) a building permit for the restoration is submitted within one (1) year of the date of final inspection of the demolition permit, and
- (3) restoration is started within two (2) years from date of submittal of the building permit for the restoration and diligently pursued to completion.

A one-time one (1) year extension to each of these timelines may be granted by the Director.

**Sec. 20.204.020 Alterations and Additions to Nonconforming Uses and Structures.**

- (A) A nonconforming use may increase its volume of operation provided the structure is not altered or enlarged to accommodate its increase without obtaining a use permit.
- (B) No nonconforming structure shall be moved, altered, enlarged, or reconstructed in a manner that does not conform to the minimum standards of yard areas, height of structures, distances between structures, parking, and other applicable requirements prescribed in the regulations for the district in which the structure is located; provided, however, a nonconforming structure may be altered and/or enlarged provided it does not increase the existing level of nonconformity. Such constructions shall be reviewed and approved by the Zoning Administrator.

**Sec. 20.204.025 Expansion of Nonconforming Uses and Structures.**

- (A) A nonconforming use or structure may be expanded provided an Use Permit is obtained. Prior to the issuance of any Use Permit to expand a nonconforming use or structure, the Zoning Administrator shall make a finding that the expansion conforms to the Findings established in Section 20.196.020 for the granting of a Use Permit and that the following conditions are applicable:
  - (1) That it is not reasonably economically or physically feasible to make the use of the property compatible with the applicable general plan land use designation;
  - (2) That the use is and will be compatible with adjacent land uses and that any increased adverse impacts on access or public facilities and services will be mitigated;
  - (3) That the site is physically separate from surrounding properties such that continued nonconforming use is appropriate in that location.
- (B) A legal nonconforming mobile home may be replaced by a new mobile home without a Use Permit if no Use Permit was required for the original installation.

**Sec. 20.204.030 Previous Use Permits in Effect.**

Any use in existence, by virtue of a use permit issued pursuant to zoning regulations previously in effect, at the time of application of the regulations for any district in this Division, which use under such new regulations is not permissible by use permit may continue in existence but only as regulated by the provisions and terms of the existing use permit.

**Sec. 20.204.035 Abandonment or Conversion of Nonconforming Uses.**

- (A) Whenever a nonconforming use has been abandoned, discontinued for any reason, or changed to a conforming use, for a continuous period of one (1) year, the nonconforming use shall not be reestablished, and the use of the structures or site thereafter shall be in conformity with the regulations for the zone in which it is located.
- (B) A nonconforming use of a structure or site may be changed to another nonconforming use at the same or more restricted level of intensity as determined by the Planning and Building Services Director, provided an Administrative Permit is obtained pursuant to Chapter 20.192 and the following findings are made:

- (1) That it is not reasonably, economically or physically feasible to make the use of the property compatible with the applicable general plan land use designation;
- (2) That the use is and will be compatible with adjacent land uses and that any increased adverse impacts on access or public facilities and services will be mitigated;
- (3) That the site is physically separate from surrounding properties such that continued nonconforming use is appropriate in that location.

#### **Sec. 20.204.040 Non-Conforming Lot Area**

When any ownership is comprised of a single lot which has been legally created and is subsequently zoned to a minimum parcel size larger than the existing parcel, said lot shall not be subject to requirements for variance to minimum lot size.

#### **Sec. 20.204.045 Nuisances.**

- (A) None of the provisions of this Chapter restrict any authority to require modification or termination of any nonconformity which has been declared a nuisance by the Board of Supervisors.

## CHAPTER 20.208 APPEALS

### **Sec. 20.208.005 Declaration.**

The purpose of these provisions is to prescribe the procedure by which an appeal may be taken from a decision of the Department, Director, Zoning Administrator or the Planning Commission made pursuant to the administration or enforcement of the Zoning Code.

### **Sec. 20.208.010 Administrative Appeals.**

- (A) Request for hearing before the Planning Commission may be made by the property owner or any interested person from any decision, determination, or requirement of the Department or the Director by filing a request in writing with the Department within ten (10) days after such decision, determination or requirement is made. Such appeal shall be on the forms as approved by the Director, include a statement of the basis of the appeal and be accompanied by a fee.
- (B) The Department shall prepare a written report that includes its findings which shall be forwarded to the Planning Commission for action. The action of the Planning Commission is final unless appealed to the Board of Supervisors pursuant to Section 20.208.015.
- (C) Written notice of the date of the hearing before the Planning Commission shall be provided to the appellant and the applicant not less than ten (10) days before the hearing.

### **Sec. 20.208.015 Zoning Administrator and Planning Commission Appeal.**

- (A) Request for hearing before the Board of Supervisors may be made by the property owner or any interested person from any decision, determination or requirement of the Zoning Administrator or the Planning Commission by filing a notice thereof in writing with the Clerk of the Board within ten (10) days after such decision, determination or requirement is made, on the forms as approved by the Director, including a statement of the basis of the appeal and be accompanied by a fee.
- (B) The Board of Supervisors shall hold a public hearing, noticed in the same manner and to the same extent as initially noticed for the Zoning Administrator and/or Planning Commission meeting, on the appeal. The Board of Supervisors, after considering the notice and Planning and Building Services Department report may affirm, reverse or modify any such decision, determination or requirement as it deems just, equitable and in compliance with this Division and the General Plan. The decision of the Board of Supervisors is final.
- (C) No permits may be granted for any use or structure related to the action of the Zoning Administrator or Planning Commission until the ten (10) day appeal period has expired and no appeals have been filed with the Clerk of the Board.

## **CHAPTER 20.212 AMENDMENTS TO THE GENERAL PLAN, SPECIFIC PLAN, ZONING CODE, AND ZONING MAP**

### **Sec. 20.212.005 Purpose.**

This chapter establishes procedures for consideration and review of Amendments to the General Plan, Specific Plan, Zoning Code, and/or Zoning Map. This chapter addresses:

- (A) Amendments to the General Plan (including the adoption of a new General Plan or any adoption or amendment of any Specific Plan), to address changes in state or federal law and any issues or opportunities that were unanticipated at the time of adoption or the last amendment; and.
- (B) Amendments to the Zoning Code and Zoning Map, including the rezoning of property, whenever the public necessity, general welfare, or good practice justify such an amendment, consistent with the General Plan.

### **Sec. 20.212.010 Conditions to Rezoning.**

- (A) The Planning Commission may recommend and the Board of Supervisors may impose conditions to the zoning reclassification of property where said respective body finds that said conditions are necessary so as not to create problems inimical to the public health, safety, or general welfare of the County of Mendocino.
- (B) **Execution of Contract.** Where the Board of Supervisors does decide to impose such conditions to the zoning reclassification, it may refrain from adopting the rezoning ordinance until a unilateral contract describing the property is recorded with the County Recorder wherein the owners of the property to be rezoned promise to comply with said conditions upon the adopting of the rezoning ordinance. Such promises shall be deemed to run with the land, to be restrictive covenants and equitable servitudes. Such contracts shall include a consent by said property owners to the property being rezoned in the event of noncompliance with any of the conditions imposed.
- (C) **Enforcement of Conditions.** Any violation of or noncompliance with any condition imposed under this Section is deemed to be an unlawful act, a misdemeanor, a breach of contract, a breach of restrictive covenant, a breach of equitable servitude, and a public nuisance. Where violation or noncompliance occurs, the duly constituted authorities of the County shall, upon order of the Board of Supervisors, immediately commence a legal action or other proceeding for the abatement and removal and enjoinder thereof, including the removal or abatement of any building or structure constituting or causing such violation or noncompliance. A separate violation is deemed to have occurred for every day of noncompliance. The aforesaid remedies are cumulative and nonexclusive.

### **Sec. 20.212.015 Authority.**

The Planning Commission shall act as the recommending body for all Amendments to the General Plan text, General Plan Land Use Map, Specific Plan text, Specific Plan Map, Zoning Code text, and Zoning Code Map and provide recommendations to the Board of Supervisors. The Board of Supervisors shall act as the decision-making body, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all Amendments to the General Plan text, General Plan Land Use Map, Zoning Code text, and Zoning Code Map



### **Sec. 20.212.020 Initiation of Amendment.**

An Amendment to the General Plan, Specific Plan, Zoning Code, or Zoning Map may be initiated by:

- (A) A petition of the property owners affected by the proposed amendment, which petition shall be filed with the Planning and Building Services Department and shall be accompanied by a fee; or
- (B) the Director; or
- (C) Motion of the Board of Supervisors; or
- (D) Motion of the Planning Commission.

### **Sec. 20.212.025 Procedures.**

- (A) **Application.** A qualified applicant shall submit an application accompanied by the required fees by the County. The Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application. The Department may allow Amendments to the General Plan, Zoning Code, and Zoning Map to be processed concurrently with other applications.
- (B) **Staff Report.** The Department shall prepare a report and recommendation to the Planning Commission on any amendment application. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in this section for Zoning Amendments (if applicable), as well as an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). Applications involving projects for which an environmental document is required pursuant to CEQA shall not have a public hearing until the environmental document is complete.
- (C) **Public Hearing and Notice.** All Amendments to the General Plan, Zoning Code, and Zoning Map shall be referred to the Planning Commission, which shall conduct at least one public hearing on any proposed amendment. The Department shall provide all notice of the public hearing required pursuant to Section 20.190.010. Notice of the hearing also shall be mailed or delivered to any local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

### **Sec. 20.212.030 Planning Commission Recommendation.**

- (A) **Recommendation to Board of Supervisors.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, consistency with General Plan, and the relationship of the proposed amendment to other adopted documents. The recommendation shall be transmitted in the form of a memorandum to the Board of Supervisors, prepared by the Director.
- (B) **Recommendation for Approval.** If the Planning Commission has recommended approval of the proposed amendment, the Board of Supervisors is required to take final action pursuant to Section 20.212.035.
- (C) **Recommendation for Denial for Amendments to the Zoning Map,** if the Planning Commission has recommended against the proposed amendment to the Zoning Map, the Board of Supervisors is not required to take any further action unless an appeal is filed in accordance with Chapter 20.208 (Appeals).

### **Sec. 20.212.035 Board of Supervisors Hearing and Action.**

- (A) Board of Supervisors Hearing. After receiving the recommendation from the Planning Commission, the Board of Supervisors shall hold a hearing in accordance with Section 20.190.010. The notice for the hearing shall include a summary of the Planning Commission recommendation.
- (B) Board of Supervisors Action. After the conclusion of the hearing, the Board of Supervisors may approve, modify, or deny the proposed amendment. If the Board of Supervisors proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation. The Planning Commission shall not be required to officially consider the referral from the Board of Supervisors. If the Planning Commission does not report to the Board of Supervisors within forty-five (45) days after the referral, it shall be deemed that the Commission recommends approval, and the amendment shall be returned to Board of Supervisors for action.

### **Sec. 20.212.040 General Plan Consistency for Zoning Amendments.**

The Planning Commission shall not recommend, and the Board of Supervisors shall not approve a Zoning Code or Zoning Map Amendment unless the proposed amendment is found to be consistent with the General Plan. In the case of a combined General Plan amendment and change of zone or Zoning Code amendment, a finding may be made that the Zoning Amendment is consistent with the General Plan as proposed to be amended.

### **Sec. 20.212.045 Abandonment of Proceedings.**

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

### **Sec. 20.212.040 Notice to County Assessor.**

Whenever the zoning covering a property is changed from one zone to another with respect to any property, the Planning and Building Services Department shall, within thirty (30) days, notify the County Assessor.

## **CHAPTER 20.216 - ENFORCEMENT, LEGAL PROCEDURE AND PENALTIES**

### **Sec. 20.216.005 - Officials, Duties.**

- (A) All departments, officials, and public employees of the County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Division and shall issue no such permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this Division, whether intentionally or otherwise, and any permit or licensed so issued shall be null and void.
- (B) It shall be the duty of the Planning and Building Services Department and of the officers of the County herein and/or otherwise charged by law with the enforcement of this Division to enforce this Division and all provisions of the same.
- (C) The Planning and Building Services Department is hereby authorized to issue Stop Work Orders to prohibit further construction or use of structures and property involving violations of this Division. Such Stop Work Orders shall remain in effect until violations are determined to be resolved.

### **Sec. 20.216.010 - Penalties.**

- (A) Violation of this Division may be an infraction punishable as specified in Government Code Section 25132, but may alternately be addressed by way of administrative enforcement under Mendocino County Code Chapter 1.08. Further such violations may be redressed by civil action through the Office of the County Counsel.  

A separate offense shall be deemed for each and every day after the first citation is issued, and shall be punishable in accordance with the provisions of Title 1 of the Mendocino County Code.
- (B) Any violation of provisions of this Division may cause to be filed for the record with the Mendocino County Recorder, a record of notice of violation lien affecting the real property maintaining the violation. The recording of such notice shall conform to the requirements established under the provisions of Chapter 1.04 of the Mendocino County Code including the issuances of all required notes, evidence submittals or presentations, and administrative review processes. The owner may present evidence to the Department of Planning and Building Services as to why such notice should not be recorded. The decision of Planning and Building Services may be appealed to the Board of Supervisors.

### **Sec. 20.216.015 - Permit Conditions as Violations.**

- (A) It shall be unlawful, and prohibited, to violate any term or condition of any permit or approval granted or issued under this Division including, but not limited to, use permits, variances, use and occupancy permits, and licenses. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or failing to comply with any such term or condition shall be subject to sanctions, including but not limited to:
  - (1) Enforcement as provided in Section 20.216.010 of this Chapter.
  - (2) Permit revocation or modification as provided in this Division (See Chapter 20.190). Upon revocation of a granted or issued permit, any further violation of this Division is subject to enforcement provided in the provisions of Title 1 of the Mendocino County Code.
- (B) Such person, firm, or corporation is guilty of a separate offense for each and every act during any portion of which any violation of such term or condition is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.

### **Sec. 20.216.020 - Cumulative Remedies.**

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

**Sec. 20.216.025 - Public Nuisance—Abatement.**

- (A) Any use of the property or any building set up, erected, built, moved or maintained contrary to the provisions of this Division shall be and the same is hereby declared to be unlawful and a public nuisance.
- (B) The Planning and Building Services Department or the officers of the County herein and/or otherwise charged by law with the enforcement of this Division may:
  - (1) Declare the use of the property or building described in this Section as a public nuisance and commence enforcement as provided in Section 20.216.010 of this Chapter.
  - (2) Declare the use of the property or building described in this Section as a public nuisance and may be abated in accordance with the procedures provided in Chapter 8.75 of the Mendocino County Code, including but not limited to summary abatement, when necessary to preserve or protect the public health or safety, or administrative abatement.
- (C) The office of the County Counsel may commence an action or actions, a proceeding or proceedings, for the abatement, removal and enjoinder thereof in the manner provided by law and may take such other steps and apply to such court or courts having jurisdiction to grant such relief as will abate and remove such building or enjoin such use and restrain and enjoin any persons, firms, or corporation or other entity from setting up, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of this Division.

## *CHAPTER 20.232 DEVELOPMENT REVIEW PROCESS FOR BROOKTRAILS TOWNSHIP*

### **Sec. 20.232.010 Purpose.**

The Board of Supervisors of the County of Mendocino finds and declares that development conditions are unique in Brook-trails Township Community Services District where the mixture of small parcel sizes and steep wooded terrain results in the need for intensive development review.

It further finds that, in connection with the adoption of the Brooktrails Specific Plan, the Brooktrails Township Board of Directors is authorized to provide development review consistent with the adopted Specific Plan.

### **Sec. 20.232.015 Designation of Area.**

There is hereby established a Special Review District process in the territory of Brooktrails Township Community Services District, excepting and excluding (1) those lands located within that portion of the District generally referred to as "Spring Creek" (all territory shown on Parcel Map 1-76 recorded in the office of the Mendocino County Recorder, Map Case 2, Drawer 29, Page 87), and "Sylvandale" (all territory shown on Parcel Map 173 recorded in the office of the Mendocino County Recorder, Map Case 2, Drawer 22, Page 15) and (2) lands designated "Forestland" per the County's General Plan and for which a timber harvest plan has been approved by the State.

### **Sec. 20.232.020 Definitions.**

- (A) **Architectural Review Commission.** All reference to "Architectural Review Commission" shall be to the Brooktrails Architectural Review Commission ("BARC") appointed by the Board of Directors of Brooktrails Township Community Services District pursuant to District Ordinance Number 60 to hear appeals by an applicant aggrieved by any decision made by the District Architect.
- (B) **Development Review Board.** All references to the "Development Review Board" shall be to the Board of Directors of Brooktrails Township Community Services District which shall be responsible for causing development review of all new construction and further acting as an appeals board for discretionary appeals from decisions of the Brooktrails Architectural Review Commission.
- (C) **District Architect.** All references to the "District Architect" shall be to the office of District Architect as created by Article 2 of Brooktrails Township Ordinance Number 60.
- (D) **District.** All reference to "District" shall be to the territory of Brooktrails Township Community Services District, excepting and excluding Spring Creek and Sylvandale.
- (E) **New Construction.** All references to "new construction" shall be to the clearing or grading of a parcel, and construction which requires the issuance of a building permit relating to something other than interior alterations of an existing structure.
- (F) **Person.** All references to "person" shall include any person, firm, association, organization, partnership, business trust, corporation or company.

### **Sec. 20.232.025 Establishment of Development Review Board.**

There is hereby established a Development Review Board whose function and duty shall be to cause the review of all applications for new construction in the District. The Development Review Board may delegate the review of such applications to the District Architect.

### **Sec. 20.232.030 Work in District Requiring Approval.**

None of the following work shall be commenced or continued within the District, nor shall any building or other permit necessary for such work be issued without prior approval of the Development Review Board.

- (A) Construction of any structure where such work requires the issuance of a building permit relating to something other than interior alterations of an existing structure;
- (B) Removal of vegetation where such action involves the removal of trees with a diameter of six (6) inches or more as measured at breast height;
- (C) Any excavation of, or deposit of material upon a parcel in such manner as to materially alter the existing contour or condition of the land, including levelling, grading, piling or paving.

### **Sec. 20.232.035 Procedure for Submission to Development Review Board.**

Any person desiring to do or to have done any of the work mentioned in Section 20.232.030 of this Chapter, shall prior to the commencement of such work submit to the Development Review Board a comprehensive site plan, information sufficient for calculation of square footage, an elevation plan and a general list of materials to be used. All proposed and existing structures and other improvements and features shall be shown to scale including where relevant or when required by the Development Review Board or its agents:

- (A) **Adjoining Features.** The location of all adjoining parcels including pavement, curb and sidewalk and for contiguous parcels, the location of principal and accessory buildings, curb cuts and driveways;
- (B) **Architectural Elevations.** The proposed elevations including exterior materials to be used, showing all sides of the development. If the exterior of an existing building is to be changed or enlarged, the proposed and existing elevations of the buildings and additions shall be shown.
- (C) **Parking, Loading and Circulation Plan.** All driveways, off-street parking and off-street loading areas, the locations of entrances and exits, and direction of traffic flow ingressing and egressing from off-street parking and off-street loading areas.
- (D) **Existing Trees.** The location, type and approximate size of all trees over six (6) inches in diameter, as measured at breast height, proposed to be removed, which trees shall not be removed unless such removal is approved.
- (E) **Utilities.** The description of any private water supplies and description of any private sewage disposal system.
- (F) **Additional Information.** Any relevant additional information required by the Development Review Board, or its agents.

### **Sec. 20.232.040 Standards.**

The design guidelines and site development standards to be used by the Development Review Board in considering applications for approval are detailed in Chapter 10 of the adopted Brooktrails Specific Plan and are incorporated by reference and made part of this Chapter. A current version of the Specific Plan shall be kept on file at all times in the Brooktrails Community Services District office and the Department of Planning and Building Services.

### **Sec. 20.232.045 Approvals.**

The District Architect shall act upon each application for new construction deemed by him to be complete within ten (10) days of receipt. Upon accepting an application as complete, the District Architect shall certify in writing to the General Manager of the District that all information required by this Chapter has been included in the application. The General Manager shall thereupon cause Notice of Receipt of the Application to be posted upon the subject parcel and posted in the District in the manner other notices

are posted. The District Architect shall notify the General Manager of the District in writing of each action taken upon an application, therein specifying the reasons for such action. The decision of the District Architect shall be final unless such decision is appealed to the Brooktrails Architectural Review Commission within ten (10) days from the date that the District Architect notifies the applicant of his decision.

### **Sec. 20.232.050 Appeals.**

Any applicant may appeal the decision of the District Architect by delivering a written Notice of Appeal to the General Manager of the District within ten (10) days of the District Architect's decision. Each appeal filed with the General Manager shall be placed upon the agenda of the Architectural Review Commission and set for hearing within thirty-five (35) days after receipt of the Notice of Appeal.

### **Sec. 20.232.055 Conduct of Appeal.**

Appeal hearings shall be noticed in the same manner that the District notices the meetings of its governing body. The initial appeal shall be heard before the Architectural Review Commission. Either the District Architect or the Applicant may appeal the decision of the Architectural Review Commission by giving Notice of Appeal to the General Manager of the District within ten (10) days that the Architectural Review Commission renders its decision. Thereupon the appeal shall be heard and considered by the Board of Directors of the District acting as the Brooktrails Development Review Board and its decision shall be final, unless appealed to the Board of Supervisors in writing and submitted to the Clerk of the Board of Supervisors within ten (10) days of the decision of the Board of Directors.

### **Sec. 20.232.060 Conduct of Hearings.**

Hearings shall be conducted in the following order:

- (A) A staff report shall be presented by the General Manager of the District outlining the issues under consideration.
- (B) The applicant shall then be given an opportunity to present a statement amplifying the Notice of Appeal or providing supplemental information. The applicant may appear on his own behalf, by written document, or by representative.
- (C) The District Architect shall then state the basis for his decision.
- (D) The applicant shall then be offered an opportunity to offer statements in rebuttal.
- (E) The matter shall then be opened to input from the public at which time either the District Architect or applicant may participate.
- (F) The appeal body shall then deliberate and either (1) defer taking action on the matter and continuing it until the earliest practicable time within thirty-five (35) days; (2) take action by either granting or denying the appeal; or (3) grant the appeal subject to condition or conditions. In any case, the action of the appeal body shall be in writing.

### **Sec. 20.232.065 Violations.**

Any new construction made without the approvals required herein is hereby declared a public nuisance.

### **Sec. 20.232.070 Severability.**

If any section, paragraph, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter.

## CHAPTER 20.234 AFFORDABLE HOUSING AND DENSITY BONUSES

### Sec. 20.234.005 Density Bonus.

- (A) Purpose. This section is adopted in accordance with Government Code Sections 65915-65918 of the California Government Code, as may be amended. This section establishes a density bonus and incentive program to provide both density bonuses and other incentives for owner-occupied and rental housing developments to encourage the creation of housing affordable to moderate, low, and very low-income households, and to encourage the creation of housing for senior citizens. As used in this section, density bonus units are those units designated for senior citizens, or very low, low or moderate-income households that qualified the housing project for award of a density bonus or other incentives.
- (B) Applicable Zones. This chapter shall be applicable to all zones that allow residential uses.
- (C) Qualifications. All proposed housing developments that qualify under California Government Code Sections 65915-65918 for a density bonus and other incentives, and any qualified land transfer under California state law shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions, and obligations set forth in California Government Code Sections 65915-65918, as may be amended.
- (D) Application and Review. A developer seeking a density bonus, incentive or concession shall file an application with the department. The form and content of the application shall be as specified by the Director and shall be subject to a fee established by resolution of the Board of Supervisors. The Department will process the application concurrently with any other applications required for the housing development. The department will provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete and will notify the applicant whether the application is complete in a manner consistent with the timelines in Government Code Section 65943.
- (E) Approval. The Department shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Sections 65915-65918 and incentives or concessions also as described in the same sections.
- (F) Agreement. As a condition for the approval of a density bonus and additional incentive or incentives pursuant to this section, the applicant shall enter into a density bonus agreement with the County in a form approved by the County Counsel and consistent with the requirements of Government Code Section 65915 and other applicable state law. The Board of Supervisors is authorized to execute the density bonus agreement on behalf of the County. The executed density bonus agreement shall be recorded on the parcel or parcels designated for the construction of qualifying units or donated for the purpose of constructing qualifying units. The approval and recordation shall occur prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for the parcels or units. The density bonus agreement shall be binding upon all future owners and successors in interest.
- (G) Standards for Qualifying Units. All qualifying units shall meet the following standards:
  - (1) Concurrency. Qualifying units shall be built concurrently with all other units in the development unless the County and the applicant agree in writing to an alternative schedule for development.
  - (2) Location. Qualifying units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development.
  - (3) Unit Size. Where feasible, the number of bedrooms of the qualifying units shall be equivalent to the bedroom mix of the other units in the development, except that the developer may include a higher proportion of qualifying units with more bedrooms.



- (4) Design. The design and appearance of the qualifying units shall match the design of the housing development as a whole.
- (5) Linked Sites. Circumstances may arise in which the public interest would be served by allowing some or all of the qualifying units associated with one housing development to be produced and operated at an alternative development site. If the developer and the County agree in writing to allow the production and operation of qualifying units at an alternative site, the resulting linked developments shall be considered a single housing development for the purposes of this chapter.
- (H) Retention. Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density increase or other incentives being approved for a project, the County of Mendocino and the applicant shall agree to an appropriate method of assuring the continued availability of the density bonus units. For owner-occupied housing, the County may require an equity sharing agreement to be recorded against the parcel, as provided by Government Code Section 65915, with any funds to be paid to the County pursuant to such agreement to be deposited into the Affordable Housing Trust Fund established by this Chapter.

### **Sec. 20.234.010 Affordable Housing Trust Fund.**

There is hereby established an Affordable Housing Trust Fund.

- (A) The Affordable Housing Trust Fund will receive all funds collected pursuant to this Chapter. The Fund may receive monies from other sources.
- (B) The Affordable Housing Trust Fund shall be administered by a non-profit entity designated by the Board of Supervisors, which may develop procedures to implement the purpose of the Fund with the provision of this Section.
- (C) Monies deposited in the Affordable Housing Trust Fund shall be expended in accordance with the Housing Element of the General Plan to construct, rehabilitate or subsidize affordable housing or to assist other individuals or organizations to do so. Monies from the fund shall be used to increase and improve the supply of housing affordable to moderate, low, very low, or extremely low income households within the County. Funds may be used for the benefit of both renter-occupied and owner-occupied housing.
- (D) This Chapter is intended to be one tool in an effort to increase and improve affordable housing in Mendocino County. The Board of Supervisors will conduct an annual review of the progress of this Chapter to increase and improve affordable housing in the County. The review shall include an annual accounting of the use of the funds deposited in the Affordable Housing Trust Fund and a discussion of other programs implemented by the County to increase affordable housing in the County.

### **Sec. 20.234.015 Review of Affordable Housing Projects.**

The provisions of the Housing Accountability Act, Government Code Section 65589.5, shall apply to the Department's review of housing development projects, as that term is defined in said section and as said section may be amended.

## CHAPTER 20.236 TOWERS AND ANTENNAS

### Sec. 20.236.005 Declaration.

Radio, telephone, and other communication and transmission structures, towers, and antennas ("towers and antennas") are conditional uses subject to approval of a conditional use permit in all zoning districts, except as otherwise provided in the Mendocino County Code.

### Sec. 20.236.010 Superseding Effect, Exceptions.

Except for the Mendocino County Coastal Zoning Ordinance, Mendocino County Code Title 20, Division 11 and the Mendocino Town Zoning Code, Title 20, Division III, this Chapter supersedes all other County provisions or regulations affecting towers and antennas. This Chapter is not applicable to the coastal area within the Mendocino County Coastal Zoning Ordinance, and the Mendocino Town Zoning Code.

### Sec. 20.236.015 Exempt Facilities.

The following wireless communication facilities are exempt from the requirements of this Chapter:

- (A) Private communication equipment utilized for personal use such as private radio, television, internet or ham radio reception antennas. Such facilities shall be limited in height by Section 20.152.025.
- (B) Small scale, low powered, short-range and visually inconspicuous, wireless internet transmitter/receivers (e.g., "wi-fi hotspots").
- (C) Government-owned communications facilities used exclusively to protect public health, safety and welfare.
- (D) Facilities operated and used exclusively by providers of emergency medical services, including hospital, ambulance and medical air transportation services, for use in the provision of those services.
- (E) Facilities operated and used exclusively by educational facilities for use in the provision of those services.
- (F) Any facility specifically exempted under federal or state law as determined by the Director.
- (G) Temporary facilities erected and operated for use in emergency situations which are approved in writing in by the Director. Use of such facilities shall not exceed two weeks unless an extension is granted by the Director. Notification shall be provided within 72 hours of installation.
- (H) The Director may exempt minor modifications to existing legal wireless communication facilities, if project is limited to replacing equipment with similar or with smaller or less visible equipment that will have little or no change in the visual appearance of the facility.

The exemptions set forth in this section shall apply only to facilities demonstrating radio-frequency emission compliance with the Federal Communications Commission's limits for human exposure to radio frequency electromagnetic fields. Facilities determined to be exempt from this Chapter are required to obtain necessary building permits prior to commencing work.

Except as specifically noted, the exempt facilities set forth in this section shall be limited in height by the applicable zoning district height standard.

Wherever feasible, developers shall be encouraged to locate and design the exempt facilities set forth in this section to minimize aesthetic impacts by designing the facility to be compatible with their surroundings so as to be visually unobtrusive.

## **Sec. 20.236.020 Permit process.**

- (A) All projects that meet the definition of an "eligible facilities request" as defined in 47 Code of Federal Regulations ("C.F.R."). 1.6100 shall be permitted upon the issuance of an Administrative Permit. Applications for an "eligible facilities request" shall be processed pursuant to the definitions, requirements and procedures set forth in 47 C.F.R. 1.6100, as may be amended from time to time; for the purpose of reviewing an "eligible facilities request," the definitions and procedures of 47 C.F.R. 1.6100 shall control and supersede any contrary definitions or procedures of this Chapter. Any guidelines or regulations adopted by the County regarding wireless communications facilities shall incorporate or make reference to the provisions of 47 C.F.R. 1.6100. Pursuant to 47 C.F.R. 1.6100, failure to approve or deny an application for an eligible facilities request within the 60-day timeframe for review (subject to any tolling of the timeframe), the request shall be deemed granted.
- (B) Provided a project is consistent with the Development Standards found in Section 20.236.025, as determined by the Director, the following types of wireless communication facilities and associated uses are permitted upon the issuance of an Administrative Permit:
  - 1. Additional antennas and associated equipment to be located upon an existing wireless communication facility.
  - 2. Building-mounted antennas.
  - 3. Roof-mounted antennas.
  - 4. New wireless communication facility.
- (C) All other proposed wireless communication facilities that do not qualify for an exemption or the Administrative Permit process must apply for a Use Permit or as otherwise prescribed in the County Zoning Code.

## **Sec. 20.236.025 Development Standards.**

- (A) Additional antennas and associated equipment to be located upon an existing wireless communication facility shall comply with all of the following standards:
  - 1. The type and size of the new antennas, associated equipment, and any improvements shall be consistent with the requirements of the original use permit(s) and other governing permit(s).
  - 2. The new antenna array shall not increase the height of the existing communication tower beyond what was approved by previous applicable permits.
  - 3. The width of the proposed antenna array shall not exceed the width of the existing array or arrays.
  - 4. The combined level of radio frequency radiation for all arrays shall not exceed the maximum permissible exposure level set by the Federal Communications Commission.
- (B) Building-mounted antennas. Building-mounted antennas shall be located and designed to appear as an integral part of the structure. To this end, they must comply with the following standards:
  - 1. The antenna and mountings shall not project more than thirty (30) inches from the building surface to which it is mounted.
  - 2. Building-mounted antennas shall not exceed the maximum building height for the zoning district.
  - 3. Antennas, connections and supports shall be treated to match or complement the color scheme of the building or structure to which they are attached, if visible from off-site.
  - 4. Antennas and connections shall not project more than thirty-six (36) inches above the side of the building or structure upon which it is mounted.
  - 5. Antennas, connections and supports shall be located on a legal structure that has obtained all necessary permits.

6. All equipment shelters, cabinets or other structures appurtenant to the facility shall be located either; 1) inside the building upon which facility is mounted, 2) on the ground outside the setback area or any required parking area, 3) on the roof or attached to building if screened from off-site views. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.
  7. The combined level of radio frequency radiation for all arrays does not exceed the maximum permissible exposure level set by the Federal Communications Commission.
  8. Antennas mounted on the exterior walls of a building entirely below the roof line or parapet top may extend into any required yard setback a distance not exceeding two feet.
- (C) Roof-mounted antennas. Roof-mounted antennas shall be located and designed to appear as an integral part of the structure. To this end, they must comply with the following standards:
1. Roof-mounted antennas shall not exceed the maximum building height for the zoning district and shall not extend more than ten feet above existing roof line.
  2. Antennas, connections and supports shall be treated to match or complement the color scheme of the building or structure to which they are attached, if visible from off-site.
  3. Antennas, connections and supports shall be located on a legal structure that has obtained all necessary permits.
  4. All equipment shelters, cabinets or other structures utilized or built in connection with the facility shall be located inside the building being utilized for the facility, or on the ground outside the setback area or any required parking area, or on the roof or attached to building if screened from off-site views. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.
  5. Roof-mounted antennas shall be located as far back from the edge of the roof as technically possible to minimize visibility from street level locations.
  6. The combined level of radio frequency radiation for all arrays does not exceed the maximum permissible exposure level set by the Federal Communications Commission.
- (D) New wireless communication facility. A new wireless communication facility shall be located and designed so as to be visually unobtrusive and effectively unnoticeable and shall not result in any adverse environmental impacts. To this end, they must comply with the following standards:
1. No part of the facility shall exceed 50 feet in height above ground level.
  2. The wireless communication facility must be located in such a way as to have a backdrop of terrain which obscures the visibility of the facility and shall be discouraged on ridge top sites where they will be silhouetted against the sky from the surrounding community, or from highly used public locations Any such installation must also be found not to create the potential for adverse impacts from site development such as access limitations, significant vegetation removal, or operational impacts such as noise (from generators or other accessory equipment).
  3. Every wireless communication facility, by itself and in combination with other nearby wireless communication facilities, shall comply with the Federal Communications Commission's limits for human exposure to radio frequency electromagnetic fields.
  4. All exterior surfaces of structures and equipment associated with a wireless communications facility shall have subdued colors and non-reflective materials selected to blend with their surroundings.
  5. Antenna towers shall not be built with guy wires in the absence of compelling evidence that there is no feasible construction alternative.
  6. Towers shall not be so tall as to require Federal Aviation Administration lighting or markings.

7. Antenna towers shall be subject to setbacks required by the County Zoning Code and shall be setback a minimum of one hundred ten percent (110%) of their overall height from any property line, and a minimum of five hundred percent (500%) of the their overall height from any off-site residence or school. Tower setbacks in excess of setback requirements by the Zoning Code may be reduced under any one of the following circumstances:
  - (a) All of the owners of affected properties agree to the reduced setback. A property is considered affected if its dwelling unit lies within a distance equivalent to the required setback for the subject tower prior to reduction and the reduced setback would result in the tower being located closer to the dwelling unit than the above setback would otherwise allow.
  - (b) Overall, the reduced setback enables greater mitigation of adverse visual and other environmental impacts than would otherwise be possible.
8. All wireless communications facilities shall comply with the applicable provisions of the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Fire Code, and rules and regulations imposed by state and federal agencies.
9. No trees that provide visual screening of the wireless communication facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.
10. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.
11. A road condition assessment for the wireless communication facility shall be required for any facility that relies on shared private road/access. When required, and prior to development of the site, the applicant shall provide to the Department, an assessment of the condition of the existing private road, serving the site to provide baseline data on the condition of the road. The assessment shall include photos and video as well as a written narrative to document the road's current or existing condition.

Prior to activation of the facility, or at a later date established by the Planning Director, any damage to the road associated with construction activity shall be repaired to condition that is equal to or better than the existing road condition.

Within two weeks after any road improvements are completed, the applicant shall provide to the Department, a post construction assessment of the condition of the private road serving the site to verify that adequate road repairs have been completed. The post assessment shall include photos and video as well as a written narrative to document the road's condition.

Notice of project shall be provided by the Department of Planning and Building Services to all property owners that use the shared private road.

### **Sec. 20.236.030 Noticing.**

- (A) Use permits for wireless communication facility. All noticing for hearings on use permit applications for wireless communications facilities shall be in accordance with the California Environmental Quality Act, except that notice shall be provided to all owners and occupants of real property within 1,000 feet of the site proposed for the facility. Expanded public notice may be provided for applications for new antenna towers when deemed necessary by the Director.

### **Sec. 20.236.035 Application requirements.**

The following items shall be required for each permit for a wireless communications facility.

- (A) Use Permits.
  1. All application materials generally required for a use permit.

2. All materials listed in the County Guidelines for the Development of Wireless Communication Facilities.
  3. The Director may require additional information based on factors specific to an individual project. The Director may, at the applicant's expense, require independent peer review of any technical claims or data submitted as part of the review process.
- (B) Administrative Permits.
1. A description of the facility that includes:
    - (a) The types of services to be provided by the applicant to its customers.
    - (b) The numbers, types and dimensions of antennas and other equipment to be installed.
    - (c) The power rating for all antennas and equipment.
    - (d) A statement that the system will conform to radio frequency radiation emission standards adopted by the Federal Communications Commission.
  2. A map showing the locations of all other existing and proposed antennas included in the applicant's system for provision of service within Mendocino County, showing the approximate area served by each antenna.
  3. Evidence of ownership or authorization for use of the proposed site.
  4. Evidence of easements or other authorization for proposed utility lines and for vehicular access between the site and a public road.
  5. A site plan showing the location of all structures and equipment to be located on the site.
  6. Elevations drawings of the facility including all structures and appurtenances.
  7. The applicant shall submit any related information deemed necessary by the Director to determine that a proposed installation meets the Development Standards found in Section 20.236.035.

### **Sec. 20.236.040 Validity.**

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

## **CHAPTER 20.239 REQUESTS FOR REASONABLE ACCOMODATIONS UNDER THE FAIR HOUSING ACTS<sup>1</sup>**

### **Sec. 20.239.010 Purpose and Intent.**

This chapter is intended to establish a formal procedure for an individual with a disability seeking equal access to housing to request a reasonable accommodation as provided by the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, and to establish criteria to be used when considering these requests. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual with a disability, flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities.

### **Sec. 20.239.015 Definitions.**

"Acts" means the Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act.

"Individual with a Disability" means a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of impairment or, anyone who has a record of that type of impairment.

### **Sec. 20.239.020 Applicability.**

A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a building standard, zoning or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, construction and use of housing or housing- related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section 20.239.025 (Application Requirements).

### **Sec. 20.239.025 Application Requirements.**

#### **(A) Application.**

Requests for reasonable accommodation shall be submitted on an application form provided by the Planning and Building Department, or in the form of a letter, to the Planning and Building Department Director, and shall contain the following information:

- (1) The applicant's name, address and telephone number.
- (2) Address of the property for which the request is being made.
- (3) The current actual use of the property.
- (4) The basis for the claim that the individual is considered disabled under the Acts.

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<sup>1</sup>Editor's note(s)—Ord. No. 4225, adopted July 20, 2009, added provisions numbered as Ch. 20.238. In order to avoid conflicts in the numbering of provisions the editor as redesignated these provisions as herein set out.

- (5) The zoning code provision, regulation or policy from which reasonable accommodation is being requested.
- (6) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

(B) Review with other land use applications.

If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including but not limited to; conditional use permit, design review, general plan amendment, zone change, annexation, etc.), then the applicant shall file the information required by Subsection A together for concurrent review with the application for discretionary approval.

### **Sec. 20.239.030 Review Authority.**

- (A) Requests for reasonable accommodation shall be reviewed by the Chief Building Inspector, or his designee if no approval is sought other than the request for reasonable accommodation.
- (B) Other Review Authority.

Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

### **Sec. 20.239.035 Review Procedure.**

- (A) The Chief Building Inspector, or his designee, shall make a written determination within forty-five (45) days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 20.239.040 (Findings and Decision).
- (B) Other Reviewing Authority.

The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Section 20.239.040 (Findings and Decision).

### **Sec. 20.239.040 Findings and Decision.**

(A) Findings.

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

- (1) Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts.

### **Sec. 20.239.045 Appeals.**

- (A) Within thirty (30) days of the date of the reviewing authority's written decision, an applicant may appeal an adverse decision to the Director of Planning and Building Services. Appeals from the adverse decision shall be made in writing.
- (B) If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.
- (C) All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- (D) Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.



## **CHAPTER 20.240 DEVELOPMENT REVIEW WITHIN THE BRUSH STREET TRIANGLE**

### **Sec. 20.240.003 Declaration.**

The Board of Supervisors and the City Council of the City of Ukiah have entered into a Road Improvements and Land Use Agreement for the construction of a bridge over Orrs Creek, a watercourse that is also a jurisdictional boundary between the City and the County. The County has agreed that it will adopt and apply to each development proposal in the Brush Street Triangle area land use regulations that will require discretionary approval by the County of any commercial development or other development with potentially significant adverse environmental impacts.

### **Sec. 20.240.005 Intent.**

The Board of Supervisors of the County of Mendocino hereby adopt site development review standards and procedures to implement Section 5, on Page 3 of the ROAD IMPROVEMENT AND LAND USE AGREEMENT—7/19/04, approved by the Board of Supervisors on September 14, 2004.

### **Sec. 20.240.010 Designation of Area.**

The regulations in this Chapter shall apply to that area commonly referred to as the "Brush Street Triangle." The "Brush Street Triangle" consists of approximately eighty two (82) +- acres and is located immediately north of the Ukiah City limits and is bounded by Orr Creek to the south, the Northwest Pacific Railroad tracks to the west and State Route 101 to the east and north.

### **Sec. 20.240.015 CEQA.**

A site development permit is a discretionary planning permit and therefore, subject to the California Environment Quality Act and the provisions of the ROAD IMPROVEMENT AND LAND USE AGREEMENT—7/19/04.

### **Sec. 20.240.020 Site Development Permits.**

A site development permit is required for the construction of new multiple-family residential, commercial, and industrial structures, or the substantial exterior modification of existing multiple-family residential, commercial, and industrial structures. Projects exempt from the site development permit process include interior building remodels, repair and maintenance of structures or parking areas, minor alterations on building exteriors, and minor accessory structures to established, multiple-family residential, commercial, and industrial buildings. Upon request, the Planning Director shall determine whether a project is exempt under this subsection in accordance with the following standards:

- A. The project involves an addition of less than one hundred fifty (150) square feet to an existing structure, and the addition would not be highly visible from any public street; or
- B. The project involves minor façade modifications that would not significantly change the architectural character or appearance of the structure.

The detailed provisions for site development permits are contained in Section 20.240.025 of this Article.

### **Sec. 20.240.025 Site Development Permit Processing.**

The following regulations govern the submittal, review, and processing of site development permits:

- A. General: Site development permits shall be issued as provided in this Chapter only for site development projects for which such permits are required. The Zoning Administrator or Planning Commission shall conduct a public hearing and decide all applications for site development permits required by this Chapter. If the Planning Director determines that the site

development permit application is minor in nature, it shall be scheduled for a public hearing before the Zoning Administrator. If the Planning Director determines that the site development permit application is major, it shall be referred to the Planning Commission for public hearing and action.

For the purpose of this Chapter the term "minor in nature" is defined as (1) façade improvements, small additions/expansions of more than one hundred and fifty (150) square feet, but less than one thousand (1,000) square feet to existing structures and, (2) minor amendments to previously approved permits, and changes in use of existing structure(s) that do not require additional parking, and will not generate substantial amounts of additional traffic, noise, or other potential nuisances.

- B. Application Filing And Submittal Requirements: All applications for site development permits shall include the following information:
  - 1. A detailed site plan sufficient to fully illustrate the proposed project and adjoining land uses.
  - 2. Elevation drawings of all proposed structures.
  - 3. Details of all proposed signs.
  - 4. A landscaping plan detailing all new and existing landscaping to be incorporated into the design of the project.
  - 5. A floor plan of the proposed structure.
  - 6. A parking plan.
  - 7. Any other project-related information requested by the Planning Director.
  - 8. The actual application form and filing fee, which shall be established from time to time by re-resolution adopted by the Board of Supervisors in accordance with such procedures as required by law.
- C. Notice of public hearings on applications for site development permits shall be as provided in Section 20.196.025(C).
- D. Action On Site Development Permits: All applications for site development permits shall be considered and acted upon by either the Zoning Administrator or the Planning Commission.
  - 1. The Zoning Administrator shall review, conduct public hearings, and decide upon all minor site development permit applications. Appeals of the Zoning Administrator actions shall be heard by the Board of Supervisors for a final decision in accordance with Section 20.208.015. The Planning Commission shall review, conduct public hearings, and decide upon all major site development permit applications. Appeals of the Planning Commission actions shall be heard by the Board of Supervisors for a final decision in accordance with Section 20.208.015.
  - 2. At the discretion of the Planning Director, any site development permit applications may be directed to the Planning Commission for consideration and decision-making action.
  - 3. The design principles contained in Exhibit A (Design Guidelines—Commercial Projects Outside the Downtown Design District) shall be applied to every site development permit application.
  - 4. Any site development permit application which is reviewed by the Zoning Administrator or the Planning Commission may be approved, conditionally approved, or denied.

### **Sec. 20.240.030 Site Development Permit Findings.**

The Zoning Administrator and/or Planning Commission shall make findings when acting to approve any discretionary permit within the Brush Street Triangle. The findings shall not be vague and conclusionary. The findings shall be sufficiently detailed to apprise a reviewing court of the basis of the

action by bridging the gap between the evidence and the decision-maker's conclusions, and shall be based upon evidence contained in the administrative record. Failure to make findings that support the following determinations shall result in a denial of the site development permit applications:

- A. The proposal is consistent with the goals, objectives, and policies of the County General Plan.
- B. The location, size, and intensity of the proposed project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.
- C. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.
- D. Sufficient landscaped areas have been reserved for purposes of separating or screening the proposed structure(s) from the street and adjoining building sites, and breaking up and screening large expanses of paved areas.
- E. The proposed development will not restrict or cut out light and air on the property, or on the property in the neighborhood; nor will it hinder the development or use of buildings in the neighborhood, or impair the value thereof.
- F. The improvement of any commercial or industrial structure will not have a substantial detrimental impact on the character or value of an adjacent residential zoning district.
- G. The proposed development will not excessively damage or destroy natural features, including trees, shrubs, creeks, and the natural grade of the site.
- H. There is sufficient variety, creativity, and articulation to the architecture and design of the structure(s) and grounds to avoid monotony and/or box-like uninteresting external appearance.

#### **Sec. 20.240.035 Conditions of Approval.**

Conditions of project approval may be imposed on site development permit applications.

- A. In approving a site development permit, the Zoning Administrator or Planning Commission may include such conditions as are deemed reasonable and necessary to maintain or assure (1) compliance with the standards/criteria listed in Section 20.240.030 and (2) the mitigation of any "significant adverse environmental impacts" of the development as required by the California Environment Quality Act and the provisions of the ROAD IMPROVEMENTS AND LAND USE AGREEMENT—7/19/04. Nothing in this Section shall be construed to limit the discretion of the authority of the Zoning Administrator or Planning Commission to require conditions.
- B. The Zoning Administrator or Planning Commission may condition a site development permit to prohibit occupancy of a project building until an inspection has been made which finds that the project building, landscaping and other required improvements have been completed, and the project complies with all conditions specifically required to be completed prior to occupancy. If a site development permit is so conditioned, the Planning Director shall notify the County Building Official of such conditions. If a building permit is issued for a building or structure which is subject to a site development permit so conditioned, the Building Official shall not approve a final inspection of such building or structure until the conditions have been satisfied. The Planning Commission or the Zoning Administrator may also require conditions be completed prior to the issuance of building permits.

#### **Sec. 20.240.040 Effective Date.**

The site development permit shall be deemed legally in effect when the appeal period has lapsed, unless a timely appeal is properly filed. If a timely appeal is filed, the permit shall be deemed legally effective when finally approved by the Board of Supervisors.

#### **Sec. 20.240.045 Expiration, Revocation and Renewal.**

The following provisions detail the site development permit expiration and revocation process:

- A. Revocation: An approved site development permit may be revoked if the site development project is not being conducted in compliance with the site development permit, as conditioned, or:
  - 1. If any project for which a site development permit has been granted and issued is not established within two (2) years of the site development permit's effective date: or
  - 2. If the established land use for which the permit was granted has ceased or has been suspended for twenty four (24) consecutive months.
- B. Procedure: If a site development permit is subject to revocation under subsection 20.240.045(A) of this Section, the County shall follow the procedures set forth herein.
  - 1. Notice: Notice of a hearing before the Planning Commission shall be provided in accordance with subsection 20.240.025(C) of this Section.
  - 2. Hearing: The Planning Commission shall conduct a public hearing to determine whether the permit shall be revoked and shall make findings that comply with Section 20.240.030.
  - 3. Appeal: The Planning Commission decision shall be subject to appeal in accordance with Section 20.208.015 of this Title.
- C. New Application: Nothing herein shall prohibit the holder of a permit revoked pursuant to this Section, from applying for a new permit in accordance with the procedures for new applications.
- D. Renewal: Site development permits may be renewed for an additional period not to exceed one year provided, prior to the expiration of the permit, an application for renewal is filed with the Planning and Building Services Department. The applications shall consist of a detailed letter explaining the reason(s) for the request. The Planning Director shall grant or deny an application to renew a site development permit, and shall provide an explanation of his decision, in writing, to the applicant. The Planning Director's decision to approve a renewal shall generally be based upon a determination that all the circumstances associated with the original approval are substantially the same at the time of the renewal applications. An appeal of the Planning Director's decision may be made to the Board of Supervisors for a final decision. Any such appeal must comply with the requirements of Section 20.208.010.

**Sec. 20.240.050 Sunset of Ordinance.**

Chapter 20.240 of this Code shall be in effect only until January 1, 2007, and is repealed as of that date unless one of the following occurs before that date:

- A. An ordinance enacted after the effective date of this ordinance extends or repeals this section; or
- B. The City of Ukiah has, in compliance with the ROAD IMPROVEMENT AND LAND USE AGREEMENT referred to in Section 20.240.015, constructed the Orrs Creek Bridge and opened it to passage by vehicular traffic.

## **CHAPTER 20.242 CANNABIS CULTIVATION SITES**

### **Sec. 20.242.010 Intent.**

This chapter 20.242 ("Chapter") is intended to provide land use regulations for the County of Mendocino where cannabis may be cultivated, subject to the limitations established of this chapter and the provisions of Mendocino County Code Chapter 10A.17, the Mendocino Cannabis Cultivation Ordinance (MCCO). The objective of this Chapter is to allow the cultivation of cannabis in locations that are consistent with the intent of the base zoning district and to help ensure that its cultivation and related activities will not create adverse impacts to the public health, safety, and welfare of the residents of the County of Mendocino.

### **Sec. 20.242.020 Application.**

The cultivation of cannabis is prohibited in all zoning districts in Mendocino County, except as allowed by this Chapter or by Chapter 10A.17.

### **Sec. 20.242.030 Definitions.**

Unless otherwise defined in this Chapter, the terms and phrases used herein shall have the same definitions as provided in Chapter 10A.17, or as provided in this Title 20.

### **Sec. 20.242.040 Existing Cannabis Cultivation Sites.**

- (A) Referrals of applications to the Department for review related to existing cultivation sites shall include the determination of the Mendocino Cannabis Department that the cultivation site existed prior to January 1, 2016, unless the Mendocino Cannabis Department requests the assistance of the Department in making this determination as part of the referral to the Department.
- (B) Cultivation sites, in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance or Administrative Permit as required for the zoning district in which the cultivation site is located and as listed in Table 1.

**TABLE 1**  
**Zoning Permit Requirement for Existing Cannabis Cultivation by Zoning District**  
**and Cannabis Cultivation Ordinance CCBL Type**

MCCO CCBL Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm, Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery	
Min Parcel Area (ac)*1 , *2, *3	NA	NA		NA	5	5	5	10	10	10	5	
Cultivation Area Limit (sf)	2,500	500	501— 2,500	2,500	2,501— 5,000	2,501— 5,000	2,501— 5,000	5,001— 10,000	5,001— 10,000	5,001— 10,000	22,000	
Zoning District	RR 5*1	ZC	AP	AP	ZC	ZC	—	ZC	—	—	—	
	RR 10	ZC	AP	AP	ZC	ZC	—	ZC	ZC	—	ZC	
	AG	ZC	AP	AP	ZC	ZC	—	ZC	ZC	—	ZC	
	UR	ZC	AP	AP	ZC	ZC	—	ZC	ZC	—	ZC	
	RL	ZC	AP	AP	ZC	ZC	—	ZC	ZC	—	ZC	
	FL*4	ZC	AP	AP	ZC	AP	—	AP	AP	—	AP	
	TPZ*4	ZC	AP	AP	ZC	AP	—	AP	AP	—	AP	
	I1*5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC	ZC
	I2*5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	—	ZC	ZC	ZC
PI*5	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC	ZC	

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit

\*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

\*2 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between three and one-half (3.5) and five (5) acres, and that shares at least fifty percent (50%) of its boundaries with parcels five (5) acres in size or larger, may apply for and be granted CCBL types 1, 1-B and 4 following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

\*3 A parcel that is located in a zoning district that allows commercial cultivation and has a lot area between seven (7) and ten (10) acres, and that shares at least fifty percent (50%) of its boundaries with parcels ten (10) acres in size or larger, may apply for and be granted CCBL types 2 and 2-B following the issuance of an Administrative Permit pursuant to section 20.242.070(C).

\*4 Existing cultivation sites in the FL and TPZ zoning districts that were previously enrolled in a permit program pursuant to the County's Chapter 9.31 shall be required to obtain a zoning clearance unless the applicant seeks to expand beyond the size previously cultivated under such permit program.

\*5 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

- (C) A reduction in the setback from a legal parcel line required by section 10A.17.040(A)(5) may be allowed following the issuance of an Administrative Permit, approved pursuant to section 20.242.070(C), subject to the following limitations: (1) the approved reduced setback for cultivation not within a structure shall be no less than twenty (20) feet from an adjoining property under separate ownership or an access easement, or (2) for cultivation within a structure, the setback shall be no less than the front, rear, or side yard setback (as applicable) setback for the zoning district in which the property is located. Any reduction of the setback pursuant to this section must comply with the required setback from an occupied legal structure and the reduced setback may not encroach into any corridor preservation setback, pursuant to sections 20.152.015 and 20.152.020.
- (D) An existing cultivation site located in a zoning district not listed in Table 1 of this section may continue, but shall not be expanded or enlarged, subject to the following planning permit and approval requirements.
  - (1) Planning Permit Requirements:
    - (a) Outdoor Cultivation (pursuant to a MCCO Type C CCBL) not exceeding two thousand five hundred (2,500) requires an approved Zoning Clearance.

- (b) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A CCBL) not exceeding five hundred (500) square feet requires an approved Administrative Permit.
  - (c) Indoor Artificial Light Cultivation (pursuant to a MCCO Type C-A CCBL) between five hundred one (501) and two thousand five hundred (2,500) square feet requires an approved Administrative Permit.
  - (d) Mixed Light Cultivation (pursuant to a MCCO C-B CCBL) not exceeding two thousand five hundred (2,500) square feet requires an approved Zoning Clearance.
    - (i) Any future lapse or revocation of the MCCO CCBL will extinguish the permittee's ability to obtain a future permit from the Department to continue or resume an existing cultivation site that is not within a zoning district listed in Table 1 of this section.
- (E) Transferability of Permits. A permittee may assign a permit to another person subject to the following provisions:
- (1) Submission of the following to the Department:
    - (a) An application fee as set by resolution of the Board of Supervisors;
    - (b) A completed application form as provided by the department;
    - (c) A copy of the existing permit showing that it has not expired;
    - (d) Either:
      - (i) The existing permittee's request to assign all rights and responsibilities of the permit to the assignee; or
      - (ii) In the event of the death or incapacitation of the existing permittee, evidence of such death or incapacitation;
    - (e) Evidence that assignee's legal interest in the real property involved allows for assignee's use of the permit; and
    - (f) An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit and all applicable laws and regulations.
  - (2) The assignment shall be effective upon the department's written approval of the documentation submitted, and the assigned permit shall be granted subject to the terms and conditions of the original permit.
  - (3) Permits issued on parcels subject to the Sunset Provision of Section 10A.17.080(B)(2) shall not be assignable pursuant to this Section 20.242.040(E); provided, however, that such permits issued on parcels located within a "CA" Cannabis Accommodation Combining District are assignable.

**Sec. 20.242.050 New Cannabis Cultivation Sites Located in Industrial Zoning Districts.**

Establishment of a new cannabis cultivation site in the I1 (Light Industrial), I2 (General Industrial), and Pinoleville (PI) zoning districts, for the following MCCO CCBL types, may be permitted on or after January 1, 2018, subject to the requirements of Section 20.242.060: Type C-A, 1A and 2A, and Type C-B, 1B and 2B CCBL's for mixed-light cultivation, which mixed-light cultivation must occur in a greenhouse equipped with filtered ventilation systems as described in paragraph (P) of Section 10A.17.070 and may not occur in a hoop house.

**Sec. 20.242.060 New Cannabis Cultivation Sites.**

- (A) Except as provided in Section 20.242.050, on or after January 1, 2020, new cannabis cultivation sites may be permitted in accordance with this section.

- (B) All new cannabis cultivation sites shall be consistent with the General Limitations on Cultivation of Cannabis, Section 10A.17.040; provided, however, that an applicant may seek a reduction in the setback requirements as stated in paragraph (D) of this section.
- (C) Cultivation sites, operated in conformance with the MCCO, may be allowed on a legal parcel with an approved Zoning Clearance or Administrative Permit, as required for the zoning district in which the cultivation site is located and listed in Table 2.

**TABLE 2**  
**Zoning Permit Requirement for New Cannabis Cultivation by Zoning District**  
**and Cannabis Cultivation Ordinance CCBL Type**

MCCO CCBL Type	C Sm Outdoor	C-A Sm Indoor, Artificial Light		C-B Sm, Mixed Light	1 Med Outdoor	1-A Med Indoor, Artificial Light	1-B Med Mixed Light	2 Lg Outdoor	2-A Lg Indoor, Artificial Light	2-B Lg Mixed Light	4 Nursery
Min Parcel Area (ac)	2	2		2	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501—2,500	2,500	2,501—5,000	2,501—5,000	2,501—5,000	5,001—10,000	5,001—10,000	5,001—10,000	22,000
Zoning District	RR 5*1	ZC	AP	AP	ZC	ZC	—	ZC	—	—	—
	RR 10	ZC	AP	AP	ZC	ZC	—	ZC	ZC	—	ZC
	AG	ZC	AP	AP	ZC	ZC	—	ZC	ZC	—	ZC
	UR	ZC	AP	AP	ZC	ZC	—	ZC	ZC	—	ZC
	I1*2	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	I2*2	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC
	PI*2	ZC	ZC	ZC	ZC	—	ZC	ZC	—	ZC	ZC

— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit

\*1 Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

\*2 Parcels in Industrial zoning districts are not subject to a minimum parcel area.

- (D) **Setback Reduction.** A reduction in the setback from a legal parcel line required by Section 10A.17.040 may be allowed with an Administrative Permit, approved according to Section 20.242.070(C), provided that the approved setback reduction is fifty (50) feet or greater from an adjoining property under separate ownership or access easement, whichever is most restrictive and the location of the cannabis cultivation site continues to comply with the required setback from an occupied legal residential structure.

**Sec. 20.242.070 Planning approval required to cultivate cannabis.**

- (A) **Planning Approval Procedure.** Each proposed cannabis cultivation site is subject to one (1) of the following planning review processes that correspond to the applicable zoning district and Chapter 10A.17 CCBL as specified by Table 1 or Table 2 in this Chapter.

The Mendocino Cannabis Department shall refer applications for CCBL's pursuant to Chapter 10A.17 to the Department, which shall review the application to determine which of the following processes applies. If the application needs only a Zoning Clearance, the Department will provide a zoning clearance approval to the Mendocino Cannabis Department. If the application requires an Administrative Permit, the Department will notify the Mendocino Cannabis Department and the applicant that planning approval is required.

- (B) **Zoning Clearance.** The Department shall review the MCCO CCBL application to confirm the cannabis cultivation site is allowed in zoning district, subject to the applicable requirements of this chapter, and confirm the legal parcel on which the cultivation site is located. The Department shall



additionally provide any information as requested by the Mendocino Cannabis Department to confirm compliance with any of the provisions of Chapter 10A.17.

- (C) Administrative Permit. In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit for cannabis cultivation sites based on the following special findings.
- (1) The cannabis cultivation site is allowed in the zoning district and it is in compliance with the provisions of Chapter 10A.17.
  - (2) There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cannabis cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding fifteen (15) percent, prime soil, oak woodland, and timber resources.
  - (3) The cannabis cultivation will avoid or minimize odor and light impact on residential uses.
  - (4) For any new cannabis cultivation site established after January 1, 2020 and that is not located in the AG (Agriculture) Zoning District, the submitted MCCO CCBL application contains evidence that demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; (2) the cultivation site has received a Clean Water Act Section 404 permit from the Army Corps of Engineers or a Clean Water Act Section 401 permit from the North Coast Regional Water Quality Control Board, as applicable, and a General Permit for Discharges of Storm Water from the State Water Resources Control Board.
  - (5) The Administrative Permit granted for the cannabis cultivation site shall be limited to a period not to exceed ten (10) years. The Administrative Permit shall expire at the end of this period unless it is renewed prior to the end of the 10-year period, or at any time the approved MCCO CCBL for the cultivation site expires or is revoked.
  - (6) An Administrative Permit may be applied for and granted for an exception to the dwelling unit requirement of Chapter 10A.17 for parcels in the Rural Residential, lot size ten (10) acres (R-R:L-10) zoning district with the additional finding that the applicant shall demonstrate that the cultivation site and any associated infrastructure (roads, buildings, water storage, etc.) does not preclude the development of the parcel with a residence in the future. For parcels that will need on-site sewage disposal systems to be developed, making this finding may require the identification of a primary and reserve leach field to be identified in order to issue the Administrative Permit.
  - (7) An Administrative Permit may be applied for and granted for an exception to the one thousand (1,000) foot setback requirement of a cannabis cultivation site as outlined in section 10A.17.040(B). Administrative permits may be approved, conditionally approved or denied for the reduction of the setback provided for in section 10A.17.040(A)(1) based on the findings of 20.242.070(C)(1), (C)(2) and (C)(3) and on the following special findings:
    - (i) That there be special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;
    - (ii) That the granting of such reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and
    - (iii) That the granting of such reduction will not adversely affect the General Plan.
  - (8) Applicants eligible for a Phase One CCBL pursuant to Chapter 10A.17 may apply for and be granted an Administrative Permit for an exception to the setback requirement of section 10A.17.040(A)(5) of an outdoor, greenhouse, or mixed light cultivation site to an adjacent legal parcel under separate ownership or access easement. Administrative Permits may be approved, conditionally approved, or denied for the reduction of required setbacks established in section 10A.17.040(A)(5) to no less than twenty (20) feet for cultivation not in a structure or no less than applicable front, side and rear yard setbacks for cultivation in a structure, based

on the findings of section 20.242.070(C)(1), (C)(2), and (C)(3) and on the following special findings:

- (i) That the granting of such reduction will not adversely affect the character, livability, or right to appropriate development of the adjacent property from which the setback reduction is requested; and will not interfere with rights of access or usage for any legal recorded easement; and
- (ii) That the reduced setback maintains setbacks consistent with provisions of sections 10A.17.040(A)(1), (A)(2), (A)(3), and (A)(4), as applicable, unless the applicant obtains a reduction of such setbacks through an Administrative Permit as permitted by this Chapter.

## ***CHAPTER 20.243 CANNABIS FACILITIES***

### **Sec. 20.243.010 Title, Purpose and Intent.**

This Chapter shall be known as and may be referred to in all proceedings as "Cannabis Facilities Code" or "CFC."

It is the purpose and intent of this Chapter to regulate the processing, manufacturing, testing, dispensing, retailing and distributing of cannabis within the unincorporated areas of Mendocino County in a manner that is consistent with current State law and to establish a program to be implemented in coordination with the State of California's implementation of the Medical and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA") and subsequent legislation.

All commercial processing, manufacturing, testing, dispensing, retail sales and distributing of cannabis within the jurisdiction of the County of Mendocino inland of the coastal zone shall be controlled by the provisions of this Chapter, regardless of whether the business existed or occurred prior to the adoption of this Chapter. Nothing in this Chapter is intended, nor shall it be construed, to exempt the commercial processing, manufacturing, testing, dispensing, retailing, or distributing of cannabis for, as defined herein, from compliance with all other applicable Mendocino County zoning and land use regulations, or other applicable provisions of the County Code, or from any and all applicable local and state construction, electrical, plumbing, environmental, or building standards or permitting requirements, or from compliance with any applicable state laws.

These regulations shall apply to the location and permitting of commercial processing, manufacturing, testing, dispensing, retailing and distributing of cannabis for in zoning districts within which such use is authorized, as specified in this Chapter.

Nothing in this Chapter is intended, nor shall it be construed, to preclude a landlord or property owner from limiting or prohibiting commercial processing, manufacturing, testing, dispensing, retailing and distributing of cannabis for on private property.

All persons operating facilities and conducting activities associated with the cultivation of cannabis, as defined in this Chapter, are subject to possible federal prosecution, regardless of the protections provided by state or local law.

### **Sec. 20.243.020 Application.**

The processing, manufacturing, testing, dispensing, retailing and distributing of cannabis is prohibited in all zoning districts in Mendocino County governed by Division I of this Title, except as allowed by this Chapter.

### **Sec. 20.243.030 Definitions.**

The definitions in this Chapter are intended to apply solely to the regulations in this Chapter or Chapters that specifically refer to this Chapter. Applicable definitions in Mendocino County Code Sections 10A.17.020 and Section 20.242.030 shall also apply to this Chapter. As used herein the following definitions shall apply:

"A-license" means a state license issued for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess a physician's recommendation.

"A-licensee" means any person holding a license for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess a physician's recommendation.

"Bureau" means the Bureau of Cannabis Control.

"Cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis

product" also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

"Cannabinoid" or "phytocannabinoid" means a chemical compound that is unique to and derived from cannabis.

"Cannabis facility" means a business and/or structure or location where, or from where, retailing, distributing, processing, testing, manufacturing or delivering of cannabis is operating.

"Cannabis Facility Business License" or "CFBL" means a revocable, limited-term grant of permission to operate a cannabis processing, manufacturing, testing, retailing/dispensing, distributing, and/ or microbusiness within the County. The business license shall be in the form prescribed by the Tax Collector and must contain, at a minimum, the licensee's name, the business name, type of business, location of business, commencement and expiration dates of the license, and fee remitted. A Cannabis Facilities Business License shall be required for the operation of any cannabis facility.

"CFBL Holder" means any person holding a cannabis facility business license issued pursuant to Chapter 6.36, including any review or permit required by this Chapter.

"Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the Health and Safety Code.

"Commercial cannabis activity" includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of cannabis and cannabis products.

"Customer" means a natural person twenty-one (21) years of age or over or a natural person eighteen (18) years of age or older who possesses a physician's recommendation.

"Day care center" has the same meaning as in Section 1596.76 of the Health and Safety Code.

"Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

"Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees.

"Edible cannabis product" means cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

"Environmental Health" means the Environmental Health Division of the Mendocino County Department of Public Health or the authorized representatives thereof.

"Extraction" means a process by which cannabinoids are separated from cannabis plant material through chemical or physical means.

"License" means a state license issued pursuant to MAUCRSA, and includes both an A-license (Adult Use) and an M-license (Medical), as well as a testing laboratory license.

"Licensee" means any person holding a license pursuant to MAUCRSA, regardless of whether the license held is an A-license or an M- license, and includes the holder of a testing laboratory license.

"M-license" means a state license issued for commercial cannabis activity involving medicinal cannabis.

"M-licensee" means any person holding a license for commercial cannabis activity involving medicinal cannabis.

"Manufacturing Level 1 (Non-Volatile)" means facilities that manufacture cannabis products using nonvolatile solvents, or no solvents or volatile solvents using a non- volatile method.

"Manufacturing Level 2 (Volatile)" means facilities that manufacture cannabis products using volatile solvents.

"MAUCRSA" means the Medical and Adult-Use Cannabis Regulations Safety Act, or subsequent legislation amending its provisions.

"Mendocino County Certified Unified Program Agency (CUPA)" means the agency certified to implement the unified hazardous waste and hazardous materials management regulatory program set forth in Section 25404 of the Health and Safety Code.

"Microbusiness" means at least three of the following commercial cannabis activities: (1) cultivation of cannabis on an area 10,000 square feet or less, (2) distribution, (3) Manufacturing Level 1 (Non-Volatile), and (4) acting as a licensed retailer/dispensary under this Chapter, provided such licensee/CFBL Holder complies with all requirements imposed by this Chapter on each of the three or more activities, to the extent the licensee/CF BL Holder engages in such activities.

"Nonvolatile extraction" means an extraction method using nonvolatile solvents (such as carbon dioxide or "CO2") to manufacture cannabis products.

"Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent. A nonvolatile solvent includes carbon dioxide used for extraction.

"Person" means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

"Processing Facility" means a location or facility where cannabis is dried, cured, graded, trimmed, and/or packaged at a location separate from the cultivation site where the cannabis is grown and harvested.

"Retailer/Dispensary" means the retail sale and delivery of cannabis or cannabis products to customers.

"State" means the State of California.

"Testing" means testing of cannabis and cannabis products.

"Testing laboratory" means a facility, entity, or site in the State that offers or performs testing of cannabis or cannabis products and that is both of the following:

- (A) Accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state; and
- (B) Licensed by the Bureau.

"Volatile extraction" means an extraction method using volatile solvents to manufacture cannabis products.

"Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

"Youth center" has the same meaning as in Section 11353.1 of the Health and Safety Code.

## **Sec. 20.243.040 Use Classifications.**

The purpose of these provisions is to classify uses into a limited number of use types on the basis of common functional, product or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest.

(A) Processing Facilities.

- (1) Processing facilities, as defined herein, shall be an agricultural use type.

- (2) Processing facilities for cannabis grown on site pursuant to a permitted cultivation operation shall be allowed as an accessory use in all zones where cultivation is permitted pursuant to Chapter 10A.17.
- (B) Manufacturing Facilities.
- (1) Manufacturing facilities, as defined herein, shall be an industrial use type.
  - (2) Exception for home manufacturing.
    - (a) Manufacturing (Level 1) as an accessory use to cultivation is allowed in all zones where cultivation is allowed pursuant to Chapter 10A.17 and is subject to the provisions of Chapter 20.156 or Chapter 20.160, as applicable, and the following provisions:
      - (i) The cultivator engaging in home manufacturing must be permitted to cultivate pursuant to Chapter 10A.17 and must reside on the property where the home manufacturing is occurring.
      - (ii) All cannabis used in home manufacturing must be cultivated on site, under a cultivation permit issued pursuant to Chapter 10A.17.
      - (iii) The manufacturing of edible cannabis products is permitted in compliance with State of California regulations.
      - (iv) Only nonvolatile extraction methods may be used.
- (C) Testing Laboratories and Research Institutions.
- (1) Testing laboratories and research institutions, as defined herein, shall be a commercial use type.
  - (2) Testing licensees/CFBL Holders shall not
    - (a) hold a license in another facility or category established by this Chapter; or
    - (b) own or have an ownership interest in any other facility or category licensed pursuant to this Chapter.
- (D) Retailer/Dispensary.
- (1) A Retailer/Dispensary, as defined herein, shall be a commercial use type.
  - (2) A Retailer/Dispensary may be permitted and issued a CFBL as only a Non-Storefront Retailer, as defined by State law and regulation.
  - (3) A Retailer/Dispensary with a storefront shall only be allowed pursuant to Table 1 of Section 20.243.060.
  - (4) This section applies to all retailers/dispensaries, as defined in Section 20.243.030 of this Chapter.
    - (a) Retailers/dispensaries that cultivate nursery stock or seeds must comply with the provisions of Mendocino County Code Chapter 10A.17.
    - (b) Retailers/dispensaries that engage in mobile deliveries are prohibited from having any advertisement of their business or services on their delivery vehicles.
    - (c) On-site consumption of cannabis is permitted in outdoor areas of A-license retailers/dispensaries, such as patios or decks, and shall adhere to the provisions of Mendocino County Code Chapter 9.32.
    - (d) Promotional items and free product give-a-ways by A- license retailers/dispensaries is prohibited.
- (E) Distribution Facility.

- (1) A distribution facility shall be a site or location where distribution, as defined herein, occurs.
  - (2) Distribution CFBLs may be issued in the following categories, as these categories are defined in State laws and regulations, and subject to the restrictions of this Chapter: Distributor Transport Only, Self-Distribution, and Distributor.
  - (3) A distribution facility shall be a commercial use type, provided, however, that a distribution CFBL may be issued for a location in any zoning district as an accessory use to cultivation or other CFBL types at that location, but the distribution CFBL shall be limited to the distribution of cannabis cultivated at that location, cannabis processed at that location, cannabis products manufactured at that location, or, for a retailer/dispensary, the distribution of cannabis or cannabis products to be sold at that location.
- (F) Microbusinesses.
- (1) Microbusiness, as defined herein, shall be the use type which is the predominant use type of that microbusiness.
  - (2) Microbusinesses with on-site cannabis cultivation must comply with and obtain a permit pursuant to Chapters 10A.17 and 20.242 of the Mendocino County Code.
  - (3) Microbusinesses with on-site processing, distribution, wholesale, manufacturing and/or retail sales or dispensing of its products shall comply with all applicable sections of this Chapter.
  - (4) Microbusinesses proposed in the General Commercial (C2) zoning district must demonstrate that the retail component of the Microbusiness is the primary use and other uses are incidental and subordinate to the retail component.
  - (5) All components of a microbusiness must comply with the development requirements of the zoning district in which it is located.
  - (6) The manufacturing of edible cannabis products is permitted in compliance with State of California regulations.
  - (7) Notwithstanding Table 1 of Section 20.243.060, a microbusiness may be allowed in any zoning district provided that (a) the microbusiness either (i) qualifies as a home occupation pursuant to Chapter 20.156 or (ii) is permitted as a cottage industry pursuant to Chapter 20.160; and (b) there is a cultivation site permitted pursuant to Chapters 10A.17 and 20.242.
  - (8) Microbusinesses which are either a home occupation or cottage industry shall (a) have any distribution component be limited to Distribution of the microbusiness' own cannabis and cannabis products and (b) have any retail/dispensary component be limited to the number of daily customers as allowed by either Chapter 20.156 or Chapter 20.160.
  - (9) All cultivation, manufacturing, distribution, and retail activities performed by a licensee/CFBL Holder under a permitted microbusiness shall occur on the same licensed premises.
  - (10) Square footage related to cultivation of cannabis or the processing of the cannabis grown on-site as part of a microbusiness shall not be counted toward the maximum square footage allowed under either a home occupation or cottage industry.

**Sec. 20.243.050 General Limitations on Cannabis Facilities.**

- (A) All cannabis facilities shall comply with all applicable regulations in the Mendocino County Code and State law.
- (B) Cannabis facilities other than Manufacturing Level 2 (Volatile) or Microbusinesses with a cultivation site shall not be allowed within a 600-foot radius of a youth-oriented facility, a school, a park, or any

church or residential treatment facility, as those terms are defined in section 10A.17.020 of the Mendocino County Code, that is in existence at the time a Cannabis Facility Business License is applied for; Manufacturing Level 2 (Volatile) facilities and Microbusinesses with a cultivation site shall not be allowed within 1,000 feet of such places or facilities. The distance between the uses listed in the preceding sentence and the cannabis facility shall be measured in a straight line from the nearest point of the cannabis facility to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation.

- (1) Applicants may apply for a reduction in the setback described in this paragraph (B) through an administrative permit pursuant to section 20.243.090 of this Chapter.
- (C) All structures associated with permitted cannabis facilities shall comply with the setbacks established by the zoning district in which the cannabis facility site is located.
- (D) All cannabis facilities shall be located in a permanent building in conformance with the California Building Code as adopted by Mendocino County for a commercial or industrial building, as applicable, and shall not be located in a dwelling unit, recreational vehicle, cargo container, motor vehicle or other similar personal property, except as provided for by Mendocino County Code Chapter 20.156 or Chapter 20.160.
- (E) The processing, manufacturing, testing, dispensing, retailing, and distributing of cannabis is not permitted within any habitable space (i.e., kitchen, bedroom, bathroom, living room or hallway) of a dwelling unit nor is it permitted within any required parking space, except as otherwise allowed in this chapter, except as provided for by Mendocino County Code Chapter 20.156 or Chapter 20.160.
- (F) Cannabis facilities proposed in Industrial zoning districts shall be subject to the provisions of Development Review pursuant to Chapter 20.188, as applicable.
- (G) Cannabis facilities shall implement the following security measures:
  - (1) Sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products.
  - (2) Security measures to prevent individuals from remaining on the premises of the facility if they are not engaging in activity expressly related to the operations of the facility.
  - (3) Establishing limited access areas accessible only to authorized personnel.
  - (4) Storing all cannabis and cannabis products in a secured and locked room, safe, or vault and in a manner sufficient to prevent diversion, theft, and loss.
  - (5) Diversion, theft, loss or any criminal activity involving the facility or any other breach of security must be reported immediately to law enforcement.
- (H) Cannabis remnants, infused products, bi-products, and other waste material shall be disposed of in a safe, sanitary, and secure manner. Any portion of the cannabis remnants, products or bi-products being disposed of will be rendered unusable before disposal, will be protected from being possessed or ingested by any person or animal, and shall not be placed within the facility's exterior refuse containers.
- (I) Signage associated with permitted cannabis facilities shall meet the applicable requirements set forth in the Mendocino County Zoning Code for signage and other applicable State regulations.

**Sec. 20.243.060 Permit Types and Zoning Districts.**

All cannabis facilities shall be permitted in accordance with this Section. All new cannabis facilities shall obtain approval from other State and Local agencies with permitting jurisdiction. Cannabis facilities may be allowed with an approved Zoning Clearance or Administrative Permit as required for the zoning district in which the cannabis facility is located as listed in Table 1, below:

<p>Table 1 Permit Requirements for Processing, Manufacturing, Testing, Retailers, Distribution, and Microbusiness by Zoning District and Cannabis Facilities Code Permit Type</p>
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Permit Type			6-A and 6-M	7-A and 7-M	8-A and 8-M	10-M and 10-A	11-A and 11-M	12-A	
		Processing	Manufacturing Level 1 (Non-volatile)**	Manufacturing Level 2 (Volatile)	Testing	Retail/Dispensary	Distribution	Microbusiness	
Zoning District	RR 2	—	—	—	—	—	—	—	
	RR 5	—	—	—	—	—	—	—	
	RR 10	—	—	—	—	—	—	—	
	R3	—	—	—	—	—	—	—	
	RC	AP	AP	AP	AP	AP	AP	AP	
	SR	—	—	—	—	—	—	—	
	AG	AP	—	—	—	—	—	—	
	UR	AP	—	—	—	—	—	—	
	RL	AP	—	—	—	—	—	—	
	FL	AP	—	—	—	—	—	—	
	TPZ	—	—	—	—	—	—	—	
	C1	AP	—	—	—	ZC	—	—	
	C2	AP	AP	—	—	ZC	ZC	AP	AP
	I1	ZC	ZC	AP	—	ZC	AP	ZC	AP
	I2	ZC	ZC	AP	—	ZC	AP	ZC	AP
PI	ZC	ZC	AP	—	ZC	AP	ZC	AP	
— = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit,									
* See Section 20.243.040(A)(2) regarding processing of cannabis grown on site. ** See Section 20.243.040(B)(2) regarding home manufacturing exception.									

Notwithstanding the above Table 1:

- (A) Distribution licenses shall be allowed in any zoning district as an accessory use to other cannabis facilities on the site, subject to the limitations of paragraph (E) of section 20.243.040.
- (B) Non-Storefront Retail locations shall be permitted in any zoning district as an accessory use to a cultivation site under application review or permitted pursuant to Chapters 10A.17 and 20.242.

**Sec. 20.243.070 Exceptions.**

- (A) Existing packing and processing facilities. Establishment of new cannabis facilities may be considered with an Administrative Permit in FL, AG, or RL Districts, and in any other zoning district where such facilities exist subject to compliance with the County's existing nonconforming use requirements in Chapter 20.204, and consistent with Section 20.243.090 *Planning Approval Required to Process, Manufacture, Test, Dispense, Retail, and Distribute, Cannabis*, where all of the following can be demonstrated:
  - (1) The site has been previously permitted as a packing and processing facility prior to the effective date of these regulations.

- (2) The site is developed with an existing packing and processing facility, including buildings, roads, power source, water source, and sewage disposal system.
- (3) There will be no net expansion of impervious surfaces.
- (4) No trees shall be unlawfully removed.

If all of the above are true, substantial improvements to existing facilities and systems would be acceptable, subject to Administrative Permit conditions of approval and subject to the making of findings consistent with those found in Chapter 20.204, as applicable.

- (B) Business offices for cannabis at which no cultivation, processing, storage, handling, or distribution of cannabis in any form occurs shall be allowed in any zone in which business offices are allowed. Business offices that are clearly incidental and secondary to the use of the premises for residential purposes where cannabis cultivation or manufacturing may occur are subject to the provisions of Mendocino County Code Chapter 20.156. Cannabis business offices shall be subject to all the regulations and standards applicable to business offices in the Mendocino County Code.

**Sec. 20.243.080 Continued Operation.**

All cannabis retailers/dispensaries operating with an approved business license prior to the effective date of these regulations, are eligible to continue operations without obtaining any additional permit which may be required by this Chapter, but shall comply with the requirements listed in sections 20.243.040 and 20.243.050, except for paragraph (C) of section 20.243.050, and any requirements of State law.

**Sec. 20.243.090 Planning Approval Required for Processing, Manufacturing, Testing, Retail/Dispensary, and Distribution Facilities for Cannabis.**

- (A) Planning Approval Procedure. Each cannabis facility site is subject to one of the following planning procedures that correspond to the applicable zoning district, as specified by Table 1 of this Chapter. Planning and Building shall review the application in accordance with the applicable planning approval process.
  - (1) Zoning Clearance. Planning and Building Services and the Department of Environmental Health shall review projects for compliance with applicable local regulations.
  - (2) Administrative Permits.
    - (a) In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit for a cannabis facility based on the following special findings:
      - (i) The cannabis facility site is allowed in the zoning district and is in compliance with the provisions of this Chapter and Chapter 10A.17, as applicable.
      - (ii) The cannabis facility will avoid or minimize odor and light impact on residential uses.
      - (iii) The findings required by Section 20.192.020 shall also be made.
    - (b) In addition to the requirements of paragraph (a) above, administrative permits may be approved, conditionally approved or denied for the reduction of the setback provided for in section 20.243.050(B) based on the following special findings:
      - (i) That there be special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;
      - (ii) That the granting of such reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and
      - (iii) That the granting of such reduction will not adversely affect the General Plan.

- (B) The County shall notify any State licensing authority, as defined by the MAUCRSA, as applicable, whenever the County business license or Administrative Permit has been revoked or terminated.

### **Sec. 20.243.100 Permit Application Submittal Requirements for Administrative Permits for Cannabis Facilities.**

Any person or entity that wishes to engage in the processing, manufacturing, testing, dispensing, retailing, and distributing, of cannabis shall submit an application to Planning and Building. Applications for cannabis facilities shall be made upon such forms and accompanied by such plans and documents as may be prescribed by Planning and Building so as to assure the fullest practical presentation of facts for the review of the application. An application fee will be due at the time the application is submitted and is non-refundable.

Applicants for a permit for a cannabis facility shall provide the standard application materials for Administrative Permits and all of following information on, or as an attachment to, the application:

- (A) An operations plan which provides a description of the proposed processing, manufacturing, testing, dispensing, retailing, or distributing of cannabis activities including, but not limited to, permit type, size of facility or structure where business will be conducted, description of the nature of the activity, product type, average production amounts (including each product produced by type, amount, process, and rate), source of cannabis material product(s), estimated number of employees, hours of operation, visibility, and anticipated number of deliveries and pickups.
- (B) Planning and Building is hereby authorized to require in the permit application any other information reasonably related to the application including, but not limited to, any information necessary to discover the truth of the matters set forth in the application.

### **Sec. 20.243.110 Permit Revocation.**

An Administrative Permit may be revoked or modified according to the revocation or modification provisions in Mendocino County Code sections 20.192.060 . Grounds for seeking revocation or modification include: non-compliance with one (1) or more of the requirements listed in this Code; failure to comply with the requirements of the Mendocino County Certified Unified Program Agency (CUPA), or any of the grounds listed in code sections identified in this paragraph, as applicable, and any successor provisions.

## *APPENDIX A INDUSTRIAL USES WHICH NORMALLY WILL NOT REQUIRE DEVELOPMENT Review*

The following is a list of typical uses allowed in Industrial Zones which do not require a use permit, and normally will not require development review. If the proposed activity will cause excessive noise, smoke, odors or traffic disruption, or will produce hazardous fumes or chemicals, then the project will be subject to development review. For development review requirements, see Chapter 20.188. For accessory use regulations, see Chapter 20.164.

Bottling plants (beverages)

Building materials sales yards

Business and professional services, including:

Computer operations

Data processing

Research labs

Cabinet/woodworking shops

Caretaker housing

Cold storage

Communication equipment buildings

Contractors' yards/shop

Cabinet shops

Electrical

Equipment rental

Equipment storage

Glass

Heating and air conditioning

Masonry

Plumbing

Roofing

Sheet metal

Welding

Well drilling

Hatcheries (poultry)

Ice houses (mfg. and storage)

Janitorial services

Manufacturing (general)

Appliances

Artists supplies

Athletic goods

Bedding and pillows  
Boots and shoes  
Brick  
Business machines  
Canvas and burlap products  
Carpets and rugs  
Ceramics  
Clothing  
Communication equipment  
Concrete products (block, stepping stones, pipe, septic tanks)  
Cutlery  
Electrical products  
Feather products  
Fur products  
Furniture  
Glass products  
Hats/caps (millinery)  
Heating fixtures  
Hosiery  
Jewelry  
Leather goods  
Metal doors and frames  
Monuments  
Musical instruments and parts  
Pottery  
Rope/cordage/twine  
Toys  
Packing and crating  
Parcel delivery  
Photography/motion pictures, including:  
Motion picture studios  
Processing labs  
Sound studios  
Precision manufacturing, including:  
Machine shops  
Precision instruments  
Printing (graphic arts), including:

Bookbinding  
Designing/editing  
Lithographic shops  
Printers  
Silkscreening  
Public scales  
Railroad lines and spurs  
Repair services (consumer products)  
Sign shops  
Stone cutting  
Upholstering shops  
Vehicle services, including:  
Heavy equipment service/repair  
Repair/restoration (auto, boat, plane, RV, trailer, truck)  
Service stations (garages)  
Tire recapping  
Well service and supply  
Wholesale, storage and distribution: light (except bulk feed and live animals)  
Warehousing, including:  
Mini-warehouses  
Van and storage

## *APPENDIX B INDUSTRIAL USES WHICH REQUIRE ENVIRONMENTAL REVIEW*

The following is a list of typical uses allowed in Industrial Zones which do not require a use permit, but do require completion of the Environmental Checklist. Upon completion of the checklist, project may need to further comply with Chapter 20.188, Development Review:

Bottling plants (non-beverage)  
Concrete ready mix  
Dairy products processing and distribution  
Electrical substations  
Hatcheries (fish)  
Landscaping sales and services  
Landscape contractors yards  
Landscape materials  
Lumber mills  
Manufacturing:  
Compost  
Construction/mining equipment  
Dry ice  
Hair products  
Light machinery  
Lighting products  
Metal fabrication  
Metal stamping  
Office supplies  
Paperboard boxes  
Primary paper products  
Textile mills  
Tile  
Wholesaling, storage and distribution: heavy

## APPENDIX C EXTERIOR NOISE LIMIT STANDARDS

### Exterior Noise Limit Standards

(Levels not to be exceeded more than thirty (30) minutes in any hour)

Receiving Land Use Category <sup>3,4</sup>	Time Period	Noise Level Standards (dBA) <sup>1,2</sup>	
		Rural/Suburban	Urban/Highways <sup>5</sup>
One and Two Family	10:00 p.m.—7:00 a.m.	40	50
Residential	7:00 a.m.—10:00 p.m.	50	60
>Multifamily	10:00 p.m.—7:00 a.m.	45	55
Public Spaces	7:00 a.m.—7:00 p.m.	50	60
Limited Commercial	10:00 p.m.—7:00 a.m.	55	
Some Multifamily	7:00 a.m.—10:00 p.m.	60	
Commercial	10:00 p.m.—7:00 a.m.	60	
	7:00 a.m.—10:00 p.m.	65	
Light Industrial	Any time	70	
>Heavy Industrial	Any time	75	
<b>Adjustments to Noise Level Standard</b>			
<b>Duration</b>			
L <sub>50</sub>	30 minutes per hour	Standard	
L <sub>25</sub>	15 minutes per hour	Standard + 5 dB	
L <sub>0</sub>	Maximum permissible level	Standard + 20 dB	
<b>Character</b>	Tone, whine, screech, hum, or impulsive, hammering, riveting, or music or speech	Standard + 5 dB	
<b>Ambient Level<sup>1</sup></b>	Existing ambient L <sub>50</sub> , L <sub>25</sub>	Standard + 5 dB	
	Existing ambient L <sub>0</sub>	Existing maximum	

#### Interpretive Footnotes

1. When an acoustical study demonstrates that ambient levels exceed the noise standard, then the ambient levels become the standard.
2. Higher noise levels may be permitted for temporary, short-term or intermittent activities when no sensitive or residential uses will be affected.
3. County staff shall recommend which receiving land use category applies to a particular project, based on the mix of uses and community noise levels. Industrial noise limits intended to be applied at the boundary of industrial zones, rather than within industrial areas.
4. The "rural/suburban" standard should be applied adjacent to noise sensitive uses such as hospitals or convalescence homes.
5. "Highways" apply to roads and highways where average daily traffic (ADT) exceeds ten thousand (10,000).