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CHAPTER 1.10 TITLE AND PURPOSE

Sections:

§ 1.10.010 Adoption and Reference
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§ 1.10.010 Adoption and Reference

This ordinance shall be known and cited as the Zoning Ordinance of the County of Santa Clara. All references to the zoning ordinance shall refer to this ordinance and amendments thereto.

§ 1.10.020 Function

The zoning ordinance divides the unincorporated territory of the county into geographical districts designated as zoning districts. Groups of these districts are designated as zoning for rural uses, resource conservation, open space and environmental protection, while the remainder are designated as zoning districts for urban uses. The zoning ordinance establishes regulations limiting the use of land and structures, the location, height and bulk of structures, the open space about buildings and principal uses, and provides for such other measures that will accomplish the purposes of the zoning ordinance and the general plan.

§ 1.10.030 Purpose

The zoning ordinance is adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and for the following more particularly specified purposes:

A. To implement the general plan and to guide and manage the future growth of the unincorporated areas within the County of Santa Clara in accordance with that plan, as described in the goals and objectives of the general plan;

B. To regulate land use and development in a manner that will encourage and support the beneficial use and orderly development of lands within the county;

C. To minimize adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, buildings, land uses, parking

areas, or other forms of land development by providing appropriate standards for development;

D. To protect and enhance the significant natural, historic, archeological and scenic resources within the county as identified by the County General Plan; and

E. To assist the public in identifying and understanding regulations affecting the development and use of land.

CHAPTER 1.20 APPLICATION OF THE ZONING ORDINANCE

Sections:

§ 1.20.010 Organization of Regulations
§ 1.20.020 Interpretation of Terms
§ 1.20.030 Precision of Numbers/ Rounding
§ 1.20.040 Interpretation of Regulations
§ 1.20.050 Zoning District Boundaries
§ 1.20.060 Zoning Maps
§ 1.20.070 Compliance

§ 1.20.010 Organization of Regulations

A. **Articles and Chapters.** The zoning ordinance is organized into five articles. Each article contains two or more chapters.

B. **Article 1: General Provisions.** Article 1 contains introductory information setting forth the purpose of the zoning ordinance, and is also a guide to using the zoning ordinance. It also contains definitions of general terms used throughout the ordinance.

C. **Article 2: Base Districts.** Article 2 contains the primary regulations for each zoning district. The first chapter, Chapter 2.10, defines the use classifications that are referenced throughout Article 2 and elsewhere in the zoning ordinance, and the remaining four chapters comprise the base district regulations. Article 2 is the customary starting point for determining the fundamental zoning provisions that apply within a district or to a particular parcel of land within the unincorporated portion of the county.

1. The official zoning maps maintained in the planning office divide all territory in the unincorporated portion of the county into zoning districts. Article 2 distributes these zoning districts (base districts) within four general categories—Rural, Urban Residential, Commercial and Industrial, and Special Purpose—each the subject of a separate chapter, as follows.

    a. Rural Base Districts (Chapter 2.20);

    b. Urban Residential Base Districts (Chapter 2.30);

    c. Commercial and Industrial Base Districts (Chapter 2.40); and

    d. Special Purpose Base Districts (Chapter 2.50).

2. Chapters 2.20 through 2.50 provide several types of information:

a. They indicate the uses allowed in each base district—these uses are described in Chapter 2.10: Definitions: Use Classifications;

b. They contain the property development standards, such as minimum lot size, maximum height of buildings, and minimum setbacks;

c. They may include additional provisions that apply to particular uses or zoning districts; and

d. They may refer the reader to another part of the zoning ordinance, such as to the chapter on parking and loading.

D. **Article 3: Combining Districts.** Article 3 contains the regulations for each combining zoning district, which augment or in some cases supersede the regulations of a base district with which it is combined. After consulting Article 2 to determine the basic regulations applying to a district or a particular parcel of land, the user of the zoning ordinance should also determine if a combining district applies to the parcel. In case of conflict, the provisions of the combining districts prevail.

E. **Article 4: Supplemental Standards and Regulations.** Article 4 contains standards and regulations that are in addition to those found in Articles 2 and 3 for particular uses and types of development:

1. Chapter 4.10 contains supplemental regulations for specific uses. The "Supplemental Regulations" column in the tables showing allowed uses in Chapters 2.20, 2.30, 2.40, and 2.50 direct the user to specific sections in Chapter 4.10.

2. Chapter 4.20 contains supplemental standards for specific types of development. The user should read through the list of sections on the first page of Chapter 4.20 to see if any of the topics apply.

3. The other chapters in Article 4 each deal with a specific standards issue, including parking and loading, signs, and nonconformities.

F. **Article 5: Procedures and Administration.** Article 5 describes the procedures for the various types of permits and other approvals required by the zoning ordinance. It also describes the procedures for amending and enforcing the zoning ordinance.

§ 1.20.020 Interpretation of Terms

The following terms are to be interpreted as indicated below.

A. **Definitions.** Definitions of certain terms used in this zoning ordinance are found in Chapter 1.30. Definitions of use classifications are found in Chapter 2.10.

B. **Tense.** All words used in the present tense shall include the future tense, unless the context indicates otherwise.

C. **Number.** All words in the plural number shall include the singular number and all words in the singular number shall include the plural number, unless the context indicates otherwise.

D. **Shall.** The word "shall" is mandatory and not discretionary.

E. **County.** The word "County" (uppercase) as used herein shall refer to the County of Santa Clara, a political subdivision of the State of California. The word "county" (lowercase) as used herein shall, depending on the specific context in which it is used, mean either (a) the geographical territory comprising all unincorporated portions of Santa Clara County, (b) the entire geographical territory of Santa Clara County, including its incorporated cities, or (c) any other referenced county.

F. **General Plan.** The term "General Plan" as used herein shall mean the Santa Clara County General Plan, unless otherwise expressly stipulated.

G. **Ordinance Code.** The term "Ordinance Code" as used herein shall mean the Ordinance Code of the County of Santa Clara.

H. **Zoning Ordinance.** The term "Zoning Ordinance" as used herein shall mean Appendix I, Zoning, of the Ordinance Code of the County of Santa Clara, which is also cited as the Zoning Ordinance of the County of Santa Clara.

I. **Board of Supervisors.** The term "Board of Supervisors" shall mean the Board of Supervisors of the County of Santa Clara.

J. **Planning Commission.** The term "Planning Commission" shall mean the Planning Commission of the County of Santa Clara.

K. **Director.** The terms "Director" and “Planning Director” as used herein shall each mean the Director of the County of Santa Clara Department of Planning and Development, or authorized designee, unless otherwise expressly stipulated.

L. **Zoning Administrator.** The term "Zoning Administrator" as used herein shall mean the Zoning Administrator of the County of Santa Clara.

M. **Planning Office.** The term "Planning Office" as used herein shall mean the Planning Office of the County of Santa Clara.

N. **Boundaries.** The words "county boundary" shall mean the exterior boundary of the County of Santa Clara or the boundary of any incorporated municipality within the county, or both.

O. **Articles, Chapters, and Sections.** References to articles, chapters, and sections (also referenced with the symbol '§') apply to articles, chapters, and sections of this zoning ordinance, unless otherwise indicated.

P. **Subsections.** References to subsections apply to a subsection of the section in which the term is mentioned, or the lower order subsection of a higher order subsection, unless otherwise indicated.

Q**.** **Historical Heritage Coordinator**. The term "Historical Heritage Coordinator" as used herein shall mean the Historical Heritage Coordinator of the County of Santa Clara, who serves as staff to the Historical Heritage Commission.

§ 1.20.030 Precision of Numbers/ Rounding

Unless a particular provision specifies otherwise, the following rules shall apply with respect to the precision of numbers used in this ordinance for measurement and calculation.

A. **Lot Area Measurement.** Where lot area criteria are specified in numbers of acres, those numbers shall assume the precision of two (2) decimal places, whether or not they are expressly written out. This includes criteria applicable to subdivision and development density, as well as lot-area thresholds for specific uses or development standards. A 2.5-acre lot-area threshold shall therefore convey the same numerical precision as 2.50 acres. When a calculation results in a third (or more) significant digit to the right of a decimal, standard mathematical practices shall be employed for rounding (i.e., the decimal numbers 2.490 through 2.494 would round down to 2.49, and 2.495 through 2.499 round up to 2.50).

Where regulations specify area in numbers of square feet, measurement and calculation shall round to the nearest whole square foot. A 20,000 square-foot minimum lot size requirement would therefore not allow the creation of a 19,999 square foot lot. Lots smaller than one gross acre shall be measured in square feet.

B. **Linear Measurement.** Linear measurement for setbacks, height, building separation, lot dimensions, and similar zoning standards shall normally be measured in feet. Fractions of feet shall be converted to inches and any necessary rounding shall be done to the nearest whole inch using standard rounding practices (i.e., 1.4 inches would round down to (one) 1 inch and 1.5 inches would round up to 2 inches). Thus, where a 30-foot setback is required, 29 feet 11 inches does not satisfy that setback.

C. **Time Measurement.** Terms used to measure time shall be applied as calendar-based time units. The term "day" shall refer to a calendar day, such that a stipulated 90-day period shall end at 11:59 pm on the 90th day following the

action precipitating the deadline. A six-month period that begins April 20 of a given year ends at 11:59 pm on October 19 of the same year.

When referencing a filing deadline, a stipulated time limitation shall end at the close of business hours on the final day of the term. Should a filing deadline end on a day when the Planning Office is closed for business, the first business day that follows that day will be considered the final day to meet the filing deadline.

§ 1.20.040 Interpretation of Regulations

The following provisions govern the interpretation of the zoning ordinance.

A. **Zoning Administrator.** The zoning administrator shall have authority to decide any question involving the interpretation or application of any provisions of the zoning ordinance. Any interpretation and application of the provisions of the zoning ordinance shall consider all relevant "purpose" language, shall ensure consistency with the general plan and shall assure protection of the public health, safety, comfort, convenience and general welfare (For interpretations of permitted uses, see Section 2.10.020).

B. **Planning Commission.** The Planning Commission shall also be authorized to interpret any provisions of the zoning ordinance that may apply to any matter under the commission's consideration. It may also consider any interpretation request introduced by the secretary of the Planning Commission, or any zoning administrator interpretation that is being contested through the appeal process.

C. **Impact on Other Public Provisions and Private Agreements.** Except as specifically herein provided, the zoning ordinance does not interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which the zoning ordinance imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any such building or land, than is imposed or required by such existing provisions of law, ordinance, rules, regulations, permits, easements, covenants or agreements, then the provisions of this ordinance shall control.

D. **Other Laws.** There are many other laws, regulations, and ordinances that apply to land use, development, and construction activities. The provisions of this zoning ordinance are intended to be in addition to and not in conflict with these other laws, regulations, and ordinances. If any provision of this zoning ordinance conflicts with any duly adopted and valid statutes of the federal government or the State of California, the federal and state statutes shall take precedence.

§ 1.20.050 Zoning District Boundaries

The following provisions address the designation and interpretation of the boundaries of zoning districts.

A. **Designation.** The precise location of the boundaries of zoning districts shall be designated on the official zoning maps or by legal description as adopted by the Board of Supervisors, which maps and legal descriptions are incorporated by reference into this zoning ordinance.

B. **Uncertainties.** Where uncertainty exists as to the boundaries of any zoning district, the following rules shall apply:

1. Where such boundaries are indicated as approximately following street and right-of-way lines, the centerlines of the streets or rights-of-way shall be construed to be such boundaries;

2. Where such boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be such boundaries;

3. Where a district boundary divides portions of a single lot, the location of the boundary, unless it is indicated by dimensions shown upon the zoning map, shall be determined by the use of the scale appearing on the zoning map; and

4. In case further uncertainty exists, the zoning administrator shall determine the location of boundaries.

§ 1.20.060 Zoning Maps

Maps used to describe the boundaries of the zoning districts shall be in the form of a set of paper prints, and they shall be attached to and incorporated by reference in the ordinance creating or amending the zoning district boundaries. Certified reproductions of the official maps and the digital or computer data files of County zoning maps from which such maps are produced shall be accepted by all County departments and agencies as official copies of the zoning map, when certified by the County Planning Office.

§ 1.20.070 Compliance

The following provisions govern compliance with the zoning ordinance.

A. **General.** No person shall use or allow the use of any land, building or structure except in strict compliance with the provisions of this zoning ordinance, including the conditions of any permit issued pursuant to this zoning ordinance.

B. **Exemption for County-Owned Lands.** The Board of Supervisors shall have the authority to exempt land uses and development that are located on County-owned lands from any and all provisions of the zoning ordinance.

CHAPTER 1.30 DEFINITIONS: GENERAL TERMS

Sections:

§ 1.30.010 Purpose
§ 1.30.020 Applicability
§ 1.30.030 Definitions of Terms

§ 1.30.010 Purpose

The purpose of this chapter, Definitions: General Terms, is to provide definitions for terms that have meanings specific to the interpretation of this zoning ordinance.

§ 1.30.020 Applicability

A. **Use of Definitions.** The definitions in this chapter shall be used in interpreting the zoning ordinance unless it is apparent from the context that a different meaning is intended.

B. **Definitions of Uses.** Uses are defined in Chapter 2.10: Definitions: Use Classifications.

C. **Interpretations.** The interpretation of language and certain commonly used terms is found at Section 1.20.020.

D. **Other Definitions.** Definitions specifically related to signs are located in Section 4.40.050. Definitions specifically related to adult uses are included in the *Adult Uses* use classification in Section 2.10.040.

§1.30.030 Definition of Terms

Accessory structure: A structure or building that is auxiliary and subordinate to the main structure or building on a lot, except as otherwise provided herein. Any building that is incidental to the conduct of any agricultural use shall be considered to be an agricultural accessory building. For purposes of this zoning ordinance, no building designed, intended or used for dwelling purposes shall be considered to be an accessory structure.

Accessory use: A use related to, but auxiliary and subordinate to the primary use on a lot.

Agriculture-serving use: A use that supports the agricultural industry including but not limited to shipping and trucking operations, manufacturing and sales of farm and nursery

equipment and supplies, large animal hospitals, and other service providers catering specifically to the agriculture industry.

Alley: Any public thoroughfare, not exceeding 30 feet in width, for the use of pedestrians or vehicles, or both, that affords only a secondary means of access to abutting property.

Animal, large: Animals characterized by their relative size to other animals and including but not limited to horses, cattle, bison and donkeys. Variants of species (e.g. miniature horses) may be reclassified as medium or small animals at the discretion of the zoning administrator.

Animal, medium: Animals characterized by their relative size to other animals and including but not limited to sheep, goats, pigs, ostriches, emus, llamas and alpacas.

Animal, small: Animals characterized by their relative size to other animals and including but not limited to chickens, ducks, geese, turkeys, pheasants, mink and rabbits.

Architectural value: Representing one (1) or more periods or styles of architecture typical of one (1) or more eras in the history of the county.

Attic: The unconditioned part of a building immediately below the roof situated wholly within the roof framing (see "story, half" for conditioned "attic" space).

Basement: That portion of a building that is partially or entirely below grade, that is so situated where both of the following apply:

1. The finish floor level immediately above such under-floor space shall not be more than six (6) feet above grade for more than 50 percent of the under-floor area; except that on lots where the "-n_1" combining designation applies, a basement threshold of four (4) feet (instead of six (6) feet) shall apply (see §3.40.030). Window wells, as defined and required for egress by the California Building Code (CBC) and California Residential Code (CRC), shall be limited to 10% above the minimum dimensions required by the CBC and CRC.

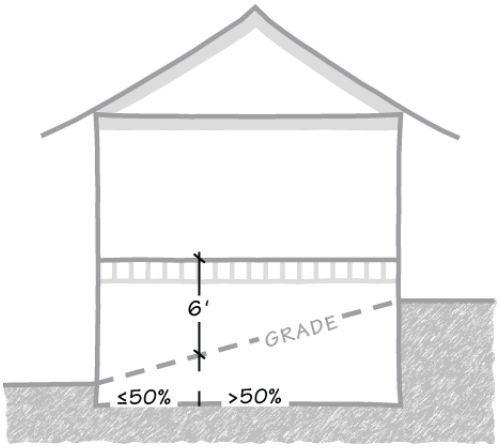


Fig. 1.30-1
Basement Threshold

2. The finish floor level above such under-floor space shall not be more than 12 feet above grade at any point.

For the purpose of this definition, "grade" shall be final grade at the building's perimeter, and shall be projected through the subject basement space when appropriate.

Bay window: A window or series of windows jutting out from the wall of a building and forming an alcove within.

Boarding house: Any residential building used for the renting of rooms or providing of table board, or both, for three (3) to six (6) persons over the age of 16 years who are not related by blood or marriage to the resident-operator thereof.

Breezeway: A covered passageway open on two (2) or more sides, joining two (2) or more detached buildings.

Building: Any structure having a roof supported by columns or walls, or both, and intended for the shelter, housing or enclosure of any person, animal or personal property. When any portion of a structure is completely separated from every other portion of the structure by a masonry division or firewall without any window, door or other opening and the masonry division or firewall extends from the ground to the upper surface of the roof at every point, such portion shall be deemed to be a separate building.

Building envelope: The three-dimensional space within which a building or structure may be built, as defined by setbacks and height regulations. Building envelopes may also be delineated for portions of lots on an approved subdivision map, cluster subdivision approval, or conditions of the subdivision or other land use approval. In such cases, the line segments delineating the building envelope shall function as setback lines for residences, and may confine the location of certain other buildings or structures if so stated on the approved map, or as a condition of subdivision approval that more specifically defines the purposes of the building envelope.

Building footprint: That portion of a property vertically below the maximum extensions of the enclosed structure(s) thereon, including covered decks, uncovered decks over 30 inches above grade, and carports, but excluding roof projections of two and one-half (2.5) feet or less.

Building, main: A building or buildings in which the lot's principal use is conducted.

Centerline: The centerline of a street as established by the County Surveyor of the County or by the city engineer of any city within the county or by the California Department of Transportation. If no such center line has been established, the center line of a street shall be a line midway between the side lines of the right-of-way thereof; provided, however, that if only a part-width right-of-way exists for any portion of any street, the center line for such part-width portion shall be determined by prolonging the center lines on each side of such part-width portion parallel to the side lines of such part-width portion. If the foregoing method of establishing the centerline is not feasible, the zoning administrator shall designate the centerline.

Development area: That portion of a property within which buildings, accessory structures, and associated improvements are proposed and delineated on site plans or subdivision maps in accordance with applicable policies of the general plan or the zoning

ordinance. Associated improvements include, but not are not limited to driveways, parking areas, turnarounds, septic systems, patios, pools and recreational facilities.

Dwelling purposes: The use of a building for human habitation, which is designed, intended or used for sleeping, cooking, eating, and sanitation.

Dwelling unit: A building or portion thereof that is designed, intended or used for dwelling purposes for one family, as defined in this section.

Family: One or more persons occupying a premises and living as a single, nonprofit household, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary domestic help.

Fee access corridor: That portion of a flag lot used for access that is owned in fee simple.

Floor area, gross: The sum of the gross horizontal areas of the several floors of a building, as measured from the rough exterior faces of the exterior walls, or (if applicable) from the centerline of a common wall between two attached buildings.

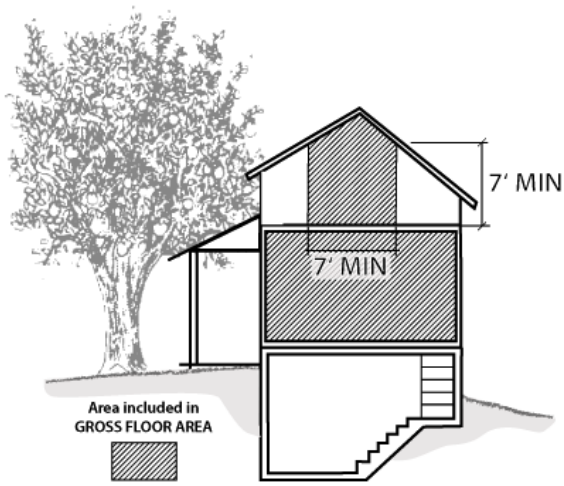


Fig. 1.30-2
Gross Floor Area

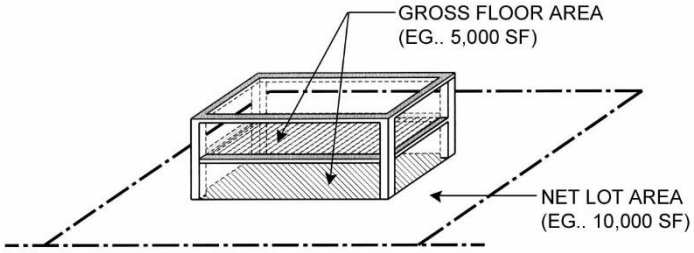
"Floor area, gross" also includes the total area of any attached garage, and includes any carport, porch or similar attached structure or feature that is both: (a) covered, and (b) greater than 50% enclosed by perimeter walls. It includes the horizontal area of an interior stairway at each of the two or more stories to which the stairway provides access. Any attic space that has a minimum clearance of seven (7) feet in each of three (3) dimensions for at least 70 contiguous square feet shall be included. Basement space that has a minimum clearance of seven (7) feet in each of three (3) dimensions for at least 70 contiguous square feet shall be included in floor area when determining: (a) required nonresidential parking spaces as stipulated in §4.30.040; (b) floor area limitations applicable to accessory dwelling units; (c) cumulative floor area that may be subject to building site approval (Ordinance Code Division C12, Chapter II); and (d) floor area that may be subject to regulations of the Department of Environmental Health, County Fire Marshal, or other government department or agency.

Where the vertical distance between any floor and the ceiling above exceeds 15 feet, floor area shall be counted twice.

Except where the provisions of § 3.40.030 apply, basements shall be excluded when calculating residential floor area or floor area ratio where provisions are intended to

either: (a) stipulate maximum building size, or; (b) categorize a project under the provisions of §3.20.030, 5.50.050 or 5.50.060 for procedural purposes.

Floor-area ratio (FAR): Determined by dividing the gross floor area of a specified building(s) on a lot by the net lot area; provided, however, that on flag lots, all portions of fee access corridors which are less than 25 feet in width shall be excluded from floor area calculations.



$$FAR = \frac{\text{GROSS FLOOR AREA}}{\text{NET LOT AREA}}$$

$$(EG: \frac{5{,}000}{10{,}000} = FAR\ 0.5)$$

Fig. 1.30-3
Floor Area Ratio

Future width line: A line representing the maximum planned width of a right-of-way, as shown on maps included in any officially adopted report or ordinance. This includes the 1971 Ruth and Going Future Width Line Study.

Group living quarters: A group of structures, or a single structure such as a boarding house or dormitory, consisting of either individual or shared facilities for living, sleeping, eating, cooking, and sanitation.

Guest room: A room within a dwelling which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but in which there are no cooking facilities.

Hedge: Plants that are cultivated to result in a dense linear form that functions as a fence, wall or barrier.

Height: The dimension measured by the vertical distance from the final grade to the top of a building or structure. On sloping lots or lots with irregular topography, height shall be measured vertically upward from a hypothetical surface representing the final grade as projected through the structure site (see Figure 1.30-4b for measurement details).

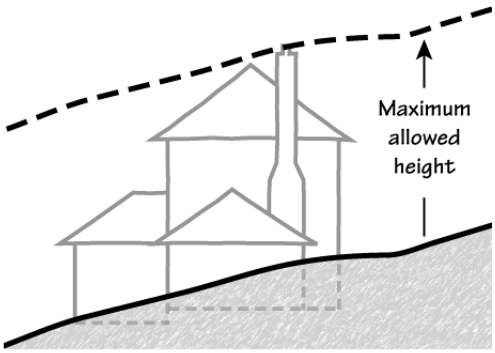
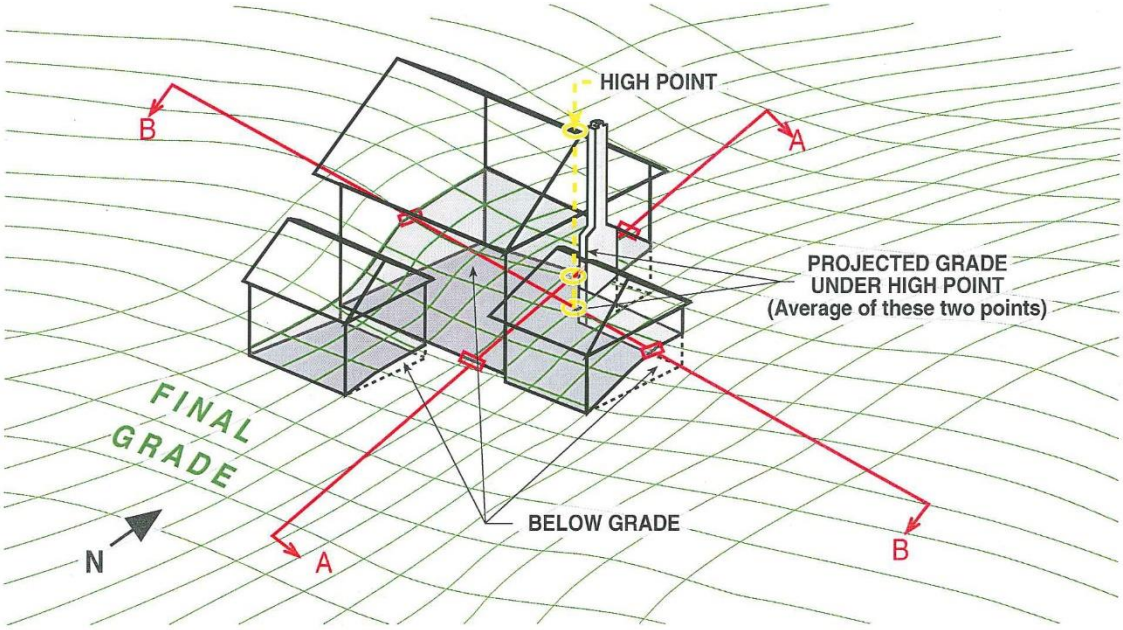


Fig. 1.30-4a
Building Height



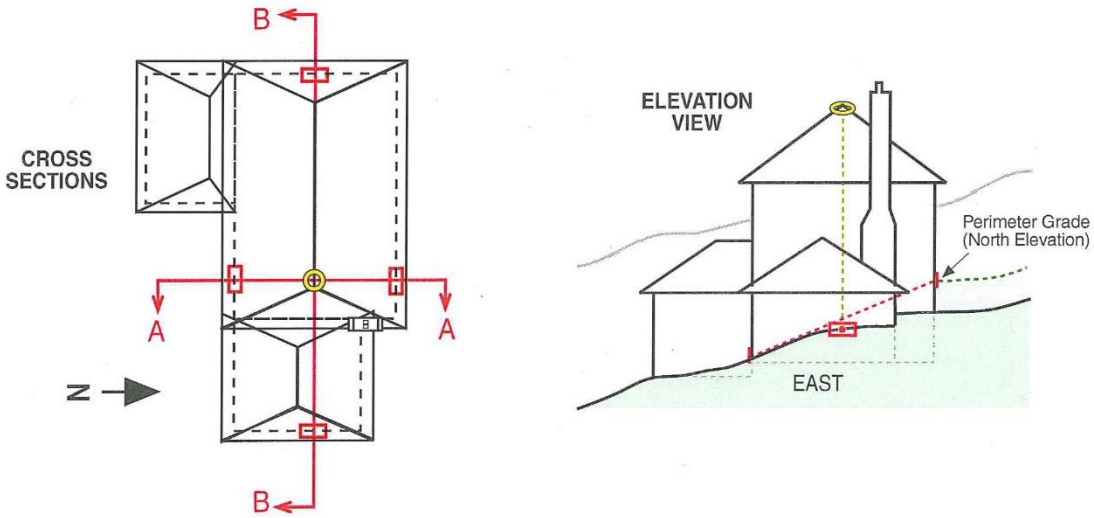


Fig. 1.30-4b
HEIGHT MEASUREMENT
(Irregular Topography)

Legal-nonconforming use, lot, or structure: A use, lot, building or structure that was lawful when brought into existence, but does not comply with the currently effective use provisions, permitting requirements or development standards of this zoning ordinance. See Chapter 4.50.

Livestock: Domestic animals kept on a farm or ranch and raised for sale and profit.

Lot: A fundamental unit of land that may be lawfully sold as a separate parcel in conformance with the applicable lot-legality provisions of Division C12 of the County Ordinance Code and the applicable subdivision and lot-legality provisions of state law.

Lot area, gross: The area specified as gross lot area on a recorded parcel map, tract map or record of survey. Also, the total area of any lot whose deed contains a legal description that includes land underlying public or private rights-of-way as fee-title portions of the lot.

Lot area, net: The net area of a lot specified as such on a recorded parcel map, tract map or record of survey, or the total land area of any lot exclusive of land underlying public or private rights-of-way.

Lot, corner: A lot situated at the intersection of two (2) or more streets, or bounded on two (2) or more adjacent sides by street lines. If the interior angle of the intersecting street lines is 135 degrees or wider, the lot shall not be deemed a corner lot.

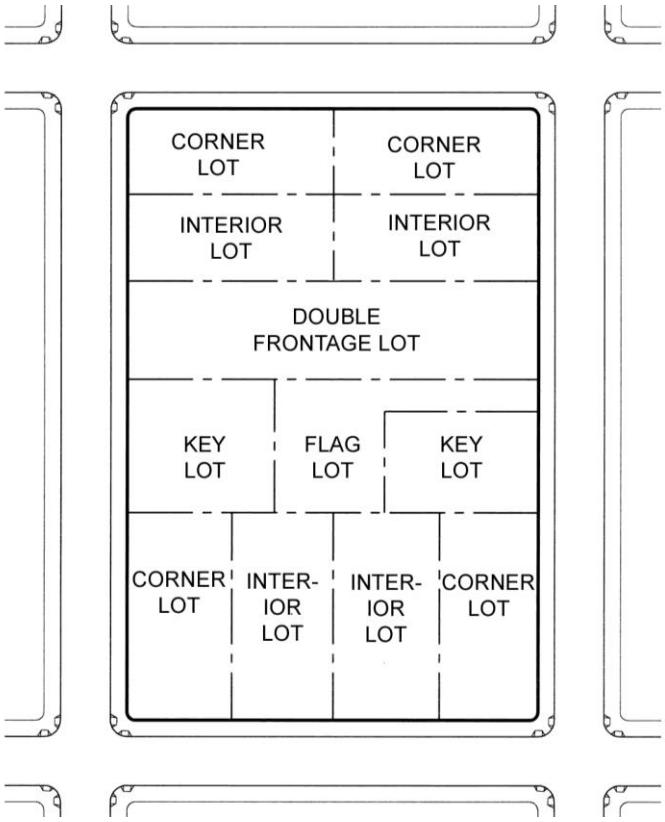


Fig. 1.30-5
Classification of Lots

Lot coverage: The footprint of all buildings and structures over 30 inches in height. Covered patios, carports, arbors, and similar structures are counted in lot coverage. Eaves are excluded provided they do not project more than two and one-half feet.

Lot depth: The average distance from the front property line (or edge of right-of-way) to the rear line measured in the general direction of the side lines of the lot.

Lot frontage: The boundary of a dedicated public or private road right-of-way as it fronts along a lot. To determine the front lot line for setback purposes, see "lot lines."

Lot, flag: A lot, generally located to the rear of another lot, whose frontage to a street is provided by a fee access corridor, or whose access is provided by an easement through the parcel with actual frontage along such street. [See Fig. 1.30-5]

Lot, interior: A lot with street frontage and whose side lot lines are the side lot lines of adjacent lots that front on the same street. [See Fig. 1.30-5]

Lot, key: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts. [See Fig. 1.30-5]

Lot lines: The lines bounding a lot as defined herein, with the following specific classifications and criteria for determining setbacks. For purposes of this definition, "street" shall mean "right-of-way," as defined herein.

1. The **front lot line** is normally the line that abuts a street.

2. The **front lot line of a corner lot** is normally the shorter line (representing the narrower lot dimension) of the two lines abutting a street. If a corner lot's overall depth-to-width dimensions are more strongly representative of the lot's orientation such that an alternate frontage determination would yield a larger building envelope, the right-of-way line that corresponds to the lot width (longer line in that case) shall be deemed the front lot line for setback purposes. In the case of a curved corner, a determination may be made by the zoning administrator that an appropriately situated point along that curve shall demarcate the front lot line from the exterior side lot line.

3. The **front lot line of a flag lot** shall be based on the lesser dimension (width/length) of the main portion of the lot (portion that excludes access corridor). The line abutting the interior terminus of the access corridor that corresponds to that lesser lot dimension shall be deemed the front lot line. When a fee access corridor exceeds 25 feet in width, the front lot line shall be the street frontage at the access corridor. For a variable-width access corridor the front lot line shall be considered the width line at the point at which the access corridor exceeds 25 feet.

4. The **side lot line** is the line that intersects the front lot line, the rear lot line, and any other side lot line.

5. The **side exterior lot line** of a corner lot is the (generally) longer of the two lines abutting a street (see Paragraph 2 above).

6. The **rear lot line** is generally the line that is most distant and opposite the front lot line. On a triangular lot or other lot where no logical rear lot line exists, the rear setback may be taken as a radius from the point of intersection of side lines most distant and opposite the front lot line. Multiple line segments that logically fit the intent of this definition may also be considered rear lot lines

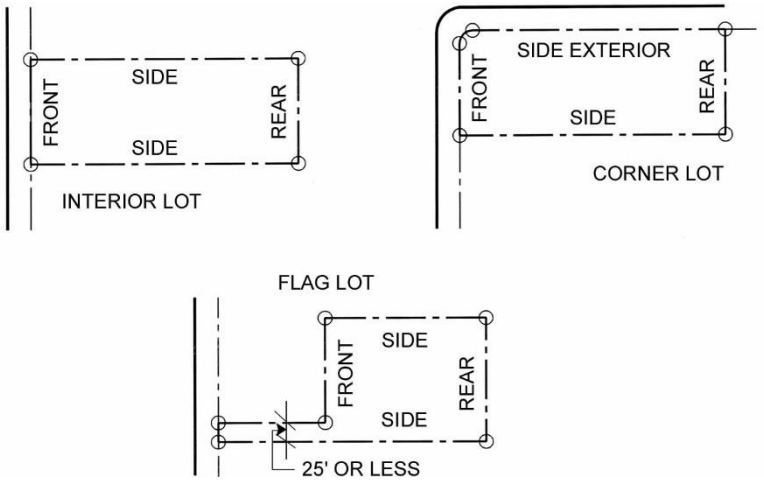
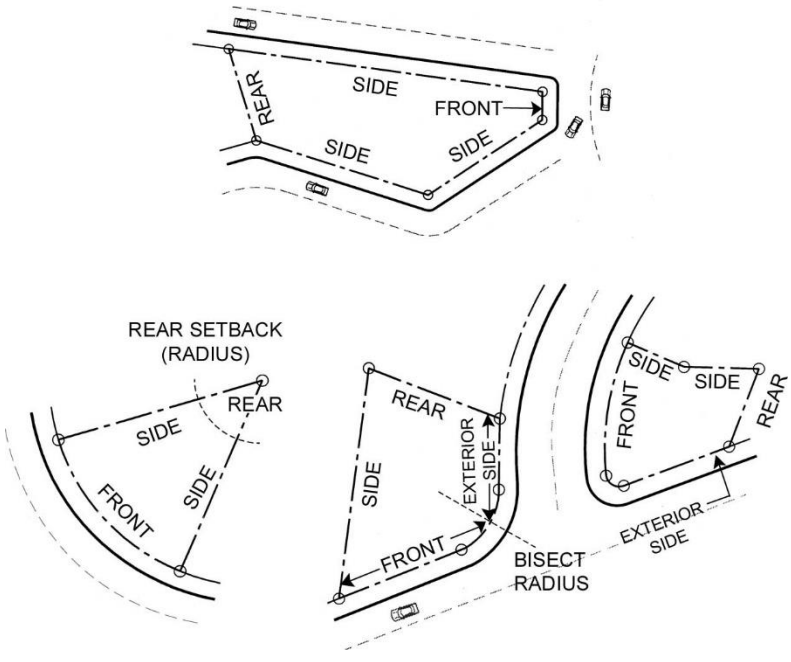


Fig. 1.30-6
Lot Lines and Lot Frontage

Where the above provisions are inadequate to address an unusually configured lot, the zoning administrator shall classify the lot lines on that lot. The determination shall consider in the following order of importance: (a) the general depth-to-width orientation of the lot and the establishment of a practical and reasonable building envelope, (b) the orientation of the lot and orientation of the determined building envelope as it would most harmoniously concur with development and/or building envelopes on the adjacent lots, (c) the existing development on the subject lot and the degree to which it may conform to more than one possible determination, and (d) other factors specific to the lot that would affect the practicality and reasonableness of a determined building envelope.



See § 4.20.020 for additional lot-line and setback criteria for accessory buildings on lots with unusual configurations.

Manufactured home: A factory-built single-family structure as defined in Section 19971 of the California Health and Safety Code or a manufactured home as defined in Section 18007 of the California Health and Safety Code. Mobilehomes, which are structures transportable in one or more sections, designed to be used as a residential dwelling unit and not having wheels or axles permanently attached to their body or frame, are considered manufactured homes if they are built in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Section 5401) and located on a foundation system pursuant to Section 18551 of the California Health and Safety Code. Manufactured homes or mobilehomes do not include recreational vehicles, or commercial coaches, as defined in Section 19971 of the California Health and Safety Code.

Marginal agricultural lands: Lands that may be considered unsuitable for agricultural use because of proximity to incompatible non-agricultural uses, inadequate water availability; or marginal soil type such as Class III or poorer.

Mine, idle: A mining operation that is curtailed for one (1) or more year(s) by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

Mobilehome: See "manufactured home."

Movable tiny home: A 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. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling to which it is accessory. It complies with all State of California requirements, is constructed in compliance with American National Standards Institute (ANSI) 119.5 standard, cannot move under its own power, is licensed and registered with the California Department of Motor Vehicles, is no larger than allowed by state law for movement on public highways, and has at least 100 square feet of enclosed space (see Sections 2.10.020 and 4.10.015).

Nonconforming use, lot, or structure: The term "nonconforming" shall mean legal-nonconforming. See "legal-nonconforming use, lot or structure."

Official plan line: A line representing the maximum planned width of a right-of-way, including future right-of-way, as defined in Section C12-700 of the County Ordinance Code.

Open land historic: The unimproved or undeveloped portion of the land on which the historic buildings or structures exist and which is essential to the integrity of the historical site or place.

Open space land: Any parcel(s) or portion of a parcel that is essentially unimproved and devoted to an open space use. This term includes land(s) designated for permanent open space preservation as shown on a recorded subdivision map, approved site plan, or other development plan, and which may be the subject of an easement or other permanent conveyance of development rights restricting the use and development potential of the open space in accordance with applicable general plan policies, zoning regulations, mitigations, or conditions of approval.

Person: Any individual, firm, association, corporation, organization or partnership, or any city, county, district or state, or any public entity or department or agency thereof.

Public water supply: Water service furnished by a public utility, a county water company or district, a municipal water company or district, a community service district or other public water district.

Reclamation: The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining uses so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and pose no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, re-soiling, re-vegetation, soil compaction, stabilization, or other measures.

Reclamation plan: A plan providing for reclamation of lands upon which surface mining operations either have been or will be conducted.

Registered historic cultural resource: A registered historic cultural resource is any building, site, structure, object, or district which is registered in the National Register of Historic Places, California Historical Landmarks Program, California Register of Historical Resources, California Points of Historical Interest Program, or formally designated as such by a resolution of the Santa Clara County Board of Supervisors.

Right-of-way: The total (improved and unimproved) area of land within the bounds of a dedicated public or private road. Also includes any ingress-egress easement that provides the right to pass over one property to access another.

Riparian: That area within and adjacent to waterways, water bodies and areas with special underground wetness characteristics which support a special type or lush condition of vegetation not found in the general area.

Sanitary sewers: Sanitary sewers shall mean those sewer systems operated and maintained by a county, a municipality, or a sanitary sewer district.

Sanitation facilities: Sanitation facilities shall mean a toilet, sink, and bathing facilities (tub or shower) serving a dwelling unit that comply with all requirements of state law and the Ordinance Code.

Setback: The horizontal separation required between lot lines (and/or rights-of-way, see below), and the nearest point of a building or structure, including below-grade walls. The setback line shall be deemed to mean a line parallel to the lot line separated by the required setback distance.

The measurement shall be taken from the rough exterior building walls (structural wall components; excluding trim, exterior siding, stucco or other such finishing materials), or other vertical structural components, to the nearest lot line, exclusive of those architectural features listed in Section 4.20.110 as exempt. Setbacks shall also be taken from the edge of any right-of-way that abuts or passes through the subject lot. In situations where the property line lies within the right-of-way, the setback shall be taken from the edge of such right-of-way. However, if an official plan line or future width line has been established for the abutting right-of-way, setback measurement shall be taken from such official plan line or future width line.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

An attic, regardless of its interior dimensions, shall not be considered a story provided it remains unconditioned space, is accessible by nothing more substantial than a pull-down stairway or ladder, and contains no dormers with the exception of minimal vent features.

A basement shall not be considered a story.

Determination of a building's number of stories shall be based on qualifying floor area being situated directly above other qualifying floor area.

Story, half: A portion of a building within a hip, gable or similar sloping roof containing space that meets the dimensional criteria for habitable space (70 square feet or larger with a minimum seven (7) feet clearance in each of three (3) dimensions), but is limited such that the wall plates on at least two (2) opposite exterior (vertical) walls, which constitute at least 50 percent of the perimeter wall area at that floor level, are not more than two (2) feet above rough floor level.

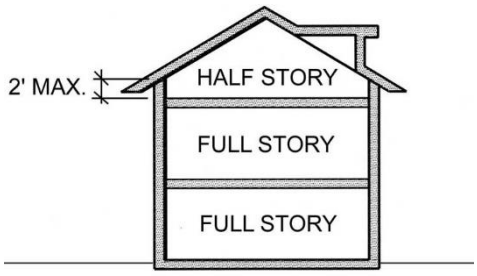


Fig. 1.30-7
Half Story

Structural alterations: Any change in the supporting members of a building, such as bearing walls, foundation, roof, columns, beams or girders.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term "structure" includes "building."

Urban service area: Land within the sphere of influence of a particular city, which is served by urban facilities, utilities and services, or which is proposed to be served by urban facilities, utilities and services through a city-adopted capital improvement program. In addition to being regulated by the County zoning ordinance, unincorporated land within a city's urban service area is subject to the land use policies of that city's general plan. The urban service area boundary shall be established by the Santa Clara County Local Agency Formation Commission in accordance with the applicable provisions of Sections 56300, 56301 and 56425 of the California Government Code.

Use: The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained. When used as a verb, standard dictionary definitions of "use" shall apply.

Watercourse: A running stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, usually flowing in a particular direction (though it need not flow continuously) in a definite channel, having a bed or banks and usually discharging into some stream or body of water.

Yard: An open space, adjacent to a dwelling or other main building, that is generally unoccupied and unobstructed from the ground upward, except as otherwise provided in Chapter 4.20. The following are types of yards:

1. The front yard extends across the full width of the lot lying between the front lot line and the nearest line of the dwelling.

2 The side yard lies between the side lot line and the side wall(s) of the dwelling and extends from the front yard to the rear yard.

3. The rear yard extends across the full width of the lot lying between the rear lot line and the nearest line of the primary dwelling.

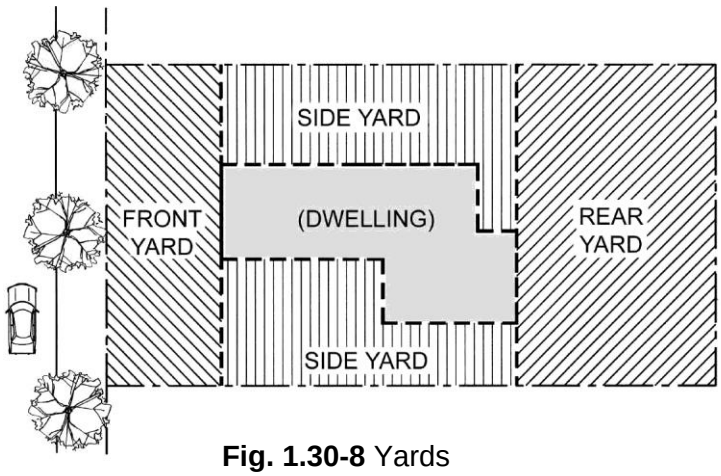


Fig. 1.30-8 Yards

CHAPTER 2.10 DEFINITIONS: USE CLASSIFICATIONS

Sections

§ 2.10.010 Purpose and Applicability
§ 2.10.020 Classification of Uses
§ 2.10.030 Residential Use Classifications
§ 2.10.040 Non-Residential Use Classifications

§ 2.10.010 Purpose and Applicability

Use classifications describe groups of land uses that have similar characteristics and can therefore be regulated in a similar manner. The descriptions of the classifications do not list every use or activity that would be appropriate within the classification, but instead give a general description of the type of uses that are included. All permitted uses are regulated under one of the use classifications defined in this chapter and further regulated in subsequent chapters describing regulations in base and combining zoning districts.

§ 2.10.020 Classification of Uses

A. **Interpretations of Permitted Uses.** The zoning administrator shall be authorized to determine whether a particular use is within the scope of an existing use classification.

1. **Uses not listed.** The zoning administrator may deem a use to be a permitted use that is not listed on the table of uses if such use is substantially similar in nature and intensity to at least one listed permitted use, and the use is clearly compatible with both the intent of the applicable district and the applicable land use designation of the general plan. The zoning administrator shall also determine the nature of the permitting process, based on the nature and intensity of the use and that use to which it is substantially most similar. Where such a use technically meets the criteria for a use that is allowed by matter of right, but the intensity or impacts of the use substantially exceed that reasonably expected to be associated with the use classification, the zoning administrator may interpret the zoning ordinance to require a permit for the use.

2. **Requirement for interpretation application**. Use interpretations shall only be made in response to a formal application for interpretation.

   Procedures for interpretation of the zoning ordinance are located in Chapter 1.20, Application.

B. **Incidental Activities.** An incidental activity carried out as part of a primary use, which is not expressly identified by the zoning ordinance as part of the primary

use classification, may be conducted if determined by the applicable decision-making authority to be appropriately ancillary to the primary use, and generally compatible in nature with the uses permitted by the applicable zoning designation.

C. **Zoning Ordinance Amendments.** When appropriate, a use that is not within an existing use classification, or not deemed an allowed use through the interpretation provision of subsection A, above, may be incorporated into the zoning ordinance through an ordinance text amendment, if determined to be consistent with the general plan (see Chapter 5.70). The amendment may either take the form of a new use classification or an alteration to the description of an existing classification, and it must be processed as an amendment to the zoning ordinance as set forth in Article 5.

D. **Prohibited Uses.** Uses not described within the use classifications, use tables, or otherwise defined as permitted uses by means of a formal interpretation as described in subsection A are prohibited. Nothing in this zoning ordinance shall be construed to allow activities or uses prohibited by or pursuant to other local, state, and federal laws, ordinance, and regulations, including but not limited to laws for preserving agricultural or open space lands.

§ 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.
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.

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. 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

prepartion 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 mobilehomes 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 singleroom 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]

§ 2.10.040 Non-Residential Use Classifications

The notation in parentheses following the title of each primary classification indicates the type of use for purposes of ensuring general plan consistency and correlation with types of allowable uses defined within the general plan.

Adult Uses. (Commercial) A building, premises or portion thereof consisting of, including, or having the characteristics of any or all of the following three subcategories. For regulatory purposes, this classification shall supersede any other classification under which a qualifying adult use may also fall (e.g. retail sales, theaters, restaurants and bars). [Criteria/Findings § 4.10.020].

1. **Adult Book/Video Store.** An establishment having as a substantial or significant portion of its stock-in-trade for sale to the public (or certain members thereof) videos, magazines, erotic devices and accessories, books, and/or other such items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (see definitions, below).
2. **Adult Movie Theater.** An establishment regularly used for the presentation of motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to, specified sexual activities or specified anatomical areas for observation by patrons or customers.
3. **Adult Entertainment Establishment.** An establishment regularly used for the presentation or exhibition or featuring of topless or bottomless dancers, strippers, or any entertainers regularly displaying specified anatomical areas for observation by patrons or customers or regularly engaged in specified sexual activities, regardless of the state of dress.

   The following definitions apply to uses within this classification:

   Specified sexual activities: (a) Human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse, sodomy or bestiality; or, (c) fondling or other erotic handling of human genitals, pubic region, buttock, or female breast.

Specified anatomical areas: (a) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; or, (b) human male genitals in a discernibly turgid state.

Agriculture. (Agricultural) Raising of animals, crops, or crop trees, including horticulture, crops grown within greenhouses, vineyards, crop harvesting, livestock farming, apiaries, aviaries, worm farms, fish farms, fur farms, 4-H projects, Future Farmers of America projects, or those of similar groups, grazing, and ranching. This classification excludes uses that have the potential to result in significant off-site impacts *(see Dairies, Feed Lots, Industrial Hemp, Livestock Auction Yards, Mushroom Farms, Poultry & Egg Farms –Commercial)*. All uses within this classification shall fit within one of the following subcategories:

1. **General.** The raising of agricultural commodities other than livestock.
2. **Livestock.** The raising of livestock.
3. **Urban.** Agricultural activity within an urban setting, scaled and operated to be compatible with adjacent urban land uses. Includes growing of agricultural products and limited raising of livestock. Also includes community supported agriculture, communal gardens, and educational demonstration gardens. Livestock shall be limited to no more than 12 small animals as provided in Note 6 of Table 2.30-1. [Criteria/Findings § 4.10.025].

Agricultural Accessory Structures & Uses. (Agricultural) Structures and uses ancillary to and supporting onsite agricultural operations including but not limited to barns and sheds, corrals, wells, compost storage, machinery storage, and small offices.

Agricultural Equipment Sales & Services. (Commercial) Establishments for the sale, rental, and repair of machinery, equipment and supplies for use in agricultural operations.

Agricultural Processing. (Agricultural) Processing facilities for the handling, processing, packing, packaging, storing and shipping of agricultural commodities grown primarily in Santa Clara County or neighboring counties. Does not include processing of meat, poultry, or animal products (see Butcheries), nor timber or wood processing (see Manufacturing/ Industry) or industrial hemp (see Industrial Hemp: Agricultural Processing). Does not include routine harvesting and handling activities incidental to agriculture (see Agriculture). All uses within this classification shall fit within one of the following subcategories [Criteria/Findings § 4.10.030]:

1. **Small Scale.** 2,400 square feet or less of covered space devoted to processing activities.
2. **Medium Scale.** Between 2,400 and 10,000 square feet of covered space devoted to processing activities.
3. **Large Scale.** More than 10,000 square feet of covered space devoted to processing activities.

Agricultural Research. (Agricultural) Establishments for experimental greenhouse and field growing of agricultural commodities, landscaping and seeds, including experimental

use of herbicides, pesticides, and other agricultural practices. Does not include agricultural research facilities for industrial hemp (see Industrial Hemp: Agricultural Research).

Agricultural Sales. (Commercial) Facilities for the retail sale of agricultural commodities, operated by a single seller on a seasonal or year-round basis. All uses within this classification shall fit within one of the following subcategories:

1. **Limited.** Sales of agricultural products predominantly grown or produced within Santa Clara County. Includes operations where customers have access to the growing areas and pick the product themselves, such as Christmas tree farms, pumpkin patches, and apple or fruit picking. May include a stand or similar sales structure no larger than 1,200 square feet.
2. **Farmers' Markets.** Facilities used by multiple sellers for sales of agricultural commodities directly to the public.

Agriculturally Related Entertainment & Commercial Uses. (Commercial) Visitor oriented services, sales and attractions with an agricultural theme that are conducted in conjunction with on-site agricultural uses. Such uses include but are not limited to food and retail sales, tasting rooms, reception facilities, outdoor entertainment areas. [Criteria/Findings § 4.10.050]

Aircraft Landing Strips –Private. (Residential) Facilities for takeoff, landing and storage of small, noncommercial airplanes. This classification does not include helipads (see *Helipads*).

Antennas –Commercial. (Infrastructure). Towers and similar structures mounted with equipment for the transmitting and/or receiving of television, radio or electromagnetic waves between terrestrially and/or orbitally based structures. This classification does not include private, non-commercial antennas, nor does it include cellular or other wireless telecommunications facilities (see *Wireless Telecommunication Facilities*).

1. **Minor.** Structures 55 feet or less in height.
2. **Major.** Structures over 55 feet in height.

Auction Houses. (Commercial) Establishments for the display and sale of goods through a bidding process. This classification does not include animal auction facilities (see *Livestock Auction Yards*).

Automotive Sales & Services. (Commercial) Establishments for the sale, rental, maintenance, and repair of automobiles and other passenger vehicles, such as light-duty trucks, boats and motorcycles. Does not include heavy-duty or commercial truck sales and services (see *Truck Sales & Services*). All uses within this classification shall fit within one of the following subcategories:

1. **Limited Repair.** Minor automobile and vehicle repair and accessory installation, including but not limited to oil changes, tune-ups, wheel alignment, and muffler and shock absorber replacement and repair.

2. **General Repair.** Major repair services for automobiles and other light-duty vehicles, including electric and battery service, glass replacement, reupholstering, bodywork, painting, motor and transmission rebuilding, and tire recapping.
3. **Sales & Rentals.** Establishments for the sale, leasing and/or rental of operable automobiles, boats, motorcycles, or other vehicles, including onsite storage of vehicles for sale or rent.
4. **Service Stations.** Gas stations, including ancillary convenience retail and auto services. Service stations that contain more than two repair bays are considered "limited repair."
5. **Storage.** Storage of new vehicles or operable used vehicles intended for future use or for resale as whole vehicles. This classification does not include junkyards.
6. **Washing.** Establishments providing hand-operated, self-service, or mechanical automobile washing services.

Banks. (Commercial) Financial institutions including federally chartered banks, savings associations, industrial loan companies, and credit unions providing retail banking 31 Santa Clara County Zoning Ordinance Chapter 2.10: Definitions: Use Classifications Rev: March 2020 services to individuals and businesses. This classification does not include payday lending businesses or check cashing businesses, and as a result, the establishment, expansion, or relocation of such businesses is prohibited. The term "payday lending business" as used herein means retail businesses owned or operated by a "licensee" as that term is defined in California Financial Code section 23001(d), as amended from time to time. The term "check cashing business" as used herein means a retail business owned or operated by a "check casher" as that term is defined in California Civil Code section 1789.31, as amended from time to time.

Bed & Breakfast Inns. (Commercial) Establishments providing short term overnight accommodations with a maximum of six guestrooms, including kitchen and dining room facilities for guests. [Criteria/Findings § 4.10.060]

Billboards. (Commercial) Signs advertising activities conducted offsite. This classification does not include temporary real estate signs, seasonal agricultural sales signs, or temporary agricultural stand signs (see Chapter 4.40: Signs).

Broadcasting. (Infrastructure) Facilities for broadcasting, recording, and other electronic communication services, including radio, television or recording studios, telephone switching centers, and telegraph or cable television transmitting offices. This classification does not include commercial antennas or antennas that are an accessory use to a principal use on the same parcel (see § 4.20.020 Accessory Structures).

Business Services. (Commercial) Establishments providing services oriented to businesses, including but not limited to accounting, tax preparation, document preparation and photocopying services, messengers, printing, janitorial services, wholesaling without significant on-site inventories of stock, and other similar services.

This classification excludes professional offices and automobile and equipment maintenance and repair.

Butcheries. (Industrial) Establishments for slaughter and basic processing and packaging of animals for meat products. This classification does not include manufacture of nonfood items from animal products such as tanning and soap manufacturing (see *Manufacturing: General*).

Camps & Retreats. (Recreational) Outdoor-oriented recreational, meeting, lodging, and associated facilities which have a low population density, are a low intensity use, and which minimally alter the natural environment. Includes hostels, guest ranches, lodges, and educational and group retreats, but does not include tourist-oriented resorts, or hotels or motels (see *Hotels and Motels*). [Criteria/Findings § 4.10.070]

Cemeteries. (Institutional) Grounds or facilities for the burial or other interment of deceased humans or animals. Uses include cemeteries, columbaries, and mausoleums, and limited associated facilities such as offices and chapels. [Criteria/Findings § 4.10.080]

Clubs –Private & Nonprofit. (Institutional) Indoor meeting, recreational, or social facilities of a private fraternal or benevolent organization primarily for use by members or guests. This classification does not include clubs with outdoor recreation facilities such as swim and racket clubs or country clubs.

Colleges & Vocational Schools. (Institutional) Institutions of higher education, typically granting recognized degrees. This use classification includes vocational and technical schools.

Community Care. (Institutional) Facilities providing care and supervision to children or adults (or both), as defined in California Health and Safety Code Section 1502. This classification includes, but is not limited, to day-care facilities and facilities for the physically disabled, mentally impaired, and abused or neglected children, supportive housing facilities, transitional housing, nursing homes and assisted living facilities. Services may be provided on either a 24-hour (residential) or less than 24-hour (day) basis. All uses within this classification shall fit within one of the following subcategories: [Criteria/Findings § 4.10.090]

1. **Limited.** Facilities serving six or fewer persons, excluding members of the provider's family and staff. Facilities serving between seven (7) and 14 children or minors (age 18 and younger) that are licensed as large-family day-care homes according to the requirements of Division B24 of the County Ordinance Code are also included. Supportive and transitional housing facilities serving six (6) or fewer clients are classified as *Residences*.
2. **Expanded.** Facilities serving more than six persons that are not otherwise licensed and operated as large-family day-care homes under Division B24 of the County Ordinance Code.

Contractors' Facilities. (Industrial) Facilities for construction contractors' businesses. Includes office, heavy equipment and material storage, and limited facilities for maintenance of equipment owned and operated by the business owner.

Dairies. (Agricultural) Establishments where cows or goats are maintained for the production of milk or other dairy products for commercial distribution or sale. [Criteria/Findings § 4.10.110]

Emergency Shelters. (Institutional) Facilities that provide short-term residential occupancy and supportive services to seven (7) or more clients. No client may be denied emergency shelter because of an inability to pay.

All uses within this classification shall fit within one of the following subcategories: [Criteria/Findings § 4.10.115]

1. **Small-Scale.** Facilities serving between seven (7) and 14 clients.
2. **Large-Scale.** Facilities serving 15 or more clients.

Facilities serving six (6) or fewer clients are classified as *Residences*.

Entertainment –Seasonal Outdoor. (Commercial) Facilities for spectator entertainment including but not limited to outdoor movie and live performance theaters or stages. [Criteria/Findings § 4.10.120]

Feed Lots. (Agriculture.) Establishments primarily engaged in the fattening of livestock in a confined area. [Criteria/Findings § 4.10.130]

Field Research. (Institutional). Research activities, field studies and educational activities (e.g. student field research) that are dependent on a natural, open setting. Examples include biological, geological or atmospheric studies.

Food Preparation & Catering Services. (Commercial) Preparation of food and beverages primarily for off-site consumption. This classification includes catering businesses and limited-scale food processing facilities such as bakeries. Establishments at which 25 percent or more of transactions are sales of prepared food for on-site consumption are classified as "*Restaurants and Bars*."

Funeral & Cremation Services. (Institutional/ Commercial) Services involving the preparation of human dead, visitation and other pre-interment services. Excludes cemeteries and columbaries (see *Cemeteries*).

Golf Courses & Country Clubs. (Recreational) Golf courses and related uses such as driving ranges, refreshment services, locker rooms, facilities for limited sales of golf supplies and accessories, swimming pools, tennis courts, fitness center, social areas, and eating and drinking facilities for members, users, and their guests. May also include overnight accommodations for temporary occupancy of members, users, and guests, that are of an appropriate and ancillary scale to the golf course development. [Criteria/Findings § 4.10.140]

Golf Driving Ranges. (Recreational) Golf driving ranges not ancillary to golf courses. [Criteria/Findings § 4.10.150]

Health & Fitness Clubs. (Recreational) Commercial facilities used for physical activity for health and recreational purposes. Such facilities usually include exercise equipment and locker rooms, and may include swimming pool, gymnasium, sauna, steam and

whirlpool bath facilities and incidental sales of refreshments, toiletries, and health or exercise equipment.

Helipads. (Residential) Facilities for the takeoff, landing and storage of helicopters used for private non-commercial purposes. This classification does not include fixed-wing aircraft landing strips (see *Aircraft Landing Strips –Private*). [Criteria/Findings § 4.10.160]

Historic Structure –Use Conversion. (Commercial/ Institutional) Structures which are registered cultural heritage resources as defined within the zoning ordinance may be 34 Santa Clara County Zoning Ordinance Chapter 2.10: Definitions: Use Classifications Rev: March 2020 allowed certain limited exceptions to allowed uses, setbacks, and height requirements, as determined by the approval authority. Uses to which such structures may be converted as a form of adaptive re-use include, but are not limited to, the following: [Criteria/Findings § 4.10.170]

1. Museums
2. Studios –Arts & Crafts
3. Clubs –Private & Non-Profit
4. Retail Sales–General
5. Restaurants & Bars
6. Hotels and Bed & Breakfast Inns
7. Other uses, deemed similar in nature to those described above, as determined by the Zoning Administrator.

Hospitals & Clinics. (Institutional) State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment as well as training, research, and administrative services for patients and employees. Excludes those uses classified as "*Medical Offices*," as well as public hospitals and clinics not subject to zoning regulations pursuant to state law. [Criteria/Findings § 4.10.190]

Hotels & Motels. (Commercial) Establishments providing more than six guest units, with no or minimal kitchen facilities in the units, intended for occupancy on a commercial basis. Guest units may be reached either from a common entrance or directly from the outside of the building. This classification includes incidental restaurants or reception/meeting facilities.

Hunting & Fishing Preserves. (Recreational) Natural or improved open space areas and related facilities specifically designated for hunting or fishing.

Industrial Hemp. (Agricultural) The term "industrial hemp" as used herein has the same meaning as that term is defined in California Food and Agricultural Code section 81000(a)(6), as amended. The term "industrial hemp operations" includes the following subcategories:

1. Cultivation. The growing of industrial hemp, including non-experimental seed breeding for cultivation. Includes routine harvesting and handling activities

incidental to growing and for non-experimental seed production. [Criteria/Findings § 4.10.195]

2. Agricultural Research. Establishments for experimental greenhouses, field or indoor growing of industrial hemp for the development of new strains, varieties, and cultivars of seeds; experimental use of herbicides, pesticides; and other experimental agricultural practices. [Criteria/Findings § 4.10.195]
3. Agricultural Processing. Processing facilities for the handling, processing, packing, packaging, storing and shipping of industrial hemp grown primarily in Santa Clara County or nearby counties. All uses within this classification shall fit within one of the following subcategories [Criteria/Findings § 4.10.030 and § 4.10.195]:
    a. Small-Scale. 2,400 square feet or less of covered space devoted to processing activities.
    b. Medium-Scale. More than 2,400 and up to 10,000 square feet of covered space devoted to processing activities.
    c. Large-Scale. More than 10,000 square feet of covered space devoted to processing activities.

Informational Displays. (Commercial) Staffed or un-staffed kiosks or displays for the purposes of education or tourist information. All uses within this classification shall fit within one of the following subcategories:

1. **Small.** A kiosk of 400 square feet or less.
2. **Large.** A kiosk of more than 400 square feet.

Kennels –Commercial. (Commercial) Commercial facilities for the shelter, breeding, sale, or training of three (3) or more dogs or six (6) or more cats over four (4) months of age on a commercial basis. This classification allows for incidental activities such as exercising, grooming, and incidental medical care. Veterinary clinics and hospitals are not included (see "*Veterinary Clinics & Hospitals*"). [Criteria/Findings § 4.10.200]

Laboratories & Testing Services. (Commercial) Electronic, mechanical, biological or other scientific or analytical testing occupying 2,400 square feet of floor area or less (this limitation shall not include minimal ancillary office or other non-laboratory floor area). For larger laboratories see "*Manufacturing–Limited*."

Laundries –Industrial. (Commercial/Industrial) Large-scale laundry and dry-cleaning operations primarily serving corporate or commercial customers for linen, clothing, or other textiles. Diaper services catering to residential customers are included. Industrial laundries do not include retail laundry or dry-cleaning establishments (see *Retail Sales and Services*).

Livestock Auction Yards. (Agricultural) Establishments primarily used for the sale of livestock by public auction, including the incidental temporary storage of livestock in conjunction with their sale. [Criteria/Findings § 4.10.210]

Machinery & Equipment Services. (Commercial) Rental, storage, and incidental sales of machinery and equipment. All uses within this classification shall fit within one of the following subcategories:

1. **Limited.** Rental and incidental sale of supplies and small equipment such as tools, appliances, business equipment, electronic equipment, furniture, and recreational equipment.
2. **General.** Rental and storage of heavy machinery, equipment, and incidental sale of supplies, including building, construction, nursery and farm equipment. See *Retail Sales* for sale of building supplies.

Maintenance & Repair Services. (Commercial) On-site repair and incidental sales of supplies for small household goods, machinery, tools, equipment, and appliances, conducted within an enclosed building. This classification includes furniture refinishing and repair and excludes maintenance and repair of vehicles or industrial equipment.

Manufactured-Home Sales & Rentals. (Commercial) Establishments for the sale or rental of prefabricated manufactured housing. This classification does not include establishments for the sale or rental of recreational vehicles (see *Automotive Sales & Services*).

Manufacturing/Industry. (Industrial) Production and processing of goods from raw materials or fabricated items. Also includes the dismantling, reduction or destruction of materials or items, and storage of salvage materials and items. All uses within this classification shall fit within one of the following subcategories:

1. **Small Scale Rural.** Small-scale manufacturing activities primarily serving operations in surrounding rural areas, involving limited manufacturing or assembly of finished products from previously prepared materials. Enclosed floor area for such uses shall not exceed 2,400 square feet (this limitation shall not include minimal ancillary office or other non-manufacturing floor area). This 36 Santa Clara County Zoning Ordinance Chapter 2.10: Definitions: Use Classifications Rev: March 2020 classification includes but is not limited to pallet and bin repair and manufacturing and nursery equipment manufacturing.
2. **Limited.** Operations involving limited product assembling, mixing, or packaging of such a nature that off-site impacts are minimal. Includes assembling or mixing where previously processed components or manufactured parts produced off-site are assembled into a finished product or blended together to form a noncombustible and non-explosive product. Includes product packaging, such as bottling, canning, packing, wrapping, and boxing of products assembled or manufactured off-site.

   Examples include, but are not limited to, the production of the following: clothes, furniture (where wood is milled off-site), pharmaceuticals, hardware, toys, mechanical components, electric or electronic components, small vehicle assembly, and computer software.

3. **General.** Manufacturing of products from processed or unprocessed raw materials, where the finished product is non-combustible and non-explosive. Also includes storage, dismantling, reduction or destruction of items or materials. The nature of such manufacturing may produce noise, vibrations, illumination, odors, or particulate that is perceptible to adjacent land users but is not significantly offensive or obnoxious. The use may include product packaging or any ancillary activity compatible with this classification or the classification *Manufacturing/ Industry: Limited*.

   Examples include, but are not limited to, the production of the following: glass products made from manufactured glass; clay and pottery products; food and beverages; candy and other confectionery products; computer hardware; products made from rubber, plastic, or resin; converted paper and cardboard products; and fabricated metal products made from semi-finished metals.

4. **Intensive.** Manufacturing of products from raw or unprocessed materials, where the finished product may be combustible or explosive. This category also includes storage, dismantling, reduction or destruction of items or materials. This category shall also include any establishment or facility using large unscreened outdoor equipment or structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment that cannot be integrated into the building design, or engaging in large-scale outdoor storage. This category also includes any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent land uses or requires a significant amount of on-site hazardous chemical storage or use. This use shall include any packaging of the product being manufactured on-site.

   Examples include, but are not limited to, the production of the following: largescale food and beverage operations; lumber, milling, and planning facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical blending, mixing, or production; and plastic processing and production; junkyards; scrap metal recycling and salvage; and vehicle dismantling, wrecking and crushing.

Massage Establishments. (Commercial) Fixed places of business where massage is administered for compensation or from which a massage business or service for compensation is operated. "*Massage Establishment*" does not include establishments where massage is administered as an ancillary service within the scope of a license to perform services as (a) a barber, cosmetologist, esthetician, manicurist, electrologist, apprentice, barber instructor or cosmetology instructor, under the California Barbering and Cosmetology Act; or (b) a practitioner of the healing arts, under Division 2 of the California Business and Professions Code (Business and Professions Code, § 500 et seq.).

Museums. (Institutional) Facilities displaying or preserving objects of interest in history, arts, humanities or sciences, including related educational programs, that are open to the public.

Mushroom Farms. (Agricultural) Establishments primarily used for the cultivation and subsequent distribution and sale of mushrooms. [Criteria/Findings § 4.10.220]

Nonprofit Institutions. (Institutional) Facilities providing direct programs or services to the community on a not-for-profit basis. This classification includes but is not limited to quasi-public facilities such as food banks, blood banks, private libraries, community centers, community-serving organizations (such as a YMCA or YWCA), and other charitable and philanthropic institutions. May also include *Emergency Shelters: Small Scale*, as ancillary uses. [Criteria/Findings § 4.10.230]

Nurseries. (Commercial) Sale and cultivation of ornamental trees, shrubs, and plants, including incidental sale or rental of garden and landscape materials and equipment. All uses within this classification shall fit within one of the following subcategories:

1. **Retail.** Sale of plants and related materials primarily and directly to members of the public, including retail sale of locally grown plants.
2. **Wholesale.** Sale of plants on a wholesale basis primarily and directly to retailers or landscape contractors, with less than 20 percent of transactions to the general public.

Offices. (Commercial) Facilities used for offices of firms or organizations providing professional, executive, management, or administrative services or offices for physicians, dentists, or chiropractors, including laboratories incidental to the medical use. This classification excludes home offices that meet the criteria for "*Home Occupations*."

Oil and Gas Extraction. (Resource Extraction) The drilling for and production of oil, natural gas and other hydrocarbon substances from the ground and the temporary on-site storage of such substances.

Parking Services & Facilities. (Commercial) Parking lots or multilevel parking structures.

Personal Services. (Commercial) Services and incidental sales of a personal nature, including but not limited to beauty salons, barber shops, music and dance instruction studios, and diet centers. This classification excludes massage establishments (see *Massage Establishments*).

Petroleum Products Distribution. (Industrial) Bulk distribution of gasoline, oil, natural gas, propane, or other petroleum or fuel products. Does not include service stations (see *Automotive Sales and Services: Service Stations*).

Poultry & Egg Farms –Commercial. (Agricultural) Establishments where fowl are raised or kept in confined areas or facilities for the primary purpose of commercial distribution or sale of birds or eggs. [Criteria/Findings § 4.10.240]

Radio-Controlled Model Aircraft Facilities. (Recreational) Landing strips and associated facilities that are administered and supervised by a recognized radio-controlled model aircraft organization for flying of propeller-driven or un-powered model aircraft meeting the Official Model Aircraft Regulations of the Academy of Model Aeronautics. [Criteria/Findings § 4.10.250]

Reception Facilities. (Commercial) Indoor or outdoor facilities used for receptions, parties, weddings, or other similar gatherings. Kitchen and dining rooms may be included. [Criteria/Findings § 4.10.260]

Recreation–Commercial. (Recreation/Commercial) This classification includes but is not limited to active commercial recreation uses such as a bowling alley, paintball, skating rink, rock climbing, and video and amusement arcade.

Recreational Playgrounds and Sports Fields. (Recreational) Sports fields and play areas operated by a non-profit recreational organization. [Criteria/Findings § 4.10.270]

Recreational Vehicle Parks. (Recreational) 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 not obtained an exemption from the short-term stay requirements from the County. [Criteria/Findings § 4.10.280]

Recycling Facilities. (Industrial) Facilities for the collection, handling, and recycling of previously used materials or manufacturing by-products as raw materials or finished products. All uses within this classification shall fit within one of the following subcategories:

1. **Collection Facilities –Consumer Recycling.** Collection facilities for recycling of cans, bottles, plastic, paper, and other recyclable items and materials. Includes facilities certified by the State Department of Conservation and meeting the requirements of the California Beverage Container Recycling and Litter 39 Santa Clara County Zoning Ordinance Chapter 2.10: Definitions: Use Classifications Rev: March 2020 Reduction Act of 1986 and any other applicable state laws. Includes reverse vending machines. [Criteria/Findings § 4.10.285]
2. **Recycling/Processing Facilities –Consumer Waste.** Recycling, storage, and reprocessing of consumer waste certified by the State Department of Conservation and meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986 and any other applicable state laws.
3. **Concrete, Asphalt, and Soil Recycling.** Crushing, recycling, storage, and reprocessing of concrete, asphalt, and soil. This classification does not include storage of topsoil as part of an approved quarry reclamation plan. May be conditioned or limited in terms of days and hours of operation, vehicle access, types of materials to be recycled or stored onsite, size and location of processing equipment and storage areas, construction or improvement of roads, surety bonds, or other matters. Such limitations or restrictions may be based on location and characteristics of the site, including parcel size, level of traffic, adjoining uses and environmental setting.

4. **Composting & Wood Recycling.** Composting, reduction, and recycling of vegetation, wood, and other non-hazardous organic wastes, including food wastes. This classification does not include composting or other treatment of sludge materials from sewage treatment plants.
5. **Hazardous Materials Recycling.** Recycling operations involving processing of chemicals or other hazardous materials.

Religious Institutions. (Institutional) Facilities for religious worship and incidental accessory uses. This classification includes churches, synagogues, mosques, temples and similar places of worship. May also include *Emergency Shelters: Small Scale*, as ancillary uses. Excludes monasteries and convents as primary uses (see *Residential – Communal Institutional*). [Criteria/Findings § 4.10.290]

Restaurants & Bars. (Commercial) Establishments serving prepared food and beverages (see *Food Preparation & Catering* for establishments where less than 25 percent of transactions are sales of food prepared for on-site consumption). All uses within this classification shall fit within one of the following subcategories:

1. **Limited-Service Eating Places**. Establishments that primarily serve prepared food to the general public for on-site consumption. with no sales or consumption of alcoholic beverages.
2. **Full-Service Eating Places.** Establishments that serve prepared food where any alcoholic beverage may be sold and/or served to the patrons.
3. **Drinking Places.** Establishments known as bars, taverns, night clubs or drinking places that primarily engage in preparing and serving alcoholic beverages to the general public for on-site consumption. These establishments may also provide limited food services.

Retail Sales & Services. (Commercial) Establishments engaged in retail sale of goods or provision of services. This classification includes, but is not limited to, food and beverage sales (such as grocery stores, liquor stores and delicatessens), convenience stores, clothing stores, automobile parts stores, hardware and home improvement stores, specialty stores, retail printing and office services, picture framing, laundromats, and retail dry cleaning establishments. Does not include automobile service stations, agricultural sales, or any other uses separately classified. All uses within this classification shall fit within one of the following subcategories:

1. **Local-Serving.** Establishments that primarily serve surrounding neighborhoods, that are operated completely within an enclosed building, and whose floor area does not exceed 1,200 square feet. [Criteria/Findings § 4.10.310]
2. **General.** Establishments that are oriented to a customer base beyond local residents and that are operated within an enclosed building, or which are larger than 1,200 square feet.
3. **Outdoor Sales & Storage.** Retail establishments that involve outdoor storage of merchandise, including but not limited to building materials, monument

sales, and wood sales. Does not include automobile sales (see *Automotive Sales & Services: Automobile Sales*).

Rodeos & Equestrian Events. (Commercial) Any activity where spectators pay to view the exhibition or competition of the traditional skills of cowboys, such as riding of rough stock, roping and timed events, and equestrian events including handling, competition and exhibition of horses. [Criteria/Findings § 4.10.320]

Schools. (Institutional) Facilities for primary or secondary education, including elementary, middle, and high schools. Does not include public school district facilities that meet all criteria for exemption from zoning regulations, pursuant to state law, and does not include uses classified as "*Colleges & Vocational Schools*." [Criteria/Findings § 4.10.330]

Solar Energy Conversion Systems – Commercial. (Infrastructure) Facilities used for the conversion of solar energy for the commercial sale of electricity. Does not include systems that are used primarily to supply energy to an on-site residential, agricultural or other permitted use(s), and which are regulated as accessory uses (see § 4.20.020). [Criteria/Findings § 4.10.345] All uses within this classification shall fit within one of the following subcategories:

1. **Minor.** Facilities covering eight (8) acres or less and involving only minor structures other than energy conversion equipment. Structures must be 35 feet or less in height. Land coverage calculations shall include the gross land area utilized by the systems (whether enclosed or unenclosed by security fences) including all areas covered by access roadways and parking used exclusively to support the facility. Multiple facilities proposed in conjunction that cover greater than eight (8) acres shall not meet this definition.
2. **Major.** Facilities that do not meet the definition of *Solar Energy Conversion Systems – Commercial – Minor*.

Sport Shooting. (Recreational) Ranges and incidental facilities such as offices and training areas for outdoor target shooting, sporting clay shooting, and similar shooting activities. [Criteria/Findings § 4.10.350]

Stables –Commercial. (Commercial) Commercial facilities for the boarding, care, riding and exercising of horses, including riding rings, exercise areas and instruction facilities. [Criteria/Findings § 4.10.360]

Studios –Arts & Crafts. (Commercial) Work space for artists, including photographers, or artisans practicing fine or performing arts or applied crafts. This classification also includes sales of items produced on-site.

Surface Mining. (Resource Extraction) As defined in California Public Resources Code Section 2735 as "surface mining operations," the process of obtaining minerals, such as sand, gravel, rock, aggregate, or similar materials by removing overburden and mining directly from mineral deposits, by open pit mining of naturally exposed minerals, by use of the auger method, by dredging, and by quarrying. Also includes surface work incident to an underground mine. [Criteria/Findings § 4.10.370]

Swim & Tennis Clubs. (Recreational) Swimming pools, tennis courts, and related uses such as locker rooms, showers, and refreshment areas for members, users and their guests.

Taxidermy. (Commercial) Embalming, stuffing and mounting of animals, birds and fish.

Theaters. (Commercial) Commercial facilities devoted to showing motion pictures, or for live dramatic, dance, musical or other performance.

Timber Harvest Operations –Commercial. (Resource Extraction) The cutting and removal of commercial timber species or other solid wood forest products from timber lands for commercial purposes, together with all the preparations, work, and restoration activities incidental thereto. This classification does not include operation of a Christmas tree farm (see *Agricultural Sales: Limited*).

Truck & Railroad Terminals. (Infrastructure) Freight terminals for goods transported by truck or rail, with associated facilities for the loading and transfer of goods.

Truck Sales & Services. (Industrial) Facilities for repair, sales or storage of heavy-duty, commercial trucks, truck trailers and recreational vehicles. All uses within this classification shall fit within one of the following subcategories:

1. **Repair.** Establishments for the repair of trucks and related equipment. The repair of light-duty trucks is classified as *Automotive Services: General Repair*.
2. **Sales.** Establishments for the sales or leasing of trucks and related equipment. The sale of light-duty trucks is classified as *Automotive Services: Sales & Rentals*.
3. **Storage.** Establishments for the storage of truck and related equipment. The storage of light-duty trucks is classified as *Automotive Services: Storage*.

Underground Mining. (Resource Extraction) The mining and extraction of subterranean mineral deposits by means of a shaft or tunnel.

Utilities and Public Facilities. (Infrastructure) Facilities operated by a public or quasi-public agency or other entity for the purpose of providing utility and infrastructure services such as water, power, sewer, or telephone. Commercial antennas are not included (see *Antennas – Commercial or Wireless Telecommunication Facilities*). All uses within this classification shall fit within one of the following subcategories:

1. **Minor.** Un-staffed facilities involving only minor structures. Buildings, structures and other equipment may not occupy more than 800 square feet. Buildings and equipment cabinets must be 12 feet or less in height, and other structures must be 35 feet or less in height. Minor utilities include but are not limited to small drainage channels, water storage tanks with a capacity of 50,000 gallons or less, small sewer or water pump stations, and above- or below-ground distribution or transmission lines or pipes.
2. **Major.** Utility facilities that do not meet the definition of *Utilities – Minor*, or that have the potential to have a significant effect on the surrounding

environment. This classification includes but is not limited to power generating plants or substations; refuse collection, transfer, and disposal facilities; flood control or drainage facilities; water reservoirs; and water or wastewater treatment plants.

Veterinary Clinics & Hospitals. (Commercial) Establishments for medical and surgical treatment of domestic and farm animals, including animal grooming and boarding of animals receiving medical care for no more than 30 days.

Warehousing & Storage. (Commercial/Industrial) Establishments providing storage facilities as a primary commercial or industrial use. All uses within this classification shall fit within one of the following subcategories:

1. **Indoor.** Includes self-storage of household goods, and storage of commercial or industrial goods prior to their distribution to wholesale and retail outlets. Incidental loading facilities and management offices are included.
2. **Outdoor.** Storage of commercial or industrial goods on open lots, outside of enclosed buildings, prior to distribution to wholesale and retail outlets.

Well-Drilling Operations. (Commercial) Establishments providing well-drilling services, including incidental on-site storage of equipment and machinery.

Wholesaling & Distribution. (Commercial) Indoor storage and distribution of merchandise, packages, and bulk goods. This classification includes parcel delivery services, mail-order sales, importing and sale of imported goods, and wholesale distribution. Associated activities such as packaging and crating are also permitted. For wholesaling without stock, see *Business Services*.

Wind Energy Conversion Systems – Commercial. (Infrastructure) Commercial facilities for the conversion of wind energy to electricity. Does not include "small wind energy systems" as defined in Government Code § 65894 that are used primarily to supply energy to an on-site residential, agricultural or other permitted use(s) with a maximum rated capacity of 50 kilowatts, and which are regulated as accessory uses (see § 4.20.020). [Criteria/Findings § 4.10.390]

Wineries. (Industrial) Facilities for the production of wine from fruit or fruit juices through fermentation, that are subject a Type 02 license by the California Department of Alcoholic Beverage Control. Wineries shall be entitled to all uses and activities provided under the Type 02 license. May also include ancillary distilling of wine to produce brandy or similar distilled spirit.

Such facilities may include related storage, blending and bottling activities, as well as administrative offices, marketing, tours, public tasting, wholesale and retail sales of wine. May include outdoor areas for picnics, gatherings and other activities incidental to winetasting. Incidental sale of marketing products and accessories related to the winery's brand identity, wine drinking, food pairing, local agriculture and local history is also permitted.

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

1. **Small-Scale.** Operations whose production does not exceed 10,000 cases per year, or volume equivalent (i.e. 90,000 liters). May include limited public gatherings and promotional events that are provided in Section 4.10.395 as allowed by right.
2. **Medium-Scale.** Includes any of the following:
   a. Operations whose production exceeds 10,000 cases per year, or volume equivalent (i.e. 90,000 liters).
   b. Operations that include "Medium Events," as provided in subsection 4.10.395(A)(2)(b).

   Excludes such operations that include "Large Events" (see "Large-Scale).
3. **Large-Scale.** Operations that include "Large Events," as provided in subsection 4.10.395(A)(2)(c).

Wireless Telecommunications Facilities. (Infrastructure) Facilities supporting equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunications services as further defined under state and federal laws and regulations. Does not include uses classified as *Antennas – Commercial.* [Criteria/Findings § 4.10.400].

1. **Collocation/Modification – Minor.** The placement or installation of wireless facilities, including antennas, and related equipment, on, or immediately adjacent to, a legally established and operating utility tower, utility structure of any kind, or existing wireless telecommunications collocation facility that meets at least one of the following:
   a. Eligible Facilities Request (47 U.S.C. § 1455(a)). The collocation of new wireless transmission equipment or the removal or replacement of wireless transmission equipment that does not constitute a "substantial change" as defined in 47 C.F.R. § 1.40001(b)(7).
   b. The collocation of new wireless transmission equipment or the removal or replacement of wireless transmission equipment meets all requirements for nondiscretionary review under Government Code § 65850.6(b), including, but not limited to, the following:
      (i) The facility was previously approved pursuant to 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 in compliance with the California Environmental Quality Act.
      (ii) The collocation or modification is consistent with the approved plans, mitigation requirements, and conditions imposed on the existing facility.

(iii) The proposed collocation or modification complies with all County requirements for wireless telecommunications collocation facilities, and all applicable building codes and other structural and safety codes in Title C of this Code.

2. **Colocation/Modification – Major.** Collocation, removal or replacement (including a complete facility replacement), or other modification that effectuates a substantial change in the physical dimensions or characteristics of an existing wireless telecommunications facility and does not qualify as a Collocation Facility - Minor.

3. **New facilities.** Any new wireless transmission facility, tower, equipment, or base station, including relocation of an existing facility.

CHAPTER 2.20 RURAL BASE DISTRICTS

Sections

§ 2.20.010 Purposes
§ 2.20.020 Use Regulations
§ 2.20.030 Development Standards
§ 2.20.040 Slope Density Requirements
§ 2.20.050 A Districts: Agricultural Preservation Criteria
§ 2.20.060 AR Districts: Specific Subdivision and Road Provisions
§ 2.20.070 HS Districts: Supplemental Development Standards
§ 2.20.080 RR Districts: Supplemental Development Standards
§ 2.20.090 Local-Serving Uses

§ 2.20.010 Purposes

The intent of the rural base districts is to maintain and preserve the predominantly rural character of lands to which they are applied. The base districts further regulate the type of land uses and intensity of development permitted in rural areas in a manner that implements the general plan and which protects natural resources and maintains compatibility between uses.

This chapter defines the allowable land uses and development standards for each of the rural base districts, which include the A "Exclusive Agriculture," AR "Agricultural Ranchlands," HS "Hillsides," and RR "Rural Residential" districts. The specific purposes of each of these base districts are described below.

A. **A Exclusive Agriculture.** The purpose of the Exclusive Agriculture district, also known as the A district, is to preserve and encourage the long-term viability of agriculture and agricultural lands, recognizing the vital contributions agriculture makes to the economy and quality of life within the county. The intent of this district is to reserve those lands most suitable for agricultural production for agricultural and appropriate related uses. This zoning district will provide stability for ongoing agricultural operations and provide for new uses necessary to support a viable local agriculture industry. This district is also intended to retain in open space uses those lands which may be suitable for future urbanization until such time as they are included within a city's urban service area and public facilities and services can be economically provided, consistent with community plans and objectives. This district is meant to apply to all portions of the county designated as Agriculture: Large-Scale, Agriculture: Medium-Scale, and Open Space Reserve in the general plan. Note that § 2.20.050 applies to this district.

B. **AR Agricultural Ranchlands.** The purpose of the Agricultural Ranchlands district, also known as the AR district, is to preserve ranching, the natural

resources, and the rural character of the areas to which it applies. Permitted uses include ranching or agriculture, low-intensity recreation, mineral extraction, and land in its natural state. Very-low-intensity residential, commercial, industrial and institutional uses may also be allowed if they are sized to primarily serve the rural ranchland residents or are necessary for the enhancement and protection of the natural resources of the area and do not require a substantially higher level of service than presently provided. This district is meant to apply to all parcels designated Ranchlands in the general plan. Note that § 2.20.060 applies to this district.

C. **HS Hillside.** The purpose of the Hillside district, also known as the HS district, is to preserve mountainous lands unplanned or unsuited for urban development primarily in open space and to promote those uses which support and enhance a rural character, which protect and promote wise use of natural resources, and which avoid the risks imposed by natural hazards found in these areas. These lands are watersheds and may also provide such important resources as minerals, forests, animal habitat, rare or locally unique plant and animal communities, historic and archeological sites, scenic beauty, grazing lands, and recreational areas. Additionally, lands zoned Hillside define the setting or viewshed for the urban area of the county.

Development shall be limited to avoid the need for public services and facilities. Permitted uses include agriculture and grazing, very low density residential use, low density, low intensity recreation, mineral and other resource extraction, and land in its natural state. Low-intensity commercial, industrial, and institutional uses may also be allowed if they require a remote, rural setting and are sized to primarily serve the rural residents or community, or if they support the recreational or productive use, study, appreciation, or enhancement of the natural environment. Clustering of development, particularly residential, is encouraged in order to preserve contiguous open space and achieve efficiency in the provision of access to dwellings. This district is meant to apply to all parcels designated Hillside in the general plan. Note that § 2.20.070 applies to this district.

D. **RR Rural Residential.** The purpose of the Rural Residential district, also known as the RR district, is to permit rural residential development in certain limited unincorporated areas of the county designated by the general plan. Residential, agricultural and open space uses are the primary uses intended within the district. Agriculture-related uses that are not permitted by right may also be permitted through the applicable discretionary review process if deemed compatible with residential uses. Commercial, industrial and institutional uses may be established only where they are sized to be local-serving in nature. This district is meant to apply to all parcels designated Rural Residential in the general plan. Note that § 2.20.080 applies to this district.

§ 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.

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	
Residences: Single-Family	R	R	R	R	Note 1
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					

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	
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)					
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

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.

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	–	–	–	

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	
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					
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

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	
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
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

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	
Radio-Controlled Model Aircraft Facilities	U	–	–	–	§ 4.10.250
Reception Facilities	U	U	U	U	§ 4.10.260
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

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	
Surface Mining	U	U	U	U	§ 4.10.370
Swim & Tennis Clubs	–	–	U	U	
Timber Harvest – Commercial	–	U	U	–	Note 14
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 ar 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 publically 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 Hillsides) 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 ar 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.

§ 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	–	160	160	–
With slope-density	–	§ 2.20.040	§ 2.20.040	§ 2.20.040
With combining district	Chapter 3.10	–	–	Chapter 3.10
Setbacks (feet)				
Front	30	30	30	30
Side	30	30	30	30
Rear	30	30	30	30
Scenic road	100	100	100	100
Height (max)				
Feet	35	35	35	35
Stories	2	3	3	2
Additional standards/criteria	§ 2.20.050	§ 2.20.060	§ 2.20.070	§ 2.20.080
Accessory buildings	See Chapter 4.20, Supplemental Development Standards			

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.

§ 2.20.040 Slope-Density Requirements

Table 2.20-4 describes the required land area per dwelling unit (density), as well as the minimum lot sizes, for the AR, HS and RR districts with application of slope-density requirements. Additional regulations for the AR, HS and RR districts are described in Sections 2.20.060, 2.20.070 and 2.20.080, respectively.

Table 2.20-4

SLOPE DENSITY PROVISIONS IN RURAL BASE DISTRICTS

Base District	**Allowed Density: Land area per dwelling unit (acres)[1]**			**Minimum parcel size**
	Avg. slope<10%	Avg. slope≥50%	Avg. slope 10-50%	
AR	20	160	$\frac{1}{.0609375-.00109375*S}$	Same as land area per dwelling [see also 2.20.060]
HS (cluster permit required)[2]	20	160	$\frac{1}{.0609375-.00109375*S}$	2 acres for cluster [see also 2.20.070]
RR (clustering optional)	5	20	$\frac{1}{.2375-.00375*S}$	Same as land area per dwelling; 1 acre for cluster [see also 2.20.080]

NOTES:

1. The variable "S" represents the average slope of the entire property that is the subject of the application. Average slope is determined according to the formula S=(0.00229 x IL)/A, where

   I is the contour interval in feet;
   L is the combined length of contour lines in scale feet;
   A is the gross area in acres of the subject lot or area of land; and,
   S is the average slope expressed as a percentage.

   Where the average slope is less than 10%, the land are per dwelling shall be no less than 5 acres in RR, and no less than 20 acres in AR and HS. Where the average slope exceeds 50%, the land area per dwelling shall be 20 acres in RR, and 160 acres in AR and HS.

The maximum number of lots or dwelling units allowed is determined by dividing the gross land area of the subject property by the minimum land area per dwelling unit and rounding down to the nearest whole number.

2. See §§ 2.20.060, 2.20.070 and 2.20.080 for additional standards for AR, HS and RR districts. For specific provisions pertaining to cluster permit and procedures, see Chapter 5.45, Cluster Permits.

§ 2.20.050 A Districts: Agricultural Preservation Criteria

A. **New Uses.** Any newly proposed use in an A district must be found to be in compliance with all of the following general criteria.

1. The use must be compatible with and not substantially interfere with the continuation of any on- or off-site agricultural operation.
2. The use should not be of a sensitive nature that would itself be negatively impacted by any existing or future on-site or off-site agricultural use.
3. The use will not require public urban services or infrastructure, or establishment of special districts or similar entities.
4. The use should be consistent with the rural image of the agricultural area.
5. Any new non-agricultural use should be sited to avoid taking the most viable agricultural lands out of active agricultural production.
6. Any new use should not significantly inhibit the future development of adjacent parcels consistent with general plan land use designations of nearby cities.
7. The use must clearly enhance the long-term viability of local agriculture and agricultural lands.

B. **Permitted as of Right.** Uses permitted as a matter of right have been found to comply with the criteria in subsection A.

§ 2.20.060 AR Districts: Specific Subdivision and Road Provisions

A. **Limitations on Lots Created from Contiguous Property under Common Ownership.** No subdivision of land into parcels smaller than 160 acres shall be approved which would result in the creation of more than four (4) new lots from one or more original lots under common ownership during any three (3)-year period. At the time of subdivision application, the entire area of contiguous land in which the applicant has any ownership interest shall be included as part of the application even though the proposed land division might affect only a portion of the holding.

B. **Limitation on New Lot Creation by Geographic Area.** The AR district includes two geographic areas for the purpose of regulating the number of new lots created in a single calendar year and in three (3) consecutive years. Area A lies to the north of East Dunne Avenue and Coe State Park. Area B includes the remainder of the district, including all lands in the AR district located west of Highway 101. Such areas are shown on the map located in the Planning Office titled "AR Zoning District Sub-areas A & B."

The total number of new lots that may be created in the AR district over the time periods indicated shall be limited as specified in Table 2.20-5. All lots created in the AR district through subdivision, including those for which building site approval is not obtained, shall count toward the annual subdivision limits set forth below.

Table 2.20-5

MAXIMUM NUMBER OF NEW LOTS ALLOWED IN AR DISTRICTS*

	Area A (north of Coe State Park)	**Area B** (remainder of district)
Lots <160 acres		
1 year	40	20
3 years	75	38
Lots ≥160 acres		
1 year	20	10

*By subdivision, over the time period specified.

C. **Lot Size Reduction**. A subdivision may include a lot or lots as small as 20 acres in size even if the applicable slope density formula (see § 2.20.040, Slope-Density Requirements) indicates a larger minimum land area per dwelling. The following restrictions apply to such subdivisions:

1. The total number of lots in such a subdivision may not exceed the number of lots that would be permitted through application of the slope density formula.

2. When a subdivision yields a lot (or lots) smaller than the lot size calculated by the slope-density formula, no other lot may be created as part of that subdivision that is of such size and average slope that it could be further subdivided. Such a subdivision must include individual slope-density calculations for all proposed lots larger than 40 acres.

D. **Road Standards.** Ranch roads serving the internal needs of ranches may be of gravel or hard dirt surface, and of widths suitable for ranch uses. Such roads shall not be considered as acceptable for the purpose of subdivision unless they meet applicable County standards for the AR zoning district. Routine maintenance of ranch roads shall not require grading permits so long as the alignment of the road

is not substantially changed, pursuant to Section C12-421, Exemptions, of the County Grading Ordinance.

§ 2.20.070 HS Districts: Supplemental Development Standards

A. **Setbacks–Substandard Named Subdivisions.** Setbacks may be reduced on lots less than one acre in identified substandard subdivisions as specified in Table 2.20-6 below. The substandard subdivisions to which this provision applies are Aldercroft Heights, Chemeketa Park, Call of the Wild, Lake Canyon, Mountain Spring, Oakmont and Redwood Estates.

Table 2.20-6

SETBACKS ON LOTS OF ONE (1) ACRE OR LESS IN SUBSTANDARD SUBDIVISIONS

Yard	Setbacks
Front	20 ft.
Side	20 ft., or 10% of lot width to minimum of 5 ft.
Side, Exterior (corner lot)	20 ft., or 10% of lot width to minimum of 10 ft.
Rear	20 ft.

B. **Special HS Subdivision Regulations.** A cluster permit is required for subdivision of land into lots of less than 160 acres within the HS zoning district, except as specified for a two-lot subdivision below. The following provisions apply only to the subdivision of land in the HS district. Provisions for application of the 20-160 acre slope density formula are provided in § 2.20.040, Slope Density Requirements.

1. For any two-lot subdivision of a parcel legally created prior to November 22, 1983, the minimum parcel size shall be determined through the use of the 20-160 acre slope density formula. Minimum lot size shall be the same as the land area per dwelling unit figure determined by the slope density formula. No clustering of development or permanent dedication of open space shall be required. However, any subsequent land division of either of the two lots so created shall be required to meet the cluster permit and open space dedication requirements applicable to land division in the HS district set forth below.

2. A cluster permit is required for the division of land into lots of less than 160 acres, except as specified above (subsection 2.20.070(B)(1)). A cluster arrangement of residential home sites shall achieve economy of land use and efficiency of access, while avoiding or minimizing impact to the natural environment to the extent feasible. Defined development areas shall include no more than 10% of the total land area subject to the land division, with at

least 90% of the remaining land area preserved in permanent open space by means of dedication of development rights which prevents future subdivision of such lands. Cluster development proposals may be arranged in more than one cluster provided that the multiple cluster arrangement achieves economy of land use and efficiency of access intended by this ordinance and the applicable provisions of the Hillside general plan land use designation.

3. The land area per dwelling unit shall be determined by the use of the 20–160-acre slope density formula. The permissible density or number of dwellings may be limited through subdivision approval to less than the maximum number of dwellings indicated by the slope-density equation if deemed necessary to ensure the public health, safety, and general welfare or to achieve consistency with any applicable goal or policy of the general plan.

4. The minimum parcel size for any lot created as part of a cluster is no less than two (2) acres. Land area to achieve the minimum requirement of 90% permanent open space may be arranged as portions of parcels or as a single parcel, provided that the maximum density of development permitted by the slope-density formula is not exceeded and the land devoted to open space is configured as large, contiguous, usable areas.

5. Land uses permitted on lands dedicated as permanent private open space are limited to the following uses:

   a. Agriculture.

   b. Agricultural accessory structures, including windmills (not residential accessory structures).

   c. Wood cutting and commercial timber harvest.

   d. Outdoor recreation, non-commercial, including riding stables, corrals, trails, and other similar uses intended for residents of homes within the cluster subdivision.

   e. Utilities, wells, and water storage and distribution facilities.

§ 2.20.080 RR Districts: Supplemental Development Standards

A. **Special Subdivision Regulations**. A cluster permit is required for subdivision of land in RR districts into lots less than the land area per dwelling unit as determined by the applicable 5-20 acre slope density formula, or to divide land into lots less than the minimum lot size specified by the applicable lot size combining district, such as the "-5ac." combining district. The following provisions apply only to the subdivision of land in the RR district. Provisions for application of the 5-20 acre slope density formula are provided in § 2.20.040, Slope Density Requirements.

1. Absolute minimum lot size for any parcel created by a RR cluster subdivision shall be one (1) acre. Minimum lot size requirements may be greater than one (1) acre if necessary to ensure compliance with applicable development standards, such as for septic systems, wells, access, and related site improvements.

2. Permanent dedication of development rights and open space preservation shall be required for lands involved in any RR cluster subdivision to ensure that no further subdivision is possible which would exceed the maximum density of land allowed by the general plan through subdivision.

3. Land uses permitted on lands dedicated as permanent private open space as part of a cluster subdivision are limited to the following:

   a. Agriculture.

   b. Agricultural accessory structures, including windmills (not residential accessory structures).

   c. Wood cutting and commercial timber harvest.

   d. Outdoor recreation, non-commercial, including riding stables, corrals, trails, and other similar uses intended for residents of homes within the cluster subdivision.

   e. Utilities, wells, and water storage and distribution facilities.

§ 2.20.090 Local-Serving Uses

Local-serving uses are of a size, scale and intensity intended to provide goods and services to the resident rural population. For the purposes of this section, the term "local-serving uses" refers to certain institutional and commercial uses that may be allowed in rural districts if their size, scale and intensity is typical of local-serving uses in a rural community. Local-serving uses are not exclusive to the resident rural population and may be used by residents not local to the area.

A. The size, scale and intensity of the use shall be evaluated in accordance with the *Local-Serving Data* document, on file with the Department of Planning and Development and as updated from time-to-time by the Department. Uses deemed to be an appropriate size, scale and intensity by the approval authority because the building square footage and maximum number of people are each less than the applicable 75 percentile values listed in Table 1.1 (*Local-Serving Data* document on file with the County Planning and Development Department) may be authorized in rural districts in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance.

B. For a proposed use whose building square footage or maximum number of people is more than the applicable 75th percentile value listed in Table 1.1 of the *Local-*

Serving Data document, the applicant shall prepare a report that establishes a baseline for a proposed use designed at the 75th percentile and evaluating the comparison of size, scale, and intensity impacts to rural resources and character at the 75th percentile with size, scale and intensity impacts to rural resources and character as proposed. The size, scale and intensity impacts to be evaluated at the 75th percentile and as proposed shall evaluate the following criteria:

1. **Aesthetics.** The scale and massing of the building(s) and improvements shall be compatible with the existing rural setting, taking into consideration the surrounding open space, scenic resources, ridgelines, agricultural uses, and rural residences.

2. **Open Space and Habitat.** The use shall be sized and designed to minimize disturbance of natural landscapes and biological communities.

3. **Agricultural Production.** The use shall retain agricultural productivity and minimize conflicts with surrounding agricultural lands. Any loss of agricultural productivity shall be quantified and minimized to the extent feasible.

4. **Watersheds.** The use shall not create a hazard to water quality or create significant drainage, flooding, erosion or sediment impacts. Increases in impervious surface area, drainage volumes and erosion levels shall be quantified and minimized to the extent feasible.

5. **Traffic.** The use shall not generate significant additional traffic that creates a safety hazard or impairs local rural roads. New traffic associated with the use should not increase traffic levels significantly above existing conditions.

6. **Noise.** The use shall not significantly increase noise over existing ambient levels.

C. Uses where the building square footage or maximum number of people are more than the applicable 75th percentile values listed in Table 1.1, of the *Local-Serving Data* document, may be authorized in rural districts following review of the report identified in § 2.20.090(B), and in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance, and upon making the following finding.

1. The project is designed, to the maximum extent feasible, such that the use does not result in size, scale and intensity impacts to the criteria identified in Section 2.20.090(B) greater than what might result from a use which is equal to the 75th percentile baseline value. As used in this section the maximum extent feasible, means making all changes that are possible taking into account the physical limitations of the site, considerations of project, engineering design, and financial cost.

CHAPTER 2.30 URBAN RESIDENTIAL BASE DISTRICTS

Sections

§ 2.30.010 Purposes
§ 2.30.020 Use Regulations
§ 2.30.030 Development Standards
§ 2.30.040 Slope-Density Requirements in RHS District

§ 2.30.010 Purposes

The purpose of this chapter is to define allowable land uses and property development standards for the urban residential base districts, which include the R1 "One-Family Residence," R1E "One-Family Residence–Estate," RHS "Urban Hillside Residential," R1S "Low-Density Campus Residential," R3S "Medium-Density Campus Residential," R2 "Two-Family Residence," and R3 "Multi-Family Residential" districts. The overall purposes of the urban residential base districts are to provide for appropriate uses in the unincorporated areas of the county that are within the urban service areas of cities 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 urban residential base districts are described below.

A. **R1 One-Family Residence.** The purpose of the One-Family Residence district, also known as the R1 district, is to provide for single-family dwellings, and for the orderly and efficient arrangement of dwellings, yards, accessory buildings, and other residential site improvements.

B. **R1E One-Family Residence–Estate.** The purpose of the One-Family Residence–Estate district, also known as the R1E district, is to provide for low-density single-family dwellings, and for the orderly and efficient arrangement of dwellings, yards, accessory buildings, and other residential site improvements.

C. **RHS Urban Hillside Residential.** The purpose of the Urban Hillside Residential district, also known as the RHS district, is to provide for low-density residential development and limited agricultural uses on foothill lands adjacent to incorporated cities. RHS districts include areas that are particularly vulnerable to natural hazards and environmental degradation. Development density shall be determined by slope-density formulas that consider availability of public water and sewer, and by the severity of geologic and natural hazards. Note that § 2.30.040 applies to this district.

D. **R1S Low-Density Campus Residential.** The purpose of the Low-Density Campus Residential district, also known as the R1S district, is to provide for urban low-density housing (up to eight units per acre) on the lands of Stanford

University, and to provide for limited neighborhood-supporting non-residential uses. This designation implements the specific land use policies for low-density housing prescribed by the 2000 Stanford Community Plan by encouraging more compact and efficient urban development.

E. **R3S Medium-Density Campus Residential.** The purpose of the Medium-Density Campus Residential district, also known as the R3S district, is to provide for urban medium-density housing on the lands of Stanford University, and to provide for limited neighborhood-supporting non-residential uses. This designation implements the specific land use policies for the medium-density housing prescribed by the 2000 Stanford Community Plan.

F. **R2 Two-Family Residence.** The purpose of the Two-Family Residence district, also known as the R2 district, is to provide for one- and two-family dwelling units, and for the orderly and efficient arrangement of dwellings, yards, accessory buildings, and other residential site improvements.

G. **R3 Multi-Family Residential.** The purpose of the Multi-Family Residential district, also known as the R3 district, is to provide space for multiple family residential development commonly found in an urban environment. The R3 district is intended for intensive residential uses at readily accessible urban locations.

§ 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	
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

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	
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	
Temporary Residence / Construction	R	R	R	R	R	R	R	§ 4.10.380

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.

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

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	
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	
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

§ 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	5,000	§2.30.040	Note 1	Note 2	5,000	Note 3
For building site	3,750	3,750	3,750	Note 1	Note 2	3,750	Note 3
With lot size combining districts	See Chapter 3.10, Lot-Size Combining Districts						
Setbacks (feet)[6,7]							
Front	25	25	30	25	Note 4	25	20
Side	5	5	20	5[5]	Note 4	5	10
Corner lot: Exterior side	10	10	20	10[5]	Note 4	10	10
Rear	25	25	25	25[5]	Note 4	25	15
Scenic road	100	100	100	–	Note 4	100	100
Exceptions	§ 4.20.110, Setback Exceptions						
Maximum height[6]							
Feet	35	35	35	35	Note 4	35	45
Stories	2	2	3	2 1/2	Note 4	2	4
Lot coverage – buildings[6]	–	–	–	–	–	–	50%
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.

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.

§ 2.30.040 Slope-Density Requirements in RHS District

Table 2.30-4 describes the required minimum land area per dwelling unit, or density of development allowed, as well as the minimum parcel sizes, for the RHS district, based on the availability of public water and sewer. Density of development may be further restricted based upon site-specific characteristics of proposed lots and building sites, including slope, geologic stability, drainage, and other factors.

Table 2.30-4

LOT SIZE / SLOPE-DENSITY FORMULAS IN RHS

Water/Sewer Availability	Allowed Density: Land Area per Dwelling Unit[1]	Lot Area Range[2]	Minimum parcel size[3 and 4]
With public water and sanitary sewer	$\frac{1}{1.2-.02*S}$	1 – 5 acres	1 acre
With sanitary sewer, without public water	$\frac{1}{.6809-.010952*S}$	1.75 – 7.5 ac	1.75 acres
Without public water or sanitary sewer	$\frac{1}{.475-.0075*S}$	2.5 – 10 ac	2.5 acres

NOTES:

1. The variable "S" represents the average slope of the entire property that is the subject of the application. Average slope is determined according to the formula S= (0.00229 x IL)/A, where

   I is the contour interval in feet;
   L is the combined length of contour lines in scale feet;
   A is the gross area in acres of the subject lot or area of land; and,
   S is the average slope expressed as a percentage.

   The maximum number of lots or dwelling units allowed is determined by dividing the gross land area by the minimum land area per dwelling unit and rounding down to the nearest whole number.

2. Where the average slope of the parcel is less than 10%, the land area per dwelling unit shall be equal to the lesser value in the lot area range. Where the average slope of the parcel is greater than 50%, the land area per dwelling unit shall be equal to the upper value of the lot area range.

3. Minimum parcel size requirements are expressed in gross acres and may be waived through the approval of a cluster permit issued in conformance with applicable general plan policies and the cluster permit procedures of Chapter 5.45 of this ordinance.

4. Permanent dedication of open space and development rights shall be provided as necessary and appropriate to ensure that the maximum density of development (total number of lots) does not exceed that which is permitted by the applicable slope-density formula

CHAPTER 2.40 COMMERCIAL AND INDUSTRIAL BASE DISTRICTS

Sections

§ 2.40.010 Purposes
§ 2.40.020 Use Regulations
§ 2.40.030 Development Standards
§ 2.40.040 Supplemental Standards Applicable to ML and MH Districts

§ 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.

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.

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.

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.

§ 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	
General Repair	–	–	–	A	A	
Sales & Rentals	–	U	–	A	A	Note 1 (CG)
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	

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	
Churches (See "Religious Institutions")						
Clubs, Private & Nonprofit	U	U	–	U	U	
Colleges & Vocational Schools	–	U	–	U	U	
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

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	
Museums	U	U	U	U	U	
Nonprofit Institutions	U	U	U	U	U	Note 9
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	–	–	Note 5 (CN, CG) Note 6 (ML, MH)
Residential Accessory Structures & Uses	R	R	R	R	R	§ 4.20.020
Restaurants & Bars						

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	
Limited-Service Eating Places	A	A	–	A	A	
Full-Service Eating Places	U	U	–	U	U	
Drinking Places	U	U	–	U	U	
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 Facillties						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 alcholic 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.

§ 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	–	–	–	–	–
Side	10	–	10	15	15
Side, Exterior (corner lot)	10	–	10	–	–
Rear	25	–	20	20	20
Parking and loading	See Chapter 4.30, Off-Street Parking and Loading				
Maximum height (feet)[1]	45	65	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.

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.

§ 2.40.040 Supplemental Standards Applicable to ML and MH Districts

A. **Landscaping.** All required yards in the ML and MH districts shall be maintained as landscaped planting strips except for those areas used for access and parking.

B. **Outdoor Storage.** Outdoor storage is permitted in the ML and MH districts if the area used for storage is suitably screened from adjoining property by a wall, dense evergreen hedge of trees or other screen planting, or fence. No materials shall be stored in such manner as to project above the wall, planting or fence.

C. **Increased Setback Requirements Adjacent to R Districts.** For any portion of a property in the ML or MH district adjacent to an R1, R2 or R3 district, or located along a street opposite from an R1, R2 or R3 district, building setback requirements may be increased where appropriate, as determined by the Zoning Administrator for development subject to Architecture & Site Approval (ASA).

D. **Location of Off-Street Loading Adjacent to R Districts.** Off-street loading areas shall not be located less than 50 feet from the boundary of any R1, R2 or R3 district in an ML district, or less than 200 feet from the boundary of any R1, R2 or R3 district adjacent to an MH district.

CHAPTER 2.50 SPECIAL PURPOSE BASE DISTRICTS

Sections

§ 2.50.010 Purposes
§ 2.50.020 Use Regulations
§ 2.50.030 Development Standards
§ 2.50.040 Review Authority, Special Criteria, Viewshed Analysis, and Development Standards for the OS/F District

§ 2.50.010 Purposes

The purpose of this chapter is to define allowable uses and property development standards for the special purpose base districts, which include the A1 "General Use," RS "Roadside Services," OS/F "Open Space and Field Research," and SCA "Special Conservation Areas" districts. The overall purposes of the special purpose base districts are to provide for uses that do not fit neatly into the rural, residential, commercial, or industrial category but are necessary to implement the general plan. The specific purposes of each of the special purpose base districts are described below.

A **A1 General Use.** The purpose of the General Use district, also known as the A1 district, is to provide a flexible base zoning district that allows general residential and agricultural uses, and provides opportunities through the use permit process for other uses and developments that are appropriate for a particular location, consistent with the objectives, goals and policies of the general plan.

B. **RS Roadside Services.** The purpose of the Roadside Services district, also known as the RS district, is to allow specific and necessary highway uses and services within clusters at appropriate locations necessary to serve the motoring public. Such uses shall be located a sufficient distance from other RS districts to prevent strip commercial development and protect the existing scenic features, landscape and open space character along certain scenic roads. Scenic amenities shall be enhanced by choice of construction materials, landscaping, site planning and development in such a manner that the scenic value at the location of the development and the scenic view from said highways shall not be compromised. This district is meant to apply to all parcels designated Roadside Services in the general plan.

C. **OS/F Open Space and Field Research.** The purpose of the Open Space and Field Research district, also known as the OS/F district, is to implement the December 2000 Stanford University Community Plan (General Plan) policies for the Open Space and Field Research land use designation. This zoning district is established to maintain the open space character of those Stanford University OS/F lands outside the *Academic Growth Boundary*. Allowable uses include

utilities, low intensity agriculture, limited agricultural research, field research, and Stanford field studies, limited outdoor recreational activities, recreational trails, environmental restoration, limited ancillary facilities, and Stanford University-specialized facilities and installations, such as astronomical or related facilities. Criteria and standards governing activities not defined within the standard use classification tables are addressed in § 2.50.040.

D. **SCA Special Conservation Areas**. The purpose of the Special Conservation Areas district, also known as the SCA district, is to implement the December 2000 Stanford University Community Plan (General Plan) policies for the Special Conservation Areas land use designation. This zoning district is established to protect lands deemed unsuitable for development due to their natural resources and development constraints. Allowable uses are intended to be limited to open space, conservation, habitat preservation and management, field environmental studies and related activities, appropriate agricultural and utility uses, and limited recreational uses consistent with the environmental constraints of the area. No new permanent development in the form of buildings or structures is allowed, other than construction, modification, and maintenance of improvements to support conservation efforts.

§ 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.

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	
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)
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	–	

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	
Major	U	U	A	–	
Auction Houses	U	–	–	–	
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	–	–	

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	
Emergency Shelters					
Small-Scale	R	R	–	–	§ 4.10.115
Large-Scale	U	–	–	–	§ 4.10.115
Feed Lots	U	–	–	–	
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	–	–	–	

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	
Manufacturing					
Limited	U	–	–	–	
General	U	–	–	–	
Intensive	U	–	–	–	
Massage Establishments	U	–	–	–	Note 8
Museums	U	–	–	–	
Mushroom Farms	U	–	–	–	§ 4.10.220
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

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	
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					
Single-Family	R	U	–	–	Note 10
Two-Family	U	–	–	–	
Multi-Family	U	–	–	–	
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	–	–	–	

Table 2.50-1
USES IN SPECIAL PURPOSE BASE DISTRICTS

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

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
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
Theaters	U	–	–	–	
Timber Harvest Operations – Commercial	U	–	–	–	
Truck & Railroad Terminals	U	–	–	–	
Truck Sales & Services					
Repair	U	–	–	–	
Sales	U	–	–	–	
Storage	U	–	–	–	
Underground Mining	U	–	–	–	
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	–	–	–	

Table 2.50-1
USES IN SPECIAL PURPOSE BASE DISTRICTS

R	Permitted by Right
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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	
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
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.

§ 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	SCA [3]
Minimum lot area				
For lot creation	5,000 sq. ft.	5 acres	160 acres[1]	20-160 acres
For building site	3,750 sq. ft.	1 acre	ASA	NA
With lot size combining districts	Ch. 3.10	NA	NA	NA
Setbacks (feet)				
Front	25[2]	30	ASA	ASA
Side	5[2]	30	ASA	ASA
Side, Exterior (corner lot)	10[2]	30	ASA	ASA
Rear	25[2]	30	ASA	ASA
Scenic road	100[2]	100	ASA	ASA
Exceptions	See § 4.20.110, Setback Exceptions			
Maximum height				
Feet	35[2]	35	ASA	ASA
Stories	2[2]	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.

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.** Setbacks and height limits for 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.

§2.50.040 Review Authority, Special Criteria, Viewshed Analysis, and Development Standards for the OS/F District

A. **Permitted Activities and Criteria.** The following activities, which do not involve permanent structures, are permitted by right.

1. **Environmental restoration:** Activities include science-based management focused on active protection of the immediate environment or return of that environment to a pre-disturbance condition.

2. **Limited outdoor recreational activities:** Activities include those that are consistent with protection of environmental resources and do not require a building, grading, or other permit. Examples include hiking and jogging on existing service roads and student field trips. Development of trails is

allowed, subject to all County requirements, including but not limited to the grading ordinance (Division C12, Chapter III of the ordinance code).

B. **Open Space and Field Research Viewshed Analysis and Methodology.** All uses or development activity subject to ASA must first be evaluated using the Open Space and Field Research Viewshed Analysis (OS/F viewshed analysis). Methodology guiding use of this analysis is described herein.

The OS/F viewshed analysis requires use of a geographic information system (GIS) software, copyrighted by Environmental Systems Research Institute (ESRI). A similar version of software or shareware that provides equivalent results may be substituted for the ESRI program. Consistent with other provisions of this chapter, ArcGIS, Version 8.2 (or subsequent versions as that software may be revised) and the spatial analyst extension for that software shall be used as described in the following paragraphs. Paper maps may be produced as illustrative tools for project evaluation; however, the methodology described in this subsection, rather than any paper map, must be used to determine project-specific visibility.

Along the viewshed corridors identified below, observation points shall be established within a range of 100- to 250-foot intervals. Utilizing current topographic data available from the U.S. Geological Survey or an equally verifiable public source, the software program that is utilized for viewshed analysis establishes the total number of times a given pixel (i.e., zone of observation) within the district would be visible from individual viewshed corridors. Based on the total number of times each pixel is visible, an aggregate value for observation frequency is established. This frequency is then used to designate visibility zones that are, in descending order: (1) high, (2) medium-high, (3) medium, or (4) low. Areas that are never visible are identified as "no-visibility" areas.

Viewshed Corridors:

1. Junipero Serra Blvd. (from San Mateo County border to Page Mill Road)
2. Page Mill Expressway (from Junipero Serra to Arastradero)
3. Arastradero Road (from Page Mill Road to Alpine Road; and from Page Mill Road to Deer Creek Road)
4. Alpine Road/Sand Hill Road corridor (from Arastradero Road to Arboretum).
5. Interstate 280 (from Sand Hill Road to Arastradero Road)
6. Stanford Avenue approach to "the Stanford Dish Trail" access
7. Palm Drive (from Arboretum to the end of "the Stanford oval.")

Because the software model does not account for existing ground features (e.g., trees, rocks, minute topographic detail) or for constructed features (e.g., buildings, structures, infrastructure), project-specific site analysis may be used to verify or revise site-specific visibility ratings. Project-specific analysis may include but is not limited to:

- Additional information shown on the site plan or other documents (e.g., contour lines) that is available and relevant;
- Photographs of the project site from viewshed corridor;
- Placement of site-specific indicators of project bulk (length, width, height) and dimension (e.g., story poles, ground staking); and,
- Site visits and/or assessments of visibility from viewshed corridors by County planning staff.

Based on the results of the project-specific analysis, it may be determined that the project location visibility would be obscured. In such instances, the project's visibility designation may be revised downward for the purpose of determining the appropriate review authority (e.g., a high visibility zone could be revised, relative to a specific project, to become a medium-high zone).

Conversely, if any component of a proposed project in a zone of medium-high, medium, low, or no visibility would be within the line of sight of the next higher visibility zone, the project will be determined to be within the higher visibility zone (e.g., projects in a medium-high zone could be determined to be in a high visibility zone).

Based on the visibility designation determined through use of the OS/F viewshed analysis described in this subsection, the appropriate review authority shall be determined pursuant to subsection 2.50.040(C).

C. **Review Authority**

1. **Zoning Administrator.** The Zoning Administrator is the approving authority for all uses subject to ASA in the OS/F district except as otherwise provided in this section and within Chapter 5.40.
2. **Planning Commission.** The Planning Commission is the approving authority for all uses subject to ASA in the OS/F district that meet either of the following criteria:
    a. The project involves construction of (i) a building or structure that equals or exceeds 1,000 square feet or (ii) a tower, antenna or other structure that exceeds 35 feet in height from grade and the planning office determines, through use of the OS/F viewshed analysis (§ 2.50.040(B)), that a project component would be located partially or wholly within a high visibility

zone or is of a height that would be within the line-of-sight of a high visibility zone from a viewshed corridor utilized in the OS/F viewshed analysis; or

b. The project has one or more potentially significant environmental impacts that cannot be mitigated to less than significant levels.

3. **Required findings and criteria applicable to all uses.** Any use subject to review by the Zoning Administrator or the Planning Commission shall comply with all of the following findings and criteria, in addition to the standard ASA findings of §5.40.040:

   a. The project requires a remote or natural setting and cannot feasibly be located within the *Academic Growth Boundary* (e.g., avoidance of interference from electromagnetic or vibration sources can only be achieved in the proposed location).

   b. Project design and location afford reasonable protection to environmental resources of the OS/F district, including aesthetic resources. Specifically, views of the district from the viewshed corridors utilized in the OS/F viewshed analysis (§ 2.50.040(B)) have been protected.

   c. All of the following criteria are met, unless the project applicant provides compelling evidence that compliance is infeasible:

      i. The development has been sited to blend with or utilize the local terrain to minimize visibility of development from viewshed corridors utilized for the OS/F viewshed analysis.

      ii. The development has been sited to minimize the need for grading and additional landscaping, and any proposed landscaping or grading minimizes the view of the project from the viewshed corridors utilized in the OS/F viewshed analysis.

      iii. The need for additional impervious surface has been minimized.

      iv. The development incorporates appropriate design and color selection to blend with the surrounding predominantly natural and rural setting. Color selection provides minimal light reflectivity. In cases where the approval authority identifies color or material as a concern, colors and materials will be submitted and approved by the designated approval authority prior to issuance of a building permit.

      v. If necessary, and where feasible, mitigation measures have been established that reduce environmental impacts to less than significant levels. If all of the project's environmental impacts cannot be mitigated to less than significant levels, the project may only be approved if the approving authority finds that specific economic, legal,

social, technological, or other benefits of the project outweigh the significant effects on the environment.

d. Project design incorporates clustering concepts where appropriate; both individually and cumulatively (in relation to other projects), to reduce the amount of improvements required for development, conserve natural features, or facilitate a more aesthetic and efficient use of open space. Where appropriate and to the extent allowed by law, permanent dedication of open space has been required as a condition of approval to mitigate project impacts.

e. Unless the applicant can demonstrate that the development must be located in medium-high or high visibility zone as identified in the OS/F viewshed analysis (§ 2.50.040(B)), the development shall be located as follows: (1) first preference: no visibility zone, (2) second preference: low visibility zone, (3) third preference: medium visibility zone, or (4) fourth preference (discouraged): medium-high visibility zone. For any development proposed to be located in a medium-high to high visibility zone, appropriate mitigation measures have been established to mitigate viewshed impacts.

f. The project is consistent with all criteria in § 2.50.020, including the notes to Table 2.50-1.

g. Lighting has been designed and placed to minimize upward glow, provide high beam efficiency, and provide glare and spill control.

h. Project design and siting minimize the need for new access roads, and any new access roads are designed, surfaced, and will be maintained in a manner that ensures continued compatibility with the predominantly natural setting and rural character of the OS/F district.

i. Existing trees with a circumference of 37.7 inches, measured 4.5 feet above ground level, have been preserved and integrated into site design, and native vegetation has been preserved to the extent possible.

j. For any proposed building project located in an oak woodland area as identified in the environmental impact report prepared for the Stanford Community Plan and 2002 General Use Permit, mitigation and monitoring measures have been established that provide for creation and maintenance of 1.5 acres of replacement habitat for every one acre that is lost. These mitigation and monitoring requirements may be waived if the County has approved a campus-wide/foothills vegetation plan for Stanford that addresses mitigation and monitoring for such trees and vegetation.

D. **Special Allowance for Replacement of Existing Legal Structures.** Notwithstanding § 4.50.020, reconstruction of any existing legal structures or facilities following their destruction by a natural disaster, accident, or intentional

act of a party other than the owner or a lessee is permitted in the OS/F district if all of the following criteria are met:

1. The project replicates, reduces, or provides a modified building footprint that is environmentally superior to the previous use (e.g., moves project from riparian corridor) and does not increase impacts to visual resources as viewed from the viewshed corridors utilized in the OS/F viewshed analysis.
2. The project recreates or improves design and landscaping features (but does not increase total area of landscaping features) in a manner that is environmentally superior to the previous design and landscaping associated with the use.
3. The project may be relocated if the proposed location is environmentally superior and the previous location is restored or rehabilitated to standards determined by the County (e.g., previously disturbed riparian corridor location is re-vegetated with native grasses).
4. There is no increase in floor area.
5. The reconstruction complies with all current building codes and standards.
6. Architecture and site approval (ASA) is obtained.

E. **Structural Size Limits and Siting Requirements.** Structures shall be consistent with restrictions set forth in the Stanford General Use Permit. For structures of 1,000 square feet or more, site design shall minimize visibility of structures from viewshed corridors utilized for the OS/F viewshed analysis (§ 2.50.040(B)) to the extent feasible.

F. **Supplemental Provisions.**

Fences. Fences must be of a design compatible with the intent of the district to minimize visual impacts to the natural setting. The regulations for fences in rural districts (§ 4.20.050(B)) shall apply to the construction or replacement of fences in the OS/F district.

CHAPTER 3.10 LOT-SIZE AND SETBACKS COMBINING DISTRICTS

Sections:

§ 3.10.010 Purpose
§ 3.10.020 Applicability
§ 3.10.030 Standard Lot-Size and Setbacks Combining Districts
§ 3.10.040 Slope-Density Combining Districts

§ 3.10.010 Purpose

The purpose of lot-size and setbacks combining districts is to establish more specific standards for lot creation and development than those of the base districts, in order to implement the policies of the applicable general plan land use designation and provide standards which are appropriate for the surrounding neighborhood and the natural setting.

Lot-size and setbacks combining districts specify the minimum area for lot creation and setback requirements, which supersede the lot area and setback requirements specified for the base zoning district. The lot-size and setbacks combining districts include two types of districts, standard lot-size and setbacks districts, which specify a given minimum lot area in acres or square feet, and slope-density districts, in which the minimum lot size is determined by a formula based on the average slope of the property.

§ 3.10.020 Applicability

Properties in a lot-size and setbacks combining district are subject to the regulations of the applicable base zoning district, except that the lot area and setback provisions specified in this chapter shall prevail. A numeric designator as indicated in Tables 3.10-1 and 3.10-2 is added to the base zoning designator for properties to which a lot-size combining district is applied.

§ 3.10.030 Standard Lot-Size and Setbacks Combining Districts

The following table lists the standard lot-size and setbacks combining districts and sets forth the minimum lot area and setbacks for each:

Table 3.10-1

**STANDARD LOT-SIZE DISTRICTS:
LOT AREA AND SETBACKS**

COMBINING DISTRICT	Minimum Lot Area[1]	SETBACKS (feet)		
		Front	Side[2]	Rear
(Urban) **-6**	6,000 sq. ft.	25	6	25
-8	8,000 sq. ft.	25	8	25
-10	10,000 sq. ft.	25	10	25
-20	20,000 sq. ft.	30	15	25
-1 Ac.	1 acre	30	20	25
-2.5 Ac.	2.5 acres	30	30	30
(Rural) **-5 Ac.**	5 acres	30	30	30
-10 Ac.	10 acres	30	30	30
-20 Ac.	20 acres	30	30	30
-40 Ac.	40 acres	30	30	30

NOTES:

1. Minimum lot sizes are expressed in net square feet and gross acres.
2. On corner lots, the minimum setback for the exterior side yard in "-6", "-8" and "-10" combining districts shall be 10 feet.

The provisions of §4.20.110, Setback Exceptions, when applicable, shall supersede the side and rear yard setbacks provided in this table.

§ 3.10.040 Slope-Density Combining Districts

A. **Lot Area Calculation.** Slope-density combining districts regulate density of development by means of provisions that determine the maximum number of lots and dwelling units permitted through subdivision based on the average slope of the lot. The following table lists the slope-density combining districts, along with the corresponding formulas for calculating land area per dwelling (density), the lot area ranges, and minimum parcel size requirements.

Table 3.10-2

SLOPE-DENSITY DISTRICTS AND FORMULAS

Combining District	Allowed Density: Land Area per Dwelling Unit[1]	Lot Area Range[2]	Minimum parcel size[3 and 4]
-1s	$\frac{1}{1.2 - 0.02\ (S)}$	1 – 5 acres	1 acre
-1.75s	$\frac{1}{0.6809 - 0.010952\ (S)}$	1.75 – 7.5 ac	1.75 acres
-2.5s	$\frac{1}{0.475 - 0.0075\ (S)}$	2.5 – 10 ac	2.5 acres
-5s	$\frac{1}{0.24375 - 0.004375\ (S)}$	5 – 40 ac	5 acres
-5/20s	$\frac{1}{0.2375 - 0.00375\ (S)}$	5 – 20 ac	5 acres
-20s	$\frac{1}{0.0609375 - 0.00109375\ (S)}$	20 – 160 ac	20 acres

NOTES:

1. The variable "S" represents the average slope of the entire property that is the subject of the application. Average slope is determined according to the formula S=(0.00229 x IL)/A, where

   I is the contour interval in feet;
   L is the combined length of contour lines in scale feet;
   A is the gross area in acres of the subject lot or area of land; and,
   S is the average slope expressed as a percentage.

   The maximum number of lots or dwelling units allowed is determined by dividing the gross land area by the minimum land area per dwelling unit and rounding down to the nearest whole number.

2. Where the average slope of the parcel is less than 10%, the land area per dwelling unit shall be equal to the lesser value in the lot area range. Where the average slope of the parcel is greater than 50%, the land area per dwelling unit shall be equal to the upper value of the lot area range.

3. Minimum parcel size requirements are expressed in gross acres and may be waived through the approval of a cluster permit issued in conformance with applicable general plan policies and the cluster permit procedures of Chapter 5.45 of this ordinance. Such reductions of minimum parcel size for cluster development may be based on consideration of availability of services, site suitability, and ability to conform to applicable standards and conditions of development.

4. Permanent dedication of open space and development rights shall be provided as necessary and appropriate to ensure that the maximum density of development (total number of lots) does not exceed that which is permitted by the applicable slope-density formula and the applicable general plan land use designation.

B. **Cluster Development.** Regulations for cluster development procedures are provided in Chapter 5.45, Cluster Development.

C. **Setbacks**. Setbacks from all property lines or right-of-ways shall be 30 feet, unless the provisions of §4.20.110, Setback Exceptions, apply.

CHAPTER 3.20 -d DESIGN REVIEW COMBINING DISTRICTS

Sections

§ 3.20.010 Purpose
§ 3.20.020 Applicability
§ 3.20.030 Design Review Required
§ 3.20.040 -d_1 District (Santa Clara Valley Viewshed)
§ 3.20.050 -d_2 District (Milpitas Hillsides)

§ 3.20.010 Purpose

The purpose of the -d Design Review combining districts is to designate certain visually and environmentally sensitive areas as requiring design review, with the intention of mitigating adverse visual impacts of development and encouraging quality design.

§ 3.20.020 Applicability

The regulations set forth in this chapter shall apply as indicated, and shall supersede any conflicting regulations of the base zoning district. A designator "-d" is added to the base zoning designator for properties to which these combining districts apply. Where adopted area-specific policies and criteria are meant to be implemented through the design review procedure, the "-d" designator shall be accompanied by a numerical subscript (e.g.: -d_1, -d_2, etc.).

§ 3.20.030 Design Review Required

Development within areas zoned "-d" shall be subject to the provisions of Chapter 5.50: Design Review.

§ 3.20.040 -d_1 District (Santa Clara Valley Viewshed)

The -d_1 combining district is intended to conserve the scenic attributes of those hillside lands most immediately visible from the valley floor. It is intended to minimize the visual impacts of structures and grading on the natural topography and landscape, using a combination of supplemental development standards, design guidelines, design review, and use of process incentives for smaller and less visible projects.

A. **Project Classifications:** Development standards and procedures shall utilize a tiered regulatory structure based primarily on building size, as follows:

1. **Tier 1:** A building or structure where gross floor area (see § 1.30.030) is 5,000 square feet or less. Additions to an existing primary dwelling resulting in total floor area of 5,000 square feet or less after the addition shall also be reviewed as Tier 1 or applicable exemption.

    a. **Administrative Review.** Except for projects ineligible on the basis of subsection c or d below, a building or structure classified as Tier 1 shall be subject to administrative design review approval with no public hearing required (see § 5.50.060), the review of which shall focus on the project's compliance with color standards, and any other Tier 1-applicable standards of this section.

    b. **Color; Light Reflectivity Value (LRV).** The provisions of subsection B shall apply to Tier 1 projects.

    c. **Retaining Walls Requiring a Public Hearing.** Except where subsection G, *Exemption for Sites Not Visible*, applies, Tier 1 projects shall not be eligible for administrative design review approval when the project involves retaining walls with elevations exceeding five (5) vertical feet that extend more than 80 horizontal feet.

    d. **Other Circumstances Requiring a Public Hearing.** When an exception is proposed to deviate from the massing or retaining wall standards of subsections C or D, design review shall be required.

2. **Tier 2:** A building or structure where gross floor area (see § 1.30.030) of is between 5,001 square feet and 12,500 square feet. Additions to an existing building resulting in total floor area of 12,500 square feet or less after the addition shall be reviewed as Tier 2 or per applicable exemptions or administrative design review approval of § 5.50.050 and 5.50.060.

    a. **Design Review Required.** A building or structure classified under Tier 2 shall be subject to design review, per Chapter 5.50, and will not be eligible for a discretionary exemption or administrative design review approval except when subsection G, *Exemption for Sites Not Visible*, applies.

    b. **Siting.** A Tier 2 category building should, to the extent possible and practical, be sited where natural topography, or a combination of topography and existing vegetation, provide at least a fundamental and sufficient measure of visibility mitigation.

    c. **Story Poles.** Story poles shall be required of all new buildings subject to Tier 2 design review. Story poles shall be fully erected, per the story poles standards established by the Planning Office, and shall be approved by the zoning administrator at least seven (7) full days prior to any scheduled hearing, including continued hearings and appeal hearings. Story poles shall, at a minimum, remain in place until the close of the public hearing.

3. **Tier 3:** A building or structure where gross floor area (see § 1.30.030) exceeds 12,500 square feet.

    a. **Design Review Required.** A building or structure classified under Tier 3 shall be subject to design review, per Chapter 5.50, and will not be eligible for a discretionary exemption or administrative design review approval except when subsection G, *Exemption for Sites Not Visible*, applies. The Planning Commission shall be the approving authority for all Tier 3 design review applications.

    b. **Low Visibility Siting.** Tier 3 review is intended to ensure that very large buildings are sensitively sited and designed such that they do not result in viewshed impacts greater than what might result from a sensitively designed Tier 2 or Tier 1 building. A Tier 3 category building must be sited in an area of the subject property where natural topography, or a combination of topography and existing vegetation, provide at least a fundamental and sufficient measure of visibility mitigation.

    c. **Story Poles.** Story poles shall be required of all new buildings subject to Tier 3 design review. Story poles shall be fully erected, per the story poles standards established by the Planning Office, and shall be approved by the zoning administrator at least seven (7) full days prior to any scheduled hearing, including continued hearings and appeal hearings. Story poles shall, at a minimum, remain in place until the close of the public hearing.

B. **Color; Light Reflectivity Value (LRV).** The light reflectivity value (LRV) of exterior surfaces shall not exceed 45. The zoning administrator may additionally specify subdued chroma (color saturation) when warranted for a structure deemed to have high visibility and contrast against the site's background. The zoning administrator may waive this LRV requirement for minimal trim or other minor architectural features. LRV restrictions may be waived entirely when subsection G, *Exemption for Sites Not Visible*, applies.

C. **Building Form and Massing.** Buildings not deemed exempt under subsection G shall be designed following the massing guidelines within the adopted Design Review Guidelines. In addition, the following specific limitations on wall dimensions shall apply to all Tier 1, Tier 2 and Tier 3 projects not deemed exempt under subsection G:

1. Maximum horizontal length of a continuous wall plane shall be 80 feet.

2. Maximum height of a wall plane, including foundation and other continuous components, shall be 24 feet, with the following exceptions: (a) Any architectural component where façade dimension does not exceed 18 horizontal feet, or (b) multiple such components (18 horizontal feet maximum) where combined horizontal dimension does not exceed 25% of the total horizontal dimension of the façade. This limitation may be varied

through the design review process for wall planes not facing the valley floor or otherwise having demonstrably low visibility.

3. Portions of a wall plane must be offset by at least five (5) horizontal feet to be deemed discontinuous for the purposes of this provision.

Massing restrictions may be waived when subsection G, *Exemption for Sites Not Visible*, applies.

D. **Retaining Walls.** Retaining walls visible from the valley floor shall not exceed 10 feet in height as measured from grade at face to top of wall. Multiple "stepped" retaining walls whose total height exceeds 10 feet must each be offset by at least six (6) horizontal feet. Visible walls shall be colored and textured to complement the background land and vegetation, per the adopted Design Review Guidelines.

E. **Ridgeline Development.** The ridgeline protection policies of the General Plan Growth and Development chapter shall be applied to any project situated on or adjacent to a ridgeline.

F. **Design Review Guidelines.** All projects subject to design review shall comply with applicable provisions of the adopted Design Review Guidelines document.

G. **Exemption for Sites Not Visible.** Any project where buildings or structures would be situated on portions of a lot outside of the visible viewshed area (based on GIS visibility analysis) shall be eligible for a discretionary exemption or administrative design review approval (see § 5.50.060). Additional visibility analysis tools and methods may be utilized by staff to further evaluate the potential visibility of a project proposed on such a site. The exemption may not be approved for Tier 3 projects if it is determined that any portion of the proposed building would be visible from the valley floor.

H. **Ongoing Compliance.** All conditions of approval established through the design review procedure shall be the ongoing obligation of the property owners, including future property owners. A "Notice of Design Review Approval and Conditions" shall be recorded with the Office of the Clerk-Recorder in accordance with recording requirements, to ensure that present and future property owners are aware of the conditions and their obligation to uphold them..

I. **Rebuilding.** A building in the -d_1 district may be rebuilt in the same location as the original structure (regardless of visibility) if it is destroyed by earthquake, fire or other casualty event, provided the following provisions are met:

1. The original building was lawfully constructed with all appropriate County permits required at the time of construction.

2. The floor area of the replacement building does not exceed the legally established (permitted, if applicable) floor area of the original structure.

3. The application for a building permit to construct the new building is filed within two years of the date of the casualty event. The director shall be authorized to extend this deadline when warranted by special circumstances.

4. A replacement building designed according to the approved building plans for the original building shall be exempt from the massing standards of subsection C. Where original building plans cannot be produced, massing standards shall apply.

5. The replacement building shall be subject to an administrative design review approval (see § 5.50.060), which shall focus on the project's compliance with color standards, and any other Tier 1-applicable standards of this section.

A replacement building that is sited in a different location than the original, or is larger in floor area, or both, shall be subject to the applicable design review procedures and requirements of this section.

§ 3.20.050 -d_2 District (Milpitas Hillsides)

The purpose of establishing the -d_2 zoning district is to maintain the predominantly natural appearance of the Milpitas hillside areas to which the -d_2 zoning district is applied. In furtherance of that objective, the following supplementary development standards shall apply to structures, including new construction and exterior modifications/additions to existing structures, on properties zoned -d_2. In addition, the provisions contained within the adopted design review guidelines shall be appropriately applied as part of the design review process.

A. **Maximum House Size.** For lots that are less than 10 acres, the gross floor area of dwellings shall not exceed 6,000 square feet. For lots that are 10 acres or greater, gross floor area of dwellings shall not exceed 8,000 square feet.

B. **Height.** The maximum height of dwellings shall be 27 feet and two (2) stories. The maximum height of accessory structures shall be in accordance with Section 4.20.020, except that in no case shall the height of any accessory building or structure exceed 27 feet.

C. **Color.** The light reflectivity value (LRV) of the exterior surfaces of any structure shall not exceed 45. The zoning administrator may additionally specify subdued chroma (color saturation) when warranted for a structure deemed to have high visibility and contrast against the site's background. The zoning administrator may waive this light reflectivity requirement for minimal trim or other minor architectural features.

D. **Crestline Area Development Restrictions.** Placement and height of any proposed structure may be restricted to ensure that no structure protrudes above the perceived crestline, as delineated on the official City of Milpitas zoning map. To ensure that proposed structures, whether east or west of the crestline, do not protrude above the crestline, story poles, line-of-sight analyses, or other visualization methods may be required for each project subject to design review. Story poles shall be the preferred means of evaluating potential impacts to the crestline and the basis for necessary determinations that the structures do not protrude above the perceived crestline.

E. **Story Poles.** Story poles shall be fully erected, per the County's story poles standards, and approved by the zoning administrator at least seven (7) days prior to the scheduled hearing.

CHAPTER 3.30 -sr SCENIC ROADS COMBINING DISTRICT

Sections

§ 3.30.010 Purpose
§ 3.30.020 Applicability
§ 3.30.030 Setbacks and Design Review
§ 3.30.040 Signs
§ 3.30.050 Scenic Roads Inventory

§ 3.30.010 Purpose

The purpose of the -sr Scenic Roads combining district is to protect the visual character of scenic roads in Santa Clara County through special development and sign regulations. The -sr combining district applies to all designated scenic roads in unincorporated Santa Clara County.

§ 3.30.020 Applicability

The regulations set forth in this chapter shall apply as indicated, and shall supersede any conflicting regulations of the base zoning district. A designator "-sr" is added to the base zoning designator for properties to which this combining district applies.

§ 3.30.030 Setbacks and Design Review

A. **Requirement for Design Review.** On scenic roads other than US 101, any structure, including signs, that is located within 100 feet of the right-of-way of a designated scenic roadway shall be subject to design review, as described in Chapter 5.50 of this zoning ordinance. Structures in the -sr combining district that are not within 100 feet of a scenic roadway do not require design review, except as otherwise required in the base district or other combining districts applied to the subject property.

B. **Design Review Exemptions.** Buildings within 100 feet of a scenic road shall not be eligible for design review exemptions. Additions to existing buildings within 100 feet of a scenic road may be eligible for design review exemption provided no part of the addition is nearer to the scenic road right-of-way line than the nearest part of the existing building. Structures (non-buildings), such as fences, decks and retaining walls, that otherwise meet the criteria for exemption from design review as provided in Chapter 5.50 shall be eligible for exemption.

C. **US 101 Scenic Setbacks.** No building or structure, including signs, may be located within 100 feet of the right of way of US 101, with the exception of fences. Fences may be permitted subject to the applicable design review provisions of Chapter 5.50.

§ 3.30.040 Signs

Signs within the -sr combining district shall be subject to the following regulations, except where other more restrictive provisions apply through a base or other combining district:

A. **Number.** One on-site advertising sign may be located on any lot in the -sr combining district. One additional sign may be placed on a lot regarding the sale, lease or rental of all or a portion of the property. The following exceptions are permitted:

1. Signs associated with uses classified as *Agricultural Sales,* and *Wineries*, subject to all applicable provisions of § 4.40.110.

2. Temporary on-site identification and off-site directional signs to seasonal sales establishments are exempt from the provisions of this section and are subject to the requirements of § 4.40.110.

B. **Size.** Signs are subject to the following size limitations:

1. Signs associated with uses classified as *Agricultural Sales*, and *Wineries*, shall be subject to the sign area limitations provided in subsection 4.40.110(B)(2).

2. With the exception of properties within 1,000 feet of the right of way of US 101, and signs associated with uses classified as *Agricultural Sales,* and *Wineries*, signs are limited to 16 square feet in area.

3. On all properties or portions of properties within 1,000 feet of the right of way of US 101, signs are limited to 50 square feet in area and 20 feet in height from the ground to the uppermost point on the sign. Signs up to 100 square feet in area may be permitted with a special permit.

C. **Design.** All signs and parts of signs shall remain stationary. All illumination for signs shall remain stationary and constant in intensity and color.

§ 3.30.050 Scenic Roads Inventory

Alamitos Road

Aldercroft Heights Road (from Alma Bridge Road to Wrights Station Road)

Alma Bridge Road

Almaden Road (San Jose city boundary to Alamitos Road)

Bear Creek Road

Black Road

Bloomfield Avenue

Bohlman Road

Bowden Avenue

Calaveras Road

Cañada Road

Casa Loma Road

Congress Springs Road (SR 9) (from Saratoga City boundary to Santa Cruz County boundary)

Coyote Reservoir Road

Croy Road (from Watsonville Road to the boundary of Uvas Canyon County Park)

Del Puerto Road

Dunne Avenue (from Dunne Avenue Bridge to Henry Coe State Park)

Edmundson Avenue (from Oak Glen Avenue to Sunnyside Avenue)

Felter Road (from Calaveras Road to Sierra Road)

Gilroy Hot Springs Road

Gist Road

Hecker Pass Highway (SR 152) (from Gilroy City boundary to Santa Cruz County boundary)

Hicks Road

Highway 17 (SR 17) (from Los Gatos City boundary to Santa Cruz County boundary)

Highway 156 (SR 156)

Highway 280 (US 280) (from Page Mill Road to San Mateo County boundary)

Idylwild Road

Jameson Road

Junipero Serra Boulevard

Kennedy Road (from Los Gatos City boundary to Shannon Road)

Llagas Road

Loma Prieta Road (from its northerly intersection with Summit Road to its southerly intersection with Summit Road)

McKean Road

Metcalf Road

Mines Road

Montebello Road (from Stevens Canyon Road to Palo Alto City boundary)

Montevina Road

Moody Road

Mountain Charlie Road

Mt. Eden Road

Mt. Hamilton Road (from Springview Lane to easterly terminus at San Antonio Valley Road)

Mt. Madonna Road

Oak Glen Avenue (from Uvas Road to Sycamore Avenue)

Old Santa Cruz Highway

Pacheco Pass Highway (SR 152) (from Cañada Road to Merced County boundary)

Page Mill Road

Quimby Road (from Murillo Avenue to Mt. Hamilton Road)

Redwood Retreat Road (from Watsonville Road to Mt. Madonna Road)

Roop Road

San Antonio Valley Road

San Felipe Road (from Delta Road to Metcalf Road)

Sanborn Road

Santa Teresa Boulevard (existing and future, which includes Coolidge Avenue, DeWitt Avenue, Hale Avenue, Murphy Lane, Sunnyside Avenue)

Saratoga–Los Gatos Road (SR 9)

Shannon Road (from Los Gatos City boundary to Hicks Road)

Sierra Road

Silver Creek Road

Skyline Boulevard (SR 35) (from SR 17 to San Mateo County boundary)

Soda Springs Road

Stevens Canyon Road

Summit Road (SR 35) (from SR 17 to Mt. Madonna County Park)

Sycamore Avenue (from Oak Glen Avenue to Santa Teresa Boulevard/Sunnyside Avenue)

Uvas Road

Watsonville Road (from Sunnyside Avenue to Hecker Pass Highway)

Willow Springs Road

CHAPTER 3.40 -n NEIGHBORHOOD PRESERVATION COMBINING DISTRICTS

Sections

§ 3.40.010 Purpose
§ 3.40.020 Applicability
§ 3.40.030 -n_1 District (Los Altos)
§ 3.40.040 -n_2 District (Burbank)
§ 3.40.050 -n_3 District (Stanford University: Upper San Juan)
§ 3.40.060 [Reserved]
§ 3.40.070 -n_5 District (Cambrian Park)

§ 3.40.010 Purpose

The purpose of the -n Neighborhood Preservation combining districts is to provide neighborhood-specific development standards for certain urban unincorporated areas (unincorporated lands within a city's urban service area). Where necessary and appropriate, they augment the base zoning district regulations to better address a particular area's historic development patterns and characteristics, significant and problematic discrepancies between the standards of the County and the adjoining city, and unique area-specific development issues. More fundamentally, they are intended to provide effective, practical, and appropriate development standards to maintain and improve the quality of residential neighborhoods. These districts are also intended to implement the policies of the Santa Clara County General Plan regarding development within, and the annexation of, urban unincorporated areas.

§ 3.40.020 Applicability

The area-specific regulations and criteria set forth in this chapter shall apply as indicated by the designator "-n" added to the base zoning designation (e.g.: -n_1, -n_2, -n_3, etc.,) and shall supersede any conflicting regulations of the applicable base zoning district.

§ 3.40.030 -n_1 District (Los Altos)

To minimize the differences between the development standards of the County and those of the adjoining City of Los Altos, and to encourage residential development that better complements the character of existing development, the following regulations shall apply to residential development in zoning districts that contain the -n_1 designator.

A. **Floor Area.**

1. Except where the provisions of subsection C below are applicable, the following floor area limitations shall apply.

   a. Lots of 10,000 square feet (net) or less: a floor area ratio not to exceed 0.35; and

   b. Lots larger than 10,000 square feet (net): 3,500 square feet of floor area, plus one additional square foot of floor area per 10 square feet of lot area over 10,000 square feet, to a maximum total floor area of 5,700 square feet.

2. For the purposes of this section, floor area shall include:

   a. The gross floor area (defined in Section 1.30.030) of dwellings;

   b. A cumulative total of 800 square feet for all accessory dwelling units on a lot shall not count toward floor area.

   c. Any exposed portions of basements where finish floor level immediately above is more than four (4) feet above grade (see Fig. 3.40-1). Window wells, as defined and required for egress by the California Building Code (CBC) or California Residential Code (CRC), shall be limited to 10% above the minimum dimensions required by the CBC and CRC, and;

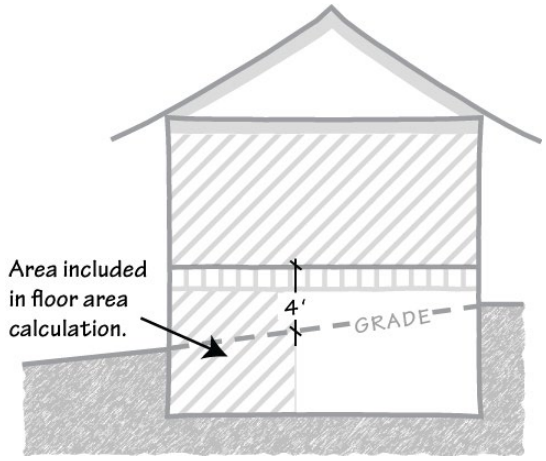


Fig. 3.40-1
Basement Floor Area

   d. All accessory buildings on any lot where the cumulative area of accessory buildings exceeds 500 square feet.

3. Floor area calculations shall be noted on building permit site plans. These computations must be calculated, verified, signed and stamped by a registered civil engineer, a licensed land surveyor, or a licensed architect.

B. **Height of Dwellings.** The maximum height of dwellings shall be 27 feet.

C. **Special Development Standards for Underlying Lots.**

1. For the purposes of this subsection, "underlying lot" means any lot that meets all of the following criteria:

a. was contiguous to a lot under common ownership as of May 5, 1998;

b. was not separately developed and not approved as a single building site as of May 5, 1998; and

c. does not meet the minimum lot size of the applicable zoning district.

This definition shall also apply to lots resulting from the lot line adjustment of underlying lots, unless the resulting lot(s) meet(s) or exceed(s) the minimum size required by the zoning district. For the purposes of this provision, the term "lot line adjustment" includes adjustments that result in fewer lots than the original configuration.

2. Development of any individual underlying lot shall conform to the following special requirements:

a. Floor area ratio shall not exceed 0.25, except that any underlying lot larger than 16,660 square feet shall be subject to the standard floor area ratio formula of subsection A.1.b of this section.

b. Design review shall be required for any two-story house proposed. The review shall emphasize general neighborhood compatibility and impacts on adjacent properties.

c. Accessory buildings 500 square feet or smaller that would not be included in floor area calculations per subsection 3.40.030(A)(2)(c) shall only be excluded from floor area calculations if they are designed and used as garage or storage buildings exclusively. Such exempt buildings shall not contain integral heating, ventilation or air conditioning systems, and shall not include bathrooms.

§ 3.40.040 -n_2 District (Burbank)

In recognition of the eclectic and historical character of housing within the central Burbank area, the following specific standards and requirements shall apply to all dwellings in zoning districts that contain the "-n_2" combining designation.

A. **Front Yard Setbacks.** Front yard setbacks shall be 20 feet.

B. **Floor Area Ratio.** Floor area ratio (FAR) shall not exceed 0.50. Floor area ratio calculations must be noted on building permit site plans. These computations must be verified, stamped, and signed by either a licensed architect, registered civil engineer, or licensed land surveyor. A cumulative total of 800 square feet for all accessory dwelling units on a lot shall not count toward floor area.

§ 3.40.050 -n_3 District (Stanford University: Upper San Juan)

In recognition of the unique character of the Stanford University: Upper San Juan neighborhood, the purpose of this combining district is to preserve the physical characteristics of the Upper San Juan neighborhood, including but not limited to large lots, irregular street patterns, and mature landscaping, and to encourage residential development that is consistent with the character of existing development. The following standards shall apply to residential development in zoning districts that contain the -n_3 designator.

A. **Front Yard Setbacks.** Front yard setbacks shall be 30 feet (see "setback" definition in 1.30.030).

B. **Maximum Lot Coverage**.

1. Single-Family development shall not exceed 20% lot coverage (see "lot coverage" definition in Section 1.30.030).

2. Two-Family and Multi-Family development shall not exceed 35% lot coverage.

3. Accessory dwelling units, as defined in Section 2.10.030 and developed pursuant to Section 4.10.015, and/or housing developed pursuant to Section 65852.21 of the California Government Code are exempt from the above lot coverage standards.

C. **Minimum Lot Frontage**

1. For all lots created pursuant to the Subdivision Ordinance in Chapter 1 of Division C12 of the County Code and the Subdivision Map Act, a minimum lot frontage length (front lot line) of 100 feet per lot shall be required.

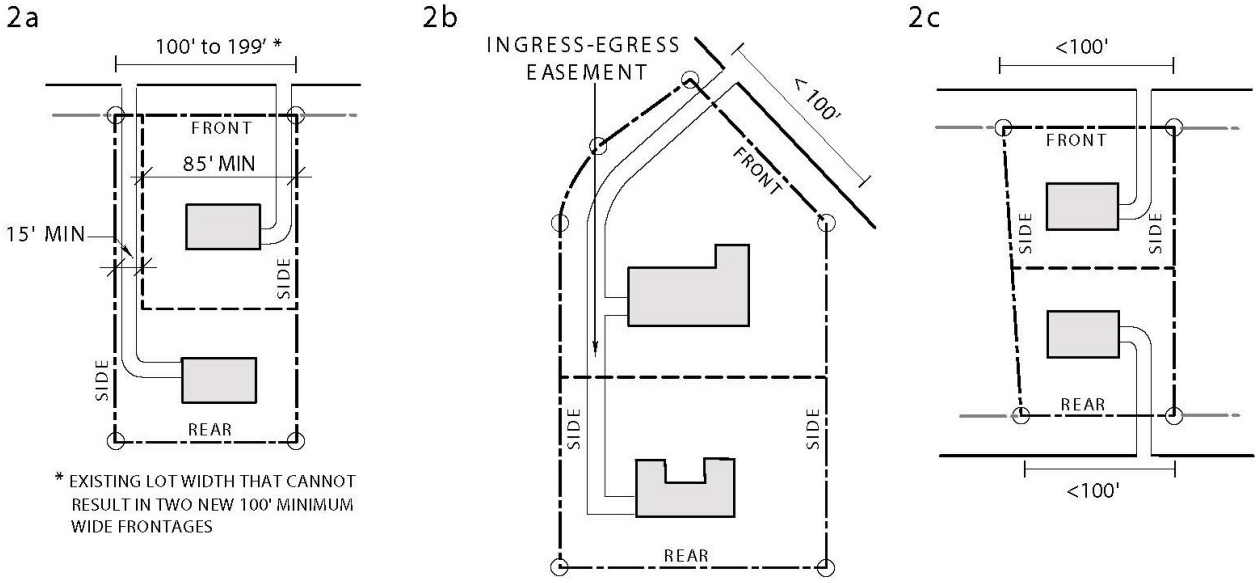
2. Notwithstanding the minimum lot frontage in Section 3.40.050(C)(1), if the lot frontage of lots created pursuant to Section 66411.7 of the California Government Code are less than 100 feet, one of the following standards shall apply:

   a. For a subdivision with one lot configured as a flag lot, the minimum street frontage of the front lot abutting the street shall be at least 85 feet. The width of the fee access corridor or easement to the flag lot shall not be less than 15 feet and not more than 20 feet. See Figure 3.40.050-2a.

   b. For a subdivision where the street frontage of the lot before the subdivision is less than 100 feet, the subdivision shall provide an ingress-egress easement of not less than 15 feet and not more than 20 feet and

there shall be one driveway shared by the two lots created. See Figure 3.40.050-2b.

c. For an existing lot with front and rear access to streets and where the subdivision creates lots with street frontage on both streets, the existing lot frontage width can be maintained. See Figure 3.40.050-2c.



D. **Driveways.** Location of driveways for a two-lot subdivision shall be placed adjacent to the original lot line to minimize removal of existing landscaping.

E. **Parking Requirements.** A minimum of one (1) parking space shall be provided per unit for Two-Family and Multi-Family residences. No covered parking space is required. This parking space requirement supersedes the parking space requirement for Two-Family and Multi-Family residences in Section 4.30.030 "Parking Spaces Required -Residential Uses" Table 4.30-1 and Section 4.30.070(A)(9).

F. **Lot Coverage-Nonconforming Buildings and Structures.** All lot coverage-nonconforming buildings and structures existing before July 1, 2022, may be enlarged to increase the total lot coverage area by no more than 250 feet so long as the enlargement complies with all other development standards of Section 3.40.050.

G. **Lot Coverage-Nonconforming Dwelling: Casualty Reconstruction**. Where a single-family or two-family dwelling with nonconforming lot coverage is involuntarily damaged or destroyed by earthquake, fire, flood, or other casualty

event, reconstruction shall not require conformance to currently applicable lot coverage, provided all of the following apply:

1. The lot coverage-nonconforming portion of the original dwelling was constructed with applicable building permits required at the time of construction or was constructed at a time that predates building permit requirements.

2. The floor area of the proposed reconstructed dwelling is not more than 250 square feet larger than the legally constructed floor area of the original dwelling.

3. Any lot coverage-nonconforming deck or balcony, covered or uncovered, within the original building footprint may only be replaced with a like deck or balcony.

H. **Other Nonconforming Conditions.** For all other nonconforming conditions refer to Chapter 4.50 of the Zoning Ordinance.

§ 3.40.060 [Reserved]

§ 3.40.070 -n_5 District (Cambrian Park)

In order to create conforming setbacks in existing and future residential lots, maintain consistent neighborhood pattern within a portion of Cambrian Park as the minimum lot size increases, and preserve the existing neighborhood character of the large residential lots within the Cambrian Park area, the following specific setback requirements shall apply to all dwellings in zoning districts that contain the "-n_5" combining designation.

A. **Front Yard Setbacks.** Front yard setbacks shall be 25 feet (see "setback" definition in Section 1.30.030).

B. **Side Yard Setbacks.** Side yard setbacks shall be eight (8) feet, except for corner lots, where the minimum setback for the exterior side yard shall be ten (10) feet.

CHAPTER 3.50 -h HISTORIC PRESERVATION COMBINING DISTRICTS

Sections

§ 3.50.010 Purpose
§ 3.50.020 Applicability
§ 3.50.030 Design Review Requirements
§ 3.50.040 Historical Heritage Commission Referral
§ 3.50.050 Special Use Regulations and Findings
§ 3.50.060 Special Development Regulations, Standards and Procedures
§ 3.50.070 Demolition or Removal Procedures
§ 3.50.080 Adoption of "-h" Districts
§ 3.50.090 -h_1 District (New Almaden)
§ 3.50.100 -h_2 District (D'Artenay Portuguese Ranch)

§ 3.50.010 Purpose

The "-h" combining zoning district is intended to provide for the preservation of historic sites, historic structures, buildings of architectural significance, and other natural and human-made heritage resources which are included in the National Register of Historic Places, or which are otherwise designated as a registered cultural heritage resource (see Section 1.30.030: Definitions of Terms). Historic Preservation zoning districts may also be utilized to protect and conserve sites and areas which are of special character, architectural value, or aesthetic interest, if such areas contain at least one registered historic place or resource. Such heritage resources deserve special consideration for preservation and enhancement due to the contribution they make to our collective understanding of the historic development and cultural heritage of the county, region, state, or nation.

§ 3.50.020 Applicability

The provisions of Sections 3.50.010 through 3.50.080 of this article apply to all "-h" Historic Preservation combining zoning districts. Provisions of 3.50.090 and above apply only to the historic district specified.

Each application of a historic preservation combining zoning district to an area shall be indicated by the designator "-h" added to the base zoning district designation, and each shall be numbered in order of application (e.g.: "-h_1", "-h_2", "-h_3", etc.). The policies, standards, and criteria of this chapter shall prevail over any conflicting regulations of the applicable base zoning district.

§ 3.50.030 Design Review Requirements

A. **Design Review**. Unless otherwise indicated by the provisions of a historic zoning district, design review approval shall be secured as set forth in Chapter 5.50 of this zoning ordinance for the following:

1. Construction of any new building or structure in any "-h" combining zoning district, except as provided in subsection B, below.

2. Any exterior modification or construction which would alter the external appearance of a building or structure within an "-h" combining zoning district, except as provided in subsection B, below.

B. **Design Review Exemptions.** The following exemptions are applicable to "-h" properties and supersede the exemptions specified in Sections 5.50.050 and 5.50.060.

1. For properties, buildings and structures which are not individually designated or registered as historic resources, the following exemptions shall be allowed:

a. Statutory exemptions: The following types of structures are minor in character and are in all cases exempt from the design review process:

i. Detached accessory buildings that are exempt from the building permit requirement on the basis of size and are not within any easement or right-of-way;

ii. Any accessory building or structure whose combined above-ground dimensions (maximum length + maximum width + maximum height) do not exceed 16 feet.

iii. Decks whose floor surface is 30 inches or less above final grade;

iv. Fences three (3) feet or less in height.

v. Grade-level pavement for which grading performed prior to paving does not require a grading permit;

vi. Retaining walls that are not subject to a grading permit;

vii. Solar (photovoltaic) panels; and

viii. Swimming pools;

b. Discretionary exemptions: The following types of structures may, at the discretion of the zoning administrator, be considered minor and exempt from the design review process:

i. Additions of 500 square feet or less in floor area to a dwelling;

ii. Detached accessory buildings of 500 square feet or less in area;

iii. Decks whose floor surface is over 30 inches in height above grade;

iv. Fences in "-d" combining districts or along designated scenic roads which conform to the provisions of this ordinance regulating fence height; and

v. Other minor construction similar in scale to the above categories and having low potential for visual impact.

2. For properties, buildings and structures which are individually designated or registered as historic resources, the following exemptions shall be allowed:

a. Statutory exemptions: The following types of structures are minor in character and are in all cases exempt from the design review process:

i. Detached accessory buildings that are exempt from the building permit requirement on the basis of size and are not within any easement or right-of-way;

ii. Any accessory building or structure whose combined above-ground dimensions (maximum length + maximum width + maximum height) do not exceed 16 feet.

iii. Decks whose floor surface is 30 inches or less above final grade;

iv. Fences three (3) feet or less in height.

v. Grade-level pavement for which grading performed prior to paving does not require a grading permit;

vi. Retaining walls that are not subject to a grading permit;

vii. Solar (photovoltaic) panels; and

viii. Swimming pools;

b. Discretionary exemptions: Properties, buildings, and structures which are individually designated or registered as historic resources are not eligible for discretionary exemptions from design review.

C. **Additional Findings.** Design review approval is contingent upon the following findings:

1. Substantial conformance with applicable provisions of the design review guidelines, adopted by the Board of Supervisors.

2. Conformance or consistency with any special regulations, standards, policies, or criteria specific to the particular "-h" district.

3. Where a historically designated structure or resource is involved, the historic character of the subject structure is preserved.

§ 3.50.040 Historical Heritage Commission Referral

Applications for design review or architecture and site approval (excluding applications for administrative approvals or discretionary exemptions) shall be referred to the Santa Clara County Historical Heritage Commission for review and recommendation prior to the public hearing on the application, unless otherwise specified by the provisions of the specific historic zoning district. For applications on property located within the –h_1 District, the Historical Heritage Commission shall hold a public hearing in accordance with the public notice requirements of Section 5.20.110.

If the Historical Heritage Commission does not provide a response within sixty (60) days following the date of referral, the lack of any response shall be deemed evidence of no opposition to approval.

§ 3.50.050 Special Use Regulations and Findings

The following special use regulations and considerations shall apply within each "-h" zoning district:

A. **Conformance with Goals, Policies, or Standards.** Prior to the approval of an application for any discretionary land use approval within an "-h" combining district, the approving authority must find that the establishment and conduct of the proposed use is consistent with the intent of the "-h" zoning district and with any adopted goals, policies, regulations, or standards for the district.

B. **Relationship of "-h" District Regulations to those of the Base District.** Special regulations governing allowable uses, if adopted and included within the text of an historic preservation zoning district, shall supersede any other use regulations of the applicable base zoning district or any other related provision of the zoning ordinance concerning allowable uses. If no special use regulations are established, the regulations of the base zoning district shall apply.

C. **Elimination of Incompatible Outdoor Uses and Outdoor Advertising Signs.** The Planning Commission may determine that specific pre-existing outdoor activities or outdoor advertising signs are incompatible with the goals, plans, policies, or standards of the "-h" district within which they are located. Such a determination may be made by means of a duly noticed public hearing, in which substantial evidence has been presented that specific outdoor uses, activities, or advertising signs are clearly in conflict with the purpose, plans, policies, or standards of the "-h" district. If such a determination is made, the owner of the land on which the outdoor use or advertising sign is located shall within the time

period specified by the Planning Commission either modify, remove, or cease the outdoor use or sign in question as directed so that it is in conformance with the goals, plans and policies of the "-h" district. Such a determination may be appealed to the Board of Supervisors in accordance with Chapter 5.30.

§ 3.50.060 Special Development Standards and Procedures

A. **Adoption of Special Regulations and Standards**. Upon the adoption of any "-h" combining zoning district, the Board of Supervisors may define specific development standards or regulations which are to apply to all lands included within an "-h" district, consistent with the intent, goals, objectives, and policies established for each district. Such standards may include, but shall not be limited to, building height, form, mass, materials, setbacks, infrastructure, parking and loading area requirements, and signs. If adopted, such standards shall be based on evidence of the historical and architectural aspects of the district which are typical or characteristic of that district, and shall be included within the zoning regulations of the "-h" district ordinance.

B. **Relationship of "-h" District Regulations to those of Base District.** Special development regulations and standards of the "-h" district, once adopted, shall supersede any conflicting or incompatible regulations or standards of the applicable base zoning district. Where no such standards specific to the Historic Preservation zoning district are established, the standards of the applicable base zoning district shall apply.

§ 3.50.070 Demolition or Removal Procedures

A. **Board Approval Required for Demolition or Removal.** No permit for the demolition or removal of a building or other structure which is a formally designated or registered cultural heritage resource shall be issued until an approval is granted by the Board of Supervisors, pursuant to the applicable procedures and regulations of the Santa Clara County Ordinance Code.

B. **Demolition Procedures and Regulations.** The demolition permit restrictions in Section C1-91 of the County Ordinance Code shall apply to the proposed demolition or removal of any individually registered historic building or structure. These provisions govern the procedures by which an application may be made and obtained for the demolition or removal of a building or structure, including provisions for referral to the Historical Heritage Commission for review and recommendations, the specified time period during which alternatives to demolition may be explored, and the requirement for a public hearing before the Board of Supervisors for an ultimate determination regarding the application.

§ 3.50.080 Adoption of "-h" Districts

The following procedures shall be followed in the establishment of "-h" districts in addition to the general procedures set forth in Chapter 5.75 regarding amendments to the zoning ordinance:

A. **Eligibility for Inclusion within an "-h" District.** Each area for which an "-h" district is established must contain at least one site, building, or structure which is a "registered historic cultural resource" (see Definitions). The "-h" district may include, in addition to any registered historic cultural resource, such additional area as is deemed necessary for the protection of the environment of the registered historic cultural resource against the intrusion of incompatible land uses and development.

B. **Information to be Provided Prior to Enactment of "-h" Districts.** Planning Office staff and the staff of the Historical Heritage Commission shall provide in a report the information and evaluation which will serve as the basis for any proposal to establish a "-h" combining zoning district. The following exhibits and information shall be included in the required report:

1. Explanation, with adequate supporting documentation, of the reasons that an "-h" district should be established for the subject area.

2. A description of the entire area to be included within the boundaries of the "-h" district. Such description is to include text, maps and photographs, property addresses and assessor's parcel numbers, and is to accurately describe existing land uses, condition of structures, architectural styles, circulation patterns, environmental features, and such other topics considered relevant.

3. A description of each registered historic resource, structure, or place within the proposed "-h" district, including descriptive text, maps, photographs of each place or structure, and identification numbers or codes used to record its entry in the applicable register or inventory.

4. Recommended guidelines, standards, policies, and restrictions to be included in the regulations for each "-h" district pertaining to the preservation or future development of each registered historic structure or place, including, but not limited to: allowable future land uses; building bulk, style and location; vehicular and pedestrian circulation patterns.

5. Any additional guidelines, restrictions, or policies intended to pertain to properties within the proposed "-h" district other than those which are designated or registered historic cultural resources.

6. A report from the Historical Heritage Commission which reviews the aforementioned report information and reports their recommendations.

7. A recommendation from the staff of the County Planning Office and the Historical Heritage Commission, regarding the establishment of the proposed historic preservation district and the specific recommended wording for the proposed ordinance, to facilitate implementation of the ordinance and to ensure clarity and consistency with other historic districts and other provisions of the zoning ordinance. The report may also include any recommended implementation measures deemed necessary to further the goals and objectives of the proposed "-h" district.

§ 3.50.090 -h_1 District (New Almaden)

A. **Purpose.** The purpose of the "-h_1" combining district is to preserve the New Almaden National Historic Landmark District, one of 120 such places in California and only one of five in Santa Clara County recognized as being of such national historical significance. It was listed in the National Register of Historic Places in October 15, 1966, listing #66000236.

The boundaries of the "-h_1" historic preservation zoning district for New Almaden coincide with the boundaries of the National Historic Landmark District described by the National Register listing. The majority of the land area within the National Historic Landmark District is contained within the Almaden Quicksilver County Park, a regional park maintained by the Santa Clara County Parks and Recreation Department. Also included within this historic preservation zoning district are privately owned properties, the primary uses of which are residential.

For purposes of this ordinance, individually designated historic buildings and structures in the "-h_1" district are identified within either Priority List 1 or 2, including the Casa Grande (see subsection D, below). These structures and properties contribute significantly to the New Almaden National Historic Landmark District. All are located within what is defined within this ordinance as the Central Community Area (Sub-area A) along Almaden and Bertram Roads.

B. **Use Regulations**. Uses within the "-h_1" district shall be limited to the following:

1. Uses permitted as a matter of right include:

   a. Residence – Single-Family, including Residential Accessory Structures and Uses.

   b. Agriculture, limited to uses permitted as a matter of right in the applicable base zoning district.

   c. Community Care – Limited.

d. Home Occupations [Criteria/Findings, see § 4.10.180].

e. Accessory dwelling units [Criteria/Findings, see § 4.10.015]

2. Uses permitted subject to the issuance of a special permit include:

a. Reserved.

b. Home Occupation – Expanded [Criteria/Findings, see § 4.10.180]

c. Residential Accessory Structures and Uses, with more than two internal plumbing fixtures, such as pool houses [Criteria/Findings, see § 4.20.020(I)]. This does not apply to accessory dwelling units.

d. Historic Structure – Use Conversion, as defined in Section 2.10.040, Non-Residential Use Classifications. Such uses may be established within any registered historic structure, provided that the approving authority makes all of the following findings:

i. the use is consistent with the intent of the "-h_1" zoning district.

ii. the use is consistent with the historical and architectural character of the community.

iii. the use conforms with the provisions of Section 4.10.170, Supplemental Use Regulations.

iv. the use conforms with any applicable supplemental use regulations of Chapter 4.10 concerning the particular use.

3. Uses permitted subject to the issuance of architecture and site approval (ASA) include:

a. Utilities – Minor, as defined in Section 2.10.040.

4. Uses permitted subject to the issuance of a use permit and architecture and site approval (ASA) include:

a. Nonprofit Institutions, such as community meeting facilities and other institutional uses serving the New Almaden community.

b. Utilities – Major, as defined in Section 2.10.040.

C. **Special Development Standards:**

1. **Front Setbacks for Almaden Road Priority List 1 Properties.** For individually designated historic structures along Almaden Road identified in Priority List 1, historic building placements relative to the road right-of-way shall be maintained. Front setback requirements for such properties along Almaden Road may be adjusted without a variance if deemed by the zoning administrator to be in the interest of historic preservation and not in violation of the integrity of the zoning district.

2. **Minor adjustments to minimum yard and setback requirements.** Yard and setback requirements may be varied by the zoning administrator through the design review or ASA procedure if necessary, appropriate, and consistent with the intent of the historic zoning district. This provision is intended to allow for limited variation from standards without requiring a variance.

3. **Height.** Maximum building height shall be 35 feet, with no more than two (2) stories allowed. The provisions of subsection 4.20.020(E) shall apply to accessory buildings and structures.

D. **Designated Historic Structures of the New Almaden Historical Area.** As a National Historic Landmark District, the historic heritage and character of the early community of New Almaden are considered to be of great importance to the residents, the county, the state and the nation. To help preserve the historic character and value of New Almaden, the existing historic structures are prioritized in terms of their significance for preservation. [Note: The "1880 Map#" refers to the "1880 Mining Company Rental Map" on file with the County Planning Office, which depicts the locations of structures within the main community area existing at that time].

1. **Priority List No. 1.** The following properties are the designated as Priority List No. 1 historical structures:

Table 3.50-1

PRIORITY LIST 1

ADDRESS	APN	1880 MAP #	PLACENAME
21350 Almaden Rd.	583-18-044	None	Casa Grande
21472 Almaden Rd.	583-18-008	1	Head Mining Engineer's House
21474 Almaden Rd.	583-18-007	2	Superintendent's House
21490 Almaden Rd.	583-18-006	3	Engineer's House
21498 Almaden Rd.	583-18-005	4	Robt. Scott's House

Table 3.50-1

PRIORITY LIST 1

ADDRESS	APN	1880 MAP #	PLACENAME
21506 Almaden Rd.	583-18-004	5	Casa Nuestra
21512 Almaden Rd.	583-18-003	6	"La Mariposa"
21550 Almaden Rd.	583-17-038	11	"El Vespero"
21560 Almaden Rd.	583-17-037	12	Bulmore House
21570 Almaden Rd.	583-17-036	13	Carson-Perham Adobe
21590 Almaden Rd.	583-17-035	14	None
21600 Almaden Rd.	583-17-034	15	"La Casita de Adobe"
21620 Almaden Rd.	583-17-033	16	Doctor's House
21661 Almaden Rd.	583-16-010	34	None
21671 Almaden Rd.	583-16-011	35	None
21684 Almaden Rd.	583-17-027	19	Employee's Cottage
21692 Almaden Rd.	583-17-025	20	Employee's Cottages
21700 Almaden Rd.	583-17-023	21	None
21744 Almaden Rd.	583-17-022	24-26	Toll Gate House
21733 Bertram Rd.	583-17-020	None	None
21747 Bertram Rd.	583-17-021	Hotel	"Hacienda Hotel" (La Foret Restaurant)

2. **Preservation of Priority List No. 1 structures**.

   a. Owners of the properties in Priority List No. 1 are especially encouraged to preserve and maintain these original structures of the Hacienda of New Almaden.

   b. The Casa Grande was the original residence of the mining company superintendent, and it has special historic and building significance. Therefore, it is required that any plans for interior or exterior remodeling, renovation and restoration be submitted to the County Historical Heritage Commission for review and recommendation.

3. **Priority List No. 2.** The following are the designated Priority List No. 2 historical structures:

Table 3.50-2

PRIORITY LIST 2

ADDRESS	APN	1880 MAP #	PLACENAME
21658 Almaden Rd.	583-17-030	23, (former site of 17	None. (House #23 was moved to the site and replaced House #17)
21790 Bertram Rd.	742-03-020	None	Helping Hand Hall, was "Dance Hall" before moved to present site
21800 Bertram Rd.	583-17-001	None	St. Anthony's Church (built 1899)

5. **Preservation of Priority List No. 2 structures**. The structures in Priority List No. 2 are also important from a historical standpoint, even though they were moved from their original sites or were built at a later date, and they should be maintained in such a manner as to preserve their historical integrity and compatibility with Priority List No. 1 properties.

E. **Form, Materials, and Color Standards.** The following standards shall apply to all structures on properties on Priority Lists No. 1 and 2. Adherence is mandatory unless acceptable substitutes are approved as indicated in the provisions below. For other properties not on either Priority List located within the "-h_1" district, these detailed standards are advisory. Certain features, materials, forms or approximations thereof may be required of a project by means of design review or ASA approval or conditions, as appropriate. Property owners are encouraged to incorporate these design features and materials standards into their construction plans as much as possible and appropriate to ensure the compatibility of new construction with the general historic character of the district. Substantial conformance with these standards is required for properties in the immediate vicinity of Priority List 1 and 2 properties, defined as the Central Community Area ("Sub-area A"), to ensure architectural compatibility with individually designated historic properties. (Refer to subsection F for further explanation of the Central Community Area).

1. **Exterior materials**:
   a. Board and batten.
   b. Ship lap.
   c. Wood siding (narrow "New England" style).
   d. Adobe sun-dried blocks, bituminous treated (the adobe may have a plaster coat).
   e. Reclaimed used red fired brick, or the early fire brick (Scottish).

2. **Roofing materials:** Wood shingles or shakes, fire retardant; constructed to comply with Uniform Building Code standards for Class "A" roofing for properties within designated "Hazardous Fire Areas" as referenced in the County Fire Code, Division B7 of the County Ordinance Code.

3. **Exceptions to general exterior and roofing materials:** Other materials may be used provided they will closely resemble the materials specified above. Samples of the proposed substitute materials shall be submitted by the applicant to the County with the initial design review or other application for the project, to be examined for compliance and approval by the zoning administrator or other approval authority.

4. **Roof form:** Gable or sloping shed roof.

6. **Foundation:** New foundations may be of concrete construction providing one of the following is a part of the construction:

    a. Added pigment in the concrete for resemblance to a soft red brick or earthen tan adobe.
    b. A colored or painted plaster coating.
    c. A board sheeting exterior veneer applied over the concrete.

6. **Garages:** Garages may be attached or detached and shall be constructed of materials listed and decorated as stated in these standards.

7. **Fencing:** New and replacement fencing shall be built of wood similar to the early wood fencing, or other historically compatible design and materials. Fences and hedges shall otherwise conform with provisions of Section 4.20.050.

8. **Painting and decorating:** New construction paint colors should be compatible with those that were used during the mid-to-late 1800s in this location. In general, color preferences from the time period were those from the natural color range, with emphasis on subdued, muted earth tones. Examples include, but are not limited to, grays, dark barn red, browns and tans.

9. **Window form:** Window forms were generally multi-light, such as 2 over 2, and they should be rectangular rather than round or arched.

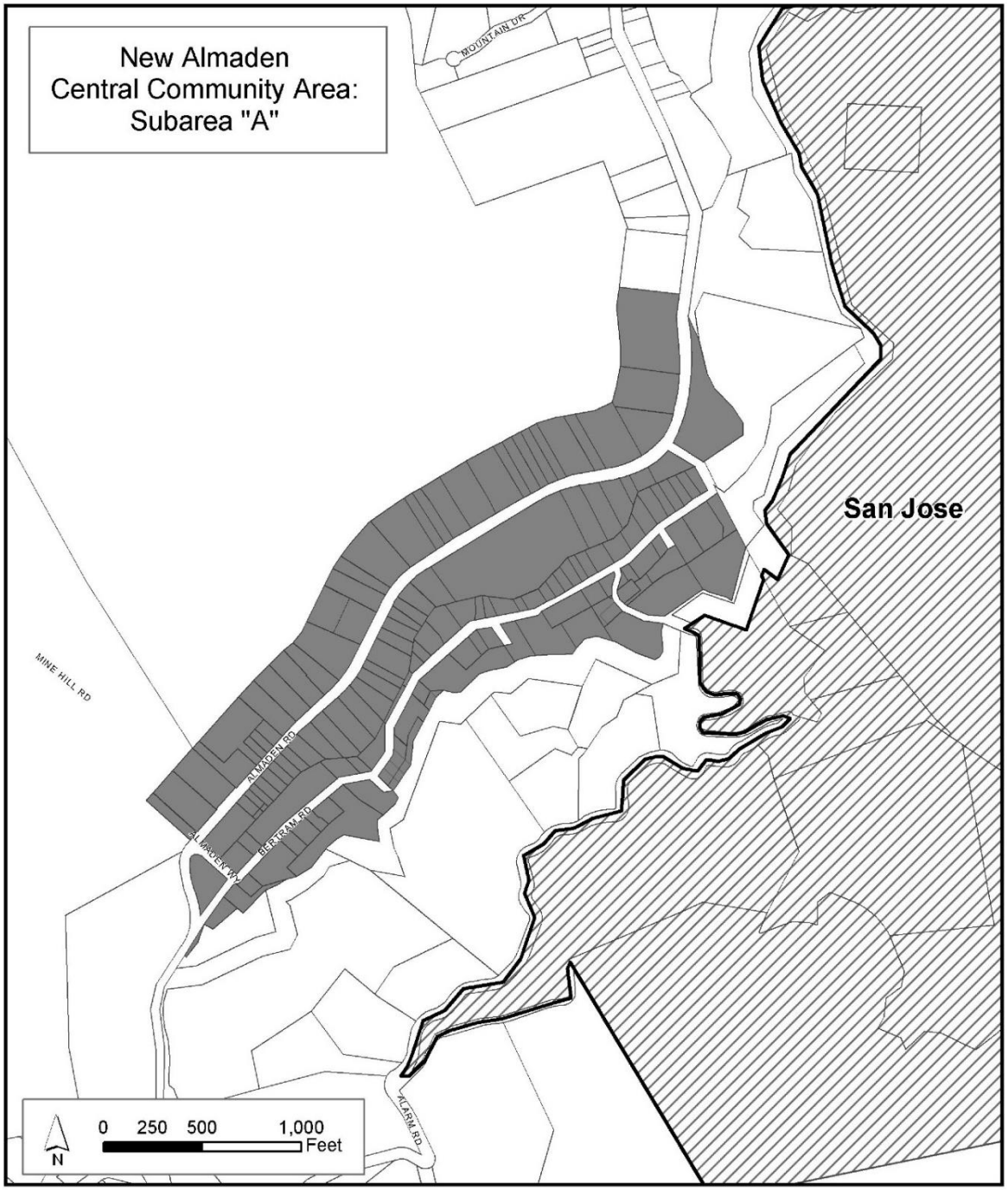

New Almaden
Central Community Area:
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Fig. 3.50-1

F. General Requirements for Construction on Properties not on Priority Lists 1 or 2.

1. **Historic compatibility requirements in the Central Community Area ("Sub-area A").** Within the designated central community area, delineated herein by the map entitled "New Almaden Historical Area—Sub-area A: Central Community Area," new structures and modifications to existing structures on properties not within Priority List 1 or 2 shall be designed to ensure that their appearance is as compatible and complementary as possible with that of individually designated historic buildings and structures on Priority Lists 1 and 2.

2. **Historic compatibility requirements for all other properties**. Elsewhere within the "-h_1" district, outside the Central Community Area, new structures and modifications to existing structures should be designed for general compatibility with the historic character of the district. General adherence to the building form and material standards required for individually designated or registered historic structures is advised and encouraged, but complete conformance is not required. Comparable contemporary building forms and materials which generally approximate or resemble historic building form and materials are acceptable.

3. **Hillside development review in the New Almaden combining district**.

   a. Hillside development within the "-h_1" historic zoning district—particularly proposed structures located on or near ridges or any hillside location of visual prominence—shall comply with the applicable provisions of the design review guidelines (or ASA guidelines) intended to ensure compatibility of development with the natural setting and to minimize visual impacts of development when viewed from the valley floor areas, scenic roads, and adjacent parklands.

   b. Where necessary and appropriate, the zoning administrator is authorized to limit building height, size, massing, color, reflectivity, and location in order to minimize the potential obtrusiveness or incompatibility of a proposed structure with its surroundings.

G. Future Road and Street Development Policy.

1. Roadway development or improvements to existing roadways, including related infrastructure, should be consistent with the intent of this ordinance to preserve the historical character of the community, while also balancing the possible need for changes to ensure public health and safety. This policy particularly applies along the section of Almaden Road where it enters the

"-h_1" district on the north (nearest San Jose) and extending to the south where it crosses Alamitos Creek.

2. For Almaden Road within the "-h_1" zoning district, it is recommended that the present road section should be adequately maintained, and any new road drainage infrastructure should be designed and constructed to be compatible with the historic character of the district.

H. **Sidewalks**. For new construction along the section of Almaden Road where there are existing sidewalks, sidewalks shall be of the same width and located similarly to the existing walk. New sidewalks shall be either red brick or concrete with red-brown pigment added to resemble the color of the native soil in the area. Existing red brick walks shall be left in place, maintained in good repair, and not paved over. Otherwise, provision of sidewalks shall not be required.

I. **Road and Street Signing and Lighting.**

1. Street name signs and lettering should be rustic in nature. Materials may be either weathered wood or materials that simulate weathered wood in appearance. Sign lettering should be similar to the period and may be painted or routed in wood, provided that signage and lettering meet current standards for legibility and visibility at night. Two-way and four-way street name signs should be mounted on wood posts in a manner that is clearly visible and legible to motorists.

2. Street lighting fixtures should be a traditional lantern type with standards that are of a dark brown, rust or black color.

J. **Signs.** Signs shall be regulated in accordance with the provisions of Chapter 4.40 of this zoning ordinance.

K. **Tree, Shrub, and Landscaping Conservation.**

1. The general conservation of existing trees and shrubs is strongly encouraged, subject to considerations of general public health and safety, particularly relating to fire safety and protection and to any tree or vegetation which poses a physical safety hazard.

2. Trees and shrubs having a main trunk or stem measuring six (6) inches in diameter or greater (eighteen and eight tenths (18.8) inches in circumference), at a height of four and one-half (4.5) feet above ground, are protected trees, subject to the relevant provisions of the County's "Tree Preservation and Removal Ordinance," Division C16 of the County Ordinance Code. Except as otherwise provided in Division C16, Tree Preservation and Removal, an administrative permit or encroachment permit shall be required for the

removal of any tree of such dimensions or greater within the "-h_1" New Almaden Historic Preservation zoning district.

3. For development proposals subject to design review or other discretionary land use or development approval, the following provisions shall apply:

   a. Approval of a development application may be conditioned by the zoning administrator to retain the maximum number of trees and shrubs possible while still enabling the appropriate establishment of the allowed use and necessary site improvements.

   b. Special emphasis shall be given to preservation of mature native trees and shrubs and to those which provide mitigation for potential adverse visual impacts of development.

   c. Applications for design review or other discretionary land use approval on lots of one acre or less shall include plans showing all existing trees six (6) inches in diameter at a height of four and one-half (4.5) feet above ground, with a keyed listing of the species and diameter of such trees. Photographs of the trees and shrubs on the site shall be provided. For lots greater than one acre, plans shall indicate trees of these same dimensions and shrubs or hedges which are located in the proposed development area or which may be potentially affected by the development proposal, as well as any heritage trees located anywhere on the subject parcel.

   d. No healthy trees six (6) inches in diameter or greater measured four and one-half (4.5) feet above ground or significant hedges or shrubs shall be removed until after the effective date of a discretionary permit approval and then only as authorized by approved plans. All reasonable care shall be taken in grading, trenching, site preparation, and other construction operations to protect those trees, hedges, and shrubs required or identified to be retained.

   e. Trees and shrubs selected for new plantings and landscaping treatments should be native species typical of the hills and riparian areas specific to this district. Examples include the California sycamore, California oaks (primarily black oak, blue oak, coast live oak, and valley oak), California bay, and toyon. Non-native tree and shrub species, if used, should be typical of those used during the period of historical significance of the district. Some of the decorative species introduced during this period (1825 to 1875) include Moss roses and heritage variety roses, Italian cypress, lilacs and buddleia (shrubs and trees of the logania family commonly grown for their blossoms). All landscaping should blend with the general appearance of the riparian areas and surrounding hills as much as possible.

L. **Weed and Rubbish Abatement.** The County Fire Marshal classifies the New Almaden Historical Area as a high fire hazard zone. As a part of the "-h_1" district standards, County Fire Code provisions concerning hazardous vegetation removal shall be complied with in all respects.

§ 3.50.100 "-h_2" District (D'Artenay Ranch)

A. **Purpose.** The "-h_2" historic preservation zoning district contains remnants of what was once a concentrated Portuguese ranching settlement in the eastern foothills of Santa Clara County. The site contains several original wood-framed buildings, which include a small barn, milking shed, and small farmhouse, exemplary of the small family farms of the area dating from the late 1800s to the early 1900s. The purpose of the "-h_2" zoning district is to preserve this example of a Portuguese homestead for its importance to the cultural heritage of the county.

B. **Use Regulations.**

1. Permitted uses allowed by matter of right in the "-h_2" district are limited to the individual existing structures of the property listed below:
    a. Residence–Single-Family, and garage.
    b. Wood frame barn.
    c. Wood frame board and batten structure (original family dwelling).
    d. Orchard.
2. Educational use. The use of the property for educational purposes should be encouraged.

C. **Preservation of Structures and Special Development Standards.**

1. The historic heritage and ethnic cultural land use of the property is of importance to the residents, the county, the state, and the nation; therefore, the visual character of the exteriors of the existing structures should be maintained.
2. Plans for remodeling, new construction, or additions shall incorporate existing exterior materials and architectural styles.
3. Paint colors shall be compatible with the original colors of the paints used on the existing historic structures.
4. Fencing and other physical features pertaining to or proposed for the district shall be compatible to those used during the period of 1890-1920.

5. Nothing in the standards, design criteria, and policies shall be construed to prevent the construction of public improvements in the district, including but not limited to those required by existing deferred improvement agreements.

D. **Landscaping Conservation.**

1. Existing trees, shrubs, and plantings should be maintained in good condition.

2. Trees that have died or been removed shall be replaced with the same or similar variety in sizes feasible and available in commercial nursery container stock.

CHAPTER 3.60 -bw BAY WETLANDS COMBINING DISTRICT

Sections

§ 3.60.010 Purpose
§ 3.60.020 Applicability
§ 3.60.030 Uses Permitted Subject to Use Permit
§ 3.60.040 General Finding

§ 3.60.010 Purpose

The purpose of the "-bw" Bay Wetlands combining district is to preserve the wetlands of San Francisco Bay that lie within the jurisdiction of Santa Clara County, while providing for appropriate recreational, educational, resource extraction, and open space uses. This chapter implements the Baylands general plan land use designation.

§ 3.60.020 Applicability

The uses permitted by this chapter shall supersede those permitted by the base district, such that only those uses specifically designated within this chapter shall be permitted on land to which the "-bw" designation applies.

§ 3.60.030 Uses Permitted Subject to Use Permit

A. **Salt Extraction**, and extraction of other minerals or chemicals from seawater.

B. **Educational Facilities**, directly related to and necessarily located within the natural resources of the area.

C. **Boat Marinas**, and boat maintenance facilities.

D. **Water-Related Recreational Clubs**, and other commercial recreation exceeding the scope of activities referred to in subsection 3.60.030(B).

E. **Hatcheries**, fish farming, cultivation and harvesting of crustacea and similar forms of aquaculture.

§ 3.60.040 General Finding

Uses necessitating the construction of dikes, groins, causeways or other bay fill shall be prohibited except where it can be demonstrated that it is desirable from an ecological standpoint to improve the baylands' natural environment.

CHAPTER 3.70 -mh MONTEREY HIGHWAY USE PERMIT AREA COMBINING DISTRICT

Sections

§ 3.70.010 Purpose
§ 3.70.020 Applicability

§ 3.70.010 Purpose

The Monterey Highway Use Permit Area consists of specifically designated properties with access to and frontage on Monterey Road from Metcalf Road south to the county boundary, excluding the urban service areas of the cities of San Jose, Morgan Hill, and Gilroy, and also excluding lands within the San Martin Commercial and Industrial Use Permit Areas. A zoning map designation of "-mh" is combined with the base zoning district for the properties to which this district applies.

While the predominant land uses in the rural unincorporated areas of South County are agricultural and related uses, the County recognizes that there are along Monterey Road, within the areas having land use designations of "Agriculture" and "Rural Residential," established, non-agricultural uses of a commercial nature serving the South County community. It shall be the policy of the County that such uses may continue to operate within the "A, Exclusive Agriculture" and "RR, Rural Residential" zoning districts, so that the needs of the South County may be so served, provided that such uses have been documented or established as legal uses in conformance with the provisions of this district and the special area policies of the County's land use element for the Monterey Highway Use Permit Area.

It is the purpose of this district that certain legally established land uses may continue as allowable uses, may be renewed and expanded as needed, or may be changed to another use which is less intensive than the original use, subject to the issuance of a use permit and architecture and site approval and based on the findings and criteria established for this district. Through these provisions, the owners of the subject properties shall be encouraged to maintain and improve the general conditions of their properties, provide ongoing services of benefit to the community, upgrade uses and site improvements to meet current County standards and requirements for public health, safety, and welfare, and potentially enhance the resources and visual character of the Monterey Highway corridor.

§ 3.70.020 Applicability

A. **Monterey Highway Use Permit Area Eligibility List**. The document entitled "Monterey Highway Use Permit Area Eligibility List–Final Status of Uses, January 3, 1986" shall serve as the basis for the applicability of these provisions to specified uses and properties within the overall boundaries of this district. A copy of this document is maintained within the records of the planning office, File # 1971-00-00-84GP.

B. **Specifically Eligible Parcels–Original Legal Uses.** Legally established uses in existence as of January 1, 1985 as documented within the "Eligibility List" and specified in Table 3.70-1 below may be renewed, expanded, or changed to another use of a similar or more restrictive nature through the issuance of a use permit and architecture and site approval (ASA), if all of the following additional findings are made by the approving authority:

1. The use is essential or desirable to the public convenience or welfare of the South County community.
2. The use will not cause a significant adverse impact upon the environment.
3. The use will not be detrimental to public health, safety and the general welfare.
4. The use is compatible with the surrounding area.
5. The use will be upgraded to and can meet the current requirements and standards of all applicable regulating agencies and ordinances.
6. The use will improve such conditions as traffic safety, water quality and drainage, working conditions for on-site workers, and the visual quality of the environment.

Table 3.70-1

LEGAL USES
as of January 1, 1985

Number	APN	ORIGINAL LEGAL USES per January 3, 1986 eligibility list
3	725-14-022	Coyote Stage Stop
4	725-14-021	U.S. Post Office
16	725-02-035	RVS RV Sales/Service/Parts
17	725-02-034	Warehouse (Part of RVS above)
29	779-05-039	Lico Warehouse Co.
30	779-15-006	Moreno Driving Range

Table 3.70-1

LEGAL USES
as of January 1, 1985

Number	APN	**ORIGINAL LEGAL USES** per January 3, 1986 eligibility list
37	783-19-008	DeCarlos Feather Haven
41	790-06-036 and -037	Gilroy Veterinarian Hospital
43	808-22-013	Northrup King/Zoecon (seed/research)
50-51	841-32-002 and -003	Farmer's Outlet Fruitstand (Merry Cherry Fruitstand merged with this use to become Garlic World)
54	841-32-010	Rapazzini Wine Tasting
55	841-32-014	San Martin Wine Tasting

C. **Additional Eligible Parcels Granted Legal Status through Use Permit.** In addition to those uses specified in Table 3.70-1, those listed in Table 3.70-2 shall also be eligible to be renewed, expand, or changed to another use of a similar or more restrictive nature through the issuance of a use permit and architecture and site approval (ASA), subject to the additional findings of subection 3.70.020(B). These uses include those for which a use permit application was made in accordance with the December 31, 1985 application filing deadline of the original provisions of the Monterey Highway Use Permit Area, and for which a use permit was subsequently approved. The file number pertaining to each such approval is indicated in the table below.

Table 3.70-2

USES WITH APPROVED USE PERMIT
pursuant to 1985 filing allowance

Number	APN	**ORIGINAL LEGAL USES** per January 3, 1986 eligibility list	**File Number**
7	708-24-007	Joe's Grocery/ Bait and Tackle/ Gas	2706
12	725-10-014	15 Mile Truck Stop Restaurant/Truck Terminal	2710
13	725-07-011	Coyote Berry Acres	2708
14	725-05-005	B&V Trailer and Barn Sales	2709
18	725-02-033	Farm Valley Produce	2552
20	725-02-031	Alice's Café	2647
21	725-02-003	Camper Shells	2288

Table 3.70-2

USES WITH APPROVED USE PERMIT
pursuant to 1985 filing allowance

Number	APN	ORIGINAL LEGAL USES per January 3, 1986 eligibility list	File Number
23	817-06-004	Branon Realty	2713
26	779-04-061	Silver Saddle Lounge	2714
38-39	790-06-041	L & A Engineering (Metal Fabrication Structure and Tank Storage)	2738

D. **Off-Site Advertising Signs.** The provisions of this zoning district do not apply to off-site advertising signs.

E. **Auto Sales and Storage**. By amendment to the general plan in December 15, 1987, File #3210-87GP, auto storage and sales uses located on abandoned auto-related land use sites fronting Monterey Road between Kirby and Madrone Avenues (APN 725-02-033, 10950 Monterey Road) may be approved through the issuance of a use permit and architecture and site approval (ASA) if it is found that the use conforms with the additional findings set forth in subsection 3.70.020(B), and it does not include auto dismantling.

CHAPTER 3.80 -ps PUBLIC SERVICES AND SUPPORTIVE HOUSING COMBINING DISTRICT

Sections

§ 3.80.010 Purpose
§ 3.80.020 Applicability
§ 3.80.030 Emergency Shelters
§ 3.80.040 Transitional and Supportive Housing
§ 3.80.050 Agricultural Employee Housing: Large-Scale

§ 3.80.010 Purpose

The purpose of the "-ps" Public Services and Supportive Housing combining district is to accommodate, in appropriate locations, emergency shelters, transitional housing, supportive housing and agricultural employee housing. This district applies to government owned lands and implements housing policies provided in the General Plan Housing Element for special needs housing.

§ 3.80.020 Applicability

The regulations in this chapter shall apply to lands to which the "-ps" combining district applies. The uses permitted by this chapter shall be allowed in addition to those permitted by the base district.

§ 3.80.030 Emergency Shelters

Small-scale emergency shelters, and large-scale emergency shelters having a client capacity of 15 through 140 individuals, meeting all criteria of Section 4.10.115, shall be allowed by right. Shelters with larger capacity, or shelters otherwise not meeting the criteria of Section 4.10.115, may be allowed with a use permit.

§ 3.80.040 Transitional and Supportive Housing

Transitional and supportive housing facilities meeting all criteria of Section 4.10.090, *Community Care*, and the following additional criteria, shall be allowed by right.

A. **Capacity:** Total capacity shall not exceed 140 clients.

B. **Emergency Shelter Component:** For facilities with a total capacity of 40 or more clients, at least 20 client beds shall be dedicated for emergency shelter use.

C. **State Licensing:** Facilities must comply with applicable licensing requirements of the California Department of Social Services, or any other state agency.

Facilities with larger capacity, or facilities otherwise not meeting the criteria of this section, may be allowed with a use permit.

§ 3.80.050 Agricultural Employee Housing: Large-Scale Permanent

Large-scale agricultural employee housing facilities meeting all criteria of Section 4.10.040, and the following additional criteria, shall be allowed by right.

A. **Capacity:** Total capacity shall not exceed 140 occupants.

B. **Emergency Shelter Component:** For facilities with a total capacity of 40 or more occupants, at least 20 beds shall be made available for emergency shelter use during seasonal periods where the absence of agricultural employees results in vacancies of agricultural employee beds.

Facilities with larger capacity, or facilities otherwise not meeting the criteria of this section, may be allowed with a use permit.

CHAPTER 3.90 -sm SAN MARTIN USE PERMIT AREAS COMBINING DISTRICT

Sections

§ 3.90.010 Purpose
§ 3.90.020 Applicability
§ 3.90.030 Commercial Use Permit Area
§ 3.90.040 Industrial Use Permit Area
§ 3.90.050 San Martin Integrated Design Plan

§ 3.90.010 Purpose

The purpose of the –sm San Martin Use Permit Areas combining district is to allow for non-residential uses and development within the defined boundaries of the San Martin Commercial Use Permit Area and the San Martin Industrial Use Permit Area, consistent with the applicable policies of the Land Use Chapter of the General Plan for the San Martin Planning Area.

Within the San Martin Commercial Use Permit Area as established and defined by the General Plan and as depicted herein, the –sm combining zone permits commercial uses that are not otherwise allowed by the provisions of the applicable base zoning district, in order to achieve the purposes of the General Plan.

Within the San Martin Industrial Use Permit Area as established and defined by the General Plan and as depicted herein, the –sm combining zone permits light industrial uses that are not otherwise permitted by the applicable base zoning district, in order to achieve the purposes of the General Plan.

§ 3.90.020 Applicability

The area-specific provisions established in this chapter shall apply as indicated by the designator "-sm" added to the base zoning designation and shall supersede any conflicting use regulations of the applicable base zoning district.

§ 3.90.030 Commercial Use Permit Area

The provisions of this section shall apply to lands within the San Martin Commercial Use Permit Area as established and defined in the Land Use Chapter of the General Plan and as shown herein on Figure 3.90-1.

A. **Allowable Uses and Permitting Requirements**. Within the San Martin Commercial Use Permit Area, new or significantly expanded commercial uses not

otherwise provided for in the applicable base zoning district may be allowed, subject to obtaining a use permit and architecture and site approval. Commercial uses mean any non-residential use defined in Section 2.10.040 having the parenthetical classification of Commercial that is not already a permissible use in the base zoning district, except that Billboards, Entertainment – Seasonal Outdoor, Hotels & Motels, and Laundries-Industrial, as defined in Section 2.10.040, are prohibited.

B. **Use Intensity**. Newly proposed or expanded commercial uses within the Commercial Use Permit area shall be evaluated through the use permit and architecture and site approval processes for their appropriate size, scale and intensity to qualify as a local-serving use, pursuant to the provisions of General Plan Policy R-LU 127 and Section 2.20.090, except for properties in the Commercial Use Permit Area east of Murphy Avenue and adjacent to the San Martin Avenue/Highway 101 freeway interchange, on which uses shall not be limited to those defined as local-serving in terms of size, scale and intensity.

C. **Other Criteria**. Newly proposed or expanded commercial uses within the Commercial Use Permit area shall comply with all applicable General Plan policies, including but not limited to policies R-LU 124 through R-LU 131.

§ 3.90.040 Industrial Use Permit Area

The provisions of this section shall apply to lands within the San Martin Industrial Use Permit Area as established and defined in the Land Use Chapter of the General Plan and as shown herein on Figure 3.90-2.

A. **Allowable Uses and Permitting Requirements**. Within the San Martin Industrial Use Permit Area, new or significantly expanded light industrial uses not otherwise provided for in the applicable base zoning district may be allowed, subject to obtaining a use permit and architecture and site approval. Industrial uses mean any non-residential use defined in Section 2.10.040 having the parenthetical classification of Industrial that is not already a permissible use in the base zoning district, except that Butcheries, Laundries-Industrial, Manufacturing/Industry-Intensive, Petroleum Products Distribution, and Recycling Facilities, as defined in Section 2.10.040, shall be prohibited.

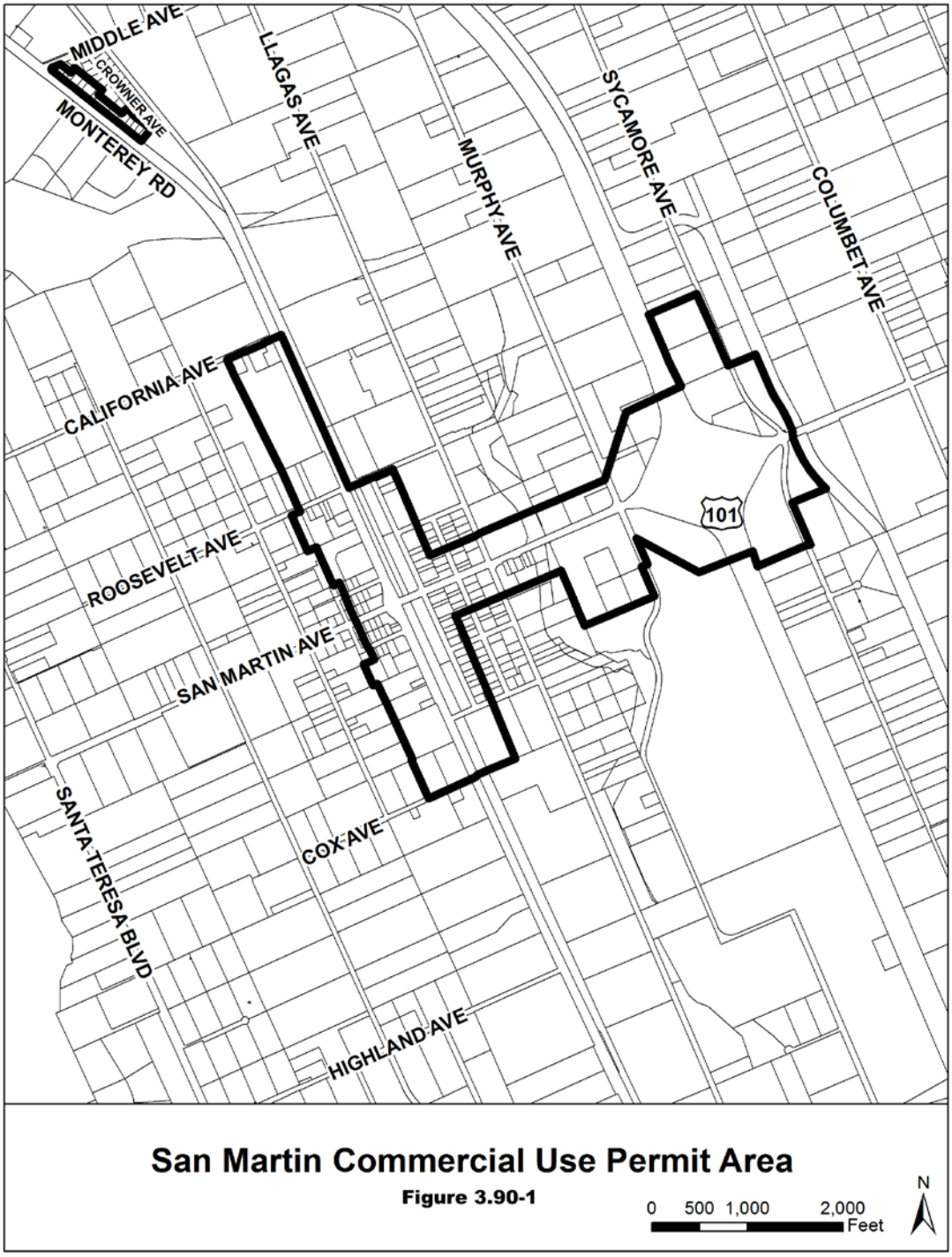
B. **Use Intensity**. Newly proposed or expanded light industrial uses within the Industrial Use Permit area shall be evaluated through the use permit and architecture and site approval processes for potential impacts to adjacent properties and the community. Where necessary, additional setbacks and buffer areas may be required to minimize potential impacts from industrial uses and provide sufficient

separation between any use of land or buildings associated with the industrial use and any adjoining parcel.

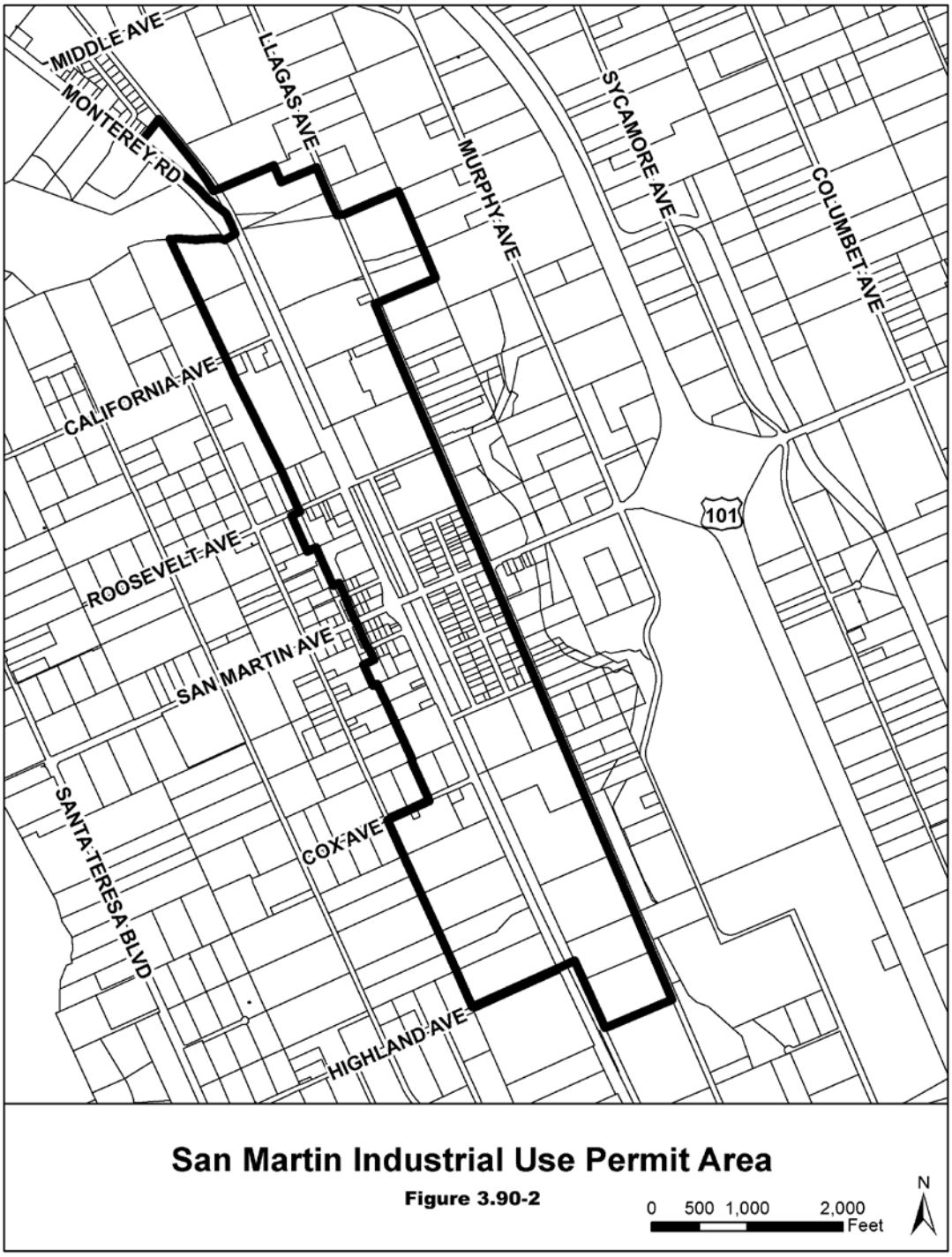
C. **Other Criteria**. Newly proposed or expanded industrial uses within the Commercial Use Permit area shall also comply with all applicable General Plan policies, including but not limited to policies R-LU 120 through R-LU 123.

§ 3.90.050 San Martin Integrated Design Plan.

All new uses established pursuant to the provisions of the –sm combining zoning district shall conform to the requirements of the San Martin Integrated Design Plan and Guidelines.



Rev: January 2018



Rev: January 2018

CHAPTER 3.95 -cv COYOTE VALLEY CLIMATE RESILIENCE COMBINING DISTRICT

Sections

§ 3.95.010 Purpose
§ 3.95.020 Applicability
§ 3.95.030 Development Standards
§ 3.95.040 Onsite Agriculture
§ 3.95.050 New Residences Ancillary to Onsite Agriculture

§ 3.95.010 Purpose

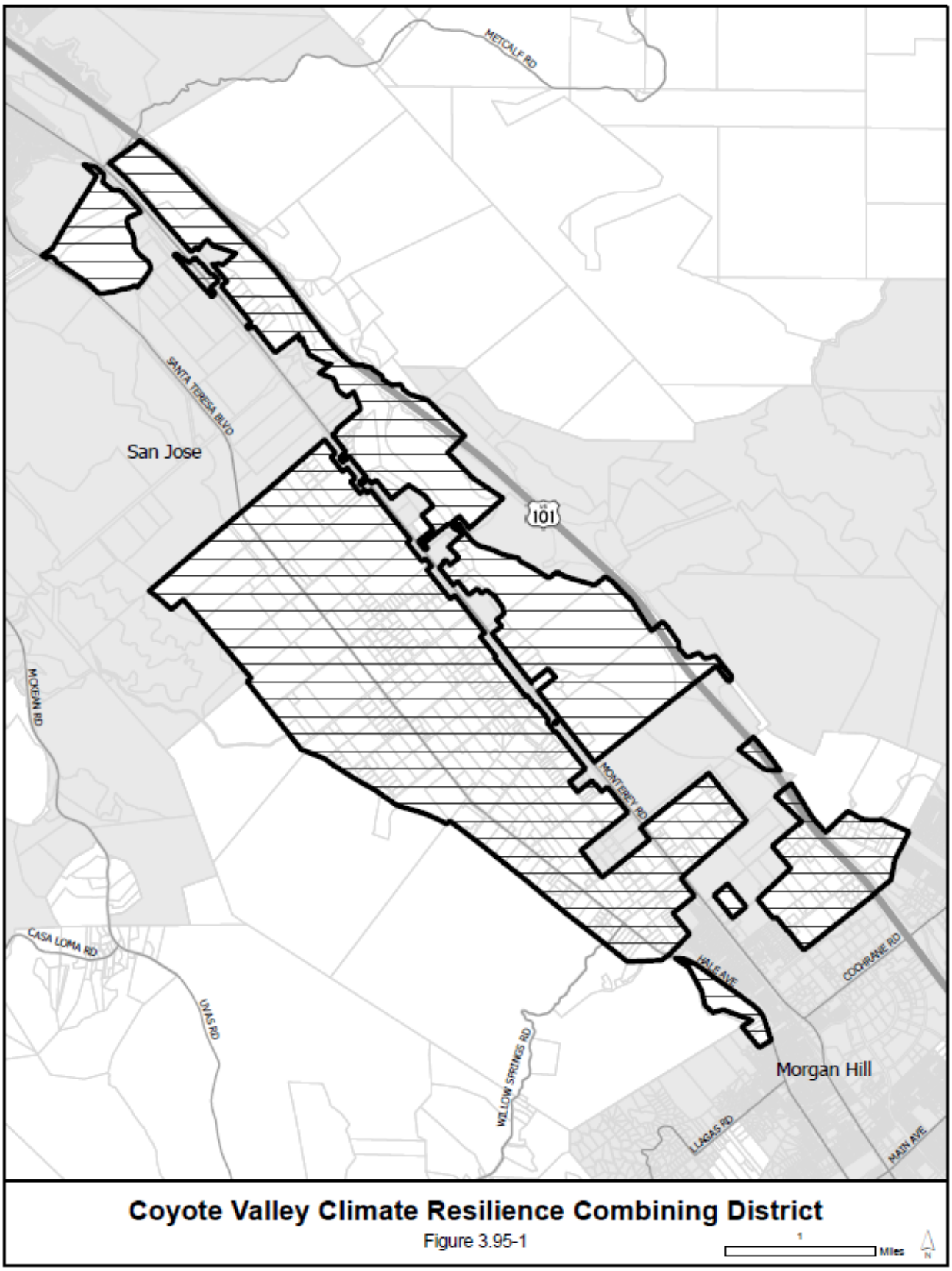
In accordance with California Public Resources Code section 35186(b), Coyote Valley, the area between the cities of San Jose and Morgan Hill, is an area of statewide significance. As acknowledged by the State Legislature, Coyote Valley is a unique landscape providing agricultural, wildlife, recreational, climate, and other natural infrastructure benefits.

The purpose of the "-cv" Coyote Valley Climate Resilience combining district is to protect this agricultural greenbelt area as a means of increasing regional climate resilience. The predominantly agricultural lands of Coyote Valley are unique in their combination of natural characteristics, which are well-suited to providing ecological and public benefits, including flood attenuation as a result of sustaining wetland health, maintaining water supply as a result of protecting groundwater recharge potential, and carbon sequestration made available from natural and working lands.

The "-cv" combining district is intended to minimize the impacts of new development through supplemental development standards and use requirements, in order to preserve Coyote Valley as a greenbelt area intended for long-term agricultural uses and climate resilience.

§ 3.95.020 Applicability

The area-specific provisions established in this chapter shall apply to the properties depicted on Figure 3.95-1, which shall have the designator "-cv" added to the base zoning designation and shall supersede any conflicting use regulations of the applicable base zoning district.



Rev: March 2022

§ 3.95.030 Development Standards

Table 3.95-1 establishes property development standards for all new development within the Coyote Valley combining district. These standards are applied as maximums per legal lot.

Table 3.95-1
PROPERTY DEVELOPMENT STANDARDS

Lot Coverage (max)	7,500 sq. ft.
Development Area (max)	1 acre
Development Area with Onsite Agriculture (max)	2 acres

The development of agricultural uses are exempt from the above lot coverage standard, meaning they do not count toward the lot coverage maximum per parcel provided that such development is ancillary to onsite agriculture, as specified in § 3.95.040. Agricultural uses mean agricultural employee housing or any non-residential use defined in § 2.10.040 having the parenthetical classification of "agricultural" following the title of each primary use type. Uses classified as *Agriculturally Related Entertainment & Commercial Uses* are not exempt from the lot coverage standard. Parcels with onsite agriculture have a maximum development area of two acres instead of one acre.

Accessory dwelling units, as defined in § 2.10.030 and pursuant to § 4.10.015, are exempt from both lot coverage and development area standards.

§ 3.95.040 Onsite Agriculture

For the purposes of this chapter, onsite agriculture means that the property shall be actively used for agriculture, as defined in § 2.10.040, in at least three years out of every five-year period and consist of either: (a) no less than six acres under cultivation, (b) no less than sixty percent of the parcel under cultivation, or (c) no less than twenty-four acres dedicated to raising livestock. Onsite agriculture is not required to be commercial in nature.

§ 3.95.050 New Residences Ancillary to Onsite Agriculture

On parcels over five acres, development of a new single-family residence shall be permitted only as ancillary to onsite agriculture, as defined in § 3.95.040. An alteration to an existing legally established single-family residence requires onsite agriculture only if the alteration is classified as a rebuild, pursuant to Section C1-22 of the Ordinance Code. Development of a new accessory dwelling unit, as defined in § 2.10.030 and pursuant to § 4.10.015, does not require onsite agriculture.

A notice shall be recorded pursuant to § 5.20.125 stating that such residence shall be used only ancillary to onsite agriculture as defined in this section. A property owner shall also provide written disclosure of all such conditions and requirements before any sale, lease, or financing of the property.

CHAPTER 4.10 SUPPLEMENTAL USE REGULATIONS

Sections:

§ 4.10.010 Purpose
§ 4.10.015 Accessory Dwelling Units
§ 4.10.020 Adult Uses
§ 4.10.025 Agriculture–Urban
§ 4.10.030 Agricultural Processing
§ 4.10.040 Agricultural Employee Housing
§ 4.10.050 Agriculturally Related Entertainment & Commercial Uses
§ 4.10.060 Bed & Breakfast Inns
§ 4.10.070 Camps & Retreats
§ 4.10.080 Cemeteries
§ 4.10.090 Community Care
§ 4.10.110 Dairies
§ 4.10.115 Emergency Shelters
§ 4.10.120 Entertainment–Seasonal Outdoor
§ 4.10.130 Feed Lots
§ 4.10.140 Golf Courses & County Clubs
§ 4.10.150 Golf Driving Ranges
§ 4.10.160 Helipads
§ 4.10.170 Historic Structure–Use Conversion
§ 4.10.180 Home Occupations
§ 4.10.190 Hospitals & Clinics
§ 4.10.200 Kennels–Commercial
§ 4.10.210 Livestock Auction Yards
§ 4.10.220 Mushroom Farms
§ 4.10.230 Nonprofit Institutions
§ 4.10.240 Poultry & Egg Farms–Commercial
§ 4.10.250 Radio-Controlled Model Aircraft Facilities
§ 4.10.260 Reception Facilities
§ 4.10.270 Recreational Playgrounds & Sports Fields
§ 4.10.280 Recreational Vehicle Parks
§ 4.10.285 Recycling Facilities: Collection Facilities, Consumer Recycling
§ 4.10.290 Religious Institutions
§ 4.10.300 Residential–Communal Institutional
§ 4.10.310 Retail Sales & Services: Local-Serving
§ 4.10.320 Rodeos & Equestrian Event Facilities
§ 4.10.330 Schools
§ 4.10.345 Solar Energy Conversion Systems–Commercial
§ 4.10.350 Sport Shooting
§ 4.10.360 Stables–Commercial
§ 4.10.370 Surface Mining
§ 4.10.380 Temporary Residences during House Construction
§ 4.10.390 Wind Energy Conversion Systems–Commercial
§ 4.10.395 Wineries
§ 4.10.400 Wireless Telecommunication Facilities

§ 4.10.010 Purpose

The purpose of this chapter, Supplemental Use Regulations, is to provide specific supplemental requirements for certain uses whose nature and potential impacts require additional and more specialized findings, over and above the standard use permit or special permit findings. Unless otherwise specifically indicated, these use-specific standards and findings shall apply to the specified uses in all districts in which the uses are allowed, per the provisions of Article 2. The use-specific regulations in this chapter are in addition to any other requirements, findings, and criteria otherwise required by the zoning ordinance. The approving authority must find that all of the findings, standards and criteria have been met before approving the use.

§ 4.10.015 Accessory Dwelling Units

This section refers to uses classified as *Accesssory Dwelling Units, which includes Standard ADUs, Movable Tiny Homes, and Junior ADUs,* as set forth in § 2.10.030. Such uses are subject to all of the following provisions:

A. **Intent.** The intent of this section is to provide a valuable and relatively affordable form of housing for family members, the elderly, students, in-home health care providers, individuals with disabilities, and others, within existing neighborhoods and on existing legal lots. It is intended to regulate such housing units to ensure that they are relatively unobtrusive on the site, do not significantly impact adjacent properties, and do not diminish neighborhood character. 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 law, including, but not limited to Government Code Sections 65852.2 and 65852.22, as those laws may be amended from time to time. 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.

B. **General Provisions.** All accessory dwelling units, including standard ADUs, Junior ADUs, and movable tiny homes, are required to comply with all of the following provisions. For the purposes of this section, one movable tiny home per lot is allowed in lieu of one standard ADU:

1. Only one accessory dwelling unit and one junior accessory dwelling unit are allowed per legal lot, with the exception of ADUs within existing multifamily dwelling units pursuant to subsections 4.10.015(C) and 4.10.015(D).

2. Ministerial building permit applications to establish an accessory dwelling unit or junior accessory dwelling unit shall be reviewed by all applicable County departments and other public agencies for conformance with applicable standards and requirements and either approved or disapproved within 60 days after the County receives a complete application.

3. No standard ADU or junior ADU may be sold separately from the primary residence or the real property upon which the primary residence is located. This provision does not apply to property built or developed by a qualified nonprofit corporation described in Government Code Section 65852.26.

4. No building site approval pursuant to Ordinance Code Section C12-300 et seq. shall be required for accessory dwelling units. However, building site approval is required for the existing or proposed primary residence on the lot and shall be obtained before a building permit application for the accessory dwelling unit is submitted. Except where expressly exempt or otherwise provided in this Section 4.10.015, accessory dwelling units are subject to all other applicable requirements of the Ordinance Code, including but not limited to requirements applicable to on-site wastewater treatment systems or sewer connections, water supply, setbacks, and height limitations.

5. Accessory dwelling units shall not be rented for terms shorter than 30-days.

C. **Attached Accessory Dwelling Units**. An attached accessory dwelling unit is a standard accessory dwelling unit that shares a roof, a foundation, and a common wall of at least eight (8) horizontal feet with the primary residence. It also includes a dwelling unit located entirely within the living area of the primary residence. Attached accessory dwelling units are subject to all of the following provisions:

1. Legally established primary residences that are 1,600 square feet or less, shall be allowed to have an attached ADU of no more than 800 square feet (Government Code section 65852.2(c)(2)(C)). Primary residences that are 1,601 – 2,400 square feet shall be allowed to have an attached ADU of no more than 50% of the legally established primary residence (Government Code section 65852.2(a)(1)(D)(iv)). Legally established primary residences exceeding 2,400 square feet shall be allowed to have an attached ADU of no more than 1,200 square feet (Government Code section 65852.2(c)).

2. Shall be setback at least four (4) feet from side and rear lot lines, and shall be subject to the same front yard setback as the primary residence, with the exception of conversions as stated in subsection 4.10.015(H).

3. Shall not exceed sixteen (16) feet in height if the dwelling unit does not comply with the setback limitations for a single-family residence, prescribed by the applicable zoning district.

   If the accessory dwelling unit complies with the setback limitations for a single-family residence, the accessory dwelling unit shall be subject to the same height limitations as the single-family residence in the applicable zoning district, as measured from the lowest finished grade to the heighest point of the structure.

4. Accessory dwelling units are allowed within the areas of a legally established multifamily dwelling structure that are not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided each accessory dwelling unit complies with state building standards for dwellings. At least one accessory dwelling unit may be attached within an existing multifamily dwelling structure. However, additional accessory dwelling units may not exceed twenty-five (25) percent of the existing legally established multifamily dwelling units. This provision shall only be applied once per property.

D. **Detached Accessory Dwelling Units**. A detached accessory dwelling unit is a structure that is separated from the primary residence by no less than six (6) horizontal feet. Detached accessory dwelling units are subject to all the following provisions:

1. Shall have a maximum floor area not exceeding 1,200 square feet.

2. Shall be setback at least four (4) feet from side and rear lot lines, and shall be subject to the same front yard setback as the primary residence, with the exception of conversions as stated in Section 4.10.015(H).

3. Shall not exceed sixteen (16) feet in height if the dwelling unit does not comply with the setback limitations for a single-family residence, as prescribed by the applicable zoning district.

   If the accessory dwelling unit complies with the setback limitations for a single-family residence, the accessory dwelling unit shall be subject to the same height limitations as the single-family residence in the applicable zoning district, as measured from the lowest finished grade to the heighest point of the structure.

   Detached accessory dwelling units exceeding sixteen (16) feet in height shall incorporate a hip, gable, or other similar styled roof design.

4. An attached garage or carport of up to 400 square feet in floor area may be incorporated in the design of a detached accessory dwelling unit, provided the dwelling portion of the building does not exceed the applicable maximum floor area for the detached accessory dwelling unit (1,200 square feet).

5. Decks and porches, covered or uncovered, that are attached to a detached accessory dwelling unit are limited to a cumulative 400 square feet beyond the applicable maximum dwelling size (1,200 square feet). This limitation does not apply to any portion of an uncovered deck that is less than 30 inches above finished grade.

6. An attached junior accessory dwelling unit of up to an additional 500 square feet in floor area may be incorporated into a detached accessory dwelling unit. The cumulative square footage of both accessory dwelling units shall not exceed 1,700 square feet.

7. For properties with a multifamily dwelling, no more than two detached accessory dwelling units may be located on the same property.

E. **Movable Tiny Homes.** Movable tiny homes are subject to all of the following provisions:

1. Shall adhere to all setback, height, and floor area limitations pursuant to Section 4.10.015(D).

2. Shall be a self-contained unit that complies with all State of California requirements, is constructed in compliance with American National Standards Institute (ANSI) 119.5 standard as certified by an accredited qualified third-party inspector, and is licensed and registered with the California Department of Motor Vehicles.

3. Shall not move under its own power.

4. Shall be no larger than allowed by state law for movement on public highways.

5. Shall have at least 100 square feet of enclosed space.

6. Shall be directly connected to an approved water source, an onsite wastewater treatment system or sanitary sewer system, and electric utilities. Holding tanks that are incorporated into the original design of the structure shall not be used for the purposes of waste storage, and shall be directly connected to the approved onsite wastewater treatment system or sanitary sewer.

7. The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view.

8. All wheels and leveling or support jacks shall sit on a surface acceptable to the County Building Official or designee.

9. Mechanical equipment shall be incorporated into the original design of the structure, and shall not be located on the roof or added on to the exterior of the unit.

10. Shall have the following design elements to maintain the character of the residential neighborhood:

a. Shall not include corrugated aluminum or fiberglass siding and shall not be a shipping container or cargo container.

b. Shall use cladding and trim materials on the exterior of movable tiny homes for residential appearance and to provide adequate thermal insulation and weather resistance. Materials may include, but are not limited to, single piece composite, vinyl siding, laminates, or interlocked sheathing.

c. Windows shall be at least double pane glass and labeled for building use, and shall include exterior trim.

F. **Junior Accessory Dwelling Units.** Junior accessory dwelling units are subject to all of the following provisions:

1. Shall be contained entirely within a single-family residence or a standard accessory dwelling unit.

2. When located within a single-family residence, the junior accessory dwelling unit shall adhere to all setback and height limitations pursuant to subsections 4.10.015(C)(2) and 4.10.015(C)(3).

   When located within a standard accessory dwelling unit, the junior accessory dwelling unit shall adhere to all setback and height limitations pursuant to subsections 4.10.015(D)(2) and 4.10.015(D)(3).

3. Shall contain a full kitchen or an efficiency kitchen consisting of cooking facilities with appliances, food prepartion counters, and storage cabinets that are of reasonable size.

4. 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.

5. No parking space is required for a junior accessory dwelling unit. [See subsection 4.10.015(I)]

G. **Standard accessory dwelling units attached to accessory structures, excluding garage(s).** A standard accessory dwelling unit may be attached to an accessory structure provided that the habitable space of the standard accessory dwelling unit does not exceed a maximum size of 1,200 square feet. A standard accessory dwelling unit with a junior accessory dwelling unit that is attached to an accessory structure shall comply with subsection 4.10.015(D)(6).

1. The portion of the structure utilized as a dwelling unit shall comply with the height and setback regulations in subsection 4.10.015(D)(2).

2. There shall be no interior access connecting the dwelling unit portion of the structure to the non-dwelling portion of the structure. The common walls (including the floor and ceiling) between any dwelling unit portion and any non-dwelling portion shall comply with all fire separation requirements. Restrictions on heating, plumbing and/or electricity, the layout and partitioning of the non-habitable portion, and other design limitations may be imposed by the zoning administrator to ensure public health and safety.

H. **Conversions.** The following provisions apply to accessory dwelling units created by the conversion of an existing and legal detached accessory building constructed with a final inspection prior to January 1, 2017, or from existing floor area within a primary residence.

1. **Detached accessory building conversion.** A setback non-conforming detached garage or other accessory building, constructed with a final inspection prior to January 1, 2017, may be rebuilt or converted into an accessory dwelling unit and no additional setback shall be required. An expansion of no more than 150 square feet beyond the same physical dimension of a setback non-conforming accessory building shall be permitted, so long as the expansion does not result in a greater setback encroachment. All applicable building code and other Ordinance Code provisions shall apply.

2. **Within Existing Single Family Residence**. An accessory dwelling unit may be created within the existing space of a single family residence, including the conversion of an attached garage. The accessory dwelling unit shall have independent exterior access from the existing structure, and the side and rear setbacks shall be sufficient for fire safety. Floor area limitations for the accessory dwelling unit shall be as stated in subsections 4.10.015(C) and (F) for attached accessory dwelling units and junior accessory dwelling units, respectively.

   A setback non-conforming single family residence may be expanded by up to 150 square feet to accommodate an accessory dwelling unit, so long as the expansion does not result in a greater setback encroachment.

I. **Parking.**

1. **Number of Spaces**: One (1) off-street parking space is required for a standard accessory dwelling unit. No parking space is required for a junior accessory dwelling unit. For applicable parking exemptions, see subsection 4.10.015(I)(3).

3. **Retention of Parking Spaces**. Where an existing garage or carport is converted to an accessory dwelling unit that previously provided the required covered off-street parking for the primary residence, a replacement parking space shall not be required.

3. **Special Parking Exemptions**: Notwithstanding any other law or local regulation, no additional parking requirements shall apply to an accessory dwelling unit that meets one of the following requirements:

   a. Is within one-half mile of public transit service and a designated point of access, such as a bus stop, light rail station, or any similar facility.

   b. Is within a –h, Historic Preservation Combining Zoning District.

   c. Is part of the existing primary residence or an existing accessory structure.

   d. On-street parking permits are required but are not offered to the occupant of the accessory dwelling unit.

   e. There is a car share vehicle located within one-block of the accessory dwelling unit, which is further defined herein as a designated parking or pickup/delivery location or facility operated by a car share service.

   The applicant shall be required to provide evidence to support any of the above exemptions.

J. **Accessory Dwelling Units Subject to Other Discretionary Approvals**. Nothwithstanding any other provision of this zoning ordinance, all new accessory dwelling units, including those attached to or included in an existing structure, that are located in certain combining districts shall comply with the following standards in lieu of the requirements and review procedures normally required in those combining districts:

1. New accessory dwelling units located in a -d, -d1, -d2, or -sr combining district shall be permitted by right, subject to compliance with a light reflectivity value (LRV) requirement of 45 or less that shall apply to the façade and roof. No other requirements shall apply. For accessory dwelling units created by converting existing floor area within an existing dwelling, this provision shall not apply unless an addition to the building footprint is proposed.

2. New accessory dwelling units located in the –h1 combining district shall be permitted by right, subject to compliance with the standards of Section 4.10.015(H)(1), except for properties listed as Priority List 1 or 2 properties identified in Section 3.50.090, which shall be subject to the requirements in Section 3.50.090(D), which include design review and recommendation by the

Historic Heritage Commission to ensure the integrity of the historic resource is preserved. For accessory dwelling units created by converting existing floor area within an existing dwelling, this provision shall not apply unless there are proposed changes to exterior of the building.

3. A cumulative total of 800 square feet for all accessory dwelling units on a lot in the -n1 or -n2 combining district shall not be included in floor area calculations, pursuant to Sections 3.40.030 and 3.40.040.

§ 4.10.020 Adult Uses

This section refers to uses classified as *Adult Uses* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. No adult use shall be located within 1,000 feet of any R or A base district;

B. No adult use shall be located within 1,000 feet of any other adult use; and,

C. No adult use shall be located within 1,000 feet of any nursery school, elementary school, junior high school, high school or public playground.

§ 4.10.025 Agriculture: Urban

This section applies to uses classified as *Agriculture: Urban* in § 2.10.040. Uses classified as *Agriculture: Urban* shall be subject to all of the following:

A. **Structures.** Structures supporting urban agriculture shall conform to § 4.20.020 for accessory structures; provided, however, that portable and temporary shelter structures, including hoop-houses, greenhouses and modular units, may be placed anywhere outside of the front-yard setback required by the applicable zoning regulations for principal buildings (see tables 2.30-3 and 2.40-2).

B. **Fences.** Notwithstanding the limitations on fences in urban residential districts in § 4.20.020, a fence taller than three (3) feet, but not taller than six (6) feet in height may be erected within the front 20 feet of the lot, or within any portion of a lot where a three (3)-foot height limitation may otherwise be applicable. Such front-yard fence shall have a "substantially open" composition, where not more than 25% of the vertical surface plane is solid when viewed perpendicular to the fence. Such front-yard fence shall be removed immediately upon the cessation of the urban agriculture use.

C. **On-Site Sales.** On-site sales of agricultural products shall be allowed, subject to all of the following:

1. Only agricultural products, including value-added products, grown and produced on the site shall be sold.

2. Sales shall be limited to not more than two (2) days per week in R1, R1E, RHS, R1S, R3S, R2, and R3 districts. Not more than one (1) of the two (2) days may be a weekend day.

3. A stand or other structure may be used for product sales. In R1, R1E, RHS, R1S, R3S, R2, and R3 districts, such stand or structure shall be portable, and shall be dismantled or removed during non-operating hours.

D. **Composting, Refuse Storage**. Compost bins and refuse containers shall be located no closer than five (5) feet to any property line. Composting activity and refuse storage shall be designed and operated to discourage rodents and pest insects.

E. **Signs.** On-site signs may be installed to provide identification, information and directions relating to the urban agriculture operation. No sign shall be larger than eight (8) square feet in area, nor taller than 12 feet in height.

F. **Pesticides.** Pesticide use shall be subject to applicable federal and state regulations, and may require permits from the County Division of Agriculture.

§ 4.10.030 Agricultural Processing

This section refers to uses classified as *Agricultural Processing* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Origin of Products.** The proposed use will process, package and distribute agricultural products grown in the area (Santa Clara County and nearby counties), or distribute and sell agricultural products grown and processed in the area (this does not preclude the importation of agricultural products to maintain a consistent production schedule or stock);

B. **Conserving Farmland.** The use should be located on marginal agricultural parcels, or marginal portions of non-marginal parcels, and sited to minimize disturbance of productive agricultural soils;

C. **Non-Interference.** The uses shall be sited so as to not substantially interfere with existing agricultural operations; and

D. **Off-Site Impacts.** New uses shall be sited or mitigated (or both) to avoid significant impacts to adjacent residential uses. This does not preclude the expansion, improvement or refurbishment of existing agriculture-related uses that will encourage the retention of such use within agriculturally designated areas.

§ 4.10.040 Agricultural Employee Housing

This section refers to uses classified as *Agricultural Employee Housing* as described in § 2.10.030. Such uses shall comply with all requirements of this section.

A. **Definitions:** For purposes of this section the following words and phrases have the following meanings:

1. *Agricultural employee* means an agricultural employee, operator, or owner primarily engaged in an agricultural operation, as verified through the provisions of subsection 4.10.040(D); and

2. *Agricultural operation* means farming and ranching in all their forms and has the same definition as in § B29-2(b) of the Ordinance Code.

B. **Requirements for Seasonal Agricultural Employee Housing:**

1. All seasonal agricultural housing shall include on-site access to either individual or shared living, sleeping, eating, cooking, and sanitation facilities, including a full kitchen and bathroom;

2. All seasonal agricultural housing facilities that generate wastewater shall be directly connected to approved water and wastewater systems that comply with the Ordinance Code; and

3. All seasonal agricultural employee housing shall be occupied exclusively by agricultural employees and their family members for no more than a total of 180 days per calendar year. Compliance with these occupancy requirements shall be verified annually in accordance with subsection 4.10.040(D).

C. **Requirements for Small-Scale Permanent Agricultural Employee Housing:**

1. Individual dwelling units shall not exceed 1,200 square feet;

2. Group living quarters and supporting facilities shall not exceed 400 square feet per agricultural employee;

3. Residential setbacks and all other development standards of the zoning district shall apply;

4. All development shall occur on a legally established lot with legal access to a public road; and

5. All small-scale permanent agricultural employee housing shall be occupied exclusively by agricultural employees and their family members for at least a total of 180 days per calendar year. Compliance with these occupancy

requirements shall be verified annually as provided in this subsection 4.10.040(D).

D. **Annual Verification:** The owner of each parcel containing agricultural employee housing shall submit a completed annual verification form to the Department of Planning and Development no later than January 31 of each year. The Department shall prepare and maintain a verification form for this purpose. The completed verification form and supporting documentation shall require the property owner to meet all of the following requirements:

1. Verify and provide substantial evidence that any permanent agricultural employee housing was occupied by agricultural employees for a minimum of 180 days during the preceding calendar year;

2. Declare that any permanent agricultural employee housing will be occupied by agricultural employees for a minimum of 180 days during the current calendar year;

3. Designate the specific days (not exceeding 180) that any seasonal agricultural employee housing will be occupied during the calendar year, and verify that the units will be removed from the property outside of the designated occupancy dates;

4. Verify and provide substantial evidence, through a site plan or map, of the location of all proposed seasonal agricultural employee housing and any shared facilities such as cooking facilities, showers, and restrooms, adequate to support the proposed occupancy; and

5. Provide evidence of a permit to operate (or exemption) from the California Department of Housing and Community Development, if required by state law.

E. **Recordation of Notice:** For permanent agricultural employee housing, a notice shall be recorded pursuant to § 5.20.125 that such housing shall be used only for agricultural employee housing and the conditions and requirements applicable to such use. A property owner shall also provide written disclosure of all such conditions and requirements before any sale, lease or financing of the property.

F. **State and Federal Requirements:** Any owner or operator of agricultural employee housing shall comply with all state and federal requirements applicable to such housing, including but not limited to the following:

1. Where required by state law, a person intending to operate agricultural employee housing shall obtain and maintain a permit to operate (or exemption) from the California Department of Housing and Community

Development pursuant to the Employee Housing Act (Health & Safety Code § 17000 et seq.) and regulations promulgated thereunder (California Code of Regulations, Title 25, § 600 et seq.).

2. Where mobilehomes and movable tiny homes are used for agricultural employee housing, additional state permitting requirements may apply under the Mobilehome Parks Act (Health & Safety Code § 18200 et seq.) or the Special Occupancy Parks Act (Health & Safety Code § 18860 et seq.) and regulations promulgated thereunder.

G. **Discontinuance of Use:** If permanent agricultural employee housing ceases to be occupied by agricultural employees for more than two consecutive calendar years then such housing and ancillary facilities shall be removed from the property within six months and the property owner may be subject to administrative citations, administrative fines, or other enforcement measures until the property is brought into full compliance. In the case of an emergency or other extenuating circumstance such as drought or wildfire, which may temporarily impede ongoing agricultural operations, discontinuance of agricultural employee housing use for longer than two consecutive calendar years may be allowed subject to approval by the Planning Director.

§ 4.10.050 Agriculturally Related Entertainment & Commercial Uses

This section refers to uses classified as *Agriculturally Related Entertainment & Commercial Uses* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Conserving Farmland.** The use should be located on marginal agricultural parcels or marginal portions of non-marginal parcels, and sited to minimize use of productive agricultural soils;

B. **Non-Interference.** The use shall be sited so as to not substantially interfere with existing agricultural operations; and

C. **Positive Marketing.** The proposed use will help to further an image of Santa Clara County as a viable agricultural area and help promote Santa Clara County agricultural products.

§ 4.10.060 Bed & Breakfast Inns

This section refers to uses classified as *Bed & Breakfast Inns* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Occupancy Limitation.** No guest shall occupy the premises more than 14 days within any 30-day period.

B. **Interior Orientation.** Guest rooms shall primarily be accessed through interior entryways. Secondary exterior entryways shall be limited such that the individual guest rooms are not apparent from off the premises.

C. **Cooking Facilities.** With the exception of coffee makers and similar small beverage-warming appliances, no separate cooking facilities shall be provided within individual guest rooms.

D. **Receptions and Gatherings.** Small-scale receptions or similar gatherings may be held incidentally to the primary bed and breakfast inn use, subject to all of the following:

1. The number and duration of the gatherings and the number of participants may be limited by the Planning Commission, based on the location and characteristics of the site (e.g.: size of parcel, level of traffic, number of parking spaces, proximity to adjoining residences, number of restrooms, and location in a rural or urban setting);

2. The gatherings and all participants shall be restricted to the vicinity of the bed and breakfast inn; and

3. The gatherings shall not involve the use of amplified sound or lighting that are highly visible from off-site.

§ 4.10.070 Camps & Retreats

This section refers to uses classified as *Camps & Retreats* as described in § 2.10.040. All of the following provisions apply in A, Exclusive Agriculture zoning districts:

A. **Prohibited in Agriculture–Large Scale.** Not allowed on any land designated *Agriculture–Large Scale* by the general plan.

B. **Agriculture–Medium Scale Lands.** May be allowed on lands with a general plan designation of *Agriculture–Medium Scale*, provided that:

1. The property is deemed by the decision-maker to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses; and

2. The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population.

§ 4.10.080 Cemeteries

This section refers to uses classified as *Cemeteries* as described in § 2.10.040. All of the following provisions apply in A, Exclusive Agriculture zoning districts:

A. **Prohibited in Agriculture–Large Scale.** Not allowed on any land designated *Agriculture–Large Scale* by the general plan.

B. **Agriculture–Medium Scale Lands.** May be allowed on lands with a general plan designation of *Agriculture–Medium Scale*, provided that:

1. The property is deemed by the decision-maker to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses; and

2. The proposed uses are intended, designed and sized to primarily serve the local rural unincorporated population.

§ 4.10.090 Community Care

This section refers to uses classified as *Community Care* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Public Services.** The use is located where public emergency support, including fire, sheriff and paramedic services, will be able to respond as quickly as may be needed by the special nature of the facility.

B. **Dispersal.** The use shall not be located in an area with a concentration of similar facilities.

C. **Limitations in RR Districts.** Uses classified as *Community Care: Expanded*, shall be subject to the following criteria when proposed in any RR district:

1. Minimum lot size shall be five (5) acres.

2. The maximum floor area of buildings for residential use shall be 10,000 square feet. This limitation shall be applied cumulatively to any facility with multiple residential buildings.

3. Capacity of residential facilities shall not exceed 36 residents.

4. The use must be intended, designed, and sized to primarily serve the local rural unincorporated population.

D. **Limitations in A, AR and HS Districts.** Uses classified as *Community Care: Expanded*, shall be subject to the following criteria when proposed in any A, AR, and HS district:

1. Minimum lot size shall be 10 acres.
2. The maximum floor area of buildings for residential use shall be 10,000 square feet. This limitation shall be applied cumulatively to any facility with multiple residential buildings.
3. Capacity of residential facilities shall not exceed 36 residents.
4. The use must be intended, designed, and sized to primarily serve the local rural unincorporated population.

E. **Agriculture General Plan Designation.** In addition to the criteria of subsection D, above, uses classified as *Community Care: Expanded* are subject to the following additional limitations:

1. Such uses are not allowed on any land designated *Agriculture–Large Scale* by the general plan.
2. Such uses shall only be allowed on lands with a general plan designation of *Agriculture–Medium Scale* if the subject lot is deemed by the decision-maker to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses.

§ 4.10.100 [Reserved]

§ 4.10.110 Dairies

This section refers to uses classified as *Dairies* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Lot Size.** The minimum lot size shall be 20 acres;

B. **Proximity to Residential Uses.** The use shall not be located in the immediate vicinity of residential development. For the purposes of this provision, residential development shall be generally considered to be any substantial grouping of residentially developed lots that are each less than two and one-half (2.50) acres in area. It shall be within the discretionary authority of the Planning Commission to more precisely define "residential development" and "immediate vicinity" as those terms may apply to a particular proposal; and

C. **Environmental Impacts.** Corrals and pen areas and manure stockpiles shall be designed and situated to prevent groundwater and surface watercourse contamination, and avoid other health or nuisance problems, including vector and fly control per County Department of Environmental Health (DEH) regulations;

§ 4.10.115 Emergency Shelters

This section refers to uses classified as *Emergency Shelters* as described in § 2.10.030. Such uses shall be subject to all of the following:

A. **Supportive Services:** The emergency shelter operation shall provide services to assist clients in obtaining and maintaining permanent housing. In addition, the operation shall provide one or more of the following: comprehensive case-management services, skills training, assistance in obtaining employment or public assistance, mental health counseling, conflict resolution, child care.

B. **Duration of Stay:** Emergency shelter occupancy shall be provided to clients for no more than two (2) months. Extensions up to a total stay of six (6) months may be provided if the operator can demonstrate that no alternative housing is available.

C. **On-site Staffing:** The emergency shelter operator shall provide on-site staff (paid or volunteer) during the hours the shelter is in operation.

D. **Operating Plan:** Prior to building permit issuance, or prior to commencing facility operation (whichever would occur first), the organization operating the emergency shelter shall provide to the Planning Office a facility operation plan that details how the facility will conform to the criteria of the most recently published *Santa Clara Countywide Quality Assurance Standards for Homeless Housing & Service Programs*, prepared by the Santa Clara County Collaboration on Affordable Housing and Homeless Issues. The plan shall also detail the supportive services programs required under subsection A, above.

E. **Common Facilities:** The emergency shelter shall be designed and operated to include all of the following:

1. An interior reception/ client-intake area that is no smaller than 10 square feet per client (based on facility capacity).

2. Common resident assembly area, such as living room, dining room, lounge or recreation room, at least 200 square feet in area. This shall be in addition to the minimum area required for reception/ client intake area.

3. Outdoor area at least 600 square feet in area that is screened from off-premises view with a minimum six (6)-foot tall solid fence or wall.

4. Office space: At least one private office for emergency shelters with up to 14 clients, and one additional office for each additional increment of 14 clients (two (2) required for 15-28 clients, etc.). The offices shall be primarily used to manage the shelter operation and to provide services to clients.

5. On-site laundry facilities adequate for the number of clients.

6. Where common (dormitory-style) sleeping areas are provided, a minimum of 80 square feet of floor space shall be provided per bed.

F. **Outdoor Lighting:** The emergency shelter shall provide sufficient outdoor lighting to provide visibility at entrances and common outdoor areas. The lighting shall not be directed toward adjacent properties or public rights-of-way.

G. **Refuse Enclosures:** Outdoor refuse storage areas shall be enclosed with masonry or concrete walls not less than five (5) feet tall with gated openings as appropriate to provide access.

H. **Separation from Other Shelters:** Any new emergency shelter shall be at least 300 feet from any other emergency shelter, measured from the boundaries of the lot upon which the shelter is sited. A single shelter operation may, however, occupy land on more than one abutting lot.

I. **Area Capacity Cap:** No emergency shelter shall be established that will result in a total established shelter capacity in excess of 140 clients within each of the areas identified in Figure 4.10-1 and Figure 4.10-2. For the purposes of this section, "established shelter capacity" shall include client capacity of any authorized transitional housing and/or supportive housing facilities, in addition to client capacity of emergency shelters.

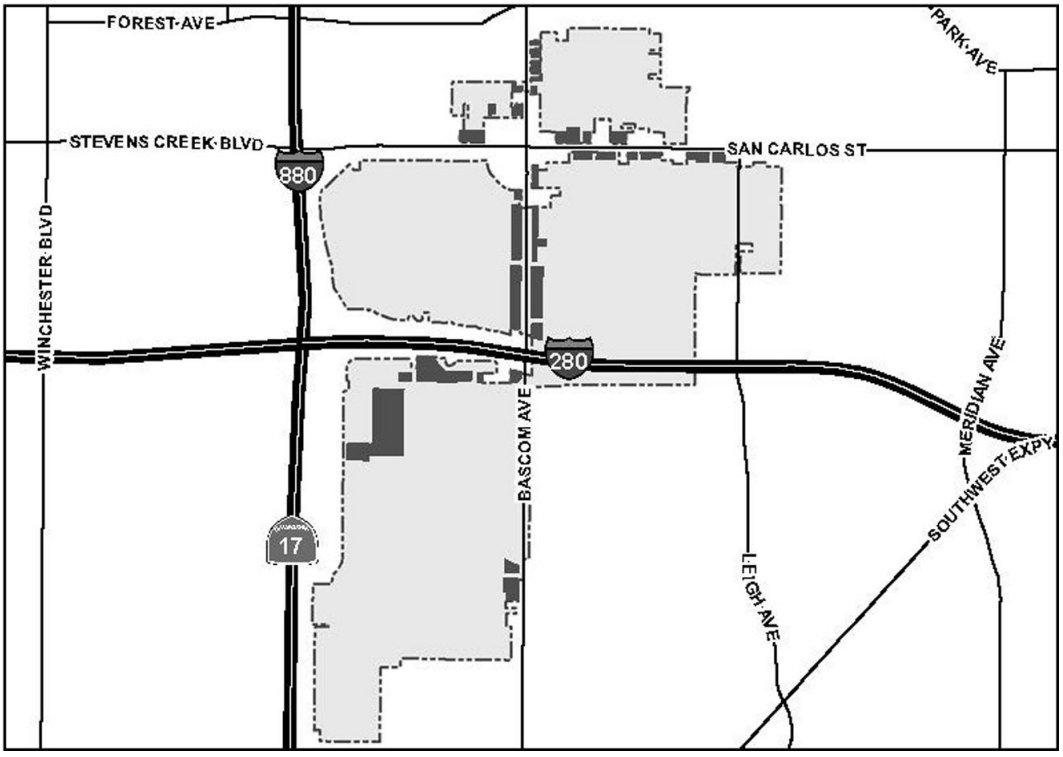


Fig. 4.10-1
Burbank Area

J.

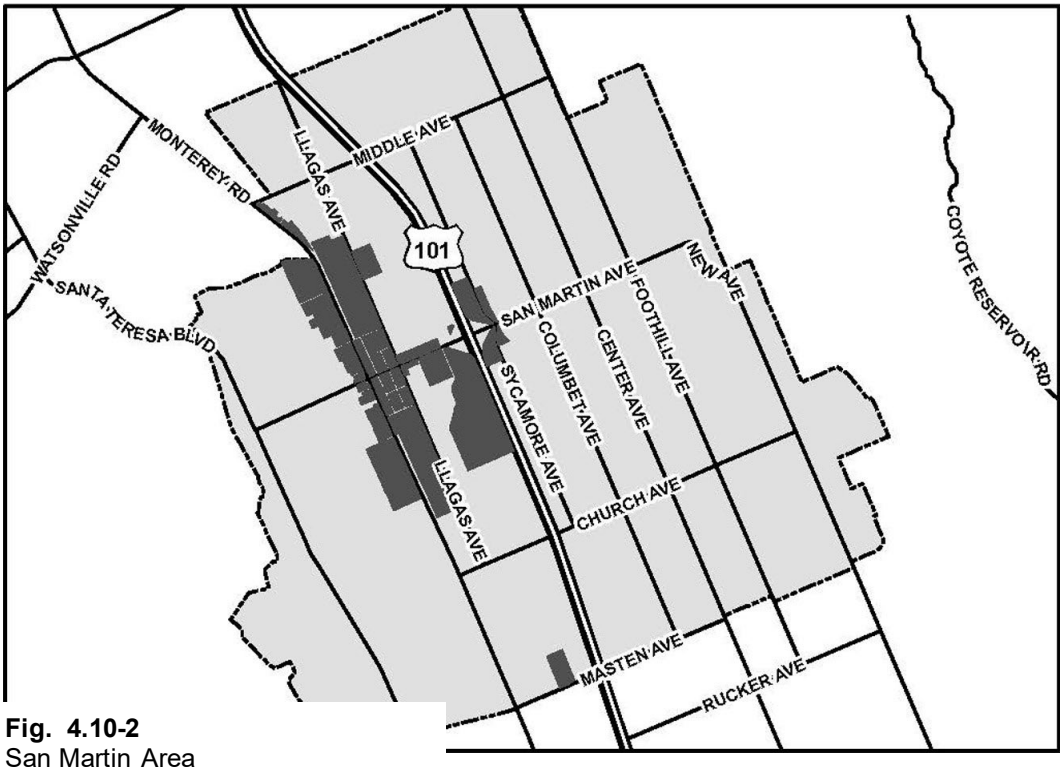


Fig. 4.10-2
San Martin Area

J. **Notification of Operation:** Within 30 days of commencement of operations, emergency shelter operators shall provide written notice to the Planning Office stating of the date of commencement of operations, address, and capacity of the shelter.

The establishment of a small-scale emergency shelter ancillary to any County-authorized religious institution or nonprofit institution shall be allowed by right. County-authorized religious institutions or nonprofit institutions that include ancillary small-scale shelters shall not be subject to criteria A, D, E, F, G, H or I.

§ 4.10.120 Entertainment–Seasonal Outdoor

This section refers to uses classified as *Entertainment–Seasonal Outdoor* as described in § 2.10.040. Such uses shall comply with all of the following provisions:

A. **Limitations.** The number and size of the indoor and outdoor events and productions shall be limited by the Planning Commission based on the location and characteristics of the site (e.g. size of parcel, types of events and productions, level of traffic, access, number of parking spaces, proximity to adjoining residences, number of restrooms).

B. **Criteria.** Such uses shall be subject to all of the following:

1. The project area shall be situated and designed such that the activities — particularly noise and lights — minimally impact adjacent properties. Setbacks, buffers and other measures shall be utilized to mitigate impacts;
2. The use shall promote, protect or preserve a registered historic cultural resource;
3. Activities shall not result in significant loss or conversion of agricultural lands or open space;
4. The proposed parking plan shall comply with County requirements so as not to detrimentally impact the adjacent neighborhood;
5. Traffic generated by the use shall not significantly impact the surrounding area;
6. The use shall have an emergency plan that includes, but is not limited to, plans for evacuation, crowd control, medical emergencies, and security;
7. Events shall not be conducted beyond 11:00 P.M.;
8. The proposed use shall not be significantly affected by flooding or result in significant changes to drainage patterns; and

9. The applicant has or will provide a plan or other evidence that the use will properly dispose of solid waste and litter, minimize the need for additional fire or police protection and not significantly increase the need for or require maintenance of other public facilities or services.

§ 4.10.130 Feed Lots

This section refers to uses classified as *Feed Lots* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Lot Size.** The minimum lot size shall be 20 acres;

B. **Proximity to Residential Uses.** The use shall not be located in the immediate vicinity of residential development. For the purposes of this provision, residential development shall be generally considered to be any substantial grouping of residentially developed lots that are each less than two and one-half (2.50) acres in area. It shall be within the discretionary authority of the Planning Commission to more precisely define "residential development" and "immediate vicinity" as those terms may apply to a particular proposal; and

C. **Waste Control.** Manure stockpiles shall be designed and situated to prevent groundwater and surface watercourse contamination, and avoid other health or nuisance problems, including vector and fly control per County Department of Environmental Health (DEH) regulations.

§ 4.10.140 Golf Courses & Country Clubs

This section refers to uses classified as *Golf Courses & Country Clubs* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Limitation in A Districts.** Uses classified as *Golf Courses & Country Clubs* are not allowed on any land designated *Agriculture–Large Scale* by the general plan. May be allowed on lands with a general plan designation of *Agriculture–Medium Scale*, subject to all of the following:

1. The subject parcel is deemed by the decision-maker to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses;

2. The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population;

3. The proposed use is contiguous to a designated urban service area or includes an irrevocable offer of development rights for all lands between the use and the urban service area;

4. The proposed use would serve as a buffer between an agricultural operation and an existing or planned urban residential neighborhood, or other urban use found to be incompatible with agriculture, already located within the urban service area of a city;

5. A permanent open space easement is provided for the site of the proposed use;

6. The use includes setbacks, buffers or other measures designed to minimize its impact on existing and potential agricultural uses in the area;

7. Under no circumstances shall housing be included as part of the use, except for a caretaker unit;

8. The use must be compatible with and not result in limitations on any agricultural operation;

9. Facilities associated with the golf course or driving range shall be limited to those which serve golfers on the course or range. For example: locker and shower facilities, pro shop with incidental sales of golfing equipment, snack bar and maintenance operations. Such facilities shall not include restaurants, other retail sales, lodging, health clubs, or similar uses; and

10. The proposed use shall substantially conform to the adopted *Environmental and Design Guidelines for Golf Courses in Santa Clara County***.**

B. **Criteria for Other Districts.** Uses classified as *Golf Courses & Country Clubs* permitted in districts other than the A, Exclusive Agriculture district, shall be subject to all of the following:

1. The proposed use shall substantially conform to the adopted *Environmental and Design Guidelines for Golf Courses in Santa Clara County*; and

2. The size, design and intensity of any related use shall be of an appropriate scale to the size of the golf course and country club development.

§ 4.10.150 Golf Driving Ranges

This section refers to uses classified as *Golf Driving Ranges* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Limitation in A Districts.** Uses classified as *Golf Driving Ranges* are not allowed on any land designated *Agriculture–Large Scale* by the general plan. May be allowed on lands with a general plan designation of *Agriculture–Medium Scale*, subject to all of the following:

1. The subject parcel is deemed by the Planning Commission to be of marginal quality for agricultural purposes because of one or more of the following

conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses;

2. The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population;

3. The proposed use is contiguous to a designated urban service area or includes an irrevocable offer of development rights for all lands between the use and the urban service area;

4. The proposed use would serve as a buffer between an agricultural operation and an existing or planned urban residential neighborhood, or other urban use found to be incompatible with agriculture, already located within the urban service area of a city;

5. A permanent open space easement is provided for the site of the proposed use;

6. The use includes setbacks, buffers or other measures designed to minimize its impact on existing and potential agricultural uses in the area;

7. Under no circumstances shall housing be included as part of the use, except for a caretaker unit;

8. The use must be compatible with and not result in limitations on any agricultural operation; and

9. Facilities associated with the golf course or driving range shall be limited to those which serve golfers on the course or range, (e.g.: locker and shower facilities, pro shop with incidental sales of golfing equipment, snack bar and maintenance operations). Such facilities shall not include restaurants, other retail sales, lodging, health clubs, or similar uses.

B. **Criteria for Other Districts.** Uses classified as *Golf Driving Ranges* permitted in districts other than the A, Exclusive Agriculture district, shall be subject to all of the following:

1. Minimum lot size shall be 10 acres; and

2. The use shall not substantially alter the natural environment or be detrimental to the residential neighborhood.

§ 4.10.160 Helipads

This section refers to uses classified as *Helipads* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Siting & Buffering.** The project area shall be situated and designed such that the helicopter minimally impacts adjacent properties. Setbacks, buffers and other measures shall be utilized to mitigate impacts;

B. **Helicopter Capacity.** The helicopter capacity shall not exceed six (6) passengers;

C. **Noise Study.** The applicant shall furnish a noise study demonstrating that the noise generated by this use shall not exceed the exterior noise limits, including those for impulsive noise, established in the County noise ordinances;

D. **Federal Regulations.** Construction of the helipad shall conform to federal aviation design advisory circulars and regulations;

E. **Hours of Operation.** Specific hours of operation shall be established by the Planning Commission;

F. **Service and Repair.** Only limited service or repair of the helicopter shall occur on the site; and

G. **Flight Limits.** A maximum number of flights per day and per week shall be established by the Planning Commission.

§ 4.10.170 Historic Structure–Use Conversion

This section refers to uses classified as *Historic Structure–Use Conversion* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Intent to Preserve.** The proposed use conversion shall restore the essential integrity of and return to viability the existing historic structure or resource and its setting.

B. **Review.** The proposed use and all related modifications shall be reviewed by the Historical Heritage Coordinator and the Historical Heritage Commission for substantial conformance with the intent of the zoning ordinance and with any appropriate and applicable standards and guidelines for historic restoration and preservation.

C. **Additions/Alterations.** The proposed use shall be contained within the existing historic structure or structures without need for additions or additional separate structures or buildings, unless the proposed additions or additional structures have been evaluated and approved by the Historical Heritage Coordinator and Historical Heritage Commission for compatibility with the existing historic structure.

§ 4.10.180 Home Occupations

This section refers to uses classified as *Home Occupations* as described in § 2.10.030. Such uses shall be subject to all of the following provisions, as they apply to each of the subcategories of use:

A. **Home Occupations: General.** Uses classified as *Home Occupations: General* shall be subject to all of the following:

1. The use shall be clearly incidental and subordinate to the residential use of the property and shall not change the character thereof;

2. The use shall be conducted within the dwelling by resident occupants, and may include one (1) nonresident employee;

3. The use shall not create additional pedestrian, automobile or truck traffic in excess of the normal amount typical for the area. Client or customer visits to the site shall normally be limited to not more than three (3) per day, and 10 per week;

4. No activity shall be allowed that creates offensive noise, dust, smoke, odor, vibrations, glare, or radio or television interference that is noticeable from beyond the property boundaries;

5. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Such materials and equipment shall be limited to quantities that do not constitute a fire, health or safety hazard;

6. Not more than one (1) truck or van, whose capacity shall not exceed one (1) ton, shall be used in any manner with the home occupation. Vehicles should not contain display advertising;

7. One (1) non-illuminated sign not exceeding one (1) square foot in area may be appropriately placed to identify the home occupation; and

8. Uses which include the following shall not be allowed as home occupations:

   a. On-site automotive repair or service (includes any mechanism containing an internal combustion engine);

   b. Commercial food preparation other than a *cottage food operation*, as defined in Section 113758 of the California Health and Safety Code;

   c. Medical or veterinary services;

   d. Massage;

   e. Painting of vehicles, trailers, boats or machinery;

   f. Pest control; or

g. Any use which violates any applicable law.

B. **Interpretation Procedures.** Any person who desires an official written determination as to whether or not a particular use constitutes a general home occupation may request an interpretation by the zoning administrator, in accordance with the following:

1. Such interpretation shall require completing a home occupation questionnaire, and submitting such questionnaire to the planning office along with a filing fee as required by the Board of Supervisors;

2. The zoning administrator shall review the submitted documentation and on that basis interpret whether or not the use fits the definition and conforms to the criteria of subsection A of this section. The zoning administrator may arrange a site inspection and may request additional information if a clear determination cannot be made from the submitted material;

3. When issuing the interpretation, the zoning administrator may establish specific conditions for the use in order to mitigate potential impacts on neighboring properties. The criteria of subsection A of this section shall be incorporated as minimum conditions of approval; and

4. Within 15 calendar days after the decision of the zoning administrator, any person dissatisfied with the decision may file an appeal to the Planning Commission. Appeals shall be filed with the planning office and shall be accompanied by a fee as prescribed by the Board of Supervisors. The decision of the Planning Commission shall be final.

C. **Home Occupations: Expanded.** Uses classified as *Home Occupations: Expanded* shall comply with the requirements of this section. The purpose of these provisions is to allow, in suitable locations, more intensive home occupation uses which: (1) allow residents greater economic self sufficiency, (2) indirectly support agriculture by enhancing the economic viability of living on agricultural property, (3) minimally impact neighboring properties, and (4) are clearly subordinate to primary residential or agricultural uses, and do not diminish agricultural viability or neighborhood character. Such uses shall be subject to all of the following:

1. The minimum lot size shall be one (1) acre, gross;

2. The use shall be clearly incidental and subordinate to the residential and (if applicable) agricultural use of the property and shall not change the character thereof;

3. The use shall be conducted within the dwelling or accessory building by resident inhabitants, and may include one (1) nonresident (up to full-time) employee;

4. Accessory buildings containing expanded home occupation uses shall be limited in area to not more than 1,200 square feet (total). A larger building may be used provided the home occupation area is structurally partitioned to not exceed 1,200 square feet;

5. Storage of equipment and materials outside of buildings shall be limited to a specified area not exceeding 600 square feet, and shall be appropriately screened to be not visible from outside the property boundaries. Equipment and materials shall be limited to quantities that do not constitute a fire, health or safety hazard;

6. The use shall not create additional pedestrian, automobile or truck traffic in excess of normal amount typical for the area. Client or customer visits to the site shall normally be limited to not more than three (3) per day, and 10 per week;

7. No activity shall be allowed that creates offensive noise, dust, smoke, odor, vibrations, glare, or radio or television interference that is noticeable from beyond the property boundaries;

8. Not more than two (2) trucks or vans, whose capacity shall not exceed one (1) ton per vehicle, shall be used in any manner with the home occupation use. Vehicles should not contain display advertising that exceeds the limitations of criterion 9 below;

9. One (1) non-illuminated sign not exceeding four (4) square feet in area may be appropriately placed to identify the business, but should not be intended as an advertising display to attract customers. Such a sign shall not be located within the required front yard setback, nor within any street right-of-way. There shall be no display of products visible from outside the property boundaries;

10. Uses which are expressly prohibited or uses which may be authorized subject to discretionary land use approval by other provisions of this zoning ordinance shall not be authorized as expanded home occupations; and

11. Uses which include the following shall not be allowed as expanded home occupations:

    a. On-site automotive repair or service (includes any mechanism containing an internal combustion engine);

    b. Commercial food preparation other than a *cottage food operation*, as defined in Section 113758 of the California Health and Safety Code;

    c. Medical or veterinary services;

    d. Massage;

e. Painting of vehicles, trailers, boats or machinery;

f. Pest control; or

g. Any use which violates any applicable law.

§ 4.10.190 Hospitals & Clinics

This section refers to uses classified as *Hospitals & Clinics* as described in § 2.10.040. All of the following provisions apply in the A, Exclusive Agriculture zoning district:

A. **Prohibited in Agriculture–Large Scale.** Not allowed on any land designated *Agriculture–Large Scale* by the general plan.

B. **Agriculture–Medium Scale Lands.** May be allowed on lands with a general plan designation of *Agriculture–Medium Scale*, provided that all of the following provisions are met:

1. The property is deemed by the decision-maker to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses;

2. The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population; and

3. The maximum gross floor area of covered spaces (enclosed and unenclosed structures) shall be limited to no more than 10,000 square feet.

§ 4.10.200 Kennels–Commercial

This section refers to uses classified as *Kennels–Commercial* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Lot Size.** The minimum lot size shall be two and one half (2.50) acres;

B. **Proximity to Residential Uses.** The use shall not be located in the immediate vicinity of residential development. For the purposes of this provision, residential development shall be generally considered to be any substantial grouping of residentially developed lots that are each less than two and one-half (2.50) acres in area. It shall be within the discretionary authority of the Planning Commission to more precisely define "residential development" and "immediate vicinity" as these terms may apply to a particular proposal;

C. **Confinement and Separation from Adjacent Dwellings.** The animals shall be kept within a confined area situated and designed such that the activities—

particularly noise, odors, dust and lights—minimally impact adjacent properties. Setbacks, buffers and other measures shall be utilized to mitigate impacts;

D. **Screening.** The use shall be screened so as not to be visible from adjacent properties; and

E. **Other Requirements.** All provisions of Division B31 of the Ordinance Code shall apply to the establishment and operation of a commercial kennel. This includes obtaining a permit from the Director of Animal Control.

§ 4.10.210 Livestock Auction Yards

This section refers to uses classified as *Livestock Auction Yards* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Lot Size.** Minimum lot size shall be ten (10) acres; and

B. **Proximity to Residential Development.** The use shall not be located in the immediate vicinity of residential development. For the purposes of this provision, residential development shall be generally considered to be any substantial grouping of residentially developed lots that are each less than two and one-half (2.50) acres in area. It shall be within the discretionary authority of the Planning Commission to more precisely define "residential development" and "immediate vicinity" as these terms may apply to a particular proposal.

§ 4.10.220 Mushroom Farms

This section refers to uses classified as *Mushroom Farms* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Lot Size.** Minimum lot size shall be ten (10) acres.

B. **Proximity to Residential Development.** The use shall not be located in the immediate vicinity of residential development. For the purposes of this provision, residential development shall be generally considered to be any substantial grouping of residentially developed lots that are each less than two and one-half (2.50) acres in area. It shall be within the discretionary authority of the Planning Commission to more precisely define "residential development" and "immediate vicinity" as these terms may apply to a particular proposal; and

C. **Environmental Impacts**. Stockpiling areas for planting material shall be designed and situated to prevent groundwater and surface watercourse contamination, and avoid other health or nuisance problems, including vector and fly control pursuant to County Department of Environmental Health regulations.

§ 4.10.230 Nonprofit Institutions

This section refers to uses classified as *Nonprofit Institutions* as described in § 2.10.040. Such uses shall be subject to all of the following provisions in the A, Exclusive Agriculture Zoning District:

A. **Prohibited in Agriculture–Large Scale.** Not allowed on any land designated *Agriculture–Large Scale* by the general plan.

B. **Agriculture–Medium Scale Lands.** May be allowed on lands with a general plan designation of *Agriculture–Medium Scale*, provided that all of the following are met:

1. The subject lot is deemed by the decision-maker to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses;

2. The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population; and

3. The maximum gross floor area of covered spaces (enclosed and unenclosed structures) shall be limited to no more than 10,000 square feet.

§ 4.10.240 Poultry and Egg Farms–Commercial

This section refers to uses classified as *Poultry and Egg Farms–Commercial* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Lot Size.** Minimum lot size shall be ten (10) acres;

B. **Proximity to Residential Development.** The use shall not be located in the immediate vicinity of residential development. For the purposes of this provision, residential development shall be generally considered to be any substantial grouping of residentially developed lots that are each less than two and one-half (2.50) acres in area. It shall be within the discretionary authority of the Planning Commission to more precisely define "residential development" and "immediate vicinity" as these terms may apply to a particular proposal; and

C. **Environmental Impacts.** Chicken coop areas and chicken manure stockpiles shall be designed and situated to prevent groundwater and surface watercourse contamination, and avoid other health or nuisance problems, including vector and fly control pursuant to County Department of Environmental Health regulations.

§ 4.10.250 Radio-Controlled Model Aircraft Facilities

This section refers to uses classified as *Radio-Controlled Model Aircraft Facilities* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Runway Location.** The facility's runway shall be located no closer than 2,000 feet from a residence, school, place of business, or state highway;

B. **Visibility.** The facility shall be situated so that the flight area is fully visible to the aircraft operation and there is no terrain or vegetation to obstruct line of sight;

C. **Management.** The facility shall be administered and supervised by a recognized radio-controlled model aircraft organization;

D. **Operational Procedures.** On-field operational procedures shall be established which include the following:

1. The use of a frequency control board and colored frequency control mechanisms on transmitters to eliminate frequency interference between flying aircraft;

2. The posting of flying field rules in a prominent location of flying activity; and

E. **Noise Impacts.** Noise produced by the proposed use shall not have an adverse impact upon the environment. All powered aircraft shall have mufflers;

F. **Hours of Operation.** Hours of operation shall be restricted to daylight hours;

G. **Fire Measures.** Adequate fire vehicle access shall be provided; a fire extinguisher shall be kept in good condition in the pit area of the facility.

§ 4.10.260 Reception Facilities

This section refers to uses classified as *Reception Facilities* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Limits on Operations.** The number and size of receptions and the days and hours of operation may be limited by the Planning Commission based on the location and characteristics of the site (e.g., size of parcel, level of traffic, number of parking spaces, proximity to adjoining residences, number of restrooms).

B. **Los Gatos Hillside Area.** Such uses are not allowed within the Los Gatos Hillside Specific Plan area.

C. **Lighting and Noise.** Lighting shall be limited such that light sources are generally not visible from off-site where it would significantly impact adjoining

neighbors. Noise levels shall conform to applicable provisions of County Noise Ordinance.

§ 4.10.270 Recreational Playgrounds & Sports Fields

This section refers to uses classified as *Recreational Playgrounds & Sports Fields* as described in § 2.10.040. Such uses shall be subject to all of the following provisions in the A, Exclusive Agriculture Zoning District:

A. **Prohibited in Agriculture–Large Scale.** Not allowed on any land designated *Agriculture–Large Scale* by the general plan.

B. **Agriculture–Medium Scale Lands.** May be allowed on lands with a general plan designation of *Agriculture–Medium Scale*, provided that all of the following are met:

1. The subject lot is deemed by the decision-maker to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses.

2. The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population.

3. The maximum gross floor area of covered spaces (enclosed and unenclosed structures) shall be limited to no more than 10,000 square feet.

§ 4.10.280 Recreational Vehicle Parks

This section refers to uses classified as *Recreational Vehicle Parks* as described in § 2.10.030 and § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **General.** Recreational Vehicle Parks (RV Parks) are required to obtain a permit from the California Department of Housing and Community Development prior to opening. Nothing in this section shall be construed to abrogate or conflict with any state laws or regulations relevant to RV Parks.

B. **RV Park Boundary** The site plan for a proposed RV Park shall clearly identify the RV Park boundary, which shall at minimum exclude setback areas required by the applicable base zoning district and any required perimeter landscaping.

C. Compliance with State and Local Laws. RV Parks shall comply with all applicable state laws and regulations; County ordinances, guidelines, and standards; and other local ordinances and regulations. If application of any County ordinance, guideline, or standard would conflict with or be preempted by state law, state law shall govern, but only to the extent of the specific issues of conflict.

D. **Criteria**. An RV park (including approved ancillary uses under the same ownership or management), shall comply with all of the following requirements before it may be approved:

1. **Duration of Stays.** No recreational vehicle shall stay at an RV Park for more than 30 consecutive days or for more than 30 total days in any 90-day period. An RV Park owner may apply for an exemption from this stay limitation from the County pursuant to Health & Safety Code Section 18865.2. Exemption requests submitted after a use permit is granted shall be processed as a use permit modification. Impacts to be considered in determining whether to grant an exemption shall include, but are not limited to, whether there will be any adverse impact on local school districts due to the additional enrollment of residents from the RV Park.

2. **General Health and Safety.** The RV Park shall comply with all applicable state and local health and safety requirements. This may include facilities such as public restrooms, showers, and laundry facilities. All recreational vehicle spaces shall be provided with individual connections to an adequate wastewater disposal system, potable water, electrical hookups, and individual closed trash containers or a common closed trash container as approved by the Department of Environmental Health. The RV Park shall not be located in a 100-year floodplain unless the approved plans show appropriate mitigation in compliance with Ordinance Code Division C12, Chapter VII, Article 5. - Provisions For Flood Hazard Reduction.

3. **Fire Safety.** The RV Park shall meet all applicable fire safety laws, regulations, and ordinances. All areas within the RV Park shall be provided with adequate emergency vehicle access and fire protection facilities, including water supply through hydrants or other methods in compliance with state regulations. Driveways shall be named with signs placed at intersections, and individual lots shall be identified as required by state regulations.

4. **Access, Circulation and Parking.** The RV Park shall provide adequate access, circulation, and on-site parking as required by all applicable laws, regulations and ordinances, and shall provide a sufficient number of on-site parking spaces to prevent any off-site parking by RV Park users, employees, or visitors.

5. **School District Review.** This subsection applies if an RV Park owner requests an exemption from the short-term stay requirement in subsection (D)(1) herein. The County decision-making body shall consider comments that are submitted to the County by the affected school district(s) regarding any adverse impact on the district(s) due to the additional enrollment of residents from the RV Park and any district(s) recommendations for appropriate conditions to mitigate or avoid those

impacts.

6. **Unoccupied RV Storage.** The RV Park may set aside specific designated areas for the storage of unoccupied recreational vehicles. These areas shall be shown on the approved site plan and shall be designed to avoid any impacts to surface or ground-water resources.
7. **Screening and Signage.** The RV Park shall be designed to provide adequate perimeter landscaping and fencing to minimize off-site visibility, potential noise, lighting and glare, and impacts from activities at the RV Park that could be a nuisance to neighboring properties. On-site signs advertising the RV Park shall be designed in conformance with the provisions of Chapter 4.40, Signs.
8. **Neighborhood Compatibility.** Off-site appearance of the RV Park shall not be detrimental to the character of the surrounding neighborhood or zoning district, as determined by substantial conformance with the adopted "Guidelines for Architecture and Site Approval" and any other applicable guidelines adopted by the County.
9. **Manager/Caretaker Residences.** A maximum of one (1) single-family residence and one (1) accessory dwelling unit (ADU) for an on-site manager and/or caretaker shall be allowed and shall be shown on the site plan and approved as part of the use permit.
10. **Noise.** Where adjoining uses, such as highways or railroads, will generate a noise level of 60 Ldn or higher at any recreational vehicle space in the RV Park, noise attenuation shall be provided to achieve a noise level of 55 Ldn or lower consistent with the County Noise Ordinance, Section B11-160 et seq. A perimeter berm and/or masonry wall along with screening vegetation is the preferred method of noise reduction. A noise reduction and attenuation plan shall be prepared by a noise evaluation expert acceptable to the County.

§ 4.10.285 Recycling Facilities: Collection Facilities – Consumer Recycling.

This section refers to uses in the subcategory *Collection Facilities – Consumer Recycling* under the classification *Recycling Facilities* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. The facility shall be established as an ancillary activity to a County-authorized use or host site.

B. The facility shall occupy a defined area of land not to exceed 640 square feet.

C. The facility shall be set back at least 30 feet from any property line or right-of-way line, except that for consumer collection receptacles whose combined aboveground dimensions (maximum length + maximum width + maximum height) do not exceed 16 feet, no setback regulations shall apply;

D. All containers shall be clearly marked to identify the type of recyclable material that may be deposited;

E. All containers shall be constructed and maintained with durable, waterproof and rustproof material and shall be covered;

F. The facility shall be clearly marked to identify the name and telephone number of the facility operator;

G. The site shall be swept and maintained in a dust-free, litter-free condition on a daily basis;

H. The facility shall be located such that any required parking for the host business is not displaced.

I. The facility shall not impair the landscaping that may be required for a host business; and,

J. The facility shall not include power-driven sorting and/or consolidation equipment, such as crushers or balers.

§ 4.10.290 Religious Institutions

This section refers to uses classified as *Religious Institutions* as described in § 2.10.040. All of the following provisions apply in the A, Exclusive Agriculture Zoning District:

A. **Prohibited in Agriculture–Large Scale.** Not allowed on any land designated *Agriculture–Large Scale* by the general plan.

B. **Agriculture–Medium Scale Lands.** May be allowed on lands with a general plan designation of *Agriculture–Medium Scale*, provided that all of the following are met:

1. The property is deemed by the Planning Commission to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses.

2. The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population.

3. The maximum gross floor area of covered spaces (enclosed and unenclosed structures) shall be limited to no more than 10,000 square feet.

§ 4.10.300 Residential–Communal Institutional

This section refers to uses classified as *Residential–Communal Institutional* as described in § 2.10.030. All of the following provisions apply in the A, Exclusive Agriculture Zoning District:

A. **Prohibited in Agriculture–Large Scale.** Not allowed on any land designated *Agriculture–Large Scale* by the general plan.

B. **Agriculture–Medium Scale Lands.** May be allowed on lands with a general plan designation of *Agriculture–Medium Scale*, provided that all of the following are met:

1. The property is deemed by the Planning Commission to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses.

2. The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population.

3. The maximum gross floor area of covered spaces (enclosed and unenclosed structures) shall be limited to no more than 10,000 square feet.

§ 4.10.310 Retail Sales & Services: Local-Serving

This section refers to uses classified as *Retail Sales & Services: Local-Serving* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Local-Serving.** In rural districts, such uses shall be sized and designed to be local-serving, consistent with the rural character and the environment. The use shall be located to conveniently serve the community.

In R1S and R3S districts applicable to Stanford University lands, "local community" shall refer to the campus residents, pursuant to the applicable provisions of Chapter 2, Land Use, of the 2000 Stanford University Community Plan. A business plan, demonstrating that the business will primarily serve the local community, shall be provided as a basis for review and approval of proposed uses. In R3 Multiple Family districts, "local community" shall refer primarily to the residents of the particular multi-family development.

B. **Size.** Maximum area of public-accessible floor space (measured from outer surfaces of enclosing walls, includes bathrooms) shall not exceed 1,200 square feet.

C. **Demand.** The number and capacity of other existing similar uses in the area, together with the proposed use, can be supported by the local community.

§ 4.10.320 Rodeos & Equestrian Event Facilities

This section refers to uses classified as *Rodeos & Equestrian Event Facilities* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Lot Size.** Minimum lot size shall be ten (10) acres.

B. **Proximity to Residential Development.** The use shall not be located in the immediate vicinity of residential development. For the purposes of this provision, residential development shall be generally considered to be any substantial grouping of residentially developed lots that are each less than two and one-half (2.50) acres in area. It shall be within the discretionary authority of the Planning Commission to more precisely define "residential development" and "immediate vicinity" as they may apply to a particular proposal.

§ 4.10.330 Schools

This section refers to uses classified as *Schools* as described in § 2.10.040. All of the following provisions apply in the A, Exclusive Agriculture Zoning District:

A. **Prohibited in Agriculture–Large Scale.** Not allowed on any land designated *Agriculture–Large Scale* by the general plan.

B. **Agriculture–Medium Scale Lands.** May be allowed on lands with a general plan designation of *Agriculture–Medium Scale*, provided that all of the following are met:

1. The property is deemed by the Planning Commission to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses.
2. The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population.
3. The maximum gross floor area of covered spaces (enclosed and unenclosed structures) shall be limited to no more than 10,000 square feet.

§4.10.345 Solar Energy Conversion Systems–Commercial

This section refers to uses classified as Solar Energy Conversion Systems – Commercial, as described in § 2.10.040. Commercial solar energy conversion systems shall comply with all of the requirements of this section.

A. **Exclusive Agriculture Zoning District.** Such uses shall be subject to all of the following provisions in the A, Exclusive Agriculture, Zoning District:

1. **Prohibited in Agriculture–Large Scale.** Such uses are not allowed on any land designated Agriculture–Large Scale by the general plan;

2. **Agriculture–Medium Scale Lands.** Such uses may be allowed on lands with a general plan designation of Agriculture–Medium Scale, provided that the subject lot is deemed by the decision-maker to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses. Projects must also demonstrate consistency with the provisions of Section 2.20.050, A Districts: Agricultural Preservation Criteria.

B. **Prohibited in Certain Design Review Combining Districts.** Not allowed on any land located within the –d_1 (Santa Clara Valley Viewshed) and –d_2 (Milpitas Hillsides) Design Review Combining Districts.

C. **Criteria.** Commercial solar energy systems are subject to all of the following provisions:

1. **Setbacks.** All structures shall have a minimum setback of 30 feet.

2. **Signage.** Signs visible from a public road shall only identify the manufacturer, installer, or owner of the system, or public health and safety information applicable to the installed systems. A facility shall be limited to two signs and aggregate sign area shall be no greater than 200 square feet.

3. **Wildlife Passage.** In areas identified as containing important wildlife habitat, the facility shall be designed, to the maximum extent feasible, to allow continued use of the site for wildlife habitat and migration across the site.

4. **Construction and Operation.** The design, construction and operation of the facility shall minimize soil disturbance to the maximum extent possible, and shall not substantially alter drainage from the site.

D. **Williamson Act Limitation.** No system shall be allowed on lands subject to a California Land Conservation Act (Williamson Act) contract unless permitted as a compatible use.

E. **Termination and Decommissioning.** Solar energy conversion systems and all related equipment and accessory structures shall be removed following cessation of use as defined in either Section 5.40.070 or Section 5.65.050 of the Zoning Ordinance. Prior to the issuance of any building permits for the establishment of commercial solar energy conversion systems, a *Closure and Rehabilitation Plan* shall be submitted to the Planning Office for review and approval. The Plan shall provide for the removal, recycling, and disposal of all aboveground structures and facilities to a depth of three feet below grade, the restoration of graded areas to original contours, and re-vegetation of all disturbed areas. To the greatest extent

possible, facilities shall use materials that can be recycled following decommissioning.

§ 4.10.350 Sport Shooting

This section refers to uses classified as *Sport Shooting* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Lot Size.** The minimum lot size shall be 160 acres.

B. **Siting & Buffering.** The project area shall be situated and designed such that the activity minimally impacts adjacent properties. Setbacks, buffers and other measures shall be utilized to mitigate impacts.

C. **Impacts on Agriculture.** The use shall not be detrimental to the agricultural/ ranching use of surrounding lands.

D. **Noise.** The use shall not violate the County Noise Ordinance, as administered by the County Department of Environmental Health.

E. **Size Limitation.** No more than 10 percent of the subject parcel may be used for sport shooting facilities, including all associated facilities, such as parking and sanitary waste disposal systems.

§ 4.10.360 Stables–Commercial

This section refers to uses classified as *Stables–Commercial* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Lot Size.** The minimum lot size shall be two and one-half (2.50) acres.

B. **Environmental Impacts.** Corrals and manure stockpiles shall be designed and situated to prevent groundwater and surface watercourse contamination, and avoid other health or nuisance problems, including vector and fly control per County Department of Environmental Health (DEH) regulations.

C. **Erosion Control.** An erosion control plan shall be required.

D. **Waste Management.** A manure management plan shall be required.

§ 4.10.370 Surface Mining

Part I: State Regulations

A. **Reference**. This section applies to uses classified as *Surface Mining* as described in Section 2.10.040.

B. **Purpose.** The purpose of Section 4.10.370 is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code§§ 2710 et seq., as amended, hereinafter referred to as "SMARA"), Public Resources Code § 2207 (relating to annual reporting requirements) , and State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1, §§ 3500 et seq., hereinafter referred to as "State regulations") to ensure that the legislative intent of SMARA, as stated in SMARA Section 2712, is met.

C. **Scope.** The provisions of this ordinance shall apply to surface mining operations and reclamation of mined lands within the unincorporated areas of Santa Clara County.

D. **Incorporation by Reference.** The provisions of SMARA and State regulations as those provisions and regulations may be amended from time to time, are made a part of this ordinance by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this ordinance are more restrictive than correlative State provisions, this ordinance shall prevail.

E. **Surface Mining Subject to Use Permit.** Subject to SMARA Section 2770 and Part II, Section B of this ordinance, no person shall conduct a surface mining operation unless a use permit is approved by the Planning Commission pursuant to Chapters 5.20 and 5.65 of the Zoning Ordinance.

F. **Reclamation Plan Required and Reclamation Plan Requirements.** Any person conducting a surface mining operation or who has completed a surface mining operation subsequent to January 1, 1976, shall obtain Planning Commission approval of a reclamation plan for the property that fulfills the requirements of Section 4.10.370, Part I, subsection J (Reclamation Standards) of this ordinance. Prior to such approval, reclamation plans shall be reviewed by the Planning Commission to assure substantial compliance with SMARA, State regulation and applicable County ordinances. (See Section 4.10.370, Part I, subsection (I)(5) regarding State review.)

1. The reclamation plan shall be filed with the County Department of Planning and Development, on a form provided by the County, by any person who

owns, leases, or otherwise controls or operates on all, or any portion of any, mined lands, and who plans to conduct surface mining operations on the lands.

2. All documentation for the reclamation plan shall be submitted to the County at one time as a comprehensive package.

3. The reclamation plan shall substantially comply with the provisions of SMARA Section 2772 and State regulations Sections 3500 through 3505. Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any amendments to previously approved reclamation plans, shall also substantially comply with the reclamation performance standards in State regulations, Sections 3700 through 3713.

4. An item of information or a document required pursuant to subsection (3) that has already been prepared as part of a permit application for the surface mining operation, or as part of an environmental document prepared for the project pursuant to Public Resources Code, Division 13 (commencing with section 21000), may be included in the reclamation plan by reference, if that item of information or that document is attached to the reclamation plan when the County submits the reclamation plan to the director of the Department of Conservation for review. To the extent that the information or document referenced in the reclamation plan is used to meet the requirements of subdivision 3, the information or document shall become part of the reclamation plan and shall be subject to all other requirements of this article.

G. **Exemptions.** No permit or reclamation plan shall be required by this ordinance for activities identified in SMARA Section2714, provided that nothing shall exempt such activities from the requirements of the Santa Clara County Grading Ordinance, where applicable.

H. **Definitions.** The definitions contained in SMARA and the State regulations are incorporated by reference. In addition, as used in this ordinance the following words shall have the following definitions.

1. **CEQA.** The California Environmental Quality Act, State of California, as contained in the Public Resources Code Section 21000 et seq..

2. **County.** The County of Santa Clara, State of California. For purposes of SMARA, the County is the lead agency as defined in SMARA Section 2728, having the principal responsibility for approving reclamation plans, so long as the County retains jurisdiction over surface mining operations within Santa Clara County.

3. **Director.** The Director of the Santa Clara County Department of Planning and Development.

4. **Financial Assurance**. "Financial Assurance" means a monetary assurance that a surface mining operation will be reclaimed in accordance with an approved reclamation plan. The financial assurance may take the form of a surety bond, trust fund, irrevocable letter of credit, or other acceptable financial assurance mechanism as determined by both the County and the California Department of Conservation.

5. **OMR.** The California Office of Mine Reclamation, a division of the Department of Conservation, State of California.

6. **On-Site Construction.** "On-Site Construction" means the activities described in SMARA Section 2714(b), including construction of buildings, roads, or other improvements including landscaping, excavations and grading required to prepare a site for construction of structures, landscaping or other land improvements, and which is beneficially modified by such construction, is not deemed to be a surface mining operation. Additionally, all required permits for the construction, landscaping, or related land improvements that do not qualify as surface mining operations must be obtained from the County in accordance with applicable provisions of state law and locally adopted plans and ordinances.

7. **SMARA.** The Surface Mine and Reclamation Act, as set forth in the California Public Resources Code Section 2710 et seq., as amended.

8. **State Regulations.** The SMARA Regulations as set forth in the California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter I, as amended.

9. **Vested Right.** A "vested right" is the right to conduct a legal use of real property if that right existed lawfully before a zoning or other land use restriction became effective and the use is not in conformity with that restriction when it continues thereafter.

I. **Reclamation Plan Approval**. Except as otherwise provided in this ordinance, no person shall conduct surface mining operations unless a reclamation plan has been reviewed by the State Department of Conservation and reviewed and approved by the Planning Commission, which approval can occur concurrently with the use permit.

1. **Applications.** Reclamation plans and modifications of such plans shall be submitted and processed in accordance with the procedures in County Zoning Ordinance, Chapter 5.20, Common Procedures.

2. The Planning Commission must make the following findings before approving a reclamation plan or reclamation plan amendment:

a. That reclamation plan, or reclamation plan amendment, substantially complies with SMARA Sections 2772 and 2773, and any other applicable provisions;

b. That the reclamation plan, or reclamation plan amendment, substantially complies with applicable requirements of State regulations (Sections 3500-3505, and Sections 3700-3713);

c. That the reclamation plan, or reclamation plan amendment, and potential use of reclaimed land pursuant to the plan are consistent with this ordinance and the County's General Plan and any applicable resource plan or elements.

d. That the reclamation plan, or reclamation plan amendment, has been reviewed pursuant to CEQA and all significant adverse impacts from reclamation of the surface mining operations are mitigated to a level of insignificance, or a Statement of Overriding Considerations has been adopted pursuant to CEQA; and

e. That the reclamation plan, or reclamation plan amendment, will restore the mined lands to a usable condition which is readily adaptable foralternative land uses.

3. **Amendment of Approved Reclamation Plan.** Any person having an approved reclamation plan may file for an amendment of that reclamation plan.

a. *Minor reclamation plan amendments.* The Zoning Administrator is the decision-making authority for minor reclamation plan amendments. The Zoning Administrator's decision may be appealed to the Planning Commission. The Planning Commission's decision may be appealed to the Board of Supervisors, and the Board of Supervisors' decision may be appealed to the State Mining and Geology Board if the issue is made appealable to the State by SMARA. Minor reclamation plan amendments include any of the following, provided that there is no expansion of the area from which mineral deposits are to be harvested:

i. Modifications that involve minor changes, such as those that improve drainage, improve slope designs within the reclamation plan boundaries or improve re-vegetation success;

ii. Modifications that adjust the reclamation plan boundaries to incorporate areas disturbed prior to January 1, 1976 or existing components of the mining operation that were established in accordance with all other County requirements.

iii. Approval of interim management plans for idle mines pursuant to subsection L of this section; or

iv. Other modifications that the Planning Director determines do not constitute a substantial deviation from the approved reclamation plan.

b. *Major Reclamation Plan amendments.* A major reclamation plan amendment is any reclamation plan amendment that does not meet the criteria for a minor reclamation plan amendment or constitutes a substantial deviation of the reclamation plan under SMARA. The Planning Commission is the decision-making body for major reclamation plan amendments. The Planning Commission's decision may be appealed to the Board of Supervisors, and thereafter to the State Mining and Geology Board if the issue is made appealable to the State by SMARA. A reclamation plan amendment shall not be approved unless it has been reviewed by the Department of Conservation and it complies with all applicable requirements of SMARA, the State regulations, and this ordinance.

4. **Review and Approval.** A reclamation plan or amendment shall not be approved unless the plan or amendment substantially complies with SMARA and this ordinance. Reclamation plans or amendments determined not to meet these requirements shall be returned to the operator within 60 days, after which the operator has 60 days to revise the plan or amendment to address the identified deficiencies and return the revised plan or amendment to the County Department of Planning and Development for review by the County and the Department of Conservation and approval by the County.

5. **State Review.** A new or amended reclamation plan shall not be approved until the County provides the State Department of Conservation with the information required by Public Resources Code Section 2774, subdivisions (c) and (d) as follows.

   a. Prior to approving a reclamation plan or amendment thereof, the County Planning Office shall submit the plan or amendment to the State Department of Conservation for review, along with all required documentation, and shall certify that the plan or amendment complies with the applicable requirements of SMARA, State regulations, and this ordinance. If the Department prepares written comments, the County Planning Office shall prepare a written response at least 30 days prior to approval of the plan or amendment describing the County's proposed response to any major issues raised by the Department. Where the County's proposed response is at variance with any comments raised by the Department, said written response shall address, in detail, why the County proposes not to adopt the Department's comments. Copies of any written comments received and responses prepared shall be forwarded to the operator. The County Planning Office shall send the Department its final response to the Department's comments within 30 days following its approval of the plan or amendment.

b. Pursuant to Public Resources Code Section 2774, subdivision (d)(2), the County Planning Office shall give the State Department of Conservation at least 30 days' notice of the time, place, and date of any hearing at which a reclamation plan or amendment is scheduled to be approved. If no hearing is required, the County Planning Office shall provide 30 days' notice to the Department that it intends to approve the plan or amendment.

6. **Recorded Notification of Reclamation Plan.** Upon approval of the reclamation plan or reclamation plan amendment, the mine operator shall prepare and record a "Notice of Reclamation Plan Approval." The notice shall read: "Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the County of Santa Clara, a copy of which is on file with the County Department of Planning and Development."

J. **Reclamation Standards.** Compliance with State standards is required. Each new or substantially amended Reclamation Plan shall substantially comply with the minimum statewide performance standards, as amended, required by SMARA Section 2773(b), and identified in section 3700 et seq. of the State regulations, as applicable.

K. **Financial Assurances Required.**

1. **Purpose**. This Section is intended to ensure that reclamation will proceed in compliance with an the approved Reclamation Plan, as it may be amended, through the maintenance of funds available to the County and the State that are adequate to reclaim the site in the event of a default by the operator.

2. **Requirements, Forms, and Amount.**

a. The operator shall post a financial assurance instrument or mechanism in a form authorized State Regulations section 3800 et seq. and the Financial Assurance Guidelines adopted by the State Mining and Geology Board.

b. Financial assurances shall be made payable to the County and to the Department of Conservation. (SMARA, section 2773.1(a)(4).)

c. The amount of the financial assurance to be posted with the County shall be equivalent to the estimated cost of reclamation of the site from its current condition in a manner consistent with the approved Reclamation Plan, plus an amount to ensure reclamation of the additional ground disturbance anticipated to occur in the following year. The financial assurance shall be based on a cost estimate prepared using the Financial Assurance Guidelines adopted by the State Mining and Geology Board. All financial assurances shall be approved by the Director, or his or her designee, and provided to the State Department of Conservation for

review and comment pursuant to Public Resources Code section 2774, subdivisions (c) and (d).

d. The financial assurance amount shall be based on an estimate of "third-party" costs to reclaim the mined lands. These costs shall include direct costs for onsite reclamation activities, such as revegetation, grading, and equipment removal, and indirect costs, such as supervision, mobilization, profit and overhead, contingencies, and lead agency monitoring. The operator shall submit to the County for review and approval a reclamation cost estimate using the State Financial Assurance Guidelines or similar instrument.

L. **Idle Mines and Interim Management Plans.**

1. **Timing, Content, Processing.** Within 90 days of a surface mining operation becoming idle as defined in SMARA Section 2727.1, the operator shall submit for review and approval an interim management plan.

   a. The interim management plan shall comply with all applicable requirements of SMARA, Section 2770(h), and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including all conditions of the use permit and/or Reclamation Plan.

   b. The interim management plan shall be processed as an amendment to the Reclamation Plan, in accordance with section 4.10.370, Part II, subsection (I)(3), and shall not be considered a project for the purposes of environmental review in compliance with the California Environmental Quality Act.

   c. The idle mine shall comply with the financial assurance requirements for reclamation specified in SMARA, Section 2773.1.

2. **Review and Decision.**

   a. The Zoning Administrator shall be the review authority for an interim management plan associated with mining operation.

   b. An action by the Zoning Administrator on an interim management plan may be appealed pursuant to Section I, above.

3. **Time Limit, Extensions.** The interim management plan shall remain in effect for a maximum of five years, at which time the County may renew the plan for additional five-year periods at the expiration of each five-year period, require the surface mine operator to commence reclamation in compliance with the approved Reclamation Plan, or allow the surface mine operator to return to active mining operations.

M. **Inspections.**

1. **Inspection Schedule.** As a condition of approval for a use permit or reclamation plan, or both, the decision-making body may establish a schedule for periodic inspection of the site to evaluate continuing compliance with the permit and/or plan, consistent with subsection M.2. below. In establishing such a schedule, the decision-making body may require the owner or permittee to submit periodic reports prepared by an appropriate qualified professional that describe and analyze compliance with the permit and/or plan.

2. **Inspection.** Pursuant to the requirements of state law (SMARA, § 2774), the Department shall cause each surface mining operation to be inspected not less than once in any calendar year, and within six months of the receipt of a surface mining operations report submitted pursuant to Public Resources Code Section 2207. The Department shall cause such an inspection to be conducted by a state-registered geologist, state-registered civil engineer, state-licensed architect, or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months. The operator shall be solely responsible for the reasonable costs of the inspection.

Part II: County Regulations

A. **County Standards for Surface Mining Operations.** The County has local land use authority regarding surface mining operations with the power to establish and enforce local regulations distinct from but consistent with SMARA and the State regulations. As to non-vested sites, the following standard conditions shall apply to all sites obtaining a use permit, unless the Planning Commission approves a deviation from one or more of these standards, and subject to any requirements or limitations imposed by other regulatory agencies:

1. **Hours and Days of Operation**

   a. The daily hours for the excavation, processing, and sales shall be between 6:00A.M. and 8:00P.M. No commercial excavation shall be operated on Sundays or the following holidays: New Year's Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day; however, the Planning Commission may permit or restrict operations to a different number of hours and days, where conditions warrant such permission or restriction.

   b. In cases of public emergency, these restrictions may be released by the Planning Director. In cases of a private emergency, reasonable and necessary repairs to the equipment and limited operations required to restore normal operation may be permitted by obtaining a temporary permit for periods up to and including 56 hours from the Planning Director. Such temporary permits for private emergency operations may be renewed by the Director for similar periods but not to exceed one week in total.

2. **Appearance.** Surface mines shall be operated in a neat and orderly manner, free from junk, trash, or unnecessary debris. Buildings shall be maintained in a sound condition, in good repair and appearance. Weeds shall be cut as frequently as necessary to eliminate fire hazards. Salvageable equipment stored in a non-operating condition shall be suitably screened or garaged where normally visible from public view.

3. **Noise and Vibration**

   a. Noise and ground vibration shall be mitigated to a level of insignificance in the absence of an approved Statement of Overriding Considerations pursuant to CEQA. To achieve this, loading points shall not be located closer than 30 feet to any property line, unless otherwise permitted by the Planning Commission.

   b. Noise attenuation measures shall be installed where necessary to reduce noise levels in order to comply with noise standards of the County General Plan and noise ordinance.

   c. Use of explosives (blasting) in operations shall be noted on the permit application and subject to Planning Commission conditioning, and shall comply with the noise and vibration standards of the County Noise Ordinance.

4. **Traffic Safety**

   a. The site shall provide adequate space for the parking, queuing and loading of trucks, as well as parking of employee vehicles to minimize the traffic problem to residents on neighboring streets.

   b. Internal haul roads shall be located away from property lines where reasonably practicable.

   c. Haul routes on public roads shall be specified in the use permit conditions.

   d. Number and location of access points shall be specified. Such entrance shall be subject to approval by the agency having jurisdiction. If required, acceleration and deceleration lanes shall be provided which meet County Department of Roads and Airports Standards.

   e. A paved surface, or equivalent alternative, may be required where reasonably practicable for a distance of not less than 100 feet from right of way line into the area of operation in order to minimize the deposit of dirt and gravel from trucks onto the public highway. During hauling operations, any spillage or materials on public roads shall be promptly and completely removed by quarry operators.

5. **Control of Dust.** Surface mines shall be operated so as to limit dust and in compliance with all necessary permits from the Bay Area Air Quality Management District, San Francisco, California.

6. **Setbacks from Property Lines**

   a. *Cut Slope Setbacks.* Cut slopes shall be no closer than 25 feet distant from any adjoining property line, except where adjoining property is being mined; nor 50 feet to any right-of-way of any public street, or official plan line or future width line of a public road.

   b. *Ridgeline Setbacks.* When surface mining occurs in a canyon area which abuts an urban area or the ridgeline is visible from the valley floor, the top of the uppermost cut area shall be as shown in an approved reclamation plan, or in the absence of an approved plan, not less than 50 feet from the top of the ridge existing prior to excavation.

7. **Fencing and Posting**

   a. It is the intent of this subsection that fencing will be required only for those portions of an excavation needing fencing for purposes of public safety; other portions may need posting only.

      Where excavation is authorized to proceed in stages, only the area excavated plus the area of the stage currently being excavated need be fenced. Adequate fencing shall be provided to exclude unauthorized dumping.

   b. The Planning Commission may require the enclosure of all or a portion of an excavation by an approved fence either along the property line or the periphery of the excavation where deemed necessary for public safety by the Planning Commission. Such fence shall not be closer than ten feet to the top edge of any cut slope. All fences shall have suitable gates at accessways. Gates to be securely locked during hours and days of non-operation.

   c. Fencing type shall be determined by the Planning Commission.

   d. Signs shall be conspicuously posted along the periphery of the property. The signs shall be posted in such a manner and at such intervals as will give reasonable notice to passersby of the matter contained in such notice by stating in letters not less than four (4) inches in height.

      WARNING: COMMERCIAL QUARRY ON THESE LANDS;

      Santa Clara County Use Permit No: _____

      In addition, the signs shall be pictorial in the nature of information being disclosed for non-English readers.

8. **Screening**

   a Screening shall be required for excavations in urbanized and scenic corridors or locations at the time of excavation so that the screening will provide a reasonable means of securing use and enjoyment of nearby properties.

   b. The screening by means of installation of berms, fences, plantings of suitable shrubs and trees. They shall be placed and maintained in order to minimize visibility from public view of cut slopes or mining operations and equipment.

   c. Such screening when required by the Planning Commission may be along the streets and exterior property lines or the perimeter of the visible portions of the site being operated.

9. **Protection of Streams and Water-Bearing Aquifers**

   a. Surface mining operations shall be conducted in a manner so as to keep adjacent streams, percolation ponds, or water bearing strata reasonably free from undesirable obstruction, silting, contamination, or pollution of any kind. The objective is to prevent discharges, which would result in higher concentrations of silt than existed in off-site water prior to mining operations.

   b. The removal of vegetation and overburden in advance of surface mining shall be kept to the minimum practicable.

   c. Stockpiles shall be managed to limit water and wind erosion.

   d. Permits: Applicants shall comply with those applicable requirements of federal, state, and local law, including any permit requirements administered by the U. S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Regional Water Quality Control Boards, State Department ofFish and Game, and local flood control and water distribution agencies regarding all matters which are within the jurisdiction of those agencies, including but not limited to:

      i. Excavation in the natural or artificially enlarged channel of any river, creek, stream or natural or artificial drainage channel when such excavation may result in the deposit of silt therein;

      ii. Maximum depth of excavation shall not be below existing streambed or groundwater table except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill to be used to refill such excavation to conform to the approved reclamation plan; and

iii. Erosion control facilities, such as detention basins, settling ponds, de-silting or energy dissipater ditches, stream bank stabilization, and diking necessary to control erosion.

e. Excavations, which may penetrate near or into usable water-bearing strata, will not reduce the transmissivity or area through which water may flow unless approved equivalent transmissivity or area has been provided elsewhere, nor subject such groundwater basin or sub-basin to pollution or contamination.

10. **Approved Plans Must Be Maintained by the Operator.** One copy of the approved plans and conditions of operations approved by the Planning Commission as a condition for granting the use permit must be maintained at the principal Santa Clara County office of the mine operator at all times.

B. **Vested Rights:** No person who has obtained a vested right to conduct surface mining operations shall be required to secure a use permit as long as such vested right continues.

1. Any proposed expansion of any existing surface mining operation that constitutes a substantial change in such operation by exceeding the terms and conditions of a previously granted use permit for the operation, or by exceeding the extent of a vested right to such use, shall be subject to the provisions of Chapter 5.65 and a use permit and reclamation plan shall be required for such activity.

2. These standards do not apply to commercial excavations that terminated prior to January 1, 1976, and where no further mining has taken place since that date.

Part III: Common Provisions

A. **Successors in Interest:** Whenever one operator succeeds to the interest of another in any incompleted surface mining operation by sale, assignment, transfer, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved use permit, if applicable, the approved reclamation plan, the provisions of the zoning ordinance, and the provisions of SMARA (SMARA Section 2779).

B. **Fees.** Fees for any of the review, reports, inspections, hearings or other procedures required or authorized pursuant to this Section 4.10.370 shall be established by resolution of the Board of Supervisors which may be amended from time to time and shall reflect the reasonable costs incurred by the County.

C. **Violations and Penalties.** The Director, the Director's designee, or such other person(s) as may hereafter be designated by the Board of Supervisors shall enforce the provisions of this chapter.

1. **Failure to Comply with Approved Reclamation Plan.** If the County, based upon an annual inspection or otherwise confirmed by an inspection of the mining site, determines that a surface mining operation is not in compliance with its approved Reclamation Plan, the County shall follow the procedures in SMARA Sections 2774.1 and 2774.2 concerning violations and levying penalties of not more than $5,000.00 per day, assessed from the original date of noncompliance.

2. **Failure to Comply with Use Permit.** If the County, based upon an annual inspection or otherwise confirmed by an inspection of the mining site, determines that a surface mining operation is not in compliance with its use permit the County may revoke, modify, or reaffirm the use permit and shall follow the procedures set forth in County regulations.

§ 4.10.380 Temporary Residences during House Construction

This section refers to uses classified as *Temporary Residences during House Construction* as described in § 2.10.030. A mobile home, recreational vehicle (includes travel trailer), or an existing home on the property may be temporarily occupied during the construction of a dwelling, subject to all of the following provisions:

A. **Building Permit.** A building permit for the primary residence shall be issued prior to or concurrently with the approved occupancy of the temporary residence.

B. **Cash Deposit.** The applicant shall post a cash deposit of $5,000 to ensure timely removal or conversion of temporary dwelling (not required for travel trailer or recreational vehicle). A contract stipulating the terms of the temporary unit and the deposit refund shall be signed by the applicant. A processing fee shall be required by the planning office.

C. **Termination.** The temporary dwelling shall be removed from the premises (or converted to an approved non-habitable accessory building) within 90 days after the date of occupancy, at such time when no active building permits appertain to the project, or two (2) years following the initial building permit issuance date for the proposed new house, whichever occurs first.

D. **Sewage Disposal.** Temporary mobile homes or travel trailers shall be connected to the approved and installed septic system of the proposed new house, unless a sewer connection is available.

§ 4.10.385 Temporary Agricultural Residence

This section refers to uses classified as *Temporary Agricultural Residence* as described in § 2.10.030. One temporary agricultural residence may be located on a property with an

on-site agricultural operation, including an agricultural operation that is under development, subject to all of the following provisions:

A. **Occupancy**: At least one occupant shall be primarily engaged in an on-site agricultural operation or the development of an on-site agricultural operation. Family members of the person engaged in the on-site agricultural operation may also live in the residence

B. **On-site operations**: The applicant shall demonstrate to the satisfaction of the Planning Director the existence of an on-site agricultural operation, or an acceptable plan to establish an agricultural operation, and the need for on-site employee housing in support of the existing or planned agricultural operation.

C. **Cash Deposit:** The applicant shall post financial security with the Planning Office in the amount of $2,500 to ensure timely removal of the temporary agricultural residence.

D. **Termination:** The temporary agricultural residence shall be removed from the property no later than five years after the planning clearance is issued for the residence.

E. **Water and Wastewater Treatment:** All temporary agricultural residences shall be directly connected or have on-site access to approved water and wastewater treatment systems that comply with the Ordinance Code.

F. **Siting Requirements:** The applicant shall provide a site plan as detailed in the planning clearance form. All temporary agricultural residences shall comply with all of the following requirements:

1. All structures and improvements shall be located outside of a floodway, as designated by the Federal Emergency Management Agency and as delineated in the Flood Boundary and Floodway Map (see Ordinance Code § C12-804);

2. All development shall occur on a legally established lot with legal access to a public road; and

3. There shall be safe and adequate access for fire and emergency vehicles.

§ 4.10.390 Wind Energy Conversion Systems–Commercial

A. **Reference.** This section refers to uses classified as *Wind Energy Conversion Systems–Commercial*, as described in § 2.10.040.

B. **Applicability.** Commercial wind energy conversion systems shall comply with all of the requirements of this section. Non-commercial wind systems are regulated as residential or agricultural accessory structures (see § 4.20.20(M)(2)).

C. **Criteria.** Commercial wind energy systems are subject to all of the following provisions:

1. The structure shall be set back from all property lines a minimum distance equal to the height of the tower plus the radius of the blades;
2. Neighbors shall not have their views obstructed, and shall not be subject to excessive noise or potential physical damage;
3. Lettering or "art graphics" shall not appear in any part of the windmill, and its color shall help the structure blend into the surrounding environment;
4. The structure shall be placed in such a manner as to minimize its overall visual impact; and,
5. The base of the structure shall be protected to prevent climbing by unauthorized persons.

§ 4.10.395 Wineries

This section refers to uses classified as *Wineries*, as described in § 2.10.040. Wineries shall comply with all of the requirements of this section.

A. Gatherings and Events. Public gatherings and events shall be allowed as ancillary to winery operations, as provided in subsections 1 and 2 below. Where numbers of events are specified, each event day shall count as a separate event. Events where outdoor amplified music/ sound is proposed shall be subject to the provisions of subsection B: "Outdoor Amplified Sound," below.

Wineries hosting such events shall have wastewater disposal systems capable of accommodating the maximum number of attendees anticipated, in conformance with Sections B11-60 through B11-88 of Division B11: Environmental Health, of the County Ordinance Code. Event operations shall conform with applicable requirements pertaining to water, food service and sanitation. Facilities used for events shall comply with applicable Building and Fire Marshal requirements of the California Building Code and the County Ordinance Code.

1. **Industry/ Marketing Events.** Defined as events that function specifically to market wine and winemaking, industry/ marketing events include barrel tasting, wine club dinners, Passport Weekend, and harvest festival. Up to 12 such events per calendar year shall be allowed by right. Additional events (above the maximum of 12) shall be subject to the permitting requirements of "Medium Events," or "Large Events" (subsection 2), depending on scale and frequency.
2. **Commercial Reception Events, Facility-Rental Events, Other Public Gatherings and Events.** Gatherings and events other than "Industry/

Marketing Events" shall be allowed subject to the criteria and procedures provided in subsections a, b and c, below. Threshold attendance numbers shall be based on the maximum number of event attendees that may be onsite at any given time.

a. **Small Events.** Events where attendance is 50 or fewer shall be allowed by right (for definition of "by right," see § 2.20.020).

   Events with attendance of 51-100 shall also be deemed "small events" when the winery facility meets all of the following criteria:

   i. Lot size is 5 acres or larger.

   ii. Event area is set back 50 feet (min) from nearest property line, 200 feet from nearest non-winery residence.

   iii. Onsite parking conforms with Chapter 4.30; Parking.

   iv. Property is accessible via publicly maintained road, or via private road that conforms to all applicable County Office of Land Development Engineering private road standards.

   v. Driveway conforms to applicable County Office of Land Development Engineering driveway standards.

b. **Medium Events.** Events with larger attendance than provided for under "Small Events," with the following limitations, shall be subject to a special permit.

   i. Maximum attendance shall be based on demonstrated capacity of facility, not to exceed a maximum of 250 attendees.

   ii. Not more than 12 medium events per year shall be allowed.

c. **Large Events.** Events where attendance or frequency (or both) exceeds the thresholds of "Medium Events," shall be subject to a use permit.

Private, noncommercial gatherings of the property owner or winery operator shall be allowed by right, as provided in Section 2.10.030 for residential accessory uses.

B. **Outdoor Amplified Sound.** A winery using outdoor amplified sound in conjunction with winery events shall submit (or complete) an acoustic evaluation as part of the appropriate discretionary review process and permit. A winery not subject to a discretionary review process and permit as medium-scale or large-scale wineries and intending to conduct, organize, or set-up events using outdoor amplified sound shall obtain an outdoor amplified sound permit pursuant to Chapter VIII of Division B3 of the County Ordinance Code.

C. **Overnight Accommodation:** The following types of overnight tourism accommodation may be permitted as ancillary to on-site winery opreations.

1. **Bed and Breakfast Inns.** Uses classified as *Bed and Breakfast Inns* associated with winery operations shall be subject to a special permit, provided they are situated within the primary residence on the property.

2. **Agricultural Employee Housing.** Uses classified as *Agricultural Employee Housing* associated with winery operations may be used to accommodate tourist stays for compensation. Such use as tourism accommodation may only take place during those limited periods of the growing/ harvesting cycle where agricultural employee housing may be temporarily vacant. The duration of such stays shall not exceed 72 hours.

   A change in occupancy of an existing agricultural employee housing unit to accommodate tourist stays shall be subject to permitting and requirements of the California Building Code and the County Ordinance Code.

D. **Commercial Kitchens:** Commercial kitchens for onsite food preparation shall be allowed as ancillary to winery operations, subject to permitting and requirements of the California Building Code, the California Retail Food Code and the County Ordinance Code.

E. **Off-Site Tasting Facility:** An off-site tasting facility (licensed as such by the California Department of Alcoholic Beverage Control) shall be subject to a special permit. The associated primary winery facility must be located within Santa Clara County.

§ 4.10.400 Wireless Telecommunication Facilities

This section refers to uses classified as *Wireless Telecommunication Facilities* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. Intent. intent of these provisions is to encourage co-location of wireless telecommunication facilities where feasible, and to encourage appropriate siting and design for all wireless telecommunication facilities.

B. Findings. In order to approve a wireless telecommunication facility, the decision-making authority must make the following findings:

1. The proposed facilities have been co-located where feasible; and

2. The proposed facilities conform to the applicable provisions of the *Wireless Telecommunication Facilities Design Guidelines* as adopted by the Board of Supervisors.

C. Federal law. All *Wireless Telecommunications Facilities* and the County's permitting and regulation of those facilities shall comply with all applicable state and federal laws and regulations.

D. Projects Eligible for Ministerial Review. A project defined under the *Colocation/Modification – Minor* use classification is eligible for ministerial approval.

E. Colocation/Modification - Major. A project defined under the *Collocation/Modification – Major* use classification shall be subject to Architecture and Site Approval. A project that complies with all of the following is eligible for the approval process in § 5.40.050 (Architecture and Site Approval Administrative Review for Minor Projects):

1. No new environmental assessment or mitigation is required.
2. The colocation or modification is consistent with the approved plans, mitigation requirements, and conditions imposed on the existing facility.

F. New Facilities. A project defined under the *New Facilities* use classification shall be subject to Architecture and Site Approval.

CHAPTER 4.20 SUPPLEMENTAL DEVELOPMENT STANDARDS

Sections:

§ 4.20.010 Purpose
§ 4.20.020 Accessory Buildings and Structures
§ 4.20.030 Density Bonuses and Other Incentives for Affordable Housing Development
§ 4.20.040 Development on Substandard Lots
§ 4.20.050 Fences
§ 4.20.060 Manufactured Homes
§ 4.20.070 Motor Vehicle Repair and Storage in Residential Districts
§ 4.20.080 Outdoor Storage
§ 4.20.090 Recreational and Similar Vehicles
§ 4.20.100 Refuse Storage in Multi-Family and Non-Residential Development
§ 4.20.110 Setback Encroachments and Height Exceptions
§ 4.20.120 Tree Preservation and Removal
§ 4.20.130 Inclusionary Housing for the Unincorporated Areas of the County of Santa Clara

§ 4.20.010 Purpose

The purpose of this chapter, Supplemental Development Standards, is to provide supplemental standards for certain structures and facilities, and for types of uses not classified in Article 2, Chapter 2.10. The regulations in this chapter are in addition to any base districts regulations in Article 2 and any combining district regulations contained in Article 3.

§ 4.20.020 Accessory Buildings and Structures

A. **General.** Accessory buildings and structures are subject to all of the provisions of this section.

B. **Exemptions.** The following accessory structures are exempt from the regulations in this chapter:

1. Paved driveways, patios, walkways, stairways, decks and similar structures whose height does not exceed 30 inches above grade. A railing no higher than 42 inches above the surface height may be placed around such exempt structures.

2. Retaining walls.

3. Any accessory building or structure whose combined above-ground dimensions (maximum length + maximum width + maximum height) do not exceed 16 feet. This exception shall not be applicable to mechanical equipment that is appurtenant to pools or to heating, ventilation, and air

conditioning systems, which are regulated by subsections 4.20.020 (J) and (K).

C. **Agricultural Buildings.** For the purposes of setbacks and height limitations, all agricultural buildings shall be regulated as accessory buildings.

D. **Urban Residential Districts.** Except as otherwise expressly provided within the zoning ordinance, detached accessory buildings in all R1, R1E, RHS, R1S, R3S, R2 districts, and A1 districts within urban service areas are subject to all of the following regulations:

1. Height shall not exceed 12 feet and is limited to no more than one (1) story. When such a building has a hip or gable roof, the height is measured from final exterior grade to the average vertical dimension between the ridge and top plate of wall (see Fig 4.20-1). In no case may the ridge height exceed 16 feet. This allowance does not apply to buildings with dormers or gambrel roofs.

   This roof-averaging height measurement may also be applied to a modified hip or gable roof structure, provided the distribution of roof massing is generally consistent with the intent of this provision, as determined by the Zoning Administrator.

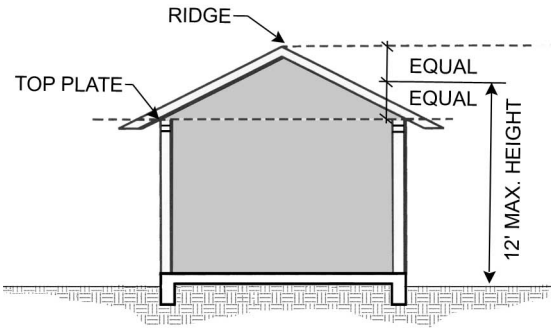


Fig. 4.20-1
Accessory Building Height

2. Location shall be in the rear half of the lot, within the rear yard (defined in Chapter 1.30), or at least 75 feet from the front property line or edge of ultimate right-of-way (see "setback" definition in §1.30.030). On flag lots and lots having certain other characteristics, the various provisions of subsection 4.20.020(F) shall apply.

3. Setbacks from side and rear property lines shall be as required by the California Building Code for fire separation.

4. Separation from any dwelling shall not be less than six (6) feet between exterior walls, and may be further restricted by the provisions of the zoning ordinance or County Ordinance Code. Trellises and other unenclosed structures (two or more open sides) may be placed closer than six (6) feet to a dwelling provided they comply with the setback requirements of dwellings for that district.

5. Rear yard coverage of detached accessory buildings shall not cumulatively exceed 30 percent.

E. **Rural Districts.** Except as otherwise expressly provided within this ordinance, detached accessory buildings and structures in all A, AR, HS, RR and RS districts, and Al districts outside of urban service areas, are subject to the following regulations:

1. Height standards vary by lot size, as follows:

   a. If gross lot area is less than two and one-half (2.50) acres, maximum height allowed is 12 feet, and one (1) story. When such a building has a hip or gable roof, the height is measured to the average vertical dimension between the ridge and top plate of wall (see Fig 4.20-1). In no case may the absolute height exceed 16 feet. This gable allowance does not apply to buildings with dormers or gabel roofs.

      This roof-averaging height measurement may also be applied to a modified hip or gable roof structure, provided the distribution of roof massing is generally consistent with the intent of this provision, as determined by the Zoning Administrator.

   b. If the gross lot area is two and one-half (2.50) acres or greater, maximum absolute height allowed is 35 feet.

2. Location shall be in the rear half of the lot, in the rear yard (defined in Chapter 1.30), or at least 75 feet from the front property line or edge of ultimate right-of-way (see "setback" definition in §1.30.030). On flag lots and lots having certain other characteristics, the various provisions of subsection 4.20.020(F) shall apply.

3. Accessory buildings or structures exceeding 12 feet in height (16 total feet with gable/hip roof allowance as provided in subsection 4.20.020(E)(1)(a), above) on lots 2.50 acres or larger are subject to side and rear yard setbacks of no less than 30 feet. For buildings or structures conforming to the provisions of subsection 4.20.020(E)(1)(a), setbacks from side and rear property lines shall be as required by the California Building Code for fire separation.

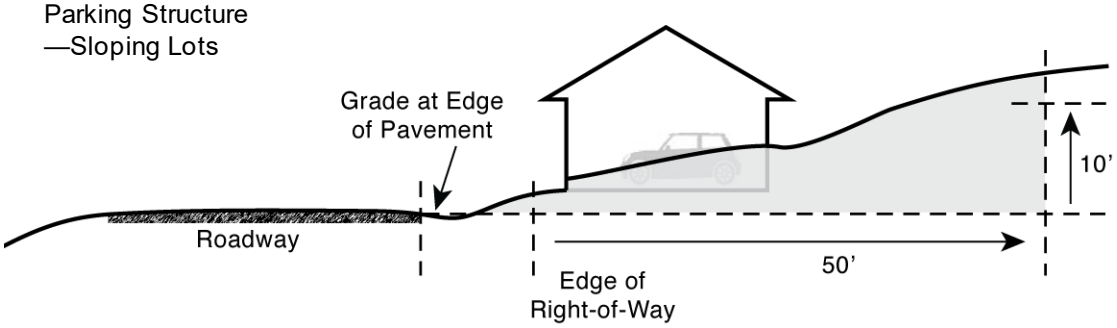
4. Separation from any dwelling shall not be less than six (6) feet (defined in Chapter 1.30), and may be further restricted by the provisions of this ordinance. Trellises and other unenclosed structures (defined as two or more open sides for purposes of this section) may be placed closer than six (6) feet to the main building provided they comply with the setback requirements of dwellings for that district.

5. Rear yard coverage of residential accessory buildings shall not cumulatively exceed 30 percent. This provision does not apply to greenhouses or other agricultural buildings.

F. **Special Setback Standards.** The following special setback standards are applicable to accessory buildings and structures as a means of reasonably accommodating unusual and problematic lot circumstances. They shall supersede any conflicting provisions of subsections D and E.

1. **Parking structure on sloping lots.** Where the grade elevation at a point 50 horizontal feet inward from the edge of right-of-way differs 10 vertical feet or more from the elevation at the adjacent edge of pavement, a garage, carport or other parking structure may be located within the required front or side yard of a lot.

Fig. 4.20-2
Parking Structure —Sloping Lots



The following requirements shall apply to such setback-exempt parking structures:

a. **Special permit required.** This special setback shall be subject to a special permit when such building is located within the required front or side yard setback applicable to dwellings. In addition to the special permit findings of Section 5.60.030, the following findings must be made:

i. There are no available, practical, or feasible alternative sites for a parking structure that would conform to setbacks, and;

ii. The garage location minimizes grading, or minimizes impacts to trees or other natural features.

b. **Size.** Such parking structures may not be larger than 600 square feet.

c. **Sight clearance for traffic safety.** Such parking structures must be situated or designed such that adequate sight clearance and safe vehicle movement are afforded the driver of an exiting vehicle, consistent with Ordinance Code §§B17-68 and 69.

d. **Height exception allowance.** When such parking structures are on land that slopes downward from the street, the downslope side of the parking structure may exceed the maximum allowed height; provided the building conforms to the 12-foot height limitation described in subsection D(1)

when measured from a horizontal plane whose elevation is equal to the grade at the front (entry) portion of the building. See Figure 4.20-2.5.

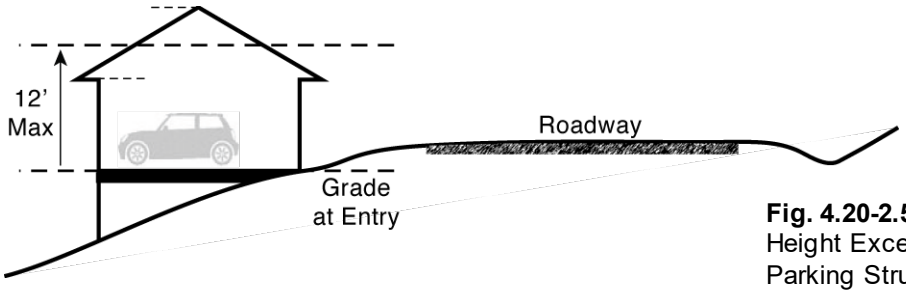


Fig. 4.20-2.5
Height Exception for Parking Structure —Sloping Lots

e. **Location.** The location of any parking structure established pursuant to these provisions shall be limited to the area of the lot meeting the slope eligibility provisions of this subsection (1).

2. **Interior lot abutting two streets.** In the case of an interior lot abutting two (2) or more streets, no detached accessory building shall be erected or altered so as to encroach within the portion of the lot representing one-fourth of the depth of the lot nearest either street. However, no such accessory building must be set back more than 75 feet from either of the front right-of-way lines.

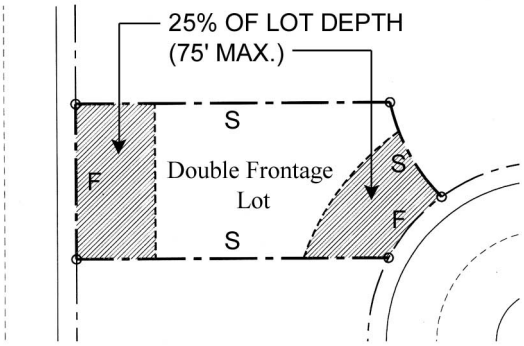


Fig. 4.20-3

3. **Corner lot abutting two streets.** In the case of a corner lot abutting two (2) streets, no detached accessory building shall project beyond the minimum side yard setback requirements of the lot to the rear of the corner lot. However, when a corner lot abuts a key lot, no such accessory building shall be located nearer to the right-of-way of the streets upon which such key lot faces than a distance equal to the depth of the front yard required on the key lot.

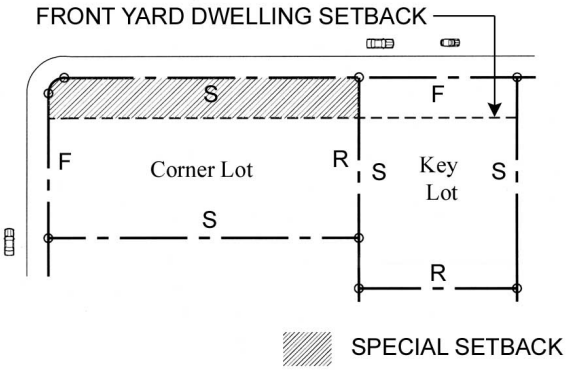


Fig. 4.20-4

4. **Corner lot abutting three or more streets.** In the case of a corner lot abutting three (3) or more streets, no detached accessory building shall be erected or altered so as to be nearer to any right-of-way than one-fourth the width or length of the lot. However, no such accessory building must be set back a distance greater than 30 feet from the determined side lot line abutting a street or a distance greater than 75 feet from either of the front right-of-way lines.

   Where such a lot has a discernible rear yard, the normal rear yard placement requirements of subsections 4.20.020(D)(2) and 4.20.020(E)(2) shall apply.

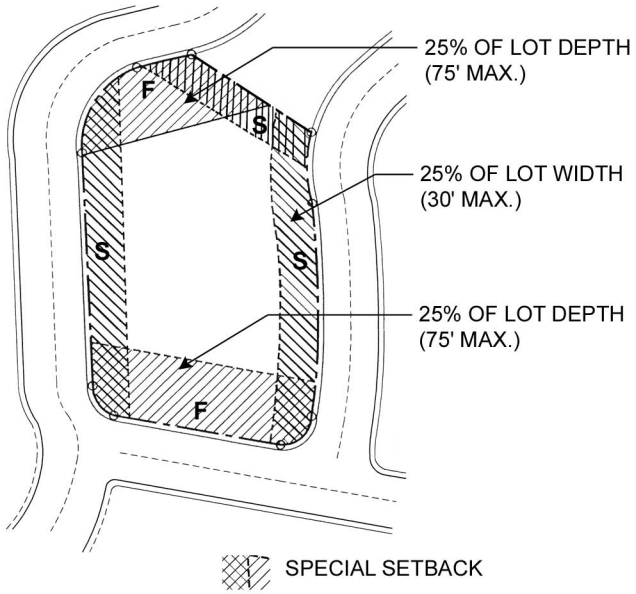


Fig. 4.20-5

5. **Adjacent front yard buffer.** No detached accessory building shall be located within five (5) feet of the side line of the front half, or front 75 feet (whichever is less), of any adjacent lot, except as specifically permitted.

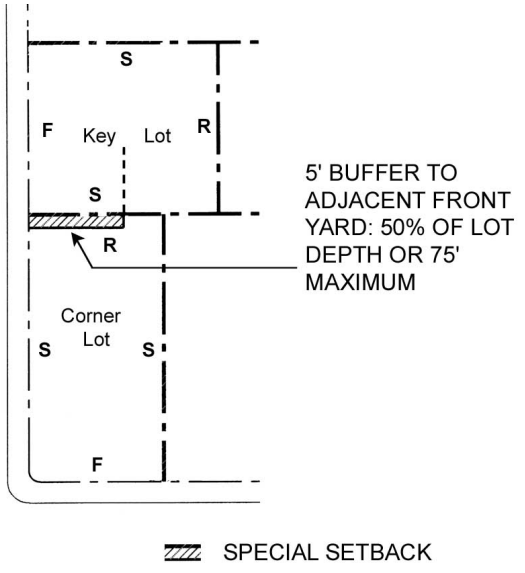


Fig. 4.20-6

6. **Flag lot.** The rear yard placement limitation of subsections 4.20.020(D)(2) and 4.20.020(E)(2) shall not apply to accessory buildings and solar systems on flag lots. Setbacks from designated front, side and rear lot lines shall be as required for side and rear lot lines by subsections 4.20.020(D)(3) and 4.20.020(E)(3).

7. **Lot abutting an alley.** In the case of a lot which abuts an alley, accessory buildings shall not be subject to any setbacks from the alley.

8. **Shallow lot depth.** Where lot depth is less than 50 feet, an accessory building may be located anywhere within 25 feet of the property line that is opposite the front property line or edge of right-of-way.

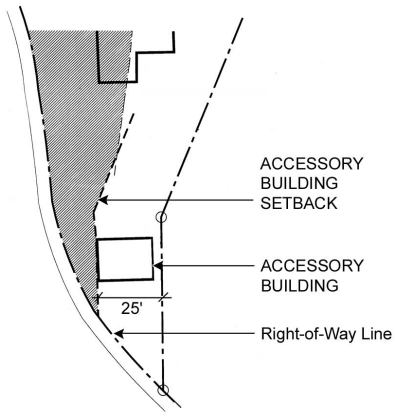


Fig. 4.20-7
Shallow Lot Depth

G. **Attached Structures.** Attached accessory structures in all districts shall comply with the following provisions:

1. Attached patio covers, carports, trellises and similar unenclosed structures shall conform to the same height, setback and separation requirements as the building to which they are attached. For the purposes of this section, the term "attached" shall include structures that are rigidly joined by structural components.

2. Attached decks shall meet the same setback requirements as the connected building at any point where the vertical distance between final grade and the surface of the deck exceeds 30 inches, except where the provisions of § 4.20.110(A) apply.

H. **Occupancy of Accessory Buildings.** No accessory building shall be used for dwelling purposes or overnight accommodations.

I. **Restrictions on Plumbing Fixtures.** Plumbing in accessory buildings shall be limited as follows:

1. Residential accessory buildings shall have no more than two (2) internal plumbing fixtures ("internal" excludes outdoor showers, spigots, or other fixtures mounted on an exterior wall), unless otherwise provided in sub-paragraph 2, below. If a half bath is proposed, the fixtures may include a toilet and a sink within a room minimally sized to accommodate only those two fixtures. For the purposes of this restriction, a water heater shall not be considered a plumbing fixture.

2. Residential accessory buildings (such as pool houses) with more than two (2) internal plumbing fixtures may be allowed if a special permit is obtained, per Chapter 5.60, and all of the following specific findings are made:

a. Must conform to the development standards specified in this chapter. More restrictive setbacks may be required in order to mitigate detrimental impacts on neighboring properties.

b. May not be used for dwelling purposes or overnight accommodation.

c. Must be of an appropriate size and design for the intended use, and should be configured in a manner that is clearly inappropriate and impractical for dwelling purposes.

J. **Swimming Pools.** Swimming pools and spa pools shall be located at least five (5) feet from any property line or right-of-way, measured to the interior wall of the pool. Pool filters, pumps and other appurtenant machinery must also be located at least five (5) feet from any property line or right-of-way. Fence enclosure requirements established by the Uniform Building Code or other regulations may further limit the placement of swimming pools within portions of a lot where fence height is restricted to less than five (5) feet.

K. **Air Conditioning, Heating, or Similar Outdoor Mechanical Unit.** Ground-mounted heating, ventilation, air conditioning units, or other similar mechanical units, must be located at least five (5) feet from any property line.

L. **Antennas.** Non-commercial antennas shall be set back from property lines a minimum distance equal to their height. Antennas shall be limited in height to 55 feet in urban residential districts, or less, if lot dimensions require reduced height to meet the required setback, and 80 feet in rural districts. Height shall be measured from final grade to maximum design height of antenna. These regulations shall apply to both ground-mounted and roof-mounted antennas.

M. **Energy Conversion Systems.** Solar and wind energy conversion systems that are accessory to a principal structure or use and will be used primarily to reduce onsite consumption of utility power shall comply with the applicable provisions of this section.

1. **Solar Energy Systems.** Solar panels and other types of solar energy systems may be placed on any portion of a lot other than within the front yard setback applicable to the principal structure. In the case of a flag lot, such panels may be permitted wtihin a front yard setback, pursuant to subsection 4.20.020(F)(6).In the case of a corner lot, no such panels shall be placed within an exterior side setback adjacent to the street. Solar panels attached to the roof of a building shall not exceed the structure's maximum allowed height by more than five (5) feet.

2. **Small Wind Energy Systems.** Wind energy conversion systems (consisting of a wind turbine, a tower, and associated control or conversion electronics) with rated capacity of not more than 50 kilowatts per customer site that will be

used primarily to reduce onsite consumption of utility power shall comply with all of the following provisions:

a. **Setbacks.** The structure shall be set back from all property lines a minimum distance equal to the height of the system (tower plus the radius of the blades), provided that the system complies with any applicable fire protection setback requirements pursuant to Public Resources Code Section 4290.

b. **Height.** System heights of not more than 80 feet shall be allowed on parcels between one and five acres. Tower heights of not more than 100 feet shall be allowed on parcels above five acres. All tower heights shall not exceed the applicable limits established by the Federal Aviation Administration. An application to the Building Inspection Office shall include a copy of the FAA determination letter along with evidence that the proposed height of a tower does not exceed the height recommended by the manufacturer or distributor of the system. A written notification at the time of application shall, for informational purposes only, be sent to the closest airport affected. System height is equal to the height of the tower plus the radius of the blades.

c. **Noise.** Noise generated by the system shall not exceed 60 decibels (dBA) or the maximum noise level applicable under the noise element of the general plan for the applicable land use classification or zoning district, as measured at the property line, except during short term events such as utility outages and severe wind storms.

d. **Airport Influence Area Limitation.** A system shall not be allowed within a runway protection zone, inner safety zone, outer safety zone and turning safety zone and shall comply with all federal aviation regulations.

e. **Security Enclosure.** The base of the structure shall be secured by means of an appropriate enclosure to prevent access or climbing by unauthorized persons.

f. **Lighting.** Tower structure lighting shall be for security and aviation safety purposes only. Fixtures for security lighting shall be mounted no higher than twelve (12) feet above grade, and shall be downward facing and properly shielded. Lighting for aviation safety purposes shall be limited to that required by federal law or regulation.

3. **Williamson Act Limitation/Easement Restrictions.** Accessory energy conversion systems shall not be allowed on land subject to a California Land Conservation Act (Williamson Act) contract, unless permitted as a compatible use, or on any land subject to an open space easement, agricultural easement, or conservation easement if prohibited by or incompatible with the terms or purposes of such easement.

N. **Livestock Shelters.** In addition to the requirements applicable to accessory buildings in this section, all of the following placement limitations shall apply specifically to stables, barns and other structures designed, intended or used for the shelter or confinement of livestock. Such structures:

1. Should be located at least 100 feet from any well or established watercourse. Proposals for such structures situated nearer than 100 feet to wells or watercourses (defined in Chapter 1.30) shall be evaluated on a case-by-case basis by the Santa Clara County Department of Environmental Health. The department shall consider various factors, including (but not limited to) topography and drainage, soil and vegetation, hydro-geology, well depth, well casing depth, type and capacity of building, type and number of animals, and existing lot configuration, in approving or disapproving a lesser separation; and,

2. Shall not be constructed on slopes exceeding 15 percent.

O. **Water Tanks.** The following regulations shall apply to all private, noncommercial water storage tanks that are ancillary to residential development or agriculture:

1. The following setback requirements shall apply:

   a. Water tanks shall have a minimum front yard setback equal to that required for dwellings in the applicable zoning district; except that on flag lots or lots that otherwise have no direct frontage on a street or right-of-way, the side and rear setbacks provided in subsections b and c (below) shall also apply to the designated front yard.

   b. Water tanks that are 12 feet or less in height shall be set back from any side or rear property lines a minimum of three (3) feet.

   c. Water tanks that are greater than 12 feet in height shall be set back from any side or rear property lines a minimum of 30 feet.

   d. Water tanks shall be exempt from the foregoing setback requirements under either of the following circumstances: (1) when located within a designated area created for water storage as part of a subdivision, or (2) when located on any lot whose area is less than 3,750 square feet.

2. The maximum height of water tanks, including tower-mounted tanks, shall be 35 feet.

P. **Light Poles and Flag Poles.** Light poles and flag poles accessory to residential or agricultural uses shall be limited to 35 feet in height. Such structures shall be set back from property lines a minimum distance equal to the height of the structure. Light fixtures on light poles shall be shielded such that the light source is not visible from beyond the boundaries of the subject property.

§ 4.20.030 Density Bonuses and Other Incentives for Affordable Housing

A. **General Provisions.** Applicants for housing development proposals may be eligible for a density bonus or other incentives to produce and maintain housing affordable to low and very low income households pursuant to the provisions and requirements of California Government Code Sections 65915 through 65918. Other incentives, such as reductions in standards, parking requirements, mixed use development, or other concessions which effectively reduce the cost of housing units targeted for low and very low income housing may also be provided. For purposes of implementing this provision of the zoning ordinance as part of a subdivision or other housing development proposal, specific instructions and procedures are contained within the pertinent sections of Government Code Sections 65915 through 65918, as amended.

B. **Calculations.** The number of additional lots or dwelling units permitted by means of a density bonus allocation shall be achieved by making the appropriate and commensurate reduction in the applicable standards or regulations establishing minimum lot size or minimum lot area per dwelling unit for multi-family zoning districts.

§ 4.20.040 Development on Substandard Lots

A. **Minimum Size.** Any legally established lot, that is substandard in area (relative to the applicable minimum lot size) may be used as a residential building site provided that its area is not less than 3,750 square feet and it complies with all other applicable land development regulations.

B. **Setback Exceptions.** See § 4.20.110 for special setback exceptions for substandard lots.

§ 4.20.050 Fences

A. **Fences In Urban Residential Districts.** Fences in all R1, R1E, R2, R1S and RHS districts, and Al districts within urban service areas are subject to all of the following regulations:

1. Fences or hedges shall not exceed three (3) feet in height within any portion of a lot within 20 feet of the front lot line (or edge of front right-of-way).

2. Fences shall not exceed eight (8) feet in height within any other portion of a lot, except as specified in subsection 3 below. This limitation shall not apply to hedges.

3. On corner lots, fences or hedges along the exterior side lot line (or edge of side right-of-way) may be as tall as eight (8) feet, except that a three-foot height limitation shall apply within the following areas: (a) within the 40-foot sight clearance triangle defined by Section B17-69 of the County Ordinance Code, which relates to vehicular sight clearance on intersecting streets, and (b) within a 20-foot sight clearance triangle where the rear of a corner lot abuts the front and side yards of a key lot.

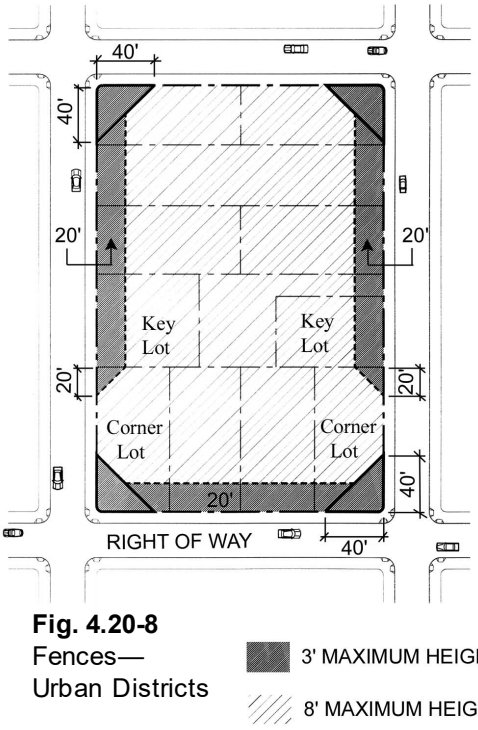


Fig. 4.20-8
Fences—
Urban Districts

4. Where architecture and site approval is required for the establishment of a use, the regulations specified in this section may be modified through the architecture and site approval process (Chapter 5.40).

5. Fences that reasonably must exceed the height limitations specified within this section, such as enclosures for tennis courts, or due to physical circumstances such as unusual topography, or for consistency with and preservation of neighborhood character, may be allowed subject to the design review provisions of Chapter 5.50. This provision shall also apply to hedges within 20 feet of the front lot line, or edge of front right-of-way.

6. Fences in "-d" and "-sr" combining districts shall be subject to the design review provisions of Chapter 5.50.

B. **Fences in Rural Districts.** Fences in A, AR, HS, RR and RS districts and Al districts outside of urban service areas are subject to all of the following regulations:

1. Fences or hedges not exceeding six (6) feet in height may occupy any portion of a lot within 20 feet of the edge of any street right-of-way. However, on corner lots where two (2) or more streets intersect, Section B17-69 of the County Ordinance Code relating to sight clearance for fences and hedges applies.

2. No fence or hedge may be built in a manner that significantly obstructs the view from vehicles exiting a driveway of approaching vehicular or pedestrian traffic. Within a triangle formed by two (2) 20-foot sides measured from the point of intersection along the edge of pavement and the edge of driveway, no fence may exceed three (3) feet in height, unless design review approval is obtained under Chapter 5.50.

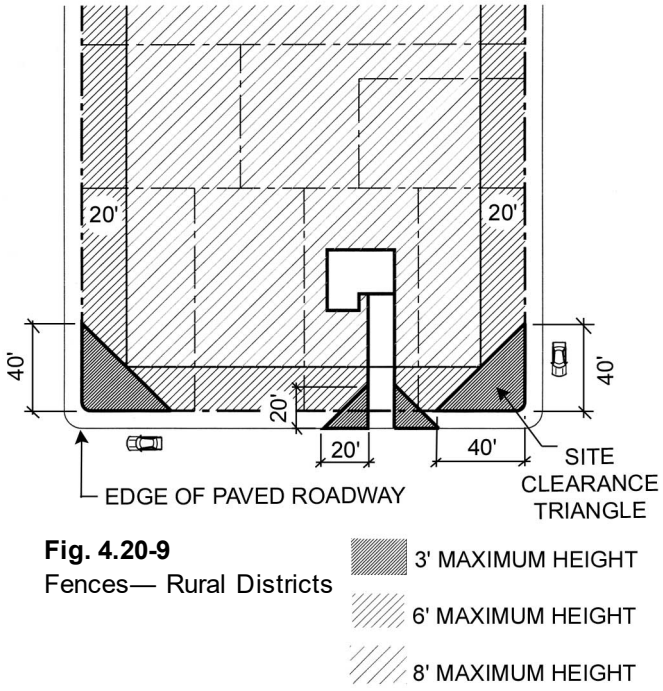


Fig. 4.20-9
Fences— Rural Districts

3. Fences not exceeding eight (8) feet in height may occupy any portion of a lot other than the restricted areas described in subparagraphs one (1) and two (2), above. This limitation shall not apply to hedges.

4. Where architecture and site approval is required for the establishment of a use, the regulations specified in this subsection may be modified through the architecture and site approval process.

5. Fences that reasonably must exceed the height limitations specified within this section, such as for tennis courts, or due to physical circumstances such as unusual topography, or for consistency with and preservation of neighborhood character, may be allowed subject to the design review provisions of Chapter 5.50. This provision shall also be applied to hedges within 20 feet of the front lot line, or edge of front right-of-way.

6. Fences in "-d" and "-sr" combining districts shall be subject to the design review provisions of Chapter 5.50.

§ 4.20.060 Manufactured Homes

Manufactured (factory-built) homes and mobile homes shall be certified under the *National Manufactured Housing Construction and Safety Standards Act of 1974*.

§ 4.20.070 Motor Vehicle Repair and Storage in Residential Districts

A. **Intent.** It is the intent of this section to limit certain activities associated with the repair and storage of motor vehicles that occur on residential property so that such activities do not disturb neighboring residents.

B. **Limitations.** On any residential lot in any zoning district, the servicing, repairing, assembling, disassembling, wrecking, modifying or otherwise working (hereinafter referred to as "work" within this section) on any motor vehicle or the placing or storing of disabled or inoperative motor vehicles, motor vehicle bodies, parts, equipment, machinery, tools or other metal materials of any kind is only permitted if all of the following are met:

1. Work may be performed only on a motor vehicle registered to a person residing on the lot.
2. Storing disabled or inoperative vehicles. A disabled vehicle is one that cannot immediately be started and moved under its own power or is not currently registered for use on the public right-of-way.
    a. Disabled or inoperative vehicles shall be stored in areas screened from public view and from adjacent properties.
    b. No more than two (2) disabled or inoperative vehicles are allowed to be stored or worked on per lot.
3. Motor vehicle repair and storage shall not constitute a legal, nonconforming use, and this provision shall supersede any contrary provision of Chapter 4.50.
4. In addition to the above restrictions, the following shall apply to all lots that are less than one (1) gross acre in area:
    a. All motor vehicle bodies, parts, equipment, machinery, tools or other metal materials of any kind shall be stored within a screened or enclosed area.
    b. All work performed on a motor vehicle shall be permitted only during the hours of 7:00 a.m. to 10:00 p.m.
5. In addition to the above restrictions, on lots less than ten (10) acres, work cannot extend over a period of 72 hours unless the vehicle is moved to an area behind the front yard setback which is not visible from the front property line.

§ 4.20.080 Outdoor Storage: Miscellaneous Materials

A. **General**. Outdoor storage of miscellaneous materials, including building materials, appliances, salvaged materials, vehicle or machine parts, scrap metals, junk, and similar items or materials that are deteriorated or dilapidated, are subject

to all of the following limitations, with the exception of those materials or items addressed in the provisions of subsection B (below). These provisions apply to all zoning districts.

1. **Area:** No more than 200 square feet on any lot, cumulative, may be used for outdoor storage of such miscellaneous materials.

2. **Height:** Materials may not be stored in such a way that they exceed six (6) feet in height.

3. **Visibility:** Materials shall not be visible from a public right-of-way or adjacent property, nor located within the required minimum front yard setback of any lot.

B. **Exceptions**. Such miscellaneous materials shall not be subject to the area, height and visibility restrictions of subsection A (above) when any of the following circumstances apply:

1. The storage is temporary and for the purpose of construction pursuant to and during the time permitted by a valid building permit.

2. The storage is for purposes of conducting a yard or garage sale, having a duration of no more than three (3) consecutive days. Such garage sales shall be limited to not more than four (4) per year, and not more than two (2) consecutive weekends.

3. The storage is incidental and accessory to any permitted agricultural use, or conducted as the legally established primary use within an industrial zoning district.

4. The provisions of this section do not apply to: (a) motor vehicle repair and storage as described in Section 4.20.070, (b) recreational vehicle storage as described in Section 4.20.090, or (c) refuse storage as described in Section 4.20.100 for multi-family and non-residential uses.

§ 4.20.090 Recreational and Similar Vehicles

A. **Storage of Recreational Vehicles.** The following provisions apply to recreational vehicles (RVs) and similar vehicles parked or stored on residential lots, and shall apply in all zoning districts. They do not apply to approved commercial or industrial RV storage uses, RV parks, temporary agricultural residences (§ 4.10.385), temporary emergency housing following casualty (§ 4.20.090(B)), temporary residences during house construction (§ 4.10.380), or movable tiny homes (§ 1.30.030) that have been permitted by the County.

1. No RV, camper, trailer, boat or similar vehicle may be parked or stored within a front or side yard for a period of more than 72 hours within any one (1)

calendar month; however, this provision shall not preclude such RV storage on portions of a front or side yard that are at least 75 feet from the front property line.

2. An RV, camper, trailer, boat or similar vehicle may be stored within a rear yard. On a corner lot abutting a key lot, such vehicles must additionally be set back from the side right-of-way a distance equal to the front yard setback of the adjacent key lot.

3. Any RV, camper, trailer, boat or similar vehicle stored on a lot must be registered to a resident of that lot.

4. No RV may be used for dwelling purposes while being parked or stored on the premises. Utility connections are not allowed except when necessary for limited maintenance activity.

5. Storage of RVs, campers, trailers, boats or similar vehicles in a manner inconsistent with the limitations of this section shall not be allowed, regardless of when such storage may have been established. This provision shall supersede any contrary provision of Chapter 4.50: Nonconforming Uses and Structures.

B. **Use as Emergency Housing Following Casualty.** A mobile home or recreational vehicle, including travel trailer, may be temporarily occupied on property where a fire, earthquake or other casualty has rendered the primary residence non-habitable. All of the following requirements shall apply:

1. The temporary dwelling must be removed from the premises within 90 days after the date of occupancy of the repaired or replacement dwelling, or two years following the date the casualty occurred, whichever occurs first.

2. Temporary mobile homes or travel trailers must be connected to a sanitary sewer or septic system approved by the Department of Environmental Health for the temporary occupancy use.

B. **Use as Emergency Housing Following Casualty.** A mobile home or recreational vehicle, including travel trailer, may be temporarily occupied on property where a fire, earthquake or other casualty has rendered the primary residence non-habitable. All of the following requirements shall apply:

1. The temporary dwelling must be removed from the premises within 90 days after the date of occupancy of the repaired or replacement dwelling, or two years following the date the casualty occurred, whichever occurs first.

2. Temporary mobile homes or travel trailers must be connected to a sanitary sewer or septic system approved by the Department of Environmental Health for the temporary occupancy use.

§ 4.20.100 Refuse Storage in Multi-Family and Non-Residential Development

A. **General.** The provisions of this section apply to all multi-family and nonresidential development.

B. **Location.** Trash enclosures shall be located in the side or rear yard unless such location would prevent accessibility by a collection vehicle. In such cases, the Zoning Administrator shall have authority to determine the appropriate location of trash enclosures.

C. **Pickup and Disposal.** Refuse storage shall be subject to weekly or other regularly scheduled pickup and disposal.

D. **Standards.** Trash enclosures shall be constructed and maintained as follows:

1. They shall be constructed prior to occupancy of the development;
2. They shall be screened on three (3) sides by a solid masonry or wood wall of at least six (6) feet in height;
3. They shall be screened from view from public rights-of-way; and
4. Their locations shall be accessible to refuse-collecting vehicles.

§ 4.20.110 Setback Encroachments and Height Exceptions

A. **Setback Encroachment Allowance for Certain Architectural Features.**

1. **General.** The following architectural features and appurtenant structures may extend into any required front, side or rear yard setback, but not beyond a property line, a distance not exceeding 30 inches beyond any legally constructed exterior wall of a dwelling:

   a. Awnings;

   b. Bay windows, limited. For purposes of this section, the bay window must be supported by framing or underpinnings higher than the finished floor level, not creating additional floor area, and the vertical distance between the surface of the interior window ledge or bench and the finished floor must be 30 inches or greater. (see definition in Ch. 1.30);

   c. Chimneys;

   d. Cornices;

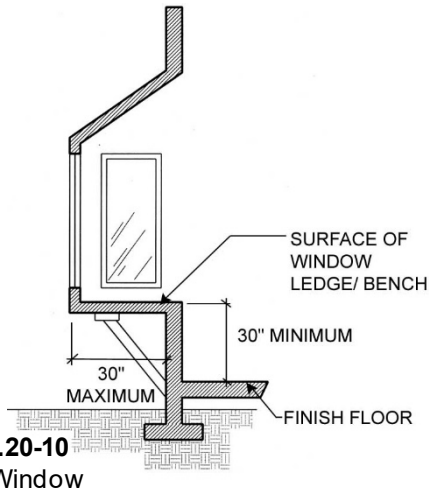


Fig.4.20-10
Bay Window

e. Eaves;

f. Utility meters and appurtenant equipment; and

g. Architectural features similar in size and nature as determined by the Zoning Administrator.

2. **Decks, porches, and entry stairs.** Uncovered decks, porches, and entry stairs may encroach into setbacks to the extent provided in the table below. Covered porches may also encroach into the front yard setback only, to the extent provided in the table below; provided they are not enclosed by walls, screening or other such continuous vertical components. Only necessary support pillars not exceeding two (2) horizontal feet in thickness may be included. For all such decks, porches and entry stairs, a safety railing not exceeding 42 inches in height may be allowed. For the purposes of these sections, multiple decks on a building or structure will be cumulatively considered.

Yard	Maximum Encroachment Distance (feet)	Maximum Encroachment Area (square feet)
Front	6	96
Side	4	64
Rear	6	96

The limitations of this table apply only to those portions of such structures that are more than 30 inches above final grade. Decks and other structures not more than 30 inches above final grade are exempt from setback requirements, per subsection 4.20.020(B)(1).

3. **Accommodation for disabled.** Wheelchair ramps, elevators, mechanical access devices and other structures intended to facilitate access for the disabled may be exempted from setback requirements or other development standards, permit requirements or building regulations, pursuant to the County's procedures for "Requests for Reasonable Accommodation" as defined in the County of Santa Clara Housing Element; Appendix 4 of the General Plan, and applicable state and federal regulations.

4. **Basement light-wells, access stairwells.** Basement light-wells and below-grade access stairways may encroach into residential setbacks provided their retaining walls are situated at least three (3) feet from property lines. Above-grade railings or walls around such light-wells or access stairways that are 42 inches or less in height are also exempt from residential setbacks.

B. **Height Exceptions.** The following architectural features and appurtenant structures may exceed the maximum height requirement for dwellings and accessory buildings as indicated:

1. Antennas: See subsection 4.20.020(L): Antennas.

2. Chimneys: Ten (10) additional feet maximum.

3. Decorative features such as weather vanes and open railings. Includes cupolas, and similar features, not exceeding 24 square feet in area: Five (5) additional feet maximum.

4. Solar (photovoltaic) panels mounted on roof: Five (5) additional feet maximum.

5. Air pollution control equipment required and approved by the Bay Area Air Quality Management District or other governmental regulatory agency shall have no maximum height limit, subject to obtaining Architecture & Site Approval (ASA).

6. Architectural features similar in scale and nature as the above, as determined by the zoning administrator.

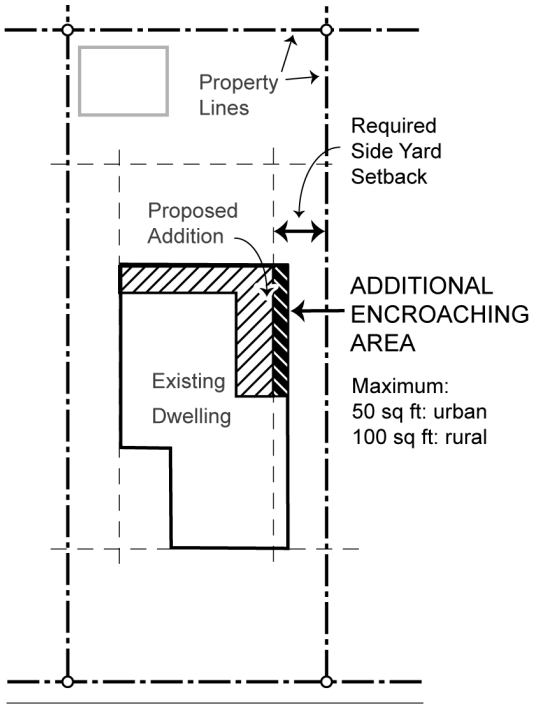
C. **Special Setback Exceptions.** The following setback exceptions shall supersede the standard residential setbacks specified in any base district or lot-size combining zoning district.

1. **Side setback reduction based on area**. A lot whose area is one (1) net acre or less, and is lesser in area than the minimum lot size required by the applicable zoning district, may qualify for reduced side yard setbacks. The following table lists the allowable reduced side yards for ranges of substandard lot sizes.

SUBSTANDARD LOT AREA (net square feet)	MINIMUM SIDE YARD (feet)
3,750 – 5,000	5
5,001 – 6,000	6
6,001 – 8,000	8
8,001 – 10,000	10
10,001 – 20,000	15
20,001 – 1 acre (net)	20

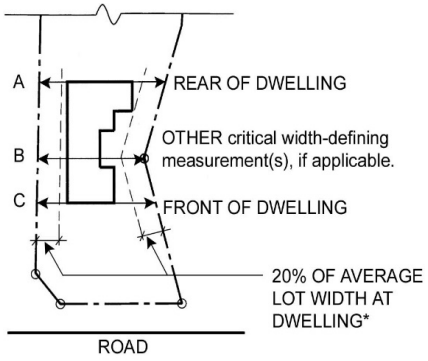
Fig. 4.20-11

2. **Side setback reduction based on width.** A narrow lot (having an exceptionally large depth-to-width ratio) shall have minimum side yard setbacks equal to 20 percent of the lot width whenever such setback dimension would be lesser than would otherwise be provided for by the Zoning Ordinance. This allowance shall not, however, allow for an exterior side yard setback on a corner lot to be less than 10 feet.



For the purposes of this subsection, width of this measured across shall be the lot where the portion of the will be located, dwelling is or resulting side and the be rounded to the setback shall foot. nearest whole

3. **Rear setback reduction based on depth.** Required residential rear yard setbacks may be reduced to 20 percent of the depth of any lot. For the purposes of this subsection, depth shall be measured through the portion of the lot where the dwelling is or will be located, and the resulting rear setback shall be rounded to the nearest whole foot.



*A+B+C ÷ 3 = AVERAGE LOT WIDTH

AVERAGE LOT WIDTH X 0.20 (20%) = SIDE YARD SETBACK

4. **Setback-nonconforming dwellings:**
Extension of side yard encroachment. Any legally constructed portion of a dwelling that encroaches into a required side yard setback may be extended lengthwise along the dwelling's side wall plane, subject to the following:

Fig. 4.20-12

a. The new encroachment shall be limited in area to no more than 50 square feet per lot on lots located within urban service areas, and 100 square feet per lot on lots outside urban service areas. Such allowed encroachment may be adjacent to either (or both) side yard(s) provided the new

encroaching area does not cumulatively exceed the applicable maximum (50 or 100 square feet). No such encroachment may extend into any front or rear yard setback.

b. The floor area limitations of subsection A, above, shall be applied cumulatively to construction permitted after September 21, 1993.

c. The additional area of encroachment may not be more than one story nor taller than the existing adjoining wall.

d. No greater setback encroachment may result (i.e., the extension may be no nearer to the side property line than the existing wall being extended).

e. No portion of a house that is less than three (3) feet from a side property line may be extended under this provision.

5. **Setback-nonconforming buildings: Roof-pitch change.** A legally constructed roof that is part of a setback-nonconforming portion of a house may be replaced by roof of the same or a different design, except where such replacement creates additional (nonconforming) floor area, as defined in Section 1.30.030.

6. **Setback-nonconforming buildings: Accessory dwelling unit additions.** A setback-nonconforming single-family residence, or setback-nonconforming accessory structure, may be expanded by no more than 150 square feet to accommodate an attached ADU, so long as the expansion does not result in a greater setback encroachment.

7. **Setback-nonconforming dwellings: Casualty reconstruction.** See Section 4.50.030, subsection C.

8. **Setbacks established by recorded subdivision.** The placement limitations designated by an applicable recorded subdivision map, including, but not limited to building envelopes, building lines, and setbacks shall supersede the setbacks required by this ordinance, if such limitations are more restrictive than setbacks established by the zoning ordinance.

9. **Setbacks for lots less than one acre within specified substandard subdivisions** in the HS zoning district are contained in subsection A of Section 2.20.070: Additional Development Standards for HS Districts.

D. **Breezeways.**

1. **Covered Walkway/Limited Breezeway.** A limited breezeway may be built to serve as an open walkway between two (2) otherwise detached buildings. The breezeway is considered exempt from the more restrictive setback

requirements applicable to either of the buildings connected by the breezeway, if all the following limitations are met:

a. The roof width, as measured perpendicular to the linear direction of travel from one building to the other, does not exceed eight (8) feet, except as needed at corners;

b. The breezeway follows a reasonably direct path between each building; and

c. The breezeway sides are entirely open except for necessary structural supports.

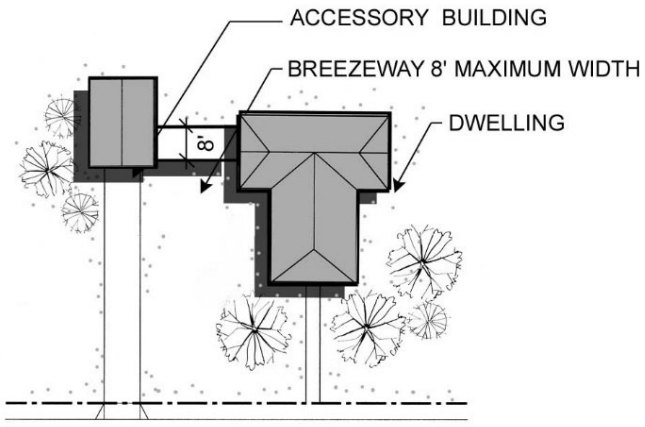


Fig. 4.20-13
Breezeways

2. **Other Breezeways.** Breezeways that exceed the above limitations, or similar structures that connect one (1) or more accessory building to a dwelling, may be allowed provided all portions of the breezeway and connected structures comply with the setbacks applicable to dwellings. Where such a breezeway connects two (2) or more accessory buildings or structures with different setback requirements, the more restrictive setbacks shall apply to all such buildings or structures.

§ 4.20.120 Tree Preservation and Removal

For regulations related to tree preservation and removal, see Division C16 of the County Ordinance Code.

§ 4.20.130 Inclusionary Housing for the Unincorporated Areas of the County of Santa Clara

A. ***Purpose and intent.*** The purpose and intent of this Section are as follows:

1. It is the policy of the County that this Section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, affordable housing.

2. Construction of affordable units as well as market-rate units within the unincorporated areas of the County of Santa Clara is consistent with the County's Housing Element goals of protecting the public welfare by fostering a sufficient supply of housing for persons at all economic levels. Requiring the development of affordable housing units in new market rate

residential development in the unincorporated areas of the County of Santa Clara will provide affordable housing, which will relieve the burden placed on the housing market throughout the County. Provision of additional housing will also help the County reach its regional share of housing needs and implement the goals and objectives of the General Plan, Housing Element, and the Stanford Community Plan. This ordinance is being adopted as part of incremental steps taken by the County of Santa Clara to require the construction of affordable units when market rate units are constructed.

3. The adoption of an inclusionary housing program for unincorporated areas in the County will also assist in alleviating constraints on availability of land for affordable housing caused by use of residential land primarily for development of market rate housing because it will require new housing developments to include affordable housing and will assist in alleviating the impacts of the service needs of market rate households in the County.

4. Requiring the development of affordable housing units in new market rate residential development in the County of Santa Clara, both outside of and within the Stanford Community Plan Area, recognizes the broad need to provide affordable housing across the County. This ordinance is tailored to provide affordable housing requirements for unincorporated areas of the County that reflects the predominately rural and less intense development patterns of most unincorporated areas in the County. Residential development activity consists primarily of single-family developments within rural areas of the County.

5. This ordinance also recognizes the unique development characteristics within the Stanford Community Plan Area, which is urban and much higher in density than other unincorporated parts of the County. Construction of affordable units as well as market-rate units within the Stanford Community Plan Area is consistent with the County's Housing Element goals of protecting the public welfare by fostering an adequate supply of housing for persons at all economic levels. Requiring the development of affordable housing units in new market rate residential development in the Stanford Community Plan Area will provide affordable housing, which will relieve the burden placed on the housing market in the surrounding area. Flexibility to build units outside of the Stanford Community Plan Area will provide additional housing units to lower income households in the community, further relieving the burden on the housing market. Provision of additional deed-restricted affordable housing within the Stanford Community Plan will also help the County reach its regional share of housing needs and implement the goals and objectives of the General Plan, Housing Element, and the Stanford Community Plan.

6. The County desires to provide the residential development community with alternatives to construction of the inclusionary units on the same site as the market rate residential development. Therefore, subsection H (Compliance Options) of this Section includes a menu of options from which a developer may select an alternative to the construction of inclusionary units on the same site as the market rate residential development as required by subsection E (On-Site Inclusionary Housing Requirement) of this Section.

7. This Section 4.20.130 is adopted pursuant to the County's police power authority to protect the public health, safety, and welfare, and as authorized by paragraph (g) of Government Code Section 65850.

B. ***Definitions.*** In addition to the definitions in Chapter 1 of Division A1 of this Code, the following definitions shall apply and shall supersede the definitions in Section 1.30.030 of this Zoning Ordinance where they conflict:

1. *Affordable Housing Cost:* The housing cost for dwelling units as defined by California Health and Safety Code Section 50052.5 for owner-occupied housing and the affordable rent for rental units as defined by California Health and Safety Code Section 50053, as applicable.

2. *Affordable Housing Plan:* The plan for meeting the inclusionary housing requirements of this Section that is submitted as part of an application for a Planning Permit for a Residential Development and further described in subsection K (Affordable Housing Plan and Inclusionary Housing Agreement).

3. *Applicant:* One or more person(s) or entity(ies) that applies for a Residential Development in the County, regardless of whether the person(s) or entity(ies) have an ownership or leasehold interest in the property on which the development is proposed.

4. *Area Median Income or AMI:* The annual median income for Santa Clara County, adjusted for household size, as published periodically in the California Code of Regulations, Title 25, Section 6932, or its successor provision.

5. *Building Permit:* The full structural building permits or partial permits (i.e., foundation-only permits).

6. *Certificate of Occupancy:* The final inspection approval of the Building Inspection Office on the building permit inspection card for a complete building or structure.

7. *Dwelling Unit:* A building or portion thereof that is designed, intended or used for dwelling purposes for one household.

8. *Extremely Low-Income Household:* A household as defined in California Health and Safety Code section 50106.

9. *For Sale:* Any Dwelling Unit, including a condominium, stock cooperative, community apartment, or attached or detached single-family home, for which a parcel or tentative and final map is required for the lawful subdivision of the parcel upon which the Dwelling Unit is located or for the creation of a unit in accordance with the Subdivision Map Act (California Government Code section 66410 et seq.) or any Residential Development that includes such a For Sale Dwelling Unit.

10. *Inclusionary Housing Fund*: A fund or account designated by the County to maintain and account for all monies received pursuant to this Section, as authorized by subsection O (Inclusionary Housing Fund).

11. *Inclusionary Housing Guidelines:* The requirements for implementation and administration of this Section adopted by the Planning Commission, applicable to the subject area as identified in this Section.

12. *Inclusionary Unit:* A Dwelling Unit required by this Section to be affordable to Extremely Low, Very Low, Lower, or Moderate-Income Households.

13. *Lower Income Households:* Households as defined in California Health and Safety Code section 50079.5.

14. *Market Rate Unit:* A new Dwelling Unit in a Residential Development that is not an Inclusionary Unit as defined by this Section, or a Dwelling Unit subject to a long-term affordability agreement, regulatory agreement or deed restriction ensuring affordability, that will expire within one year.

15. *Moderate Income Household:* A household as defined in California Health and Safety Code section 50093(b).

16. *Operative Date:* The operative date of this Section shall be as follows:

    a. For areas within the Stanford Community Plan Area, the Operative Date shall be July 1, 2019.

    b. For areas outside the Stanford Community Plan Area, the Operative Date shall be June 1, 2021.

17. *Planning Permit:* A land use permit or approval including but not limited to a tentative map, parcel map, use permit, architecture and site approval, cluster development permit, development agreement, special use permit, or any other discretionary permit. Does not include General Plan and specific plan amendments, zoning ordinances and amendments, area development policies, or the General Use Permit as described in the Stanford Community Plan.

18. *Rental:* A Dwelling Unit that is not a For Sale Dwelling Unit. Does not include any Dwelling Unit, whether offered for rental or for sale, that may be sold individually as the result of the lawful subdivision of the parcel upon which the Dwelling Unit is located in accordance with the Subdivision Map Act.

19. *Residential Development:* Any development that would create three or more new, or additional Dwelling Units by any of the following means or combination thereof:

    a. The construction of new Dwelling Units, including additions to existing multifamily structures;

    b. The conversion of a use to a residential use from another use;

    c. The conversion of a use to For Sale residential from a Rental residential use; or

    d. The subdivision of land that would allow residential Dwelling Units.

20. *Student*: A matriculated undergraduate or graduate student, but shall not include postdoctoral fellows.

21. *Student Housing*: Housing provided solely to Students, including, but not limited to, dormitories, apartments, family student housing, graduate student housing, and other housing provided to matriculated students, but shall not include any housing provided for postdoctoral fellows.

22. *Very Low Income Household:* A household earning no more than the amount defined by California Health and Safety Code section 50105.

C. ***Applicability.*** The provisions of this Section shall apply to all Residential Development in the unincorporated areas of the County, except for any Residential Development exempt under subsection D (Exemptions) or as otherwise noted in this Section.

D. ***Exemptions.*** This Section shall not apply to any of the following:

1. Projects that are not Residential Developments.

2. Projects that create less than three Dwelling Units.

3. Any Residential Development project with an application that was deemed complete pursuant to Section 5.20.080 of this Code prior to the Operative Date of this Section.

4. Reconstruction of Residential Development that was destroyed by fire, flood, earthquake, or other act of nature, within 2 years of such an event so long as the number of units does not exceed the number of units before the loss.

5. Accessory dwelling units, as defined by Section 2.10.030 of the County Code.

6. Agricultural employee housing, as defined by Section 2.10.030 of the County Code.

7. Expanded residential community care facilities, as defined by Section 2.10.040 of the County Code.

8. Student Housing.

E. ***On-Site Inclusionary Housing Requirement.***

1. All new Residential Development of three or more units, not within the Stanford Community Plan Area, shall include Inclusionary Units, as follows:

   a. Rental Residential Development. Sixteen percent (16%) of the total Dwelling Units in any Rental Residential Development shall be Inclusionary Units made available for rent at an Affordable Housing Cost to lower, very low, or extremely low income households earning no more than eighty percent (80%) of the Area Median Income.

   b. For Sale Residential Development. Sixteen percent (16%) of the total Dwelling Units in the For Sale Residential Development shall be Inclusionary Units made available for purchase at an Affordable Housing Cost to moderate, lower, very low, or extremely low income households earning no more than one hundred twenty percent (120%) of the Area Median Income.

c. Where the calculation of required Inclusionary Units results in a fraction, any decimal fraction above a whole number of Dwelling Units shall either be paid as an in lieu fee pursuant to paragraph 1.c of subsection H (Compliance Options) herein or rounded up to require the provision of an additional Inclusionary Unit.

d. A developer of a Residential Development project shall not avoid the requirements of this Section by submitting a piecemeal project application. At the time of the application for a Planning Permit, the developer shall identify all contiguous property under common ownership or control and identify the maximum potential residential dwelling units, except for such units listed in paragraphs (3) to (8) of subsection (D) (Exemptions). If the maximum potential residential dwelling units total three or more, an Inclusionary Housing Agreement, as specified in the Guidelines, shall be recorded against the project and all contiguous property under common ownership or control. The Inclusionary Housing Agreement shall require compliance with this Section upon development of each contiguous property when a total of three or more such residential dwelling units are proposed, or as otherwise specified in the Inclusionary Housing Agreement.

2. All new Residential Development within the Stanford Community Plan Area of three or more units shall include Inclusionary Units, as follows:

a. Rental Residential Development. Sixteen percent (16%) of the total Dwelling Units in any Rental Residential Development shall be Inclusionary Units made available for rent at an Affordable Housing Cost. Of the total number of Inclusionary Units provided, 15% shall be affordable to Extremely Low or Very Low Income Households, 45% shall be affordable to Low Income Households, and 40% shall be affordable to Moderate Income Households.

b For Sale Residential Development. Sixteen percent (16%) of the total Dwelling Units in the For Sale Residential Development shall be Inclusionary Units made affordable using one of the following methods:

(i) Inclusionary Units in a For Sale Residential Development may be made available for purchase at an Affordable Housing Cost to those households earning no more than one hundred twenty percent (120%) of the Area Median Income; or

(ii) Required Inclusionary Units in a For Sale Residential Development may be banked and developed as Rental

Inclusionary Units pursuant to the Inclusionary Housing Guidelines.

c. Where the calculation of required Inclusionary Units results in a fraction, the on-site requirements shall be the number of Inclusionary Units required, rounded down to the nearest whole number and any decimal fraction above a whole number of Inclusionary Units shall accrue as provided in the Inclusionary Housing Guidelines.

F. ***Timing of Construction of Inclusionary Units.*** All required Inclusionary Units shall be made available for occupancy concurrently with the first Market Rate Units in the Residential Development. The County shall not issue Building Permits for Market Rate Units except where Building Permits for Inclusionary Units are included in the application. A Certificate of Occupancy shall not be issued for Market Rate Units except where a Certificate of Occupancy for Inclusionary Units are issued concurrently in the required inclusionary proportion specified in subsection E (On-Site Inclusionary Housing Requirement).

G. ***Additional Standards for Inclusionary Units.*** Inclusionary Units shall be similar in quality and design to the Market Rate Units in the Residential Development and shall meet all site, design and construction standards in this Code and the Inclusionary Housing Guidelines.

H. ***Compliance Options.*** The compliance options herein may apply as alternatives to providing Inclusionary Units on-site as required by subsection E (On-Site Inclusionary Housing Requirement).

1. For Residential Development not within the Stanford Community Plan Area, the following options apply:

a. *On-Site.* An Applicant may construct on-site Inclusionary Units in the Residential Development as described in paragraph 1 of subsection E (On-Site Inclusionary Housing Requirement).

b. *Off-Site.* As an alternative to providing Inclusionary Units on-site, the Applicant may develop Inclusionary Units at another location within the County, subject to requirements outlined in the Inclusionary Housing Guidelines. If the Applicant constructs the Inclusionary Units off-site, the number of Inclusionary Units required shall be at least 16 percent (16%) of the combined number of market-rate Dwelling Units in the on-site Residential Development plus the off-site Inclusionary Units. The required off-site Inclusionary Units shall not be used to satisfy inclusionary requirements of any separate market rate or mixed income development (double counting).

c. *In Lieu Fee.* For fractional Inclusionary Unit requirements as provided in paragraph 1 of subsection E (On-Site Inclusionary Housing Requirement), or for Residential Developments of less than seven Dwelling Units as an alternative to providing Inclusionary Units, the Applicant may satisfy the inclusionary housing requirement by the payment of a fee to the County in lieu of constructing the affordable units within the Residential Development, provided that such fee is received by the County pursuant to paragraph (ii) herein and that all conditions listed below are satisfied. The in lieu fees satisfying the inclusionary housing requirement shall be as follows:

i. The amount of in lieu fees shall be established by resolution of the County Board of Supervisors. The amount of the in lieu fee may be updated periodically, as necessary, by the Board of Supervisors.

ii. *Timing of In Lieu Fee Payment to the County*:

(I) For Residential Developments consisting of Single-Family or Two-Family Residential units, as defined by Section 2.10.030 of the County Code, payment of the in lieu fee must be made in full to the County prior to the recordation of a final map or parcel map or prior to recordation of a certificate of compliance if such certificate is required pursuant to Section C12-12 of the County Code.

(II) For Multifamily Residential Developments, as defined by Section 2.10.030 of the County Code, and all other Developments not subject to paragraph (i) above, payment of the in lieu fee must be made in full to the County prior to the issuance of the Building Permit for the first market rate unit in the Residential Development.

iii. All in lieu fees collected shall be deposited in the County of Santa Clara Inclusionary Housing Fund established pursuant to subsection O (Inclusionary Housing Fund).

d. *Conversion of Existing Units.* The inclusionary housing requirement may be satisfied by the conversion of existing Market Rate Units, whether currently owned by the Applicant or proposed to be acquired, to units affordable to Very Low or Lower Income Households only, if all of the following criteria are met:

i. Two converted units must be provided for each required Inclusionary Unit in the Residential Development. These units shall be in addition to any Inclusionary Units required by another jurisdiction as a result of rehabilitating the existing units.

ii. The converted Inclusionary Units shall comply with the site, design, and construction standards provided in the Inclusionary Housing Guidelines, and Applicant shall comply with the notice and relocation requirements in the Inclusionary Housing Guidelines before commencing rehabilitation.

iii. The conversion of the Dwelling Units shall be completed prior to or concurrently with the Market Rate Residential Development pursuant to subsection F (Timing of Construction of Inclusionary Units).

2. For Residential Development within the Stanford Community Plan Area, the following options apply as alternatives to providing Inclusionary Units on-site as required by paragraph 2 of subsection E (On-Site Inclusionary Housing Requirement).

a. *On-Site.* An Applicant may construct on-site Inclusionary Units in the Residential Development as described in paragraph 2 of subsection E (On-Site Inclusionary Housing Requirement).

b. *Transfers within the Stanford Community Plan Area.* Subject to notification to the County Office of Supportive Housing Director and the Department of Planning and Development Director, an Applicant may transfer required Inclusionary Units to another Residential Development within the Stanford Community Plan Area.

c. *Off-Site.* As an alternative to providing Inclusionary Units within the Stanford Community Plan Area, the Applicant may develop Inclusionary Units at another location within a six-mile radius of the Stanford Community Plan Area. If the Applicant constructs the Inclusionary Units off-site, the number of Inclusionary Units required shall be at least 16 percent (16%) of the combined number of market-rate Dwelling Units in the on-site Residential Development plus the off-site Inclusionary Units. These units shall be in addition to any Inclusionary Units required or agreed to by Applicant in another jurisdiction.

d. *Conversion of Existing Units.* The inclusionary housing requirement may be satisfied by the conversion of existing Market Rate Units, whether currently owned by the Applicant or proposed to be acquired, to units affordable to Very Low or Lower Income Households only, if all of the following criteria are met:

i. Two converted units must be provided for each required Inclusionary Unit in the Residential Development. These units shall be in addition to any Inclusionary Units required by another jurisdiction as a result of rehabilitating the existing units.

ii. The converted Inclusionary Units shall comply with the site, design, and construction standards provided in the Inclusionary Housing Guidelines, and Applicant shall comply with the notice and relocation requirements in the Inclusionary Housing Guidelines before commencing rehabilitation.

iii. The conversion of the Dwelling Units shall be completed prior to or concurrently with the Market Rate Residential Development pursuant to subsection F (Timing of Construction of Inclusionary Units).

I. ***Combination of Methods to Provide Inclusionary Housing.*** The Applicant for a Residential Development must construct Inclusionary Units subject to subsection E (On-Site Inclusionary Housing Requirement) or may propose any combination of basic inclusionary compliance options available to such development in that area pursuant to subsection H (Compliance Options) of this Section. Such proposals shall be made in the Affordable Housing Plan, which is reviewed and approved concurrently with the Planning Permit as provided in subsection K (Affordable Housing Plan and Inclusionary Housing Agreement), and shall be considered by the County in accordance with this Ordinance and the Inclusionary Housing Guidelines. The County may approve the Affordable Housing Plan with the Planning Permit if the combined methods of compliance provide substantially the same or greater level of affordability and the total amount and type of affordable housing provided is the same or greater than that required by this Section.

J. ***Continuing Affordability and Occupancy.*** Inclusionary Units shall be subject to an agreement with the County to ensure the long-term affordability of the Dwelling Units pursuant to the Inclusionary Housing Guidelines. Inclusionary Units shall remain affordable to the targeted income group for no less than fifty-five (55) years. A longer term of affordability may be required if the Residential Development receives a subsidy pursuant to a subsidy program that requires a longer term of affordability. Households occupying an Inclusionary Unit shall be

screened for income-eligibility pursuant to the Inclusionary Housing Guidelines and shall be subject to the occupancy requirements therein.

K. ***Affordable Housing Plan and Inclusionary Housing Agreement.*** An Affordable Housing Plan and appropriate fee shall be submitted as part of the application for a Planning Permit for a Residential Development or as otherwise specified in the Planning Permit. The Affordable Housing Plan shall provide any information required by the Inclusionary Housing Guidelines. The Affordable Housing Plan shall conform to the provisions of this Section and the Inclusionary Housing Guidelines.

L. ***Monitoring of Compliance.*** The Inclusionary Housing Guidelines shall include provisions for the monitoring by the County of Inclusionary Units for compliance with the terms of this Section and the Inclusionary Housing Guidelines applicable to the area. The Board may adopt fees for the costs of monitoring and compliance by the County.

M. ***Waiver.***

1. Notwithstanding any other provision of this Section, one or more of the requirements of this Section may be waived, adjusted, or reduced if an Applicant shows, based on substantial evidence, that the application of such requirement(s) would effect a taking of property under the United States or California constitution or otherwise violate any other federal or state law.

2. Any request for a waiver, adjustment or reduction of one or more of the requirement(s) of this Section shall be submitted to the County concurrently with the Affordable Housing Plan required by subsection K (Affordable Housing Plan and Inclusionary Housing Agreement) of this Section. The request for a waiver, adjustment, or reduction shall set forth in detail the factual and legal basis for the claim.

3. The request for a waiver, adjustment, or reduction shall be reviewed and considered in the same manner and at the same time as the Affordable Housing Plan is considered.

4. In making a determination on an application for waiver, adjustment, or reduction, the Applicant shall bear the burden of establishing that the waiver, adjustment, or reduction is necessary to avoid a taking of property or violation or federal or state law.

5. The waiver, adjustment, or reduction may be approved concurrently with the Planning Permit only to the extent necessary to avoid an unconstitutional or unlawful result, and after adoption of written findings,

based on substantial evidence, supporting the determinations required by this Section.

N. ***Implementation and Enforcement.***

1. The Planning Commission shall adopt Inclusionary Housing Guidelines to assist in the implementation and administration of all aspects of this Section. The Planning Commission's action to adopt the Inclusionary Housing Guidelines shall be a final action.

2. The County Executive shall periodically evaluate the effectiveness of the ordinance codified in this Section, for review by the Planning Commission and the Board of Supervisors.

3. The County Counsel shall be authorized to enforce the provisions of this Section and any agreements entered into pursuant to this Section, by civil action or any other proceeding or method permitted by law. The County Counsel, in his or her discretion, may take such enforcement action as is authorized under this Code and/or take any other action authorized by law or any agreement, covenant, restriction, condition, or regulatory document executed pursuant to this Section.

4. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the County from pursuing or obtaining any other remedy or relief to which it would otherwise be entitled under law or equity.

O. ***Inclusionary Housing Fund.***

1. Unless otherwise required by law, all in lieu fees, fees, promissory note repayments, shared appreciation payments, or other funds collected under this Section shall be deposited into a separate account to be designated as the County of Santa Clara Inclusionary Housing Fund.

2. The moneys in the Inclusionary Housing Fund and all earnings from investment of the moneys in the Inclusionary Housing Fund shall be expended to provide housing affordable to extremely low income, very low income, lower income, and moderate income households in the County of Santa Clara.

CHAPTER 4.30 OFF-STREET PARKING AND LOADING

Sections

§ 4.30.010 Purpose
§ 4.30.020 General Provisions
§ 4.30.030 Parking Spaces Required – Residential
§ 4.30.040 Parking Spaces Required – Nonresidential
§ 4.30.050 Shared/Mixed-Use Parking
§ 4.30.060 Special Parking Provisions
§ 4.30.070 Parking Design Standards
§ 4.30.080 Location of Parking
§ 4.30.090 Loading
§ 4.30.100 Parking Exception

§ 4.30.010 Purpose

The purpose of this chapter, Off-Street Parking and Loading, is to promote public convenience, order and traffic safety by requiring various types of uses to provide off-street parking, loading and access in a manner that fairly and reasonably corresponds with the particular needs of those uses. These standards are intended to protect neighborhoods from congestion and other detrimental impacts of insufficient parking, and to ensure that parking and loading areas are appropriately situated and designed to preserve the character and integrity of the district.

§ 4.30.020 General Provisions

A. **New Construction or Alterations.** Except as provided in subsection B, below, all new structures, substantially altered structures, or uses subject to administrative or discretionary review by the planning office shall provide off-street parking facilities to the extent required in this chapter. For the purposes of this section, "substantially altered" means a change resulting in at least a 15 percent increase in demand for parking spaces as compared to the prior structure or use or as compared to the number of spaces currently provided.

B. **Exception for Existing Residences.** Notwithstanding the provisions of subsection A, an existing single-family residence for which the parking does not conform to the provisions of this chapter may be expanded, without having to comply with the provisions of this chapter, provided the use remains exclusively a single-family residence. Such expansion may not result in further reduction of on-site spaces, and it may not otherwise diminish the degree of compliance with any particular provision of this chapter.

C. **Exception for Stanford University.** The provisions of this chapter are not applicable to development on lands of Stanford University, except for residential parking requirements applicable to development in R1S and R3S districts. The Zoning Administrator shall evaluate development proposals on a case-by-case basis in providing for parking as stipulated in the effective Stanford University General Use Permit.

D. **Continuing Obligation.** The provision and maintenance of off-street parking spaces as required by this chapter shall be a continuing obligation so long as the building or use that such spaces serve continues. It shall be a violation of the zoning ordinance to reduce or cause the reduction of the number of spaces below the number required by this chapter. It shall also be a violation of the zoning ordinance to continue any use after such a reduction takes place.

E. **Rounding of Numbers.** When the parking space requirement results in a fraction of a space, the next higher whole number of spaces shall be provided.

§ 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	2 per unit (1 shall be covered)
Two-Family[1]	2 per unit (1 per unit shall be covered)
Multi-Family[1]	1.5 per unit
Accessory dwelling unit	
Standard (attached or detached)	1 per unit [Section 4.10.015(I)]
Movable tiny home	1 per unit [Section 4.10.015(I)]
Junior ADU	None
Agricultural Employee Housing (all)	1 per unit or each 1,200 square feet of group living quarters, whichever is greater
Caretaker's Residences	2 per residence

Table 4.30-1

Parking Spaces Required
RESIDENTIAL USES

USE CLASSIFICATIONS	SPACES REQUIRED
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	1 for each guest room, plus 1 for each employee (may be reduced if occupants normally do not have cars)
Rooming Houses, Fraternities & Sororities	1 for each guest room, plus 1 for each employee

NOTES:

1. For Two-Family and Multi-Family residence in the -n3 District, parking standards provided in Section 3.40.050(E) shall supersede the requirements of Table 4.30-1 and Section 4.30.070(A)(9).

§ 4.30.040 Parking Spaces Required–Nonresidential Uses

Table 4.30-2 sets forth the number of parking spaces needed for each nonresidential use.

A. **Requirement Based on Square Footage.** When a number of spaces per square feet is required, that measurement shall be of the gross floor area of each building devoted to such use less any interior space used for parking, loading, heating and air-conditioning equipment, stairs and elevators, mechanical and electrical equipment, and communications equipment, unless otherwise specified.

B. **Requirement Based on Employees.** When a number of spaces "per employee" is required, that number shall be based on the maximum number of employees working on the premises at any given time during a normal work schedule.

C. **Company Vehicles.** Parking spaces shall be provided for all vehicles used by the operators of the use and parked on the site during any portion of the normal operating hours. This requirement does not apply to vehicles used by employees to get to and from the premises. The spaces for company vehicles are in addition to those required by Table 4.30-2.

D. **Additional Spaces.** The approval authority shall have the authority to require additional spaces over and above the requirements in Table 4.30-2 when either: (a) the nature of a specific use is demonstrably more parking-intensive than typical uses under that use classification; or (b) the roads adjacent to that use do not have the physical capacity to provide on-street parking. The requirement for additional parking shall be supported by a parking study prepared by a qualified parking or transportation expert. Conversely, a reduction in required spaces may be allowed per the provisions of § 4.30.100: Parking Exception.

Table 4.30-2
Parking Spaces Required
NONRESIDENTIAL USES

USE CLASSIFICATIONS	SPACES REQUIRED
Adult Uses	1 per 200 square feet
Agricultural Equipment Sales & Services	1 per 500 square feet, plus 1 per employee
Agricultural Processing (all)	1 per 500 square feet, plus 1 per employee
Agricultural Research	1 per 350 square feet, plus 1 per employee
Agricultural Sales--Limited	5 per stand, plus 3 additional spaces for operations that allow customers access to the growing areas and pick the product themselves.
Agriculturally Related Entertainment & Commercial Uses	As specified by use permit / ASA
Aircraft Landing Strips – Private	As specified by use permit / ASA
Antennas – Commercial (all)	1 if attended, plus 1 for service vehicle
Auction Houses	1 per 400 square feet
Automobile Sales & Services	
Limited Repair	4 per vehicle work station, plus 1 per employee
General Repair	4 per vehicle work station, plus 1 per employee

Table 4.30-2
Parking Spaces Required
NONRESIDENTIAL USES

USE CLASSIFICATIONS	SPACES REQUIRED
Sales & Rentals	1 per 500 square feet, plus 1 per employee
Service Stations	3 per service bay, plus 1 per employee
Storage	2, plus 1 per employee
Washing	2 per 500 square feet, plus 1 per employee
Banks	1 per 250 square feet
Bed & Breakfast Inns	2 (both shall be covered), plus 1 for each guest room, plus 1 for each employee
Broadcasting	1 per employee
Business Services	1 per 250 square feet
Butcheries	1 per 500 square feet
Camps and Retreats	As specified by use permit/ ASA
Cemeteries	As specified by use permit/ ASA
Clubs – Private & Nonprofit	1 per 200 square feet
Colleges & Vocational Schools	*Colleges:* 1 per staff, plus 1 per 3 students, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 lineal feet of bench) *Vocational Schools:* 1 per staff, plus 1 per 2 students
Community Care (all)	*Daycare:* 1 per staff, plus 1 per 15 children, plus passenger loading area *24-hour Care:* 1 per 6 beds, plus 1 per employee
Corporation Yards	2, plus 1 per employee
Dairies	1 per employee
Entertainment – Seasonal Outdoor	As specified by use permit/ ASA
Farmers' Markets	1 per 300 square feet of indoor and outdoor sales area
Feed Lots	1 per employee

Table 4.30-2
Parking Spaces Required
NONRESIDENTIAL USES

USE CLASSIFICATIONS	SPACES REQUIRED
Food Preparation & Catering Services	1 per 500 square feet, plus 1 per employee
Funeral & Cremation Services	1 per 4 seats used for services, plus 1 per employee
Golf Courses & County Clubs	As specified by use permit/ ASA
Golf Driving Ranges	As specified by use permit/ ASA
Health & Fitness Clubs	1 per 400 square feet
Historic Structure – Use Conversion	See requirements for new use(s)
Hospitals & Clinics	*Hospital (beds available for 24-hour stay):* 1 per 4 beds, plus 1 per employee *Clinics:* 1 per 200 square feet
Hotels & Motels	1 per guest room, plus 1 per employee
Hunting & Fishing Preserves	1 per employee
Informational Displays	
Small	None
Large	As specified by use permit/ASA
Kennels – Commercial	0.25 per animal (at design capacity), plus 1 per employee
Laboratories & Testing Services	1 per 500 square feet, plus 1 per employee
Laundries – Industrial	1 per employee
Livestock Auction Yards	As specified by use permit/ASA
Machinery & Equipment Services	
Limited	1 per 500 square feet, plus one per employee
General	1 per 1,000 square feet, plus one per employee
Maintenance & Repair Services	1 per 400 square feet
Manufactured-Home Sales & Rentals	2, plus 1 per employee
Manufacturing (all)	1 per 500 square feet

Table 4.30-2
Parking Spaces Required
NONRESIDENTIAL USES

USE CLASSIFICATIONS	SPACES REQUIRED
Massage Establishments	1 per 250 square feet
Museums	As specified by use permit/ASA
Mushroom Farms	As specified by use permit/ASA
Nonprofit Institutions	1 per 250 square feet
Nurseries	
Retail	1 per 350 square feet, plus 1 per 1,000 square feet of outdoor display space, plus 1 per employee
Wholesale	1 per 4,000 square feet including outdoor display space, plus 1 per employee
Offices	1 per 250 square feet
Oil & Gas Extraction	1 per employee
Parking Services & Facilities	1 per employee
Personal Services	1 per 250 square feet
Petroleum Products Distribution	1 per employee
Poultry & Egg Farms – Commercial	1 per employee
Radio-Controlled Model Aircraft Facilities	As specified by use permit/ASA
Reception Facilities	1 per 2 people allowed under occupancy limit, plus 1 per employee
Recreation – Commercial	As specified by use permit/ASA
Recreational Playgrounds & Sports Fields	As specified by use permit/ASA
Recreational Vehicle Parks	1.5 per recreational vehicle space, plus 1 per employee
Recycling Facilities	
Collection Facilities – Consumer Recycling	1 per 500 square feet of collection area, plus 1 per employee
Consumer Waste	1 per employee
Concrete, Asphalt & Soil Recycling	1 per employee
Composting & Wood Recycling	1 per employee

Table 4.30-2
Parking Spaces Required
NONRESIDENTIAL USES

USE CLASSIFICATIONS	SPACES REQUIRED
Hazardous Materials	1 per employee
Religious Institutions	1 per 4 fixed seats (or 1 per 6 lineal feet of bench), plus 1 per cleric and staff
Restaurants & Bars	1 per 3 seats, plus 5 for take-out service (if provided), plus 1 per employee
Retail Sales & Services	
Local-Serving	1 per 200 square feet
General	*Small (carry-out) Items:* 1 per 200 square feet
	Large Items: 1 per 500 square feet
Outdoor Sales & Storage	Same as "General," plus 1 per 1,000 square feet of outdoor space open to the public
Rodeos & Equestrian Events	As specified by use permit/ASA
Schools	*Elementary and Junior High:* 1 per staff, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 lineal feet of bench)
	High: 1 per staff, plus 1 per 7 students, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 lineal feet of bench)
Sport Shooting	As specified by use permit/ASA
Stables – Commercial	1 per 3 horses (at design capacity), plus 1 per employee
Studios – Arts & Crafts	1 per 1,000 square feet
Surface Mining	1 per employee
Swim & Tennis Clubs	As specified by use permit/ASA
Taxidermy	1 per 400 square feet
Theaters	1 space per 3 seats, plus 1 per employee
Timber Harvest Operations – Commercial	1 per employee

Table 4.30-2
Parking Spaces Required
NONRESIDENTIAL USES

USE CLASSIFICATIONS	SPACES REQUIRED
Truck & Railroad Terminals	1 per employee
Truck Sales & Services	
Repair	2 per vehicle work station, plus 1 per employee
Sales	1 per 1,000 square feet, plus 1 per employee
Storage	1 per employee
Underground Mining	1 per employee
Utilities	
Minor	1 per employee (manned facilities only)
Major	As specified by use permit/ASA
Veterinary Clinics & Hospitals	1 per 500 square feet, plus 1 per employee
Warehousing & Storage	
Indoor	1 per 2,000 square feet, plus 1 per 250 sq ft of office area
Outdoor	1 per 2,000 square feet, plus 1 per 250 sq ft of office area
Well-Drilling Operations	1 per employee
Wholesaling & Distribution	1 per 2,000 square feet open to the public, plus 1 per employee
Wind Energy Conversion Systems – Commercial	1 per employee
Wineries	
Small-Scale	1 per 1,000 square feet of warehouse area, plus 1 per 200 sq ft of tasting room
Medium-Scale	1 per 1,000 square feet of warehouse area, plus 1 per 200 sq ft of tasting room One space per 3 attendees of receptions and special events.

Table 4.30-2
Parking Spaces Required
NONRESIDENTIAL USES

USE CLASSIFICATIONS	SPACES REQUIRED
Large-Scale	1 per 1,000 square feet of warehouse area, plus 1 per 200 sq ft of tasting room One space per 3 attendees of receptions and special events.

§ 4.30.050 Shared/Mixed-Use Parking

A. **Single Use of Space.** Except as provided in subsections C and D, an off-street parking space for one use shall not be considered to meet the required off-street parking space requirements for any other use.

B. **Mixed Uses.** When two (2) or more uses are located on the same lot or within the same building, the number of off-street parking spaces required shall be the sum of the total of the requirements of the various individual uses computed separately, except as otherwise provided in subsections C and D of this section.

C. **Shared Parking.** In cases where operators of uses wish to cooperatively establish and operate parking facilities and those uses generate parking demands at primarily different times, a reduction in the total number of spaces may be granted by the approval authority, subject to all of the following provisions:

1. A request for shared parking shall be accompanied by a parking study prepared by a qualified parking or transportation expert;

2. Off-site parking shall comply with the provisions of § 4.30.080; and

3. An attached copy of a contract between the parties and their heirs, successors, lessees, or assigns concerned, setting forth the agreement regarding such joint use, shall be filed with the application and shall be recorded if the shared parking is approved.

D. **Cooperative Facilities.** Required off-street parking spaces for separate uses may be provided through the cooperative establishment and operation of a common parking facility, subject to all of the following provisions:

1. The common parking shall be subject to approval by the Zoning Administrator or other approval authority for the use;

2. The total number of spaces provided shall not be less than the sum of the individual requirements, except as otherwise provided in subsection C;

3. Location of off-site parking shall comply with the requirements of § 4.30.080;

4. The facility shall conform to all other provisions of this chapter; and

5. A copy of a contract between the parties setting forth the agreement for such joint use and providing that the agreement runs with the land shall be filed with the application and shall be recorded if the common parking proposal is approved.

§ 4.30.060 Special Parking Provisions

A. **Compact Spaces.** Compact parking spaces may be allowed as follows:

1. For multiple-family projects containing five (5) or more dwelling units, provided that no more than 25 percent of required parking spaces shall be compact stalls;

2. For nonresidential uses requiring 20 or more spaces, provided that no more than 25 percent of required parking spaces shall be compact stalls;

3. Each approved compact space shall be identified with pavement markings designating it as a "compact space"; and

4. Signs shall be provided to indicate the location of compact parking spaces.

B. **Motorcycle and Bicycle Spaces.** For every four (4) motorcycle or six (6) bicycle parking spaces provided, a credit of one (1) parking space shall be given toward the requirements of this article, provided, however, that the credit for each shall not exceed one-fortieth (1/40) of the total number of automobile spaces required. Bollards shall be installed to separate and protect motorcycle and bicycle spaces from automobile circulation. The minimum dimensions for motorcycle and bicycle spaces, shall be as follows:

1. Motorcycle spaces shall be a minimum of seven (7) feet in length and three (3) feet four (4) inches in width; and

2. Bicycle spaces shall be a minimum of six (6) feet in length and two (2) feet six (6) inches in width.

C. **Bicycle Storage.** In commercial and industrial projects with 20 or more required parking spaces, a rack or other secure device for storing and protecting bicycles from theft shall be installed. The capacity of the secure devices shall be one

bicycle per 20 required parking spaces. The devices shall be located so as not to interfere with pedestrian or vehicular traffic.

D. **Accessable Parking.** Any parking facility serving the public shall include designated parking spaces for individuals with disabilities (accessible spaces) in accordance with Table 4.30. Design standards for accessible parking spaces are provided in the 2013 California Building Code Chapter 11B, as amended from time-to-time.

Table 4.30-3
ACCESSIBLE PARKING SPACES

Spaces in Lot	Required Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 per 100 above 1000

§ 4.30.070 Parking Design Standards

The provisions of this section apply to all off-street parking spaces unless otherwise indicated.

A. **Residential Uses (Single-Family, Two-Family).** The following standards shall apply to residential uses, with the exception of multi-family residential, mixed-use residential, communal residences, and boarding houses:

1. Each required off-street parking space shall be at least eight and one-half (8.5) feet wide and 18 feet deep, and shall be of usable shape, location and condition.

2. Driveways shall provide for at least 10 feet of unobstructed width between buildings and property lines. Driveway pavement (or surfacing) shall be at least eight (8) feet wide. Under certain circumstances, greater driveway width may be required by the fire marshal.

3. Where required, covered parking may consist of an enclosed garage or open carport with at least seven (7) feet of vertical clearance. Parking structure must be located on the same lot as the residence the parking serves.

4. In situations where two (2) parking spaces are required, tandem parking (cars lined up one behind the other) shall be permitted. In situations where more than two (2) parking spaces are required, tandem parking may be allowed, provided the parking layout provides maneuverability for at least two (2) of the spaces to have free unimpeded access to and from the street.

5. The surface of all off-street parking areas and driveways shall be treated or paved and maintained such that ongoing use of such driveways and parking areas does not generate significant dust or mud.

6. Not more than to (2) front yard parking spaces (or corner-lot exterior side-setback parking space) may be counted toward the minimum number of parking spaces required on a given lot.

7. Driveways and parking areas may not be wider than 40 percent of the width of the lot's frontage along the street, measured where the driveway(s) crosses the edge of right-of-way. Driveways and parking areas cumulatively may not cover more than 40 percent of the land area of the front yard (defined in § 1.30.030). These limitations shall not apply to flag lots, any lot whose street frontage is 25 feet or less, or where the establishment of an accessory dwelling unit necessitates greater use of the front yard to achieve required off-street parking spaces pursuant to Section 4.10.015(I).

8. Vehicles may not be parked on front lawns or other portions of the front yard except designated parking and driveway areas as specified in subsections 5 and 7, above.

9. Two (2) additional off-street parking spaces for residential uses shall be provided where no on-street parking is available within 100 feet of the particular lot. One (1) additional off-street parking space shall be provided where parking is available only on one side of the street.

B. **Nonresidential and Multi-Family Residential Uses.** The following provisions shall apply to all uses not subject to subsection A.

1. The minimum size of parking spaces is as set forth in Table 4.30-4.

Table 4.30-4
PARKING SPACE SIZE

TYPE OF SPACE	REGULAR (W x L, in feet)	COMPACT (W x L, in feet)
Parallel to Street or Aisle	9.0 x 23.0	8.5 x 20.0
All Other	8.5 x 18	8.0 x 16.0

2. The minimum aisle width for parking areas is as follows:

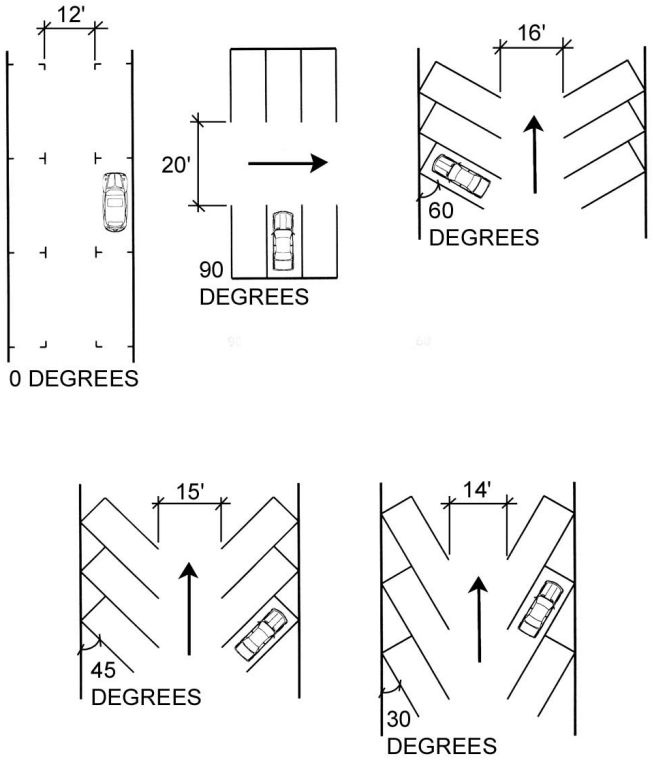
   a. For two-way traffic and double-loaded aisles the minimum aisle width is 26 feet; and

   b. For one-way traffic, the minimum aisle width is as shown on Table 4.30-5.

Table 4.30-5
AISLE WIDTHS

PARKING ANGLES (degrees – see Figure 4.30-1)	WIDTH OF AISLE (feet)
0	12.0
30	14.0
45	15.0
60	16.0
90	20.0

Fig. 4.30-1
Parking Spaces/ Aisles



C. **Ingress and Egress.** Access to parking areas shall be provided as follows:

1. Access driveways for multi-family residential uses and all nonresidential uses shall have a minimum width as follows:

   a. Two-way driveways shall have a minimum width of 22 feet; and

   b. One-way driveways shall have a minimum width of 12 feet.

2. Parking areas shall be designed so that a vehicle within the parking area will not have to enter a public street to move from one location to any other location within the parking area; and

3. Vehicular access to arterial streets and highways will be permitted only in accordance with driveway locations and access design to be approved by the County Department of Roads and Airports.

D. **Striping and Marking.** Parking facilities consisting of six (6) or more spaces shall have all parking stalls and directional arrows delineated with paint acceptable to the approval authority.

E. **Surfacing.** Parking spaces, driveways, and maneuvering areas shall be paved and permanently maintained with asphalt or cement. Such areas shall be provided with drainage facilities adequate to dispose of all surface water accumulated within the parking area. Bumper guards shall be provided when necessary to protect adjacent structures or properties. The approval body may modify the provisions of this subsection for surfacing located in the rural base districts. In rural areas, overflow parking for occasional special events shall be designed to be pervious.

F. **Wheel Stops.** A wheel stop or curb, if used, shall be placed between two and one-half (2.5) and three (3) feet from the end of the parking space.

G. **Landscaping.** Landscaping and screening shall be provided as set forth by the approving authority. Adequate physical barriers (e.g. curbs) and drainage shall be utilized to protect landscaping from impacts of vehicles.

H. **Lighting.** All off-street parking areas within nonresidential projects shall be provided with exterior lighting which meets all of the following minimum standards:

1. The equivalent of one (1) foot candle of illumination shall be provided throughout the parking area;

2. All lighting shall be on a time clock or photo-sensor system;

3. Parking lot illumination devices shall be high-pressure sodium vapor with 90-degree cut-off and flat lenses; and

4. All lighting shall be designed to confine direct rays to the premises. Any spillover beyond the property line, except onto public thoroughfares, shall be as approved by the approving authority. Any spillover onto public thoroughfares shall not cause a hazard to motorists.

I. **Accessible Spaces.** Designated parking spaces for individuals with disabilities shall be designed in accordance with 2013 California Building Code Chapter 11A and 11B, as amended from time-to-time.

§ 4.30.080 Location of Parking

A. **On-Site.** Off-street parking facilities shall normally be located on the same lot as the use that they serve, unless off-site parking is approved as set forth in subsection B or pursuant to § 4.30.050, Shared/Mixed Use Parking.

B. **Off-Site.** Off-site parking may be allowed if the approving authority finds that the parking will be reasonably convenient and accessible to the buildings or use to be served and the parking complies with all of the following provisions:

1. Off-site parking shall not be located more than 300 feet from the building or use to be served, unless provided otherwise in an adopted master or area plan;

2. The land on which the off-site parking spaces are located shall be in the same possession as the lot containing the building or uses that the parking spaces serve. The possession may be by deed, long-term lease or easement. The approving authority shall determine the term of the lease or easement. Legal documents acceptable to County Counsel shall be filed with the application and shall be recorded prior to commencement of construction.

§4.30.090 Loading

A. **Applicability.** No building or part thereof having a floor area of 10,000 square feet or more, which is to be occupied by a use requiring the receipt or distribution of material or merchandise by vehicles or trucks, shall be constructed, erected, or moved within or onto any lot unless and until off-street loading spaces as required by this section are provided on the same lot.

B. **Number of Spaces.** At least one (1) off-street loading space, plus one (1) additional off-street loading space for each 20,000 square feet of floor area, shall be provided. Such off-street loading spaces shall be maintained during the existence of the building or use they are required to serve.

C. **Dimensions of Spaces.** Each off-street loading space required by this section shall be not less than 10 feet wide, 30 feet long and 15 feet high, exclusive of driveways for ingress and egress, and maneuvering areas.

D. **Ingress and Egress.** Each off-street loading space required by this section shall be provided with driveways for ingress and egress, and maneuvering space of the same type and meeting the same criteria required by subsection 4.30.070(B) for off-street parking spaces.

E. **Location.** No off-street loading space required by this section shall be closer than 50 feet to any lot in a residential district unless such off-street loading space is wholly within a completely enclosed building or enclosed on all sides by walls not less than eight (8) feet in height.

§ 4.30.100 Parking Exception

For uses subject to discretionary review, the approving authority may allow a reduction in required parking spaces if it finds that one or more of the following circumstances apply:

A. The use or building is situated in an area characterized by older buildings which historically have not provided off-street parking consistent with current requirements.

B. The use or building is in close proximity to public transit facilities, or the client base is demonstrably less inclined to use automobiles than the general public.

C. The nature or design of a specific use or facility is uniquely different from more standard examples of uses or facilities within the use classification, such that a reduction in required parking is warranted. The reduction in required parking shall be supported by a parking study prepared by a qualified parking or transportation expert.

D. The lot size and configuration, as well as the existing or potential building size, do not allow a reasonable use of the lot unless parking requirements are modified.

Parking reductions may only be allowed if the impacts of such reduced parking are not significantly contrary to the findings required under the applicable permitting process.

CHAPTER 4.40 SIGNS

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§ 4.40.010 Purpose

The purpose of this chapter, Signs, is to promote attractive signage that serves as an economic and aesthetic asset, comprehensively addresses aesthetic concerns of the public regarding visual clutter and visual blight in the environment, and ensures that traffic safety hazards are not created.

For facilities that are open to the public, such as commercial and institutional facilities, the provisions of this chapter shall not apply to indoor signage, nor shall they apply to incidental outdoor visitor-serving signs that are not intended to direct attention to the business. Examples include parking signs, rest room signage, and any non-marketing signs authorized or required by a public agency.

§ 4.40.020 Review

Unless otherwise provided in this chapter, all new signs and the replacement or modification of existing signs that are not expressly exempt from this chapter or permitted in the initial approval of a discretionary land use approval shall obtain architecture and site approval, pursuant to Chapter 5.40. This requirement is in addition to any other approval that may be required for a related use or structure.

§ 4.40.030 Construction and Maintenance of Signs

A. **Construction.** All signs and supporting structures shall be securely built and erected in conformance with the requirements of this chapter and any other applicable legal requirements.

B. **Maintenance.** All signs and supporting structures shall be well maintained and kept in a good state of repair. Without limiting the foregoing requirement, the following maintenance shall be required for all signs and supporting structures:

1. They shall be kept free of rust, dirt, and chipped, cracked or peeling paint;
2. Hanging, dangling, torn or frayed parts shall be promptly repaired;
3. Burned-out bulbs shall be promptly replaced; and
4. Graffiti and unauthorized stickers shall be promptly removed.

C. **Removal of Message Surface.** If the message surface of a freestanding sign is removed from the supporting structure, except for a temporary period of time while the message is being changed or the surface replaced, the supporting structure shall be removed. Such temporary period shall not exceed 90 days.

§ 4.40.040 Sign Illumination

A. **Continuous Lighting.** Unless otherwise expressly provided in this section, signs may be illuminated only with continuous (non-blinking) lighting.

B. **Allowed Lighting.** Except as provided for fin signs in § 4.40.050(F), signs may be illuminated only with:

1. Neon tube lighting, if fully contained within a cabinet covered with a clear glass or plastic face, or if comprised of individual pan channel letters covered with a clear glass or plastic face;
2. External lighting;
3. Internal lighting; or
4. Halolighting.

§ 4.40.050 Nonresidential Uses – Attached Signs

A. **Applicability.** This section applies to attached signs for any use that requires a discretionary approval under the zoning ordinance.

B. **Quantity.**

1. No more than one sign shall be permitted for each separate ground-level occupancy frontage, except that:

    a. Any ground-level occupancy with more than one (1) occupancy frontage may have one (1) attached sign on each occupancy frontage, not to exceed three (3) frontages;

    b. In addition to the signs allowed by subsection A, any ground-level occupancy exceeding 20,000 square feet may have up to three (3) signs on one of its occupancy frontages and any ground-level occupancy exceeding 50,000 square feet may have up to five (5) signs on one of its occupancy frontages; and

    c. Any building with a footprint greater than 100,000 square feet which has interior tenant spaces with no occupancy frontages may have up to five (5) signs in addition to those set forth in this subsection.

2. One (1) sign shall be permitted for each second-story occupancy frontage with direct exterior access to the ground from the second story.

C. **Size**.

1. The aggregate sign area of all attached signs on a ground-level occupancy frontage shall not exceed one (1) square foot for each linear foot of such occupancy frontage to a maximum of 300 square feet per occupancy frontage.

2. A second-story attached sign(s) shall be limited in area to one-half (0.5) the allowed first-floor sign area.

3. The sum of the sign area of the attached signs on any building frontage shall not exceed one (1) square foot for each linear foot of building frontage or the total number of occupancy frontages multiplied by 300 square feet, whichever is less.

D. **Height**. No attached sign shall be displayed higher than the finished floor elevation of the third floor of a building.

E. **Setbacks**.

1. Signs facing a residential lot shall be at least 50 feet from the property line of the residential lot.

2. Signs facing an abutting nonresidential lot shall be at least 25 feet from the property line of such nonresidential lot, unless the abutting nonresidential lot contains a parking lot or driveway at its nearest point to the sign.

F. **Fin Signs**. Fin signs may be allowed and shall not reduce otherwise allowed signage.

1. Fin signs shall comply with all of the following provisions:

    a. They shall not exceed six (6) square feet in area per side;

    b. They shall project no more than two (2) feet from the wall to which they are attached;

    c. They shall be located at least seven (7) feet but not more than 12 feet above grade; and

    d. They shall not be illuminated except by external lighting.

2. Each ground-level occupancy frontage may have one fin sign if the sign is located near its primary entryway and is subject to a master sign program.

G. **Awning Signs**. Awning signs may be allowed and shall not reduce otherwise allowed signage. They shall comply with all of the following provisions:

1. They are limited to 25 percent of the exterior surface of the awning up to a maximum of eight (8) square feet;

2. They shall be located at least seven (7) feet but not more than 12 feet above grade; and

3. They shall not be illuminated.

H. **Window Signs**. Window signs may be allowed and shall not reduce otherwise allowed signage. They shall comply with all of the following provisions:

1. Window signs must comply with all of the following:

    a. The total aggregate sign area of permanent and temporary signs shall not exceed 25 percent of the window frame area;

    b. The sign is not animated; and

    c. Internal displays of stock-in-trade are considered window signs if the display is located within 12 inches of the windowpane and is visible from a public right-of-way.

2. Window signs shall not be allowed above the first floor, except as follows:

    a. Window signs may be displayed by second-story occupancy frontages with no separate ground-level frontage; and

    b. In the CN district, window signs may be displayed on first- and second-story occupancy frontages.

I. **Marquees**.

1. The maximum sign area of marquees and the maximum amount of other signage on an occupancy frontage with a marquee shall be subject to architecture and site approval but shall not be subject to other size and quantity restrictions in this section.

2. Marquees shall not be allowed in the OA district.

J. **Lightbox Signs**. The signage allowed for lightbox signs for gasoline service stations shall be limited to 20 percent of the surface area of the lightbox up to a maximum of eight (8) square feet.

§ 4.40.060 Nonresidential Uses – Freestanding Signs

A. **Applicability.**

1. This section is applicable to freestanding signs for any use that requires a discretionary approval under the zoning ordinance.

2. Where more than one lot is subject to a single development permit, the term "lot" as used in this section shall mean all property covered by the development permit.

B. **Quantity.**

1. One (1) freestanding sign may be allowed on a lot for each street frontage of the lot that measures 100 linear feet or more in length.

2. For corner lots, no more than one (1) freestanding sign may be located within 100 feet of the corner intersection.

C. **Size**.

1. The aggregate sign area of all freestanding signs on a lot shall not exceed a total area equal to one (1) square foot per each five (5) linear feet of street frontage of the lot.

2. No freestanding sign shall have an area in excess of 120 square feet.

3. A freestanding sign shall have a maximum sign area of 40 square feet when facing streets smaller than a designated arterial street.

4. Any sign on a corner lot that borders streets of unequal width shall be deemed to face the street with the greatest number of through-travel lanes for the purposes of determining the maximum permissible area for the sign.

5. Notwithstanding other provisions of this section, the maximum sign area for a freestanding sign in the ML and MH districts shall be 40 square feet.

D. **Height**. The maximum height of a freestanding sign shall be the square footage of the sign area divided by four (4). However, in no event shall the height of any sign exceed 20 feet.

E. **Setbacks**.

1. The required front setback of a freestanding sign on a lot shall be the sign height minus four (4) feet multiplied by two, or four (4) feet, whichever is greater.

2. Each freestanding sign shall be located at least 25 feet from the side and rear property lines of the lot.

F. **Other Provisions**.

1. A freestanding sign that is a segmented sign may not have more than four (4) segments.

2. All freestanding signs shall be located fully within a landscaped area extending from the supporting structure of the sign to a point on all sides that is at least four (4) feet from vertical lines drawn from the outer edges of the sign. For purposes of this provision, "landscaped area" shall mean an area containing live plant material including, but not limited to, ground cover, shrubs, grass and trees.

3. Time and Temperature Signs.

   a. Any otherwise allowed freestanding sign may include a time and temperature sign not exceeding 15 square feet in sign area.

   b. A time and temperature sign not exceeding 15 square feet in sign area, excluding any frame, may be located on the primary building on a lot.

   c. Any time and temperature sign meeting the requirements of subsections (F)(3)(a) or (F)(3)(b) above shall not reduce otherwise allowable signage.

§ 4.40.070 Other Signs

The following signs, in addition to those otherwise permitted in this chapter, may be permitted as set forth in this section.

A. **Allowed by Right.** The following signs are allowed in any base district:

1. Informational signs that display only the name of the property or premises upon which the sign is located or the owner or lessee of such property or premises, provided that such signs shall not exceed four (4) square feet of sign area.

2. Advertising signs not exceeding eight (8) square feet in area, that pertain only to the sale, rental or lease of the premises upon which the sign is located.

B. **Allowed with Architecture & Site Approval (ASA).** The following signs may be allowed in any base district subject to ASA, per the provisions of Chapter 5.40.

1. Signs advertising the sale of a subdivision and located on the subdivision property; and

2. Directional and informational signs of a public or quasi-public nature, including signs serving as directional signs to properties not situated adjacent to the street on which such signs are located, but not including subdivision directional signs.

§ 4.40.080 Master Sign Program

Notwithstanding any other provision of this chapter, a master sign program shall be required for signs serving multiple-occupancy buildings or sites within a city's urban service area and may be required by the approval authority in other areas of the county, depending on the nature of the use proposal. The purpose is to provide for coherent and attractive signs for this type of development.

A. **Contents.** The master sign program shall identify the placement, construction, size, materials, colors, method of lighting, and other related requirements for all advertising signs.

B. **Approval.** The master sign program shall be subject to architecture and site approval (ASA) as provided in Chapter 5.40.

§ 4.40.090 Subdivision Directional Signs

A. **Prohibited Locations.** Subdivision directional signs are not permitted within -sr combining districts. Subdivision directional signs are not permitted on land within a city's urban service area if the signs would be prohibited under the applicable city's ordinances.

B. **Architecture & Site Approval (ASA) Required.** No person shall place or permit to be placed a subdivision directional sign without first having secured ASA, per the provisions of Chapter 5.40.

C. **Application.** An application for a subdivision directional sign shall comply with the following provisions:

1. The application shall be signed by the owner of the proposed sign and the owner of the land or person in control or possession of the property on which the sign is to be placed; and

2. A statement signed by the property owner and any person in possession of the property shall be submitted with the application which shall grant the County a right to enter upon the land as may be necessary, without liability, to inspect and to remove the sign, if it does not comply with the Ordinance Code or any applicable permit. Such statement shall also authorize the County to recover all costs from the property owner related to enforcement of sign regulations The statement upon approval shall be recorded and run with the land, binding successors to the initial parties to the agreement.

D. **Locations.** A subdivision directional sign may be located on the property, if it is in accordance with the approved site plan. The sign shall not be located in any of the following areas:

1. Within the right-of-way of any highway;

2. Where it would be in violation of Division B17, Chapter II, commencing with Section B17-18, of the Santa Clara County Ordinance Code relating to obstruction of highways; or

3. Where it would be in violation of the California Business and Professions Code Section 5440 relating to signs adjacent to landscaped section of a freeway.

E. **Sign Requirements.** Any subdivision directional sign shall meet all of the following requirements:

1. Not impair the integrity or character of the neighborhood;

2. Be securely affixed at its approved location;

3. Have no moving parts and not be lighted;

4. Not exceed 50 square feet in total area;

5. Have no additions or appurtenances placed upon it that are not authorized by ASA;

6. Not exceed seven (7) feet in height from top of sign to ground;

7. Have a building permit and comply with all building codes and permit requirements if taller than six (6) feet in height from top of sign to ground;

8. Be maintained in a safe condition; and

9. Not display any symbol or words that would likely be mistaken for an official traffic control sign.

F. **Time Limits.** All of the following time limit provisions apply to subdivision directional signs.

1. The ASA permit shall specify a time limit, which shall not exceed 24 months.

2. Upon written application to the Zoning Administrator at least 30 days prior to the expiration date of the permit, the Zoning Administrator may extend the permit for up to 24 months from the date of expiration of the original permit.

3. If at any time during which a permit is in effect no lots remain for sale, the permittee shall inform the Zoning Administrator in writing of said fact no later than 30 days from the final closing of the last lot(s) sold.

G. **Removal of Signs.** The following provisions apply to the removal of subdivision directional signs:

1. A subdivision directional sign shall be removed within 30 days of the completion of the sale of all lots, or no later than the expiration date of the permit, whichever comes first.

2. If an action by the Planning Commission or Board of Supervisors results in the revocation of a permit, the sign shall be removed within 10 days of the final decision.

H. **Failure to Remove.** If the sign is not removed as required by subsection G, all of the following provisions shall apply:

1. The County may, upon expiration or revocation of the ASA permit, remove any sign placed or maintained in violation of this section after 10 days' written notice mailed to the owner of the property on which the sign is located as shown on the latest assessment roll;

2. Signs removed by the County shall be stored for a period of 10 days and, if not claimed within this time, may be disposed; and

3. For the purpose of removing or destroying any sign retained or placed in violation of the provisions of this section, the County officials authorized to enforce this ordinance may enter upon private property and remove signs without incurring any liability on behalf of themselves or the County.

§ 4.40.100 Political Signs

A. **Intent.** It is the intent of this section to encourage participation by the electorate in political activity but to assure that political signs will be located, constructed and removed in a manner to assure the public safety and general welfare.

B. **Permitted Subject to Regulation.** Notwithstanding any other provision of this chapter, political signs are permitted without an architecture and site approval in any zoning district, subject to all of the following regulations:

1. No political sign shall be located in violation of Division B17, Chapter II, commencing with Section B17-18, of the County Ordinance Code;

2. No political sign shall exceed 16 square feet in surface area in any R1, R1E, RHS, R1S or R2 zoning district unless it is located on a vacant lot, in which case it shall not exceed 32 square feet; and

3. Each political sign shall be removed within 10 days following the final election to which such sign relates.

C. **Exception.** This section shall not apply to commercial outdoor advertising structures lawfully located in zoning districts under this ordinance and maintained by persons licensed under Chapter 2 of Division 3 of the California Business and Professions Code.

§ 4.40.110 Agricultural Sales and Winery Signs

A. **Intent.** This section establishes standards so that agricultural product sales may be reasonably and effectively advertised without resulting in significant adverse visual impacts.

B. **Agricultural Sales: Limited, and Wineries.** All of the following provisions apply to signs serving uses classified in Chapter 2.10 as *Agricultural Sales: Limited*, and *Wineries*:

1. **Number:** The total number of onsite and offsite signs associated with an agricultural sales or winery operation shall not exceed six (6).

2. **Sign area:** The sign area of any individual sign shall not exceed 64 square feet. The cumulative sign area of all onsite and offsite signs associated with an agricultural sales or winery operation shall not exceed 128 square feet.

3. **Height:** Maximum height of signs shall either be: (a) 12 feet above grade, or (b) 12 feet above the pavement elevation of an adjacent road from which its message is intended to be visible; whichever is higher.

4. **Offsite signs:** Up to two (2) signs may be installed on a lot that is in a different location than that of the advertised agricultural sales or winery facility(ies).

5. **Sight clearance:** In those areas adjacent to driveways or intersecting streets, signs must be situated such that adequate sight clearance for safe vehicle movement is not compromised, consistent with Ordinance Code §§B17-68 and 69.

6. **Maintenance:** Signs shall be maintained such that they are: (a) legible at a reasonable distance; (b) not in an egregious state of disrepair; (c) not associated with an operation that has ceased for more than six (6) months and

is not actively pursuing reestablishment, and; (d) not associated with a operation where a relocation has rendered obsolete any message content.

7. **Contact information:** All signs shall have the name, address, and telephone number of the person responsible for the agricultural sales or winery operation painted or printed indelibly on the back side of the sign.

8. **Discretionary review of alternative signage:** Signs conforming to the provisions of this subsection (§ 4.40.110(B)) shall be allowed by right. Uses classified as *Agricultural Sales: Limited* or *Wineries: Small Scale* may request approval for alternatives to the sign area and height standards (subsections 2 and 3) of this section via the architecture and site approval process. For uses classified as *Agricultural Sales: Farmers Markets, Wineries: Medium Scale*, or *Wineries: Large Scale*, the appropriate decision-making body may approve alternatives to the sign area and height standards (subsections 2 and 3) of this section via the applicable discretionary permit process. The decision-making body must find that the alternative equally achieves, or better achieves, the intent of this section.

9. **Viticulture Area signing:** Areas of the county that are recognized as *American Viticulture Areas* (AVA) by the U.S. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, may be identified by roadside signs. Such AVA identifying signage shall be allowed on private property adjacent to County or State roads, without impacting the numbers of other signs provided for in subsections 1 or 4. This provision shall not apply to signs that contain any message content other than that necessary to identify the area as an AVA.

§ 4.40.120 Computation of Sign Area

The computation of sign area shall be as provided in this section.

A. Message Surface.

1. If the message surface of a sign consists of an integral surface and has a regularly shaped perimeter, the sign area shall be the area within such perimeter, including the face of any frame.

2. If the message surface consists of noncontiguous segments or has an irregularly shaped perimeter, then the sign area shall be all of the area encompassed within a single continuous rectilinear-perimeter of not more than 10 straight lines, enclosing the extreme limits of the message surface (and in no case passing through or between any segments of the message surface) and including any color, material or graphic which is integrated therein which differentiates the message from the background against which it is placed, and the face of any frame.

B. **Multiple Message Surfaces**. If a sign has more than one message surface, the sign area shall be the sum of the areas of all the message surfaces. If two surfaces on the same sign face in opposite directions (i.e., the relative angles between the directions they face is 180 degrees) and the distance between the two surfaces is not more than two (2) feet, then the area of only one of the two surfaces (the largest if they are not equal) shall be included in the computation.

C. **Three-Dimensional Signs**.

1. With three-dimensional signs, if the sign does not extend more than two (2) feet from the point of sign attachment for attached signs, or two (2) feet in depth for freestanding signs, the sign area shall be measured as if the sign had a flat surface, in accordance with subsection B, above.

2. If a three-dimensional sign is greater than two (2) feet in depth, the sign area shall be the sum of three areas of the sign measured from each side and the front, in each case measured as if each perspective was a flat surface.

D. **Other Message Surfaces**. In the case of a form of message surface not specifically mentioned herein, the formula for the most similar type of message surface that is mentioned shall apply. The Zoning Adminstrator shall determine the appropriate formula for such irregular message surfaces, as part of the applicable ASA application process.

§ 4.40.130 Nonconforming Signs

A sign that was legal when brought into existence, but does not conform to the regulations for the district in which it is located, may be maintained in accordance with this section.

A. **Changes to Sign.** Except as provided below, no person shall replace, alter, relocate or expand any nonconforming sign or its supporting structure unless such action causes the resulting sign to be fully in conformance with the provisions of this chapter.

1. This section shall not be construed to prohibit any maintenance of a nonconforming sign that is deemed necessary for public safety.

2. Changing only the message content on a nonconforming sign shall not be considered an alteration, and shall be allowed.

3. Replacement, alteration or relocation on the same parcel of a nonconforming sign may be approved by obtaining architecture and site approval, pursuant to Chapter 5.40, provided that all of the following are met:

a. The resulting sign area is no larger than the original nonconforming sign;

b. The resulting sign will reduce visual clutter or other adverse visual impacts.

B. **Removal of Sign.** A nonconforming sign shall be removed under any of the following circumstances:

1. The building or parcel where the sign is displayed has been unoccupied for a continuous period of not less than six (6) months;
2. The use to which the sign relates has ceased operations for a continuous period of not less than six (6) months;
3. The sign has displayed no message for a continuous period of not less than six (6) months; or
4. The sign has been damaged to the extent that the repair or restoration of the sign and supporting structure will cost more than 50 percent of the cost to replace the sign and supporting structure in its entirety.

§ 4.40.140 Exemption for Stanford University

With the exception of residential signage provisions that may be applicable to the R1S and R3S districts, the provisions of this chapter are not applicable to development on lands of Stanford University.

§ 4.40.150 Definitions

Except where the context otherwise requires, the definitions in this section govern the construction of the provisions of this chapter.

Animated sign: A sign having action, motion, movement, changeable copy, or flashing color changes that are activated by electrical energy, electronic energy or other manufactured sources of energy supply. This definition does not include wind-activated movement such as in flags, banners or pennants, or mechanical movement signs. Animated signs include grids of flashing lights or mechanical elements in patterns that give the perception of movement, as in chasing lights or programmable displays.

Attached sign: A sign that is either a part of a building or other improvement, or is attached to a building or other improvement. A sign shall be considered to be attached to a building or other improvement only if the sign would fall without support from the building or improvement. Attached signs include, without limitation, flat-mounted signs and projecting signs.

Awning sign: A sign on an awning. Awnings include canvas coverings as well as permanent, projecting canopies.

Continuous lighting: The illumination of a sign by any type of artificial lighting that is maintained in a stationary condition and remains constant in intensity and color at all times when the sign is illuminated.

External lighting: The illumination of a sign by a light source that is not a component of the sign itself.

Fin sign: A two-sided sign that projects out from a building or surface, intended to be viewed from the side.

Freestanding sign: A sign not attached to a building or other improvement but instead permanently erected upon or standing in the ground and usually supported from the ground by one or more poles, columns, uprights, braces or cement anchors. Freestanding signs include monument signs but do not include portable signs.

Halolit; Halolighting (either term)**:** Illumination of individual letters, numbers or graphics having an opaque surface by the use of internal, reverse illumination where the light source is not directly visible.

Internal lighting: Illumination of a sign by a light source that is fully incorporated into the sign itself.

Light source: A device which, when activated (electronically or otherwise), emits light. Light sources include, but are not limited to, incandescent filament bulb, electric discharge bulb, neon tube and fluorescent tube.

Lightbox: An internally illuminated, cabinet-type fixture at a gasoline service station that is usually located above the gasoline pumps and below a canopy structure that is above the pumps.

Lightbox sign: A sign located on a lightbox.

Marquee: A projecting sign that is part of a permanent entryway or entry canopy and traditionally associated with theatres. For purposes of this chapter, any sign fulfilling the same function as a theatre sign shall be considered a marquee. A marquee sometimes includes a projecting vertical sign that may extend above the cornice line of a building. Marquees may be animated and may include internally illuminated display surfaces for changeable lettering as well as externally mounted lighting.

Master sign program: A sign plan which identifies the placement, construction, size, materials, colors, method of lighting and other related requirements for those signs that are subject to the plan.

Message surface: The surface on a sign from which the message of the sign is visually communicated.

Monument sign: A freestanding sign not erected on one or more poles or similar supports but erected to rest on the ground or to rest on a monument base designed as an architectural unit with the sign.

Neon tube lighting: Any sign that includes one or more directly visible neon tube light sources.

Occupancy frontage: The length of that portion of a building occupied exclusively by an individual tenant or owner and abutting a parking lot or a public right-of-way including, but not limited to, a street, plaza or alley. Occupancy frontage is measured parallel to the property line and at grade.

Public right-of-way: For purposes of this chapter, a public street, alley, walkway, or other public outdoor area such as a plaza or a park.

Segment: A separate message compartment in a segmented sign.

Segmented sign: A sign where the message surface contains deliberate visual demarcations used to divide the message area of the sign into separate message compartments.

Sign: Any structure, display, device, balloon or graphic on or attached to any land, building or structure, which is used to communicate any message, or which advertises or promotes any business, product, activity, person or interest. Signs include, but are not limited to, letters, numbers, words, illustrations, decorations, decals, emblems, trademarks, logos and lights. Signs do not include noncommercial murals.

Sign area: The total area of the message surfaces of a sign computed as provided in § 4.40.120.

Subdivision directional sign: A sign directing people to the sale of lots or houses located on a recently completed subdivision, where the sign is located on property not part of the subdivision itself.

Supporting structure: The supports, uprights, braces or framework on which any free-standing sign is mounted, and any guys or anchors used to attach the sign.

Temporary sign: A sign placed for a limited duration of time.

Time and temperature sign: A programmable display sign programmed to show time and temperature only.

Window sign: A sign applied directly onto a window or internal to the window within twelve inches of the window and visible from the public right-of-way. Window signs include without limitation the application of words and logos onto window glass, the use of hanging signs and paper signs, and displays of merchandise in windows.

CHAPTER 4.50 NONCONFORMING USES AND STRUCTURES

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§ 4.50.090 Public Nuisances

§ 4.50.010 Purpose

The purpose of this chapter, Nonconforming Uses and Structures, is to reasonably provide for the continued operation and maintenance of uses and structures that are legal-nonconforming, as defined herein. This chapter's provisions are also intended to promote the eventual conversion of legal-nonconforming uses and structures into conforming uses and structures. When used in this zoning ordinance, the term "nonconforming" shall mean legal-nonconforming.

§ 4.50.020 Nonconforming Uses of Land and Buildings

A use that was legal when brought into existence, but does not conform to the current use limitations of the applicable zoning district (including use-specific permitting requirements and use-specific criteria) may be maintained subject to all of the following limitations:

A. **Expansion of Use Prohibited.** A nonconforming use may not be intensified or expanded in area or volume, except as provided in Section 4.50.060.

B. **Modification of Use.** A nonconforming use may be modified to a use deemed similar in nature, but lesser in intensity and impacts, as determined by the Zoning Administrator, or Planning Commission if the matter is referred to the Planning Commission. The Planning Manager, in consultation with the Zoning Administrator, shall make a determination as to whether the proposed change necessitates a referral to and formal zoning interpretation hearing before the Planning Commission. In such cases, the commission shall have authority to deny the modification or approve it and place appropriate limitations on the modified use and require architecture and site approval for more precise conditioning.

C. **Cessation of Use.** If any nonconforming use ceases for a continuous period of not less than twelve (12) months, the legal-nonconforming status shall terminate and any future use of the building or lot shall conform to the zoning ordinance.

D. **Modification of Building.** A building containing a nonconforming use shall not be enlarged or reconstructed, except as provided in § 4.50.060 and § 4.50.070 for certain nonconforming residences. Structural alterations done within any 12-month period, including replacements of walls, electrical fixtures or plumbing, may not exceed 25 percent of the building's construction valuation (computed as the building's legally established floor area multiplied by the building inspection office's current multiplier for calculating the per-square-foot value of new construction).

E. **Destruction of Building.** If a building containing a nonconforming use is destroyed to the extent of more than 75 percent of its construction valuation (the building's legally established floor area multiplied by the building inspection office's current multiplier for calculating the per-square-foot valuation of new construction), then the right to maintain the nonconforming use shall expire and the use of the building shall thereafter conform to all applicable zoning provisions. This provision shall not apply to residential uses covered under § 4.50.060 or § 4.50.070.

F. **Multiple Uses.** Where a lot contains a nonconforming use and a separate conforming use, the conforming use may be expanded or rebuilt, or may be changed to another conforming use, irrespective of the property's otherwise nonconforming status. Where two single-family dwellings occupy a single lot where only one dwelling is allowed, the larger of the two dwellings shall be deemed the conforming dwelling for the purposes of this provision.

G. **Permit Nonconformance.** Any use that is nonconforming solely by virtue of not meeting the currently applicable permitting requirements of this zoning ordinance may become a conforming use by obtaining the appropriate permit(s).

H. **Parking.** A use that does not meet the parking requirements of Chapter 4.30, but otherwise is in conformance with the zoning ordinance shall not be subject to the provisions of this chapter solely due to the failure to provide adequate parking facilities. For any new or expanded use, construction, or alteration on the property, subsection § 4.30.020(A) shall apply.

§ 4.50.030 Nonconforming Buildings

A building or structure whose use conforms to zoning regulations, but is nonconforming with respect to currently applicable setback, height, FAR, or other development regulations, shall be subject to all of the following limitations:

A. **Conforming Expansion.** Such a building or structure may be expanded or structurally altered provided additions fully comply with applicable development standards, except as provided in subsection B, below.

Any setback-nonconforming or height-nonconforming portions of a building may remain only if they substantially maintain their structural form and integrity. In the course of construction, if walls become disconnected from supporting ceiling and roof joists and all bracing perpendicular walls, they relinquish their right to maintain a nonconforming setback encroachment.

Foundation repair may be undertaken or a new foundation or basement may be installed under a setback-nonconforming portion of a building, provided the resulting height of the main floor is no more than 30 inches above its original elevation height.

B. **Setback-Nonconforming Expansion Allowances.** A limited expansion of a building along a nonconforming setback line, or the redesign of a roof over a setback-nonconforming portion of a building may be allowed pursuant to subsections 4.20.110(C)(4) and 4.20.110(C)(5).

C. **Setback-Nonconforming Dwelling: Casualty Reconstruction.** Where a single-family or two-family dwelling with nonconforming setbacks is involuntarily damaged or destroyed by earthquake, fire, flood, or other casualty event, reconstruction shall not require conformance to currently applicable setbacks, provided all of the following apply:

1. The setback-nonconforming portion of the original dwelling was constructed with applicable building permits required at the time of construction, or was constructed at a time that predates building permit requirements.

2. The floor area of the proposed reconstructed dwelling: (a) is not more than 25% larger than that of the legally constructed floor area of the original dwelling, or (b) is not more than 500 square feet larger than the legally constructed floor area of the original dwelling; whichever is greater.

3. Any proposed expansion beyond the original footprint or original number of stories would conform to current setback requirements.

4. Any setback-nonconforming deck or balcony, covered or uncovered, within the original building footprint may only be replaced with a like deck or balcony.

5. No portion of the reconstructed dwelling may be nearer than three (3) feet to any property line, regardless of the configuration of the original dwelling.

6. Failure to apply for a building permit within two (2) years of the casualty event shall be deemed an abandonment of the nonconforming dwelling, and the setback exception pursuant to this section shall not apply.

D. **Nonconforming Floor Area.** A building (or buildings on premises) which exceeds the maximum allowed floor area, or floor area ratio (FAR) may not be enlarged. Any alteration qualifying as a rebuild may be done only if the building is reduced in size to conform to applicable FAR limitations.

§ 4.50.040 Nonconforming Lot Size

Lot-size requirements specified by this zoning ordinance primarily pertain to the minimum size of new lots created through either the subdivision or lot line adjustment processes. A legally established lot that does not conform to the current lot-size requirements of the applicable zoning district may be used and developed according to all other applicable zoning regulations, except where a particular use has a specified minimum lot size that is larger than the size of the subject lot.

§ 4.50.050 Nonconforming Signs

The provisions of § 4.40.130 shall apply to nonconforming signs.

§ 4.50.060 Residential Uses in Non-Residential Districts

A nonconforming residential use that is located in a district where residences are not allowed may be replaced or expanded beyond the limits set forth in § 4.50.020 if the replacement or expansion complies with all other applicable zoning and land development provisions and a use permit is obtained pursuant to Chapter 5.65. Allowed expansion of such nonconforming residential use shall not result in an increase in the number of dwelling units on the premises. Accessory uses or structures related to the residential structure are not subject to the requirement for a use permit. The approval of a use permit does not change the status of the residential use to a conforming use.

§ 4.50.070 Multi-Family, Density-Nonconforming

The reconstruction of any density-nonconforming multi-family dwelling, two-family dwelling, or multiple single-family and/or two-family dwellings on one lot that are damaged or destroyed by fire, earthquake or other casualty event may be allowed if a use permit is obtained, pursuant to Chapter 5.65. If a valid use permit application (complying with all applicable submittal requirements) is not filed within two (2) years of the date of casualty, the right to maintain the nonconforming density shall cease. The approval of a use permit does not change the status of the use to a conforming use.

A. **Criteria for Denial.** Notwithstanding the provisions of Chapter 5.65, such rebuilding may be prohibited (or reduced to below pre-casualty size or density) only if the building is located in an industrial zone or if both of the following findings are made:

1. The reconstruction will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood; and

2. The nonconforming residential use would be more appropriately moved to a zone in which the use is permitted, or that there no longer exists a zone in which the use would be permitted.

B. **Degree of Rebuilding**. Unless rebuilding is not approved per subsection A, the building(s) may be reconstructed up to its pre-casualty size and number of dwelling units. Any accessory pre-casualty nonconforming use (if applicable) may also be resumed, at the discretion of the Planning Commission.

C. **Applicable Regulations.** Any reconstruction, restoration, or rebuilding undertaken pursuant to this section shall conform to all of the following:

1. All applicable provisions of Section 65852.25 of the California Government Code, relating to the rebuilding of nonconforming residences;

2. All other applicable provisions of this zoning ordinance, and any applicable County-adopted architectural guidelines and standards,

3. There may be no increase in the size and number of pre-casualty dwelling units.

4. A building permit shall be obtained within one year of the effective date of the use permit. If that building permit expires without substantial construction having been undertaken, the right to rebuild to the density approved by the use permit shall also expire.

§ 4.50.080 Uses with Active Time-Limited Use Permit

Notwithstanding any other provision of this chapter, whenever a use approved under an active time-limited use permit becomes nonconforming, the permittee may apply to renew the permit prior to the expiration date of the use permit, pursuant to the provisions in this section and the procedures in Chapter 5.65.

A. **Review of Application.** When determining whether the use permit should be renewed, the Planning Commission shall consider the objectives of the new zoning provisions as they may relate to such a use. The commission shall also consider whether there have been substantial changes in the use and development

of adjacent properties that might warrant denial of the use permit, or require a greater degree of regulation of the use. The Planning Commission may add or delete conditions that it deems reasonable and necessary to protect the environment or preserve the integrity and character of the neighborhood, taking into consideration the goals and objectives of the new zoning provisions.

B. **Findings.** The Planning Commission may renew the use permit if it can make all of the following findings:

1. All the conditions of the current use permit or architecture and site approval (or both) have been met;

2. There have not been substantial changes in circumstances related to either the use or the surrounding neighborhood that would warrant cessation of the use; and

3. The Planning Commission makes all the findings required for issuance of a use permit pursuant to Chapter 5.65.

C. **Late Renewals.** If the permittee fails to apply for renewal of the use permit prior to the permit expiration date, he or she may file a late-renewal application. Such request must be filed within 24 months of the lapsed expiration date, and must be accompanied by a description of the circumstances warranting special consideration. A separate, late-renewal application fee in an amount prescribed by the Board of Supervisors shall be required. The Planning Commission shall hold a separate hearing on the late-renewal request, and shall have discretion to approve or deny the request based on the project circumstances. Unless otherwise specified by the Planning Commission, a use permit application must be filed within the 30 days following a decision authorizing a late renewal.

§ 4.50.090 Public Nuisances

Nothing in this chapter shall be construed to limit the ability of the County to terminate any use or require the removal of any structure that is found to be a public nuisance.

CHAPTER 5.10 REVIEW AUTHORITY

Sections

§ 5.10.010 Purpose
§ 5.10.020 Review Authority
§ 5.10.030 Planning Director
§ 5.10.040 Planning Commission Secretary
§ 5.10.050 Zoning Administrator
§ 5.10.060 Concurrent Land Use Permits

§ 5.10.010 Purpose

This chapter identifies the decision-making bodies for the various types of land use permits regulated under the zoning ordinance, and describes the composition and authority of the various review bodies. It provides a consolidated reference point for understanding the roles of decision-makers in the development process. Permits not cited in Table 5.10-1 are described in Title C of the County Ordinance Code.

§ 5.10.020 Review Authority

Table 5.10-1 presents the decision-making bodies for new and modified land use permits and approvals authorized under this zoning ordinance.

Table 5.10-1
REVIEW AUTHORITY

Permit Type	Decision	Appeal	Chapter
Architecture & Site Approval	ZA	PC, BS	§5.40
Cluster Development Plan	ZA/PC*	PC, BS	§5.45
Design Review	ZA	PC, BS	§5.50
Lot Line Adjustment	DIR	BS	§5.55
Special Permit	ZA	PC, BS	§5.60
Use Permit	PC	BS	§5.65
Variance	ZA	PC, BS	§5.70
Zoning Amendment	BS	—	§5.75

BS: Board of Supervisors; PC: Planning Commission; ZA: Zoning Administrator; DIR: Director or Official Designee

*ZA if Minor Subdivision/Cluster Development Plan; PC if Major Subdivision/Cluster Development Plan

§ 5.10.030 Planning Director

The planning director is responsible for overseeing the work of the Department of Planning and Development. The planning director also designates the planning commission secretary, land development coordinator, ASA secretary, and zoning administrator. Any decisions made by the planning office staff that are not listed in Table 5.10-1 may be appealed to the planning director.

§ 5.10.040 Planning Commission Secretary

The planning commission secretary is the planning office staff person, designated by the planning director, who schedules commission meetings, processes all commission paperwork, maintains official minutes and other commission records, prepares and forwards any commission recommendations to the Board of Supervisors, and forwards any appeals of commission actions to the Board of Supervisors.

§ 5.10.050 Zoning Administrator

The zoning administrator is the planning office staff member designated by the planning director to be responsible for certain administrative and discretionary permits or approvals as specified in the Zoning Ordinance or County Ordinance Code.

§ 5.10.060 Concurrent Land Use Permits

When a proposed land use is concurrently subject to more than one discretionary land use permit or approval, the review processes may be combined and the highest approval authority for any of the approvals sought shall be designated as the sole approval authority.

CHAPTER 5.20 COMMON PROCEDURES

Sections

§ 5.20.010 Purpose
§ 5.20.020 Pre-Application Meeting
§ 5.20.030 Application and Fees
§ 5.20.040 Application for Discretionary Exemption
§ 5.20.050 Environmental Assessment
§ 5.20.060 City General Plan Conformance
§ 5.20.070 Properties Subject to Annexation
§ 5.20.080 Determination of Application Completeness
§ 5.20.090 Modification or Withdrawal of Permit Application
§ 5.20.100 Public Hearing
§ 5.20.110 Public Notification
§ 5.20.120 Conditions of Approval
§ 5.20.125 Recordation of Notice
§ 5.20.130 Action on Application
§ 5.20.140 Denial Due to Existing Violation
§ 5.20.150 Notice of Approval or Denial
§ 5.20.160 Acceptance of Conditions of Approval
§ 5.20.170 Time Limitations for Establishment of Use or Structure
§ 5.20.180 Extension of Time to Establish Use
§ 5.20.190 Permit Renewal of a Time-Limited Permit
§ 5.20.200 Modification of Permit Approval
§ 5.20.210 Revocation or Modification of Permits
§ 5.20.220 Exemption Required for Parcels Created by Gift Deed
§ 5.20.230 Development Agreements
§ 5.20.240 Planning Clearance

§ 5.20.010 Purpose

This chapter sets forth the process for obtaining discretionary planning permits and planning clearances in unincorporated areas in Santa Clara County. It applies to all permits regulated through subsequent sections of this zoning ordinance. The procedures described in this chapter also apply to other types of land development permits regulated through the County Ordinance Code, including but not limited to building site approval, subdivisions, grading permits, lot mergers, and administrative permits.

The following sections are organized to represent a step-by-step description of the land development permit application and decision-making process.

§ 5.20.020 Pre-Application Meeting

Certain types of permits require pre-application meetings. Pre-application meetings are held to identify issues of concern related to an application, to review preliminary plans for compliance with County ordinances and standards and to determine an application's adequacy for submittal. The pre-application meeting also informs the applicant of the specific decision-making process for the application. The pre-application meeting is informational and intended to provide guidance to the applicant. The meeting does not result in any official recommendation or final decision with respect to an application.

§ 5.20.030 Application and Fees

All applications for land use permits or other approvals, exemptions, modifications, extensions, renewals and appeals shall be filed with the planning office. All applications not initiated by the County shall be accompanied by a filing fee in an amount established by the Board of Supervisors. The County will not process any application until all fees are paid in full; provided, however, that where the application fee is an initial fee plus an hourly rate, the initial fee shall be submitted with the application and work on the application shall be suspended if at any time the paid fees are exhausted.

Applications shall be signed by the owner of the property that is the subject of the application, or by persons having the owner's lawful power of attorney to file the application; or in the case of an appeal, the appellant. Applications involving more than one lot must be signed by property owners of each of the involved lots.

§ 5.20.040 Application for Discretionary Exemption

An applicant may apply for a discretionary exemption from the applicable permit if the zoning ordinance provides for such discretionary exemption and if the proposed land use is eligible for one of the exemptions described for the applicable permit in subsequent chapters. The zoning administrator or other appropriate decision-making authority shall evaluate the application for exemption. If the application for exemption is granted, no public hearing will be required, and any required building permits may be issued based on this exemption. Where the application for discretionary exemption is denied, the normal permit procedure will be followed.

§ 5.20.050 Environmental Assessment

All proposed land uses requiring discretionary permits are subject to the requirements of the California Environmental Quality Act (CEQA) unless they are included in a category of projects which the state has determined are not likely to have a significant impact on the environment. Other projects may also be exempt from CEQA as determined on a case-by-case basis. Determination as to whether a project is subject to or exempt from CEQA will be made during completeness review.

If a project is subject to CEQA, an environmental assessment (EA), undertaken by or under contract to the planning office at the applicant's expense, will be prepared to determine the impact of the project on the surrounding environment. Once a project has been found to require an EA:

A. A hearing date will not be set or noticed until the EA has been completed, except where the hearing is for the purpose of determining whether the project should be denied without completing the EA; and,

B. A decision to approve the permit cannot be made until the EA has been has been approved or certified as specified under state law. Approval of the EA and the final decision on the project can be made at the same hearing.

§ 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 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.

§ 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.

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.

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

§ 5.20.080 Determination of Application Completeness

All applications submitted to the planning office will be initially processed to determine their completeness. This processing generally occurs during a 30-day period, and includes review by a variety of individuals and agencies to identify whether additional information is needed to fully process the application through the final decision.

A. **Notification of Applicant.** Within 30 days after the application is submitted, the applicant shall be informed in writing either that the application is complete and acceptable for processing, or that the application is incomplete and that additional information, as specified in the letter, must be provided.

B. **Resubmittal of Materials.** If an application has been deemed incomplete, the requested materials must be submitted within six (6) months. Within 30 days of a resubmittal, the applicant shall be informed in writing either that the application is complete and acceptable for processing, or that the application is incomplete and that additional information, as specified in the letter, must be provided.

If the requested materials have not been submitted within six (6) months of the date of the incomplete letter, an additional fee is required to continue processing the application. If the required materials have not been submitted within one year of the incomplete letter, the application will be deemed abandoned, and the application fees will not be refunded.

C. **Appeal of Incompleteness Determination**. An applicant may appeal an incompleteness determination to the Planning Commission in accordance with the procedures in Chapter 5.30. The Planning Commission shall render a decision on the appeal within 60 days after the appeal is filed.

D. **Additional Information for Environmental Review.** After an application has been deemed complete, the planning office may require the submittal of additional information to determine the environmental impacts of the project or to assess feasible alternatives or mitigation measures for such impacts as required by the California Environmental Quality Act.

The time limits in this section may be extended upon mutual written agreement of the applicant and the planning director.

§ 5.20.090 Modification or Withdrawal of Permit Application

An application may be modified by the applicant at any time prior to approval. Any prior finding of application completeness may be voided by submittal of a request for modification or withdrawal. Depending on the type and substance of the modification, the modified application may be distributed again for completeness review as provided in Section 5.20.080 and may require payment of a supplemental application fee.

An application may be withdrawn by the applicant at any time. The withdrawal shall be without prejudice to the application. Any resubmittal of the application shall be accompanied by the required filing fee.

§ 5.20.100 Public Hearing

When required by law, the appropriate decision making body shall schedule a public hearing for each discretionary permit decision, with the exception of lot line adjustments, after the Planning Office determines that the application is complete and any environmental documents required for the proposed decision have been prepared.

§ 5.20.110 Public Notification

The required public notice of the hearing shall be provided at least 10 days prior to the scheduled hearing, in accordance with all applicable state laws. The notice shall include the date, time and place of the hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description (text or diagram) of the property location. Notice is required through one or more of the following means.

A. **Mailing or Delivery.** Unless otherwise provided in this section, notice shall be mailed or delivered to the following individuals and agencies:

1. The applicant, at the address shown on the application, and all owners of the subject property(s) at their addresses as shown on the most current property tax roll of Santa Clara County;

2. Any person who has filed a written request for notice on the particular application with either the planning office or Clerk of the Board of Supervisors;

3. Local agencies expected to provide utilities, roads, schools or other essential services, where their ability to provide such services may be significantly affected; and

4. The owners of all real property located within 300 feet of the subject property boundaries at their addresses as shown on the most current property tax roll of Santa Clara County, or of a neighboring county. If there are fewer than 24 properties within 300 feet, the notification radius shall be extended to include the 24 closest properties.

B. **Publication.** In addition to the mailing requirements in subsection A, above, notice shall be published in a newspaper of general circulation at least 10 days prior to the public hearing. Where the combined number of agencies and individuals described in subsections A1, A3 and A4 is greater than 1,000, the County may publish the notice in a newspaper of general circulation instead of sending individual notices.

C. **Continued Hearing.** If a noticed public hearing is continued to a date certain by the decision-making body, no additional notice is required to be mailed to previous recipients of such notice. The decision-making body shall continue or

recontinue any hearing to any subsequent meeting in accordance with California Government Code Section 54955 and Section 54955.1.

D. **Additional Notice and Early Notification.** The County may, in its discretion, provide additional notice beyond that specified in this section. The applicant may be required to provide additional early notification and public outreach in accordance with the most recently adopted *Early Public Notification and Outreach Policy for Development Projects*.

Failure to comply with the notice requirements in this section, in whole or in part, shall not invalidate any action taken on the matter.

§ 5.20.120 Conditions of Approval

Development conditions of approval are established by the approving authority based on recommendations from the planning office and other agencies consulted on the application. An approval may include reasonable conditions that are commensurate with the nature and magnitude of the project, and should relate to the purpose of the applicable permitting process. Conditions shall be intended to accomplish the following:

A. Avoid or mitigate adverse impacts,

B. Preserve the integrity and character of the zoning district,

C. Implement general plan policies and other adopted programs and policies related to land development and public infrastructure, and

D. Promote basic health, safety and welfare.

Conditions shall be completed according to the time requirements specified in the approval.

§ 5.20.125 Recordation of Notice

A notice of the permit and conditions of approval authorized under this zoning ordinance shall be recorded with the Office of the Clerk-Recorder in accordance with recording requirements when required by the conditions of approval. If such permit is modified or revoked, a notice of modification or revocation shall be recorded with the Office of the Clerk-Recorder.

§ 5.20.130 Action on Application

The decision-making body shall take action on the application in accordance with the time requirements provided in Section 65950 of the California Government Code unless extended by mutual written agreement of the applicant and the decision making body.

§ 5.20.140 Denial Due to Existing Violation

The decision-making body may deny an application for any permit or approval if there is a recorded notice of violation for any zoning, grading, building code, housing code, or other land use violation on the property that is the subject of the application. For purposes of this section, a violation is an existing violation until a notice of expungement or compliance agreement is recorded.

§ 5.20.150 Notice of Approval or Denial

Upon the approval, conditional approval, or denial of an application or appeal, the planning office shall prepare and deliver to the applicant, property owner and appellant a formal written notice of the action. The notice shall contain a statement of conditions applicable to the permit or other approval. The decision shall not become final until the specified appeal period has elapsed without an appeal having been filed.

§ 5.20.160 Acceptance of Conditions of Approval

If, after all appeals have been exhausted and the final decision making body has issued a permit or other approval, any applicant(s) or property owner(s) who objects to any conditions or mitigation measures imposed on the permit or approval shall file an objection with the planning office no later than the fifteenth calendar day after the decision is rendered. The failure to file an objection within this time constitutes acceptance of and agreement to all of the conditions of approval and mitigation measures. The filing of an objection shall void the approval in its entirety.

If application of this section would conflict with or be preempted by state law, state law shall govern, but only with respect to the specific issues of conflict, and this section shall remain in effect for all other issues.

§ 5.20.170 Time Limitations for Establishment of Use or Structure

Establishment of a use or approved structure must occur within four (4) years of the effective date of the original permit approval, with the exception of use permits. In the case of a use authorized by a use permit, establishment of the use must occur within five (5) years of the effective date of approval, or within such other term of approval as may be specified by the approving body. The approval term may be lengthened to match the

approval term of a concurrent, related land use application (e.g. use permit) on the subject property.

A use or structure shall be considered established when any of the following apply:

A. All required construction permits have been obtained, grading work and structural foundations are completed and substantial progress has been made on the above-grade construction;

B. A certificate of occupancy has been issued and bonds guaranteeing site improvements have been released; or

C. A use not requiring any building permits is operating in compliance with all conditions of approval.

§ 5.20.180 Extension of Time to Establish Use

When a permittee requests additional time within which to establish a use beyond the time limit provided in § 5.20.170, one extension of time may be granted, if requested in writing prior to the expiration date of the permit, accompanied by an application form, explanation of the circumstances necessitating the extension request, and the appropriate filing fee established by the Board of Supervisors. An extension of time shall be for no more than two years, to commence upon expiration date of the initial permit approval.

The decision regarding an extension of time shall be made by the decision-making authority as provided in Section 5.20.010. Any such decision may be appealed pursuant to the provisions of Chapter 5.30, Appeals.

§ 5.20.190 Permit Renewal of a Time-Limited Permit

Requests for permit renewals of a time-limited permit must be made in writing prior to the expiration date of the permit sought to be renewed, and must be accompanied by an application form and the required filing fee. Permit renewal requests shall be processed in the same manner as the original application, and the approval authority shall be the same as if the application was for a new permit. Upon application for renewal, the expiration of the permit shall be stayed until a formal action has been taken on the extension request, but in no event for more than two years. If permit renewal is granted, the new approval term shall be established by the approval authority, in its discretion, and shall begin immediately after the original expiration date

§ 5.20.200 Modification of Permit Approval

Modification of an approved permit may be initiated by filing an application with the planning office accompanied by the appropriate filing fee and documentation. Such

modification may involve a change of use, alteration of approved structure, change in configuration of site improvements, or modification or deletion of any condition(s) of approval. Modifications are classified as either minor or major based generally on their significance, consequences, and the amount of additional processing and review required.

A. **Minor Modification.** A modification is considered minor when all of the following circumstances apply:

1. It does not involve substantive changes to the approved site plan;
2. It does not significantly change the nature of the approved use;
3. It does not intensify the approved use; and
4. It would not result in any new or substantially greater environmental effects than the originally approved project.

Minor modifications may be subject to a new public hearing at the discretion of the planning director or his or her designee. The planning director shall also determine whether a particular modification qualifies as minor, based on the above criteria.

B. **Major Modification.** A modification shall be considered major if any of the following circumstances apply:

1. It involves substantive changes to the approved site plan;
2. It significantly changes the nature of the approved use;
3. It results in intensification of the approved use; or
4. It may result in new or substantially greater environmental impacts than the originally approved project.

Major modifications shall be subject to a new public hearing if a public hearing was required for the original approval.

§ 5.20.210 Revocation or Modification of Permits

On its own motion or at the direction of the Board of Supervisors, the Planning Commission may hold a hearing to revoke or modify any discretionary land use permit or approval granted pursuant to this zoning ordinance. No formal application is required for the hearing.

A. **Findings.** The Planning Commission may revoke or modify any active land use permit on the basis of evidence and testimony in the administrative record, including evidence submitted at the hearing, if it finds any of the following:

1. The permit was obtained by fraud;

2. The permit conditions, including the permitted use of the property and any mitigation measures included as part of an approved mitigation monitoring or reporting program, have been or are being violated;

3. A public health or safety nuisance has been created by the exercise of the permit, or by changed circumstances from when the permit was approved; or

4. An inadvertent error or omission made in establishing the original conditions requires modifications or additions to the permit conditions.

B. **Revocation, Modification, or Reaffirmation of Permit.** If the Planning Commission makes one or more of the above findings it may revoke the permit, change conditions or add new conditions as necessary to correct problems or violations relating to the use. The commission may also modify conditions or add new conditions to preserve the integrity and character of the zoning district or to secure the general purposes of the zoning ordinance and the general plan.

If the Planning Commission does not make any of the above findings, it shall reaffirm the permit.

C. **Notification.** Upon the revocation, modification or reaffirmation of any land use permit, the planning office shall prepare and deliver to the permittee and the property owner a formal written notice of the Planning Commission's action. If the permit is revoked, the notice shall contain a statement directing the permittee and property owner to immediately cease the formerly authorized use, and shall further inform them that failure to cease the use shall be subject to enforcement and penalties as set forth in Chapter 5.80, Enforcement.

D. **Appeal.** A decision to revoke, modify or reaffirm any land use permit or approval may be appealed to the appropriate appeal authority, in accordance with the appeal procedure of Chapter 5.30.

§ 5.20.220 Exemption Required for Parcels Created by Gift Deed

The purpose of this requirement is to regulate the use and development of parcels created by gift deed outside County planning and development regulations for subdivisions. For certain parcels created by gift deed that do not conform with the minimum lot size of the zoning district in which they are located, an exemption from the subdivision ordinance and the minimum lot size of the zoning district must be secured prior to the granting of any permit or other land use approval or entitlement, pursuant to Sections C12-240 – C12-242 of the County Ordinance Code. The provisions of this section apply to parcels created by gift deed that were recorded on or between February 4, 1986 and noon of March 22, 1988 that are below the minimum lot size of the zoning district, and which have not obtained a building exemption or conditional certificate of compliance.

A. **Concurrent Application for Exemption Required.** No permit or other land use approval or entitlement shall be granted unless a concurrent application for exemption is submitted and approved. The Planning Commission shall be the granting authority for such exemption, as set forth in Section C12-242 of the County Ordinance Code, Article 7, Gift Deeds.

B. **Findings.** The findings necessary for the granting of an exemption shall be as set forth in Section C12-242 of the County Ordinance Code, subsection 4b, subparagraphs 1 – 6.

C. **Conditions.** The commission may include such additional conditions and requirements as it deems reasonable and necessary to ensure conformity of development with the intent of the zoning district, applicable goals and policies of the general plan, and any other applicable development regulations.

§ 5.20.230 Development Agreements

A. Purpose. This section establishes procedures and requirements for the review and approval of development agreements in compliance with the provisions of Government Code sections 65864 through 65869.5. The County finds and declares the use of development agreements is beneficial to the public, in that:

1. Development agreements increase certainty in the approval of development projects, thereby preventing the waste of resources, reducing the cost of development to the consumer, and encouraging investment in and commitment to comprehensive planning.

2. Development agreements provide assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to specified conditions of approval, thereby strengthening the public planning process and reducing economic costs of development.

3. Development agreements enable the County to plan for and obtain necessary public improvements, including, but not limited to, streets, sewage, transportation, water, school, and utility facilities.

B. Applicability. Only a person who has legal or equitable interest in the subject property which is the subject of the development agreement (or his or her authorized agent), may submit an application for a development agreement.

C. Review Process. A public hearing on an application for a development agreement must be held by the Planning Commission and the Board of Supervisors. Notice of intention to consider the adoption of a development agreement must be given as provided in Government Code sections 65090 and 65091.

The designated approving authority for development agreements is the Board of Supervisors. The Board of Supervisors may approve a development agreement only by ordinance in accordance with the requirements of this section.

D. Findings. A development agreement shall not be approved by the Board of Supervisors unless the Board finds that the development agreement is consistent with the General Plan, any applicable specific plan, and Zoning Ordinance.

E. Amendment and cancellation of agreement. Any party to the agreement may propose an amendment to or cancellation in whole or in part of the development agreement, the procedure for which is the same as the procedure described in subsection (C) of this section. Notice of the proposal to amend or cancel any portion of the development agreement shall be given as provided for in Government Code sections 65090 and 65091.

F. Recordation. Within ten days after the County enters into the development agreement or any amendment thereof, the Clerk of the Board shall cause the agreement or amendment to be recorded with the County Clerk-Recorder. The Clerk of the Board shall be the official custodian of the development agreement file. Said file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, and/or cancellations to the development agreement.

E. Periodic Review. The Director of the Department of Planning and Development must, at least every 12 months as provided by Government Code section 65865.1, review the development agreement and provide a written report to the Board of Supervisors. The burden of proof is on the applicant to provide necessary information verifying good faith compliance with the terms of the developments agreement. The applicant shall also bear the cost of such review in accordance with the fee established by a Board of Supervisors resolution. If the Director finds that any aspect of the development project is not in good faith compliance with the terms of the development agreement, the Planning Director may schedule the matter before the appropriate reviewing authority for review for possible amendment or termination.

§ 5.20.240 Planning Clearance

Certain types of uses in unincorporated areas of Santa Clara County require an administrative planning clearance. A planning clearance is a ministerial, nondiscretionary process for uses that require adherence to the Zoning Ordinance but for which no discretionary permit is required. Uses allowed with a planning clearance require that an applicant verify and provide sufficient evidence to establish that the proposed use adheres to the Zoning Ordinance.

In such cases where a use allowed with a planning clearance requires compliance with specific development standards, the planning clearance shall include certain conditions of

approval to ensure compliance with all development standards for the use. A planning clearance shall be issued prior to the issuance of any building permit or other approval required by the Ordinance Code.

The Planning Office is responsible for evaluating applications for planning clearance. There is no appeal of a planning clearance.

CHAPTER 5.30 APPEALS

Sections

§ 5.30.010 Purpose
§ 5.30.020 Time Limit for Filing Appeals, Content of Application
§ 5.30.030 Separate Filing of Appeals
§ 5.30.040 Administrative Appeal
§ 5.30.050 Scope of Review
§ 5.30.060 Powers of Appeal Authority
§ 5.30.070 Withdrawal of Appellant

§ 5.30.010 Purpose

Appeals provide an opportunity for the reconsideration of land use decisions in a public hearing. Appeals may be filed by anyone dissatisfied with a discretionary land use decision.

§ 5.30.020 Time Limit for Filing Appeals, Content of Application

An appeal application accompanied by the applicable fee must be filed prior to the close of business on the fifteenth calendar day after the decision of the granting authority. The application shall clearly identify the appellant(s) and all grounds for the appeal.

§ 5.30.030 Separate Filing of Appeals

Each appeal application submitted shall require a separate application and fee.

§ 5.30.040 Administrative Appeal

An administrative appeal is an appeal filed by the planning director within 20 calendar days after any decision of the Planning Commission. The planning director shall attempt to notify the planning commissioners prior to such an appeal. There is no fee for an administrative appeal.

§ 5.30.050 Scope of Review

Regardless of the basis for appeal, the appeal authority's scope of review is de novo, and it may consider the entire scope of the application under consideration, including the proceedings and conclusions of the original decision-maker. All maps, records, papers and files concerning the application which constitute the record in the action being appealed shall be transmitted to the appeal authority.

§ 5.30.060 Powers of Appeal Authority

Appeal authorities for the various types of land use permits are indicated in Table 5.10-1. The appeal authority may approve, conditionally approve, or deny the application which is the subject of the appeal. Decisions regarding appeals remain subject to all applicable findings for the permit or use in question.

§ 5.30.070 Withdrawal of Appellant

An appellant may request that an appeal application be withdrawn by submitting a written statement to the planning office prior to the scheduled hearing date. If more than one appellant joined in a single appeal application, the application will not be considered withdrawn unless all appellants on the particular application consent to the withdrawal.

A withdrawal of an appeal does not entitle the withdrawing appellant to a refund of the appeal fee.

CHAPTER 5.40 ARCHITECTURE AND SITE APPROVAL

Sections

§ 5.40.010 Purpose
§ 5.40.020 Applicability
§ 5.40.030 Approval Authority
§ 5.40.040 Findings
§ 5.40.050 Administrative Review for Minor Projects
§ 5.40.060 Los Gatos Hillside Specific Plan Area
§ 5.40.070 Cessation of Use and Termination of Permit
§ 5.40.080 Common Procedures

§ 5.40.010 Purpose

Architecture and site approval (ASA) is required as specified in the zoning ordinance and sections C12-350.1 through C12-350.7 of the County Ordinance Code. ASA is typically required in conjunction with commercial, institutional, office, industrial or multiple family residential uses. The purpose of ASA is to maintain the character and integrity of zoning districts by promoting quality development in harmony with the surrounding area, through consideration of all aspects of site configuration and design, and to generally promote the public health, safety and welfare. The procedure commonly augments the use permit process by providing a means for establishing detailed conditions on proposed developments.

§ 5.40.020 Applicability

The following actions require ASA:

A. Establishment or modification of a use in a zoning district requiring ASA.

B. Establishment or modification of a use in conjunction with a use permit approval, unless the Planning Commission expressly determines when granting the use permit that the purpose of this chapter is fulfilled by the conditions of the use permit.

C. New or major changes in signs for a legally established use.

D. Single building site approval on slopes 30 percent or greater in certain zoning districts.

E. Establishment or modification of a use in –h Historic Preservation Combining Districts where specified in the applicable zoning district.

F. Any other circumstance where ASA is the entitlement specified in the Zoning Ordinance or County Ordinance Code.

§ 5.40.030 Approval Authority

Proposed land uses and development will be reviewed and acted upon by the Zoning Administrator except where the proposed land use is concurrently subject to more than one discretionary land use approval or the procedures in section 5.10.060 apply.

§ 5.40.040 Findings

ASA may be granted if the Zoning Administrator makes all of the following findings:

A. Adequate traffic safety, on-site circulation, parking and loading areas, and insignificant effect of the development on traffic movement in the area;

B. Appearance of proposed site development and structures, including signs, will not be detrimental to the character of the surrounding neighborhood or zoning district;

C. Appearance and continued maintenance of proposed landscaping will not be detrimental to the character of the surrounding neighborhood or zoning district;

D. No significant, unmitigated adverse public health, safety and environmental effects of proposed development;

E. No adverse effect of the development on flood control, storm drainage, and surface water drainage;

F. Adequate existing and proposed fire protection improvements to serve the development;

G. No significant increase in noise levels;

H. Conformance with zoning standards, unless such standards are expressly eligible for modification by the Zoning Administrator as specified in the Zoning Ordinance;

I. Conformance with the general plan and any applicable area or specific plan, or, where applicable, city general plan conformance for property located within a city's urban service area; and

J. Substantial conformance with the adopted "Guidelines for Architecture and Site Approval" and any other applicable guidelines adopted by the County.

§ 5.40.050 Administrative Review for Minor Projects

An ASA administrative review and approval for minor projects may be authorized by the Zoning Administrator subject to Zoning Administrator's discretion. The following categories of projects may qualify for an administrative review and approval:

A. Projects involving a minor expansion/ modification of an existing use or building where all of the following criteria are satisfied:

1. Involve a net increase of existing building area of no more than 2,000 square feet, cumulative at any one time, including additions to existing buildings or new separate buildings, including accessory buildings;
2. Involve new building construction less than or equal to 35 feet in height;
3. Require no environmental assessment;
4. Create a demand for less than six (6) additional vehicular parking spaces;
5. Require no tree removal (defined as a designated heritage tree or a tree with diameter of 12 inches or greater at 4.5 feet above the ground);
6. Require no significant site improvements to support the proposed development; and
7. Are consistent with the land uses permitted in the zoning district or by an existing use permit and/or ASA.

B. Projects defined under the *Wireless Telecommunications Facilities – Collocation/Modification – Major* use classification.

C. Change from one authorized use to a different allowable use under the same or another use classification as defined in Chapter 2.10, provided that:

1. All conditions of approval applicable to the authorized use have been fulfilled and maintained,
2. The new use is substantially consistent with the conditions and standards applicable to the previously authorized use, and may be approved with limited changes to the conditions; and,
3. The new use can be accommodated with minimal structural or external changes to existing buildings, conditions, and no substantial changes to existing site improvements.

D. Modification to or replacement of an existing approved sign, not including any existing support structure, for which the size, appearance, and general message/content area is substantially the same as the existing sign, as determined by the Zoning Administrator.

§ 5.40.060 [Reserved]

§ 5.40.070 Cessation of Use and Termination of Permit

Except where expressly specified within the conditions of approval, if a use operating under an architecture and site approval permit ceases for a period of 12 consecutive months, the architecture and site approval permit shall be deemed abandoned and shall automatically terminate.

§ 5.40.080 Common Procedures

Refer to Chapter 5.20 for procedures common to all land use processes, including architecture and site approval. Such procedures include, among others, application, modifications, environmental assessment, public hearing and notification, appeals, notice of approval or denial, limitation of time for establishing the use, life of a permit, revocation and modification of permits, and renewal of permits.

CHAPTER 5.45 CLUSTER DEVELOPMENT PLAN

Sections

§ 5.45.010 Purpose
§ 5.45.020 Applicability
§ 5.45.030 Approval Authority
§ 5.45.040 Cluster Development Plan Procedures
§ 5.45.050 Cluster Development Plan Standards and Requirements
§ 5.45.055 Findings
§ 5.45.060 Modification of Cluster Development Plan Following Approval

§ 5.45.010 Purpose

The purpose of a cluster development plan is to provide for flexibility in the location of parcels and dwelling units within a subdivision, by means of reductions in minimum lot size, choice of lot configurations within the land area to be subdivided, and placement limitations on residences and accessory buildings by means of designated building envelopes. An application for a cluster development plan shall be processed in conjunction and concurrently with an application for subdivision.

The goals of cluster subdivision are to implement applicable policies of the general plan, to promote efficiency of access through the design and location of roads and driveways, and to reduce the overall amount and extent of grading and physical infrastructure improvements required for residential development. A cluster subdivision is furthermore intended to preserve open space, conserve natural resources and features of the land, and to avoid or mitigate potential adverse environmental impacts. Clustering of development within a subdivision does not permit an increase in maximum allowable density of residential development as specified by the general plan and/or zoning ordinance, except in accordance with the provisions for a density bonus set forth in the Zoning Ordinance and state law.

§ 5.45.020 Applicability

Cluster development plans may be allowed in the urban residential zoning districts of R1, R1E, RHS, and R1S, and in the rural base zoning districts of HS and RR, as defined in the general plan.

§ 5.45.030 Approval Authority

The Zoning Administrator shall be the approval authority for cluster development plans associated with minor subdivisions. The Planning Commission shall be the approval authority for cluster development plans associated with major subdivisions.

§ 5.45.040 Cluster Development Plan Procedures

In addition to those procedures common to all land use applications as specified within the zoning ordinance, the following provisions shall apply to cluster development plan applications.

A. **Pre-Application Meeting**. A pre-application meeting shall be required for any proposed cluster development plan and subdivision application. The application submittal shall consist of a development plan for a cluster development, in addition to any submittal requirements contained within the Santa Clara County Subdivision Ordinance.

1. **Content.** The content of a pre-application cluster development plan shall include a map drawn to scale of the proposed development, north arrow, perimeter boundary line, unusual or noteworthy topographic features, water bodies, water courses and drainage swales, proposed street layouts and other circulation features such as trails and pathways, proposed parcel configuration(s) and building envelopes, designated development areas and areas designated for open space dedication, and any other spatial information pertinent to the proposal and necessary for the review of the pre-application.

   Tabular summary information shall also be provided for all areas of existing and proposed street rights-of-way and easements, gross and net lot size for each lot, including open space parcels, the amount and percentage of all designated development areas and of all designated open space areas, for consistency with the general plan, and the overall density of development, including slope density calculations if applicable.

2. **Review Process**. The review process for a cluster development plan pre-application submittal shall coincide with the pre-application for the subdivision application. Review and analysis shall focus primarily on whether the preliminary development plan substantially conforms with the applicable goals, strategies, policies, and standards of the general plan and zoning ordinance, in conjunction with appropriate review of the applicable standards and requirements of the Subdivision Ordinance. The review shall be conducted in accord with Section 5.20.020 of Chapter 5.20, Common Procedures, and a summary letter including all comments and information provided at the pre-application meeting shall be provided to the applicant following the pre-application meeting.

B. **Cluster Development Plan and Subdivision Map**. Following the pre-application meeting, an application submittal for a cluster development plan and subdivision map shall be submitted for review. Such submittal is based upon comments and direction that were provided during the subdivision pre-application meeting. The applications shall be subject to all applicable processing requirements as described in Chapter 5.20 Common Procedures and those of the Subdivision Ordinance.

1. **Content.** The content of a cluster development plan and subdivision map shall be as described for the preliminary cluster development plan and subdivision proposal submitted for the pre-application review, with the inclusion of all content required of a subdivision map by the Subdivision Ordinance and (state) Subdivision Map Act.

2. **Review Process**. The review process shall be in accordance with the provisions of Chapter 5.20, Common Procedures and applicable provisions of the Subdivision Ordinance. If the proposed cluster development plan and subdivision application differ substantially from the proposals evaluated through the pre-application process, a new pre-application submittal and fees may be required.

C. **Grading Approval Requirements**. If a grading approval is required in conjunction with a cluster development plan and subdivision application, the grading application shall be reviewed concurrently with the application for a cluster development plan and subdivision. The grading approval and final grading permit prepared in accordance with the County Grading Ordinance shall not be issued or made effective until the cluster development plan and subdivision have been approved by the decision-making authority.

§ 5.45.050 Cluster Development Plan Standards and Requirements

A. **Residential Density**. The cluster development plan shall conform with the applicable goals, policies, and requirements of the general plan, in particular the allowable densities of the applicable land use designation, and with the purposes of the zoning ordinance. The proposed density of development (total number of dwelling units or lots) shall not exceed and may be reduced from the maximum density allowed under the applicable general plan land use designation and zoning district, unless the application includes additional dwelling units allowed in accordance with the density bonus regulations as provided in Section 4.20.030. Cluster development plans within a city's urban service area shall conform to the density permitted by the applicable city's general plan.

B. **General Residential Development Standards**. The general development standards of the applicable base and combining zoning districts shall apply, including parking, unless the required minimum lot size, yard and setback requirements, lot coverage limitations, if any, or other similar development

standards are modified through the cluster development plan in accordance with any applicable governing policies of the general plan and the provisions of this chapter.

C. **Parcel Configuration**. The configuration of lots intended for residential development shall conform with the purposes of this ordinance and with any applicable goals and policies of the general plan. The location of such lots shall be based upon the consideration and balancing of such factors as topography and efficiency of access, preservation of viable and useable open space, need for secondary access, geologic hazards and constraints, suitability of development sites for sanitary waste water treatment and disposal, visual impacts, and conservation of natural resources and landscape features, among other factors which may be pertinent to the subject parcel.

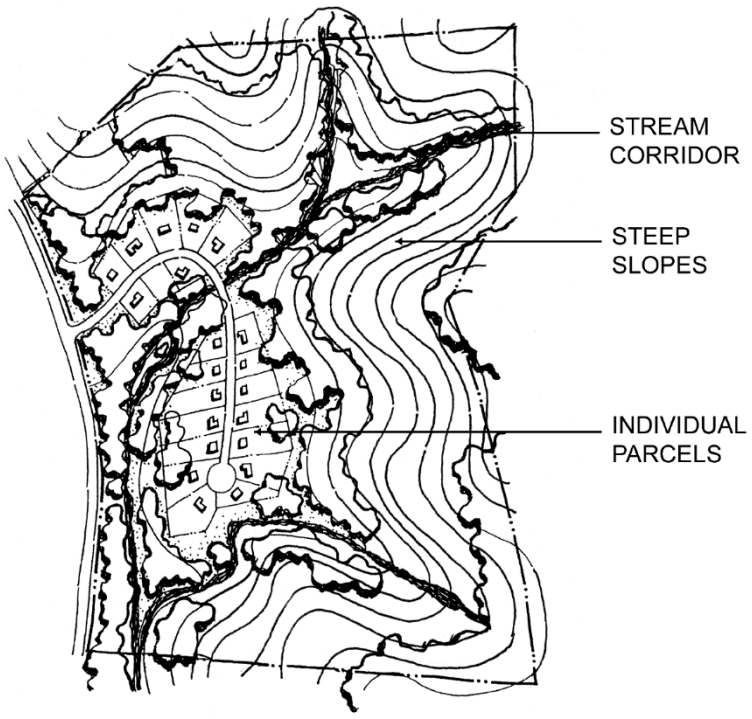

Fig. 5.45-1

D. **Open Space Preservation.** Open space preservation as part of a cluster development plan subdivision shall conform with the specific provisions of the applicable general plan land use designation and zoning district. In general, the following provisions shall apply:

1. **Permanent dedication of open space.** In order to ensure that open space preserved through the cluster development plan will be permanent, dedication of development rights to the County of Santa Clara shall be required through recorded open space easements. Dedication of such development rights may also be made to more than one public agency, such as the Santa Clara County Open Space Authority or Midpeninsula Regional Open Space District, in conjunction with the County, if such agency is a willing participant. Open space easements shall regulate the future use of the open space, and, where necessary and appropriate to preserve the natural resources of the area or to effectuate required environmental mitigations or conditions of approval, shall specify the land owner's and management and maintenance obligations.

2. **Urban clusters.** In cluster developments within urban service areas, the amount of open space shall be adequate for the recreational needs and leisure use of the residents of the cluster development. Such open space shall be held in public ownership or in common private ownership by the owners of the lots or units within the cluster development. Landscaping shall be required as appropriate within any disturbed areas or within those areas adjacent to public streets. Additional internal landscaping requirements may be imposed as necessary and appropriate.

3. **Rural clusters.** In rural cluster developments, permanently preserved open space shall be privately owned and maintained unless ownership is conveyed to a public agency willing and able to accept ownership and management responsibilities.

4. **Nonresidential clusters.** On the lands of Stanford University, clustering of lands zoned OS/F for nonresidential development shall be allowed provided the creation of new parcels serves to facilitate uses provided for under the OS/F regulations in Chapter 2.50.

   "Development area," for the purposes of this provision, shall include all land proposed for structures, roads, parking areas, associated landscaping and other types of development.

   A cluster development plan is required for the division of land into lots of less than 160 acres. A cluster arrangement of structures shall achieve economy of land use and efficiency of access, while avoiding or minimizing impact to the natural environment to the extent feasible. Defined development areas shall include no more than 10% of the total land area subject to the land division, with at least 90% of the remaining land area preserved in permanent open space by means of dedication of development rights which prevents future subdivision of such lands. Such open space area is not required to be contiguous to the development area but must be located within the Open Space/Field Research district. This dedicated open space shall be located in a medium-high or high visibility zone as determined through use of the OS/F viewshed analysis (§ 2.50.040(B)), or an area of environmental significance, as determined by the County.

   Cluster development plans may be arranged in more than one cluster provided that the multiple cluster arrangement achieves economy of land use and efficiency of access intended by this ordinance and the applicable provisions of the Stanford Community Plan land use designation.

5. **Configuration of open space.** To the maximum extent possible, balancing the various goals and objectives of the general plan and zoning ordinance for public health, safety, and welfare, the configuration of open space shall incorporate those noteworthy and most valuable natural features of the land, such as rock outcroppings, historic or archeological sites, significant stands of mature trees, and riparian areas. Furthermore, the open space shall be

generally configured as large, contiguous areas capable of serving the various purposes of such open space, including but not limited to recreation and trails, agriculture, viewshed protection, and habitat preservation and wildlife corridors. The configuration of open space shall be reasonably based on the appropriate consideration of access requirements and standards, geologic hazards, and other forms of development constraints which may be present.

E. **Circulation and Roads.** Vehicular circulation shall conform with the County's applicable road development standards. In hillside areas with significant slopes, road and driveway locations and designs shall minimize the need for grading and earthwork to the maximum extent possible, in accordance with the provisions of the County Grading Ordinance (Division C12-400 et seq of County Ordinance Code). Adequate non-vehicular circulation, including trails, paths, sidewalks, and equestrian paths shall also be provided as appropriate to the urban or rural setting, and in accordance with any adopted plans and design guidelines.

§ 5.45.055 Findings

The following findings are required for the approval of a cluster development plan in association with a subdivision application, in addition to applicable findings of the Subdivision Ordinance:

A. The cluster development and subdivision conform with the goals, strategies, and policies of the general plan, particularly in regard to allowable density of development, open space and natural resource conservation, and avoidance or mitigation of potential adverse environmental impacts, including visual/aesthetic impacts in hillside areas.

B. The cluster development plan and subdivision are consistent with the purposes and applicable provisions of the zoning ordinance, and such modifications to development standards as may be included in the proposed cluster development plan are deemed reasonable and appropriate to secure the purposes of this chapter.

C. The cluster development plan and subdivision promote efficiency of access through the appropriate design and location of roads and driveways, including all necessary and appurtenant facilities, such as turnouts, turnarounds, parking areas, and other circulation components, such as trails, pathways, and walkways.

D. The cluster development plan and subdivision minimize the overall amount and extent of grading and terrain alteration, consistent with applicable general plan policies, grading approval considerations, and findings, and achieves optimal efficiency in regard to the physical infrastructure improvements required for residential development, including retaining walls.

E. The cluster development plan and subdivision achieve substantial conformance with any applicable development guidelines adopted by the County, are consistent with any adopted specific plans, and further the goals and objectives of any

subject matter-specific plans, such as, but not limited to the Habitat Conservation Plan.

§ 5.45.060 Modification of Cluster Development Plan Following Approval

A cluster development plan and subdivision approval may be modified after approval and prior to the recordation of the applicable subdivision map according to the procedures set forth in Section 5.20.200, Modification of Plan Approval and applicable provisions of the Subdivision Ordinance.

Subsequent to the recordation the subdivision map, minor modifications to the approved building envelopes or other features delineated on the approved cluster development plan may be considered for the purpose of facilitating the development of a residence or residential accessory structures and uses, subject to an ASA Administrative Review for Minor Projects approval. The minor modification shall not affect or alter spatial features or information contained on the recorded subdivision map, or modify the terms of the prior subdivision approval, including conditions thereof. A minor modification may be approved by the Zoning Administrator if it is consistent with the subdivision approval, applicable general plan policies, the zoning ordinance, and County ordinance code requirements, provided that (a) it is deemed necessary and appropriate to achieving a demonstrably superior development outcome, and (b) that it better ensures compliance with the purposes of this chapter and any other applicable County development regulations and standards.

CHAPTER 5.50 DESIGN REVIEW

Sections

§ 5.50.010 Purpose
§ 5.50.020 Applicability
§ 5.50.030 Approval Authority
§ 5.50.040 Scope of Review
§ 5.50.050 Statutory Exemptions
§ 5.50.060 Discretionary Exemptions
§ 5.50.070 Los Gatos Hillside Specific Plan Area
§ 5.50.080 Common Procedures

§ 5.50.010 Purpose

The purpose of design review is to encourage quality design and to mitigate potential adverse visual impacts of development. The procedure most commonly provides for review and conditioning to assure quality residential development in areas deemed visually sensitive.

§ 5.50.020 Applicability

The design review procedure shall be required:

A. For development in any "-d" combining zoning district or "–h" combining zoning district;

B. For development within 100 feet of designated scenic roads on lots to which the "-sr" combining district applies;

C. As a condition of approval of certain land development applications where necessary and appropriate to address specific design or visual impact issues or to implement certain mitigation measures established by the environmental review process; or

D. When mandated by the zoning ordinance for certain land uses.

§ 5.50.030 Approval Authority

The Zoning Administrator shall be the approval authority for design review applications, except where otherwise expressly specified.

§ 5.50.040 Scope of Review

Design review shall include consideration of, but shall not be limited to, the following:

A. Mitigation of any adverse visual impacts from proposed structures, grading, vegetation removal and landscaping;

B. Compatibility with the natural environment;

C. Conformance with the "Design Review Guidelines," adopted by the Board of Supervisors;

D. Compatibility with the neighborhood and adjacent development;

E. Compliance with applicable zoning district regulations; and

F. Conformance with the general plan, any applicable specific plan, or any other applicable guidelines adopted by the Board of Supervisors or Planning Commission.

§ 5.50.050 Exemptions

The following types of buildings and structures are deemed minor in character and are exempt from design review, except where any superseding "-d_1" provisions (§ 3.20.040), -sr provisions (§ 3.30.030) or "-h_1" provisions (§ 3.50.030) apply.

A. Additions to existing buildings or structures where new floor area does not exceed 1,000 square feet;

A. Detached accessory buildings, and structures 1,000 square feet or less in floor area;

B. Accessory dwelling units;

D. Decks whose floor surface is 30 inches or less above final grade, and grade-level pavement for which grading performed prior to paving does not require a grading permit;

E. Any decks (regardless of height), carports, arbors, or other similar structures attached to a building that are 1,000 square feet or less in floor area;

F. Fences three (3) feet or less in height;

G. Open fences, having a composition (solid components vs open "gap" components) where not more than 25% of the surface area is solid when viewed

from a position perpendicular to the fence; and that meet the applicable fence height requirements of Section 4.20.050;

H. Retaining walls that are not subject to a grading permit;

I. Solar energy conversion systems accessory to a principal structure or use;

J. Swimming pools;

K. Small wind energy systems, private antennas, and similar structures; and

L. Up to 5,000 gallon capacity water tank(s).

The cumulative construction of multiple exempt projects on a lot may, at the discretion of the Zoning Administrator, be subject to design review, based upon the characteristics and visibility of the property, the potential visual impact of the buildings or structures, and any other relevant considerations as defined in § 5.50.040, Scope of Review.

§ 5.50.060 Administrative Approvals and Discretionary Exemptions

The following types of buildings and structures may, at the discretion of the Zoning Administrator, be considered minor and eligible for design review administrative approval or a discretionary exemption from the design review process, except where any superseding "-d_1" provisions (§ 3.20.040), "-sr" provisions (§ 3.30.030) or "-h_1" provisions (§ 3.50.030) apply. An administrative design review approval shall be granted without a public hearing, based on applicable standards and guidelines for design review. Except for buildings or structures qualifying as Tier 1 and "Sites Not Visible" pursuant to subsection E below, the Zoning Administrator's decision to grant either administrative approval or discretionary exemption will be based upon the characteristics and visibility of the property, the potential visual impact of the buildings or structures, and any other relevant considerations as defined in § 5.50.040, Scope of Review.

A. Additions to existing buildings and structures, including attached carports, arbors, and similar unenclosed structures, where new floor area is between 1,001 and 2,000 square feet;

B. Detached buildings, and structures with floor area between 1,001 and 2,000 square feet;

C. Accessory dwelling units;

D. Decks that exceed 1,000 square feet in area;

E. Fences in "-d" combining districts or along designated scenic roads listed in § 3.30.050 which conform to the provisions of this ordinance regulating fence

height (excluding certain "open" fences, see subsection 5.50.050(F)), and fence enclosures for tennis courts or other outdoor sports courts that exceed applicable fence height requirements of § 4.20.050 in any zoning district that are setback from property lines, easements, and rights-of-way a distance equal to their height;

F. Projects in "-d_1" zoning districts meeting the criteria specified in Section 3.20.040 for "Tier 1" and "Sites Not Visible", regardless of any conflicting standards within this section; and

G. Other minor construction similar in scale to the above categories and having low potential for visual impact, including retaining walls, except where subsection 3.20.040 applies.

§ 5.50.070 Los Gatos Hillside Specific Plan Area

For projects within the Los Gatos Hillside Specific Plan Area, when a landscape plan is required as a condition of approval, an irrigation and maintenance plan shall be included, and a separate maintenance agreement may be required by the County, per Section 4.4(5), Landscaping, of the adopted Los Gatos Hillside Specific Plan.

§ 5.50.080 Common Procedures

Refer to Chapter 5.20 for procedures common to all land use processes, including design review. Such procedures include, among others, application, modifications, environmental assessment, public hearing and notification, appeals, notice of approval or denial, limitation of time for establishing the use, life of a permit, and renewal of permits.

CHAPTER 5.55 LOT LINE ADJUSTMENT

Sections

§ 5.55.010 Purpose
§ 5.55.020 Approval Authority
§ 5.55.030 Scope of Review
§ 5.55.040 General Plan and Zoning Requirements and Criteria
§ 5.55.050 Additional Requirements for All Lot Line Adjustments
§ 5.55.060 Lot Line Adjustments Involving Land Subject to Land Conservation Contracts (Williamson Act)
§ 5.55.070 Lot Configurations
§ 5.55.080 Special Procedures
§ 5.55.090 Time Limitations
§ 5.55.100 Lot Merger
§ 5.55.110 Common Procedures

§ 5.55.010 Purpose

Lot line adjustments are intended to provide practical flexibility for minor alteration of existing parcels and/or improved lot design. The lot line adjustment procedure authorizes property line(s) between four (4) or fewer existing adjoining legal parcels to be altered so long as no additional parcels are created and all other state and local requirements are met.

§ 5.55.020 Approval Authority

Except as otherwise provided in this chapter, the planning director is the decision-making authority for lot line adjustments.

§ 5.55.030 Scope of Review

The approving authority must determine that a lot line adjustment application conforms to all of the following before approving an application:

A. State law, including but not limited to the Subdivision Map Act, Government Code section 66410 et seq. and the Williamson Act, Government Code section 51200 et seq.;

B. The County General Plan;

C. The criteria and findings in this chapter;

D. All applicable zoning ordinance provisions; and

E. All applicable building regulations, including but not limited to those in Title B, Division B11 (Health and Sanitation), and Title C, Division C3 (Buildings).

If such a determination cannot be made, the lot line adjustment application must be denied.

§ 5.55.040 General Plan and Zoning Requirements and Criteria

The requirements and criteria in this section apply to the determination of whether a proposed lot line adjustment complies with the minimum lot size and development density requirements of the general plan and zoning ordinance. This section does not contain a complete list of general plan and zoning ordinance requirements that may apply to lot line adjustments.

A. All lots resulting from a lot line adjustment must comply with the general plan and zoning ordinance. The general plan will prevail if there is any need to harmonize general plan and zoning designations for the subject lots.

B. A "substandard lot" is defined for purposes of this chapter as a lot that does not meet the minimum lot size requirements of the general plan and zoning designations applicable to the property.

C. If any lot resulting from the proposed lot line adjustment would be substandard, the lot line adjustment may only be approved if the lot line adjustment would not cause or contribute to an increase in allowable density beyond that required by the general plan designation or that which existed when the lot line adjustment application was deemed complete. Lot line adjustments involving substandard lots that fall into one or more of the following categories are presumed not to cause or contribute to an increase in allowable density and may be approved if the approving authority makes all of the required findings under at least one of the following categories.

1. Category 1: No Increase in Number of Developable Parcels.

    a. No substandard parcel may be reduced in area by more than 20,000 square feet or 10% of its original lot area, whichever is less.

    b. Each adjusted lot must retain at least 90% of the real property included in the parcel prior to the proposed lot line adjustment.

    c. The lot line adjustment would not result in any additional developable parcels or a greater allowable density than existed prior to the lot line adjustment. In determining if a parcel is developable, the parcel must meet at least one of the following criteria:

i. Contain a legal dwelling or other legal building or structure constructed pursuant to and in compliance with a validly issued building site approval, architecture and site approval (ASA) or use permit;

ii. Be subject to a valid, unexpired building site approval, ASA, or use permit for the parcel, including a grading approval, if one is required. The owner must demonstrate ability to comply with all conditions of approval and County requirements and standards, including the issuance of the project clearance form from the County Office of Development Services; or

iii. Be a whole lot on a numbered tract map (recorded on or after February 3, 1931) or a whole lot on a parcel map issued pursuant to a legal subdivision, and also be an approved building site.

2. Category 2: Accommodation for Existing Legal Structures.

   a. The approving authority finds that the proposed lot line adjustment involves only two (2) parcels and its sole purpose is to accommodate the following types of improvements that were legally constructed by or on behalf of a property owner on an adjoining parcel:

      i. A dwelling, building, structure or sewage disposal system that was constructed before any permits were required by the County for such improvement; or

      ii. A dwelling, building, structure or sewage disposal system for which all legally required County permits or agricultural exemption pursuant to Section C3-8.3 of the Ordinance Code were issued prior to construction and the improvements were constructed in compliance with all approved plans and permits.

   b. The following types of improvements do not provide sufficient basis to qualify under this category:

      i. Buildings or structures that are exempt from permit requirements under the County Building Code when the lot line adjustment application is filed; or

      ii. A fence.

3. Category 3: Environmental Impact Avoidance.

   The sole purpose of the lot line adjustment is to reduce or avoid significant environmental impacts such as geologic hazards or disturbance of important viewshed, riparian or habitat areas. Where this criterion is the basis for approval, the Planning Commission must hold a public hearing on the

application and make all of the following findings before approving the proposed lot line adjustment:

a. The lot line adjustment would not result in any additional developable parcels or a greater allowable density than existed prior to the lot line adjustment. In determining if a parcel is developable, the parcel must meet at least one of the following criteria when the application is filed:

   i. Contain a legal dwelling or other legal building or structure constructed pursuant to and in compliance with a validly issued building site approval, architecture and site approval (ASA) or use permit;

   ii. Be subject to a valid, unexpired building site approval, ASA, or use permit for the parcel, including a grading approval, if one is required. The owner must demonstrate ability to comply with all conditions of approval and County requirements and standards, including the issuance of the project clearance form from the County Office of Development Services; or

   iii. Be a whole lot on a numbered tract map (recorded on or after February 3, 1931) or a whole lot on a parcel map issued pursuant to a legal subdivision, and also be an approved building site.

b. The lot line adjustment would result in parcels that would be environmentally superior and better implement the general plan policies as compared to the current lot configuration.

c. The proposed lot design and configuration would optimize general plan conformance and environmental protection and best mitigate environmental impacts in conformance with the general plan.

§ 5.55.050 Additional Requirements for All Lot Line Adjustments

Notwithstanding any other provision in this chapter, all lot line adjustments must comply with all of the following requirements:

A. No lot line adjustment may be approved where it would cause any parcel that currently meets the minimum lot size specified in the general plan and zoning ordinance to become a substandard lot.

B. No substandard lot may be decreased in size to enable the subdivision of otherwise unsubdividable parcels (i.e., a substandard lot may not be reduced in size to add land to another lot to facilitate subdivision of the lot being increased in size).

C. Lots zoned "A" (Exclusive Agriculture) may not be reduced in size unless it can be demonstrated that the reconfiguration will not adversely affect continued and/or future use of agriculturally viable land either on or adjacent to the lots for which the adjustment is proposed.

D. This provision is intended to prevent serial lot line adjustments of more than four (4) lots, which would violate the intent of the Subdivision Map Act's four (4)-lot limit on lot line adjustments:

1. The total number of lots involved in a proposed lot line adjustment plus all lots that have been adjusted within the five (5) years preceding the proposed lot line adjustment application that are under common ownership or control and that adjoin any of the lots involved in the proposed lot line adjustment may not exceed 4.

2. No lot that has previously been adjusted may be part of a subsequent lot line adjustment if it would result in more than four (4) adjoining lots being adjusted within a five (5)-year time period.

§ 5.55.060 Lot Line Adjustments Involving Land Subject to Land Conservation Contracts (Williamson Act)

A. Any land subject to a land conservation contract pursuant to the Williamson Act, Government Code Section 51200 et seq. ("contracted land" for the purposes of this chapter) must comply with all applicable state and County requirements for such lands in addition to any other requirements for lot line adjustments.

B. To ensure compliance with all state and County requirements related to the Williamson Act, a proposed lot line adjustment involving any contracted land must meet all of the following additional requirements:

1. After the lot line adjustment, all parcels containing contracted lands will be large enough to sustain their agricultural use, as defined in Government Code Section 51222;

2. The lot line adjustment would not compromise the long-term commercial agricultural productivity of any contracted land;

3. The lot line adjustment is not likely to result in the removal of adjacent contracted land from commercial agricultural use by, for example, increasing the population density in the vicinity; and

4. The lot line adjustment would not increase the developability of any contracted land or result in a greater number of developable parcels on contracted land than existed prior to the lot line adjustment.

C. Proposed lot line adjustments between parcel(s) containing contracted land and parcel(s) containing land that is not contracted land will not be approved unless all resulting lots containing contracted land will be large enough to sustain commercial agricultural use as defined in Government Code Section 51222. To meet this requirement, the County and the property owner may mutually agree to rescind existing land conservation contract(s) and simultaneously enter into new land conservation contract(s) if all of the following requirements are met:

1. The new contract(s) enforceably restrict the adjusted boundaries of the new parcel(s) for an initial term of at least as long as the unexpired term of the rescinded contract(s), but in no case for less than 10 years;
2. There is no net decrease in the total amount of acreage of contracted land;
3. At least 90 percent of the land that formerly was contracted land would remain contracted land.

§ 5.55.070 Lot Configuration

A. **Lot Design.** To the extent practical, reconfigured lots should be as simple as possible in their description and configuration, should logically relate to the site characteristics, and should comply with the lot design provisions of the County Subdivision Ordinance [Section C12-21].

B. **Building Setbacks.** When property subject to a lot line adjustment contains existing structures, all resulting lots shall be designed such that all existing structures would comply with all current setbacks specified in the zoning ordinance for the district in which the property is located.

C. **Infrastructure and Easement Relocation.** The applicant may be required to obtain permission from easement holders and relocate existing utilities, infrastructure and/or easements.

D. **Record of Survey.** No record of survey shall be required for a lot line adjustment unless required by California Business and Professions Code Section 8762.

E. **Cluster Reconfiguration.** For the reconfiguration of any lots created pursuant to a cluster permit, a new or modified cluster permit must be obtained in accordance with Chapter 5.45 before any action will be taken on the lot line adjustment application.

§ 5.55.080 Special Procedures

A. **Pre-application Meeting.** A pre-application meeting is required for each lot line adjustment. The applicant shall schedule a meeting with staff to discuss the

proposal prior to submitting the lot line adjustment application. Refer to Chapter 5.20, Common Procedures.

B. **Environmental Assessment.** Lot line adjustments may require an environmental assessment depending on the circumstances of the specific project.

§ 5.55.090 Time Limitations

A. A lot line adjustment approval shall be valid for a period of one year from the effective approval date. This time limitation supersedes the time limitation for establishment of a use or structure specified in Section 5.20.110. During this one-year period, the lot line adjustment certificate of compliance (or parcel map, if applicable) and the appropriate deeds revising the lot configurations must be recorded.

B. Upon written application submitted prior to expiration of the time limitation, one extension of time to complete the activities specified in subsection A may be granted by the planning director. Any extension that is granted shall be for no more than one additional year, to commence upon expiration of the initial time period. Payment of the prescribed fee in an amount established by the Board of Supervisors for an extension of time must accompany the application.

§ 5.55.100 Lot Merger

Provisions for the merger of contiguous lots are contained in Section C12-229 of the Ordinance Code.

§ 5.55.110 Common Procedures

Refer to Chapter 5.20 for procedures common to all land use processes, including lot line adjustments. Such procedures include among others, application, modifications, environmental assessment, public hearing and notification, notice of approval or denial, limitation of time for establishing the use, and renewal of permits.

CHAPTER 5.60 SPECIAL PERMIT

Sections

§ 5.60.010 Purpose
§ 5.60.020 Approval Authority
§ 5.60.030 Findings
§ 5.60.040 Common Procedures

§ 5.60.010 Purpose

The special permit is required where specified in the zoning ordinance to establish and conduct certain uses presumed to be generally appropriate and compatible within a zoning district, but whose intensity, impacts, or other characteristics require discretionary review to ensure that projects meet all applicable standards and findings for the use at the designated location. Uses that require a special permit are considered generally lesser in intensity and impacts than those that require a use permit.

§ 5.60.020 Approval Authority

The zoning administrator shall hear and decide special permit applications.

§ 5.60.030 Findings

A special permit may be granted if the zoning administrator makes all of the following findings:

A. The proposed use conforms with the general plan, with the zoning ordinance, and with all standards applicable to the proposed use that have been adopted by the Planning Commission or Board of Supervisors;

B. The site is adequate for the proposed use, including but not limited to being of adequate size and shape to accommodate all facilities and development features to integrate the use into the surrounding area and to provide any necessary or appropriate buffers between the use and the surrounding area;

C. The proposed use will not be detrimental to the public health, safety, or general welfare. In this respect the zoning administrator shall further find, without limitation, that:

1. Adequate off-street parking, loading and unloading areas (if applicable) and handicapped access will be provided;

2. Appropriately designed site access will be provided, including safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the fire marshal);

3. The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements;

4. The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights;

5. The use will not substantially worsen traffic congestion affecting the surrounding area;

6. Erosion will be adequately controlled; and

7. Adequate storm drainage management exists or will be provided and will comply with all applicable local, state and federal requirements.

If all of the above findings cannot be made, the application shall be denied.

§ 5.60.040 Common Procedures

Refer to Chapter 5.20 for procedures common to all land use processes, including special permits. Such procedures include, among others, application, modifications, environmental assessment, public hearing and notification, appeals, notice of approval or denial, limitation of time for establishing the use, life of a permit, revocation and modification of permits, and renewal of permits.

CHAPTER 5.65 USE PERMIT

Sections

§ 5.65.010 Purpose
§ 5.65.020 Approval Authority
§ 5.65.030 Findings
§ 5.65.040 Renewal of Permit for Established Use
§ 5.65.050 Cessation of Use/Termination of Permit
§ 5.65.060 Pre-Application Meeting
§ 5.65.070 Common Procedures

§ 5.65.010 Purpose

A use permit is required where specified in the zoning ordinance to establish and conduct certain uses deemed to be generally appropriate and potentially compatible with a zoning district, but for which the intensity, impacts, or other characteristics typically have a significant bearing on whether a use should be approved at a specific location and under what conditions it may be established and conducted. Such uses typically are of greater intensity and have more potential for off-site and adverse environmental impacts than those uses subject to other land use permits.

The use permit procedure, standard findings, and public hearing requirements set forth in this chapter are necessary to ensure that the proposed use is compatible with its surroundings, satisfies all standards and conditional requirements appropriate for the use, and is consistent with the intent of the zoning district, the general purposes of the zoning ordinance, and any other applicable plans and policies, including the general plan.

§ 5.65.020 Approval Authority

The Planning Commission shall hear and decide all use permit applications except where the proposed land use is concurrently subject to more than one discretionary land use approval and the procedures in Section 5.10.070 are invoked.

§ 5.65.030 Findings

The Planning Commission may grant a use permit if it is able to make all of the following findings:

A. The proposed use conforms with the general plan, with the zoning ordinance, and with all other standards and guidelines applicable to the proposed use that have been adopted by the Planning Commission or Board of Supervisors;

B. The site is adequate for the proposed use, including but not limited to being of adequate size and shape to accommodate all facilities and development features to integrate the use into the surrounding area and to provide any necessary or appropriate buffers between the use and the surrounding area;

C. The proposed use, by its nature, scale, intensity or design, will not impair the integrity and character of the zoning district or neighborhood, and will not be significantly detrimental to any important and distinctive features of the site's natural setting;

D. The proposed use will not be detrimental to the public health, safety or general welfare. In this respect the Planning Commission shall further find, without limitation, that:

1. Adequate off-street parking, loading and unloading areas (if applicable), and handicapped access will be provided;

2. Appropriately designed site access will be provided, including safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the fire marshal);

3. The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements;

4. The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights;

5. The use will not substantially worsen traffic congestion affecting the surrounding area;

6. Erosion will be adequately controlled; and

7. Adequate storm drainage management exists or will be provided and will comply with all applicable local, state and federal requirements.

If all of the above findings cannot be made, the application shall be denied.

§ 5.65.040 Renewal of Permit for Established Use

An established use permit which has been conditioned to expire on a specific date may be renewed upon submittal of a written application filed prior to expiration or revocation of the permit, accompanied by the required application fee. Renewal of the permit requires action by the Planning Commission at a public hearing.

In reviewing a renewal application, the Planning Commission shall consider whether all conditions and mitigation measures imposed on the use are being met, whether the use is in conformance with all applicable County land use and permit requirements, and

whether there are any substantial changes in circumstances, intensification of use by the permittee, or a greater degree of control by the County is needed. Such circumstances may warrant modification of the permit as part of the renewal process.

Based on information presented, the approval authority may:

A. Establish a new time limitation through the approval of the use permit renewal application;

B. Impose additional or modified conditions of approval to address changes in project circumstances;

C. Waive any time limitation;

D. Extend the permit to a date certain and direct the permittee to file for a new permit should he or she wish to continue the use beyond that date;

E. Suspend action on the renewal application and order the use to cease until the permittee has complied with all conditions.

F. Deny the renewal application, which terminates the permit.

§ 5.65.050 Cessation of Use/Termination of Permit

If a use established pursuant to a valid use permit with no condition imposing a time limit or expiration date ceases for a period of twelve (12) consecutive months, the use permit shall be deemed automatically revoked.

§ 5.65.060 Pre-Application Meeting

A formal pre-application meeting between the applicant and staff shall be held prior to submittal of an application for either a new use permit or major modification of an approved use permit. It is not required for a renewal or minor modification of a use permit. Refer to § 5.20.020.

§ 5.65.070 Common Procedures

Refer to Chapter 5.20 for procedures common to all land use processes, including use permits. Such procedures include, among others, application, modifications, environmental assessment, public hearing and notification, appeals, notice of approval or denial, limitation of time for establishing the use, life of a permit, revocation and modification of permits, and renewal of permits.

CHAPTER 5.70 VARIANCE

Sections

§ 5.70.010 Purpose
§ 5.70.020 Findings
§ 5.70.030 Approval Authority
§ 5.70.040 Parking Variance
§ 5.70.050 Scope of Variance Approval
§ 5.70.060 Statement of Findings
§ 5.70.065 Pre-Application Meeting
§ 5.70.070 Common Procedures

§ 5.70.010 Purpose

The purpose of the variance procedure is to enable discretionary relief from the development standards of the zoning ordinance where it can be clearly determined that, due to unique circumstances, enforcement of the applicable standards would preclude reasonable use and development of the subject lot. "Unique circumstances" that warrant variance approval must be both substantial and detrimental, and must relate to tangible characteristics of the lot, per the findings of Section 5.70.020 below. As such, an approved variance should logically and reasonably remedy a specific hardship that may result from a lot's unique circumstances.

The applicability of the variance procedure is limited to development standards exclusively. A variance may not authorize a use or activity that is not otherwise provided for by the applicable zoning regulations.

§ 5.70.020 Findings

A variance may not be granted unless both of the following findings can be made:

A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification; and

B. The grant of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located.

These findings are consistent with the variance provisions of Section 65906 of the California Government Code.

§ 5.70.030 Approval Authority

The zoning administrator shall hear and decide variance applications. Variances shall be decided at a public hearing, except as specified in Section 5.70.040 below.

§ 5.70.040 Parking Variance

For new single-family residential or two-family residential uses, or accessory dwelling units, the standard variance procedure and findings may be employed to allow a reduction in the number of required spaces, and/or the requirement for covered parking. Other uses necessitating a reduction in the number of required spaces shall be subject to § 4.30.100: Parking Exception.

§ 5.70.050 Scope of Variance Approval

Variances shall be limited to that specific portion of the building that is being exempted from compliance with the applicable standard (e.g. setback) in accordance with the required findings. The granting of a variance does not alter the standard or its applicability to other development on the subject lot.

§ 5.70.060 Statement of Findings

In addition to notice of approval or denial as discussed in Section 5.20.130, the zoning administrator must also prepare a formal statement that substantiates the basis for variance approval. This statement must analytically demonstrate the link between the specific circumstances of the property and the required findings.

§ 5.70.065 Pre-Application Meeting

A formal pre-application meeting between the applicant and staff shall be required prior to submittal of an application for a variance.

§ 5.70.070 Common Procedures

Refer to Chapter 5.20 for procedures common to all land use processes, including variances. Such procedures include among others; application, modifications, environmental assessment, public hearing and notification, appeals, and notice of approval or denial.

CHAPTER 5.75 ZONING AMENDMENT

Sections

§ 5.75.010 Purpose
§ 5.75.020 Approval Authority
§ 5.75.030 Initiation of Amendment
§ 5.75.040 Findings
§ 5.75.050 Waiver for Pending Applications
§ 5.75.060 Common Procedures

§ 5.75.010 Purpose

This chapter is intended to provide a procedure for changing either the text of the zoning ordinance or the zoning designation applicable to particular property by amending the official zoning map displaying the land area to which the text applies.

§ 5.75.020 Approval Authority

The Board of Supervisors shall be the approval authority for zoning amendments. The Planning Commission shall make a formal written recommendation regarding a zoning amendment proposal prior to the Board hearing in compliance with Section 65855 of the California Government Code.

§ 5.75.030 Initiation of Amendment

A zoning amendment application may be initiated by the County or by a private party.

§ 5.75.040 Findings

The proposed zoning amendment must be consistent with state law, the general purposes of the zoning ordinance and the general plan, and the land use designations in the general plan.

§ 5.75.050 Waiver for Pending Applications

To the extent allowed by law, the planning director, or his or her designee, shall have discretionary authority to exempt (entirely or in part) pending applications from newly enacted provisions of the zoning ordinance. For the purposes of this section, "pending" applications shall be limited to land use applications that have been deemed complete and building permit applications that substantially meet submittal requirements but have not

yet been finally approved when the newly enacted provisions take effect, and approved uses that are currently subject to specified time limitations for development.

§ 5.75.060 Common Procedures

Refer to Chapter 5.20 for procedures common to all land use processes, including amending the zoning ordinance. Such procedures include, among others, application, modifications, environmental assessment, public hearing and notification, appeals, and notice of approval or denial.

CHAPTER 5.80 ENFORCEMENT

Sections

§ 5.80.010 Purpose
§ 5.80.020 Conformance with Law
§ 5.80.030 Public Nuisance
§ 5.80.040 Enforcement
§ 5.80.050 Inspection and Right of Entry
§ 5.80.060 Liability of Zoning Investigators
§ 5.80.070 Notice of Zoning Violation
§ 5.80.080 Notice of Expungement
§ 5.80.090 Process to Legalize Use, Land Use Violation Fee
§ 5.80.100 Criminal Penalties and Civil Remedies

§ 5.80.010 Purpose

This chapter defines the situations considered to be violations of the zoning ordinance and describes the County's processes for identifying and addressing such violations.

§ 5.80.020 Conformance with Law

Any land use permit, license or final subdivision approval issued in conflict with the provisions of any County ordinance or state law or as a result of the fraud or willful misrepresentation by the applicant or applicant's agent shall be invalid.

§ 5.80.030 Public Nuisance

It shall be considered unlawful and a public nuisance for any of the following to occur contrary to the provisions of the zoning ordinance:

A. Construction, modification, moving, or maintenance of a building or structure; or

B. Conducting, operating, allowing or maintaining any land use, building or premises.

The County may, upon discovery of a public nuisance, seek to abate the nuisance pursuant to Chapter III of Division A1 of Title A of the Ordinance Code or any other method allowed by law or equity.

§ 5.80.040 Enforcement

Pursuant to Section 836.5 of the California Penal Code, the County zoning enforcement officers are authorized to enforce the provisions of this ordinance and to issue citations for violation thereof. There shall be no civil liability on the part of, and no cause of action shall arise against, any zoning enforcement officer acting pursuant to this section and within the scope of his or her authority.

§ 5.80.050 Inspection and Right of Entry

Zoning enforcement officer are authorized to make such inspections as may be necessary to enforce County ordinances.

Whenever a zoning investigator has reasonable cause to believe a violation of any County ordinance exists in or on a premises, the investigator shall ask permission of the occupant, or the owner or custodian thereof if the premises are unoccupied, for permission to inspect the premises. If permission is denied, the zoning enforcement officer shall obtain an inspection warrant. Entry shall not be secured by a grant of authority beyond that otherwise allowed by law.

§ 5.80.060 Liability of Zoning Investigators

Zoning enforcement officer, acting in good faith and without malice in the discharge of their duties, shall not be personally liable for any damage resulting from any act or omission in the discharge of their duties. Any legal action taken against a zoning enforcement officer because of any act or omission occurring during the course and scope of their enforcement activities shall be defended by legal counsel provided by the County until final termination of such proceedings.

§ 5.80.070 Notice of Zoning Violation

Whenever a zoning enforcement officer has knowledge of a violation of this zoning ordinance, he or she may provide a notice of intent to record a notice of zoning violation to the owner of the property upon which the violation is located. Notice shall be provided to the property owner and, if applicable, the permittee by mail at the address shown on the latest assessment roll or at any other address of the owner known to the zoning enforcement officer. The notice shall state that within 30 days of the date of the notice, the property owner or permittee may request a meeting with the zoning enforcement officer to present evidence that a violation does not exist.

If, within 30 days of the date of the notice, the property owner or permittee does not request a meeting and the violation has not been corrected, or if, after considering the evidence presented by the property owner or permittee at the meeting, the zoning enforcement officer determines that a zoning violation in fact exists, the zoning

enforcement officer may record a notice of zoning violation affecting the property in the County Recorder's Office.

§ 5.80.080 Notice of Expungement

At the request of any affected property owner, and upon full payment of any fee for the recordation of the notice of zoning violation, the zoning enforcement officer shall issue a notice of expungement of zoning violation upon proof to the zoning enforcement officer that the noticed violation has been remedied. The notice of expungement may be recorded by the property owner at his or her expense.

§ 5.80.090 Process to Legalize Use, Land Use Violation Fee

A zoning violation may be remedied by removal of the unpermitted use or by obtaining the appropriate permit(s) to validate the use or structure that is in violation of the zoning ordinance and completing all work specified in the permit(s) in compliance with all conditions and requirements associated with the permit(s). Upon application for the permit to remedy the zoning violation, in addition to the usual application fee, there shall be due and payable a land use violation fee, as established by resolution of the Board of Supervisors, to recover associated enforcement costs, including but not limited to costs of inspection and preparation and recordation of the notice of zoning violation. A notice of expungement of zoning violation shall not be recorded without the full payment of the land use violation fee.

§ 5.80.100 Criminal Penalties and Civil Remedies.

A. **Criminal Penalties (Infraction).** Any person, entity, organization, firm or corporation (whether as principal, agent, employee or otherwise) who has violated or is violating any provision of the Zoning Ordinance shall be guilty of an infraction, unless the Office of the District Attorney determines that the violation is more properly charged as a misdemeanor based on the severity of the violation or the violator's previous violation of this Zoning Ordinance or any other law or ordinance related to the use, development or condition of any real property. Except as otherwise provided, a violator shall be guilty of a separate offense for each and every day or portion of a day during which any violation is committed, continued or permitted by such person, and shall be punishable accordingly. Infractions are punishable as provided by Government Code Section 25132. Misdemeanors are punishable by imprisonment in the County jail not exceeding one year or by a fine not exceeding $1,000 per offense, or by both.

B. **Civil Remedies.** In addition to or in lieu of the criminal penalties assessed pursuant to subsection A, the Office of the County Counsel or Office of the District Attorney may file a civil action against any person, entity, organization,

firm or corporation (whether as principal, agent, employee or otherwise) who has violated or is violating any provision of the zoning ordinance.

1. In addition to any injunctive or equitable relief that the court in its discretion deems warranted, the civil penalties assessed shall include all of the following:

    a. The penalties provided in California Government Code Section 25132 to the extent those penalties have not been imposed pursuant to a criminal proceeding;

    b. The full amount needed to repair any damages caused by the violations;

    c. The full amount needed to make restitution to any agencies, persons or entities for damages sustained or costs incurred, including but not limited to attorneys' fees, as a result of the violations; and

    d. The full amount needed to reimburse the County for any enforcement costs related to the violations.

2. To the extent required by Government Code Section 25845, in a nuisance abatement action the prevailing party may recover attorneys' fees; however, an award of attorneys' fees against the County shall not exceed the amount of attorneys' fees incurred by the County in the action.