

ORDINANCE NO. NS-1200.384

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA AMENDING APPENDIX I, ZONING, OF THE COUNTY OF SANTA CLARA ORDINANCE CODE TO ADOPT PROVISIONS RELATED TO THE SIXTH CYCLE HOUSING ELEMENT UPDATE

SUMMARY

This ordinance amends Appendix I, Zoning, of the County of Santa Clara Ordinance Code, to modify definitions, use classifications, and permitting requirements for multi-family residential development, to align with programs detailed in the Sixth Cycle Housing Element Update (2023-2031 planning period) and in accordance with recent amendments to state law.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ORDAINS AS FOLLOWS:

SECTION 1: Section 2.10.030 of Chapter 2.10, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 2.10.030 Residential Use Classifications

Residences. This classification includes primary residences and excludes other types of residences separately defined within this section. This classification also includes the renting of rooms and provision of meals within a dwelling by the resident family or household to not more than two other individuals (for rooming houses, see *Rooming Houses, Fraternities & Sororities*). It also includes employee housing that provides exclusive accommodation for six (6) or fewer employees, pursuant to California Health and Safety Code Section 17021.5, and emergency, supportive, and transitional housing for six (6) or fewer clients.

All uses within this classification shall fit within one of the following subcategories:

1. **Single-Family.** One dwelling unit on a single lot, completely detached from any other dwelling unit. This classification includes a manufactured home. Including all housing types (e.g., ADUs, Junior ADUs), a parcel not zoned for multi-family development shall under no circumstances have more than three (3) units – a primary dwelling unit, an ADU, and a Junior ADU, unless the parcel qualifies for an Urban Primary Unit. See the Urban Primary Unit use classification.
2. **Two-Family.** Two dwelling units within the same structure, each having its own kitchen and bathroom facilities.
3. **Multi-Family.** Three or more dwelling units within the same structure, each having its own kitchen and bathroom facilities. [Multi-family housing on parcels with the -os](#)

combining district designation may also include non-residential ground-floor uses, which shall be limited to Retail, Restaurants and Bars, Banks, Health Clubs, Medical Clinics, Personal Services, or community benefit uses such as libraries and government offices providing services to the public except where otherwise expressly allowed in the chapter 3.75. Multi-family housing on parcels with the -os designator may also include Retail, Restaurants and Bars, or shared gathering space on the rooftop level. [Criteria § 3.75.040 et seq.]

Residential Accessory Structures and Uses. This classification includes detached buildings and structures whose use is entirely incidental to the primary residential use, and which do not contain living space or sleeping quarters. Residential accessory uses consist of activities customarily associated with (or otherwise reasonably associated with) the primary residential use, and include such activities when they occur on private communal open space within a residential development. Private, noncommercial gatherings hosted by residents or property owner(s) shall be considered residential accessory uses.

On lots with no legally established residential use, certain limited structures ancillary to maintenance and security of the land (e.g.e.g., fences, gates, well or irrigation hardware) shall be considered permitted accessory structures under this classification.

On lots with no legally established residential use, one limited storage building per lot is permitted under this classification in rural base zoning districts. The floor area of such storage buildings is restricted to 120 square feet maximum. Height shall not exceed 10 feet in height at any point, and such buildings shall comply with all other applicable provisions of Section 4.20.020. Such storage buildings may not include plumbing or electricity in their construction. Any such building in an “-sr” combining district shall be subject to the scenic roads provisions of Section 3.30.030.

Accessory buildings shall be limited to two (2) internal plumbing fixtures except as provided by subsection 4.20.020(I).

Accessory dwelling unit–ADU. A residential dwelling unit that provides independent living facilities and is located on the same lot as the primary dwelling (single-family or multifamily) to which it is an accessory use. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling to which it is accessory. Accessory dwelling units include standard ADUs, movable tiny homes, and Junior ADUs. ADUs include an efficiency unit as defined in Health and Safety Code section 17958.1, and a manufactured home as defined in Health and Safety Code section 18007. This use classification is intended to be consistent with Government Code section 65852.2 and all other state laws as those laws are amended from time to time. If there is any conflict between this use classification and state law, state law shall prevail. [Criteria/Findings § 4.10.015]

1. **Standard ADU.** A standard accessory dwelling unit that provides complete independent living facilities. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation. It may be attached or detached. [Criteria/Findings § 4.10.015]
2. **Movable Tiny Home.** A detached structure on wheels used for dwelling purposes that provides complete independent living facilities for one or more persons and is

located on the same lot as the primary dwelling (single-family or multifamily) to which it is an accessory use. See Section 1.30.030 “Movable tiny home.”

3. **Junior ADU.** A dwelling unit that is no more than 500 square feet in size, and is contained entirely within a primary single-family residence or a detached accessory dwelling unit, and both shall have independent entrances. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation facilities on the same parcel as the primary dwelling to which it is accessory. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing dwelling unit. The junior accessory dwelling unit must contain either a full kitchen or an efficiency kitchen consisting of cooking facilities with appliances, food preparation counters, and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit. This use classification is intended to be consistent with Government Code sections 65852.2 and 65852.22 and all other state laws as those laws are amended from time to time. If there is any conflict between this use classification and state law, state law shall prevail. [Criteria/Findings § 4.10.015]

Agricultural Employee Housing. Housing occupied by individuals who are primarily engaged in an agricultural operation, as defined in § B29-2(b) of the Ordinance Code. Family members of such individuals may also live in the same unit. Agricultural employee housing is not required to be located on the same property as an agricultural operation. [Criteria/Findings § 4.10.040]

All uses within this classification shall fit within one of the following subcategories:

1. **Small-scale permanent.** Permanent housing facilities that include no more than six (6) dwelling units or eighteen (18) beds in group living quarters. This may include ~~mobile homes~~ mobile homes and manufactured homes. Complete individual or shared living, sleeping, eating, cooking, and sanitation facilities, including a full kitchen and bathroom, shall be provided on the same lot. Where agricultural employee housing consists of a combination of both individual dwelling units and group living quarters, each dwelling unit shall count as three (3) beds toward the maximum of eighteen (18) beds in group living quarters. [Criteria/Findings § 4.10.040]
2. **Large-scale permanent.** Permanent housing facilities that include more than six (6) dwelling units or eighteen (18) beds in group living quarters, or housing that does not meet the supplemental use regulations for small-scale agricultural employee housing. Complete individual or shared living, sleeping, eating, cooking, and sanitation facilities, including a full kitchen and bathroom, shall be provided on the same lot. [Criteria/Findings §§ 3.80.050, 4.10.040]
3. **Seasonal.** Temporary housing that is present on site for no more than 180 days per year and is not subject to the Special Occupancy Parks Act, Health & Safety Code § 18860 et seq. Complete individual or shared living, sleeping, eating, cooking, and sanitation facilities, including a full kitchen and bathroom, shall be provided on the same lot. This housing is limited to movable tiny homes, which for the purpose of seasonal agricultural employee housing, may be located on a lot without a primary residence. The property owner shall declare the specific occupancy period dates for each housing unit annually and submit that information to the Planning Director by January 31 of each year. All such

housing shall be removed from the site outside of the declared occupancy period dates.
[Criteria/Findings § 4.10.040]

Caretaker's Residences. Dwelling units incidental and subordinate to a significant nonresidential use established by issuance of a use permit. Such units must be necessary for the practical operation of the primary use, and the occupancy of such units shall be limited to owners or employees of the primary use and their families.

Domestic Animals. The keeping of domesticated animals for use or enjoyment within the home or premises by the resident occupants, including non-commercial equestrian activities. All uses within this classification shall fit within one of the following subcategories:

1. **Dogs & Cats.** The keeping of dogs and cats.
2. **Small Animals –Limited.** Includes the following small animals: rabbits, guinea pigs, chicken and fowl (but excluding roosters, peafowl, guinea fowl, geese or quacking ducks), and similar species as approved by the Zoning Administrator.
3. **Horses.** The keeping of horses.

Home Occupations. Businesses conducted incidental to the residential use of a property, generally within a dwelling by resident occupants. All uses within this classification shall fit within one of the following subcategories:

1. **General.** Uses conducted exclusively within the dwelling by the resident, with allowance for one (1) nonresident employee. [Criteria/Findings § 4.10.180]
2. **Expanded.** Uses conducted in the dwelling or accessory building by the resident, with allowance for one (1) nonresident employee, limited outdoor storage of materials, and not more than two vehicles. [Criteria/Findings § 4.10.180]

Recreational Vehicle Parks. (Residential) Facilities providing spaces for recreational vehicles as defined in California Health and Safety Code Section 18010 and providing electric, water, and sanitary hookups for each recreational vehicle. Recreational Vehicle Parks may also include ancillary facilities that provide services to onsite recreational vehicles, such as a manager's and/or caretaker's unit, office, retail sales, shared bathroom facilities, small recreational facilities, picnic tables, storage lockers, and cooking areas. This use classification applies to Recreational Vehicle Parks for which the owner has obtained an exemption from the short-term stay requirements from the County. [Criteria/Findings § 4.10.280]

Residential–Communal Institutional. A facility containing rooms or apartments (or both) but having communal dining facilities and lounges, and communal services, such as housekeeping, organized social and recreational activities, and support services appropriate for the residents. Includes college dormitories, monasteries and other such communal living facilities related to permitted institutional use classifications. Excludes nursing homes and similar uses (see *Community Care Facilities*). Also excludes rooming houses (see *Rooming Houses, Fraternities & Sororities*). [Criteria/Findings § 4.10.300]

Rooming Houses, Fraternities & Sororities. Includes fraternity and sorority housing for students, boarding houses, and similar group residential uses. Also includes single-room occupancy residential facilities where secure rooms are individually rented to a one- or two-person household. Excludes those uses classified as *Residential –Communal Institutional*.

Temporary Residences during House Construction. Mobile homes, recreational vehicles, or existing homes occupied during the construction, repair, or remodel of a permanent dwelling on the same property. The temporary residence may remain on the property for no longer than 90 days from the date of occupancy of the permanent dwelling, or for two years from the date of either initial building permit issuance or the date of any casualty that rendered the primary residence uninhabitable, whichever occurs first. The provisions of subsection 4.20.090(B) shall apply to emergency housing following casualty. [Criteria/Findings § 4.10.380]

Temporary Agricultural Residence. A recreational vehicle or movable tiny home that provides temporary housing to a person engaged in an on-site agricultural operation, as defined in § B29-2(b) of the Ordinance Code, and their family members. For the purpose of temporary agricultural residences, a movable tiny home or recreational vehicle may be located on a property without a primary residence on-site. [Criteria/Findings § 4.10.385]

Urban Primary Unit. A second residential dwelling unit, limited to 1,600 square feet, that provides independent living facilities and is located on a legal parcel that is wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau when the application is approved, and is located in a single-family residential zone. This use classification also applies to a second dwelling unit on any eligible lot that resulted from an urban lot split, as described in section C12-44, on or after January 1, 2022. The dwelling unit may exist as a separate structure or within a common structure. An Urban Primary Unit is not an ADU or Junior ADU. This use classification is intended to implement Government Code Sections 65852.21 and 66411.7, as amended from time to time. If there is any conflict between this use classification and state law, state law shall prevail to the limited extent of the conflict. [Criteria/Findings § 4.10.387]

SECTION 2: Section 2.20.020 of Chapter 2.20, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 2.20.020 Use Regulations

The following tables, Tables 2.20-1 and 2.20-2, specify the allowable land uses for the rural base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. See subsection 1.20.040(D) for applicability of other rules and processes.
- “C” designates use classifications that require an administrative planning clearance from the Planning Office. Planning clearances are for uses that require adherence to the Zoning Ordinance but for which no discretionary permit from the Planning Office is required.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.

“A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.

“U” designates use classifications permitted with a use permit and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.

“–” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the tables. Use classifications not listed in the tables are prohibited in the rural base districts.

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Residences: Single-Family	R	R	R	R	Note 1
Residences: Multi-Family	=	=	=	=	<u>Note 14</u>
Residential Accessory Structures & Uses	R	R	R	R	§ 4.20.020
Accessory Dwelling Units					
Standard ADUs	R	R	R	R	§ 4.10.015
Movable tiny homes	C	C	C	C	§ 4.10.015
Junior ADUs	R	R	R	R	§ 4.10.015, Note 9
Agricultural Employee Housing					
Small-Scale Permanent	C	S	S	C	§ 4.10.040, Notes 2, 3 (AR), 10, 11
Large-Scale Permanent	S	S	S	S	§§ 4.10.040, 3.80.050, Note 2
Seasonal	S	S	S	S	§ 4.10.040
Community Care					
Limited	R	R	R	R	§ 4.10.090, Note 4
Expanded	U	U	U	U	§ 4.10.090, Note 5
Domestic Animals					
Dogs & Cats	R	R	R	R	Note 6
Other (see Ag: Livestock, Table 2.20-2)					

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

Table 2.20-1

**RESIDENTIAL USES
IN RURAL BASE DISTRICTS**

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Home Occupations					
General	R	R	R	R	§ 4.10.180
Expanded	S	S	S	S	§ 4.10.180, Note 7
Residential – Communal Institutional	U	U	U	U	§ 4.10.300, Note 8
Temporary Residences during House Construction	R	R	R	R	§ 4.10.380
Temporary Agricultural Residence	C	C	C	C	§ 4.10.385, Notes 11, 12
Urban Primary Unit	–	–	–	R	§ 4.10.387, Note 13

NOTES:

1. Single-family dwellings, including certain additions, may be subject to the building site approval provisions of § C12-300 et seq. of the Ordinance Code.
2. Agricultural employee housing may, on a limited basis, be used to accommodate overnight tourist stays as part of a winery (see § 4.10.395 for criteria and permitting requirements) or be used for emergency shelter in the Public Services and Supportive Housing Combining District (see § 3.80.050 for criteria and permitting requirements).
3. On lots 10 acres or larger in AR districts, a second one-family dwelling for agricultural employee housing is allowed by right. Such agricultural employee housing unit shall not be subject to the supplemental use regulations of § 4.10.040.
4. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the Ordinance Code.
5. Not a permitted use in areas with the “Agriculture-Large Scale” land use plan designation of the general plan.
6. Not to exceed two (2) dogs and five (5) cats over four months of age on parcels less than five acres, or three (3) dogs and five (5) cats over four months of age on parcels five acres or more, unless the required permit is secured pursuant to Division B31 of the Ordinance Code.
7. Expanded home occupations permitted on lots one-acre or larger. For additional applicable criteria, see § 4.10.180.
8. In rural districts, the floor area of Residential – Communal Institutional uses shall be limited to 10,000 square feet or less.
9. Owner-occupancy of one unit is required in any single-family residence that contains a junior accessory dwelling unit. The owner may reside in either the single-family residence or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

10. There shall be a cumulative cap of 100 new dwelling units or 120,000 square feet, whichever occurs first, of small-scale permanent agricultural employee housing developed after May 1, 2020 in the Exclusive Agriculture and Rural Residential Zoning Districts combined.
11. Building site approval per Ordinance Code § C12-300 *et seq.* is not required for small-scale permanent agricultural employee housing or a temporary agricultural residence. Compliance with all other applicable federal, state, and County laws, regulations, and ordinances is required.
12. There shall be a cumulative cap of 50 temporary agricultural residences installed after May 1, 2020 in all zoning districts combined. When one such unit has been removed from a property, it shall no longer count toward the cumulative cap.
13. No more than four (4) total dwelling units may be permitted on a parcel pursuant to the Urban Primary Unit use classification; however, all parcels resulting from an urban lot split pursuant to Section C12-44 shall have no more than two (2) total dwelling units per parcel.
14. Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development, shall conform with the provisions of Chapter 3.75, and is allowable by use permit or planning clearance pursuant to § 3.75.050.

Table 2.20-2

**NON-RESIDENTIAL USES
IN RURAL BASE DISTRICTS**

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Agriculture					
General	R	R	R	R	
Livestock	R	R	R	R	Note 1 (HS)
Agricultural Accessory Structures/ Uses	R	R	R	R	§ 4.20.020
Agricultural Equipment Sales/ Services	A	–	–	–	
Agricultural Processing					
Small Scale	R	R	R	R	§ 4.10.030
Medium Scale	A	–	–	–	§ 4.10.030
Large Scale	U	–	–	–	§ 4.10.030
Agricultural Research	A	–	–	–	
Agricultural Sales					
Limited	R	R	R	R	§ 4.40.110 (Signs)
Farmers' Markets	U	U	–	–	
Agriculturally Related Entertainment & Commercial Uses	U	–	–	–	§ 4.10.050
Aircraft Landing Strips – Private	U	U	–	–	Note 2
Antennas – Commercial					

Table 2.20-2

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- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Minor	A	A	A	A	
Major	U	U	U	U	
Bed & Breakfast Inns	U	U	U	U	§ 4.10.060, Note 3
Butcheries	U	U	–	–	
Camps & Retreats	U	U	U	U	§ 4.10.070, Note 4
Cemeteries	U	U	U	U	§ 4.10.080, Note 4
Churches [See “Religious Institutions”]					
Clubs – Private & Nonprofit	U	U	U	U	§ 2.20.090
Community Care					
Limited	R	R	R	R	§ 4.10.090, Note 6
Expanded	U	U	U	U	§ 4.10.090, Note 4
Dairies	U	U	–	–	§ 4.10.110
Entertainment – Seasonal Outdoor	–	–	U	–	§ 4.10.120
Emergency Shelters					
Small-Scale	–	–	–	R	§ 4.10.115
Large-Scale	–	–	–	U	§ 4.10.115, Note 20
Feed Lots	U	U	–	–	§ 4.10.130
Golf Courses & Country Clubs	U	–	U	U	§ 4.10.140, Note 4
Golf Driving Ranges	U	–	–	U	§ 4.10.150, Note 4
Helipads	–	–	U	–	§ 4.10.160
Historic Structures – Use Conversion	A	A	A	A	§ 4.10.170
Hospitals & Clinics	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.190 (A Districts), Note 4
Hunting & Fishing Preserves	U	R	–	–	Note 7
Industrial Hemp					Note 21
Cultivation	C	–	–	–	§ 4.10.195
Agricultural Research	A	–	–	–	§ 4.10.195
Agricultural Processing					
Small-Scale	C	–	–	–	§ 4.10.030, § 4.10.195

Table 2.20-2

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- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Medium-Scale	A	–	–	–	§ 4.10.030, § 4.10.195
Large-Scale	U	–	–	–	§ 4.10.030, § 4.10.195
Informational Displays					
Small	R	–	–	–	
Large	U	–	–	–	
Kennels – Commercial	U	U	U	U	§ 4.10.200
Laboratories and Testing Services (Limited)	U	–	–	–	
Livestock Auction Yards	U	U	–	–	§ 4.10.210
Manufacturing : Small Scale Rural	A	U	–	–	§ 2.20.090
Museums	U	U	U	U	Note 8
Mushroom Farms	U	U	–	U	§ 4.10.220
Nonprofit Institutions	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.230 (A Districts), Notes 4 & 19
Nurseries					
Retail	U	U	U	U	Note 9
Wholesale	R	R	R	U	Note 9
Offices (Limited)	U	–	–	–	Note 10
Oil & Gas Extraction	U	U	U	U	
Poultry and Egg Farms – Commercial	U	U	–	U	§ 4.10.240
Radio-Controlled Model Aircraft Facilities	U	–	–	–	§ 4.10.250
Reception Facilities	U	U	U	U	§ 4.10.260

Table 2.20-2

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A ASA (Ch 5.40)
U Use Permit/ ASA (Ch 5.65, 5.40)
 – Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Recreational Playgrounds & Sports Fields	U	U	U	U	§ 4.10.270 (A Zoning District)
Recycling Facilities					
Collection Facilities – Consumer Recycling	R	R	R	R	§ 4.10.285
Recycling/ Processing Facilities – Consumer Waste	–	–	–	–	
Concrete, Asphalt & Soil Recycling	U	U	U	U	Note 11
Composting & Wood Recycling	U	U	U	U	
Hazardous Materials	–	–	–	–	
Religious Institutions	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.290 (A Districts), Notes 4 & 19
Restaurants & Bars					
Limited-Service Eating Places	–	U	U	–	Note 12
Full-Service Eating Places	–	U	U	–	Note 12
Drinking Places	–	U	U	–	Note 12
Retail Sales & Services: Local-Serving	–	U	U	–	§ 4.10.310
Rodeos and Equestrian Event Facilities	U	U	–	–	§ 4.10.320
Schools	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.330 (A Districts), Note 4
Solar Energy Conversion Systems – Commercial					
Minor	A	U	U	A	§ 4.10.345, Notes 4 & 13
Major	U	U	U	U	§ 4.10.345, Notes 4 & 13
Sport Shooting	–	U	U	–	§ 4.10.350
Stables – Commercial	U	U	U	U	§ 4.10.360
Surface Mining	U	U	U	U	§ 4.10.370
Swim & Tennis Clubs	–	–	U	U	
Timber Harvest – Commercial	–	U	U	–	Note 14

Table 2.20-2

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- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Truck Sales & Services: Storage (Limited)	U	–	–	–	Note 15
Underground Mining	U	U	U	U	
Utilities and Public Facilities					Note 16
Minor	A	A	A	A	
Major	U	U	U	U	
Veterinary Clinics & Hospitals	U	U	U	U	Note 17
Well-Drilling Operations	A	–	–	–	
Wind Energy Conversion Systems – Commercial	U	U	U	U	§ 4.10.390
Wineries					
Small-Scale	R	R	R	R	§ 4.10.395, § 4.40.110 (Signs)
Medium-Scale	S	S	S	S	§ 4.10.395, § 4.40.110
Large-Scale	U	U	U	U	§ 4.10.395, § 4.40.110
Wireless Telecommunication Facilities					Note 5
Collocation/Modification – Minor	R	R	R	R	
Collocation/Modification – Major	A	A	A	A	§ 4.10.400
New Facilities	A	A	A	A	§ 4.10.400

NOTES:

1. Livestock breeding, raising and keeping is limited in HS districts as follows: Not more than three (3) large animals or six (6) medium animals per acre as a matter of right, or a proportional combination totaling three (3) animal units where each large animal constitutes one (1) animal unit, and each medium animal constitutes 0.5 animal unit. Special permit required for numbers of large and medium animals exceeding these limits. There are no specified numerical limits for small animals.
2. Landing strip, including approach and departure zones, shall be located a safe distance from residential development to prevent significant hazard.
3. Bed and breakfast inns ancillary to on-site wineries, agricultural sales operations or other agriculturally related uses shall be subject to a special permit, in lieu of a use permit, provided they are situated within the primary residence on the property. Bed and breakfast inns are prohibited within the Los Gatos Hillside Specific Plan area, except as provided under the classification Historic Structures–Use Conversion.

4. Not a permitted use in areas with the “Agriculture-Large Scale” land use plan designation of the general plan.
5. Wireless telecommunications facilities are exempt from the development standards listed in Table 2.20-3.
6. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
7. The minimum lot size for hunting preserves shall be one hundred sixty (160) acres.
8. Museums in rural districts shall be limited in scale and must relate to the locally significant cultural, historical or social themes of the rural area.
9. The size of buildings for on-site sales and ancillary office associated with nurseries shall be kept to a minimum.
10. Offices ancillary to a permitted agricultural activity in A districts that contain no more than 2,400 square feet of floor area are allowed as a matter of right. Offices larger than 2,400 square feet are subject to a use permit.
11. Concrete, asphalt and soil recycling within rural districts is a permitted use only in association with an existing quarry operation in any rural base zoning district.
12. Restaurants and bars in rural districts shall be limited in scale, with a maximum publicly accessible floor area of 1,200 square feet (measured from outer surfaces of enclosing walls, includes bathrooms).
13. Not a permitted use in areas with the –d1 (Santa Clara Valley Viewshed) or –d2 (Milpitas Hillside) Design Review combining zoning districts.
14. Timber harvest of commercial tree species as defined by the County Tree Preservation and Removal Ordinance, Division C16 of the County Ordinance Code, including but not limited to Redwood and Douglas Fir, may be subject to the regulatory and permitting authority of the California Department of Forestry and Fire Protection (CDF). No County permit shall be required if CDF has approved a *Timber Harvest Plan* or *Non-Industrial Timber Management Plan* for the activity.
15. Truck storage uses in rural districts shall be limited to agriculture-related tractors, trucks, trailers, and similar equipment.
16. Utility structures and facilities may be exempt from local zoning regulations if they are established by a government agency. There may also be federal or state laws that provide exemptions for certain types of utilities.
17. The minimum lot size for veterinary clinics and hospitals shall be two and one-half (2.50) acres.
18. Wireless telecommunications facilities are exempt from the development standards listed in Table 2.20-3.
19. Established *Religious Institutions* and *Nonprofit Institutions* may include *Emergency Shelters: Small-Scale* as an ancillary use by right.
20. Emergency Shelters are a permitted use only within the –sm San Martin Use Permit Areas Combining District, as depicted in Chapter 3.90 of the Zoning Ordinance.
21. *Industrial Hemp* uses may be established, consistent with the Supplemental Use Regulations in Section 4.10.195, the later date of (1) 30 days from final adoption by the Board of Supervisors of Ordinance No. NS-1200.373 or (2) effective date of the state plan for California approved by the United States Department of Agriculture pursuant to Section 297B of the Federal Agricultural Market Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)). *Industrial Hemp: Cultivation* and/or *Industrial Hemp: Agricultural Processing (small scale)* activities undertaken on multiple parcels by one operator may be authorized with a single application for Planning Clearance.

SECTION 3: Section 2.20.030 of Chapter 2.20, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 2.20.030 Development Standards

A. **Standards.** Table 2.20-3 establishes property development standards for the rural base districts. A “–” indicates there is no applicable standard or requirement.

Table 2.20-3

**RURAL BASE DISTRICTS:
PROPERTY DEVELOPMENT STANDARDS**

	A	AR	HS	RR
Minimum lot area for subdivision or lot line adjustment (acres)				
Without use of slope-density	– ¹	160	160	–
With slope-density	– ¹	§ 2.20.040	§ 2.20.040	§ 2.20.040
With <u>lot-size</u> combining district	Chapter 3.10	–	–	Chapter 3.10
Setbacks (feet)				
Front	30 ¹	30	30	30
Side	30 ¹	30	30	30
Rear	30 ¹	30	30	30
Scenic road	100	100	100	100
Height (max)				
Feet	35 ¹	35	35	35
Stories	2 ¹	3	3	2
Additional standards/criteria	§ 2.20.050 ¹	§ 2.20.060	§ 2.20.070	§ 2.20.080
Accessory buildings	See Chapter 4.20, Supplemental Development Standards			

1. Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development, shall conform with the provisions of Chapter 3.75, and is exempt from the development standards in this table.

B. **Measurement.** The standards shown in Table 2.20-3 are subject to the following rules of measurement:

1. Where a lot abuts a road, setbacks from that road shall be measured from the edge of ultimate right-of-way (see “setback” definition in § 1.30.030);
2. Setbacks from all property lines not abutting a street shall be measured from the property line unless otherwise specified; and
3. Height shall be measured according to the provisions of Chapter 1.30: Definitions: General Terms.
4. Precision of numbers for the purposes of measurement and calculation shall be as stipulated in § 1.20.030: Precision of Numbers/ Rounding.

SECTION 4: Section 2.30.020 of Chapter 2.30, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 2.30.020 Use Regulations

The following tables, Tables 2.30-1 and 2.30-2, specify the allowable land uses for the urban residential base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. Compliance with zoning standards will be confirmed during the building permit process, where applicable. See subsection 1.20.040(D) for applicability of other rules and processes.
- “C” designates use classifications that require an administrative planning clearance from the Planning Office. Planning clearances are for uses that require adherence to the Zoning Ordinance but for which no discretionary permit from the Planning Office is required.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit, and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “-” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the table. Use classifications not listed in the table are prohibited in the urban residential base districts.

Table 2.30-1

**RESIDENTIAL USES
IN URBAN RESIDENTIAL BASE DISTRICTS**

R Permitted by Right
C Planning Clearance
S Special Permit (Ch 5.60)
A ASA (Ch 5.40)
U Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING							Supplemental Regulations
	R1	R1E	RHS	R1S	R3S	R2	R3	
Residences								
Single-Family	R	R	R	R	A	R	R	Note 1, 2 (R1S)
Two-Family	-	-	-	R	A	R	R	Note 1, 2 (R1S)
Multi-Family	-	-	-	A	A	-	A	Note 11
Residential Accessory Structures & Uses	R	R	R	R	R	R	R	§ 4.20.020 Note 3 (R3S)
Accessory Dwelling Units								
Standard ADUs	R	R	R	R	R	R	R	§ 4.10.015
Movable tiny homes	C	C	C	C	C	C	C	§ 4.10.015
Junior ADUs	R	R	R	R	R	R	R	§ 4.10.015, Note 9
Community Care								
Limited	R	R	R	R	R	R	R	§ 4.10.090, Note 4
Expanded	U	U	U	A	A	U	A	§ 4.10.090
Domestic Animals								
Dogs & Cats	R	R	R	R	R	R	R	Note 5
Small Animals	R	R	R	R	R	R	R	Note 6
Horses	R	R	R	R	-	-	-	Note 7
Emergency Shelters								
Small-Scale	-	-	-	-	-	-	R	§ 4.10.115
Large-Scale	-	-	-	-	-	-	U	§ 4.10.115
Home Occupations								
General	R	R	R	R	R	R	R	§ 4.10.180
Expanded	S	S	S	S	S	S	S	§ 4.10.180, Note 8
Residential – Communal Institutional	U	U	U	-	-	U	U	
Rooming Houses, Fraternities, & Sororities	U	U	-	-	-	U	A	

Table 2.30-1

**RESIDENTIAL USES
IN URBAN RESIDENTIAL BASE DISTRICTS**

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING							Supplemental Regulations
	R1	R1E	RHS	R1S	R3S	R2	R3	
Temporary Residence / Construction	R	R	R	R	R	R	R	§ 4.10.380
Urban Primary Unit	R	R	R	R	-	-	-	§ 4.10.387, Note 10

NOTES:

1. Single-family dwellings, including certain additions, and duplexes, may be subject to the building site approval provisions of Section C12-300 et seq. of the County Ordinance Code.
2. In R1S districts, ASA is required for new single-family residences on lots smaller than 10,890 square feet (0.25 acre), excluding housing developed pursuant to Section 65852.21 of the California Government Code.. ASA is not required for additions or remodels of existing dwellings.
3. In R3S districts, accessory structures not meeting the criteria of § 4.20.020 may be allowed subject to ASA.
4. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
5. Not to exceed two (2) dogs and five (5) cats over four months of age on parcels less than five acres, or three (3) dogs and five (5) cats over four months of age on parcels five acres or more, unless the required permit is secured pursuant to Division B31 of the County Ordinance Code.
6. Small Animals – Limited. Not to exceed a total of twelve (12) of any of the following small animals: rabbits, guinea pigs, chicken and fowl, and similar species as approved by the Zoning Administrator. Roosters, peafowl, guinea fowl, geese or quacking ducks are not allowed.
7. Horses. Minimum lot size for the keeping of horses in urban residential districts is one-half acre. Not to exceed two horses per acre.
8. Expanded home occupations are permitted on lots of one acre or larger. See § 4.10.180 for other criteria.
9. Owner-occupancy of one unit is required in any single-family residence that contains a junior accessory dwelling unit. The owner may reside in either the single-family residence or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
10. No more than four (4) total dwelling units may be permitted on a parcel pursuant to the Urban Primary Unit use classification; however, all parcels resulting from an urban lot split pursuant to Section C12-44 shall have no more than two (2) total dwelling units per parcel.
11. Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development, shall conform with the provisions of Chapter 3.75, and is allowable by ASA or planning clearance pursuant to § 3.75.050.

Table 2.30-2

**NON-RESIDENTIAL USE CLASSIFICATIONS
IN URBAN RESIDENTIAL BASE DISTRICTS**

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING							Supplemental Regulations
	R1	R1E	RHS	R1S	R3S	R2	R3	
Agriculture								
General	-	-	R	-	-	-	-	Note 1
Livestock	-	-	R	-	-	-	-	Note 1
Urban	R	R	R	R	R	R	R	§ 4.10.025
Antennas – Commercial								
Minor	A	A	A	A	A	A	A	
Major	U	U	U	A	A	U	U	
Churches (See “Religious Institutions”)								
Community Care								
Limited	R	R	R	R	R	R	R	§ 4.10.090, Note 3
Expanded	U	U	U	A	A	U	A	§ 4.10.090
Emergency Shelters								
Small-Scale	-	-	-	-	-	-	R	§ 4.10.115
Large-Scale	-	-	-	-	-	-	U	§ 4.10.115
Golf Courses & Country Clubs	U	U	-	-	-	-	-	
Historic Structures – Use Conversion	-	-	A	-	-	-	-	§ 4.10.170
Hospitals & Clinics	U	U	U	A	A	U	U	
Museums	U	U	U	A	A	U	U	
Nonprofit Institutions	U	U	U	A	A	U	U	Note 6
Religious Institutions	U	U	U	A	A	U	U	Note 6
Retail Sales & Services – Local Serving	-	-	-	A	A	-	A	Notes 2, 7
Schools	U	U	U	A	A	U	U	
Swim & Tennis Clubs	U	U	U	A	A	U	U	
Utilities and Public Facilities								Note 4
Minor	A	A	A	A	A	A	A	
Major	U	U	U	A	A	U	U	

Table 2.30-2

**NON-RESIDENTIAL USE CLASSIFICATIONS
IN URBAN RESIDENTIAL BASE DISTRICTS**

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING							Supplemental Regulations
	R1	R1E	RHS	R1S	R3S	R2	R3	
Wireless Telecommunication Facilities								Note 5
Collocation/Modification - Minor	R	R	R	R	R	R	R	§ 4.10.400
Collocation/Modification – Major	A	A	A	A	A	A	A	§ 4.10.400
New Facilities	A	A	A	A	A	A	A	§ 4.10.400

NOTES:

1. On lots 2.5 acres or larger in RHS districts, all agricultural uses permitted in HS districts as a matter of right (see Table 2.20-2) shall be allowed.
2. Commercial and service uses permitted in R1S, R3S and R3 districts shall be limited in scale and in their service market to primarily serve the residents of the subject residential development. For residential support uses in R1S and R3S districts applicable to Stanford University lands, a business plan is required demonstrating that a preponderance of customers will be Stanford residents or employees.
3. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
4. Utility structures and facilities may be exempt from local zoning regulations if they are established by a government agency. There may also be federal or state laws that provide exemptions for certain types of utilities.
5. Wireless telecommunications facilities are exempt from the development standards listed in Table 2.30-3.
6. Established *Religious Institutions* and *Nonprofit Institutions* may include *Emergency Shelters: Small-Scale* as an ancillary use by right.
7. In R3 zoning districts, any use that involves the sale or onsite consumption of alcoholic beverages shall be subject to a use permit.

SECTION 5: Section 2.30.030 of Chapter 2.30, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 2.30.030 Development Standards

A. **Standards.** Table 2.30-3 establishes property development standards for the urban residential base districts. A “–” indicates there is no applicable standard or requirement.

Table 2.30-3

**URBAN RESIDENTIAL BASE DISTRICTS:
PROPERTY DEVELOPMENT STANDARDS**

	R1	R1E	RHS	R1S	R3S	R2	R3
Minimum lot area (sq ft)							
For lot creation	5,000 ⁸	5,000	§2.30.040	Note 1	Note 2	5,000	Notes <u>3, 8</u>
For building site	3,750 ⁸	3,750	3,750	Note 1	Note 2	3,750	Notes <u>3, 8</u>
With lot size combining districts	See Chapter 3.10, Lot-Size Combining Districts						
Setbacks (feet)^{6, 7}							
Front	25 ⁸	25	30	25	Note 4	25	20 ⁸
Side	5 ⁸	5	20	5 ⁵	Note 4	5	10 ⁸
Corner lot: Exterior side	10 ⁸	10	20	10 ⁵	Note 4	10	10 ⁸
Rear	25 ⁸	25	25	25 ⁵	Note 4	25	15 ⁸
Scenic road	100	100	100	–	Note 4	100	100
Exceptions	§ 4.20.110, Setback Exceptions						
Maximum height⁶							
Feet	35 ⁸	35	35	35	Note 4	35	45 ⁸
Stories	2 ⁸	2	3	2½	Note 4	2	4 ⁸
Lot coverage – buildings⁶	<u>–⁸</u>	–	–	–	–	–	50% ⁸
Accessory Buildings	See Chapter 4.20, Supplemental Development Standards						

NOTES:

1. Development density for all housing types in R1S districts shall not exceed eight (8) units per net acre. For the purposes of this provision, net acreage shall exclude street rights-of-way, but shall include driveways and other common access ways.
2. Development density for all housing types in R3S districts shall be no less than eight (8) units per net acre and no more than 15 units per net acre. For the purposes of this provision, net acreage shall exclude street rights-of-way, but shall include driveways and other common access ways.

3. Development density in R3 districts shall conform to the density allowed by the applicable city general plan.
4. In R3S districts, setbacks and maximum height for applications subject to Architecture & Site Approval (ASA) may be modified by the Zoning Administrator with proper justification to (a) promote quality design and functionality, (b) to assure adequate buffering and compatibility with adjacent land use and development, and (c) for consistency with the general purposes of ASA.
5. In R1S districts, side and rear setbacks for single-family and two-family dwellings shall be as indicated in the table. For multi-family development subject to Architecture & Site Approval (ASA), side and rear setbacks may be modified by the Zoning Administrator with proper justification to (a) promote quality design and functionality, (b) to assure adequate buffering and compatibility with adjacent land use and development, and (c) for consistency with the general purposes of ASA.
6. For permitted non-residential uses, setbacks and height limits for applications subject to Architecture & Site Approval (ASA) may be modified by the Zoning Administrator with proper justification to (a) promote quality design and functionality, (b) to assure adequate buffering and compatibility with adjacent land use and development, and (c) for consistency with the general purposes of ASA.
7. Setback requirements of applicable lot-size combining districts (§ 3.10.030) shall supersede the setbacks provided for base districts.
8. Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development, shall conform with the provisions of Chapter 3.75, and is exempt from the development standards in this table.

B. Flag Lots: Height Restriction. On any flag lot of less than 20,000 square feet, the maximum height of dwellings shall be 21 feet and shall not include more than one (1) story.

C. Measurement. Standards shown in Table 2.30-3 are subject to the following rules of measurement:

1. Where a lot abuts a road, setbacks from that road shall be measured from the edge of the ultimate right-of-way (see “setback” definition in § 1.30.030);
2. Setbacks from all property lines not abutting a street shall be measured from the property line unless otherwise specified; and
3. Height shall be measured according to the provisions of Chapter 1.30:
Definitions: General Terms.
4. Development density in R1S, R3S and R3 districts shall be calculated over the project area, which, excepting existing or new street rights-of-way, includes the entire area of any lot or assemblage of contiguous lots upon which development or redevelopment is proposed, and for which one development application is submitted.

Any portions of the project area designated as open space by the applicable subdivision or ASA conditions shall be enforceably restricted to prevent increased density of development beyond that allowed by the zoning ordinance.

5. Precision of numbers for the purposes of measurement and calculation shall be as stipulated in § 1.20.030: Precision of Numbers/Rounding.

SECTION 6: Section 2.40.010 of Chapter 2.40, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 2.40.010 Purposes

The purpose of this chapter is to define allowable land uses and property development standards for the commercial and industrial zoning districts, which include the CN “Neighborhood Commercial,” CG “General Commercial,” OA “Administrative-Professional Office,” ML “Light Industrial,” and MH “Heavy Industrial” districts. The overall purposes of the commercial and industrial base districts are to provide for appropriate uses in the unincorporated areas of the county that are within the urban service areas and are predominantly in nonresidential use, and to regulate the type and intensity of development in these areas in a manner consistent with the general plan of the applicable city. The further specific purposes of each of the commercial and industrial base districts are described below.

- A. **CN Neighborhood Commercial.** The purpose of the Neighborhood Commercial district, also known as the CN district, is to accommodate, at convenient locations, those limited commercial uses which are necessary to meet basic shopping and service needs of persons residing in surrounding areas. The CN district is intended to be applied within urban service areas to commercial areas designated in a corresponding manner by the applicable city general plan. Multi-family housing and mixed-use residential developments are also allowed.
- B. **CG General Commercial.** The purpose of the General Commercial district, also known as the CG district, is to provide, at readily accessible locations, a wide variety of retail, service, and administrative establishments that are required to serve a large trading area population. The CG district is intended to be applied within urban service areas to commercial areas designated in a corresponding manner by the applicable city general plan. Multi-family housing and mixed-use residential developments are also allowed.
- C. **OA Administrative/Professional Office.** The purpose of the Administrative/Professional Office district, also known as the OA district, is to provide opportunities for office space. It is intended that the administrative-professional office uses established in this district shall be designed and landscaped for compatibility with adjacent uses. The OA district is intended to be applied within urban service areas to areas designated in a corresponding manner by the applicable city general plan. Multi-family housing and mixed-use residential developments are also allowed.
- D. **ML Light Industrial.** The purpose of the Light Industrial district, also known as the ML district, is to provide for certain “heavy” commercial and “light” industrial uses which are generally incompatible with commercial areas but which perform important storage, manufacturing, or servicing functions. The uses permitted in this district are often associated with impacts such as noise and large volumes of truck traffic. The lands in this district should be located near commercial areas, near arterial traffic routes, along railroad lines, and where specialized services for the residents of the county should be grouped. Note that § 2.40.040 applies to this district.

- E. **MH Heavy Industrial.** The purpose of the Heavy Industrial district, also known as the MH district, is to provide for essential heavy industrial and commercial uses that are likely to impact the surrounding area. This district should be located so as to minimize adverse effects on adjoining areas. Note that § 2.40.040 applies to this district.

SECTION 7: Section 2.40.020 of Chapter 2.40, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 2.40.020 Use Regulations

The following table, Table 2.40-1, specifies the allowable land uses for the commercial and industrial base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. Compliance with zoning standards will be confirmed during the building permit process, where applicable. See subsection 1.20.040(D) for applicability of other rules and processes.
- “C” designates use classifications that require an administrative planning clearance from the Planning Office. Planning clearances are for uses that require adherence to the Zoning Ordinance but for which no discretionary permit from the Planning Office is required.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit, and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “-” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the table. Use classifications not listed in the table are prohibited in the commercial and industrial base districts.

Table 2.40-1

**USES IN COMMERCIAL AND INDUSTRIAL
BASE DISTRICTS**

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING					Supplemental Regulations
	CN	CG	OA	ML	MH	
Accessory Dwelling Units						
Standard ADUs	R	R	R	–	–	§ 4.10.015
Movable tiny homes	C	C	C	–	–	§ 4.10.015
Junior ADUs	R	R	R	–	–	§ 4.10.015, Note 11
Adult Uses	–	U	–	U	U	§ 4.10.020
Agriculture						
General	–	–	–	–	–	
Livestock	–	–	–	–	–	
Urban	R	R	R	R	R	§ 4.10.025
Antennas – Commercial						
Minor	A	A	A	A	A	
Major	U	U	U	U	U	
Auction Houses	–	–	–	A	A	
Automobile Sales & Services						
Limited Repair	–	U	–	A	A	Note 1 (CG)
General Repair	–	–	–	A	A	
Sales & Rentals	–	U	–	A	A	
Service Stations	U	U	–	A	A	
Storage	–	–	–	A	A	
Washing	U	U	–	A	A	
Banks	A	A	–	A	A	
Billboards	U	U	–	U	U	
Broadcasting	–	–	–	U	U	
Business Services	A	A	–	A	A	
Caretakers’ Residences	–	–	–	U	U	
Churches (See “Religious Institutions”)						
Clubs, Private & Nonprofit	U	U	–	U	U	
Colleges & Vocational Schools	–	U	–	U	U	

Table 2.40-1

**USES IN COMMERCIAL AND INDUSTRIAL
BASE DISTRICTS**

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING					Supplemental Regulations
	CN	CG	OA	ML	MH	
Community Care						
Limited	R	R	R	R	R	§ 4.10.090, Note 2
Expanded	U	U	U	U	U	§ 4.10.090
Contractors' Facilities	–	–	–	A	A	
Emergency Shelters						
Small-Scale	R	R	R	R	R	§ 4.10.115
Large-Scale	U	U	U	U	U	§ 4.10.115
Food Preparation & Catering Services	A	A	–	A	A	
Funeral & Cremation Services	–	U	–	A	A	
Health & Fitness Clubs	–	A	–	A	A	
Hospitals & Clinics	U	U	U	U	U	
Hotels & Motels	U	U	–	–	–	
Kennels – Commercial	–	U	–	A	A	§ 4.10.200
Laboratories & Testing Services	–	–	A	A	A	
Laundries – Industrial	–	U	–	U	A	
Machinery & Equipment Services						
Limited	U	A	–	A	A	
General	–	–	–	A	A	
Maintenance & Repair Services	A	A	–	A	A	
Manufactured-Home Sales & Rentals	–	–	–	U	U	
Manufacturing						
Limited	–	–	–	A	A	
General	–	–	–	U	A	
Intensive	–	–	–	–	U	
Massage Establishments	A	A	A	–	–	Note 3
Museums	U	U	U	U	U	
Nonprofit Institutions	U	U	U	U	U	Note 9

Table 2.40-1

**USES IN COMMERCIAL AND INDUSTRIAL
BASE DISTRICTS**

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING					Supplemental Regulations
	CN	CG	OA	ML	MH	
Nurseries						
Retail	A	A	–	A	A	
Wholesale	–	–	–	A	A	
Offices	A	A	A	A	A	
Parking Services & Facilities	–	A	–	A	A	
Personal Services	A	A	–	A	A	
Petroleum Products Distribution	–	–	–	U	U	
Recreation – Commercial	–	U	–	U	–	
Recycling						
Collection Facilities – Consumer Recycling	R	R	R	R	R	§ 4.10.285
Recycling/ Processing Facilities – Consumer Waste	–	–	–	–	U	
Concrete, Asphalt, & Soil Recycling	–	–	–	–	U	
Composting & Wood Recycling	–	–	–	–	U	
Hazardous Materials	–	–	–	–	U	
Religious Institutions	U	U	U	U	U	Note 9
Residences						
Single-Family	U	U	U	–	–	Note 5 (CN, CG) Note 6 (ML, MH)
Two-Family	U	U	U	–	–	Note 5 (CN, CG) Note 6 (ML, MH)
Multi-Family	U	U	U	–	–	Notes <u>5</u> , <u>12</u> (CN, CG) Note 6 (ML, MH)
Residential Accessory Structures & Uses	R	R	R	R	R	§ 4.20.020
Restaurants & Bars						
Limited-Service Eating Places	A	A	–	A	A	
Full-Service Eating Places	U	U	–	U	U	
Drinking Places	U	U	–	U	U	

Table 2.40-1

**USES IN COMMERCIAL AND INDUSTRIAL
BASE DISTRICTS**

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING					Supplemental Regulations
	CN	CG	OA	ML	MH	
Retail Sales & Services						
Local-Serving	A	A	-	-	-	Note 10
General	A	A	-	A	A	Note 10
Outdoor Sales & Storage	-	U	-	A	A	Note 10
Schools	U	U	U	U	U	
Studios, Arts & Crafts	A	A	-	A	A	
Taxidermy	-	-	-	A	A	
Theaters	-	U	-	U	-	
Truck & Railroad Terminals	-	-	-	A	A	
Truck Sales & Services						
Repair	-	-	-	A	A	
Sales	-	-	-	A	A	
Storage	-	-	-	A	A	
Utilities and Public Facilities						Note 7
Minor	A	A	A	A	A	
Major	U	U	U	U	U	
Warehousing & Storage						
Indoor	-	-	-	A	A	
Outdoor	-	-	-	A	A	
Wholesaling & Distribution	-	-	-	A	A	
Wireless Telecommunication Facilities						
Co-location	A	A	A	A	A	§ 4.10.400, Note 8
Minor	A	A	A	A	A	§ 4.10.400
Major	U	U	U	U	U	§ 4.10.400

NOTES:

1. In CG districts, limited auto rental establishments, including a business office and not more than 10 cars (stock) on site at any time, are not subject to a use permit, only ASA.

2. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
3. Massage establishments shall comply with the provisions of Division B22 of the County Ordinance Code.
4. [Reserved]
5. Commercial/ residential mixed uses are permitted in CN and CG districts subject to use permit and ASA.
6. Expansion or replacement of legal-nonconforming residence in ML and MH districts subject to use permit, per § 4.50.060.
7. Utility structures and facilities may be exempt from local zoning regulations if they are established by a government agency. There may also be federal or state laws that provide exemptions for certain types of utilities.
8. Co-location of wireless telecommunication facilities may be eligible for an ASA administrative review and approval (§ 5.40.050), where consistent with the provisions of this ordinance. Where the proposed co-location meets the criteria in Government Code § 65850.6(b) relating to previously approved facilities permitted by a means of a discretionary permit issued on or after January 1, 2007, and either a negative declaration, mitigated negative declaration, or environmental impact report was prepared and adopted, the co-location shall be reviewed for consistency with the approved plans, mitigation requirements, and conditions imposed on the existing facility, and if found consistent, will be subject only to a building permit or other applicable permits required by Title C of the County Ordinance Code.
9. Established *Religious Institutions* and *Nonprofit Institutions* may include *Emergency Shelters: Small-Scale* as an ancillary use by right.
10. Any use that involves the sale or onsite consumption of ~~alcoholic~~alcoholic beverages shall be subject to a use permit.
11. Owner-occupancy of one unit is required in any single-family residence that contains a junior accessory dwelling unit. The owner may reside in either the single-family residence or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
12. Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development, shall conform with the provisions of Chapter 3.75, and is allowable by use permit or planning clearance pursuant to § 3.75.050.

SECTION 8: Section 2.40.030 of Chapter 2.40, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 2.40.030 Development Standards

- A. **Standards.** Table 2.40-2 establishes development standards for the commercial and industrial base districts. A “–” indicates there is no applicable standard or requirement.
- B. **Setbacks.** Setback standards in the commercial and industrial district apply only if a property is adjacent or along a street opposite from a residential district, unless a setback requirement is imposed through architecture and site approval.

Table 2.40-2

**COMMERCIAL AND INDUSTRIAL BASE DISTRICTS:
PROPERTY DEVELOPMENT STANDARDS**

	CN	CG	OA	ML	MH
Minimum lot area (sq. ft.)	–	–	–	10,000	10,000
Lot width (feet)	–	–	–	100	100
Maximum lot coverage	–	–	25%	40%	50%
Setbacks from adjacent residential zones (feet)¹					
Front	–²	–²	–	–	–
Side	10 ²	–²	10	15	15
Side, Exterior (corner lot)	10 ²	–²	10	–	–
Rear	25 ²	–²	20	20	20
Parking and loading	See Chapter 4.30, Off-Street Parking and Loading ²				
Maximum height (feet)¹	45 ²	65 ²	45	65	65
Accessory buildings	See Chapter 4.20, Supplemental Development Standards				

NOTES:

1. Setbacks and height limits for applications subject to Architecture & Site Approval (ASA) may be modified by the Zoning Administrator with proper justification to (a) promote quality design and functionality, (b) to assure adequate buffering and compatibility with adjacent land use and development, and (c) for consistency with the general purposes of ASA.
- 1-2. Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development, shall conform with the provisions of Chapter 3.75, and is exempt from the development standards in this table.

- C. **Rules of Measurement.** The standards shown in Table 2.40-2 are subject to the following rules of measurement:
1. Where a lot abuts a road, setbacks from that road shall be measured from the edge of the ultimate road right of way; (see “setback” definition in § 1.30.030)
 2. Setbacks from all property lines not abutting a street shall be measured from the property line unless otherwise specified; and
 3. Height shall be measured according to the provisions of Chapter 1.30: Definitions: General Terms.

SECTION 9: Section 2.50.020 of Chapter 2.50, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 2.50.020 Use Regulations

The following table, Table 2.50-1, specifies the allowable land uses for the special purpose base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. See subsection 1.20.040(D) for applicability of other rules and processes.
- “C” designates use classifications that require an administrative planning clearance from the Planning Office. Planning clearances are for uses that require adherence to the Zoning Ordinance but for which no discretionary permit from the Planning Office is required.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit, and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “–” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the table. Use classifications not listed in the table are prohibited in the special purpose base districts.

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Table 2.50-1	R				Permitted by Right
USES IN SPECIAL PURPOSE BASE DISTRICTS	C				Planning Clearance
	S				Special Permit (Ch 5.60)
	A				ASA (Ch 5.40)
	U				Use Permit/ ASA (Ch 5.65, 5.40)
	–				Not Permitted
Accessory Dwelling Units					
Standard ADUs	R	R			§ 4.10.015
Movable tiny homes	C	C			§ 4.10.015
Junior ADUs	R	R			§ 4.10.015, Note 19
Adult Uses	U	–	–	–	§ 4.10.020
Agriculture	R	R	R	R	Note 1 (OS/F and SCA)

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Agricultural Accessory Structures & Uses	R	R	A	-	§ 4.20.020, Note 2 (OS/F)
Agricultural Employee Housing					
Small-Scale Permanent	S	-	-	-	§ 4.10.040, Notes 16, 20
Large-Scale Permanent	U	-	-	-	§§ 4.10.040, 3.80.050, Notes 16, 20
Agricultural Equipment Sales & Services	U	-	-	-	
Agricultural Processing					
Small Scale	R	-	A	-	§ 4.10.030; Notes 2, 3 (OS/F)
Medium Scale	A	-	-	-	§ 4.10.030
Large Scale	U	-	-	-	§ 4.10.030
Agricultural Research	A	-		A	
Agricultural Sales					
Limited	R	R	A	-	§ 4.40.110 (Signs), Notes 2, 3 (OS/F)
Farmers' Markets	U	U	-	-	
Agriculturally Related Entertainment & Commercial Uses	U	U	-	-	§ 4.10.050
Antennas – Commercial					
Minor	A	A	A	-	
Major	U	U	A	-	
Auction Houses	U	-	-	-	

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Automotive Sales & Services					
Limited Repair	U	-	-	-	
General Repair	U	-	-	-	
Sales & Rentals	U	-	-	-	
Service Stations	U	U	-	-	
Storage	U	-	-	-	
Washing	U	-	-	-	
Banks	U	-	-	-	
Bed & Breakfast Inns	U	U	-	-	§ 4.10.060
Billboards	U	-	-	-	
Broadcasting	U	-	-	-	
Business Services	U	-	-	-	
Butcheries	U	-	-	-	
Camps & Retreats	-	-	-	-	
Caretaker’s Residences	U	-	A	-	Note 4 (OS/F)
Cemeteries	U	-	-	-	
Churches (See “Religious Institutions”)					
Clubs– Private & Nonprofit	U	-	-	-	
Colleges & Vocational Schools	U	-	-	-	
Community Care					
Limited	R	R	-	-	§ 4.10.090, Note 5
Expanded	U	U	-	-	§ 4.10.090
Contractors’ Facilities	U	-	-	-	
Dairies	U	-	-	-	
Domestic Animals	R	R	-	-	
Emergency Shelters					
Small-Scale	R	R	-	-	§ 4.10.115
Large-Scale	U	-	-	-	§ 4.10.115
Feed Lots	U	-	-	-	

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

- R** Permitted by Right
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- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Field Research	R	R	R	R	Note 2 (OS/F & SCA)
Food Preparation & Catering Services	U	-	-	-	
Funeral & Cremation Services	U	-	-	-	
Golf Courses & Country Clubs	U	-	-	-	§ 4.10.140(B)
Golf Driving Ranges	U	-	-	-	§ 4.10.150(B)
Health & Fitness Clubs	U	-	-	-	
Helipads	U	-	-	-	§ 4.10.160
Historic Structure–Use Conversion	A	A	-	-	§ 4.10.170
Home Occupations					
General	R	R	-	-	§ 4.10.180
Expanded	S	S	-	-	§ 4.10.180
Hospitals & Clinics	U	-	-	-	
Hotels & Motels	U	U	-	-	
Kennels	U	-	-	-	§ 4.10.200
Laboratories & Testing Services	U	-	-	-	
Laundries–Commercial	U	-	-	-	
Livestock Auction Yards	U	-	-	-	§ 4.10.210
Machinery & Equipment Services					
Limited	U	-	-	-	
General	U	-	-	-	
Maintenance & Repair Services	U	-	-	-	
Manufactured-Home Sales & Rentals	U	-	-	-	
Manufacturing					
Limited	U	-	-	-	
General	U	-	-	-	
Intensive	U	-	-	-	
Massage Establishments	U	-	-	-	Note 8
Museums	U	-	-	-	
Mushroom Farms	U	-	-	-	§ 4.10.220

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Nonprofit Institutions	U	-	-	-	Notes 18
Nurseries					
Retail	U	-	-	-	
Wholesale	U	-	-	-	
Offices	U	-	-	-	
Oil and Gas Extraction	U	-	-	-	
Parking Services & Facilities	U	-	-	-	
Personal Services	U	-	-	-	
Petroleum Products Distribution	U	-	-	-	
Poultry & Egg Farms	U	-	-	-	§ 4.10.240
Radio-Controlled Model Aircraft Facilities	U	-	-	-	§ 4.10.250
Reception Facilities	U	-	-	-	§ 4.10.260
Recreation – Commercial	U	-	-	-	
Recreational Playgrounds & Sports Fields	U	-	-	-	
Recreational Vehicle Parks (Residential and Recreational)	-	U	-	-	§ 4.10.280, Note 21
Recycling Facilities					
Collection Facilities – Consumer Recycling	R	-	-	-	§ 4.10.285
Recycling/ Processing Facilities – Consumer Waste	U	-	-	-	
Concrete, Asphalt, & Soil Recycling	U	-	-	-	
Composting & Wood Recycling	U	-	A		Notes 2, 9 (OS/F), 19
Hazardous Materials	U	-	-	-	
Religious Institutions	U	-	-	-	Notes 18
Residential					

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Single-Family	R	U	-	-	Note 10
Two-Family	U	-	-	-	
Multi-Family	U	-	-	-	Note 23
Residential Accessory Structures & Uses	R	R	-	-	§ 4.20.020
Residential – Communal Institutional	U	-	-	-	
Restaurants & Bars					
Limited-Service Eating Places	U	U	-	-	
Full-Service Eating Places	U	U	-	-	
Drinking Places	U	U	-	-	
Retail Sales & Services					
General	U	U	-	-	Note 6 (RS)
Outdoor Sales & Storage	U	-	-	-	
Rodeos & Equestrian Events	U	-	-	-	
Rooming Houses, Fraternities & Sororities	U	-	-	-	
Schools	U	-	-	-	
Solar Energy Conversion Systems – Commercial					
Minor	A	-	-	-	§ 4.10.345
Major	U	-	-	-	§ 4.10.345
Sport Shooting	U	-	-	-	§ 4.10.350
Stables – Commercial	U	-	-	-	§ 4.10.360
Stanford – Specialized Facilities & Installations	-	-	A	-	Note 11 (OS/F)
Studios – Arts & Crafts	U	-	-	-	
Surface Mining	U	-	-	-	§ 4.10.370
Swim & Tennis Clubs	U	-	-	-	
Taxidermy	U	-	-	-	
Temporary Residences / Construction	R	R	-	-	§ 4.10.380

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Theaters	U	-	-	-	
Timber Harvest Operations – Commercial	U	-	-	-	
Truck & Railroad Terminals	U	-	-	-	
Truck Sales & Services					
Repair	U	-	-	-	
Sales	U	-	-	-	
Storage	U	-	-	-	
Underground Mining	U	-	-	-	
Urban Primary Unit	R	-	-	-	§ 4.10.387, Note 22
Utilities and Public Facilities					Note 14
Minor	A	A	A	A	Notes 12, 13 (OS/F & SCA)
Major	U	U	A	A	Notes 12, 13 (OS/F & SCA)
Veterinary Clinics & Hospitals	U	-	-	-	
Warehousing & Storage					
Indoor	U	-	-	-	
Outdoor	U	-	-	-	
Well-Drilling Operations	U	-	-	-	
Wholesaling & Distribution	U	-	-	-	
Wind Energy Conversion Systems – Commercial	U	U	-	-	§ 4.10.390
Wineries					
Small-Scale	R	R	-	-	§ 4.10.395, § 4.40.110 (Signs)
Medium-Scale	S	S	-	-	§ 4.10.395, § 4.40.110
Large-Scale	U	U	-	-	§ 4.10.395, § 4.40.110

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

- R** Permitted by Right
- C** Planning Clearance
- S** Special Permit (Ch 5.60)
- A** ASA (Ch 5.40)
- U** Use Permit/ ASA (Ch 5.65, 5.40)
- Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Wireless Telecommunication Facilities					
Co-location	A	A	A	-	§ 4.10.400, Note 15
Minor	A	A	A	-	§ 4.10.400
Major	U	U	A	-	§ 4.10.400

NOTES:

1. Within the OS/F district, tree farm operations that grow trees in containers or in the ground are consistent with the “Agriculture” use classification. Within the SCA district, agricultural uses shall be limited to non-riparian areas and areas outside of conservation easements and California tiger salamander (CTS) reserve areas managed pursuant to the Stanford Habitat Conservation Plan (HCP), except for grazing for vegetation management as specifically provided in the Stanford HCP. Within the riparian areas and conservation easement/CTS reserve areas of the SCA district, use of pesticides and herbicides shall be prohibited; however, this does not prohibit weed abatement activities, non-native wildlife or plant abatement activities (including the use of pesticides, biocides, and herbicides or other agricultural chemicals) conducted in accordance with the Stanford HCP or Stanford Special Conservation Areas Plan (SCAP).
2. Within the OS/F district, structures ancillary to any allowed use or activity are permitted subject to the requirements of ASA (Chapter 5.40 and subsection 2.50.040(B)). Within the SCA district, no new permanent development in the form of buildings or structures is allowed, except for the construction, modification, and maintenance of improvements to support conservation efforts; structures or improvements that are necessary for safety reasons; small markers or other identifiers indicating the presence of sensitive resources (such as Native American remains); new signs, bridges, utilities, erosion control improvements; and fences; provided that they are constructed in accordance with the terms of the Stanford HCP and SCAP. This provision shall not prohibit maintenance of existing structures or improvements or prohibit the replacement of structures or improvement with new structures or improvements that serve the same purpose as the existing structures or improvements, provided any new or modified structures or improvements located within the HCP conservation easement/CTS reserve areas are approximately the same size as the existing structures or improvements.
3. Within the OS/F district, agricultural processing is limited to low intensity processing and agricultural sales activities that would not significantly impact local transportation patterns. For example, activities such as packaging products for off-site shipping and allowing limited on-site purchase of agricultural commodities are consistent with allowable uses for this district. Activities such as a canning operation, or establishing a commercial outlet for sale of multiple agricultural commodities, would exceed the intensity allowed in this district. Prior to establishment of any use or activity, the Planning Office must determine that such use or activity is of low intensity and consistent with the General Use Permit requirements for the OS/F district.
4. Within the OS/F district, caretaker’s residences, as defined in § 2.10.030, are allowed as follows: A cumulative total of five caretaker’s residences is allowed to the extent they are consistent with all

provisions of the Stanford General Use Permit and the zoning ordinance. This cumulative total includes all legal existing residential structures within the OS/F district, including any that may be legal nonconforming uses. Any existing legal nonconforming caretaker's residences that existed on December 12, 2000 and have not been subsequently abandoned may continue to be utilized as caretaker residences. Stanford University bears the burden of establishing that any existing structure and use is legal or legal nonconforming. Consistent with all other provisions of the zoning ordinance, any legal structure that has been converted to a caretaker's residence may be relocated, replaced, or modified, so long as there is no cumulative increase in the overall square footage of all residential structures. Caretaker's residences are subject to ASA (Chapter 5.40 and subsection 2.50.040 (B)). Cumulative building area (square footage and building footprint) for the five caretaker's residences shall not exceed the total square footage of documented building area for all legal or legal nonconforming residential structures that existed in the OS/F district on December 12, 2000.

5. Facilities qualifying as "Large-Family Day-Care Homes," serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
6. In Roadside Services (RS) districts, general retail sales uses must be limited in scale and ancillary to a permitted use that is primarily oriented toward serving the needs of the motoring public, consistent with the general plan.
7. The existing Stanford University Golf Course may be modified or reconfigured within its boundaries as they existed on December 12, 2000, but the Golf Course footprint may not be expanded. Modification or replacement of the golf course clubhouse or ancillary support facilities is permitted if consistent with all applicable provisions of the Community Plan, General Use Permit, and the zoning ordinance.
8. Massage establishments shall comply with the provisions of Division B22 of the County Ordinance Code.
9. Within the OS/F district, composting facilities are limited to those servicing Stanford University purposes, and no other communities, jurisdictions or uses (e.g., Stanford Shopping Center).
10. Single-family dwellings, including certain additions, may be subject to the building site approval provisions of Division C12-300-399 of the County Ordinance Code. In Roadside Services districts, single-family residential use is permitted only if incidental to and necessary to support a permitted non-residential use, as defined by the land use approval and conditions of that primary non-residential use.
11. Within the OS/F district, Stanford specialized facilities and installations are limited to those structures or facilities that require a remote setting, including but not limited to facilities for astronomical or atmospheric research. Only those structures or facilities that require isolation from sources of interference (such as noise, vibration, electromagnetic fields, or similar impediments) are allowed.
12. Within the OS/F and the SCA districts, existing utilities may be replaced if there is no increase in size or scale of aboveground structures. Above-ground disturbance resulting from the maintenance or replacement of such structures shall be restored to pre-disturbance condition. Within the SCA district, existing utilities may be replaced with utilities that serve the same purpose as the existing structures or improvements (provided the new or modified structures or improvements located within the HCP conservation easement/ CTS reserve areas are approximately the same size as the existing structures or improvements) and utilities are constructed in accordance with the terms of the Stanford HCP or SCAP.
13. Within the OS/F and the SCA districts, new utilities may be constructed that serve either Stanford or other lands if such facilities reasonably minimize degradation to the natural environment and maintain the predominantly natural appearance and habitat values of the setting. In addition, within the SCA district, new utilities may be constructed consistent with the purposes of the SCA district, provided they are in accordance with the terms of the Stanford HCP where covered by the Stanford HCP.
14. Utility structures and facilities may be exempt from local zoning regulations if they are established by a government agency. There may also be federal or state laws that provide exemptions for certain types of utilities.
15. Co-location of wireless telecommunication facilities may be eligible for an ASA administrative review and approval (§ 5.40.050), where consistent with the provisions of this ordinance. Where the proposed co-location meets the criteria in Government Code § 65850.6(b) relating to previously approved facilities

permitted by a means of a discretionary permit issued on or after January 1, 2007, and either a negative declaration, mitigated negative declaration, or environmental impact report was prepared and adopted, the co-location shall be reviewed for consistency with the approved plans, mitigation requirements, and conditions imposed on the existing facility, and if found consistent, will be subject only to a building permit or other applicable permits required by Title C of the County Ordinance Code.

16. Agricultural employee housing may, on a limited basis, be used to accommodate overnight tourist stays as part of a winery (see § 4.10.395 for criteria and permitting requirements) or be used for emergency shelter in the Public Services and Supportive Housing Combining District (see § 3.80.050 for criteria and permitting requirements).
17. Bed and breakfast inns ancillary to on-site wineries, agricultural sales operations or other agriculturally related uses shall be subject to a special permit, in lieu of a use permit, provided they are situated within the primary residence on the property.
18. Established *Religious Institutions* and *Nonprofit Institutions* may include *Emergency Shelters: Small-Scale* as an ancillary use by right.
19. Owner-occupancy of one unit is required in any single-family residence that contains a junior accessory dwelling unit. The owner may reside in either the single-family residence or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
20. Small-scale permanent agricultural employee housing is allowed with a planning clearance (“C”) instead of a special permit (“S”) in the A1 zone where the General Plan designation is Agriculture or Rural Residential.
21. No Architecture and Site Approval is required for Recreational Vehicle Parks.
22. No more than four (4) total dwelling units may be permitted on a parcel pursuant to the Urban Primary Unit use classification; however, all parcels resulting from an urban lot split pursuant to Section C12-44 shall have no more than two (2) total dwelling units per parcel.
23. Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development, shall conform with the provisions of Chapter 3.75, and is allowable by use permit or planning clearance pursuant to § 3.75.050.

SECTION 10: Section 2.50.030 of Chapter 2.50, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 2.50.030 Development Standards

- A. **Standards.** Table 2.50-2 establishes property development and subdivision standards for special-purpose base districts.

TABLE 2.50-2

**SPECIAL PURPOSE BASE DISTRICTS:
PROPERTY DEVELOPMENT STANDARDS**

	A1	RS	OS/F	SCA³
Minimum lot area				
For lot creation	5,000 sq. ft. ⁴	5 acres	160 acres ¹	20-160 acres
For building site	3,750 sq. ft. ⁴	1 acre	ASA	NA
With lot size combining districts	Ch. 3.10	NA	NA	NA
Setbacks (feet)				
Front	25 ^{2, 4}	30	ASA	ASA
Side	5 ^{2, 4}	30	ASA	ASA
Side, Exterior (corner lot)	10 ^{2, 4}	30	ASA	ASA
Rear	25 ^{2, 4}	30	ASA	ASA
Scenic road	100 ²	100	ASA	ASA
Exceptions	See § 4.20.110, Setback Exceptions			
Maximum height				
Feet	35 ^{2, 4}	35	ASA	ASA
Stories	2 ^{2, 4}	2	ASA	ASA
Accessory buildings	See Chapter 4.20, Supplemental Development Standards			

NOTES:

1. Within the OS/F district, the optional clustering provision may be exercised (Chapter 5.45, Cluster Permit) to establish a lot of less than 160 acres. Minimum parcel size may be reduced to a minimum of two acres by the planning commission for a nonresidential cluster subdivision subject to a cluster permit (Chapter 5.45). Minimum lot area for the cluster shall be determined by the slope density formula as described for the -20s combining district in § 3.10.040 except that the reference in § 3.10.040 to density, relative to land area per dwelling unit, shall not apply in the OS/F district.
2. For non-residential uses, and residential uses subject to ASA, see subsection C of this section.
3. Within the SCA district, subdivision is allowed by means of the use of the 20-160 acres slope-density formula, as further defined in Chapter 3.10, Table 3.10-2 for the -20s slope-density combining district, such that the minimum lot size shall be the same as the minimum land area required based on the average slope of the entire parcel proposed for subdivision, and no clustering or reduction of minimum lot size is allowed. No new permanent development in the form of buildings or structures is allowed, except for the construction, modification, and maintenance of improvements to support conservation efforts; structures or improvements that are necessary for safety reasons; small markers or other identifiers indicating the presence of sensitive resources (such as Native American remains); new signs, bridges, utilities, erosion control improvements; and fences, provided that they are constructed in accordance with the terms of the Stanford HCP and SCAP. Any such physical development listed above that is intended to support conservation efforts may be authorized subject to ASA or other appropriate County approval process. Time limits, setbacks, height, and any other appropriate development standards and requirements may be stipulated through the approval process.

4. Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development, shall conform with the provisions of Chapter 3.75, and is exempt from the development standards in this table.

B. **Measurements.** The standards shown in Table 2.50-2 are subject to the following rules of measurement:

1. Where a lot abuts a road, setbacks from that road shall be measured from the edge of the ultimate road right of way; (see “setback” definition in § 1.30.030)
2. Setbacks from all property lines not abutting a street shall be measured from the property line unless otherwise specified; and
3. Height shall be measured according to the provisions of Chapter 1.30:
Definitions: General Terms.

C. **A1 District–Standards for Nonresidential Uses and Residential Uses Subject to ASA.** Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development, shall conform with the provisions of Chapter 3.75, and is exempt from the development standards in this section. Setbacks and height limits for other nonresidential and residential uses subject to Architecture & Site Approval (ASA) in the A1 district shall be determined by the Zoning Administrator, subject to the following limitations:

1. Nonresidential uses adjacent to any residentially developed property may be required to provide a minimum front yard setback equal to that of the adjacent residential use; and
2. Nonresidential uses adjacent to any residentially developed property shall be required to provide a minimum side and rear yard setback equal to one-half the height of the building closest to the setback, or five (5) feet, whichever is greater.

SECTION 11: Chapter 3.75 -os Housing Opportunity Sites combining district is enacted to read as follows:

CHAPTER 3.75 -OS HOUSING OPPORTUNITY SITES COMBINING DISTRICT

Sections

- § 3.75.010 Purpose**
- § 3.75.020 Applicability**
- § 3.75.030 Development Agreement**
- § 3.75.040 Development Standards**
- § 3.75.050 Project Review and Approval**
- § 3.75.060 Community Notification**

§ 3.75.010 Purpose

The purpose of the -os Housing Opportunity Sites combining district is to facilitate the production of housing units affordable to all levels of household income, on housing opportunity sites identified in the Housing Element of the County General Plan (Housing Element). Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development in furtherance of the Housing Element, as updated periodically, and in compliance with applicable state laws.

The -os combining district specifies standards for development, which supersede the lot area and development standards specified for the base zoning district. The -os combining district consists of parcels, or designated portions of parcels, listed in the housing sites inventory of the Housing Element and may be amended to accommodate future Housing Element updates or otherwise include sites determined to be appropriate for this designation.

This section and all other provisions of the zoning ordinance and Ordinance Code are intended to be consistent with, and shall be interpreted in a manner consistent with, state housing laws, as those laws may be amended periodically. If any provisions of the Zoning Ordinance or Ordinance Code are in conflict with state law, then those provisions shall be void and state law shall apply.

§ 3.75.020 Applicability

The regulations set forth in this chapter shall apply as indicated and shall supersede any conflicting regulations of the base zoning district. Alternate standards may only be applied through a variance, pursuant to chapter 5.70, or development agreement approved by the Board of Supervisors, pursuant to § 5.20.230. The designator -os is added to the base zoning designation for properties to which this combining district applies.

The County has evaluated parcels in the unincorporated County to determine locations best suited for multi-family housing development and to facilitate the production of new units to meet

the County’s obligations under the Regional Housing Needs Allocation (RHNA). Parcels included in the “Housing Opportunity Sites Inventory” in the adopted Housing Element, shall serve as the basis for the applicability of these provisions to specified parcels or portions thereof. Such parcels are delineated below in Table 3.75-1.

All development on parcels with the -os designator shall provide the minimum number of affordable units assigned in Table 3.75-1. In order to better align development in the City of San José’s urban service area (USA) with the City’s development standards, the County has categorized parcels in the USA as Transit Residential (TR), Urban Residential (UR), or Urban Village (UV), which roughly correlate to the City of San José’s Zoning Ordinance. Sites within the Stanford University Community Plan area are categorized as SCP. These categories have applicable development standards delineated in § 3.75.040.

Table 3.75-1

**ELIGIBLE PARCELS
as of January 1, 2024**

Number	APN	Minimum number of affordable units ¹			Development Category
		Very Low-Income	Low-Income	Moderate Income	
1	282-03-016	130	48	32	TR
2	282-02-037	56	21	13	TR
3	649-23-001	141	70	70	UR
4	649-24-013	87	44	44	UR
5	245-01-003	276	159	170	TR
6	245-01-004	49	28	30	TR
7	277-06-025	-	-	4	UV
8	277-12-029	-	-	2	UV
9	277-12-027	-	-	2	UV
10	277-07-028	-	-	1	UV
11	277-07-027	-	-	1	UV
12	277-07-029	-	-	1	UV
13	277-08-029	-	-	1	UV
14	277-08-030	-	-	1	UV
15	277-08-031	-	-	1	UV
16	601-25-119	-	-	2	UR

Table 3.75-1

**ELIGIBLE PARCELS
as of January 1, 2024**

Number	APN	Minimum number of affordable units ¹			Development Category
		Very Low-Income	Low-Income	Moderate Income	
17	601-07-066	-	-	1	UR
18	612-21-004	-	-	1	UR
19	599-39-047	-	-	4	UR
20	599-01-064	-	-	2	UR
21	419-12-044	-	-	1	UV
22	142-04-036 (a)	84	63	63	SCP
23	142-04-036 (b)	112	84	84	SCP
24	142-04-036 (c)	140	105	105	SCP

NOTES:

1. The definition of each level of affordability is determined by the State and represent a percentage of the average median income for the area, based on family size.

§ 3.75.030 Subdivisions and Lot Modifications

Subdivisions (with the exception of condominium or common interest subdivisions) and lot line adjustments, or any other modification to the area of the parcels or portions of parcels with the -os designator, shall be permitted only subject to a development agreement approved by the Board of Supervisors pursuant to § 5.20.230. A development agreement may supersede the standards set forth in this Chapter. Notwithstanding this section, lot mergers shall be allowed for parcels within the -os combining district. Should lots listed in Table 3.75-1 be merged, the new lot shall assume the cumulative number of assigned units for all merged lots.

§ 3.75.040 Development Standards

Development on parcels with the -os designator are subject to all requirements of this section. The development standards in this section may be modified pursuant to a development agreement approved by the Board of Supervisors pursuant to § 5.20.230.

- A. The following table lists the minimum lot area, maximum building height, and applicable setbacks for each category of parcels as identified in Table 3.75-1:

Table 3.75-2

**STANDARD DEVELOPMENT STANDARDS:
LOT AREA, HEIGHT, AND SETBACKS**

Development Category	Maximum Building Height ²	Setbacks		
		Front	Side	Rear
TR	270 ft.	10 ft.	10 ft.	10 ft.
UR	135 ft.	10 ft.	10 ft.	10 ft.
UV	150 ft.	10 ft.	10 ft.	10 ft.
SCP	Note 3	Note 3	Note 3	Note 3

NOTES:

1. Minimum lot sizes are expressed in net square feet and may only be reduced as part of a development agreement approved by the Board of Supervisors, pursuant to § 5.20.230.
2. Maximum heights are expressed in feet above the natural grade of the property, there is no maximum number of stories.
3. Height and setback requirements, if any, for sites on Stanford University Campus are determined by the Stanford University Community Plan and the General Use Permit.

- B. Parcels with the -os designator are exempt from any development standards of the base zoning district, including but not limited to FAR and lot coverage requirements.
- C. The project shall meet or exceed the requirements of the inclusionary housing ordinance, pursuant to § 4.20.130.
- D. Affordable units in the development project shall have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, have the same type or quality of appliances, fixtures, and finishes, and have equal access to shared amenities in the development.
- E. Exterior walls adjoining a street or public right-of-way shall not have a continuous wall plane of more than 100 feet horizontally unless visually broken up by a minimum of a 3-foot deep offset façade (recession or protrusion) or architectural feature, on either 50 percent of all floors or alternating floors, to create architectural variation.
- F. Front and main entrances of each building shall be offset from the building façade by a minimum depth of 3 feet to clearly designate building entrances and provide additional wall plane variation.

- G. All buildings shall provide either a patio or balcony for each unit, or commonly accessible open space(s) (including courtyards, parklets, rooftop common areas, and sport courts) consisting of a minimum of ten percent of the lot size.
- H. All projects shall include either in-unit or on-site laundry for each building.
- I. All units shall be provided a separate secured storage space or cabinet on a private patio/balcony or on a designated building floor, unless a private garage is provided for each unit.
- J. Bicycle storage shall be provided on-site, no less than one storage space per four residential units.
- K. Guest parking and short-term drop-off/delivery parking shall be provided on site, no less than 1 space of each type for projects over 25 units, and an additional 1 space of each type per 600 residential units, unless prohibited by state law.
- L. Projects in the TR, UR, and UV development categories may include other ground floor uses, which shall be limited to on-site parking, *Retail, Restaurants and Bars, Banks, Health Clubs, Medical Clinics, Personal Services*, or community benefit uses such as libraries and government offices providing services to the public.
- M. Projects in the TR, UR, and UV development categories may include *Retail, Restaurants and Bars*, or shared gathering space on the rooftop level.
- N. Multi-family mixed-use projects in the -os district on Stanford-owned lands may include any additional development or use as permitted by the Stanford University Community Plan and General Use Permit, as amended from time to time.

§ 3.75.050 Streamlined Project Review and Approval

Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development, and is subject to approval through the ASA and/or use permit processes, pursuant to Chapters 5.40 and 5.50, respectively, or through a development agreement approved by the Board of Supervisors, pursuant to § 5.20.230.

Alternatively, multi-family housing and limited mixed-use residential development on parcels with the -os designator is subject to approval by planning clearance, pursuant to § 5.20.240, if all of the following conditions and other requirements in this chapter are met:

- A. The project meets one of the following criteria:
 - 1. All of the project’s dwelling units are rental units and a minimum of 10 percent of the total number of units (before calculating any density bonus) are subject to enforceable restrictions requiring those units to be occupied only by households making at or below 50 percent of the area median income.

2. All of the project's dwelling units are for-sale units and a minimum of 10 percent of the total number of units (before calculating any density bonus) are subject to enforceable restrictions requiring those units to be occupied only by households making at or below 80 percent of the area median income.
 3. Twenty percent of the project's total number of rental and for-sale dwelling units (before calculating any density bonus) are subject to enforceable restrictions requiring those units to be occupied only by households making below 100 percent of the area median income with the average income of the units at or below 80 percent of the area median income. The rent or sale price charged for units that are dedicated to housing affordable to households between 80 percent and 100 percent of the area median income shall not exceed 30 percent of the household's gross income.
- B. The project conforms to all County standards for private driveways, design for parking and loading areas, and access to public rights-of-way.
 - C. The proposed site development meets all objective development standards adopted by the Board of Supervisors;
 - D. Installation and continued maintenance of proposed landscaping complies with the County's Sustainable Landscape Ordinance as detailed in Division B33 of the County Ordinance Code;
 - E. The project conforms to all stormwater management requirements of the applicable regional water control board;
 - F. The project conforms to all applicable provisions of the Zoning Ordinance and building and fire codes;
 - G. The project would not produce noise levels exceeding what is allowed in the Noise Ordinance as detailed in Sections B11-150 through B11-158 of the Ordinance Code; and
 - H. The project does not involve the subdivision of land, with the exception of condominium or common interest subdivisions.

Multi-family residential or limited mixed-use residential development projects which meet the criteria of this section shall only be denied if the Building Official makes site-specific written findings that a significant adverse impact to public health, safety, or the environment would be created by the project, and there is either no feasible way to satisfactorily mitigate or avoid the impact or the applicant does not agree to mitigate or avoid the impact.

§ 3.75.060 Community Notification

Upon receipt and initial processing of any application for development on a parcel in the -os combining district, the County shall mail notices to all property owners of any parcel located within 300 feet of the boundaries of the subject property.

SECTION 12: Section 4.30.030 of Chapter 4.30, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 4.30.030 Parking Spaces Required – Residential Uses

Table 4.30-1 sets forth the number of parking spaces required for each residential use.

Table 4.30-1

**Parking Spaces Required
RESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
Residences	
Single-Family ^{1,3}	2 per unit (1 shall be covered)
Two-Family ^{1,2,3}	2 per unit (1 per unit shall be covered)
Multi-Family ^{1,2,3,4}	1- 5 per unit
Accessory dwelling unit ³	1 per unit [Section 4.10.015(I)]
Standard (attached or detached) ³	1 per unit [Section 4.10.015(I)]
Movable tiny home	None
Junior ADU	None
Agricultural Employee Housing (all) ³	1 per unit or each 1,200 square feet of group living quarters, whichever is greater
Caretaker’s Residences	2 per residence
Home Occupations	
General	None
Expanded	1 in addition to total residential requirement
Recreational Vehicle Parks	1.5 per recreational vehicle space, plus 1 per employee
Residential–Communal Institutional ³	1 for each guest room, plus 1 for each employee (may be reduced if occupants normally do not have cars)
Rooming Houses, Fraternities & Sororities ³	1 for each guest room, plus 1 for each employee

NOTES:

1. For properties created via an urban lot split pursuant to Section C12-44 or for Urban Primary Units, parking standards provided in Section 4.10.387(E) shall supersede the requirement of Table 4.30-1 and Section 4.30.070(A)(9).
2. For Two-Family and Multi-Family residence in the -n3 District, parking standards provided in Section 3.40.050(E) shall supersede the requirement of Table 4.30-1 and Section 4.30.070(A)(9).
3. Except where such parking requirements are prohibited by state law.

4. Mixed-use residential projects shall meet the parking requirements of all uses encompassed within the project.

SECTION 13: Section 5.20.060 of Chapter 5.20, Article 5 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 5.20.060 City General Plan Conformance

On property located within a city's urban service area, city general plan conformance shall be required of uses permitted by the following permitting procedures: subdivision, lot line adjustment, use permit and zone change. General plan conformance is also required for multi-family housing and mixed-use residential projects on parcels that do not have the -os designator residential development subject to architecture and site approval. An official document from the city affirming general plan conformance must accompany all such permit applications.

Development on the lands of Stanford University shall be exempt from this requirement, per the intergovernmental protocol agreement adopted jointly by the County of Santa Clara, Stanford University, and the City of Palo Alto.

SECTION 14: Section 5.20.070 of Chapter 5.20, Article 5 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 5.20.070 Properties Subject to Annexation

- A. **Applicability.** Except as provided in subsection B, below, no application for architecture and site approval, subdivision, use permit, zone change, or for any permit for construction of a building for habitation, or for commercial or industrial use on a vacant parcel, shall be accepted for filing for any parcel of land within a city's urban service area and which is:
 1. Contiguous to the city; or
 2. Separated from the city by the width of a public street or highway; or
 3. Located within territory entirely surrounded by one (1) or more cities and adjoining a portion of a public street or highway which is no more than 300 feet in length connecting the parcel to territory within the city; unless a petition or resolution initiating annexation of the parcel to such city has been filed with the appropriate local, agency and denied, or unless the city council or its planning director has, in writing, waived the provisions of this section. In the event the parcel is located within territory which has been placed under the County's jurisdiction pursuant to California Government Code Section 35004, the landowner shall be required to file a petition with the Santa Clara County Local Agency Formation Commission (LAFCO) to detach the parcel from the city to

which the parcel has previously been annexed and to annex the parcel to the city again.

B. **Exceptions.** This section shall not prevent the filing of any application for any or all of the following:

1. Alterations of or additions to a single-family residence, construction of accessory structures and accessory dwelling units.
2. Reconstruction (within two years) of any structure destroyed by fire, flood or other casualty beyond the control of the property owner;
3. Replacement of a structure because of condemnation proceedings;
4. Development on the lands of Stanford University, per the intergovernmental protocol agreement adopted jointly by the County of Santa Clara, Stanford University, and the City of Palo Alto.
5. Minor alterations of or additions to existing duplexes, multifamily dwellings, commercial or industrial structures where number of units is not being increased. Exemption includes construction of minor accessory structures and site improvements such as parking areas.
6. The addition of an Urban Primary Unit on a qualifying lot.
7. Multi-family housing or limited mixed-use residential development in the -os combining district.

For the purpose of subsection (B)(5) above, “minor” shall mean changes which do not substantially alter or significantly intensify the existing primary land use. Where this is not clear as it may apply to a specific proposal, a determination shall be made mutually by the planning directors or their designees of the County and the affected city within ten (10) days of the applicant’s written request for a determination. Upon their failure to agree, the matter shall be referred to the members of the Santa Clara County Local Agency Formation Commission (LAFCO), which shall henceforth constitute the County reviewing body. The determination of LAFCO shall be final.

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A corresponding annexation provision applicable to building site approval may be found in Section C1-52 of the County Ordinance Code.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SUSAN ELLENBERG, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

TIFFANY LENNEAR
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

LIZANNE REYNOLDS
Lead Deputy County Counsel