

# RESOURCE MANAGEMENT AGENCY

Community and Economic Development  
Department of Planning and Building

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**PLANNING COMMISSION DATE:** March 4, 2014

**AGENDA ITEM:** #6

<b>CZ</b>	<b>#2014-001</b>	<b>Amend the County Code, Title 18</b>
<b>APN</b>	<b>Countywide</b>	<b>Applicant: Madera County</b>
<b>CEQA</b>		<b>EXEMPT</b>

**REQUEST:**

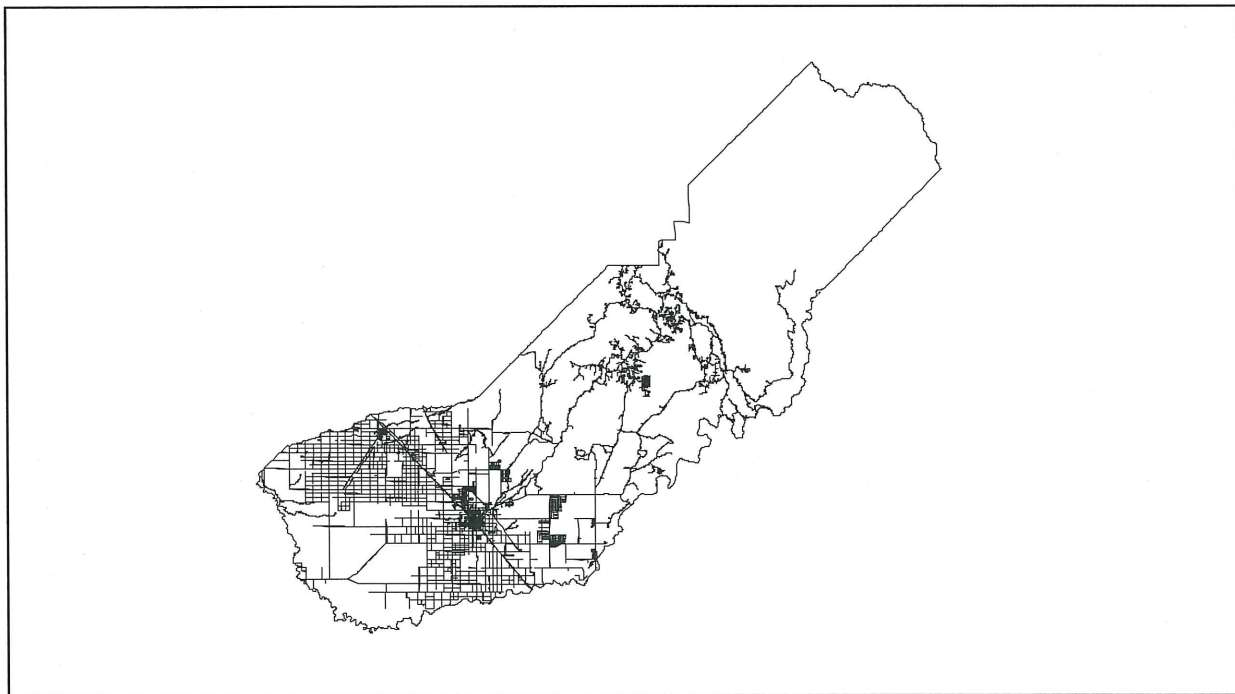
This is a proposal by the County of Madera to amend the Madera County Ordinance, Title 18, to include changes specifying zone districts for residential care facilities, transitional housing, emergency shelters and procedures for reasonable accommodations.

**LOCATION:**

The proposed amendments will affect all zone districts in Madera County.

**ENVIRONMENTAL ASSESSMENT:**

Under the provisions of the California Environmental Quality Act (CEQA), Section 15061(b)(3), and the Madera County Environmental Guidelines, the County has determined that this amendment will not have a significant effect on the environment and is exempt from CEQA.



**RECOMMENDATION:** Approve the proposed amendments to sections of the Madera County Code, Title 18.

**PROJECT DESCRIPTION:**

This is a proposal by the County of Madera to amend the Madera County Ordinance, Title 18, to include changes specifying zone districts for residential care facilities, transitional housing, emergency shelters and procedures for reasonable accommodations.

**ORDINANCES/POLICIES:**

Madera County Code Title 18.

Government Code Section 65583(e) Persons with Development Disabilities.

Government Code Section 65583.09 Unaccommodated Need.

Government Code Section 65583(a)(4) Emergency Shelters and Transitional and Supportive Housing.

**ANALYSIS:**

State law requires each city and county to adopt a general plan containing at least seven elements including housing. Unlike the other mandatory general plan elements, the housing element, required to be updated approximately every five years, is subject to detailed statutory requirements and mandatory review by the Department of Housing and Community Development. Housing elements have been a mandatory part of general plans since 1969. The regulation of the housing supply through planning and zoning affects the State's ability to achieve its housing goal of "decent housing and a suitable living environment for every California family" and is critical to the State's long-term economic competitiveness. In reviewing our last Housing Element, adopted by the Board of Supervisors on August 11, 2009 and certified by the the State Department of Housing and Community Development on June 7, 2011, there are some required changes in the Madera County Zoning Ordinance that must be completed included. These include compliance with new Government Codes prior to submittal of the current Housing Element update now in process. The Zoning Ordinance must include the following:

- Zoning for Emergency Shelters
- Zoning for Transitional and Supportive Housing
- Reasonable Accommodation Ordinance Adopted
- Density Bonus Ordinance Adopted

It is proposed that Title 18 be amended to include a definition for large and small Residential Care Facilities. Small Residential Care Facilities would be allowed by right in the AR-5, RMS, RUS, RUM, and RRS through RRS-10. Large Residential Care Facilities would require a conditional use permit in the same zone districts.

**18.04.436 Residential care facility.**

"Residential care facility" means a facility providing residential, social and personal care for children, the elderly and/or people with limited ability for self-care, but where medical care is not a major element. Examples of Residential Care Home uses include children's homes, orphanages, and self-help group homes. Convalescent homes, nursing homes, and similar facilities with medical care services are excluded from this definition.

"Residential Care Home, Large" means a Residential Care Home for seven or more persons.

"Residential Care Home, Small" means a Residential Care Home for six or fewer persons.

"Supportive housing" is considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. It will be allowed in all zone districts that permit residential use.

**18.04.533 Supportive housing.**

“Supportive housing” shall mean housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite 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. Supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Allowed in all zone districts that permit residential units.

“Transitional housing” is also allowed in all zone districts that permit residential use.

**18.04.553 Transitional housing.**

“Transitional housing” shall mean 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 years. Transitional housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Allowed in all zone districts that permit residential units.

Emergency Shelters have been added to the definition section and is further defined in Chapter 18.88.060 Land Use Regulations. The number of beds cannot exceed 60 and the facility cannot be located within 300 feet of another emergency shelter. The length of stay at the shelter is no more than six months per calendar year. Emergency Shelters would be allowed in the CUR and IL zone districts.

**18.04.171 Emergency shelter.**

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

“Reasonable Accommodations” is defined under Chapter 18.06.025, Administration. **18.06.025 Reasonable Accommodations.** An individual or individuals that have a physical or mental disability, as defined in the Americans with Disabilities Act of 1990 and State Fair Housing laws, may request that a reasonable accommodation be made if it can be demonstrated that adopted ordinances, policies, programs, permitting processes or fees, which are administered by the Planning Department, will create an undue burden upon that individual or individuals. Such a request may be filed in writing or verbally in conjunction with a personal appointment with the Planning Director. A qualifying disabled individual is any person who has a physical or mental impairment that substantially limits one or more major life activity, anyone who is regarded as having such an impairment, or anyone who has a record of such impairment. Individuals who are currently using illegal controlled substances are not included; however, former abusers enrolled in a recovery program are included. If an individual needs assistance in making a request for reasonable accommodation, the Department will endeavor to provide the assistance required. The Planning Director is authorized to make such an accommodation if it is determined that the request is reasonable and will not result in any of the following:

- A. a fundamental alteration of the County's ordinances, policies or programs;
- B. creation of an undue administrative burden on the Department; or,
- C. creation of an undue financial burden on the Department. Such an accommodation shall only be made if the Planning Director determines that there will be no resulting significant impacts to the public's health, safety or welfare. In the event that the request for a reasonable accommodation is denied by the Planning Director, the decision may be appealed to the Planning Commission if filed within fourteen (14) days from the date of said decision.

The last ordinance change is the new "Density Bonuses." State Density Bonus Law Government Code Section 65915 required that all Counties and Cities include a density bonus ordinance.

The following types of development projects are eligible for a density bonus and incentives as identified in this article.

- A. Affordable Housing Projects. Affordable housing projects including one or more of the following:
  - 1. At least 10 percent of the units affordable for low-income households.
  - 2. At least 5 percent of the units affordable for very low-income households.
  - 3. At least 10 percent of the total dwelling units in a common-interest development affordable to moderate-income households, provided that all units are offered to the public for purchase.
- B. Senior Housing. A senior housing development or a mobile home park that limits residency based on age requirements for housing for older persons, in compliance with Civil Code Section 798.76 or 799.5.
- C. Donation of Land. A donation of land for the purpose of constructing housing for very low income households.
- D. Condominium Conversions. The conversion of apartments to condominiums that provides either of the following:
  - 1. At least 33 percent of the units affordable to low- or moderate-income households.
  - 2. At least 15 percent of the units affordable to very low-income households.

**GENERAL PLAN CONSISTENCY:**

The proposed text amendments are consistent with the goals and policies of the General Plan.

**RECOMMENDATION:**

Recommend approval to the Board of Supervisors.

**ATTACHMENTS:**

- 1. Exhibit A, Chapter 18.04, Definitions
- 2. Exhibit B, Chapter 18.06, Administration (Reasonable Accommodations)
- 3. Exhibit C, Chapter 18.12, RUS (Residential, Urban, Single Family) District
- 4. Exhibit D, Chapter 18.14, RRS (Residential, Rural, Single Family) District
- 5. Exhibit E, Chapter 18.16, RRS-2, 2½, 3 (Residential, Rural, Single Family - 2, 2½, 3 Acre) District

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6. Exhibit F, Chapter 18.18, RRS-5 (Residential, Rural, Single Family - 5 Acre) District
7. Exhibit G, Chapter 18.20, RRS-10 (Residential, Rural, Single Family - 10 Acre) District
8. Exhibit H, Chapter 18.22, RMS (Residential, Mountain, Single Family) District
9. Exhibit I, Chapter 18.24, RUM (Residential, Urban, Multiple Family) District
10. Exhibit J, Chapter 18.36, CUR (Commercial, Urban, Restricted) District
11. Exhibit K, Chapter 18.42, IL (Industrial, Urban or Rural, Light) District
12. Exhibit L, Chapter 18.54, AR-5 (Agricultural, Rural – 5 Acre) District
13. Exhibit M, Chapter 18.88, Land Use Regulations (Emergency Shelters)
14. Exhibit N, Chapter 18.114, Density Bonuses

**Chapter 18.04  
DEFINITIONS***Sections:*

- 18.04.005 General terms.
- 18.04.010 Generally.
- 18.04.015 Accessory building.
- 18.04.020 Accessory use.
- 18.04.025 Agriculturally oriented services.
- 18.04.030 Agriculture.
- 18.04.035 Airport.
- 18.04.040 Airport elevation.
- 18.04.045 Airport reference point.
- 18.04.050 Airstrip.
- 18.04.055 Alley.
- 18.04.060 Apartment.
- 18.04.065 Apartment house.
- 18.04.070 Base geometric plane.
- 18.04.075 Basement.
- 18.04.080 Base setback line.
- 18.04.082 Bed and breakfast establishment, multifamily residential areas.
- 18.04.083 Bed and breakfast establishment, single family residential areas.
- 18.04.085 Block.
- 18.04.090 Board.
- 18.04.095 Boardinghouse.
- 18.04.100 Building.
- 18.04.105 Business.
- 18.04.110 Camper unit.
- 18.04.113 Child day care facility.
- 18.04.114 Circulation plan.
- 18.04.115 Commission.
- 18.04.120 Communications equipment building.
- 18.04.121 Communication tower/wireless communications facility.
- 18.04.125 Conditional use.
- 18.04.127 Construction trailer/temporary contractor's office.
- 18.04.128 Temporary/seasonal fruit stand.

- 18.04.130 Customer service establishments.
- 18.04.131 Dead-end road.
- 18.04.132 Defensible space.
- 18.04.140 District.
- 18.04.142 Drainage plan.
- 18.04.145 Drilling.
- 18.04.150 Dwelling.
- 18.04.153 Dwelling, second single family.
- 18.04.155 Dwelling, multiple family.
- 18.04.160 Dwelling, single family.
- 18.04.165 Dwelling, two family.
- 18.04.170 Edge of right-of-way.
- 18.04.171 Emergency shelter.
- 18.04.173 Emergency service provider.
- 18.04.175 Family.
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- 18.04.185 Farm, pig.
- 18.04.190 Farm, poultry.
- 18.04.191 Farm labor camp.
- 18.04.195 Feedlot.
- 18.04.200 Floor area ratio.
- 18.04.205 Garage, private.
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- 18.04.215 Garage, storage.
- 18.04.220 General commercial establishments.
- 18.04.225 Gravel pit.
- 18.04.230 Grade, established.
- 18.04.232 Grading plan.
- 18.04.235 Guest house.
- 18.04.240 Guest ranch.
- 18.04.245 Heavy industrial uses.
- 18.04.255 Highway.
- 18.04.260 Home occupation.
- 18.04.265 Horticulture.
- 18.04.266 Hospital.
- 18.04.267 Hospital lodging facility.

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- 18.04.275 Indigenous employee.
- 18.04.280 Insecticide and pesticide services.
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- 18.04.355 Offset.
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- 18.04.437 Residential conversion.
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- 18.04.450 Retail sales establishments.
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- 18.04.540 Temporary structure.
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- 18.04.556 Vehicles.
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- 18.04.585 Zoning administrator.
- 18.04.590 Zoning agency.

**18.04.005 General terms.**

For the purpose of this title, and when not inconsistent with the context:

- A. Words used herein in the present tense include the future;
- B. Words in the singular number include the plural, and words in the plural number include the singular;
- C. "Occupied" includes designed or intended to be occupied;
- D. "Used" includes designed or intended to be put to use;
- E. "Shall" is mandatory; however, use of the word "shall" in this title is not intended to, nor shall it be deemed to, create a mandatory duty imposed by an enactment within the meaning of Government Code Section 815.6.

(Ord. 525A § 2(part), 1989; Ord. 525 § 1(part), 1989).

**18.04.010 Generally.**

For all purposes of this zoning ordinance, certain words and phrases shall be defined as follows in this chapter.

(Ord. 525 § 1(part), 1989).

**18.04.015 Accessory building.**

"Accessory building" means a building or portion of a building subordinate to the principal building and used for the purpose customarily incident to the permitted use of the principal building.

(Ord. 525 § 1(part), 1989).

**18.04.020 Accessory use.**

"Accessory use" means a use of land subordinate to the principal use of the land and customarily incident to the permitted use of that land.

(Ord. 525 § 1(part), 1989).

**18.04.025 Agriculturally oriented services.**

"Agriculturally oriented services" means those uses of land devoted to the provision of buying, selling, processing, storing, packaging, shipping and otherwise directly serving functions

associated with the production of local agricultural products. Urban retail stores are not included in this definition. Urban residences are not included in this definition. Manufacturing other than the primary cleaning, sorting, packaging or conversion of local agricultural products is not included in this definition.

Welding and other forms of repair services for agricultural equipment are included in this definition.

(Ord. 525 § 1(part), 1989).

#### **18.04.030 Agriculture.**

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

(Ord. 525 § 1(part), 1989).

#### **18.04.035 Airport.**

"Airport" means commercial operation of any area of land or water designed and set aside for the landing and taking off of aircraft, but not including private agricultural operations.

(Ord. 525 § 1(part), 1989).

#### **18.04.040 Airport elevation.**

"Airport elevation" means height of the airport reference point above mean sea level as established by geometric extension from the nearest United States Geological Survey marker.

(Ord. 525 § 1(part), 1989).

#### **18.04.045 Airport reference point.**

"Airport reference point" means the center of the longest runway or the point otherwise established on the official zoning map.

(Ord. 525 § 1(part), 1989).

#### **18.04.050 Airstrip.**

"Airstrip" means a tract of land arranged and prepared to provide a place for landing and taking off of aircraft; not an airport.

(Ord. 525 § 1(part), 1989).

#### **18.04.055 Alley.**

"Alley" means any public thoroughfare, not exceeding thirty feet in width, for the use of pedestrians and/or of vehicles which affords only a secondary means of access to abutting property.

(Ord. 525 § 1(part), 1989).

**18.04.060 Apartment.**

"Apartment" means a suite of rooms or room in a multiple family dwelling, which suite or room is arranged, intended or designed to be occupied as a residence of a single family, individual or group of individuals.

(Ord. 525 § 1(part), 1989).

**18.04.065 Apartment house.**

"Apartment house" means a building or portion thereof designed for and occupied by more than two families including row houses, apartment houses and apartment hotels.

(Ord. 525 § 1(part), 1989).

**18.04.070 Base geometric plane.**

"Base geometric plane" means the plane or conic surface above which airspace is preserved in association with the several spaces of the AAO, airport/airspace overlaid districts.

(Ord. 525 § 1(part), 1989).

**18.04.075 Basement.**

"Basement" means a space under the building having at least one-half of its height below grade. However, a basement shall be counted as a story for purposes of regulation by this title if the vertical distance from grade to the ceiling is over five feet or if the space is used for business or dwelling purposes.

(Ord. 525 § 1(part), 1989).

**18.04.080 Base setback line.**

"Base setback line" means the edge of the public right-of-way unless otherwise designated.

(Ord. 525 § 1(part), 1989).

**18.04.082 Bed and breakfast establishment, multifamily residential areas.**

"Bed and breakfast establishment, multifamily residential area" means a residential building in which lodging, with or without meals, is offered for compensation. The building shall contain not more than ten sleeping rooms, excluding sleeping rooms solely occupied by the owner or the owner's employees. If meals are offered, they shall be only for those guests, the owner or employees staying on the premises. The owner of the facility shall reside on the premises.

(Ord. 525-B § 1, 1992: Ord. 525 § 1(part), 1989).

**18.04.083 Bed and breakfast establishment, single family residential areas.**

"Bed and breakfast establishment, single family residential areas" means a residential building in which lodging, with or without meals, is offered for compensation. The building shall contain not more than three sleeping rooms, excluding sleeping rooms solely occupied by the owner, and no more than eight guests shall be allowed at any one time. The owner shall reside

on-site. If meals are offered, they shall be only for guests or the owner. Limitations must be specified for appropriate signage, length of stay, fire safety requirements, parking standards, security lighting, water supply, and registration procedures to avoid adverse impacts to surrounding properties.

(Ord. 525-B § 2, 1992).

#### **18.04.085 Block.**

"Block" means the land enclosed by existing, dedicated or officially mapped streets, roads, highways, railroads, canals or subdivision boundaries.

(Ord. 525 § 1(part), 1989).

#### **18.04.090 Board.**

"Board" means the board of supervisors of Madera County.

(Ord. 525 § 1(part), 1989).

#### **18.04.095 Boardinghouse.**

"Boardinghouse" means a building or premises where meals or meals and lodging are offered for compensation for six or more persons, but not more than twelve persons, and having no more than six sleeping rooms for this purpose.

(Ord. 525 § 1(part), 1989).

#### **18.04.100 Building.**

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

(Ord. 525 § 1(part), 1989).

#### **18.04.105 Business.**

"Business" means all commercial activity except industrial.

(Ord. 525 § 1(part), 1989).

#### **18.04.110 Camper unit.**

"Camper unit" means a recreational vehicle with or without motive power, designed primarily for recreational purposes, excluding manufactured homes.

(Ord. 525 § 1(part), 1989).

**18.04.113 Child day care facility.**

"Child day care facility" means a facility which provides nonmedical care to children under eighteen years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individuals on less than a twenty-four-hour basis.

(Ord. 525-F § 1(part), 1994).

**18.04.114 Circulation plan.**

Layout of the proposed parking lot, including, but not limited to, internal circulation pattern, ingress and egress points, dimensions of parking stalls and aisles, handicap accessible spaces, compact spaces, loading zones, pedestrian and vehicle flow designations, pavement type, and curbs, with additional detail as deemed necessary by the applicant.

(Ord. No. 641, § 1, 10-27-09).

**18.04.115 Commission.**

"Commission" means the planning commission of Madera County.

(Ord. 525 § 1(part), 1989).

**18.04.120 Communications equipment building.**

"Communications equipment building" means buildings housing operating electrical and mechanical equipment necessary for the conduct of a public utility communications business with or without personnel.

(Ord. 525 § 1(part), 1989).

**18.04.121 Communication tower/wireless communications facility.**

"Communication tower/wireless communications facility" means any structure used to support a device utilized to transmit, relay and/or receive wireless communication together with the equipment and structures necessary to operate such a facility.

(Ord. 525H § 1, 1999).

**18.04.125 Conditional use.**

"Conditional use" means a use of land, buildings or structures dependent upon exceptional circumstances allowed in any particular part of a zoned district by the granting of a permit.

(Ord. 525 § 1(part), 1989).

**18.04.127 Construction trailer/temporary contractor's office.**

"Construction trailer/temporary contractor's office" means a temporary trailer or modular unit used during, and at the site of, a construction project for the purpose of managing and administering the construction project, for a maximum period of one year.

(Ord. 525T § 1, 2006).

**18.04.128 Temporary/seasonal fruit stand.**

"Temporary/seasonal fruit stand" means a temporary trailer or modular unit used by the owner or tenant of an agricultural operation for the purpose of selling agricultural commodities produced or cultivated on-site and on a temporary or seasonal basis.

(Ord. 525U § 1, 2006).

**18.04.130 Customer service establishments.**

The following businesses are included in the definition of customer service establishments:

- Art and craft school and college
- Artist studio
- Bank or savings and loan office
- Barber shop
- Beauty shop
- Cafe, including outdoor cafe, excluding the sale of alcoholic beverages
- Clinic
- Massage and physical culture studio
- Medical building
- Mortuary and crematorium
- Newsstand and magazine store
- Optician and optometrist office
- Photographer
- Photography studio
- Private club
- Reading room
- Restaurant
- Telegraph office
- Wedding chapel

Other establishments offering personal services to people which are similar by the interpretation of the zoning administrator.

(Ord. 525 § 1(part), 1989).

**18.04.131 Dead-end road.**

"Dead-end road" means a road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.

(Ord. 542 § 10(part), 1991).

**18.04.132 Defensible space.**

"Defensible space" means the area within the perimeter of a parcel, development, lot, condominium project, or planned community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter is the area encompassing the parcel or parcels proposed for construction and/or development.

(Ord. 542 § 10(part), 1991).

**18.04.140 District.**

"District" means a portion of the county zoned for particular uses as regulated by this title.

(Ord. 525 § 1(part), 1989).

**18.04.142 Drainage plan.**

Location of proposed buildings and structures (water storage tanks, propane tanks, etc.). Show on-site storm drainage retention ponds and any recorded easements (i.e., easements as shown on any recorded maps) including calculations.

(Ord. No. 641, § 2, 10-27-09).

**18.04.145 Drilling.**

"Drilling" means operations associated with the exploration for and the removal of petroleum, natural gases and soluble minerals, but not including operations for the discovery or acquisition of water.

(Ord. 525 § 1(part), 1989).

**18.04.150 Dwelling.**

"Dwelling" means a building or portion thereof designed for or occupied for residential purposes, including single family, two family and multiple family dwellings, but not including motels, hotels or lodging houses.

(Ord. 525 § 1(part), 1989).

**18.04.153 Dwelling, second single family.**

"Second single family dwelling" means a building or portion thereof (permanent structure or manufactured home) designed for or occupied for residential purposes that meet all the following criteria:

- A. The unit is an attached addition to an existing residential unit, or a detached additional single family residential dwelling on the same parcel as an existing residence.
- B. The unit is located upon a parcel that is a minimum of one acre in size, and the infrastructure is sufficient to support two single family dwellings. Specifically, adequate sewage disposal, water, electrical, and drainage are available.
- C. The unit does not create or permit a third dwelling unit on the parcel.



- D. The unit is subject to the building area to lot ratio standards for the zone district in which it will be located.
- E. A written request and site plan must be submitted to obtain approval for a second single family dwelling. The request must include the square footage of the second single family dwelling (total building area/heated and non-heated) and the square footage of all existing structures.
- F. A letter of acceptance must be issued by the county which states that the second single family dwelling unit complies with all the infrastructure requirements prior to application for a building permit.
- G. If the necessary infrastructure as established in subsection B of this section, is not available, then the second single family dwelling unit is prohibited.

(Ord. 525HH § 1, 2008; Ord. 525M § 1, 2003).

#### **18.04.155 Dwelling, multiple family.**

"Multiple family dwelling" means a building or portion thereof designed for and occupied by two or more families, including row houses, apartment houses, and duplexes.

(Ord. 525 § 1(part), 1989).

#### **18.04.160 Dwelling, single family.**

"Single family dwelling" means a detached or semi-detached building designed for and occupied exclusively by one family.

(Ord. 525 § 1(part), 1989).

#### **18.04.165 Dwelling, two family.**

"Two family dwelling" means a detached or semi-detached building designed for and occupied exclusively by two families. (A synonym is "duplex.")

(Ord. 525 § 1(part), 1989).

#### **18.04.170 Edge of right-of-way.**

"Edge of right-of-way" means the nearest boundary of the public right-of-way.

(Ord. 525 § 1(part), 1989).

#### **18.04.171 Emergency shelter.**

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

#### **18.04.173 Emergency service provider.**

"Emergency service provider" means any entity designated by the county as providing emergency services, including but not limited to, fire protection, paramedics, ambulance and law

enforcement. This may include facilities owned and/or operated by a private enterprise engaged in provision of emergency services by means of a contract and/or franchise.

(Ord. 525V § 1, 2006).

**18.04.175 Family.**

"Family" means the consanguine or legally related body of persons who live together in one dwelling unit as a single housekeeping entity, including necessary servants, distinguished from a group occupying a hotel, club, fraternity or sorority house.

(Ord. 525 § 1(part), 1989).

**18.04.180 Farm, fur.**

"Fur farm" means a tract of land devoted in whole or in part to the raising of fur-bearing animals for commercial purposes.

(Ord. 525 § 1(part), 1989).

**18.04.185 Farm, pig.**

"Pig farm" means a tract of land devoted principally to the raising of more than two pigs.

(Ord. 525 § 1(part), 1989).

**18.04.190 Farm, poultry.**

"Poultry farm" means a tract of land devoted principally to the raising of poultry for commercial purposes.

(Ord. 525 § 1(part), 1989).

**18.04.191 Farm labor camp.**

"Farm labor camp" means any farm employee housing serving more than twelve employees and not otherwise exempt by California State Law.

(Ord. 525-F § 1(part), 1994).

**18.04.195 Feedlot.**

"Feedlot" means a fenced or otherwise enclosed area where more than fifty bovine animals, sheep, goats, horses, mules, swine or other similar domesticated quadrupeds are held for concentrated feeding or display preliminary to slaughtering, shipping or resale. This definition excludes dairies.

(Ord. 525 § 1(part), 1989).

**18.04.200 Floor area ratio.**

"Floor area ratio" means the ratio, expressed as a percentage of the total floor area of buildings allowed on a given lot compared to the total area of the lot. Each floor in a multiple story building is included as floor area in these computations.

(Ord. 525 § 1(part), 1989).

**18.04.205 Garage, private.**

"Private garage" means a residential accessory structure not less than ten feet by twenty feet for each vehicular space, for keeping private vehicles for storage only and where such use is accessory to the residential use of the property on which it is constructed.

(Ord. 525S § 2, 2006: Ord. 525 § 1(part), 1989).

**18.04.210 Garage, public.**

"Public garage" means any commercial structure or premises other than a private garage or storage garage (as defined in this chapter) where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored for monetary gain as a business.

(Ord. 525S § 3, 2006: Ord. 525 § 1(part), 1989).

**18.04.215 Garage, storage.**

"Storage garage" means any commercial building or premises used for the storage only of motor-driven vehicles, recreational vehicles, trailers or boats; pursuant to previous arrangements, not to transients, and where no equipment, parts, fuel, grease or oil is sold, and vehicles are not equipped, repaired, serviced, hired or sold for monetary gain as a business.

(Ord. 525S § 4, 2006: Ord. 525 § 1(part), 1989).

**18.04.220 General commercial establishments.**

General commercial establishments are as follows:

Automobile body and fender repair

Automobile rental garage

Automobile repairing, overhauling, rebuilding and painting

Automobile upholstery and top shop

Automobile washing, including the use of mechanical conveyors, blowers and steam cleaning

Bakery

Blacksmith shop

Boarding kennel

Bottling works

Building materials yard

Cabinet shop

Carpenter shop

Carpet and rug cleaning establishment

Cleaning plant

Cold storage plant

Contractors storage plant  
Dairy products plant  
Diaper laundry  
Dyeing establishment  
Equipment rental yard  
Feed and seed store  
Food locker and service  
Freight forwarding terminal  
Freight transit yard  
Furniture warehouse and van service  
General commercial establishments  
Gas regulator station  
Glass shop  
Heating, ventilating, and air conditioning shop, including sheet metal shop  
Ice house  
Ice storage  
Kennel  
Laundry, not for self-service  
Linen supply company  
Lumber yard, not including the manufacture of lumber  
Machine shop  
Machinery sales and rental  
Monuments shop, sales only  
Nursery and garden supply store  
Outdoor advertising shop  
Packing and crating service  
Plumbing and sheet metal shop  
Poultry shop and butcher shop  
Public utility yard  
Refrigeration repair shop  
Repair shop  
Service station  
Sign shop  
Small animal hospital  
Storage of sand, gravel, or cement in bulk  
Tire sales store

Truck and trailer sales and service

Trucking terminal

Truck parking lot

Upholstery shop

Warehouse, except those used for fuel and other flammable liquids and explosives

Welding shop

Wholesale establishments

Other commercial uses and establishments which by the interpretation of the zoning administrator are similar.

(Ord. 525 § 1(part), 1989).

#### **18.04.225 Gravel pit.**

"Gravel pit" means an area used for the removal of gravel for commercial purposes from the earth by excavating, stripping, digging or boring, or any other such process.

(Ord. 525 § 1(part), 1989).

#### **18.04.230 Grade, established.**

"Established grade" means the elevation of the finished street at the centerline or curb as fixed by the road commissioner or by such authority as shall be designated by law to determine such an elevation.

(Ord. 525 § 1(part), 1989).

#### **18.04.232 Grading plan.**

Topography and proposed grading (separate sheet). Sheet size shall be as required by the zoning administrator.

(Ord. No. 641, § 3, 10-27-09).

#### **18.04.235 Guest house.**

"Guest house" means living quarters on the same premises with the main dwelling, which is either attached to the main dwelling or is detached, for use by temporary guests of the occupants of the premises. A guest house shall be subject to all the requirements of this code and the following standards:

- A. A guest house is an accessory structure and can be located on a parcel only if the primary residence is existing. Concurrent construction of the primary dwelling unit and the guest house is permitted.
- B. The guest house shall not exceed a total living area of one thousand two hundred square feet or thirty percent of the living space of the existing residence, whichever is greater.
- C. The guest house shall not contain a kitchen or facilities for the storage and preparation of food. A bar sink and an under-counter refrigerator are allowed, but no cooking

devices are permitted. Except for air conditioning and heating, including water heaters, no gas lines, two hundred twenty electrical outlets, or separate utility meter shall be provided. Full size refrigerators and gas or electric cooking ranges, and spaces designed for this purpose, shall be prohibited.

- D. A finding must be made that the infrastructure is sufficient to support a guest house, specifically, that adequate sewage disposal, water, electrical, and drainage are available.

(Ord. 525HH § 2, 2008; Ord. 525 § 1(part), 1989).

#### **18.04.240 Guest ranch.**

"Guest ranch" means buildings and premises offering recreational facilities for such pursuits as horseback riding, swimming, hiking or other open space uses, with living and/or dining accommodations.

(Ord. 525 § 1(part), 1989).

#### **18.04.245 Heavy industrial uses.**

"Heavy industrial uses" means all those industrial and manufacturing uses not otherwise prohibited by law except the following: Manufacture of cement, lime, gypsum, or plaster of Paris, acid, explosives, fertilizer, glue, fat and bone products, or the storage of explosives, or the reduction of offal or dead animals, or the operation of stockyards or commercial slaughter houses. Other similar heavy industrial uses may be included in this definition by the interpretation of the zoning administrator.

(Ord. 525 § 1(part), 1989).

#### **18.04.255 Highway.**

"Highway" means a right-of-way, designated on a comprehensive system, for the principal purpose of providing vehicular thoroughfare and not necessarily affording direct access to abutting property.

(Ord. 525 § 1(part), 1989).

#### **18.04.260 Home occupation.**

"Home occupation" means a gainful occupation conducted by members of the family within its place of residence where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation. Clinics, hospitals, and animal hospitals shall not be deemed to be home occupations.

(Ord. No. 525-PP, § 2, 4-12-11; Ord. 525 § 1(part), 1989).

#### **18.04.265 Horticulture.**

"Horticulture" means the culture of, growing and cultivating of fruits, nuts, flowers and related plant material.

(Ord. 525 § 1(part), 1989).

**18.04.266 Hospital.**

"Hospital" means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as offices, laboratories, education facilities, research facilities, outpatient facilities or training facilities.

(Ord. 525-F § 1(part), 1994).

**18.04.267 Hospital lodging facility.**

"Hospital lodging facility" means a building where temporary lodging or boarding is provided to relatives of persons receiving treatment in the hospital or who are rendering services directly related to the operation of a hospital on a temporary basis during the period of occupancy.

(Ord. 525-F § 1(part), 1994).

**18.04.268 Hospital support facilities.**

"Hospital support facilities" means all types of uses and facilities associated with the operation of a hospital, specifically including the following: administrative, business and professional offices, pharmacies, clinics, child day care facilities, residential support facilities, laboratories, philanthropic institutions, hospital lodging facilities and other similar uses by interpretation of the zoning administrator. These facilities/uses may not exist without the presence of a hospital.

(Ord. 525-F § 1(part), 1994).

**18.04.270 Hotel.**

"Hotel" means a building in which lodging, with or without meals, is offered for compensation which shall have more than six sleeping rooms for this purpose.

(Ord. 525 § 1(part), 1989).

**18.04.275 Indigenous employee.**

"Indigenous employee" means a person and/or his family who is employed on the premises where he lives.

(Ord. 525 § 1(part), 1989).

**18.04.280 Insecticide and pesticide services.**

"Insecticide (and pesticide) services" means activities and the use of premises, buildings and structures for the manufacture, storage, mixing, packaging, sale or incidental use in the business of dispensing insecticides and pesticides for commercial purposes as a business.

(Ord. 525 § 1(part), 1989).

**18.04.285 Junkyards.**

"Junkyards" means the use of more than two hundred square feet of the area of any lot for the storage or keeping of discarded household appliances, including scrap metals, abandoned vehicles, debris, tires or other scrap materials or refuse, that is outside of a completely enclosed structure or licensed landfill, dismantling or wrecking yard.

(Ord. 525S § 5, 2006: Ord. 525 § 1(part), 1989).

**18.04.290 Kennel, commercial.**

"Commercial kennel" means an establishment where dogs or other household pets are raised, bred, boarded or cared for as a gainful occupation.

(Ord. 525 § 1(part), 1989).

**18.04.292 Landscape and irrigation plan.**

A plan including, but not limited to, the location of landscaping and irrigation system, identification of plants and materials to be used and size of plants and trees as determined by the applicant and location of all structures (existing and proposed).

(Ord. No. 641, § 4, 10-27-09).

**18.04.295 Light industrial uses.**

"Light industrial uses" means those trades or industries of a restrictive character, which are not detrimental to the district or to the adjoining residential areas, by reason of appearance, noise, dust, smoke or odor, but not including any junkyard, drop forge, foundry, refinery, tannery or any similar use the normal operation of which causes objectionable noise, odor, dust or smoke to be emitted, radiated or carried beyond the boundaries of the property on which the operation is located. In addition, industrial uses, manufacturing cement, lime, gypsum, or plaster of Paris, acid, explosives, fertilizer, glue, fat and bone products, and those involved in the storage of explosives, the reduction of offal or dead animals, and the operation of stock yards and commercial slaughter of animals are similarly excluded from the definition of light industrial uses. Other similar light industrial uses may be included in this definition by interpretation of the zoning administrator.

(Ord. 525 § 1(part), 1989).

**18.04.296 Limited light industrial.**

Agriculture related supplies and equipment

Automobile body and fender repair

Automobile rental garage

Automobile repairing, overhauling, rebuilding and painting

Automobile upholstery and top shop

Automobile washing, including the use of mechanical conveyors, blowers and steam cleaning

Bakery



Blacksmith shop  
 Building supplies and equipment  
 Cabinet shop  
 Carpenter shop  
 Carpet and rug cleaning establishment  
 Contractors storage plant  
 Equipment rental yard  
 Feed and seed store  
 Glass shop  
 Heating, ventilating, and air conditioning shop, including sheet metal shop  
 Machine shop  
 Machinery sales and rental  
 Monuments shop, sales only  
 Nursery and garden supply store  
 Outdoor advertising shop  
 Plumbing and sheet metal shop  
 Professional offices  
 Repair shop  
 Retail sales  
 Sign shop  
 Storage of sand, gravel, or cement in bulk  
 Upholstery shop  
 Warehouses  
 Welding shop

(Ord. 525-JJ § 1, 2008; Ord. 525-HH § 1, 2008).

#### **18.04.300 Lodging house.**

"Lodging house" means a building where lodging only is provided for compensation and having not more than six sleeping rooms for this purpose.

(Ord. 525 § 1(part), 1989).

#### **18.04.305 Lot.**

"Lot" means:

- A. A parcel of real property with a separate and distinct number or other designation shown on a plat recorded in the office of the county recorder;

- B. A parcel of real property delineated on an approved record of survey, parcel map, or subdivision map as filed in the office of the county recorder and abutting at least one public street or right-of-way or approved private road right-of-way; or
- C. A parcel of real property containing not less area than required by the zoning district in which it is located, abutting at least one public street or right-of-way or approved private road right-of-way and held under separate ownership in accordance with all applicable local ordinances and state laws.

(Ord. 525 § 1(part), 1989).

#### **18.04.310 Lot area.**

"Lot area" means the contiguous land bounded by lot lines exclusive of land provided for public thoroughfare, flood plain or canal. Such lot area shall be measured from a plan view, disregarding the geometric effects of the slope of the land.

(Ord. 525 § 1(part), 1989).

#### **18.04.315 Lot depth.**

"Lot depth" means the mean horizontal distance measured between the street line and the opposing rear line or lines of the lot. Such measurement shall be from the center of the front lot line to the center of the rear lot line or other such mean points as shall be determined by the zoning administrator.

(Ord. 525 § 1(part), 1989).

#### **18.04.316 Lot frontage.**

"Lot frontage" means the horizontal distance measured parallel to the roadway which provides access to the parcel or lot. The minimum lot frontage for all zoning districts, excepting PIP, PRD, PSC, PRA, AAO, SHO, MHA, POS and TPZ shall be sixty feet. Any lot or parcel proposed for creation pursuant to Title 17 shall maintain this minimum lot frontage. For lots or parcels that are extended (flag-poled) to derive access to a roadway, the depth of the extension (vertical distance measured perpendicular to the horizontal distance) can not exceed one and one-half times the lot frontage.

(Ord. 542 § 10(part), 1991).

#### **18.04.320 Lot, side.**

"Side lot line" means a lot line extending from the street line toward the interior of the block and separating adjoining lots.

(Ord. 525 § 1(part), 1989).

#### **18.04.325 Lot width, minimum average.**

"Minimum average lot width" means the mean horizontal distance, measured between side lot lines, perpendicular to the center line of the lot, and intercepting at a point on the center line where it divides the area of the lot in two.

(Ord. 525 § 1(part), 1989).

**18.04.330 Manufactured home.**

"Manufactured home" means a portable permanent or semi-permanent structure without motive power, designed to be drawn by a motor vehicle, designed for permanent human habitation and containing all of the necessary facilities of a permanent dwelling. A manufactured home is a single family dwelling unit (as defined in Section 65852 of the California Government Code).

A manufactured home may be installed on a foundation system, either a permanent or non-permanent system. Any such foundation system must conform to state statutes and regulations. All manufactured housing installations must include skirting or enclosure of the undercarriage with a material that is structurally and aesthetically compatible with the home.

(Ord. 525HH § 3, 2008; Ord. 525C § 2, 1993; Ord. 525 § 1(part), 1989).

**18.04.333 Medical marijuana dispensary.**

Medical marijuana dispensary means any facility or location, whether fixed or mobile, where medical marijuana is made available to or distributed by or distributed to one (1) or more of the following: a primary caregiver, a qualified patient, or a patient with an identification card, as those terms are defined in California Health and Safety Code section 11362.5 et seq.

(Ord. No. 525MM, § 3, 9-22-09).

**18.04.335 Mining.**

"Mining" means the removal of rock, slate, gravel, sand, topsoil or other natural minerals and material from the earth by excavating, stripping, leveling, digging or boring, or any other such process.

(Ord. 525 § 1(part), 1989).

**18.04.337 Mini storage.**

"Mini storage" means a site or building where indoor or outdoor spaces are made available to the general public for the storage of private or commercial goods in individual secured areas.

(Ord. 525O § 1, 2003).

**18.04.340 Mobilehome park (manufactured housing park).**

"Mobilehome park" means any area or tract of land where more than two sites are rented or leased or held out for rent or lease to accommodate mobilehomes (manufactured homes) used for human habitation. The rental paid for such homes shall be deemed to include rental for the lot it occupies.

(Ord. 525 § 1(part), 1989).

**18.04.345 Motel.**

"Motel" means a building or series of buildings in which lodging only is offered for compensation, which may have more than six sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access,

and adjoining parking, for each rental unit (restaurants, bars and places of entertainment in association with motels are not included in this definition).

(Ord. 525 § 1(part), 1989).

#### **18.04.350 Nonconforming use.**

"Nonconforming use" means a building or land occupied by a use that does not conform to the regulations for the districts in which it is situated.

(Ord. 525 § 1(part), 1989).

#### **18.04.355 Offset.**

"Offset" means the distance from the side or rear lot line to the nearest portion of the structure.

(Ord. 525 § 1(part), 1989).

#### **18.04.360 One-ownership.**

"One-ownership" means ownership of property or possession thereof under a contract to purchase or under a lease, the term of which is not less than ten years, by a person or persons, firm, corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control. The term owner shall be deemed to mean the person, firm, corporation or partnership exercising one ownership as herein defined.

(Ord. 525 § 1(part), 1989).

#### **18.04.380 Permanent structure.**

"Permanent structure" means anything constructed or erected, the use of which requires permanent location above, on, or in the ground or attachment to something having permanent location above, on, or in the ground.

(Ord. 525 § 1(part), 1989).

#### **18.04.385 Person.**

"Person" means any natural person, firm, association, partnership, trustee, corporation or other legal entity in which title to real property may vest.

(Ord. 525 § 1(part), 1989).

#### **18.04.387 Pharmacy.**

"Pharmacy" means a business establishment where drugs are sold or dispensed at retail or displayed for sale at retail, the primary business of which is the compounding and dispensing of medicine according to prescriptions written by physicians, and a pharmacist who is licensed under the laws of the state of California is on duty at all times when such establishment is open for business.

(Ord. 525-F § 1(part), 1994).

**18.04.390 Planned development.**

"Planned development" means the planning, construction or implementation and operation of any use or structure, or a combination of uses and structures on a single or contiguous unit of property based on a comprehensive and complete design or plan treating the entire complex of land, structures and uses as a single project.

(Ord. 525 § 1(part), 1989).

**18.04.395 Planning commission.**

"Planning commission" means the Madera County planning commission. See also Section 18.02.060, "Zoning agency."

(Ord. 525 § 1(part), 1989).

**18.04.400 Planning department.**

"Planning department" means the Madera County planning department.

(Ord. 525 § 1(part), 1989).

**18.04.405 Principal building.**

"Principal building" means the main building on a lot, intended for primary use as permitted by the regulations of the zoning district in which it is located.

(Ord. 525 § 1(part), 1989).

**18.04.410 Principal use.**

"Principal use" means the primary use of property, buildings or structures as specified and permitted by the regulations of the zoning district in which it is located.

(Ord. 525 § 1(part), 1989).

**18.04.415 Private club.**

"Private club" means a building or grounds used for regular or periodic meetings or gatherings of a group of persons organized for nonprofit purpose, but not groups organized to render a service customarily carried on as a business.

(Ord. 525 § 1(part), 1989).

**18.04.420 Professional office.**

"Professional office" means the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, planner, physician or similar recognized professional person.

(Ord. 525 § 1(part), 1989).

**18.04.421 Property, private.**

"Private property" means anything that belongs absolutely to an individual person or group of persons and of which that person or persons have the exclusive right of disposition. Such property is of a specific, fixed, and tangible nature, capable of being possessed and transmitted to another, such as land and structures thereon, fixtures and improvements to the land and structures, and personal property such as vehicles and equipment.

(Ord. 525S § 6, 2006).

**18.04.422 Property, public.**

"Public property" means anything owned by the state or any political subdivision thereof, or any city, district, agency, joint powers authority, or the federal government, and not owned by or leased to an individual person or persons, whether those persons be natural persons or artificial entities such as corporations.

(Ord. 525S § 7, 2006).

**18.04.425 Public buildings.**

"Public buildings" means structures principally of an institutional nature and/or serving a public need such as:

Governmental buildings

Public hospitals

Public schools

Public libraries

Public museums

Post offices

Police and fire stations

Public utilities

Other public services; but not including the operation of a public bar, restaurant or recreational facility as a commercial enterprise.

(Ord. 525 § 1(part), 1989).

**18.04.430 Quarrying.**

"Quarrying" means the removal of rock, slate, gravel, sand, top soil or other natural minerals or materials from the earth by excavating, stripping, leveling, digging or boring, or any other such process.

(Ord. 525 § 1(part), 1989).

**18.04.435 Rabbit farm.**

"Rabbit farm" means a parcel used for holding and feeding more than twelve rabbits for commercial purposes.

(Ord. 525 § 1(part), 1989).

**18.04.436 Residential care facility.**

"Residential care facility" means a facility providing residential, social and personal care for children, the elderly and/or people with limited ability for self-care, but where medical care is not a major element. Examples of Residential Care Home uses include children's homes, orphanages, rehabilitation centers, and self-help group homes. Convalescent homes, nursing homes, and similar facilities with medical care services are excluded from this definition.

"Residential Care Home, Large" means a Residential Care Home for seven or more persons.

"Residential Care Home, Small" means a Residential Care Home for six or fewer persons.

**18.04.437 Residential conversion.**

"Residential conversion" means the creation of a second residential unit within an existing single family dwelling subject to the requirements set forth under Chapter 18.94.

(Ord. 525 § 1(part), 1989).

**18.04.438 Residential support facility.**

"Residential support facility" means any facility, place or building which is maintained or operated to provide nonmedical, twenty-four-hour care and supervision for persons or immediate relatives of persons who are physically handicapped, mentally impaired, incompetent or recovering from a history of substance abuse, emotional and behavioral problems, including rehabilitation facilities, board and care homes and family care homes.

(Ord. 525-F § 1(part), 1994).

**18.04.440 Restaurant.**

"Restaurant" means a business establishment serving food to nonresident persons for compensation.

(Ord. 525 § 1(part), 1989).

**18.04.445 Restricted retail sales establishments.**

The following retail businesses of a restricted nature are included in this definition:

- All customer service establishments
- Art and antique stores
- Art and craft school and college
- Art gallery
- Clinic
- Delicatessen
- Florist shop
- Funeral home
- Gift shop

Interior decorating shop  
Medical building  
Mortuary  
Optician and optometrist office  
Photography studio  
Picture framing shop  
Professional office or studio  
Tobacco store  
Tourist home, but not hotel or motel  
Wedding chapel

Similar uses subject to the interpretation of the zoning administrator.  
(Ord. 525 § 1(part), 1989).

#### **18.04.450 Retail sales establishments.**

The definition of retail sales establishments includes the following:

Apparel store  
Automobile sales and service  
Automobile supply store  
Bakery  
Bicycle shop  
Billiard and pool hall  
Blueprint and photostat shop  
Boat sales and service store  
Bookstore Cafe, including restaurant and outdoor cafe  
Camera shop  
Candy store  
Catering shop  
Clothing and costume rental establishment  
Dairy product store  
Delicatessen  
Department store  
Dressmaking shop  
Drive-in restaurant  
Drug store  
Dry goods store  
Electrical appliance store



Employment agency  
Florist  
Food locker  
Food store  
Furniture store  
Hardware store  
Health food store  
Hobby supply store  
Home furnishing store  
Hotel  
Household appliances and minor repair shop  
Jewelry store  
Leather goods and luggage store  
Liquor store  
Locksmith  
Messenger office  
Millinery shop  
Motel and apartment hotel  
Motorcycle and automobile parts sales rooms for new parts  
Music store  
Office machines and business machines store  
Office supply store  
Offices and office buildings other than professional and administrative offices  
Paint and wallpaper store  
Parcel delivery service  
Pawn shop  
Pet and bird store  
Photographic supplies shop  
Plumbing, heating and ventilating equipment showroom with floor samples only  
Radio and television broadcasting studio  
Radio and television store and repair shop  
Secondhand store  
Secretarial service establishment  
Shoe repair shop  
Shoe store  
Soda fountain

Sporting goods store  
 Stamp and coin store  
 Stationery store  
 Supermarket  
 Tailor and dressmaker  
 Retail sales establishments  
 Taxidermist  
 Tea room  
 Telephone answering service  
 Telegraph office  
 Toy store  
 Travel bureau  
 Upholstery shop  
 Variety store

Other commercial activities not engaged in major repairing, wholesaling, or bulk distribution activities and which are similar by the interpretation of the zoning administrator.

(Ord. 525 § 1(part), 1989).

**18.04.455 Road.**

"Road" means a public or private right-of-way usually affording primary access to abutting property.

(Ord. 525 § 1(part), 1989).

**18.04.460 Roadside stand.**

"Roadside stand" means a farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the purpose of selling things raised on that farm.

(Ord. 525 § 1(part), 1989).

**18.04.465 Sand pit.**

"Sand pit" means an area used for the removal of sand for commercial purposes from the earth by excavating, stripping, digging or boring or any other such process.

(Ord. 525 § 1(part), 1989).

**18.04.470 Semi-public buildings.**

"Semi-public buildings" means churches, rest homes, private hospitals and other similar buildings by interpretation of the zoning administrator.

(Ord. 525 § 1(part), 1989).

**18.04.475 Setback.**

"Setback" means the horizontal distance between the edge of the public right-of-way and the nearest structure associated with land use on that lot.

(Ord. 525 § 1(part), 1989).

**18.04.480 Sewered district.**

"Sewered district" means an area serviced by a public sewage disposal system.

(Ord. 525 § 1(part), 1989).

**18.04.485 Sign.**

"Sign" means any advertising surface containing, or upon which is placed or optically projected, any name, figure, character, outline, spectacle, display, delineation, announcement, advertising, device, appliance or other thing of similar nature to attract attention outdoors, and includes all parts, portions, units, vehicles and materials composing the same, together with the frame, background, surface, support or enclosures therefor.

(Ord. 525 § 1(part), 1989).

**18.04.490 Small livestock farming.**

"Small livestock farming" means the raising and/or keeping of more than twelve chickens, turkeys, pigeons, ducks, geese, guinea fowl or similar fowl, or any animal such as sheep, goats or other livestock, more than four cats, dogs, monkeys or exotic animals, or any fowl or animals for commercial purposes.

(Ord. 525 § 1(part), 1989).

**18.04.493 Solar farm.**

"Solar farm" is a solar-power generating facility that converts solar energy (energy from the sun) into electrical power. "Solar farm" includes, but is not limited to, both photovoltaic and concentrating solar power (CSP) methods utilized at a large scale for commercial purposes regulated by the public utility commission.

(Ord. No. 525NN, § 1, 4-27-10).

**18.04.495 Stable, private.**

"Private stable" means any building or premises where four (or an additional number which may be specified on the zoning permit) private draft or riding animals are kept, wherein such use is accessory to residential use of the property on which the building is located.

(Ord. 525 § 1(part), 1989).

**18.04.500 Stable, public.**

"Public stable" means any building or premises, other than a private stable, where animals are kept, cared for, hired, sold or held for monetary gain as a business.

(Ord. 525 § 1(part), 1989).

**18.04.505 Story.**

"Story" means that portion of a building included between the surface of a floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the roof above it. A basement or cellar having one-half or more of its height aboveground is a story for purposes of height regulation.

(Ord. 525 § 1(part), 1989).

**18.04.510 Street.**

"Street" means a public or private right-of-way usually affording primary access to abutting property.

(Ord. 525 § 1(part), 1989).

**18.04.515 Street, frontage.**

"Frontage street" means a street contiguous and parallel to a traffic artery and affording direct vehicular access to abutting property.

(Ord. 525 § 1(part), 1989).

**18.04.520 Structural alterations.**

"Structural alterations" means any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

(Ord. 525 § 1(part), 1989).

**18.04.525 Structures.**

- A. Structure, Generally. "Structure" means anything constructed, erected or buried, the use of which requires permanent location on, in the ground, or by attachment to something having a permanent location on or in the ground. All fixed and/or nonportable structure on, beneath or above the ground, except curbs and pavements or drainage control devices on or under the ground. Mailboxes, fences, signs and outdoor advertising structures are included in the definition but mailboxes are exempt from the structure location regulations specified in each of the zoning districts contained in this title. All structures must comply with the setback requirements outlined in Sections 18.98.040 and 18.98.050 of this title and applicable building and fire codes.
- B. Structure, Completely Enclosed. "Completely enclosed structure" means a structure that consists of at least three nonmovable walls, roof and permanent floor, and with one wall including an opening with attached approved door that provides a sufficiently large opening for at least one person at a time to enter and exit, and which is capable of providing complete enclosure of the interior. For completely enclosed structures used as garages, as defined in this chapter, the opening and door shall be large enough to allow entry by a motor-driven vehicle. Except as otherwise provided in this chapter, only completely enclosed structures may be used for storage of abandoned, wrecked, inoperative and/or dismantled vehicles.

(Ord. 525S § 8, 2006: Ord. 525 § 1(part), 1989).

#### **18.04.530 Structure, nonconforming.**

"Nonconforming structure" means a building, structure, or portion thereof lawfully existing at the time of the passage of the ordinance codified herein, but which does not conform in one or more respects to the regulations of this title.

(Ord. 525 § 1(part), 1989).

#### **18.04.533 Supportive housing.**

"Supportive housing" shall mean housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite 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. Supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Allowed in all zone districts that permit residential units.

#### **18.04.535 Sustained yield forestry.**

"Sustained yield forestry" means the management of forested lands to provide annual or periodic crops of forest products.

(Ord. 525 § 1(part), 1989).

#### **18.04.540 Temporary structure.**

"Temporary structure" means a movable structure, not designed for human habitation or occupancy, but for the temporary protection of goods or chattels during a period of construction but not to exceed one year; for the enclosure or screening of goods or property as an accessory building to an authorized use not to exceed one year; or for the display of signs and advertising for such a time as specified on a conditional use permit.

(Ord. 525 § 1(part), 1989).

#### **18.04.545 Tent camp.**

"Tent camp" means an area or tract of land or a designated section within a travel trailer park or mobilehome park where one or more lots or sites are rented or leased or held out for rent or lease to owners or users of tents or other forms of outdoor camping other than those listed under the definitions of mobilehome, park and travel trailer park.

(Ord. 525 § 1(part), 1989).

#### **18.04.550 Tourist home.**

"Tourist home" means a building in which lodging with or without meals is offered to transient guests for compensation and having no more than six sleeping rooms for this purpose with no cooking facilities in any such individual room or apartment.

(Ord. 525 § 1(part), 1989).

#### **18.04.553 Transitional housing.**

"Transitional housing" shall mean 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 years. Transitional housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Allowed in all zone districts that permit residential units.

#### **18.04.555 Travel trailer park.**

"Travel trailer park" means an area or tract of land or a designated section within a mobilehome park where one or more lots or sites are rented or leased or held out for rent or lease to owners or users of travel trailers, camper units used for travel or recreational purposes.

(Ord. 525 § 1(part), 1989).

#### **18.04.556 Vehicles.**

- A. Vehicle, Abandoned. "Abandoned vehicle" means any vehicle that is wrecked, dismantled, inoperative, and/or cannot be legally operated on public ways because of lack of a license, and which is left on a highway, public or private property, exterior of a completely enclosed structure or at a lawful dismantling or wrecking yard, in such wrecked, dismantled, inoperative and/or unlicensed condition that the owner's intent to relinquish all further rights or interest in it may be reasonably concluded.
- B. Vehicle, Dismantled. "Dismantled vehicle" means any vehicle that is partially or completely disassembled.
- C. Vehicle, Inoperative. "Inoperative vehicle" means any motor-driven vehicle that, upon demand, cannot be started and moved a minimum of two hundred feet forward and one hundred feet backward under its own power. "Inoperative vehicle" shall also mean any vehicle that is listed with the California Department of Motor Vehicles under "planned non-operation" status, as provided by the California Vehicle Code.
- D. Vehicle, Wrecked. "Wrecked vehicle" means any vehicle that is damaged to such an extent that it cannot be operated upon the highway, public or private property, regardless of licensing status.
- E. Vehicle, Public Nuisance. "Public nuisance vehicle" means any vehicle or a portion of a vehicle that is abandoned, wrecked, dismantled or inoperative and that is on public or private property, not including highways or the interior of a completely enclosed structure or lawful dismantling or wrecking yard, and that is a public nuisance by creating a condition that is offensive to the senses, or obstructs the free use of public property, or promotes blight and deterioration, or otherwise jeopardizes health, safety, and general welfare of the public or a considerable number of persons.

(Ord. 525S § 9, 2006).

**18.04.560 Vision setback.**

"Vision setback" means a space unoccupied by visual obstructions.  
(Ord. 525 § 1(part), 1989).

**18.04.565 Visual obstruction.**

"Visual obstruction" means any fence, hedge, tree, shrub, wall, structure or other form of permanent or semi-permanent object exceeding three feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in vehicles on said streets, alleys or driveways.

(Ord. 525 § 1(part), 1989).

**18.04.570 Yard, front.**

"Front yard" means a yard extending across the front of the lot between the inner side yard lot lines and lying between the front line of the lot and the nearest line of the building.

(Ord. 525 § 1(part), 1989).

**18.04.575 Yard, rear.**

"Rear yard" means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

(Ord. 525 § 1(part), 1989).

**18.04.580 Yard, side.**

"Side yard" means a yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

(Ord. 525 § 1(part), 1989).

**18.04.582 Wrecking or dismantling yard.**

"Wrecking or dismantling yard" means an approved commercial or industrial structure and zoned premise used for storage and/or dismantling of abandoned, wrecked, dismantled or inoperable vehicles, including commercial and recreational vehicles, trailers, boats and motorcycles. All wrecking or dismantling yards shall, at a minimum, be enclosed by an eight-foot high solid wall, with secured openings, appropriate lighting, and concrete surface, and shall have approved means of catching and disposing of all waste generated on-site.

(Ord. 525S § 10, 2006).

**18.04.585 Zoning administrator.**

See Section 18.02.050, Zoning administrator.

(Ord. 525 § 1(part), 1989).

**18.04.590 Zoning agency.**

See Section 18.02.060, Zoning agency.  
(Ord. 525 § 1(part), 1989).



## Chapter 18.06 ADMINISTRATION

*Sections:*

- 18.06.010 Zoning agency—Responsibilities.
- 18.06.020 Zoning administrator—Duties.
- 18.06.030 Enforcement authority.
- 18.06.040 Approval of buildings and structures.
- 18.06.050 New construction or alteration.
- 18.06.060 Land use approval application.
- 18.06.070 Conflicting uses.

18.06.010 Zoning agency—Responsibilities. The zoning agency shall oversee the administration of this title, hold the necessary public hearings, issue and revoke conditional use permits, grant and revoke variances, and make recommendations to the Madera County board of supervisors relative to all zoning matters. (Ord. 525 § 1(part), 1989).

18.06.020 Zoning administrator—Duties. In the administration and enforcement of this title, the zoning administrator or his designated representative shall perform the following duties:

- A. Issue the necessary zoning and use permits, provided the provisions of this title and of any applicable regulation thereto have been complied with and make, or cause to be made, the necessary inspections;
- B. Function as secretary to the zoning agency;
- C. Advise the zoning agency and the board of supervisors on matters pertaining to zoning;
- D. Issue a citation to any person violating any requirement of this title and administer the enforcement provisions of this title. (Ord. 525 § 1(part), 1989).

18.06.025 Reasonable Accommodations. An individual or individuals that have a physical or mental disability, as defined in the Americans with Disabilities Act of 1990 and State Fair Housing laws, may request that a reasonable accommodation be made if it can be demonstrated that adopted ordinances, policies, programs, permitting processes or fees, which are administered by the Planning Department, will create an undue burden upon that individual or individuals. Such a request may be filed in writing or verbally in conjunction with a personal appointment with the Planning Director. A qualifying disabled individual is any person who has a physical or mental impairment that substantially limits one or more major life activities, anyone who is regarded as having such an impairment, or anyone who has a record of such impairment. Individuals who are currently using illegal controlled substances are not included; however, former abusers enrolled in a recovery program are included. If an individual needs assistance in making a request for reasonable accommodation, the Department will endeavor to provide the assistance required. The Planning Director is authorized to make such an accommodation if it is determined that the request is reasonable and will not result in any of the following:

- A. a fundamental alteration of the County's ordinances, policies or programs;
- B. creation of an undue administrative burden on the Department; or,
- C. creation of an undue financial burden on the Department. Such an accommodation shall only be made if the Planning Director determines that there will be no resulting significant impacts to the public's health, safety or welfare. In the event that the request for a reasonable accommodation is denied by the Planning Director, the decision may be appealed to the Planning Commission if filed within fourteen (14) days from the date of said decision.

18.06.030 Enforcement authority. In the enforcement of this title, the zoning administrator shall have the power and authority, upon reasonable cause to question as to proper compliance, to revoke any zoning permit and issue cease and desist orders requiring the cessation of any building, structure erection, moving, alteration, placement or use which is a violation of the provisions of this title. Such revocation shall be in effect until reinstated by the zoning administrator. (Ord. 525 § 1(part), 1989).

18.06.040 Approval of buildings and structures. Zoning administrator approval shall be required for all buildings and structures hereafter erected, constructed, altered, repaired, replaced, placed or moved within or into any zoning district established by this title and for the use of vacant land or for a change in character of the use of land within any zoning district established by this title. (Ord. 525 § 1(part), 1989).

18.06.050 New construction or alteration. Where construction or alteration of a building or structure is a part of the land use proposed for this site, this requirement for an approval may be fulfilled by the signature of the zoning administrator and the completion of the appropriate blanks on the "Building Application and Permit" issued by the Madera County department of engineering and general services, division of building and safety. (Ord. 525 § 1(part), 1989).

18.06.060 Land use approval application. Application for approval shall be made to the zoning administrator in writing on the form prescribed by the zoning agency and shall be accompanied by plans and elevations necessary to show the detail of the proposed use of the land. (Ord. 525 § 1(part), 1989).

18.06.070 Conflicting uses. Upon determination by the zoning administrator that a conflict exists between the proposed use of the land or is inherent in the erection, construction, alteration, repair or movement of a building or structure within or into the zoning district, he shall not sign the application either on the building application and permit or other approval form. (Ord. 525 § 1(part), 1989).

**Chapter 18.12**  
**RUS—RESIDENTIAL, URBAN, SINGLE FAMILY DISTRICT**

*Sections:*

- 18.12.010 Land use regulations.
- 18.12.020 Structure location regulations.
- 18.12.030 Structure height regulations.
- 18.12.040 Lot dimension regulations.

**18.12.010 Land use regulations.**

Land use regulations shall be as follows:

A. Permitted Uses.

1. One single family dwelling or permanent structure or one manufactured home (see Section 18.04.330 for manufactured housing);
2. Second single family dwelling (subject to parcel size requirements and development standards as per Section 18.04.153).
3. Residential Care Home, Small

B. Use Allowed with Zoning Permit.

1. Reserved.

C. Uses Allowed with Conditional Use Permit.

1. Churches, synagogues, and other buildings for religious assembly;
2. Mobilehome park, travel trailer park;
3. Cemeteries and mausoleums (see Chapter 18.94);
4. Residential conversions (see Chapter 18.94).
5. Residential Care Home, Large

(Ord. No. 525-PP, § 3, 4-12-11; Ord. 525HH § 4(part), 2008: Ord. 525M § 2(part), 2003: Ord. 525-F § 2(part), 1994: Ord. 525 § 1(part), 1989).

**18.12.020 Structure location regulations.** (See also Sections 18.98.010 through 18.98.090.)

Structure location regulations are:

- A. Setback from edge of right-of-way: twenty feet, minimum;
- B. Side yard offset: three feet and six inches minimum;
- C. Rear yard offset: ten feet, minimum.

(Ord. 525HH § 4(part), 2008: Ord. 525M § 2(part), 2003: Ord. 525-F § 2(part), 1994: Ord. 525 § 1(part), 1989).

**18.12.030 Structure height regulations.** (See also Sections 18.98.100 through 18.98.130.)

Structure height regulations are:

- A. Principal building or structure height: thirty-five feet, maximum;
- B. Accessory building or structure height: fifteen feet, maximum.

(Ord. 525HH § 4(part), 2008: Ord. 525M § 2(part), 2003: Ord. 525-F § 2(part), 1994: Ord. 525 § 1(part), 1989).

**18.12.040 Lot dimension regulations.** (See also Section 18.100.010.) Lot dimension regulations are:

- A. Lot area: four thousand five hundred square feet, minimum;
- B. Average lot width: fifty feet, minimum;
- C. Lot length to width ratio permitted: three to one, maximum;
- D. Total building area to lot area ratio permitted: eighty percent, maximum.

(Ord. 525HH § 4(part), 2008: Ord. 525M § 2(part), 2003: Ord. 525-F § 2(part), 1994: Ord. 525C § 3, 1993: Ord. 525 § 1(part), 1989).

**Chapter 18.14**  
**RRS—RESIDENTIAL, RURAL, SINGLE FAMILY DISTRICT**

*Sections:*

- 18.14.010 Land use regulations.
- 18.14.020 Structure location regulations.
- 18.14.030 Structure height regulations.
- 18.14.040 Lot dimension regulations.

**18.14.010 Land use regulations.**

Land use regulations are:

- A. Permitted Uses.
  - 1. One single family dwelling in a permanent structure or one manufactured home (see Section 18.04.330 for manufactured housing);
  - 2. Horticulture;
  - 3. Second single family dwelling (subject to parcel size requirements and development standards as per Section 18.04.153).
  - 4. Residential Care Home, Small
- B. Uses Allowed with Zoning Permit.
  - 1. Reserved;
  - 2. One guest house.
- C. Uses Allowed with Conditional Use Permit.
  - 1. Mobilehome park, travel trailer park, tent camp (see Ord. 298-A-55);
  - 2. Cemeteries and mausoleums (see Chapter 18.94);
  - 3. Churches, synagogues, and other buildings for religious assembly;
  - 4. Bed and breakfast establishments, as specified in Section 18.04.083
  - 5. Residential Care Home, Large

(Ord. No. 525-PP, § 5, 4-12-11; Ord. 525HH § 5(part), 2008: Ord. 525M § 3(part), 2003: Ord. 525-B § 5, 1992; Ord. 525 § 1(part), 1989).

**18.14.020 Structure location regulations.** (See also Sections 18.90.010 through 18.98.090.)

Structure location regulations are:

- A. Setback from edge of right-of-way: twenty-five feet, minimum;
- B. Side yard offset: ten feet, minimum;
- C. Rear yard offset: twenty feet, minimum.

(Ord. 525HH § 5(part), 2008: Ord. 525M § 3(part), 2003: Ord. 525 § 1(part), 1989).

**18.14.030 Structure height regulations.** (See also Sections 18.90.100 through 18.98.130.)

Structure height regulations are:

- A. Principal building or structure: thirty-five feet, maximum;
- B. Accessory building or structure: fifteen feet, maximum.

(Ord. 525HH § 5(part), 2008: Ord. 525M § 3(part), 2003: Ord. 525 § 1(part), 1989).

**18.14.040 Lot dimension regulations.** (See also Section 18.100.010.) Lot dimension regulations are:

- A. Lot area: one acre, minimum;
- B. Average lot width: one hundred twenty feet, minimum;
- C. Lot length to width ratio permitted: three to one, maximum;
- D. Total buildings area to lot area ratio permitted: forty percent, maximum.

(Ord. 525HH § 5(part), 2008: Ord. 525M § 3(part), 2003: Ord. 525 § 1(part), 1989).

**Chapter 18.16**  
**RRS-2, 2 1/2, 3—RESIDENTIAL, RURAL, SINGLE FAMILY DISTRICT**  
**(TWO TO THREE ACRE)**

*Sections:*

- 18.16.010 Land use regulations.
- 18.16.020 Structure location regulations.
- 18.16.030 Structure height regulations.
- 18.16.040 Lot dimension regulations.

**18.16.010 Land use regulations.**

Land use regulations are:

A. Permitted Uses.

1. One single family dwelling in permanent structure or one manufactured home on permanent foundation (see Section 18.04.330 for manufactured housing);
2. Horticulture;
3. The noncommercial raising of bovine animals, equine animals, swine, sheep and goats where the lot area is one acre or more and provided that the number thereof in any combination shall not exceed four adult animals per acre, with not more than two adult animals and three immature offspring of a bovine, equine type, or combination thereof per acre.

The noncommercial raising of poultry, rabbits and other similar small animals where the lot area is one acre or more provided that the number per acre, or combination thereof, shall not exceed twenty-four.

All pens, coops or barns for the keeping of the above indicated animals must comply with the structure setback requirements for this district and shall not be constructed within fifty feet of any structure designed for human habitation;

4. Second single family dwelling (subject to parcel size requirements and development standards as per Section 18.04.153);
5. Residential Care Home, Small.

B. Uses Allowed with Zoning Permit.

1. Private stable;
2. Reserved;
3. One guest house.

C. Uses Allowed with Conditional Use Permit.

1. Mobilehome park, travel trailer park, tent camp (see Chapter 18.94);
2. Cemeteries and mausoleums (see Chapter 18.94);
3. Churches, synagogues and other buildings for religious assembly;
4. Bed and breakfast establishments as specified in Section 18.04.083
5. Residential Care Home, Large

(Ord. No. 525-PP, § 6, 4-12-11; Ord. 525HH § 6(part), 2008; Ord. 525M § 4(part), 2003; Ord. 525-F § 3(part), 1994; Ord. 525-B § 6, 1992; Ord. 525 § 1(part), 1989).

**18.16.020 Structure location regulations.**

Structure location regulations are:

- A. Setback from edge of right-of-way: twenty-five feet, minimum;
- B. Side yard offset: ten feet, minimum;
- C. Rear yard offset: twenty feet, minimum.

(Ord. 525HH § 6(part), 2008: Ord. 525M § 4(part), 2003: Ord. 525-F § 3(part), 1994: Ord. 525 § 1(part), 1989).

**18.16.030 Structure height regulations.**

Structure height regulations are:

- A. Principal building or structure height: thirty-five feet, maximum;
- B. Accessory building or structure height: fifteen feet, maximum.

(Ord. 525HH § 6(part), 2008: Ord. 525M § 4(part), 2003: Ord. 525-F § 3(part), 1994: Ord. 525 § 1(part), 1989).

**18.16.040 Lot dimension regulations.**

Lot dimension regulations are:

- A. Lot area: Two to three acres as specified on the zoning district maps; the minimum parcel size is designated by the number following the RRS prefix shown on the official zoning maps:
  - RRS-2 minimum lot area two acres net;
  - RRS-2 one-half minimum lot area two and one-half acres gross, two and one-fourth acres net;
  - RRS-3 minimum lot area three acres gross, 2.7 acres net.
- B. Average lot width:
  - RRS-2 two hundred feet, minimum;
  - RRS-2 one-half two hundred fifty feet, minimum;
  - RRS-3 two hundred fifty feet, minimum.
- C. Lot length to width ratio permitted, three to one, maximum.
- D. Total building area to lot ratio permitted, twenty percent, maximum.

(Ord. 525HH § 6(part), 2008: Ord. 525M § 4(part), 2003: Ord. 525-F § 3(part), 1994: Ord. 525 § 1(part), 1989).



**Chapter 18.18**  
**RRS-5—RESIDENTIAL, RURAL, SINGLE FAMILY DISTRICT (FIVE ACRE)**

*Sections:*

- 18.18.010 Land use regulations.
- 18.18.020 Structure location regulations.
- 18.18.030 Structure height regulations.
- 18.18.040 Lot dimension regulations.

**18.18.010 Land use regulations.**

Land use regulations are:

A. Permitted Uses.

1. One single family dwelling in permanent structure or one manufactured home (see Section 18.04.330 for manufactured housing);
2. Horticulture;
3. Private stable;
4. The noncommercial raising of bovine animals, equine animals, swine, sheep and goats where the lot area is one acre or more and provided that the number thereof in any combination shall not exceed four adult animals per acre, with not more than two adult animals and three immature offspring of a bovine, equine type or combination thereof per acre.  
 The noncommercial raising of poultry, rabbits and other similar small animals where the lot area is one acre or more provided that the number per acre, or combination thereof, shall not exceed twenty-four.  
 All pens, coops or barns for the keeping of the above-indicated animals must comply with the structure setback requirements for this district and shall not be constructed within fifty feet of any structure designed for human habitation;
5. Second single family dwelling (subject to parcel size requirements and development standards as per Section 18.04.153);

6. Residential Care Home, Small.

B. Uses Allowed with Zoning Permit.

1. One guest house.

C. Uses Allowed with Conditional Use Permit.

1. Mobilehome park, travel trailer park, tent camp (see Chapter 18.94);
2. Cemeteries and mausoleums (see Chapter 18.94);
3. Churches, synagogues and other buildings for religious assembly;
4. Bed and breakfast establishment as specified in Section 18.04.083

5. Residential Care Home, Large.

(Ord. No. 525-PP, § 7, 4-12-11; Ord. 525HH § 7(part), 2008; Ord. 525M § 5(part), 2003; Ord. 525-B § 8, 1992; Ord. 525 § 1(part), 1989).

**18.18.020 Structure location regulations.** (See also Sections 18.98.010 through 18.98.090.)

Structure location regulations are:

- A. Setback from edge of right-of-way: twenty-five feet, minimum;
- B. Side yard offset: ten feet, minimum;

C. Rear yard offset: twenty feet, minimum.

(Ord. 525HH § 7(part), 2008: Ord. 525M § 5(part), 2003: Ord. 525 § 1(part), 1989).

**18.18.030 Structure height regulations.** (See also Sections 18.98.100 through 18.98.130.)

Structure height regulations are:

A. Principal building or structure: thirty-five feet, maximum;

B. Accessory building or structure: fifteen feet, maximum.

(Ord. 525HH § 7(part), 2008: Ord. 525M § 5(part), 2003: Ord. 525 § 1(part), 1989).

**18.18.040 Lot dimension regulations.** (See also Section 18.100.010.) Lot dimension regulations are:

A. Minimum lot area five acres gross, four and one-half acres net;

B. Average lot width: two hundred seventy feet, minimum;

C. Lot length to width ratio permitted: three to one, maximum;

D. Total buildings area to lot area ratio permitted: twenty percent, maximum.

(Ord. 525HH § 7(part), 2008: Ord. 525M § 5(part), 2003: Ord. 525L-1 § 1, 2003: Ord. 525 § 1(part), 1989).

**Chapter 18.20**  
**RRS-10—RESIDENTIAL, RURAL, SINGLE FAMILY DISTRICT (TEN ACRE)**

*Sections:*

- 18.20.010 Land use regulations.
- 18.20.020 Structure location regulations.
- 18.20.030 Structure height regulations.
- 18.20.040 Lot dimension regulations.

**18.20.010 Land use regulations.**

Land use regulations are:

A. Permitted Uses.

1. One single family dwelling in permanent structure or one manufactured home (see Section 18.04.330 for manufactured housing);
2. Horticulture;
3. Private stable;
4. The noncommercial raising of bovine animals, equine animals, swine, sheep and goats where the lot area is one acre or more and provided that the number thereof in any combination shall not exceed four adult animals per acre, with not more than two adult animals and three immature offspring of a bovine, equine type or combination thereof per acre.  
 The noncommercial raising of poultry, rabbits and other similar small animals where the lot area is one acre or more provided that the number per acre, or combination thereof, shall not exceed twenty-four.  
 All pens, coops or barns for the keeping of the above indicated animals must comply with the structure setback requirements for this district and shall not be constructed within fifty feet of any structure designed for human habitation;
5. Second single family dwelling (subject to parcel size requirements and development standards as per Section 18.04.153);

6. Residential Care Home, Small.

B. Uses Allowed with Zoning Permit.

1. One guest house.

C. Uses Allowed with Conditional Use Permit.

1. Mobilehome park, travel trailer park, tent camp (see Chapter 18.94);
2. Cemeteries and mausoleums (see Chapter 18.94);
3. Churches, synagogues and other buildings for religious assembly;
4. Commercial chinchilla raising;
5. Bed and breakfast establishment as specified in Section 18.04.083

6. Residential Care Home, Large.

(Ord. No. 525-PP, § 8, 4-12-11; Ord. 525HH § 8(part), 2008; Ord. 525M § 6(part), 2003; Ord. 525-B § 9, 1992; Ord. 525 § 1(part), 1989).

**18.20.020 Structure location regulations.** (See also Sections 18.98.010 through 18.98.090.)

Structure location regulations are:

- A. Setback from edge of right-of-way: twenty-five feet, minimum;
- B. Side yard offset: ten feet, minimum;

C. Rear yard offset: twenty feet, minimum.

(Ord. 525HH § 8(part), 2008: Ord. 525M § 6(part), 2003: Ord. 525 § 1(part), 1989).

**18.20.030 Structure height regulations.** (See also Sections 18.98.100 through 18.98.130.)

Structure height regulations are:

A. Principal building or structure: thirty-five feet, maximum;

B. Accessory building or structure: fifteen feet, maximum.

(Ord. 525HH § 8(part), 2008: Ord. 525M § 6(part), 2003: Ord. 525 § 1(part), 1989).

**18.20.040 Lot dimension regulations.** (See also Section 18.100.010.) Lot dimension regulations are:

A. Minimum lot area ten acres gross, nine acres net;

B. Average lot width: four hundred feet, minimum;

C. Lot length to width ratio permitted: three to one, maximum;

D. Total building area to lot ratio permitted: twenty percent, maximum.

(Ord. 525HH § 8(part), 2008: Ord. 525M § 6(part), 2003: Ord. 525L-1 § 2, 2003: Ord. 525 § 1(part), 1989).

**Chapter 18.22**  
**RMS—RESIDENTIAL, MOUNTAIN, SINGLE FAMILY DISTRICT**

*Sections:*

- 18.22.010 Land use regulations.
- 18.22.020 Structure location regulations.
- 18.22.030 Structure height regulations.
- 18.22.040 Lot dimension regulations.

**18.22.010 Land use regulations.** Land use regulations are:

- A. Permitted Uses.
  - 1. One single family dwelling in permanent structure or one manufactured home (see Section 18.04.330 for manufactured housing);
  - 2. Horticulture;
  - 3. Agriculture;
  - 4. Forestry;
  - 5. Second single family dwelling. (Subject to parcel size requirements and development standards as per Section 18.04.153).
  - 6. Residential Care Home, Small
- B. Uses Allowed with Zoning Permit.
  - 1. One guest house;
  - 2. Reserved;
  - 3. Private stable.
- C. Uses Allowed with Conditional Use Permit.
  - 1. Public stable;
  - 2. Mobilehome park, travel trailer park, tent camp (see Chapter 18.94);
  - 3. Cemeteries and mausoleums (see Chapter 18.94);
  - 4. Churches, synagogues, and other buildings for religious assembly;
  - 5. Bed and breakfast establishment as specified in Section 18.04.083
  - 6. Residential Care Home, Large.

(Ord. No. 525-PP, § 9, 4-12-11; Ord. 525HH § 9(part), 2008; Ord. 525M § 7(part), 2003; Ord. 525-B § 10, 1992; Ord. 525 § 1(part), 1989).

**18.22.020 Structure location regulations.** (See Sections 18.98.010 through 18.98.090.)

Structure location regulations are:

- A. Setback from edge of right-of-way: twenty-five feet, minimum;
- B. Side yard offset: ten feet, minimum for lots of one acre or larger, a five-foot minimum allowed on one side only for lots less than one acre;
- C. Rear yard offset: twenty feet, minimum.

(Ord. 525HH § 9(part), 2008; Ord. 525M § 7(part), 2003; Ord. 525C § 4, 1993; Ord. 525 § 1(part), 1989).

**18.22.030 Structure height regulations.** (See Sections 18.98.100 through 18.98.130.)

Structure height regulations are:

- A. Principal building or structure height: thirty-five feet, maximum;
- B. Accessory building or structure height: fifteen feet, maximum except farm or ranch buildings: sixty feet, maximum.

(Ord. 525HH § 9(part), 2008; Ord. 525M § 7(part), 2003; Ord. 525 § 1(part), 1989).

**18.22.040 Lot dimension regulations.** (See Section 18.100.010.) Lot dimension regulations are:

- A. Lot area: One acre, minimum;
- B. Average lot width: One hundred twenty feet, minimum;
- C. Lot length to width ratio permitted: Three to one, maximum;
- D. Dwelling floor area to lot area ratio permitted;
- E. Total buildings area to lot area ratio permitted.

(Ord. No. 525-OO, § 2, 4-12-11; Ord. 525HH § 9(part), 2008; Ord. 525M § 7(part), 2003; Ord. 525 § 1(part), 1989).

**Chapter 18.24**  
**RUM—RESIDENTIAL, URBAN, MULTIPLE FAMILY DISTRICT**

*Sections:*

- 18.24.010 Land use regulations.
- 18.24.020 Structure location regulations.
- 18.24.030 Structure height regulations.
- 18.24.040 Lot dimension regulations.

**18.24.010 Land use regulations.**

Land use regulations are:

## A. Permitted Uses.

1. Multiple family dwelling in permanent structure(s) (see square footage per family requirements Section 18.24.040(A));
2. One single family dwelling in permanent structure or one manufactured home (see Section 18.04.330 for manufactured housing);
3. Second single family dwelling (subject to parcel size requirements and development standards as per Sections 18.04.153 and 18.24.040(A)).
4. Residential Care Home, Small.

## B. Uses Allowed with Zoning Permit.

1. Reserved;
2. Guest house;
3. Second single family dwelling (parcel size less than one acre).

## C. Uses Allowed with Conditional Use Permit.

1. Professional office;
2. Mobilehome park, travel trailer park (see Chapter 18.94);
3. Cemeteries and mausoleums (see Chapter 18.94);
4. Churches, synagogues, and other buildings for religious assembly (see Chapter 18.94);
5. Bed and breakfast establishments, as specified in Section 18.04.082
6. Residential Care Home, Large.

(Ord. No. 525-PP, § 11, 4-12-11; Ord. 525HH § 10(part), 2008; Ord. 525M § 8(part), 2003; Ord. 525-F § 5(part), 1994; Ord. 525-B § 3, 1992; Ord. 525 § 1(part), 1989).

**18.24.020 Structure location regulations.** (See also Sections 18.98.010 through 18.98.090.)

Structure location regulations are:

- A. Setback from edge of right-of-way: twenty-five feet, minimum;
- B. Side yard offset: five feet, minimum;
- C. Rear yard offset: ten feet, minimum.

(Ord. 525HH § 10(part), 2008; Ord. 525M § 8(part), 2003; Ord. 525-F § 5(part), 1994; Ord. 525 § 1(part), 1989).

**18.24.030 Structure height regulations.** (See also Sections 18.98.100 through 18.98.130.)

Structure height regulations are:

- A. Principal building height: forty feet, maximum;
- B. Accessory building height: fifteen feet, maximum.

(Ord. 525HH § 10(part), 2008: Ord. 525M § 8(part), 2003: Ord. 525-F § 5(part), 1994: Ord. 525 § 1(part), 1989).

**18.24.040 Lot dimension regulations.** (See also Section 18.100.010.) Lot dimension regulations are:

- A. Lot area: two thousand square feet per family, minimum, and six thousand square feet per lot, minimum, maximum of two detached single family dwellings;
- B. Average lot width: sixty-five feet, minimum;
- C. Lot length to width ratio permitted: three to one, maximum;
- D. Dwelling floor area to lot area ratio permitted: eighty percent, maximum;
- E. Total building ground floor lot coverage permitted: eighty percent, maximum.

(Ord. 525HH § 10(part), 2008: Ord. 525M § 8(part), 2003: Ord. 525-F § 5(part), 1994: Ord. 525C § 5, 1993: Ord. 525 § 1(part), 1989).



**Chapter 18.36**  
**CUR—COMMERCIAL, URBAN, RESTRICTED DISTRICT**

*Sections:*

- 18.36.010 Land use regulations.
- 18.36.020 Structure location regulations.
- 18.36.030 Structure height regulations.
- 18.36.040 Lot dimension regulations.

**18.36.010 Land use regulations.**

Land use regulations are:

- A. Permitted Uses.
  - 1. Restricted retail sales establishment,
  - 2. Professional office,
  - 3. Multiple family dwelling in permanent structure(s),
  - 4. One single family dwelling in permanent structure or one manufactured home on permanent foundation (see Section 18.04.330 for manufactured housing);
  - 5. Emergency shelter;
- B. Uses Permitted with Zoning Permit. None specified;
- C. Uses allowed with Conditional Use Permit.
  - 1. Establishment serving liquor for consumption on the premises,
  - 2. Churches, synagogues and other buildings for religious assembly,
  - 3. Cemeteries and mausoleums (see Chapter 18.94),
  - 4. Laboratories for testing, experimental, or analytical purposes (see Chapter 18.94),
  - 5. Private clubs and outdoor recreation facilities (see Chapter 18.94),
  - 6. Public and semipublic buildings and uses,
  - 7. Communications tower/wireless communications facility.

(Ord. 525H § 6, 1999; Ord. 525 § 1(part), 1989).

**18.36.020 Structure location regulations.** (See also Sections 18.98.010—18.98.090.)

Structure location regulations are:

- A. Setback from edge of right-of-way: fifteen feet, minimum;
- B. Side yard offset: five feet, minimum;
- C. Rear yard offset: ten feet, minimum.

(Ord. 525 § 1(part), 1989).

**18.36.030 Structure height regulations.** (See also Sections 18.98.100—18.98.130.) Structure height regulations are:

- A. Principal building or structure height: thirty-five feet, maximum;
- B. Accessory building or structure height: fifteen feet, maximum.

(Ord. 525 § 1(part), 1989).

**18.36.040 Lot dimension regulations.** (See also Section 18.100.010.) Lot dimension regulations are:

- A. Lot area: six thousand square feet, minimum;
- B. Average lot width: sixty feet, minimum;
- C. Lot length to width ratio permitted: three to one maximum;
- D. Dwelling floor area to lot area ratio permitted: thirty percent, maximum;
- E. Total building area to lot area ratio permitted: sixty percent, maximum.

(Ord. 525 § 1(part), 1989).

**Chapter 18.42**  
**I-L—INDUSTRIAL, URBAN OR RURAL, LIGHT DISTRICT**

*Sections:*

- 18.42.010 Land use regulations.
- 18.42.020 Structure location regulations.
- 18.42.030 Structure height regulations.
- 18.42.040 Lot dimension regulations.

**18.42.010 Land use regulations.**

Land use regulations are:

- A. Permitted Uses.
  - 1. Light industrial use;
  - 2. General commercial establishment;
  - 3. Customer service establishment;
  - 4. Communication tower/wireless communications facility placed atop an existing structure, which will not increase the height of said structure above twenty additional feet, or exceed the height limit of this zone district, whichever is greater;
  - 5. Motel;
  - 6. Office;
  - 7. Emergency Shelter.
- B. Uses Allowed with Zoning Permit.
  - 1. One single family dwelling;
  - 2. Communications tower/wireless communications facility placed atop or adjacent to an existing structure in instances in which the height of the proposed facility will not exceed forty additional feet (sixty additional feet if the proposal provides for colocation) above the existing structure's height;
  - 3. Mini storage facility (see Section 18.94.075).
- C. Uses Allowed with Conditional Use Permit.
  - 1. Restricted retail sales establishment;
  - 2. Retail sales establishment;
  - 3. Airports, landing fields and airstrips;
  - 4. Cemeteries and mausoleums (see Chapter 18.94);
  - 5. Laboratories for testing, experimental or analytical purposes (see Chapter 18.94);
  - 6. Transit mix, concrete manufacturing or concrete goods manufacturing (see Section 18.94.120);
  - 7. Outdoor theaters (see Section 18.94.090);
  - 8. Junkyard (see Chapter 18.94);
  - 9. Communications tower/wireless communications facility that does not meet the standards as specified in either subsection A or B of this section;
  - 10. Bulk fuel storage for distribution and resale;
  - 11. Solar farms.

(Ord. No. 525NN, § 2, 4-27-10; Ord. 525HH § 12(part), 2008; Ord. 525O § 7, 2003; Ord. 525H § 9, 1999; Ord. 525 § 1(part), 1989).

**18.42.020 Structure location regulations.** (See also Sections 18.98.010 through 18.98.090.)

Structure location regulations are:

- A. Setback from edge of right-of-way: Twenty-five feet, minimum;
- B. Side yard offset: Ten feet, minimum;
- C. Rear yard offset: Twenty feet, minimum.

No industrial use, structure, building or storage area may be closer to the side or rear lot line than the minimum offset allowed in any abutting residential district. (Ord. 525HH § 12(part), 2008; Ord. 525 § 1(part), 1989).

**18.42.030 Structure height regulations.** (See also Sections 18.98.100 through 18.98.130.)

Structure height regulations are:

- A. Principal building or structure height: Sixty feet, maximum;
- B. Accessory building or structure height: Sixty feet, maximum.

(Ord. 525HH § 12(part), 2008; Ord. 525 § 1(part), 1989).

**18.42.040 Lot dimension regulations.** (See also Section 18.100.010.) Lot dimension regulations are:

- A. Lot area: One acre minimum per establishment or per single family;
- B. Average lot width: One hundred twenty feet, minimum;
- C. Lot length to width ratio permitted: four to one, maximum in industrial use;
  1. Length to width ratio three to one for all other uses;
- D. Dwelling floor area to lot area ratio permitted: Twenty percent, maximum;
- E. Total building area to lot area ratio permitted: ninety percent, maximum in industrial uses:
  1. Total buildings area ratio permitted, with other permitted uses, determined by the zoning administrator.

(Ord. 525HH § 12(part), 2008; Ord. 525 § 1(part), 1989).

**Chapter 18.54**  
**AR-5—AGRICULTURAL, RURAL, FIVE ACRE DISTRICT**

**Sections:**

- 18.54.010 Land use regulations.
- 18.54.020 Structure location regulations.
- 18.54.030 Structure height regulations.
- 18.54.040 Lot dimension regulations.

**18.54.010 Land use regulations.**

Land use regulations are:

- A. Permitted Uses.
  - 1. Agricultural uses;
  - 2. One single family dwelling (permanent structure or manufactured home);
  - 3. Second single family dwelling (subject to parcel size requirements and development standards as per Section 18.04.153);
  - 4. Residential Care Home, Small.
- B. Uses Allowed with Zoning Permit.
  - 1. Guest house.
- C. Uses Allowed with Conditional Use Permit.
  - 1. Feed lots, pig farms, fur farms, poultry farms (see Chapter 18.94);
  - 2. Any use allowed in Chapter 18.94, Conditional Uses;
  - 3. Sand pit;
  - 4. Roadside stand;
  - 5. Animal hospitals, kennels, and laboratories using animals or animal products (see Chapter 18.94);
  - 6. Cemeteries and mausoleums (see Chapter 18.94);
  - 7. Laboratories for testing, experimental, or analytical purposes (see Chapter 18.94);
  - 8. Churches, synagogues and other buildings for religious assembly;
  - 9. Public and commercial refuse disposal sites (see Chapter 18.94);
  - 10. Agriculturally oriented services;
  - 11. Solar farms.
  - 12. Residential Care Home, Large.

(Ord. No. 525-PP, § 14, 4-12-11; Ord. No. 525NN, § 2, 4-27-10; Ord. 525HH § 13(part), 2008; Ord. 525M § 10(part), 2003; Ord. 525 § 1(part), 1989).

**18.54.020 Structure location regulations.** (See also Sections 18.98.010 through 18.98.090.)

Structure location regulations are:

- A. Setback from edge of right-of-way: Twenty-five feet, minimum;
- B. Side yard offset: Ten feet, minimum;
- C. Rear yard offset: Twenty feet, minimum.

(Ord. 525HH § 13(part), 2008; Ord. 525M § 10(part), 2003; Ord. 525 § 1(part), 1989).

[Type text]

**18.54.030 Structure height regulations.** (See also Sections 18.98.100 through 18.98.130.)

Structure height regulations are:

- A. Principal building or structure height: Thirty-five feet, maximum;
- B. Accessory building or structure height: Fifteen feet, maximum, except for farm or ranch buildings: forty-five feet, maximum.

(Ord. 525HH § 13(part), 2008: Ord. 525M § 10(part), 2003: Ord. 525 § 1(part), 1989).

**18.54.040 Lot dimension regulations.** (See also Section 18.100.010.) Lot dimension regulations are:

- A. Lot area: Four and one-half acres (net), minimum;
- B. Average lot width: Two hundred feet, minimum;
- C. Lot length to width ratio permitted: \_\_\_\_\_ minimum;
- D. Total building area to lot area ratio permitted: Ten percent, maximum.

(Ord. 525HH § 13(part), 2008: Ord. 525M § 10(part), 2003: Ord. 525 § 1(part), 1989).

**Chapter 18.88**  
**LAND USE REGULATIONS**

Sections:

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- 18.88.010 Restricted uses.
- 18.88.015 Prohibited uses.
- 18.88.020 Unclassified uses.
- 18.88.030 Additional requirements.
- 18.88.040 Public utilities.
- 18.88.050 Storing motor vehicles and equipment.
- 18.88.060 Emergency Shelters

**18.88.010 Restricted uses.**

In any zoning district, no building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, or relocated, except for one or more of the uses as hereinbefore stated for that zoning district and in compliance with the regulations hereinbefore established for that zoning district. (*Ord. 525 § 1(part), 1989*).

**18.88.015 Prohibited uses.** The following land uses are prohibited in all zoning districts:

- A. Medical marijuana dispensaries;
- B. Notwithstanding any other provision of this code, the sale or distribution of a controlled substance under federal or state law shall not be a permitted use on any property or in any building or structure in any zone throughout the county, unless the person or entity selling or distributing the controlled substance has all applicable state and federal pharmaceutical licenses. This prohibition shall not interfere with the individual rights of qualified persons to participate in collectives or cooperatives in order to possess or use marijuana for medical purposes as provided for by the voters of the state of California under the Compassionate Use Act of 1966 and of the California Legislature under Senate Bill 420 (2003). (*Ord. No. 525MM, § 4, 9-22-09*)

**18.88.020 Unclassified uses.**

Any use not specifically listed as a permitted use shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of question as to the classification of a use, the question shall be submitted to the zoning administrator for determination. (*Ord. 525 § 1(part), 1989*).

**18.88.030 Additional requirements.**

Any use, in any zoning district, which becomes hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood may be required to be corrected or improved by measures directed by the zoning agency consistent with reasonable technological and economic practicality. (*Ord. 525 § 1(part), 1989*).

**18.88.040 Public utilities.**

Communications equipment buildings, substations, underground and overhead transmission lines and power lines above seventy KV, trunk and interregional communication lines, and supporting structures shall be permitted in any district, subject to review by the zoning administrator.

Public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without limitation as to height except in AAO airport/airspace overlaid districts, and without the necessity of first obtaining a use permit; provided, however, that the routes of proposed electric transmission lines shall be submitted to the planning commission for recommendation prior to acquisition of rights-of-way therefor. (Ord. 525 § 1(part), 1989).

**18.88.050 Storing motor vehicles and equipment.**

Motor vehicles and equipment used by persons engaged in forestry, lumbering or agriculture in any residential, mountain, single family district or -RM, -Rural, mountain district may be stored on their own property. However, all other regulations shall apply and such stored devices or materials shall be treated as structures, regarding location on the premises. (Ord. 525 § 1(part), 1989).

**18.88.060 Emergency Shelters - Permanent**

- A. Applicability. The standards in this section apply to emergency shelters as defined in Section 18.04
- B. Number of beds. The number of beds in an emergency shelter shall not exceed 60.
- C. Proximity to other emergency shelters. No emergency shelter may be located within 300 feet of another emergency shelter.
- D. Length of Stay. Temporary shelter may be provided for no more than six months per calendar year for each resident.
- E. Lighting. All exterior lighting associated with an emergency shelter shall be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way.



## Chapter 18.114 DENSITY BONUSES

### Sections:

- 18.114.010 – Purpose
- 18.114.020 – Definitions
- 18.114.030 – Eligibility
- 18.114.040 – Amount of Density Bonus
- 18.114.050 – Standards for Affordable Units
- 18.114.060 – Donations of Land
- 18.114.070 – Incentives
- 18.114.080 – Waivers or Reductions of Development Standards
- 18.114.090 – Reduced Parking Requirement
- 18.114.100 – Housing with Child Care Facilities
- 18.114.110 – Application and Review
- 18.114.120 – Continued Affordability
- 18.114.130 – Density Bonus Housing Agreement

### **18.114.010 Purpose**

This article implements Government Code Section 65915, which requires the County to provide incentives for affordable housing, senior housing, and child care facilities. In the event of any conflict between this article and Section 65915 of the Government Code, the provisions of the Government Code shall apply.

### **18.114.020 Definitions**

- A. “Affordable Housing Project” means a Housing Project which will be made available to and reserved for very low-income households, low-income households, or moderate-income households at a monthly rent or payment not to exceed 30 percent of the total combined monthly income of the targeted income group.
- B. “Density Bonus” means a density increase over the otherwise maximum allowable residential density as permitted by the applicable zone in the Zoning Ordinance.
- C. “Common-Interest Development” means a community apartment project, a condominium project, a planned development, or a stock cooperative.
- D. “Child Care Facility,” means an establishment providing child day care services, other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.
- E. “Housing Project” means a development project for five or more residential units, a subdivision or common interest development of five or more unimproved residential parcels, a development project to substantially rehabilitate and convert an existing commercial building to contain five or more residential units, or the substantial rehabilitation of an existing multi-family dwelling where the result of the rehabilitation would be a net increase in five or more residential units.

- F. "Incentive" means the waiver or reduction of a County standard, regulation, or requirement as necessary to render an Affordable Housing Project financially feasible.
- G. "Low-Income Households" means a household with a total combined income not exceeding 80 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.
- H. "Maximum Allowable Residential Density" means the maximum residential density permitted by the applicable zone as established in the Zoning Ordinance.
- I. "Moderate Income Household" means a household with a total combined income not exceeding 120 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.
- J. "Senior Housing" means a development project of at least 35 dwelling units reserved for households headed by a person 62 years of age or older.
- K. "Very Low Income Household" means a household with a total combined income not exceeding 50 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.

#### **18.114.030 Eligibility**

The following types of development projects are eligible for a density bonus and incentives as identified in this article.

- A. Affordable Housing Projects. Affordable housing projects including one or more of the following:
  - 1. At least 10 percent of the units affordable for low-income households.
  - 2. At least 5 percent of the units affordable for very low-income households.
  - 3. At least 10 percent of the total dwelling units in a common-interest development affordable to moderate-income households, provided that all units are offered to the public for purchase.
- B. Senior Housing. A senior housing development or a mobile home park that limits residency based on age requirements for housing for older persons, in compliance with Civil Code Section 798.76 or 799.5.
- C. Donation of Land. A donation of land for the purpose of constructing housing for very low income households.
- D. Condominium Conversions. The conversion of apartments to condominiums that provides either of the following:
  - 1. At least 33 percent of the units affordable to low- or moderate-income households.
  - 2. At least 15 percent of the units affordable to very low-income households.

**18.114.040 Amount of Density Bonus**

If requested by the applicant, the County shall grant density bonuses in the amounts identified below.

- A. Very Low-Income Projects. Housing projects with at least five percent of units affordable to very low-income households are entitled to a density bonus as shown:

Percent of Very Very Low-Income Units	Amount of Density Bonus
5%	20%
6%	22.5%
7%	25%
8%	27.5%
9%	30%
10%	32.5%
11%	35%

- B. Low-Income Projects. Housing projects with at least ten percent of units affordable to low income households are entitled to a density bonus as shown:

Percent of Very Low-Income Units	Amount of Density Bonus
10%	20%
11%	21.5%
12%	23%
13%	24.5%
14%	26%
15%	27.5%
16%	29%
17%	30.5%
18%	32%
19%	33.5%
20%	35%

- C. Moderate-Income Projects. Common interest development projects with at least ten percent of units affordable to moderate-income households are entitled to a density bonus as shown:

Percent of Very Moderate-Income Units	Amount of Density Bonus
10%	5%
11%	6%
12%	7%
13%	8%
14%	9%
15%	10%

Percent of Very Moderate-Income Units	Amount of Density Bonus
16%	11%
17%	12%
18%	13%
19%	14%
20%	15%
21%	16%
22%	17%
23%	18%
24%	19%
25%	20%
26%	21%
27%	22%
28%	23%
29%	24%
30%	25%
31%	26%
32%	27%
33%	28%
34%	29%
35%	30%
36%	31%
37%	32%
38%	33%
39%	34%
40%	35%

D. Senior Housing. Senior housing projects are entitled to a density bonus of 20 percent of the number of senior housing units.

E. Donations of Land. Projects that donate land for very low-income housing consistent with Section 18.114.060 (Donations of Land) are entitled to a density bonus as shown:

**Amount of Density Bonus for  
Donations of Land**

Percent of Very Moderate-Income Units	Amount of Density Bonus
10%	15%
11%	16%
12%	17%
13%	18%

Percent of Very Moderate-Income Units	Amount of Density Bonus
14%	19%
15%	20%
16%	21%
17%	22%
18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%
28%	33%
29%	34%
30%	35%

F. Condominium Conversions

1. Condominium conversion projects meeting affordability requirements identified in Section 18.114.030 (Eligibility) are entitled to a density bonus of 25 percent of the number of apartments within the structure to be converted.
2. As an alternative to the 25 percent density bonus.
3. Condominium conversions are ineligible for a density bonus if the rental units to be converted received a density bonus when they were originally constructed.

G. Calculation of Density Bonus

1. All density calculations resulting in fractional units shall be rounded up to the next whole number.
2. Affordable housing projects shall choose a density bonus from only one affordability category (e.g., very low-income) and may not combine categories.
3. A density bonus for a senior housing project may not be combined with a density bonus for an affordable housing project.
4. A density bonus for the donation of land may be combined with density bonuses for affordable and senior housing. However, in no case may a total density bonus exceed 35 percent.

**18.114.050 Standards for Affordable Units**

All affordable units built under the provisions of this article shall meet the following requirements:

- A. Concurrency. Affordable units shall be built concurrently with market rate units unless the County and the applicant agree within the density bonus housing agreement to an alternative schedule for development.

- B. Location. Affordable units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development.
- C. Unit Size. The average number of bedrooms of the affordable units shall be equivalent or greater to the bedroom mix of the housing development's other units.
- D. Design. The design and appearance of the affordable units shall be compatible with the design of the housing development as a whole.
- E. Development Standards. Housing developments shall comply with all applicable development standards, except those that may be modified as permitted by this article.
- F. Linked Sites. Circumstances may arise in which the public interest would be served by allowing some or all of the affordable units associated with one housing development to be produced and operated at an alternative development site. If the developer and the County agree to allow the production and operation of affordable units at an alternative site, the resulting linked developments shall be considered a single housing development for the purposes of this article.

**18.114.060 Donations of Land**

All land donated for the purpose of constructing affordable housing shall meet the following requirements:

- A. Date of Transfer. The applicant shall donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
- B. Developable Acreage. The developable acreage of the land being transferred shall be sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units in the proposed development.
- C. Minimum Size. The transferred land shall have an area sufficient to permit development of at least 40 units.
- D. Appropriate Regulations and Infrastructure. The transferred land shall have the appropriate General Plan land use designation, zoning and development standards to make the development of affordable units feasible, and it shall have existing or planned public facilities and infrastructure that are adequate to support the development.
- E. Entitlements. No later than the date of approval of the final subdivision map, parcel map, or residential development application, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land.
- F. Deed Restriction. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the

requirements of this article. The restriction shall be recorded on the property at the time of dedication.

- G. Recipient. The land shall be transferred to the County or to a housing developer approved by the County. The County may require the applicant to identify and transfer the land to the developer.
- H. Location. The transferred land shall be within the boundary of the proposed development or, if the County agrees, within ¼-mile of the boundary of the proposed development.

#### **18.114.070 Incentives**

- A. Eligibility. An applicant who applies for a density bonus may also request one to three incentives, as identified in Subsection D (Available Incentives), as needed to contribute to a development project's financial feasibility.
- B. Number of Incentives. An applicant may request the following number of incentives:
  - 1. One incentive for projects that include at least 10 percent of the total units for low-income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common-interest development.
  - 2. Two incentives for projects that include at least 20 percent of the total units for low income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common-interest development.
  - 3. Three incentives for projects that include at least 30 percent of the total units for low income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a common-interest development.
- C. Additional Incentives. The County may, at its discretion, grant additional incentives to increase the number of affordable units provided or to increase the affordability of the affordable units.
- D. Available Incentives. Each development incentive may include one and only one of the following types of regulatory relief or change:
  - 1. Reduced minimum parcel sizes or dimensions.
  - 2. Reduced minimum setbacks.
  - 3. Reduced minimum building separation requirements.
  - 4. Increased maximum floor area ratio.
  - 5. Increased maximum building height.
  - 6. Reduced on-site parking requirements.
  - 7. The waiver, reduction or deferral of planning, plan check, construction permit and/or development impact fees.
  - 8. Approval of mixed-use zoning for the project site in conjunction with the housing development, if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing development and the existing or

planned development in the area where the proposed development will be located.

- E. Justification for Incentives. An applicant requesting an incentive shall show, using one of the following methods, that the incentive is necessary to make the affordable units economically feasible:
1. A development pro forma showing the capital costs, operating expenses, return on investment, loan-to-value ratio, debt coverage ratio, the contributions provided by any applicable subsidy programs, the economic effect created by the minimum 30 year use and income restrictions on the affordable housing units, and the benefit created by the density bonus and the requested incentives.
  2. An appraisal report indicating the value of the density bonus and of the incentives.
  3. A funds statement identifying the projected financing gap for the project. The analysis shall show how much of the funding gap is covered by the density bonus and how much by the incentives/concessions.
- F. Provision of Incentives. The County shall provide the specific incentive or incentives requested by an applicant, unless the County makes a written finding, based upon substantial evidence, of any of the following:
1. The incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in this section.
  2. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low-income, low-income and moderate-income households.
  3. The incentive is contrary to State or federal law.

#### **18.114.080 Waivers or Reductions of Development Standards**

- A. Eligibility. An applicant who applies for a density bonus may also request a waiver or reduction of any development standard that would physically prevent the construction of the development project.
- B. Development Standards Defined.
1. Development standards include any adopted County standard or regulation related to the physical location or type of construction, including but not limited to, structure height, setbacks, parking, floor area ratio, and the placement of public works improvements.
  2. As defined in this section, development standards do not include land use regulations, permitting procedures, inclusionary housing requirements, or development impact fees.
- C. Number of Waivers or Reductions.
1. There shall be no limit to the number of waivers or reductions available to an applicant.



2. The approval of waivers or reductions shall neither reduce nor increase the number of incentives available to a project pursuant to Section 18.114.070 (Incentives).
- D. Justification for Approval. The County shall approve the requested waiver or reduction if the applicant can demonstrate that it is physically impossible to construct the project without the waiver or reduction.
- E. Provision of Waivers or Reductions. The County shall approve the requested waiver or reduction, unless the County makes a written finding, based upon substantial evidence, of either of the following:
1. The waiver or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households.
  2. The waiver or reduction is contrary to State or federal law.

#### **18.114.090 Reduced Parking Requirement**

Development projects entitled to a density bonus and incentives are also entitled to a reduced on-site parking requirement as described below.

- A. Number of Spaces. Upon the request of the applicant, the County shall reduce the required onsite parking requirement to one parking space for a zero to one bedroom dwelling unit.
- B. Calculation of Required Parking. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- C. Configuration and Location of Parking. A development project may provide on-site parking through tandem parking, but not through on-street parking.
- D. Additional Parking Incentives. An applicant may request parking incentives beyond those provided in this section pursuant to Section 18.114.070 (Incentives).

#### **18.114.100 Housing with Child Care Facilities**

- A. Additional Bonus or Incentive. A development project eligible for a density bonus or incentive that includes a child care facility as part of the project is entitled to one of the following:
1. An additional density bonus equal to the amount of square footage of the facility;  
or
  2. One additional incentive that contributes significantly to the economic feasibility of the child care facility.
- B. Conditions. The County shall require, as a condition of approving a housing development with a child care facility, that the following occur:

1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
  2. Of the children who attend the child care facility, the percentage of children who reside in affordable units shall equal or exceed the percentage of dwelling units that are available for very low-income, low-income, or moderate-income households.
- C. Basis for Denial. The County is not required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the vicinity of the proposed project is adequately served by existing child care facilities.

#### **18.114.110 Application and Review**

- A. Application. A developer seeking approval of a density bonus and an additional incentive or incentives shall file an application with the Planning and Building Department. The Department shall process the application concurrently with any other application required for the development project. The form and content of the application shall be as specified by the Department and subject to a fee established by resolution of the Board of Supervisors.
- B. Hearing Process. The application shall be heard and decided by the Planning Commission, unless the applicant is requesting incentives requiring Board of Supervisors approval, as set forth in subsection (C)(2) below, in which case the application shall be approved by the Board of Supervisors with a recommendation from the Planning Commission. The Planning Commission's decision may be appealed to the Board of Supervisors.
- C. Approval of Incentives. The Planning Commission and Board of Supervisors shall be authorized to approve incentives as follows:
1. The Planning Commission shall be authorized to approve development incentives that include the modification of site development standards, or the modification of zoning.
  2. Approval by the Board of Supervisors shall be required for all other development incentives.

#### **18.114.120 Continued Affordability**

The following requirements apply to all affordable units that qualify for a density bonus or other incentive.

- A. Duration of Affordability.
1. All units shall remain affordable for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
  2. Rents shall be set at affordable levels as defined in Health and Safety Code Section 50053.
  3. Owner-occupied units shall be available at an affordable cost as defined in Health and Safety Code Section 50052.5.
  4. The County's proportionate share of appreciation shall be equal to the ratio of the County's initial subsidy to the fair market value of the home at the time of initial sale.

**18.114.130 Density Bonus Housing Agreement**

- A. Agreement Required. As a condition for the approval of a density bonus and additional incentives, the applicant shall agree to enter into a density bonus housing agreement with the County. The executed density bonus housing agreement shall be recorded on the parcel or parcels designated for the construction of affordable units, or donated for the purpose of constructing housing units as specified in this section. 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 housing agreement shall be binding upon all future owners and successors in interest.
- B. Content of Agreement. The density bonus housing agreement shall, at a minimum, include all of the following:
1. The total number of units approved for the housing development, including the number of affordable units.
  2. A description of the household income groups to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.
  3. The location, unit size in square feet, and number of bedrooms of each affordable unit.
  4. The location and square footage of any land being donated for the purpose of constructing housing units that are affordable to very low-income households.
  5. The location and square footage of any child care facility for which a density bonus or additional incentive is being granted.
  6. Tenure of use restrictions for affordable units and units built on donated land.
  7. A schedule for the completion and occupancy of affordable units.
  8. A description of the additional incentives, waivers, or reductions being provided by the County.
  9. A description of remedies for breach of the agreement by either party, including the provision that tenants or qualified purchasers are third-party beneficiaries under the agreement.
  10. Other provisions as appropriate to ensure implementation and compliance with this article's requirements for density bonuses and additional incentives.
- C. For-Sale Requirements. In the case of for-sale housing developpments, excluding affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements during the use restriction period:
1. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit or, for senior citizen housing, to a senior citizen.
  2. The initial occupant of each affordable unit shall be a household that meets the income requirement for the affordable unit or, for senior citizen housing, a senior citizen.
  3. The initial purchaser of each affordable unit shall execute an instrument or agreement approved by the County restricting the sale of the affordable unit during the duration of affordability period as set forth in Section 18.114.120(A) (Continued Affordability). The instrument or agreement shall be recorded against the parcel containing the affordable unit and shall contain provisions as required

by the County to ensure continued compliance with this chapter and with State law.

- D. Moderate-Income Requirements. In the case of affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements:
1. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit.
  2. When the initial purchaser sells the unit, the initial purchaser shall retain the value of any improvements, the down payment and the value of the unit's appreciation, less the County's share of the appreciation.
  3. When the initial purchaser sells the unit, the County shall receive a share of the unit's appreciation equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of initial sale. The County shall use this share of appreciation for any of the purposes described in subdivision of Health and Safety Code Section 33334.2(e).
- E. Rental Requirements. In the case of rental housing developments, the density bonus housing agreement shall provide for the following requirements during the use restriction period:
1. Rules and procedures for qualifying each tenant, determining affordable rents, filling vacancies and retaining affordable units for qualified tenants.
  2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this section.
  3. Provisions requiring owners to submit an annual report to the County, including the name, address and income of each person occupying an affordable unit and the bedroom size and monthly rent or cost of each affordable unit.
- F. Child Care Facility Requirements. In the case of child care facilities for which a density bonus or additional incentive is being granted, the density bonus housing agreement shall provide for the following requirements:
1. Operating duration requirements for the child care facility, such that the child day care facility shall remain in operation for as long as or longer than the period of time during which the density bonus units are required to remain affordable.
  2. Provisions requiring that for children who attend the child care facility, the percentage of children from the income group associated with the development's affordable units shall be equal to or greater than the minimum percentage of affordable units that shall be provided for that income group in order to receive a density to the requirements of this section.