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ARTICLE 1

GENERAL PROVISIONS

CHAPTERS:

- § 1.10 Title and Purpose**
- § 1.20 Application of the Zoning Ordinance**
- § 1.30 Definitions: General Terms**

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CHAPTER 1.10 TITLE AND PURPOSE

Sections:

- § 1.10.010 Adoption and Reference**
- § 1.10.020 Function**
- § 1.10.030 Purpose**

§ 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. **Architecture and Site Approval Committee.** The terms "Architecture and Site Approval Committee" and "ASA Committee" shall both mean the Architecture and Site Approval Committee of the County of Santa Clara.
- L. **Director.** The terms "Director" and "Planning Director" as used herein shall each mean the Planning Director of the County of Santa Clara, unless otherwise expressly stipulated.
- M. **Zoning Administrator.** The term "Zoning Administrator" as used herein shall mean the Zoning Administrator of the County of Santa Clara.
- N. **Planning Office.** The term "Planning Office" as used herein shall mean the Planning Office of the County of Santa Clara.

- O. **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.
- P. **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.
- Q. **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.
- R. **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.

§ 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 Definitions 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. 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 thirty (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).

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, unless otherwise delineated by an approved subdivision or other discretionary land use approval.

Building footprint: That portion of a property vertically below the maximum extensions of the enclosed structure(s) thereon, including covered decks, uncovered decks over thirty (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.

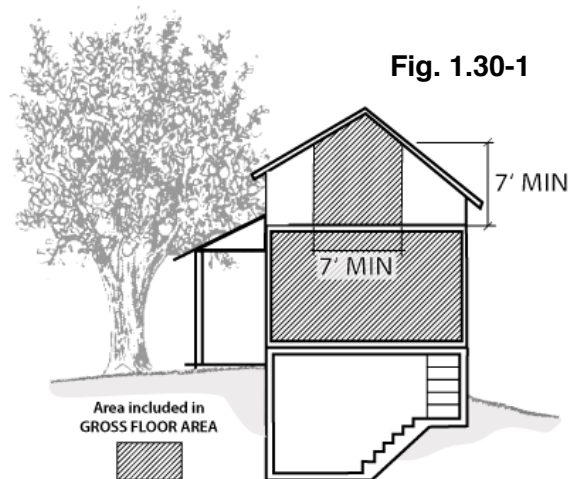
Dwelling purposes: The use of a building for human habitation, which is designed, intended or used for sleeping, cooking, eating, and sanitation.

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.

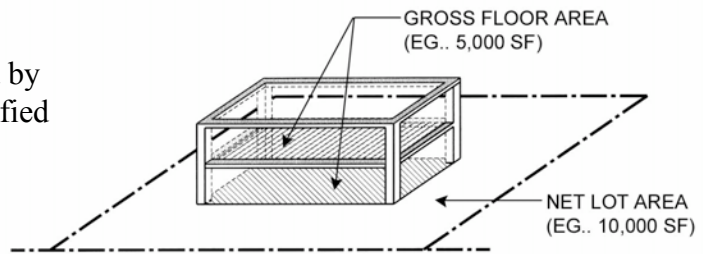


“Floor area, gross” also includes the total area of any attached garage, and includes any carport, porch or similar attached structure or feature that is both: (a) covered, and (b) greater than 50% enclosed by perimeter walls. It includes the horizontal area of an interior stairway at each of the two 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. Underfloor (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 secondary dwellings; (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.

Basement exemption: Any underfloor space that does not constitute a story, per the definition of “story” as provided in this chapter, 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.



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

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

Fig. 1.30-2
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.

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.

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 1.30-3b for measurement details).

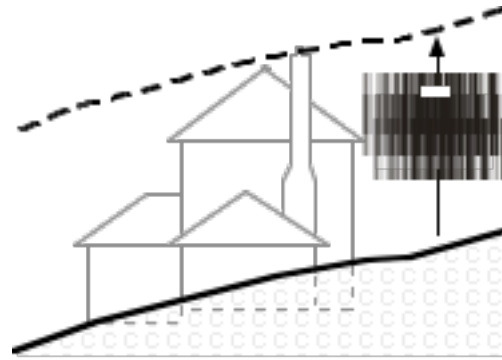
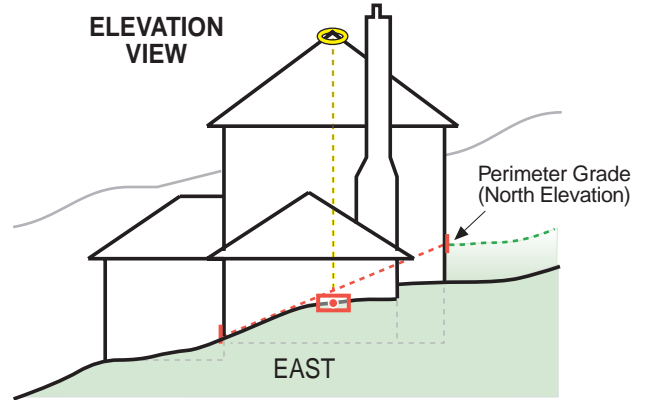
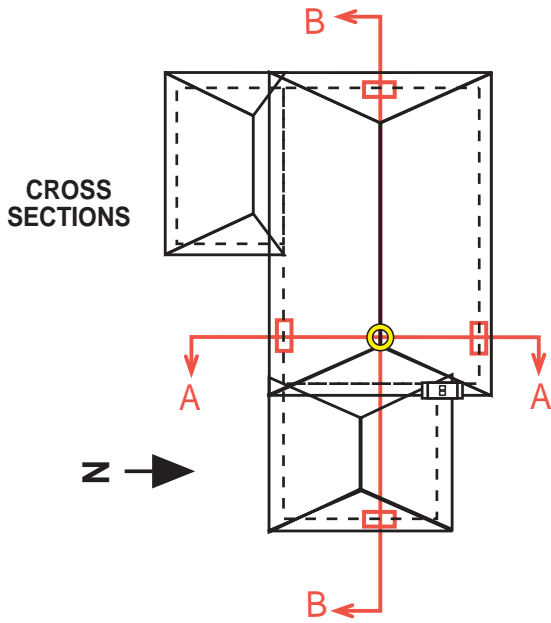
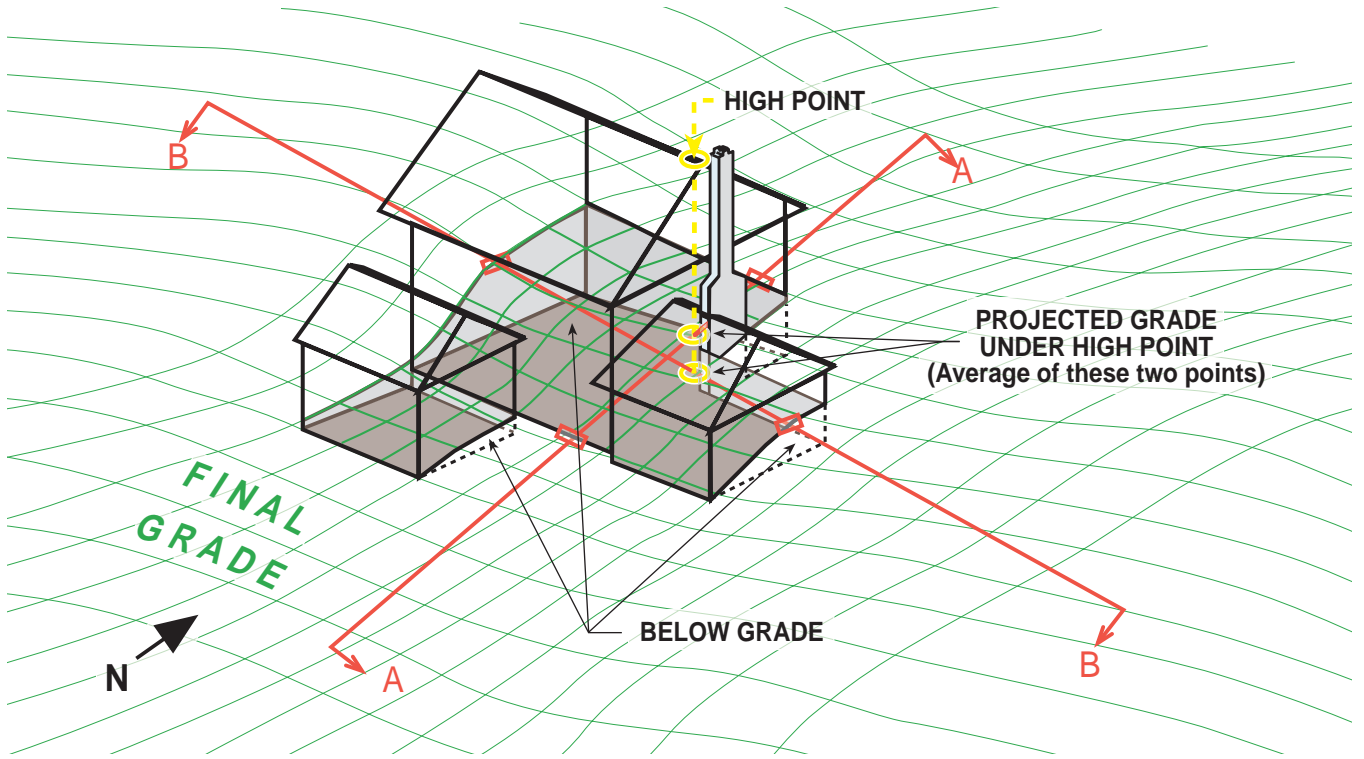


Fig. 1.30-3a
Building Height



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.

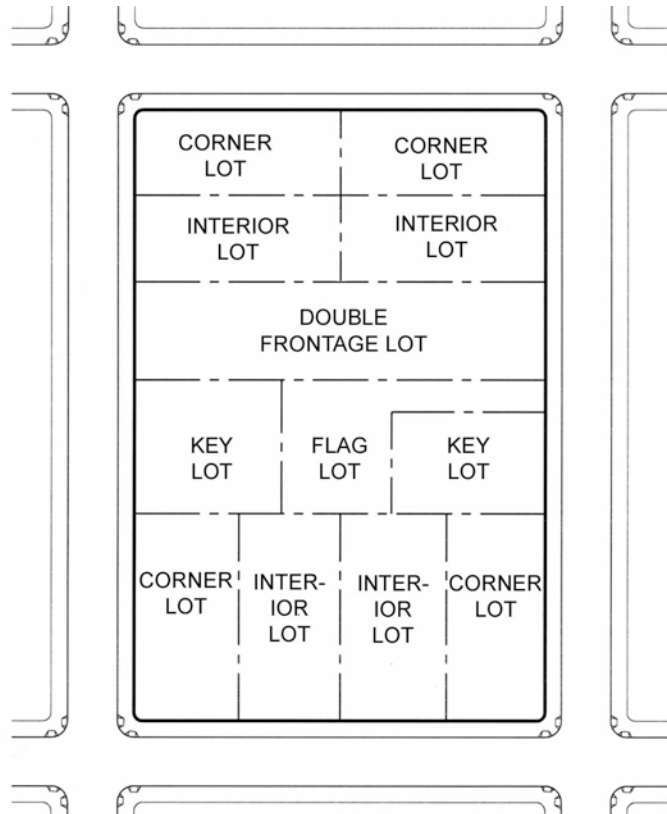
Lot: A fundamental unit of land that may be lawfully sold as a separate parcel in conformance with the applicable lot-legality provisions of Division C12 of the County Ordinance Code and the applicable subdivision and lot-legality provisions of state law.

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. 1.30-4
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. 1.30-4]

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. 1.30-4]

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. 1.30-4]

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

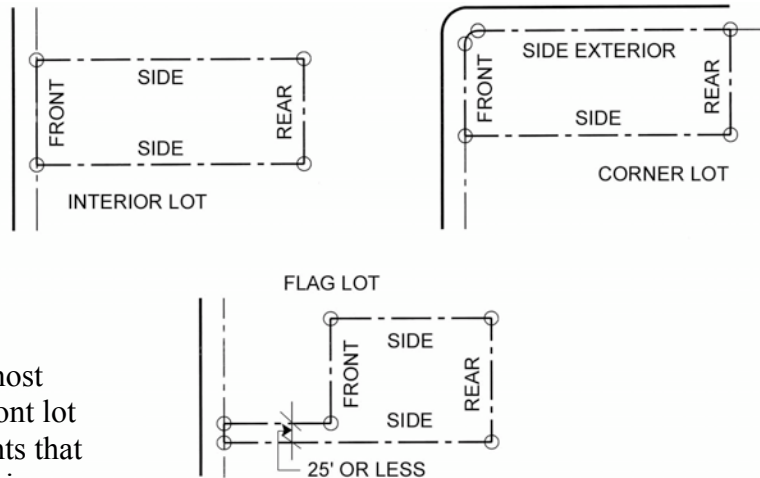
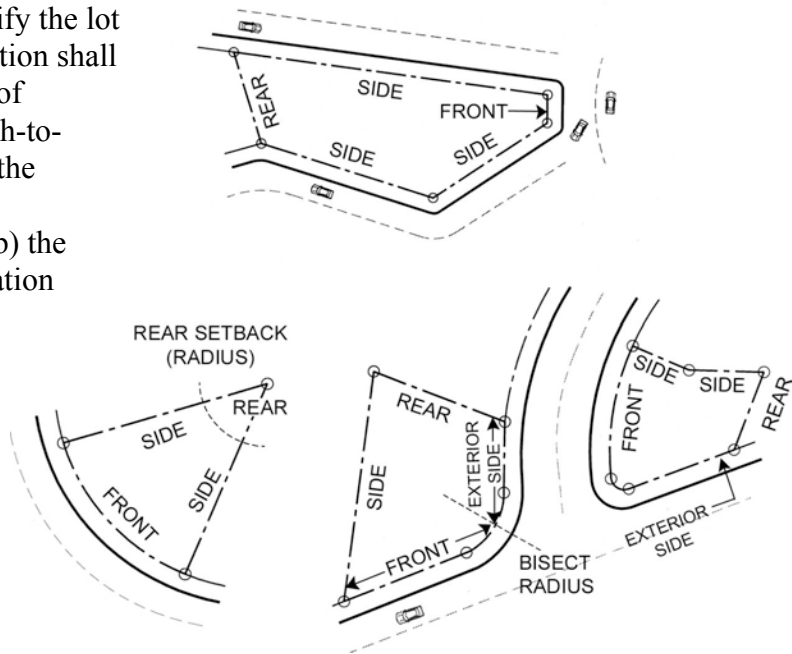


Fig. 1.30-5
 Lot Lines and
 Lot Frontage

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."

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.

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.

Under-floor “basement” space, qualifying as *floor area* with minimum clearance of seven (7) feet in each of three dimensions for at least 70 contiguous square feet in floor area, shall not be considered a story unless either of the following applies:

1. The finished floor level directly above such basement space is more than six (6) feet above grade for more than 50 percent of the total basement floor area, or
2. The finished floor level directly above such basement space is more than 12 feet above grade at any point.

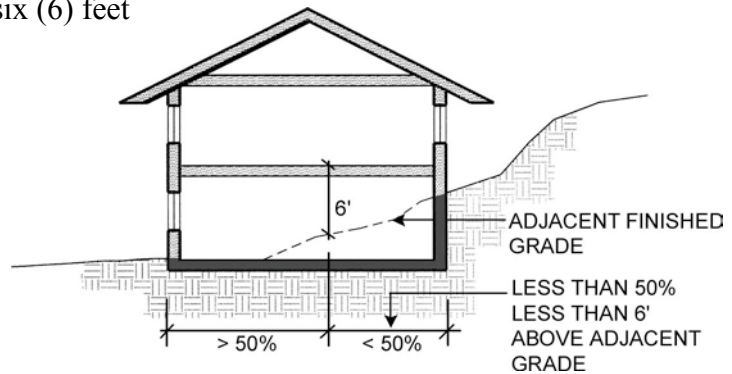


Fig. 1.30-6
Story; Basement

“Grade” shall be final grade at the building’s perimeter, and shall be projected through the subject basement space when appropriate.

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.

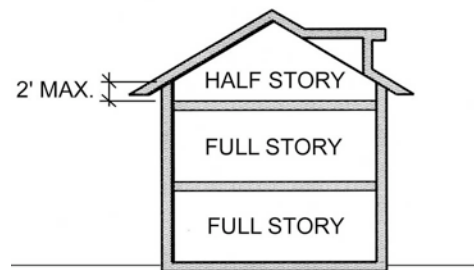


Fig. 1.30-7
Half Story

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.

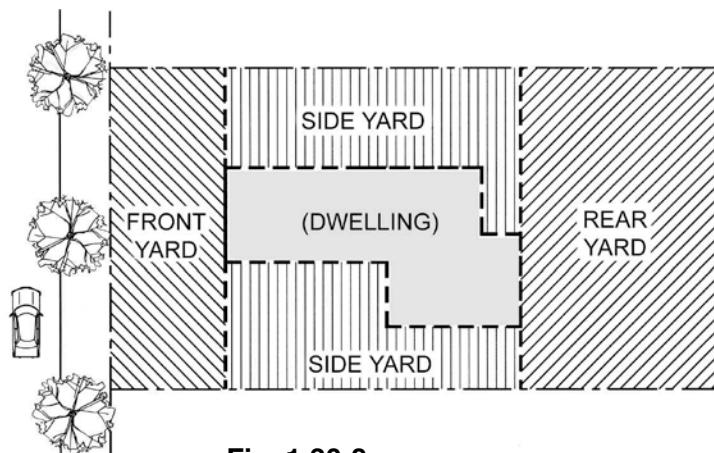


Fig. 1.30-8

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ARTICLE 2

BASE DISTRICTS

CHAPTERS:

- § 2.10 **Definitions: Use Classifications**
- § 2.20 **Rural Base Districts**
- § 2.30 **Urban Residential Base Districts**
- § 2.40 **Commercial and Industrial Base Districts**
- § 2.50 **Special Purpose Base Districts**

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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 Article 1, General Provisions, and in Article 5, Procedures and Administration.

- 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*). 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.

Accessory buildings shall be limited to two (2) internal plumbing fixtures except as provided by § 4.20.020: Accessory Structures.

Agricultural Employee Housing. Dwellings occupied by employees engaged primarily in direct agricultural operations on land owned or rented by the agricultural operator. Family members of such agricultural employees may also live in the same unit. All uses within this classification shall fit within one of the following subcategories:

1. **Short Term.** One or more mobile homes or manufactured homes located on land in agricultural use. A time limit for use of short-term agricultural worker housing will be specified on a case-by-case basis at the time of permit issuance. [Criteria/Findings § 4.10.040]
2. **Long Term.** Permanent structures located on land owned by an agricultural operator used by agricultural workers employed by such operator and the families of the workers. [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 no nonresident employees. [Criteria/Findings § 4.10.180]

2. **Expanded.** Uses conducted in the dwelling or accessory building by the resident, with allowance for up to one full-time additional nonresident employee, limited outdoor storage of materials, and not more than two vehicles. [Criteria/Findings § 4.10.180]

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

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

Secondary Dwellings. Dwelling units providing complete living facilities, including kitchen and bathroom facilities, that are ancillary to the primary dwelling unit on the same lot. A secondary dwelling may not be offered for sale as a dwelling unit separate from the primary dwelling. All uses within this classification shall fit within one of the following subcategories: [Criteria/Findings § 4.10.340]

1. **Attached.** A secondary dwelling that shares a roof, a foundation, and a common wall of at least eight (8) horizontal feet with the primary residence.
2. **Detached.** A secondary dwelling in a separate structure separated from the primary residence by no less than six (6) horizontal feet.

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]

§ 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.

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, 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.

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*). 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.

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.** Seasonal sales of agricultural products grown predominantly on-site or on other property within Santa Clara County and operated by a single proprietor. May include a stand or similar sales structure not exceeding 400 square feet in area. 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.

2. **General.** Sales of agricultural products predominantly grown or produced within Santa Clara County and operated by a single proprietor. May include a stand or similar sales structure between 401 and 1,200 square feet.
3. **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 check-cashing services, providing retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.

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 non-food 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), including but not limited to day care facilities and facilities for the developmentally disabled, physically and mentally handicapped, or incompetent persons. 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 and twelve persons that are licensed as large-family day-care homes according to the requirements of Division B24 of the County Ordinance Code are also included.
2. **Expanded.** Facilities serving more than six persons that are not licensed as large-family day-care homes under Division B24 of the County Ordinance Code.

Corporation Yards. (Industrial) Facilities for temporary storage of trucks, equipment, and construction materials during construction projects. [Criteria/Findings § 4.10.100]

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]

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 & Beverage Sales. (Commercial) Retail sales of food and beverages, primarily for off-site preparation and consumption. Uses include supermarkets, grocery stores, liquor stores, or delicatessens. Does not include establishments at which 25 percent or more of transactions are sales of food prepared on-site for on-site or off-site consumption, which are classified as either “*Restaurants*” or “*Food Preparation and Catering Services.*”

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, 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 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.

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. This classification includes building contractor’s yards. 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 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 non-combustible 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: large-scale food and beverage operations; lumber, milling, and planing 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 incidentally with any of the following: (a) the practice of a medical doctor, chiropractor, dentist, osteopath, physical therapist or registered nurse; (b) a state-approved massage school; (c) an athletic club; or (d) a barber or beauty salon. For the above establishments listed in (a)-(d), the term 'incidental' is defined as not being more than fifteen percent (15%) of net floor space used for massage activity, and not more than 15% of gross revenue derived from massage activity. See also Division B22 of the County Ordinance Code.

Medicinal Marijuana Dispensaries. (Commercial) Establishments providing marijuana on the recommendation of a physician to seriously ill persons to the extent allowed by law. Allowable activities include on-site cultivation or sale of medicinal marijuana and medicinal marijuana foodstuffs. No on-site marijuana use or sale of marijuana-related paraphernalia is permitted. See also Division B26 of the County Ordinance Code.

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. [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 with electric, water and sanitary hookups for recreational vehicles, including incidental facilities such as a caretaker's unit and office, small ancillary retail sales, bathroom facilities, picnic tables, storage lockers, and cooking areas. [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 Reduction Act of 1986 and any other applicable state laws. Includes reverse-vending machines.
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. 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, including alcoholic beverages, primarily for on-site consumption (see *Food Preparation & Catering* for establishments where less than 25 percent of transactions are sales of food prepared for on-site consumption).

Retail Sales & Services. (Commercial) Establishments engaged in retail sale of goods or provision of services not specifically listed under another use classification. This classification includes but is not limited to retail stores such as grocery or clothing stores and also includes shoe repair, tailor shops, picture framing stores, video rental, film developing, mail receiving and boxes, laundromats, and retail dry cleaning establishments. Does not include automobile service stations 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 greater than 1,200 square feet in size. This classification includes stores such as grocery stores, department stores, bait or feed sales, pawnshops and secondhand stores, souvenir stands, new and used furniture sales, and new automotive parts sales.
3. **Outdoor Sales & Storage.** Retail establishments that involve outdoor storage of merchandise, including but not limited to building materials, monument sales, and coal 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]

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) 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. (Infrastructure) Facilities operated by a public or quasi-public agency or other entity for the purpose of providing infrastructure services such as water, power, sewer, or telephone. Streets and 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 may not occupy more than 800 square feet and other equipment also may not occupy more than 800 square feet. Buildings 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) Establishments providing storage facilities as a primary commercial 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 goods prior to their distribution to wholesale and retail outlets. Incidental loading facilities and management offices are included.
2. **Outdoor.** Storage of commercial 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 ancillary windmills supplying energy to an on-site residential or agricultural use.
[Criteria/Findings § 4.10.390]

Wineries. (Industrial) Facilities for the production of wine, including storage, bottling and distribution and related administrative offices and functions such as on-site tasting facilities. Incidental production of products such as olive oils and non-alcoholic grape juices is also permitted. All uses within this classification shall fit within one of the following subcategories:

1. **Limited.** Wholesale-oriented operations whose annual production is limited to 10,000 cases per year or less. Associated and ancillary uses shall be limited to on-site tasting areas or rooms, limited recreational yards and grounds, and retail sales, including related products such as wine glasses, bottle openers, and similar products for marketing purposes.
2. **General.** Operations whose annual production exceeds 10,000 cases per year. Associated and ancillary uses shall be limited to on-site tasting areas or rooms, limited recreational yards and grounds, and retail sales, including related products such as wine glasses, bottle openers, and similar products for marketing purposes.
3. **Expanded –Reception/ Special Event Facilities.** Any winery of any production amount having associated reception and special event facilities for meals, meetings, weddings, receptions, private parties, or other events.

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. Does not include uses classified as Antennas – Commercial. [Criteria/Findings § 4.10.400].

1. **Co-location.** The addition of secondary wireless telecommunication facilities on or immediately adjacent to a legally established telecommunication facility, utility tower, or utility structure of any kind. To be classified as a co-location, all new facilities must be consistent with the terms and conditions of the original approval for the existing facility.
2. **Minor.** A facility less than or equal to fifty-five (55) feet in height.
3. **Major.** A facility greater than fifty-five (55) feet in height.

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

§ 2.20.010 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 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 in order 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 serve the needs of the resident rural

population and result in a net overall reduction in travel demand for rural residents. 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.
- “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
- 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
Agricultural Employee Housing					
Short Term	S	S	S	S	§ 4.10.040
Long Term	U	R	U	U	§ 4.10.040, Note 2 (AR)

Table 2.20-1

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

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Community Care					
Limited	R	R	R	R	§ 4.10.090, Note 3
Expanded	U	U	U	U	§ 4.10.090, Note 4
Domestic Animals					
Dogs & Cats	R	R	R	R	Note 5
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 6
Residential – Communal Institutional	U	U	U	U	§ 4.10.300, Note 7
Secondary Dwellings	R	R	R	R	§ 4.10.340, Notes 1, 8
Temporary Residences / Construction	R	R	R	R	§ 4.10.380

NOTES:

1. Single-family dwellings, including certain additions, and new secondary dwellings, may be subject to the building site approval provisions of Section C12-300 et seq. of the County Ordinance Code.
2. On lots 10 acres or larger in AR districts, a second one-family dwelling for agriculture worker housing is allowed as a matter of right and is not subject to the supplemental use regulations.
3. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 12 persons, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
4. Not a permitted use in areas with the “Agriculture-Large Scale” land use plan designation of the general plan.
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 Ordinance Code.
6. Expanded home occupations permitted on lots one-acre or larger. For additional applicable criteria, see § 4.10.180.
7. In rural districts, the floor area of Residential – Communal Institutional uses shall be limited to 10,000 square feet or less.
8. Three classes of detached secondary dwellings are subject to the special permit process: (a) those exceeding the permissible separation between primary and secondary dwelling, (b) those attached to an accessory building where cumulative floor area exceeds the allowed area specified for secondary dwellings, and (c) those necessitating separate driveway access. See § 4.10.340(D) for more complete information.

Table 2.20-2

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

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

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Agriculture					
General	R	R	R	R	
Livestock	R	R	R	R	Note 1 (HS)
Agricultural Accessory Structures/ Uses	R	R	R	R	§ 4.20.020
Agricultural Equipment Sales/ Services	A	–	–	–	
Agricultural Processing					
Small Scale	R	R	R	R	§ 4.10.030
Medium Scale	A	–	–	–	§ 4.10.030
Large Scale	U	–	–	–	§ 4.10.030
Agricultural Research	A	–	–	–	
Agricultural Sales					
Limited	R	R	R	R	§ 4.40.110 (Signs)
General	A	A	A	A	§ 4.40.110
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	Note 5
Community Care					
Limited	R	R	R	R	§ 4.10.090, Note 6
Expanded	U	U	U	U	§ 4.10.090, Note 4
Corporation Yards	U	U	–	U	§ 4.10.100

Table 2.20-2

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

- R** Permitted by Right
- 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	
Dairies	U	U	–	–	§ 4.10.110
Entertainment – Seasonal Outdoor	–	–	U	–	§ 4.10.120
Feed Lots	U	U	–	–	§ 4.10.130
Golf Courses & Country Clubs	U	–	U	U	§ 4.10.140, Note 4
Golf Driving Ranges	U	–	–	U	§ 4.10.150, Note 4
Helipads	–	–	U	–	§ 4.10.160
Historic Structures – Use Conversion	A	A	A	A	§ 4.10.170
Hospitals & Clinics	U	U	U	U	§ 4.10.190, Notes 4 & 5
Hunting & Fishing Preserves	U	R	–	–	Note 7
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	–	–	Note 5
Museums	U	U	U	U	Note 8
Mushroom Farms	U	U	–	U	§ 4.10.220
Nonprofit Institutions	U	U	U	U	§ 4.10.230, Notes 4 & 5
Nurseries					
Retail	U	U	U	U	Note 9
Wholesale	R	R	R	U	Note 9
Offices (Limited)	U	–	–	–	Note 10
Oil & Gas Extraction	U	U	U	U	
Poultry and Egg Farms – Commercial	U	U	–	U	§ 4.10.240
Radio-Controlled Model Aircraft Facilities	U	–	–	–	§ 4.10.250
Reception Facilities	U	U	U	U	§ 4.10.260
Recreational Playgrounds & Sports Fields	U	U	U	U	§ 4.10.270 (A Zoning District)

Table 2.20-2

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

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

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Recreational Vehicle Parks	–	–	U	U	§ 4.10.280
Recycling Facilities					
Collection Facilities – Consumer Recycling	R	R	R	R	
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	§ 4.10.290, Notes 4 & 5
Restaurants & Bars (Limited)	–	U	U	–	Note 12
Retail Sales & Services: Local-Serving	–	U	U	–	§ 4.10.310, Note 5
Rodeos and Equestrian Event Facilities	U	U	–	–	§ 4.10.320
Schools	U	U	U	U	§ 4.10.330, Notes 4 & 5
Sport Shooting	–	U	U	–	§ 4.10.350
Stables – Commercial	U	U	U	U	§ 4.10.360
Surface Mining	U	U	U	U	§ 4.10.370
Swim & Tennis Clubs	–	–	U	U	
Timber Harvest – Commercial	–	U	U	–	Note 13
Truck Sales & Services: Storage (Limited)	U	–	–	–	Note 14
Underground Mining	U	U	U	U	
Utilities					
Minor	A	A	A	A	
Major	U	U	U	U	
Veterinary Clinics & Hospitals	U	U	U	U	Note 15
Well-Drilling Operations	A	–	–	–	
Wind Energy Conversion Systems – Commercial	U	U	U	U	§ 4.10.390

Table 2.20-2

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

- R** Permitted by Right
- 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	
Wineries					
Limited	R	R	R	R	
General	A	A	A	A	
Expanded – Receptions/ Special Events	U	U	U	U	
Wireless Telecommunication Facilities					
Co-location	A	A	A	A	§ 4.10.400, Note 16
Minor	A	A	A	A	§ 4.10.400
Major	U	U	U	U	§ 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 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. The use shall be limited in scale and shall primarily serve the local (rural) community. The location shall be accessible and convenient to the local population to be served.
6. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 12 persons, 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 floor area of 1,200 square feet, and shall primarily serve the local (rural) residents.
13. 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.
14. Truck storage uses in rural districts shall be limited to agriculture-related tractors, trucks, trailers, and similar equipment.
15. The minimum lot size for veterinary clinics and hospitals shall be two and one-half (2.50) acres.
16. Co-location of wireless telecommunication facilities may be eligible for an ASA small project exemption (§ 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.

§ 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

Table 2.20-3

**RURAL BASE DISTRICTS:
 PROPERTY DEVELOPMENT STANDARDS**

	A	AR	HS	RR
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.
- 5.

§ 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	1 ----- .0609375- .00109375*S	Same as land area per dwelling [see also 2.20.060]
HS (cluster permit required) ²	20	160	1 ----- .0609375- .00109375*S	2 acres for cluster [see also 2.20.070]
RR (clustering optional)	5	20	1 ----- .2375-.00375*S	Same as land area per dwelling; 1 acre for cluster [see also 2.20.080]

NOTES:

- 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 $S=(0.00229 \times IL)/A$, 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.
- 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

- New Uses.** Any newly proposed use in an A district must be found to be in compliance with all of the following general criteria.
 - The use must be compatible with and not substantially interfere with the continuation of any on- or off-site agricultural operation.
 - 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. Development Limitations within Lexington Reservoir Watershed.

Development within the area defined by the Lexington Reservoir watershed (Lexington Basin) shall be subject to the limitations of the Lexington Basin Private Sewage Disposal Ordinance (Ordinance Code Sections B11-90 through B11-95). These provisions generally prohibit most types of development on lots smaller than one acre, and may also restrict or prohibit development on certain lots whose area is between one (1) and 20 acres.

C. 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.

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.
- “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
- 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)
Community Care								
Limited	R	R	R	R	R	R	R	§ 4.10.090, Note 4
Expanded	U	U	U	A	A	U	U	§ 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
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	
Secondary Dwellings	R	R	R	R	A	-	-	§4.10.340 Notes 1, 9, 10
Temporary Residence / Construction	R	R	R	R	R	R	R	§4.10.380

NOTES:

1. Single-family dwellings, including certain additions, new secondary dwellings, and duplexes, may be subject to the building site approval provisions of Sections 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). Two-family residences are not permitted on lots smaller than 10,890 square feet, and ASA is required for new two-family residences on lots smaller than 21,780 square feet (0.50 acre). 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 12 persons, 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. In R3S districts, no secondary dwelling may exceed 640 square feet, and the number of secondary dwellings in a given development may not exceed 25% of the total primary units allowed by the applicable density limitation.
10. In districts where permitted, detached secondary dwellings are subject to a 10,000 square foot minimum lot size. See § 4.10.340(C) for other criteria.

Table 2.30-2

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

- R** Permitted by Right
- 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	–	–	R	–	–	–	–	Note 1
Antennas – Commercial								
Minor	A	A	A	A	A	A	A	
Major	U	U	U	A	A	U	U	
Churches (See “Religious Institutions”)								

Table 2.30-2

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

- R** Permitted by Right
- 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	
Community Care								
Limited	R	R	R	R	R	R	R	§ 4.10.090, Note 3
Expanded	U	U	U	A	A	U	U	§ 4.10.090
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	
Religious Institutions	U	U	U	A	A	U	U	
Retail Sales & Services – Local Serving	–	–	–	A	A	–	A	Note 2
Schools	U	U	U	A	A	U	U	
Swim & Tennis Clubs	U	U	U	A	A	U	U	
Utilities								
Minor	A	A	A	A	A	A	A	
Major	U	U	U	A	A	U	U	
Wireless Telecommunication Facilities								
Co-location	A	A	A	A	A	A	A	§ 4.10.400, Note 4
Minor	A	A	A	A	A	A	A	§ 4.10.400
Major	U	U	U	A	A	U	U	§ 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 12 persons, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
4. Co-location of wireless telecommunication facilities may be eligible for an ASA small project exemption (§ 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..

§ 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							
Front	25	25	30	25	Note 4	25	20
Side	5	5	20	5 ⁵	Note 4	5	10
Corner lot 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						

Table 2.30-3

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

	R1	R1E	RHS	R1S	R3S	R2	R3
Maximum height⁶							
Feet	35	35	35	35	Note 4	35	45
Stories	2	2	3	2 1/2	Note 4	2	4
Lot coverage – buildings⁶	–	–	–	–	–	–	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. Setbacks and maximum height in R3S districts shall be as stipulated by the ASA Committee to promote quality design, and to assure adequate buffering and compatibility with adjacent land use and development.
5. Side and rear setbacks for single-family and two-family dwellings in R1S districts shall be as indicated in table. Side and rear setbacks for multi-family development shall be as stipulated by the ASA Committee to promote quality design, and to assure adequate buffering and compatibility with adjacent land use and development.
6. Setbacks and height limits may be modified for permitted non-residential uses by the ASA Committee for appropriate functioning of proposed uses, compatibility with adjacent development, or to otherwise achieve excellence of development consistent with the purpose of ASA and the intent of the zoning district.

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 Unit¹	Lot Area Range²	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 $S = (0.00229 \times IL)/A$, 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.
- “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
- 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	
Adult Uses	–	U	–	U	U	§ 4.10.020
Antennas – Commercial						
Minor	A	A	A	A	A	
Major	U	U	U	U	U	
Auction Houses	–	–	–	A	A	
Automobile Sales & Services						
Limited Repair	–	U	–	A	A	Note 1 (CG)
General Repair	–	–	–	A	A	
Sales & Rentals	–	U	–	A	A	
Service Stations	U	U	–	A	A	
Storage	–	–	–	A	A	
Washing	U	U	–	A	A	
Banks	A	A	–	A	A	
Billboards	U	U	–	U	U	
Broadcasting	–	–	–	U	U	
Business Services	A	A	–	A	A	
Caretakers’ Residences	–	–	–	U	U	
Churches (See “Religious Institutions”)						
Clubs, Private & Nonprofit	U	U	–	U	U	
Colleges & Vocational Schools	–	U	–	U	U	
Community Care						
Limited	R	R	R	R	R	§ 4.10.090, Note 2
Expanded	U	U	U	U	U	§ 4.10.090
Food & Beverage Sales	–	A	–	A	A	
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	–	–	–	

Table 2.40-1

**USES IN COMMERCIAL AND INDUSTRIAL
 BASE DISTRICTS**

- R** Permitted by Right
- 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	
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
Medicinal Marijuana Dispensaries	U	U	–	U	U	Note 4
Museums	U	U	U	U	U	
Nonprofit Institutions	U	U	U	U	U	
Nurseries						
Retail	A	A	–	A	A	
Wholesale	–	–	–	A	A	
Offices	A	A	A	A	A	
Parking Services & Facilities	–	A	–	A	A	
Personal Services: All	A	A	–	A	A	
Petroleum Products Distribution	–	–	–	U	U	
Recreation – Commercial	–	U	–	U	–	

Table 2.40-1

**USES IN COMMERCIAL AND INDUSTRIAL
BASE DISTRICTS**

- R** Permitted by Right
- 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	
Recycling						
Collection Facilities – Consumer Recycling	R	R	R	R	R	
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	
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	A	A	–	A	A	
Retail Sales & Services						
Local-Serving	A	A	–	–	–	
General	A	A	–	A	A	
Outdoor Sales & Storage	–	U	–	A	A	
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	

Table 2.40-1

**USES IN COMMERCIAL AND INDUSTRIAL
 BASE DISTRICTS**

- R** Permitted by Right
- 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	
Utilities						
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 7
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 12 persons, 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. Medicinal marijuana dispensaries shall comply with the provisions of Division B26 of the County Ordinance Code.
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. Co-location of wireless telecommunication facilities may be eligible for an ASA small project exemption (§ 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.

§ 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 may be modified by the ASA committee for appropriate functioning of proposed uses, compatibility with adjacent development, or to otherwise achieve excellence of development consistent with the purpose of ASA and the intent of the zoning district.

- 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. **Expanded Setback Requirements Adjacent to R Districts.** 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, may be subject to expanded building setback requirements as determined by the ASA committee in order to address the potential for off-site impacts and compatibility with adjoining residential development.
- 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,” and OS/F “Open Space and Field Research” 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.

§ 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.
- “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
- 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	
Adult Uses	U	–	–	§ 4.10.020
Agriculture	R	R	R	Note 1 (OS/F)
Agricultural Accessory Structures & Uses	R	R	A	§ 4.20.020, Note 2 (OS/F)
Agricultural Employee Housing				
Short Term	S	–	–	
Long Term	U	–	–	
Agricultural Equipment Sales & Services	U	–	–	
Agricultural Processing				
Small Scale	R	–	A	§ 4.10.030; Note 2, 3 (OS/F)
Medium Scale	A	–	–	§ 4.10.030
Large Scale	U	–	–	§ 4.10.030
Agricultural Research	A	–		
Agricultural Sales				
Limited	R	R	A	§ 4.40.110 (Signs), Note 2, 3 (OS/F)
General	A	A	A	§ 4.40.110, Note 2, 3 (OS/F)
Farmers' Markets	U	U	–	
Agriculturally Related Entertainment & Commercial Uses	U	U	–	§ 4.10.050
Antennas – Commercial				
Minor	A	A	A	
Major	U	U	A	
Auction Houses	U	–	–	

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

- R** Permitted by Right
- 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	
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	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
Corporation Yards	U	–	–	
Dairies	U	–	–	
Domestic Animals	R	R	–	
Feed Lots	U	–	–	
Field Research	R	R	R	Note 2 (OS/F)
Food & Beverage Sales	U	U	–	Note 6 (RS)
Food Preparation & Catering Services	U	–	–	
Funeral & Cremation Services	U	–	–	

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

- R** Permitted by Right
- 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	
Golf Courses & Country Clubs	U	–	–	§ 4.10.140(B)
Golf Driving Ranges	U	–	–	§ 4.10.150(B)
Health & Fitness Clubs	U	–	–	
Helipads	U	–	–	§ 4.10.160
Historic Structure – Use Conversion	A	A	–	§ 4.10.170
Home Occupations				
General	R	R	–	§ 4.10.180
Expanded	S	S	–	§ 4.10.180
Hospitals & Clinics	U	–	–	
Hotels & Motels	U	U	–	
Kennels	U	–	–	§ 4.10.200
Laboratories & Testing Services	U	–	–	
Laundries – Commercial	U	–	–	
Livestock Auction Yards	U	–	–	§4.10.210
Machinery & Equipment Services				
Limited	U	–	–	
General	U	–	–	
Maintenance & Repair Services	U	–	–	
Manufactured-Home Sales & Rentals	U	–	–	
Manufacturing				
Limited	U	–	–	
General	U	–	–	
Intensive	U	–	–	
Massage Establishments	U	–	–	Note 8
Medicinal Marijuana Dispensaries	U	–	–	Note 9
Museums	U	–	–	
Mushroom Farms	U	–	–	§4.10.220
Nonprofit Institutions	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	
Nurseries				
Retail	U	–	–	
Wholesale	U	–	–	
Offices	U	–	–	
Oil and Gas Extraction	U	–	–	
Parking Services & Facilities	U	–	–	
Personal Services: All	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	U	U	–	§ 4.10.280
Recycling Facilities				
Collection Facilities – Consumer Recycling	R	–	–	
Recycling/ Processing Facilities – Consumer Waste	U	–	–	
Concrete, Asphalt, & Soil Recycling	U	–	–	
Composting & Wood Recycling	U	–	A	Note 2, 10 (OS/F)
Hazardous Materials	U	–	–	
Religious Institutions	U	–	–	
Residential				
Single-Family	R	R	–	Note 11
Two-Family	U	–	–	
Multi-Family	U	–	–	
Residential Accessory Structures & Uses	R	R	–	§ 4.20.020
Residential – Communal Institutional	U	–	–	

Table 2.50-1

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- Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
Restaurants and Bars	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	–	–	
Secondary Dwellings	R	R	–	§ 4.10.340, Note 11
Sport Shooting	U	–	–	
Stables – Commercial	U	–	–	§ 4.10.360
Stanford – Specialized Facilities and Installations	–	–	A	Note 12 (OS/F)
Studios – Arts & Crafts	U	–	–	
Surface Mining	U	–	–	
Swim & Tennis Clubs	U	–	–	
Taxidermy	U	–	–	
Temporary Residences / Construction	R	R	–	
Theaters	U	–	–	
Timber Harvest Operations – Commercial	U	–	–	
Truck & Railroad Terminals	U	–	–	
Truck Sales & Services				
Repair	U	–	–	
Sales	U	–	–	
Storage	U	–	–	
Underground Mining	U	–	–	
Utilities				
Minor	A	A	A	Note 13, 14 (OS/F)
Major	U	U	A	Note 13, 14 (OS/F)
Veterinary Clinics & Hospitals	U	–	–	

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

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

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
Warehousing & Storage				
Indoor	U	–	–	
Outdoor	U	–	–	
Well-Drilling Operations	U	–	–	
Wholesaling & Distribution	U	–	–	
Wind Energy Conversion Systems – Commercial	U	U	–	§ 4.10.390
Wineries				
Limited	R	–	–	
General	A	–	–	
Expanded – Reception/ Special Events Facilities	U	–	–	
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.
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)).
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 12 persons, 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. Medicinal marijuana dispensaries shall comply with the provisions of Division B26 of the County Ordinance Code.
10. 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).
11. Single-family dwellings, including certain additions, and new secondary dwellings, may be subject to the building site approval provisions of Division C12-300-399 of the County Ordinance Code.
12. 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.
13. Within the OS/F district, 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.
14. Within the OS/F district, 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 of the foothill setting.
15. Co-location of wireless telecommunication facilities may be eligible for an ASA small project exemption (§ 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.

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

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.** Setbacks and height limits for nonresidential and multi-family residential uses in the A1 district shall be determined by the ASA committee, 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. **ASA authority.** The ASA committee 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 authority.** 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 secretary of ASA, the ASA committee 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.

ARTICLE 3

COMBINING DISTRICTS

CHAPTERS:

- § 3.10 Lot Size Combining Districts**
- § 3.20 -d Design Review Combining Districts**
- § 3.30 -sr Scenic Roads Combining District**
- § 3.40 -n Neighborhood Preservation Combining Districts**
- § 3.50 -h Historic Preservation Combining Districts**
- § 3.60 -bw Bay Wetlands Combining District**
- § 3.70 -mh Monterey Highway Use Permit Combining District**

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CHAPTER 3.10 LOT-SIZE COMBINING DISTRICTS

Sections:

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

§ 3.10.010 Purpose

The purpose of lot-size 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 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 combining districts include two types of districts, standard lot size 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 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 Combining Districts

The following table lists the standard lot-size 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 $S=(0.00229 \times IL)/A$, 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	-d₁ District (Santa Clara Valley Viewshed)
§ 3.20.050	-d₂ 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.: -d₁, -d₂, 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 -d₁ District (Santa Clara Valley Viewshed)

The -d₁ 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:** Projects where gross floor area (see § 1.30.030) of primary dwelling is 5,000 square feet or smaller, and cumulative gross floor area of primary dwelling and detached accessory buildings and/or secondary dwellings constructed after September 28, 2006 (ordinance effective date) does not exceed 6,500 square feet. Additions to existing primary dwelling resulting in total floor area of 5,000 square feet or smaller shall also be reviewed as Tier 1.
 - a. **Administrative Review.** Building projects classified as Tier 1 shall normally be reviewed without a public hearing. Such projects shall be subject to a discretionary design review exemption (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.
 - b. **Color; Light Reflectivity Value (LRV).** The provisions of subsection B shall apply to Tier 1 projects.
 - c. **Grading.** Except where subsection G, *Exemption for Sites Not Visible*, applies, Tier 1 projects requiring a grading permit shall not be eligible for a discretionary exemption when:
 - i. Earthwork quantities exceed 1,500 cubic yards (excepting excavation quantities for foundations, basements and pools), or
 - ii. Retaining walls where elevations exceeding five (5) vertical feet extend more than 80 horizontal feet.
 - d. **Other Circumstances Requiring a Hearing.** When an exception is proposed to deviate from the massing or retaining wall standards of subsections C or D, the standard design review procedure shall be required.
2. **Tier 2:** Projects where gross floor area (see § 1.30.030) of the primary dwelling is between 5,001 square feet and 12,500 square feet. Additional buildings (secondary dwellings, accessory buildings, others) shall be subject to the standard design review procedures and exemptions of Chapter 5.50.
 - a. **Design Review Required.** Building projects classified under Tier 2 shall be subject to the design review procedure, per Chapter 5.50, and are not eligible for a discretionary exemption 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 County's

story poles standards, at least seven (7) days prior to the scheduled hearing.

3. **Tier 3:** Projects where gross floor area (see § 1.30.030) of any proposed dwelling, accessory building or other building exceeds 12,500 square feet.
 - a. **Design Review Required.** Building projects classified under Tier 3 shall be subject to the design review procedure, per Chapter 5.50, and are not eligible for a discretionary exemption 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 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 County's story poles standards, at least seven (7) days prior to the scheduled 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 Massing.** Buildings with moderate to high visibility 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 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 (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 established through the design review procedure shall be the ongoing obligation of the property owners, including future property owners. A copy of the design review permit and conditions applicable to the property shall be recorded with the Recorder’s Office, 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 -d₁ 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 a discretionary design review exemption (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 standard procedures and requirements of this section.

§ 3.20.050 -d₂ District (Milpitas Hillside)

The purpose of establishing the -d₂ zoning district is to maintain the predominantly natural appearance of the Milpitas hillside areas to which the -d₂ 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 -d₂. 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.

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 that meet the criteria for exemption from design review defined in § 5.50.050 and § 5.50.060 remain exempt in the -sr combining district. 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. **US 101 Setbacks.** No structure, including signs, may be located within 100 feet of the right of way of US 101.

§ 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. Agricultural stands existing at the time that the -sr designation is applied to a property are exempt from the provisions of this section, provided that all signs for the agricultural stand comply with the requirements of § 4.40.100.
 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 § 4.40.100.
- B. **Size.** Signs are subject to the following size limitations:
1. With the exception of properties within 1,000 feet of the right of way of US 101, signs are limited to 16 square feet in area.
 2. 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 Wright 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 Cochrane 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	-n₁ District (Los Altos)
§ 3.40.040	-n₂ District (Burbank)
§ 3.40.050	[Reserved]
§ 3.40.060	[Reserved]
§ 3.40.070	-n₅ 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.: -n₁, -n₂, -n₃, etc.) and shall supersede any conflicting regulations of the applicable base zoning district.

§ 3.40.030 -n₁ 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 -n₁ 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 of 5,700 square feet.
2. For the purposes of this subsection, floor area shall include: (a) the gross floor area of dwellings (as defined in Section 1.30.030: Definitions of Terms), including secondary dwellings, if applicable; and (b) 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 either 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 neither separately developed nor 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.
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 scope of review shall emphasize general neighborhood compatibility and impacts on adjacent properties.
3. The development standards of subsection 2 above shall apply to any lots resulting from the lot line adjustment of any underlying lots, unless the

resulting lot(s) meets or exceed(s) the minimum size of 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.

§ 3.40.040 -n₂ 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 "-n₂" 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.
- C. **Covered Porch Allowance.** In addition to those appurtenant architectural features that are allowed by Section 4.20.110, a covered, entrance-floor-level porch may be constructed within the required front yard area, subject to the following limitations:
 - 1. Within the required front yard area, the porch must be unenclosed by walls, screening or other continuous vertical components. Only necessary support pillars not exceeding two (2) horizontal feet in thickness, and a safety railing not exceeding 42 inches in height may be included.
 - 2. Vertical components (pillars and railing) must be set back a minimum of 15 feet from front property line. An overhanging eave may extend an additional two (2) feet six (6) inches into the front yard area; and the floor or decking may extend up to an additional one (1) foot into the front yard area (to 14 feet from front property line).
 - 3. The maximum area of the encroaching portion of such a porch, measured from the exterior of the vertical components to the front setback line, shall be 96 square feet.

§ 3.40.050 [Reserved]

§ 3.40.060 [Reserved]

§ 3.40.070 -n₅ 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 “-n₅” 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	-h₁ District (New Almaden)
3.50.100	-h₂ 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 man-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.: “-h₁”, “-h₂”, “-h₃”, 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.

- D. **Properties Requiring Building Site Approval on Slopes of 30 Percent or More.** For properties in an “-h” combining zoning district which have a base zone of “HS,” “R1E,” or “RHS,” and where building site approval is required prior to development, architecture & site approval (ASA) shall be required in lieu of design review where the proposed development area has an average slope of 30 percent or more, as defined in Section C12-350.3 of the County Ordinance Code. All provisions of Chapter IV of Division C12 of the County Ordinance Code shall apply.

§ 3.50.040 Historical Heritage Commission Referral

Applications for design review (excluding applications for discretionary exemptions) and architecture & site approval 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.

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 -h₁ District (New Almaden)

- A. **Purpose.** The purpose of the “-h₁” 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 “-h₁” 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 “-h₁” 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 “-h₁” 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].
2. Uses permitted subject to the issuance of a special permit include:
- a. Secondary Dwelling [Criteria/Findings, see §4.10.340]
 - 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)].
 - 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 “-h₁” 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.
4. Uses permitted subject to the issuance of architecture and site approval (ASA) include:
- a. Utilities – Minor, as defined in Section 2.10.040.
5. 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
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

Table 3.50-1

PRIORITY LIST 1

ADDRESS	APN	1880 MAP #	PLACENAME
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)

4. 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 “-h₁” 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.
5. **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.

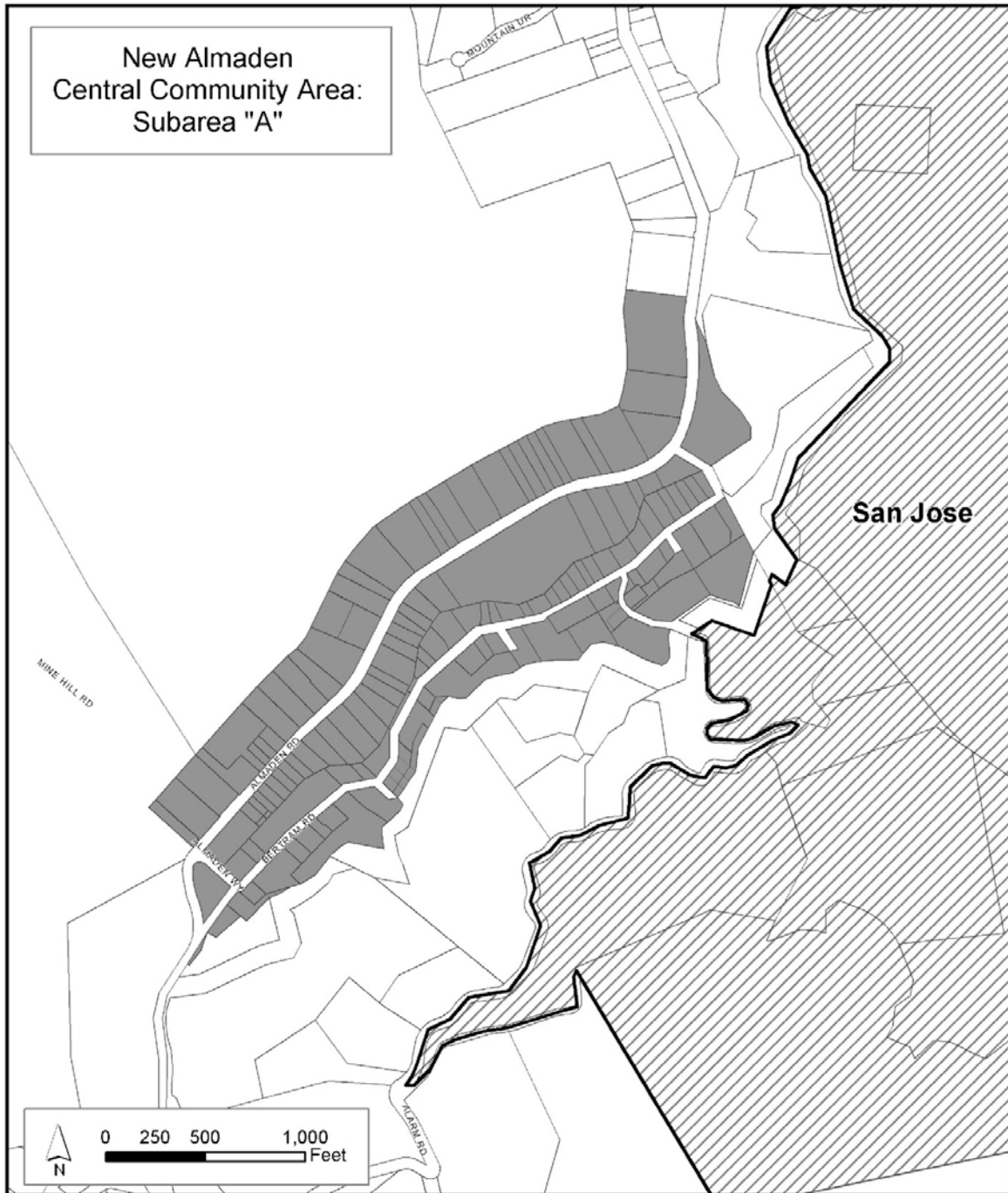


Fig. 3.50-1

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 “-h₁” 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 “-h₁” 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 “-h₁” district on the north (nearest San Jose) and extending to the south where it crosses Alamos Creek.

2. For Almaden Road within the “-h₁” 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 “-h₁” 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 “-h₁” district standards, County Fire Code provisions concerning hazardous vegetation removal shall be complied with in all respects.

§ 3.50.100 “-h₂” District (D’Artenay Ranch)

- A. **Purpose.** The “-h₂” 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 “-h₂” 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 “-h₂” 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 # 1714-00-00-83GP.
- 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 subsection 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
12	725-10-014	15 Mile Truck Stop Restaurant/Truck Terminal	2710
13	72507-011	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
23	817-06-004	Branon Realty	2713

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
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.

ARTICLE 4

SUPPLEMENTAL STANDARDS AND REGULATIONS

CHAPTERS:

- § 4.10 Supplemental Use Regulations
- § 4.20 Supplemental Development Standards
- § 4.30 Off-Street Parking and Loading
- § 4.40 Signs
- § 4.50 Nonconforming Uses and Structures

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CHAPTER 4.10 SUPPLEMENTAL USE REGULATIONS

Sections:

- § 4.10.010 Purpose
- § 4.10.020 Adult Uses
- § 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
- § 4.10.100 Corporation Yards
- § 4.10.110 Dairies
- § 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
- § 4.10.290 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
- § 4.10.340 Secondary Dwellings
- § 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
- § 4.10.400 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.

§ 4.10.020 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.

§ 4.10.030 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 be subject to all of the following provisions, depending on the applicable subcategory:

- A. **Agricultural Employee Housing: Short Term.** Mobile homes for use as temporary agricultural employee housing may be established on properties within those zoning districts where such uses are permitted, as set forth in Article 2, subject to all of the following:
1. The primary use of such property shall be agriculture, as defined by the use classification within Chapter 2.10;
 2. The occupants of such homes shall be engaged in significant agricultural pursuit on land owned, leased or rented by the agricultural operator. If the home(s) are not located on the same parcel as the principal dwelling, that portion of the parcel of land not occupied by the home(s) shall be used for agricultural purposes;
 3. Once the agricultural use of the property has ceased, the agricultural mobile home shall be removed;
 4. A time limit shall be imposed;
 5. May include one (1) or more living units as approved by the zoning administrator; and
 6. Residential setbacks and other development standards of the base district shall apply.
- B. **Agricultural Employee Housing: Long Term.** Dwellings for use as long term agricultural employee housing may be established on properties within those zoning districts where such uses are permitted, as set forth in Article 2, subject to all of the following:
1. There shall be a demonstrated need to provide long-term residences for bonafide agricultural employees based on the nature and intensity of the agricultural operation;
 2. The occupants of such units shall be individuals or families engaged in significant agricultural pursuit from actual farming practices including growing, harvesting, tilling, cultivating, and post-harvesting of crops, or the raising of animals, fowl or bees;

3. The occupants of such homes shall be engaged in an agricultural pursuit on land owned, leased or rented by the agricultural operator;
4. The units shall be of an appropriate size and design for the intended use;
5. Residential setbacks and other development standards of the base district shall apply; and
6. Once the agricultural use has ceased, the units must either be demolished, removed from the premises, or converted into a different authorized use.

§ 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 A Districts.** Uses classified as *Community Care: Expanded* 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*, provided that:
 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; and
 2. The use (*Community Care: Expanded*) must be intended, designed, and sized to primarily serve the local rural unincorporated population.

§ 4.10.100 Corporation Yards

This section refers to uses classified as *Corporation Yards* 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; and
- B. **Duration.** The length of time of the use permit shall correspond to the time schedule of the project.

§ 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;

§ 4.10.120 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 scale and design of any overnight accommodations included within the proposed use shall be of an appropriate and ancillary scale to the scale of the golf course 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. No nonresident employees shall be allowed;
 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: on-site automotive repair or service (includes any mechanism containing an internal combustion engine); food preparation; medical services; painting of vehicles, trailers, boats or machinery; massage; pest control; veterinary services; or 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: on-site automotive repair or service (includes any mechanism containing an internal combustion engine); food preparation; massage; medical services; painting of vehicles, trailers, boats or machinery; pest control; veterinary services; or 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 Park

This section refers to uses classified as *Recreational Vehicle Parks* as described in § 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 any state law or regulations relevant to RV parks.
- B. **Time Limits.** The Planning Commission or Board of Supervisors may impose a time limit on the use permit and may require a periodic inspection by appropriate County agencies to ensure compliance with conditions of approval, in which case the applicant will be required to pay a reasonable inspection and monitoring fee, as determined by the County, to pay for necessary staff time.
- C. **Development Guidelines.** RV park development guidelines, adopted by the Planning Commission, shall be used by the ASA committee and Planning Commission in the review and approval of an RV park or expansion. The commission may refer the application to the ASA committee for review before taking final action on the permit.
- D. **Findings.** An RV park (including approved ancillary uses under the same management), shall be subject to all of the following provisions:
1. **Duration of Stays.** The RV park is designed primarily to accommodate short-term occupancy stay (fewer than 30 days) At least 65 percent of all the spaces within an RV park shall be designed for and designated as short-term occupancy spaces. Not more than 25 percent of the total park spaces may accommodate stays up to 180 days. Not more than ten (10) percent of the total number of park spaces may accommodate stays up to 360 days.

Furthermore, the park shall be designed to provide for all the needs and amenities of the long-term occupancy of families with and without children.

2. **General Health and Safety.** The RV park is designed to accommodate health and safety concerns as required by state law and appropriate local regulations. This may include facilities such as public restrooms, showers and laundry facilities. Long-term spaces will be provided with a connection to an adequate sewage system, potable water, electrical hookups and individual closed trash containers or a common closed trash container as approved by the health department. The RV park is not located in the 100-year floodplain unless the plans show appropriate mitigation.
3. **Amenities.** The RV park is designed to provide for convenience and recreation as required by state law and appropriate local regulations. The RV park may include facilities such as a public telephone(s), mail drop(s), a children's play area(s) separated from vehicle traffic, active recreation facilities (which may include a recreation room), lawn area for outdoor activities, an outdoor all weather surfaced (could be grass) patio space, and may include a small grocery store.
4. **Fire Safety.** The RV park is designed to accommodate fire safety concerns as required by state law and appropriate local regulations. The site is fully accessible throughout the RV park to emergency vehicles and provides adequate fire protection facilities, including water supply through hydrants, or other methods as approved by the County fire marshal. Driveways are at least surfaced with oil and screenings, or preferably asphalt or concrete, and are designed to County standards to sustain 35,000 pounds of weight or more. Driveways are named with signs placed at intersections, and individual sites are numbered with the number displayed in a conspicuous location facing the driveway.
5. **Access and Parking.** The RV park is designed to provide for adequate access and parking as required by state law and appropriate local regulations. Individual RV spaces are designed with an all-weather surface (preferably asphalt or concrete). Each space should have a minimum width of 20 feet and an area of at least 750 square feet. As a guideline, a parking space for an extra vehicle should be provided every 100 feet, and a small parking lot(s) (one space for every 10 RV spaces as a guideline) for guests.
6. **School District Review.** The school district in which the project is located has indicated in writing that the school impact fee requirements will be met to its satisfaction or that the school district is not impacted.
7. **Unoccupied RV Storage.** The RV park may set aside specific designated spaces for short-term or long-term storage of RVs with the approval of the County Department of Environmental Health. These spaces shall be shown on the approved site plan.

8. **Screening.** The RV park is designed to provide adequate perimeter landscaping and fencing to minimize off-site visibility, potential noise, lighting and glare, and other activities that could be a nuisance to neighboring properties. On-site signs advertising the park shall be designed in conformance with the provisions of Chapter 4.40, Signs, and consistent with the rural setting.
9. **Manager/Employee Housing.** Manager and employee housing, if any, shall be shown on the site plan and approved as part of the use permit.

§ 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. **Locally Oriented.** The use shall primarily serve the local community, and the location shall be accessible and convenient to the local population to be served. In rural districts, the term “local community” shall refer to rural, unincorporated residents of the area or 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.

§ 4.10.340 Secondary Dwellings

This section refers to uses classified as *Secondary Dwellings* as described 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, the disabled, and others, within existing neighborhoods. 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 implements Section 65852.2 of the California Government Code.
- B. **Residential Density Exemption.** As secondary dwellings are considered substantially different in nature and lesser in intensity than primary dwellings, secondary dwellings will not be taken into consideration for the purposes of residential density requirements.

C. **Secondary Dwellings in Urban Districts.** Secondary dwellings within R1, R1E, RHS, R1S and R3S districts, and A1 districts within urban service areas, are subject to all of the following:

1. **Dwelling size/configuration:** The regulations for maximum dwelling size and configuration vary by lot size as follows:
 - a. **Lots smaller than 10,000 square feet:** Secondary dwellings may have a maximum floor area of 640 square feet. Such dwellings must be attached to the primary dwelling by a common wall no less than eight (8) horizontal feet in length that is Uniform Building Code compliant for fire separation.
 - b. **Lots 10,000 square feet or larger:** Secondary dwellings may have a maximum floor area of 800 square feet. Such dwellings may be attached or detached. Attached dwellings must be Uniform Building Code compliant for fire separation.

Detached dwellings must comply with all of the following additional requirements:

- i. May not contain more than one story, and may not exceed 21 feet in height;
- ii. Must be situated within the rear yard area, and must comply with the residential side and rear setbacks prescribed by the applicable zoning district regulations. Setback variances are not allowed.

On double-frontage lots without a rear yard as defined in Section 1.30.030, secondary dwellings shall be located within the limited area provided for accessory buildings on such lots by subsection 4.20.020(F)(2).
- iii. May be no nearer to the primary dwelling than six (6) feet;
- iv. Separation between the primary dwelling and secondary dwelling may not exceed 50 feet unless problematic lot-specific circumstances (e.g., topography, geology, significant legal existing structures or improvements) necessitate greater separation. A special permit (see Chapter 5.60) is required for any proposal where the distance between the primary dwelling and secondary dwelling exceeds 50 feet; and
- v. Where an attached garage is incorporated into the design, up to 200 additional square feet of floor area is allowed if: (a) the cumulative area of the building does not exceed 1,000 square feet, and; (b) the dwelling (non-garage) portion does not exceed 800 square feet.

2. **Owner occupancy:** At least one (1) of the two dwellings (primary or secondary, or both) must be owner-occupied. A deed restriction must be

recorded prior to issuance of building permit for the secondary dwelling to ensure understanding of and compliance with this requirement. This owner-occupancy provision does not apply to R1S or R3S districts.

3. **Parking:** A minimum total of three (3) off-street parking spaces must be provided to accommodate the primary and secondary dwellings on the lot, and at least one (1) space must be covered. One additional space is required for secondary dwellings with more than one bedroom, or along streets where off-street parking is limited or unavailable, per subsection 4.30.070(A)(7).
4. **Driveway limitation:** A separate driveway providing exclusive access to the secondary dwelling from a road shall not be allowed, unless problematic lot-specific circumstances (e.g., topography, significant existing structures or improvements) necessitate separate driveway access, or if demonstrably superior and more efficient site design can be achieved. A special permit shall be required where separate driveway access is being proposed.
5. **Deck/porch limitation:** Decks and porches, covered or uncovered, that are attached to a secondary dwelling are limited to 200 square feet beyond the applicable maximum dwelling size. This limitation does not apply to any portion of an uncovered deck that is less than 30 inches above finish grade.
6. **Density conformance:** A secondary dwelling may not be established on any lot where the existing density exceeds that permitted by the applicable zoning district. For example, no secondary dwelling may be established on a lot zoned for single-family residential uses that contains two dwellings (one conforming, one nonconforming).
7. **Building site approval:** Establishment of a secondary dwelling is subject to the applicable building site approval requirements of Chapter II, Division C12 of the Ordinance Code.

D. **Secondary Dwellings in Rural Districts.** Secondary dwellings within A, AR, HS, RR and RS districts, and A1 districts outside of urban service areas, are subject to all of the following, which include specific provisions based on lot size.

1. **Lots 1 – 2.5 acres:** The minimum lot size for secondary dwellings is one (1) acre. On lots greater than or equal to one (1) acre gross, but less than two and one-half (2.50) acres gross, all of the following provisions apply:
 - a. The secondary dwelling may have a maximum floor area of 640 square feet. It may not contain more than one (1) bedroom;
 - b. The secondary dwelling must be attached to the main residence by a common wall no less than eight (8) horizontal feet in length that is Uniform Building Code compliant for fire separation;

- c. At least one (1) of the two dwellings (primary or secondary, or both) must be owner occupied. A deed restriction must be recorded prior to issuance of the certificate of occupancy for the secondary dwelling to ensure understanding of and compliance with this requirement; and
 - d. A secondary dwelling shall not be allowed on lots smaller than five (5) acres (gross) within San Martin General Plan Area; and
 2. **Lots 2.5 – 20 acres:** On lots greater than or equal to two and one-half (2.50) acres gross, but less than 20 acres gross, all of the following provisions apply:
 - a. The secondary dwelling may have a maximum floor area of 1,000 square feet;
 - b. The secondary dwelling may be attached or detached;
 - c. Detached dwellings may not be located more than 100 feet from the primary dwelling, unless problematic lot-specific circumstances (e.g., topography, geology, significant existing structures or improvements) necessitate greater separation. A special permit (see Chapter 5.60) shall be required where the proposed distance between the primary dwelling and secondary dwelling exceeds 100 feet.
 - d. At least one (1) of the two dwellings (primary or secondary, or both) shall be owner occupied. A deed restriction shall be recorded to ensure understanding of and compliance with this requirement; and,
 - e. A secondary dwelling is not allowed on any lot smaller than five (5) acres (gross) within the San Martin General Plan Area;
 3. **Lots 20 acres or larger:** On lots greater than or equal to 20 acres gross, all of the following provisions apply:
 - a. The secondary dwelling may have a maximum floor area of 1,200 square feet;
 - b. The secondary dwelling may be attached or detached; and
 - c. Detached secondary dwellings may not be located more than 200 feet from the primary dwelling, unless problematic lot-specific circumstances (e.g., topography, geology, significant existing legal structures or improvements) necessitate greater separation. A special permit (see Chapter 5.60) shall be required where the proposed distance between the primary dwelling and secondary dwelling exceeds 200 feet.
 4. **Setbacks:** Secondary dwellings must comply with the residential setbacks prescribed by the applicable zoning district regulations. Setback variances are not allowed for detached secondary dwellings.

5. **Driveway limitation:** Any driveway access to the secondary dwelling must be via a branch driveway off the driveway that serves the primary dwelling. A separate driveway providing exclusive access to the secondary dwelling from a road shall not be allowed, unless problematic lot-specific circumstances (e.g., topography, significant existing structures or improvements) necessitate separate driveway access, or if demonstrably superior and more efficient site design can be achieved. A special permit shall be required where separate driveway access is being proposed.
6. **Deck/ porch limitation:** Decks and porches, covered or uncovered, that are attached to a secondary dwelling are limited to 200 square feet beyond the applicable maximum dwelling size. This limitation does not apply to any portion of an uncovered deck that is less than 30 inches above finish grade.
7. **Dwelling attached to accessory building:** On lots 2.5 acres or larger, a secondary dwelling may be attached to an accessory building such that the total combined square footage exceeds the maximum allowed under subsections 3 and 4 above, provided a special permit is obtained pursuant to Chapter 5.60.

Such dwellings may not have any interior access connecting the secondary dwelling portion of the structure to the accessory portion of the structure. The accessory portion of the structure may not contain habitable space. The common walls (including the floor and ceiling) between the secondary dwelling portion and accessory building portion must be Uniform Building Code compliant for fire separation. Conditions limiting or prohibiting heating, plumbing and/or electricity, restricting the layout of the non-habitable portion, and other design limitations may be imposed by the zoning administrator.

8. **Building site approval:** Establishment of a secondary dwelling is subject to the applicable building site approval requirements of Chapter II, Division C12 of the Ordinance Code.

§ 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

- A. **Reference.** This section applies to uses classified as *Surface Mining* as described in Section 2.10.040.
- B. **Reclamation plan approval.** No use permit shall be issued for surface mining operations until a reclamation plan for the property has been approved by the Planning Commission or unless the reclamation plan is being approved concurrent with the use permit.
- C. **Reclamation plan required.** 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 the current adopted standards of the Planning Commission. Reclamation plans shall be reviewed by the Planning Commission to assure substantial compliance with the California Surface Mining and Reclamation Act of 1975 (“SMARA”), Public Resources Code § 2710 et seq., as amended, this ordinance, and the adopted standards of the Planning Commission.
- D. **Financial assurance required.** Any person conducting a surface mining operation, or who has conducted a surface mining operation subsequent to January 1, 1976, shall provide to the Santa Clara County Planning Office financial

assurances sufficient to ensure that reclamation is performed in accordance with the surface mining operation's approved reclamation plan, in compliance with all of the following:

1. Financial assurances shall take the form of surety bonds, irrevocable letters of credit, trust funds or other forms of financial assurances that meet the requirements of Public Resources Code section 2773.1 and regulations adopted by the State Mining and Geology Board pursuant to that section, and which the County reasonably determines to be adequate to financially assure reclamation in accordance with the surface mining operation's approved reclamation plan. The financial assurances shall be one of the following:
 - a. Bond or bonds by one or more duly authorized corporate sureties;
 - b. A deposit, either with the County or a responsible escrow agent or trust company, at the option of the County of money or negotiable bonds of the kind approved for securing deposits of public monies;
 - c. An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the approved reclamation plan are on deposit and guaranteed for payment, or an irrevocable letter of credit issued by a financial institution; or
 - d. A written and recorded security interest in real property having priority in an amount necessary to complete the approved reclamation plan plus costs and reasonable expenses and fees, including reasonable attorney's fees, of satisfying such lien. Any such security document or contract shall be recorded with the county recorder of the county in which the subject property is located and shall be indexed in the Grantor Index to the names of all record owners of the real property and in the Grantee Index to the County of Santa Clara.
2. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed.
3. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan.
4. The financial assurances shall be made payable to the County of Santa Clara and to the California Department of Conservation. However, if a surface mining operation has received approval of its financial assurances from a public agency other than the County of Santa Clara, the County of Santa Clara shall deem those financial assurances adequate for purposes of this section, or shall credit them toward fulfillment of the financial assurances required by this section, if they are made payable to the public agency, the County of

Santa Clara, and the Department of Conservation and otherwise meet the requirements of this section. In any event, if a lead agency and one or more public agencies exercise jurisdiction over surface mining operation, the total amount of financial assurances required by the County of Santa Clara and the other public agencies for any one year shall not exceed that amount which is necessary to perform reclamation of lands remaining disturbed. For purposes of this paragraph a "public agency" may include a federal agency.

- E. **Idle mines and interim management plans.** Within 90 days of the surface mining operation becoming an idle mine, as defined in Public Resources Code § 2727.1, the operator shall submit for review and approval an interim management plan.
1. The interim management plan will be considered an amendment to the surface mining operation's approved reclamation plan and will be processed in accordance with subsection I of this section, except that the review and approval of an interim management plan is not considered a project for purposes of the California Environmental Quality Act, Public Resources Code § 21000 et seq. The interim management plan shall provide measures the operator will implement to maintain the site in compliance with this chapter, including, but not limited to, all permit conditions. The interim management plan may remain in effect for a period not to exceed five years, at which time one of the following must occur:
 - a. The operator must apply for and obtain a renewal of the interim management plan for another period not to exceed five years; or
 - b. If the interim management plan is not renewed, the surface mining operator shall commence reclamation in accordance with its approved reclamation plan.
 - c. The operator must return to active mining under an approved reclamation plan.
 2. In any event, financial assurances required by subsection D. of this section shall remain in effect during the period the surface mining operation is an idle mine. If the surface mining operation is an idle mine after expiration of its interim management plan, the surface mining operation shall commence reclamation in accordance with its approved reclamation plan.
 - a. Within 60 days of the receipt of the interim management plan, or a longer period mutually agreed upon by the Planning Director and the operator, the decision-making body shall review and approve the plan in accordance with this ordinance, so long as the plan satisfies the requirements of SMARA and this ordinance, and shall so notify the operator in writing. Otherwise, the decision-making body shall notify the operator in writing of any deficiencies in the plan. The operator shall have 30 days, or a

longer period mutually agreed upon by the operator and the Planning Director, to submit a revised plan.

- b. The decision-making body shall approve or deny the revised interim management plan within 60 days of its being deemed complete by the County Planning Office. If the decision-making body denies approval of the revised interim management plan, the operator may appeal that action to the Board of Supervisors, which shall schedule a public hearing within 45 days of the filing of the appeal, or any longer a period mutually agreed upon by the operator and the Board of Supervisors.
 - c. Unless review of an interim management plan is pending before the ASA Committee or Planning Commission, or an appeal is pending before the Board of Supervisors, a surface mining operation which is an idle mine for over one year, as defined in Public Resources Code § 2727.1, without obtaining approval of an interim management plan shall be considered abandoned, and the operator shall commence and complete reclamation in accordance with the approved reclamation plan.
- F. **Periodic review.** As a condition of approval for a use permit or reclamation plan, or both, the decision-making body shall establish a schedule for periodic inspection of the site to evaluate continuing compliance with the permit and plan. In establishing such a condition, 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 plan.
- G. **Exceptions to permit and plan requirements.** No use permit or reclamation plan shall be required for any of the following activities, provided that nothing in this subsection shall exempt such activities from the requirements of the Santa Clara County Grading Ordinance (Chapter III of Division C12 of Title C of the Santa Clara County Ordinance Code, commencing at Section C12-400).
1. Surface mining operations completed prior to January 1, 1976 that are not part of an ongoing mining operation.
 2. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
 3. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
 4. Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.
 5. Such other surface mining operations which the state mining and geology board determines to be of an infrequent nature and which involve only minor surface disturbances.

- H. **Applications.** Reclamation plans and modifications of such plans shall be submitted and processed in accordance with the procedures in Chapter 5.20, Common Procedures.
- I. **Modification of approved reclamation plan.** Any person having an approved reclamation plan may file for a modification of that reclamation plan.
1. *Minor reclamation plan amendments.* The ASA Committee is the decision-making body for minor reclamation plan amendments. The ASA Committee'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. However, the operator may elect to appeal the ASA Committee's decision directly to the State Mining and Geology Board. 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:
 - a. Modifications that involve minor changes, such as those that improve drainage, or improve re-vegetation success;
 - b. 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;
 - c. Modifications that make minor corrections to the reclamation plan boundaries based on technological improvements in locating and depicting boundaries (e.g., GIS, aerial photography);
 - d. Approval of interim management plans for idle mines pursuant to subsection E. of this section; or
 - e. Other modifications that the Planning Director determines do not constitute a substantial deviation from the approved reclamation plan.
 2. *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. 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. However, the operator may elect to appeal the Planning Commission's decision directly to the State Mining and Geology Board. A reclamation plan shall not be approved unless it complies with all applicable requirements of SMARA, the regulations adopted pursuant to SMARA, and all County ordinances.

3. *Review and approval.* A reclamation plan shall not be approved unless the plan substantially complies with SMARA and this ordinance. Reclamation plans 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 to address the identified deficiencies and return the revised plan to the County Planning Office for review and approval.
- J. **Inspection and enforcement.** Pursuant to the requirements of state law, the Department of Planning and Development 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.

§ 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.

§ 4.10.390 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.

§ 4.10.400 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.** Consistent with Government Code sections 65850.6 and 65964, the 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.
 2. The proposed facilities conform to the applicable provisions of the *Wireless Telecommunication Facilities Design Guidelines* as adopted by the Board of Supervisors.

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
- § 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

§ 4.20.010 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 and R2 districts, and AI 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.

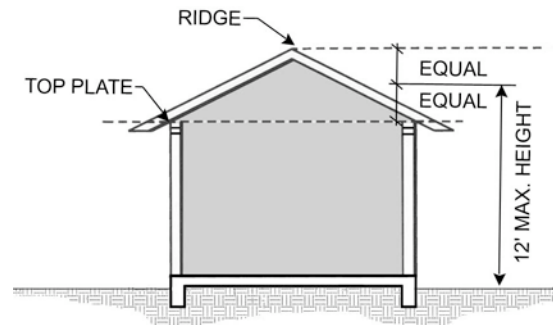


Fig. 4.20-1
Accessory Building Height

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 a minimum of three (3) feet, unless built with a one-hour (minimum) fire wall, in which case no portion may extend over any property line.
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 AI 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 gambrel roofs.

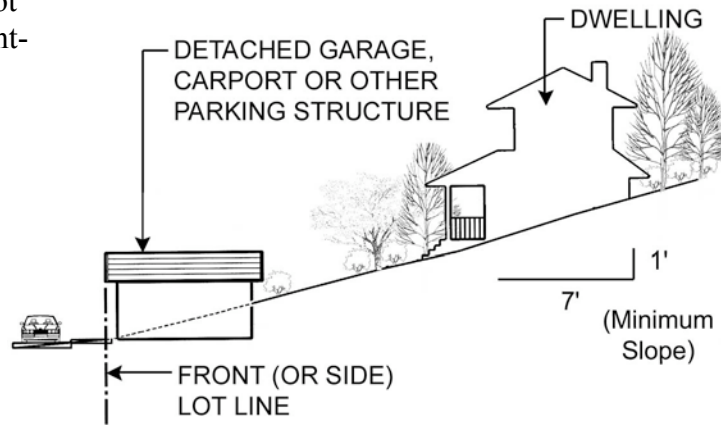
This roof-averaging height measurement may also be applied to a modified hip or gable roof structure, provided the distribution of roof massing is generally consistent with the intent of this provision, as determined by the Zoning Administrator.

- 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) on lots 2.50 acres or larger are subject to side and rear yard setbacks of no less than 30 feet. Buildings or structures 12 feet high or less must be located a minimum of three (3) feet from side and rear property lines, unless built with a one-hour (minimum) firewall.
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 Exceptions.** The following exceptions to the standard setback requirements for accessory buildings and structures are allowed where unusual and problematic lot circumstances warrant flexibility.

1. **Parking structure on sloping lots.** Where the slope of the front half, or the front 75 feet of the lot (whichever is less), exceeds one (1) foot rise or fall over a distance of seven horizontal (7) feet, as measured inward from the edge of right-of-way, a detached garage, carport, or other parking structure may be built to the front and side lines of the lot. This provision also applies where the elevation of the lot at the edge of the right-of-way is five (5) vertical feet or more above or below the edge of pavement.

Fig. 4.20-2
 Parking Structure
 – Sloping Lots



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.

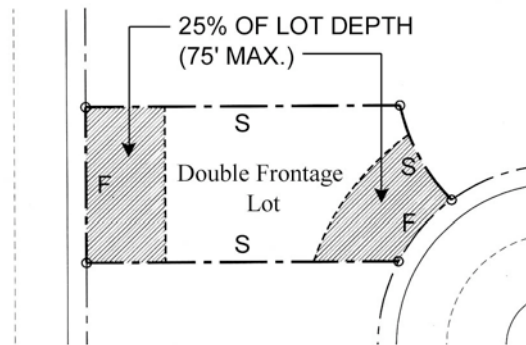


Fig. 4.20-3

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

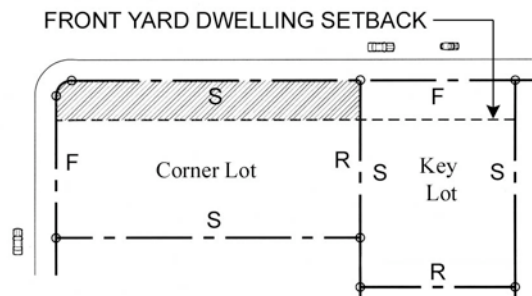


Fig. 4.20-4

SPECIAL SETBACK

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.

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.

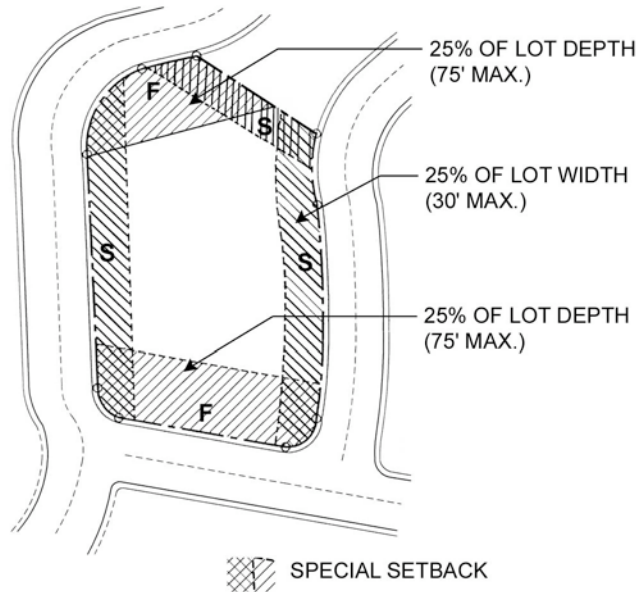
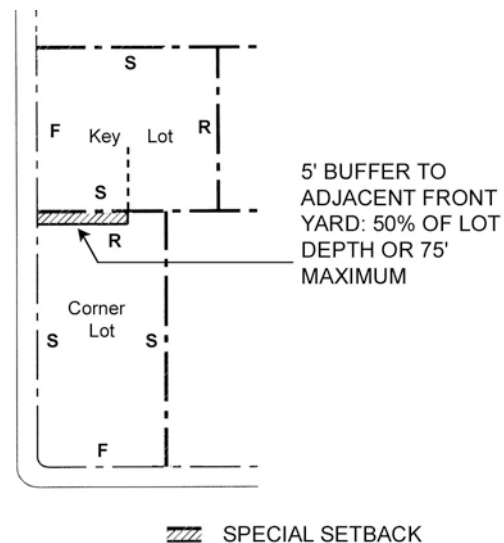


Fig. 4.20-5

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

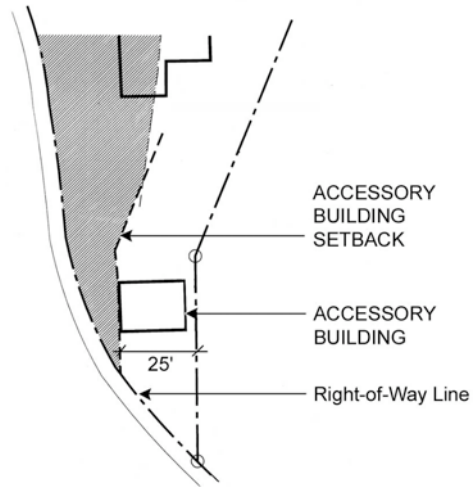


6. **Flag lot.** The rear yard placement limitation of subsections 4.20.020(D)(2) and 4.20.020(E)(2) shall not apply to accessory buildings on flag lots. Setbacks from designated front, side and rear lot lines shall be as required for side and rear lot lines by subsections 4.20.020(D)(3) and 4.20.020(E)(3).

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 the lot's rear 25 feet.

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 subparagraph 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 shall comply with the applicable provisions of this section.
 1. **Solar Panels.** Solar panels 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 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 height by more than five (5) feet.
 2. **Small Wind Energy Systems.** Noncommercial small wind energy conversion systems 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.** Height shall not exceed 80 feet, and shall not exceed that recommended by the manufacturer/distributor of the system.
 - 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. **Williamson Act Limitation.** A system shall not be allowed on lands subject to a California Land Conservation Act (Williamson Act) contract, unless permitted as a compatible use, or located within any lands subject to open space easements, agricultural easements, or conservation easements if prohibited by the terms of such easements.
 - e. **ALUC Limitation.** A system shall not be allowed where prohibited or inconsistent with adopted Airport Land Use Commission (ALUC) plans or any provision of other public agencies' policies or regulations as specified in the California Government Code Section 65892.13.
 - f. **Security Enclosure.** The base of the structure shall be secured to prevent climbing by unauthorized persons.
- 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.
 - 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.

§ 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. A bonus density may exceed the density limits of the applicable general plan land use designation and zoning district by up to 25 percent. 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 AI 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 or hedges shall not exceed eight (8) feet in height within any other portion of a lot, except as specified in subsection 3 below.
3. On corner lots, fences 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.

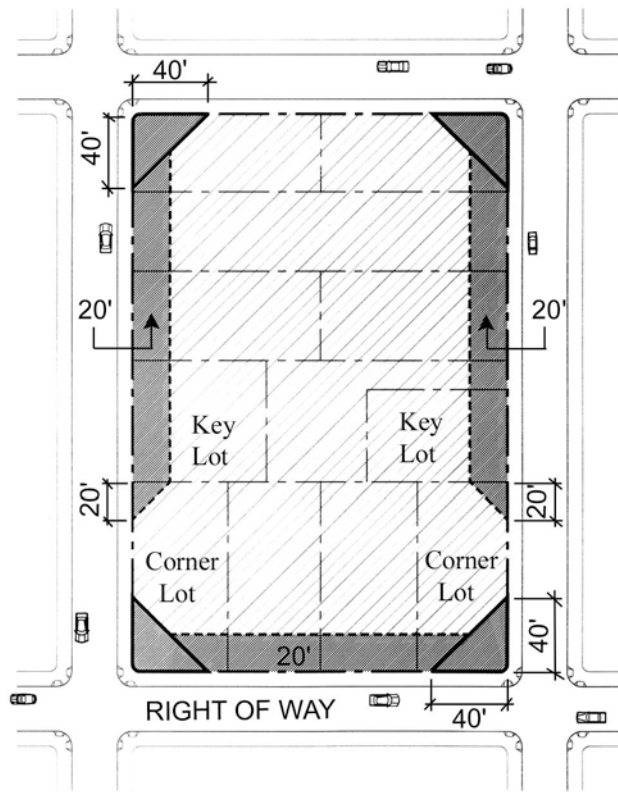


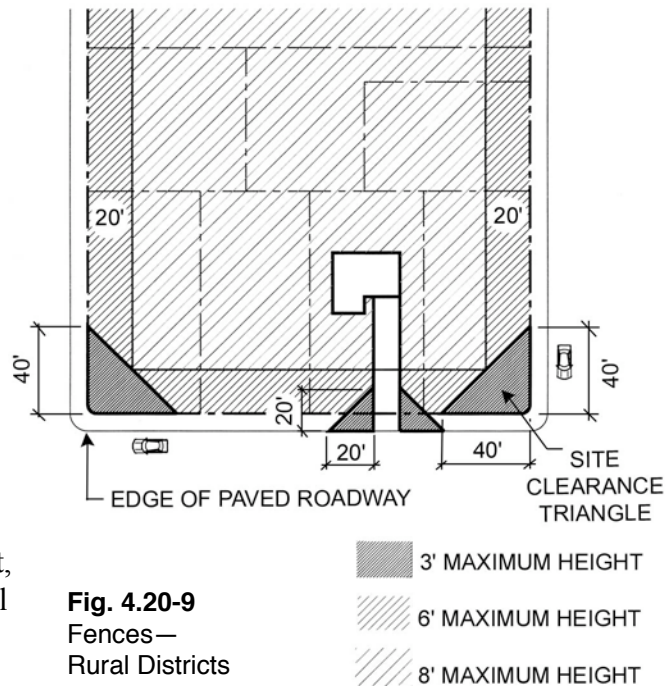
Fig. 4.20-8
 Fences—
 Urban Districts

■ 3' MAXIMUM HEIGHT
 ▨ 8' MAXIMUM HEIGHT

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.
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 AI 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 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.



3. Fences or hedges 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.

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.
6. Fences in “-d” and “-sr” combining districts shall be subject to the design review provisions of Chapter 5.50. [Fig. 4.20-9]

§ 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 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, or temporary dwellings provided under subsection B or Section 4.10.380.

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.

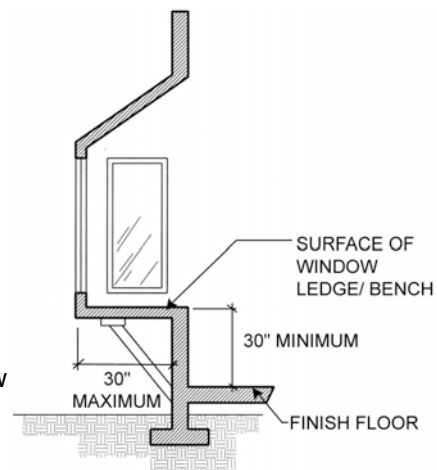
§ 4.20.100 Refuse Storage in Multi-Family and Non-Residential Development

- 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 ASA committee 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

Fig.4.20-10
Bay Window



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;
 - e. Eaves;
 - f. Utility meters and appurtenant equipment; and
 - g. Architectural features similar in size and nature as determined by the Zoning Administrator.
2. **Entrance decks, stairs.** Decks and stairways not more than 30 inches above final grade are exempt from setback requirements as per subsection 4.20.020(B)(1). An uncovered, unenclosed entrance deck and stairway appurtenant to an entrance may extend into a required yard setback from any legally constructed exterior wall (but not beyond a property line), subject to the limitations in the table below.

Yard	Maximum Encroachment Distance (feet)	Maximum Encroachment Area (square feet)
Front	6	96
Side	4	64
Rear	6	96

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” (County of Santa Clara Housing Element Update, 2001-2006, Appendix 4 of the General Plan, adopted March 25, 2003).

3. **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. Architectural features similar in scale and nature as the above, as determined by the zoning administrator.

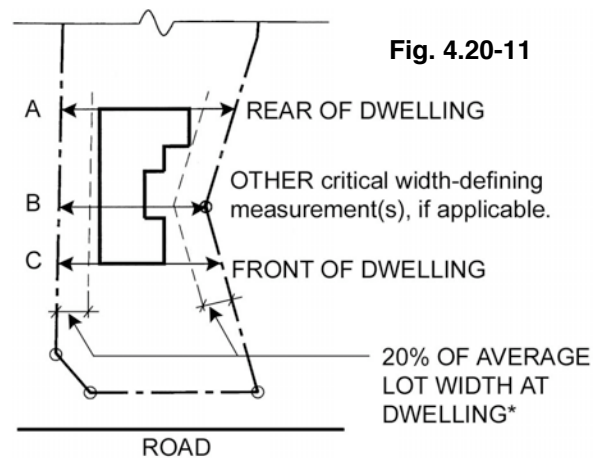
C. **Special Setback Exceptions.** The following setback exceptions shall supersede the standard residential setbacks specified in any base district or lot-size combining zoning district.

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

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 shall be measured across the



*A+B+C ÷ 3 = AVERAGE LOT WIDTH

AVERAGE LOT WIDTH X 0.20 (20%) = SIDE YARD SETBACK

portion of the lot where the dwelling is or will be located, and the resulting side setback shall be rounded to the nearest whole foot.

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.
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:
 - 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.

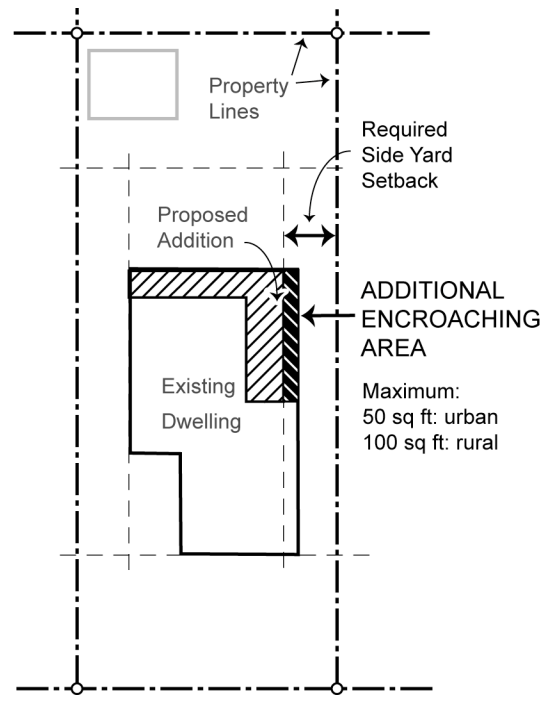


Fig. 4.20-12
Extension of
Side Yard
Encroachment

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. **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.
7. **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.

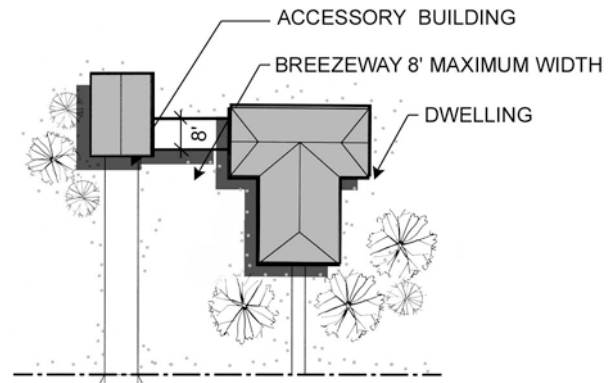


Fig. 4.20-13
Breezeways

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.

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.** With the exception of residential parking requirements for the R1S and R3S districts, the provisions of this chapter are not applicable to development on lands of Stanford University. The ASA committee 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	2 per unit (1 per unit shall be covered)
Multi-Family	1.5 per unit
Agricultural Employee Housing (all)	1 per bedroom
Caretaker’s Residences	2 per residence
Home Occupations	
General	None
Expanded	1 in addition to total residential requirement
Residential – Communal Institutional	1 for each guest room, plus 1 for each employee (may be reduced if occupants normally do not have cars)

Table 4.30-1

**Parking Spaces Required
RESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
Rooming Houses, Fraternities & Sororities	1 for each guest room, plus 1 for each employee
Secondary Dwellings (all)	1 for secondary unit with 1 bedroom; 2 for secondary unit with 2 or more bedrooms

§ 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. 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
General	8 per stand
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
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

**Table 4.30-2
Parking Spaces Required
NONRESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
Cemeteries	As specified by use permit/ ASA
Clubs – Private & Nonprofit	1 per 200 square feet
Colleges & Vocational Schools	<i>Colleges:</i> 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) <i>Vocational Schools:</i> 1 per staff, plus 1 per 2 students
Community Care (all)	<i>Daycare:</i> 1 per staff, plus 1 per 15 children, plus passenger loading area <i>24-hour Care:</i> 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
Food & Beverage Sales	1 per 250 square feet
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	<i>Hospital (beds available for 24-hour stay):</i> 1 per 4 beds, plus 1 per employee <i>Clinics:</i> 1 per 200 square feet
Hotels & Motels	1 per guest room, plus 1 per employee
Hunting & Fishing Preserves	1 per employee

**Table 4.30-2
 Parking Spaces Required
 NONRESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
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
Massage Establishments	1 per 250 square feet
Medical Marijuana Dispensaries	1 per 200 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

**Table 4.30-2
Parking Spaces Required
NONRESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
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 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
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	<i>Small (carry-out) Items:</i> 1 per 200 square feet <i>Large Items:</i> 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	<i>Elementary and Junior High:</i> 1 per staff, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 lineal feet of bench)

**Table 4.30-2
 Parking Spaces Required
 NONRESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
	<i>High:</i> 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
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

**Table 4.30-2
Parking Spaces Required
NONRESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
Wind Energy Conversion Systems – Commercial	public, plus 1 per employee 1 per employee
Wineries	
Limited	1 per 1,000 square feet of warehouse area, plus 1 per 200 sq ft of tasting room
General	1 per 1,000 square feet of warehouse area, plus 1 per 200 sq ft of tasting room
Expanded – Reception / Special Event Facilities	As specified by use permit/ ASA

§ 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 architecture and site approval committee 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. **Handicapped Parking.** In any parking facility serving the public, handicapped parking spaces shall be provided in accordance with Table 4.30-3. One (1) of every eight (8) required handicapped spaces shall be a van accessible space with a minimum of one (1) van accessible space per parking facility. Additional standards for handicapped parking spaces are contained in § 4.30.070.

Table 4.30-3

HANDICAPPED ACCESSIBLE 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 one (1) front yard parking space (or corner-lot exterior side-setback parking space) may be counted toward the minimum number of parking spaces required on a given lot.
7. Parking areas and driveways within front yards may not be wider than 40 percent of the width of the lot's frontage along the street. This limitation shall not apply to flag lots or any lot whose street frontage is 25 feet or less.
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.

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

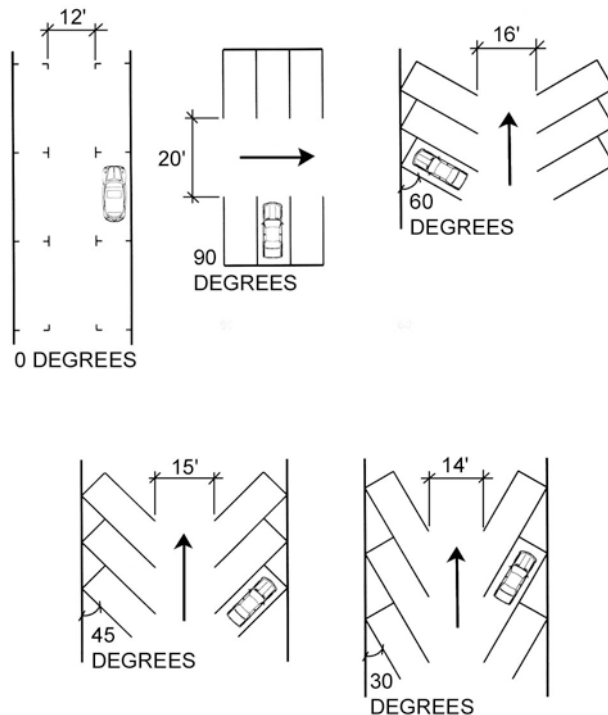


Fig. 4.30-1
 Parking Spaces/ Aisles

- 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.
- 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. **Handicapped Spaces.** Handicapped parking spaces shall comply with all of the following provisions.

1. Handicapped parking spaces shall be a minimum of eight (8) feet in width and 18 feet in length.

2. Handicapped spaces shall be provided with an adjacent access aisle, as illustrated in Figure 4.30-2. Access aisles shall be a minimum of 60 inches in width. Van access aisles shall be a minimum of 96 inches in width. Access aisles shall be located on the passenger of each space unless it is located between and is shared by two (2) designated spaces.

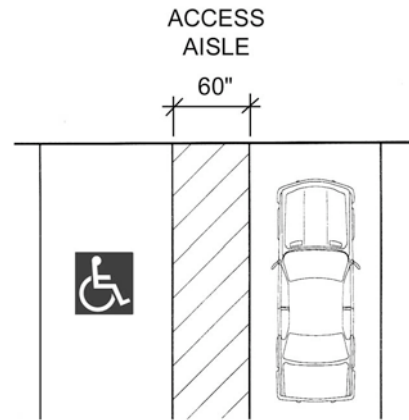


Fig. 4.30-2

3. Handicapped parking spaces and access aisles shall be level.
4. Handicapped spaces shall be located as near as possible to accessible building or site entrances and shall be located to provide convenient access to curb ramps.
5. Each reserved handicapped parking space shall be designated with a stall sign displaying the International Symbol of Accessibility, as illustrated in Figure 4.30-4. Each stall sign shall be at least 70 square inches. Spaces that are van accessible shall be designated as "Van Accessible."
6. Each reserved handicapped parking space shall meet at least one (1) of the following stall markings requirements:
 - a. Each handicapped parking space shall be painted solid blue with a white International Symbol of Accessibility; or
 - b. Each handicapped parking space shall be outlined in blue with a three (3) foot square International Symbol of Accessibility painted in a contrasting color.
7. Each reserved handicapped parking space shall be marked with a sign warning drivers of the possibility of towing due to unauthorized use and providing information for recovering towed vehicles. Warning signs shall have minimum dimensions of 17 inches by 22 inches and shall be labeled with lettering at least one (1) inch in height.
8. A minimum of 98 vertical inches of clearance shall be provided for van accessible spaces and the entire route from parking area ingress and egress points to the parking space.

9. A minimum vehicle overhang allowance of 24 inches shall be provided between access routes and handicapped parking spaces. Access routes shall, at all times, provide users with a minimum width of 36 inches of throughway.

§ 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.
- 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

Sections

§ 4.40.010	Purpose
§ 4.40.020	Review
§ 4.40.030	Construction and Maintenance of Signs
§ 4.40.040	Sign Illumination
§ 4.40.050	Nonresidential Uses– Attached Signs
§ 4.40.060	Nonresidential Uses– Freestanding Signs
§ 4.40.070	Other Signs
§ 4.40.080	Master Sign Program
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§ 4.40.100	Political Signs
§ 4.40.110	Agricultural Roadside Sales Signs
§ 4.40.120	Computation of Sign Area
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§ 4.40.140	Exemption for Stanford University
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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.

§ 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 ASA secretary at least 30 days prior to the expiration date of the permit, the ASA secretary 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 ASA secretary 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 Roadside Sales 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.** All of the following provisions apply to signs serving uses classified in Chapter 2.10 as Agricultural Sales: Limited:
1. The total number of signs shall be limited to six (6) or fewer, with the sign area of any single sign not exceeding 64 square feet and the cumulative sign area of all signs not exceeding 128 square feet;
 2. All signs shall have the name, address, and telephone number of the person responsible for the agricultural sales operation painted or printed indelibly on the back side of the sign; and
 3. Notwithstanding any other provision of this chapter, signs affiliated with an operation classified under Agricultural Sales: Limited shall be permitted without an ASA permit.
- C. **Agricultural Sales: General.** All of the following provisions apply to signs serving uses classified in Chapter 2.10 as Agricultural Sales: General:
1. The total number of signs shall be limited to eight (8) or fewer, with the sign area of any attached sign not exceeding 192 square feet, the sign area of any detached sign not exceeding 120 square feet, and the cumulative sign area of all signs not exceeding 384 square feet;
 2. All signs shall have the name, address, and telephone number of the person responsible for the agricultural sales operation painted or printed indelibly on the back side of the sign; and
 3. The ASA committee may approve an alternative to the standards of this section when the committee clearly finds that the alternative better achieves

the goals of minimizing traffic hazards, protecting the appearance of road frontage, and furthering the intent of this section.

§ 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 ASA committee shall determine the appropriate formula for such irregular message surfaces.

§ 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

Sections

§ 4.50.010	Purpose
§ 4.50.020	Nonconforming Uses of Land and Buildings
§ 4.50.030	Nonconforming Buildings
§ 4.50.040	Nonconforming Lot Size
§ 4.50.050	Nonconforming Signs
§ 4.50.060	Residential Uses in Non-Residential Districts
§ 4.50.070	Multi-Family, Density-Nonconforming
§ 4.50.080	Uses with Active Time-Limited Use Permit
§ 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 Planning Commission or Planning Commission secretary. The Planning Commission secretary shall make a determination as to whether the proposed change necessitates a formal zoning interpretation hearing before the Planning Commission. The commission shall have authority to deny the modification or place appropriate limitations on the modified use and to 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. **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.

ARTICLE 5

PROCEDURES AND ADMINISTRATION

CHAPTERS:

- § 5.10 Review Authority
- § 5.20 Common Procedures
- § 5.30 Appeals
- § 5.40 Architecture and Site Approval
- § 5.45 Cluster Permit
- § 5.50 Design Review
- § 5.55 Lot Line Adjustment
- § 5.60 Special Permit
- § 5.65 Use Permit
- § 5.70 Variance
- § 5.75 Zoning Amendment
- § 5.80 Enforcement

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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 Architecture and Site Approval Committee
- § 5.10.060 Zoning Administrator
- § 5.10.070 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	ASA	PC, BS	§5.40
Cluster Permit	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

ASA: Architecture & Site Approval Committee; BS: Board of Supervisors;
PC: Planning Commission; ZA: Zoning Administrator; DIR: Director or Official Designee

§ 5.10.030 Planning Director

The planning director is responsible for overseeing the work of the planning office. 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 Architecture and Site Approval (ASA) Committee

The ASA committee is the decision-making body for architecture and site approval permits. The committee shall consist of up to five members. One member, the chairperson, shall be a member of the Planning Commission, up to two members are appointed by the planning director (one of whom shall function as the ASA secretary), one is appointed by the Director of the County Department of Roads and Airports, and one is appointed by the Director of the County Department of Environmental Health. County employees serving as members of the committee serve at the pleasure of the appointing agency. Any action taken by the ASA committee requires three votes of the membership.

The ASA secretary is the planning office staff person designated by the planning director to be responsible for managing the functions of the ASA committee. The ASA secretary is also the decision maker for minor modifications of previous ASA permits and exemptions from ASA.

§ 5.10.060 Zoning Administrator

The zoning administrator is the planning office staff member designated by the planning director to be responsible for certain administrative and discretionary land use permits, including decisions on design review, special permits, variances, and routine interpretations of the zoning ordinance.

§ 5.10.070 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	Notice of Public Hearing
§ 5.20.120	Conditions of Approval
§ 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

§ 5.20.010 Purpose

This chapter sets forth the process for obtaining discretionary planning permits 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 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 architectural 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 secondary dwellings
 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 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 Notice of Public Hearing

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.** Where the number of agencies and owners 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. **Additional Notice.** The County may, in its discretion, provide additional notice beyond that specified in this section.

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.

§ 5.20.130 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 any zoning, grading, building code, housing code, or other land use violation on the property that is the subject of the application.

§ 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 two (2) 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 original approval term of a concurrent, related land use application (e.g. building site approval) 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 of the granting authority as defined in § 5.10.020 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.

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	Small Project Exemptions
§ 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 family building site approval on slopes 30 percent or greater in certain zoning districts.

- E. Establishment or modification of a use in historical districts where specified in the applicable zoning district.

§ 5.40.030 Approval Authority

Proposed land uses will be reviewed and acted upon by the ASA committee 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 apply. The committee shall consist of up to five (5) members.

- A. One member, the chairperson, shall rotate each meeting from among members of the Planning Commission. If the particular member who is next in the rotation is not available, another member of the Planning Commission shall serve.
- B. Two members, one of whom shall serve as the secretary of ASA, shall be appointed by the planning director.
- C. The other two (2) members shall be appointed by the respective agency or department manager from among the staff of the Department of Roads and Airports and the Department of Environmental Health.

Additional County staff (e.g.; Engineering Services, Fire Marshal, Building Inspector) may participate as resources at the ASA meeting, but do not serve as voting members.

§ 5.40.040 Findings

The ASA committee may grant ASA if it 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. Standards applicable to non-residential uses may be varied by the ASA committee to promote excellence of development, provided that the deviation from standards will better accomplish the purposes of this chapter.
- I. Conformance with the general plan and any applicable specific plan; and
- J. Substantial conformance with the adopted “Guidelines for Architecture and Site Approval” and other applicable guidelines adopted by the County, or by the appropriate city for land within the city’s urban service area.

§ 5.40.050 Small Project Exemptions

An exemption from ASA may be authorized by the ASA secretary and can be initiated by the filing of an application with the planning office, accompanied by the required application fee. The following classes of project may, at the ASA secretary’s discretion, qualify for a small project exemption:

- A. Projects involving a minor expansion/ modification of an existing use where all of the following criteria are satisfied:
 - 1. Involve a net increase of existing building area less than 2,000 square feet;
 - 2. Involve new construction less than 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 major 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.
- B. 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 previous authorized use; and,
 3. The new use can be accommodated with minimal changes to existing buildings, conditions or site improvements.
- C. Uses on the Stanford University campus which meet the criteria in subsection A(1) through (5) above, and conform to the applicable provisions of the 2000 Stanford University Community Plan and applicable Stanford University General Use Permit.

§ 5.40.060 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.

§ 5.40.070 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 PERMIT

Sections

§ 5.45.010	Purpose
§ 5.45.020	Applicability
§ 5.45.030	Approval Authority
§ 5.45.040	Cluster Permit Procedures
§ 5.45.050	Standards and Findings
§ 5.45.060	Modification of Cluster Permit Following Approval

§ 5.45.010 Purpose

The purpose of the cluster permit and development regulations is to provide for flexibility in the location of dwelling units within a subdivision, to implement applicable policies of the general plan, to promote efficiency of access, and to reduce the overall amount and extent of physical improvements required for residential development. It is furthermore intended to preserve open space, conserve natural resources and features of the land, and to avoid or mitigate potential adverse environmental impacts.

§ 5.45.020 Applicability

Cluster development and permits may be allowed in the R1, R1E, RHS, R1S, HS, RR and A1 districts. An application for a cluster permit shall be processed as a supplement to, and concurrently with, an application for subdivision.

§ 5.45.030 Approval Authority

The Planning Commission shall be the approval authority for cluster permit applications.

§ 5.45.040 Cluster Permit Procedures

In addition to those procedures common to all land use applications, the following provisions shall apply to cluster permit applications.

- A. **Pre-Application Meeting.** A pre-application meeting shall be required as for any prospective subdivision application.
- B. **Preliminary Development Plan.** An application for a cluster permit requires the submittal and review of a preliminary development plan. Such submittal is

based upon that which was provided for the mandatory subdivision pre-application meeting, and it shall reflect the staff recommendations deriving from the pre-application meeting.

1. **Content.** The content of a preliminary cluster development plan shall include a map drawn to scale of the proposed development, owner's and preparer's name(s), file number, date, north arrow, perimeter boundary line, adjacent ownerships, easements, unusual or noteworthy topographic features, water bodies, water courses and drainage swales, existing utilities and sanitation facilities, proposed street layouts, proposed parcel boundary configuration(s) and building envelopes, areas designated for open space dedication, areas designated for physical improvements or public uses, including trails, vicinity map, and any other spatial information pertinent to the proposal and necessary for the preliminary review of the application. Tabular summary information shall also be provided for all areas of existing and proposed street rights-of-way in such cases where the minimum lot size of the applicable zoning district is less than one acre gross, for the amount and percentage of all development areas and of all open space, and the overall density of development.
 2. **Review process.** The review process for a preliminary development plan submittal shall include a staff report with recommendations and a public hearing by the Planning Commission for the purpose of determining whether the preliminary plan substantially conforms with the applicable goals, policies, and standards of the general plan and zoning ordinance. The Planning Commission may deny the application, continue the public hearing for additional information or requested modifications to the proposal, or approve the preliminary plan and refer the application to the architecture and site approval (ASA) committee. An appeal of the decision of the Planning Commission may be filed in accordance with the provisions of Section 5.30 Appeals. The Board of Supervisors may deny the application, continue the public hearing for additional information or requested modifications to the proposal, or approve the preliminary plan and refer the application to the architecture and site approval (ASA) committee for establishment of conditions.
- C. **Proposed Development Plan and Tentative Map.** If the Planning Commission approves the preliminary development plan, the applicant shall submit a proposed development plan and tentative subdivision map to be processed concurrently with the application for a cluster permit. The subdivision application shall be subject to all applicable processing requirements as described in Section 5.20 Common Procedures and those of the County Subdivision Ordinance, Division C12 of the Ordinance Code.

1. **Content.** The content of a proposed cluster development plan and tentative map shall be as described for the preliminary development plan, with the inclusion of all content required of a tentative subdivision map by the County Subdivision Ordinance and (state) Subdivision Map Act.
 2. **Review process.** The proposed development plan and tentative map submittal shall be reviewed by the ASA committee, which shall provide a written report and recommendations to the Planning Commission regarding project approval or denial, required modifications, and conditions of approval. The Planning Commission shall hold a public hearing to receive the ASA committee's report and recommendations and to determine whether to grant the cluster permit, subject to findings of conformance with the general plan and the applicable standards of this chapter. The Planning Commission may include such conditions as it deems reasonable and necessary to secure the purposes of the general plan and the zoning ordinance. Notice of the Planning Commission's action(s) shall be provided to the applicant in accordance with the provisions of Section 5.20, Common Procedures. Unless an appeal to the Board of Supervisors is filed, such notice of a Planning Commission approval shall serve as the basis for the scheduling of a subsequent public hearing by the Board of Supervisors to consider approval of the tentative subdivision map, as prescribed by the provisions of the Subdivision Ordinance of the County Ordinance Code (Division C12, Chapter I, Subdivisions).
- D. **Grading Permit Requirements.** If a grading permit is required in conjunction with a cluster permit, the grading permit application shall be referred to the ASA committee for review and possible approval concurrently with the cluster permit. The issuance of a final grading permit in accordance with the County Grading Ordinance shall not be effective until the issuance of the cluster permit or until such later date as determined by the Planning Commission.

§ 5.45.050 Standards and Findings

- A. **General Plan Conformance and Residential Density.** The cluster development shall conform with the applicable goals, policies, and requirements of the general plan, in particular 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 developments 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, with the exception of minimum lot size, yard and setback requirements, and lot coverage limitations, if any, which may be modified through the cluster permit in accordance with any applicable governing policies of the general plan.

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.

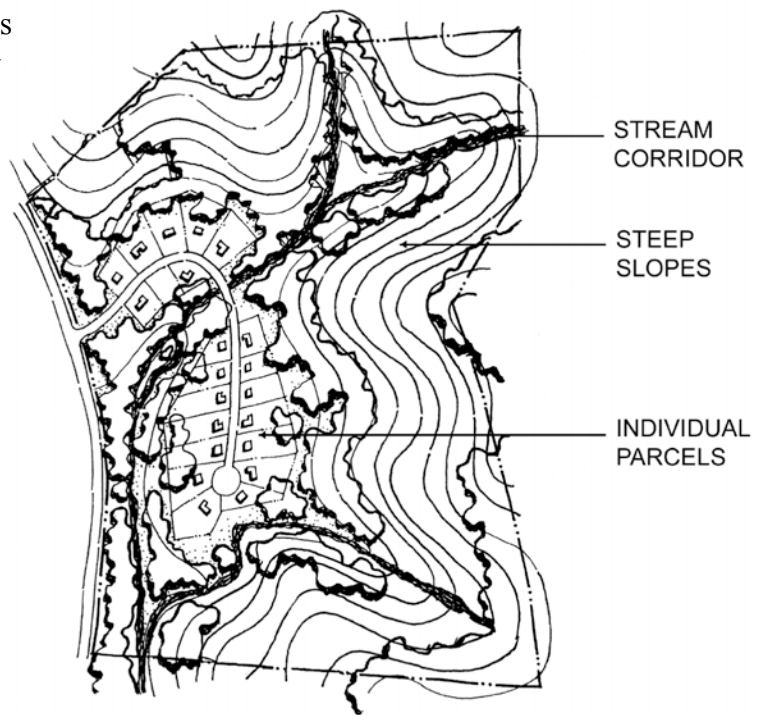


Fig. 5.45-1

D. **Open Space Preservation.** Open space preservation as part of a cluster 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 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 permit 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 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 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.

§ 5.45.060 Modification of Cluster Permit Following Approval

A cluster permit 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 Permit Approval. Subsequent to the recordation the subdivision map, minor changes to the approved building envelopes or development areas delineated on the approved cluster permit plans may be considered by the ASA committee for the purpose of facilitating the development of a residence or residential accessory structures and uses, provided that such minor adjustments are consistent with applicable general plan policies, zoning ordinance regulations, and are deemed necessary and appropriate to achieving compliance with 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;
- 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 “Development Guidelines for Design Review,” adopted by the Planning Commission;
- 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 applicable guidelines adopted by the Board of Supervisors or Planning Commission.

§ 5.50.050 Statutory Exemptions

The following types of structures are deemed minor in character and are exempt from the design review process, except where any superseding “-d₁” provisions (§ 3.20.040) or “-h₁” provisions (§ 3.50.030) apply.

- A. House additions of 1,000 square feet or less in floor area;
- B. Detached buildings and structures 1,000 square feet or less in floor area;
- C. 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;
- D. Any decks (regardless of height), carports, trellises or other structures attached to a dwelling that are 1,000 square feet or less in floor area;
- E. Fences three (3) feet or less in height.
- F. 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.
- G. Retaining walls that are not subject to a grading permit;

- H. Solar (photovoltaic) panels; and
- I. Swimming pools;

The cumulative construction of multiple statutory exempt projects on a lot may, at the discretion of the Zoning Administrator, be subject to the design review process.

§ 5.50.060 Discretionary Exemptions

The following project categories may, at the discretion of the Zoning Administrator, be considered minor and exempt from the design review process, except where any superseding “-d₁” provisions (§ 3.20.040) or “-h₁” provisions (§ 3.50.030) apply.

- A. House additions with floor area between 1,001 and 2,500 square feet;
- B. Detached buildings and structures with floor area between 1,001 and 2,500 square feet;
- C. Decks where those portions of floor surface that exceed 30 inches in height above grade comprise a total surface area exceeding 1,000 square feet;
- D. Fences in “-d” combining districts or along designated scenic roads which conform to the provisions of this ordinance regulating fence height (excluding certain “open” fences, see subsection 5.50.050(F));
- E. Projects in “-d₁” zoning districts meeting exemption criteria specified in Section 3.20.040 (i.e. “Tier 1,” and “Sites Not Visible”), regardless of any conflicting standards within this section, and;
- F. Other minor construction similar in scale to the above categories and having low potential for visual impact.

§ 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 zoning administrator 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 zoning administrator. 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
§ 5.70.070	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 secondary dwellings, 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.

§ 5.70.070 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 investigators 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 investigator acting pursuant to this section and within the scope of his or her authority.

§ 5.80.050 Inspection and Right of Entry

Zoning investigators 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 investigator 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 investigators, 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 investigator 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 investigator 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 investigator. 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 investigator 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 investigator determines that a zoning violation in fact exists, the zoning investigator 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 investigator shall issue a notice of expungement of zoning violation upon proof to the zoning investigator 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.

AMENDMENT SUMMARY

as of June 4, 2009

ADOPTION OF REVISED ZONING ORDINANCE. NS-1200.307 [6620-97Z]

March 1, 2003

SECONDARY DWELLINGS. NS-1200.310 [6434-03Z]

May 20, 2003

Sections 4.10.340, 2.20.020, 2.30.020, 2.50.020

STANFORD OS/F ZONING. NS-1200.311, NS-1200.312, NS-1200.313 [8214-01Z]

July 3, 2003

Chapter 2.10

Section 5.45.050

LOT LINE ADJUSTMENT. NS-1203.112 [6150-01Z]

July 24, 2003

Chapter 5.55

MISCELLANEOUS REVISIONS: ONE-YEAR REVIEW OF REVISED ZONING ORDINANCE.

NS-1200.317 [6620-04Z]

July 8, 2004

Chapter 1.30 (established), 2.10 (renamed), 6.10 (repealed)

Sections 1.20.020, 2.10.040, 2.20.020, 2.20.030, 2.20.060, 2.20.070, 2.30.020, 2.30.030, 2.40.030, 2.50.030, 4.10.020, 4.10.370, 4.20.020, 4.20.080, 4.20.110, 5.20.030, 5.20.170, 5.50.070, 5.50.080, 5.50.090

ZONING VIOLATIONS: PENALTIES. NS-1100.93 [9152-05Z]

July 7, 2005

Sections 5.80.030 (amended), 5.80.100 (amended), 5.80.110 (repealed)

MISCELLANEOUS CORRECTIONS AND MINOR IMPROVEMENTS. NS-1200.318 [6620-06Z]

April 28, 2006

Sections 1.30.030, 2.10.040, 2.20.020, 2.30.020, 3.40.030, 3.40.070, 3.50.010, 4.10.200, 4.10.340, 4.20.020, 4.20.080, 4.20.110, 4.30.040, 4.50.030, 5.10.020, 5.20.170, 5.40.050, 5.40.070, 5.40.080, 5.55.100, 5.55.110, 5.65.060, 5.65.070

RESIDENTIAL PARKING: FRONT YARD OPERATIVE VEHICLE AND SIDE YARD RV PARKING. NS-1200.319 [9306-06Z]

April 28, 2006

Sections 4.20.090, 4.30.070

VIEWSHED PROTECTION ORDINANCE. NS-1200.320 [8630-06Z]

September 28, 2006

Sections 1.30.030, 3.20.040, 3.20.050, 5.50.030, 5.50.050, 5.50.060

ATTORNEYS' FEE RECOVERY IN CODE ENFORCEMENT ACTIONS. NS-1100.100 [9684-07Z]

July 19, 2007

Section 5.80.100

SURFACE MINING. NS-1200.322 [5520-07Z]

July 19, 2007

Section 4.10.370

MISCELLANEOUS CORRECTIONS AND MINOR IMPROVEMENTS. NS-1200.323 [6620-07Z]

February 29, 2008

Sections 1.30.030, 2.20.010, 2.40.020, 3.30.050, 3.40.030, 3.50.030, 4.20.110, 4.50.020, 4.50.030, 4.50.080, 5.20.180, 5.20.190, 5.45.020, 5.50.050, 5.50.060, 5.70.040, 5.70.050, 5.70.060, 5.70.070, 5.70.080

REPEAL OF -h₃ (SAKAI RANCH) COMBINING DISTRICT. NS-1200.325 [2196-08Z]

May 21, 2009

Section 3.50.110

WIRELESS TELECOMMUNICATION FACILITIES. NS-1200.324 [9661-08Z]

June 4, 2009

Sections 2.10.030, 2.20.020, 2.30.020, 2.40.020, 2.50.020, 4.10.400

The chapter revision dates shown in the footers of the zoning ordinance refer to the most recently updated section(s) within each chapter. Corrections pertaining solely to spelling or punctuation errors are not noted. The official accounting of amendments is included in the Santa Clara County Ordinance Code.

Amendment citations (above) include ordinance number, formatted NS-1200.XXX, and Planning Office file number, formatted [6620-97Z].

County of Santa Clara

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STAFF REPORT

Planning Commission

December 3, 2009

Item 11

File: 10069-00-00-09Z

ZONING ORDINANCE TEXT AMENDMENT: Miscellaneous corrections and minor improvements to the County Zoning Ordinance.

Proposed ordinance would implement miscellaneous corrections and minor improvements to the County Zoning Ordinance as part of ongoing maintenance. No significant policy changes are included.

Staff Recommendation:

Forward favorable recommendation to Board of Supervisors on proposed ordinance.

Applicant: County of Santa Clara
Location: Unincorporated Lands Countywide
Zoning/ GP: All Zoning and General Plan Designations

Prepared by: James Reilly, Associate Planner

Reviewed by: Bill Shoe, Zoning Administrator
Michael Lopez, Planning Manager

STAFF RECOMMENDATION

1. **Environmental Determination:** Accept staff determination the project is exempt from the California Environmental Quality Act (CEQA) on the grounds that the project would not have a significant impact on the environment.
2. **Proposed Ordinance:** Forward favorable recommendation to Board of Supervisors.

REASONS FOR RECOMMENDATION

1. Under CEQA, if it can be seen with certainty that a project or action will not have any possibility of a significant impact on the environment, it is exempt from environmental review. The proposed corrections and improvements are limited in scope to not effect substantive regulatory changes that could result in adverse environmental impacts.
2. The Board of Supervisors adopted the revised zoning ordinance in March 2003. At that time, the Board authorized a one-year review to identify and remedy any needed corrections as the new regulations were being put into use. The amendments included in this ordinance are similar in intent to this directive and do not contain significant, complicated or controversial policy modifications.
3. The modifications proposed will make the regulations clearer and more effective. They will ultimately save staff time, minimize confusion, and improve customer service.

BACKGROUND

Upon adoption of the revised zoning ordinance in March 2003, the Board of Supervisors directed staff to report back after one year to address any necessary corrections or minor improvements. Staff anticipated the need to consider such corrections, due to the scope of the zoning ordinance revision project and the likelihood that omissions, corrections and minor improvements would present themselves as needing to be addressed as the regulations were put into effect. The current ordinance is the fourth such ordinance of miscellaneous corrections brought to the Planning Commission.

The proposed ordinance (Attachment A) includes changes to 18 different sections of the zoning ordinance, and one related section of the County Ordinance Code. They include clarification of ambiguous language, minor improvements to certain provisions

deemed problematic in their present state, and updating code references and numbering as needed. A summary description of individual revisions is included as Attachment B.

At the November 5, 2009 hearing, Planning staff presented a report on the draft ordinance to the Planning Commission. After some discussion, the Planning Commission deferred taking an action on the proposed ordinance. The commissioners asked for additional time to consider the various elements, and directed staff to look further into two specific items that were raised during the hearing.

1. A draft provision relating to legal nonconforming uses was raised by a member of the public. Subsection I of Section 4.50.020 is a new provision that would pertain to nonconforming uses that cease activity for a temporary time period, and how maintaining nonconforming status would otherwise requires compliance with all applicable laws and regulations. Several possible scenarios were described that suggested the provision might be too broad in its applicability, and potentially problematic for certain property or business owners. The provision has since been rewritten to narrow applicability to permits and licenses. The new language can be found on page 22 of the draft ordinance (Attachment A).
2. A policy regarding lot-line adjustments that had not been proposed for revision was introduced during the hearing. Subsection 5.55.040(C)(1)(b), applicable to lots substandard in area, requires such lots undergoing lot line adjustments to retain at least 90% of their original real property. This is a policy issue that resulted from extensive discussion and outreach when lot line adjustment regulations were overhauled in 2002. Staff has concluded that changes to a policy provision such as this would not be appropriately handled under the guise of a miscellaneous clean-up ordinance, so no such change is being proposed.

Since the November hearing, staff has determined that two provisions that had been included in the November draft would benefit from further discussion and resolution. One relates generally to the interpretation of zoning regulations (§1.20.040), and the other references a current provision that co-located wireless telecommunications facility may be eligible for ASA small project exemption. Those provisions have been withheld from the current draft, and will be considered at a later date.

Attachment C provides a summary of the changes from the prior draft to the one now under consideration.

The accompanying ordinance document (Attachment A) is formatted as an abridged strikethru version of the full “clean” ordinance document the Board will be adopting. This version is being used so that proposed changes are clear and easy to find, and for more efficient use of paper.

ATTACHMENTS

- A. Draft Ordinance
- B. Summary of Corrections
- C. Summary of Changes from Prior Draft

Ordinance No. NS-1200.###

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA CLARA AMENDING APPENDIX I, ZONING,
OF THE COUNTY OF SANTA CLARA ORDINANCE CODE TO
IMPLEMENT MISCELLANEOUS CORRECTIONS AND MINOR
IMPROVEMENTS**

SUMMARY

This ordinance implements various corrections and minor improvements to the County Zoning Ordinance.

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

SECTION 1: Section 1.20.030 of Chapter 1.20, Article 1 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§ 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.

SECTION 2: Section 1.30.030 of Chapter 1.30, Article 1 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

Building envelope: The three-dimensional space within which a building or structure may be built, as defined by setbacks and height regulations, ~~unless otherwise delineated by an approved subdivision or other discretionary land use approval.~~ 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.

SECTION 3: Section 2.10.020 of Chapter 2.10, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§ 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 ~~Article 4, General Provisions, and in Article 5, Procedures and Administration.~~ 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.

SECTION 4: Section 2.10.030 of Chapter 2.10, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

//

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.

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 storage building no larger than 120 square feet under roof area, and meeting all other applicable provisions of Section 4.20.020, is permitted per lot under this classification in rural base zoning districts. Such storage buildings may not include plumbing or electricity in their construction, and are limited in total height to no more than 10 feet at any point. 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 § 4.20.020: Accessory Structures.

SECTION 5: Section 2.10.040 of Chapter 2.10, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

//

Community Care. (Institutional) Facilities providing care and supervision to children or adults (or both), including but not limited to day care facilities and facilities for the developmentally disabled, physically and mentally handicapped, or incompetent persons. This classification includes 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 and twelve~~ 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.
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.

[Add to ML and MH use tables (with ASA), and A1 with use permit]

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~~**Corporation Yards. (Industrial)** Facilities for temporary storage of trucks, equipment, and construction materials during construction projects. [Criteria/Findings § 4.10.100]~~

[Delete supplemental regs in §4.10.100]

//

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. ~~This classification includes building contractor's yards.~~ See *Retail Sales* for sale of building supplies.

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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 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.

//

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. ~~Streets and commercial~~ 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, ~~may not occupy more than 800 square feet~~ and other equipment ~~also 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.

[NOTE: Modify the use classification name as it appears in all use regulation tables, and add a footnote to use tables exempting those minor utilities and appurtenant equipment that are (a) subject to a franchise agreement with the County and (b) are located in County-maintained road rights-of-way and required to obtain an encroachment permit. Also note exemption for those facilities that are established by a government agency not subject to County land use authority.]

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.

[NOTE: Add footnote to use tables exempting those facilities that are established by a government agency or otherwise pre-empted from local zoning regulations by state or federal law. Such pre-emptions may be case-specific determinations that consider the nature and purpose of the facilities.]

SECTION 6: Section 2.50.030 of Chapter 2.50, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§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:

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Medicinal Marijuana Dispensaries	U	-	-	Note 9
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- //
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.
 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)).
 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 12 persons, 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. Medicinal marijuana dispensaries shall comply with the provisions of Division B26 of the County Ordinance Code.~~
 - ~~10.~~ 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).
 - ~~11.~~ 10. Single-family dwellings, including certain additions, and new secondary dwellings, may be subject to the building site approval provisions of Division C12-300-399 of the County Ordinance Code.
 - ~~12.~~ 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.
 - ~~13.~~ 12. Within the OS/F district, 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.
 - ~~14.~~ 13. Within the OS/F district, 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 of the foothill setting.
 - ~~15.~~ 14. Co-location of wireless telecommunication facilities may be eligible for an ASA small project exemption (§ 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.

[NOTE: Update corresponding footnote references within table for notes 10-15.]

SECTION 7: Section 2.50.030 of Chapter 2.50, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§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	[Reserved]
Minimum lot area				
For lot creation	5,000 sq. ft.	20 acres	160 acres ¹	
For building site	3,750 sq. ft.	1 acre	ASA	
With lot size combining districts	Ch. 3.10	NA	NA	
Setbacks (feet)				
Front	25 ²	30	ASA	
Side	5 ²	30	ASA	
Side, Exterior (corner lot)	10 ²	30	ASA	
Rear	25 ²	30	ASA	
Scenic road	100 ²	100	ASA	
Exceptions	See §4.20.110, Setback Exceptions			
Maximum height				
Feet	35 ²	35	ASA	
Stories	2 ²	2	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, or any residential uses subject to ASA, see subsection C of this section.

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 and ASA-Authorized Residential Uses. Setbacks and height limits for nonresidential and ~~multi-family~~ ASA-authorized residential uses in the A1 district shall be determined by the ASA committee, subject to the following limitations:

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

SECTION 8: Section 3.30.030 of Chapter 3.30, Article 3 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§ 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 that meet the criteria for exemption from design review defined in § 5.50.050 and § 5.50.060 remain exempt in the -sr combining district.~~ 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.

~~B.~~ **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.

SECTION 9: Section 3.40.040 of Chapter 3.40, Article 3 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§ 3.40.040 -n₂ 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 "-n₂" 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.
- ~~C. **Covered Porch Allowance.** In addition to those appurtenant architectural features that are allowed by Section 4.20.110, a covered, entrance floor level porch may be constructed within the required front yard area, subject to the following limitations:~~
 - ~~1. Within the required front yard area, the porch must be unenclosed by walls, screening or other continuous vertical components. Only necessary support pillars not exceeding two (2) horizontal feet in thickness, and a safety railing not exceeding 42 inches in height may be included.~~
 - ~~2. Vertical components (pillars and railing) must be set back a minimum of 15 feet from front property line. An overhanging eave may extend an additional~~

~~two (2) feet six (6) inches into the front yard area; and the floor or decking may extend up to an additional one (1) foot into the front yard area (to 14 feet from front property line).~~

- ~~3. The maximum area of the encroaching portion of such a porch, measured from the exterior of the vertical components to the front setback line, shall be 96 square feet.~~

SECTION 10: The following new Section 4.10.285 of Chapter 4.10, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is added as follows (additions are underlined):

§ 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;
- 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;
- J. The facility shall not include power-driven sorting and/or consolidation equipment, such as crushers or balers;

SECTION 11: Section 4.10.340 of Chapter 4.10, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

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C. **Secondary Dwellings in Urban Districts.** Secondary dwellings within R1, R1E, RHS, R1S and R3S districts, and A1 districts within urban service areas, are subject to all of the following:

1. **Dwelling size/configuration:** The regulations for maximum dwelling size and configuration vary by lot size as follows:
 - a. **Lots smaller than 10,000 square feet:** Secondary dwellings may have a maximum floor area of 640 square feet. Such dwellings must be attached to the primary dwelling by a common wall no less than eight (8) horizontal feet in length that is Uniform Building Code compliant for fire separation.
 - b. **Lots 10,000 square feet or larger:** Secondary dwellings may have a maximum floor area of 800 square feet. Such dwellings may be attached or detached. Attached dwellings must be Uniform Building Code compliant for fire separation.

Detached dwellings must comply with all of the following additional requirements:

- i. May not contain more than one story, and may not exceed 21 feet in height;
- ii. ~~Must be situated within the rear yard area, and must~~ Must comply with the residential ~~side and rear~~ setbacks prescribed by the applicable zoning district regulations. Setback variances are not allowed.
~~—On double frontage lots without a rear yard as defined in Section 4.30.030, secondary dwellings shall be located within the limited area provided for accessory buildings on such lots by subsection 4.20.020(F)(2).~~
- iii. May be no nearer to the primary dwelling than six (6) feet. Minimum separation between certain buildings may be greater if so required by the California Building Code for fire separation.
- iv. Separation between the primary dwelling and secondary dwelling may not exceed 50 feet unless problematic lot-specific circumstances (e.g., topography, geology, significant legal existing structures or improvements) necessitate greater separation; or if demonstrably superior, more practical and efficient site design can be achieved. A special permit (see Chapter 5.60) is required for any proposal where

the distance between the primary dwelling and secondary dwelling exceeds 50 feet; and

- v. Where an attached garage is incorporated into the design, up to 200 additional square feet of floor area is allowed if: (a) the cumulative area of the building does not exceed 1,000 square feet, and; (b) the dwelling (non-garage) portion does not exceed 800 square feet.
2. **Owner occupancy:** At least one (1) of the two dwellings (primary or secondary, or both) must be owner-occupied. A deed restriction must be recorded prior to issuance of building permit for the secondary dwelling to ensure understanding of and compliance with this requirement. This owner-occupancy provision does not apply to R1S or R3S districts, or any land at Stanford University.
3. **Parking:** A minimum total of three (3) off-street parking spaces must be provided to accommodate the primary and secondary dwellings on the lot, and at least one (1) space must be covered. One additional space is required for secondary dwellings with more than one bedroom, or along streets where off-street parking is limited or unavailable, per subsection 4.30.070(A)(7).
4. **Driveway limitation:** A separate driveway providing exclusive access to the secondary dwelling from a street or road shall not be allowed, unless problematic lot-specific circumstances (e.g., topography, significant existing structures or improvements) necessitate separate driveway access, or if demonstrably superior and more efficient site design can be achieved. A special permit shall be required where separate driveway access is being proposed. A special permit is not required for corner or double-frontage lots where a separate driveway for the secondary dwelling is proposed to take access from a different street than the street or road providing driveway access to the primary dwelling.
5. **Deck/porch limitation:** Decks and porches, covered or uncovered, that are attached to a secondary dwelling are limited to 200 square feet beyond the applicable maximum dwelling size. This limitation does not apply to any portion of an uncovered deck that is less than 30 inches above finish grade.
6. **Density conformance:** A secondary dwelling may not be established on any lot where the existing density exceeds that permitted by the applicable zoning district. For example, no secondary dwelling may be established on a lot zoned for single-family residential uses that contains two dwellings (one conforming, one nonconforming).
7. **Building site approval:** Establishment of a secondary dwelling is subject to the applicable building site approval requirements of Chapter II, Division C12 of the Ordinance Code.

- D. **Secondary Dwellings in Rural Districts.** Secondary dwellings within A, AR, HS, RR and RS districts, and A1 districts outside of urban service areas, are subject to all of the following, which include specific provisions based on lot size.
1. **Lots 1 – 2.5 acres:** The minimum lot size for secondary dwellings is one (1) acre. On lots greater than or equal to one (1) acre gross, but less than two and one-half (2.50) acres gross, all of the following provisions apply:
 - a. The secondary dwelling may have a maximum floor area of 640 square feet. It may not contain more than one (1) bedroom;
 - b. The secondary dwelling must be attached to the main residence by a common wall no less than eight (8) horizontal feet in length that is Uniform Building Code compliant for fire separation;
 - c. At least one (1) of the two dwellings (primary or secondary, or both) must be owner occupied. A deed restriction must be recorded prior to issuance of the certificate of occupancy for the secondary dwelling to ensure understanding of and compliance with this requirement; and
 - d. A secondary dwelling shall not be allowed on lots smaller than five (5) acres (gross) within San Martin General Plan Area; and
 2. **Lots 2.5 – 20 acres:** On lots greater than or equal to two and one-half (2.50) acres gross, but less than 20 acres gross, all of the following provisions apply:
 - a. The secondary dwelling may have a maximum floor area of 1,000 square feet;
 - b. The secondary dwelling may be attached or detached;
 - c. Detached dwellings may not be located more than 100 feet from the primary dwelling, unless problematic lot-specific circumstances (e.g., topography, geology, significant existing structures or improvements) necessitate greater separation; or if demonstrably superior, more practical and efficient site design can be achieved. A special permit (see Chapter 5.60) shall be required where the proposed distance between the primary dwelling and secondary dwelling exceeds 100 feet.
 - d. At least one (1) of the two dwellings (primary or secondary, or both) shall be owner occupied. A deed restriction shall be recorded to ensure understanding of and compliance with this requirement; and,
 - e. A secondary dwelling is not allowed on any lot smaller than five (5) acres (gross) within the San Martin General Plan Area;
 3. **Lots 20 acres or larger:** On lots greater than or equal to 20 acres gross, all of the following provisions apply:

- a. The secondary dwelling may have a maximum floor area of 1,200 square feet;
 - b. The secondary dwelling may be attached or detached; and
 - c. Detached secondary dwellings may not be located more than 200 feet from the primary dwelling, unless problematic lot-specific circumstances (e.g., topography, geology, significant existing legal structures or improvements) necessitate greater separation; or if demonstrably superior, more practical and efficient site design can be achieved. A special permit (see Chapter 5.60) shall be required where the proposed distance between the primary dwelling and secondary dwelling exceeds 200 feet.
4. **Setbacks:** Secondary dwellings must comply with the residential setbacks prescribed by the applicable zoning district regulations. Setback variances are not allowed for detached secondary dwellings.
 5. **Driveway limitation:** Any driveway access to the secondary dwelling must be via a branch driveway off the driveway that serves the primary dwelling. A separate driveway providing exclusive access to the secondary dwelling from a road shall not be allowed, unless problematic lot-specific circumstances (e.g., topography, significant existing structures or improvements) necessitate separate driveway access, or if demonstrably superior, more practical and efficient ~~and more efficient~~ site design can be achieved. A special permit shall be required where separate driveway access is being proposed.
 6. **Deck/ porch limitation:** Decks and porches, covered or uncovered, that are attached to a secondary dwelling are limited to 200 square feet beyond the applicable maximum dwelling size. This limitation does not apply to any portion of an uncovered deck that is less than 30 inches above finish grade.
 7. **Dwelling attached to accessory building:** On lots 2.5 acres or larger, a secondary dwelling may be attached to an accessory building such that the total combined square footage exceeds the maximum allowed under ~~subsections 3 and 4 above,~~ subsections 2 and 3 above, provided a special permit is obtained pursuant to Chapter 5.60.

Such dwellings may not have any interior access connecting the secondary dwelling portion of the structure to the accessory portion of the structure. The accessory portion of the structure may not contain habitable space. The common walls (including the floor and ceiling) between the secondary dwelling portion and accessory building portion must be Uniform Building Code compliant for fire separation. Conditions limiting or prohibiting heating, plumbing and/or electricity, restricting the layout and partitioning of the non-habitable portion, and other design limitations may be imposed by the zoning administrator.

- 8. **Building site approval:** Establishment of a secondary dwelling is subject to the applicable building site approval requirements of Chapter II, Division C12 of the Ordinance Code.
- 9. **Conversion of Existing Building:** Any existing building being converted to a secondary dwelling must meet all applicable development standards, including size. Buildings exceeding the maximum allowed floor area must either be reduced in size, or altered to be appropriately partitioned and permitted under the provisions of subsection 7.

SECTION 12: Section 4.20.020 of Chapter 4.20, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

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D. **Urban Residential Districts.** Except as otherwise expressly provided within the zoning ordinance, detached accessory buildings in all R1, R1E, RHS, R1S and R2 districts, and AI 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.

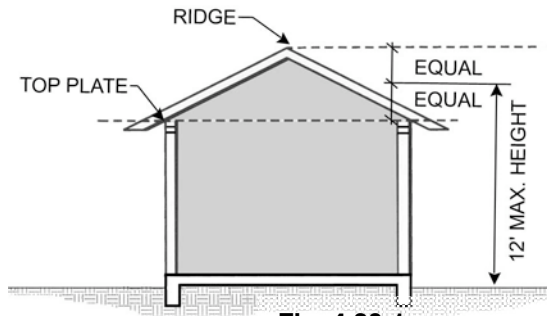


Fig. 4.20-1
Accessory Building Height

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.

- 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 a minimum of three (3) feet, unless built with a one hour (minimum) fire wall, in which case no portion may extend over any property line.~~
 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 AI 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 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.
 - 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) on lots 2.50 acres or larger are subject to side and rear yard setbacks of no less than 30 feet. ~~Buildings or structures 12 feet high or less must be located a minimum of three (3) feet from side and rear~~

~~property lines, unless built with a one-hour (minimum) firewall. 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.

SECTION 13: Section 4.20.110 of Chapter 4.20, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

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- ~~2. **Entrance decks, stairs.** Decks and stairways not more than 30 inches above final grade are exempt from setback requirements as per subsection 4.20.020(B)(1). An uncovered, unenclosed entrance deck and stairway appurtenant to an entrance may extend into a required yard setback from any legally constructed exterior wall (but not beyond a property line), subject to the limitations in the table below.~~

Yard	Maximum Encroachment Distance (feet)	Maximum Encroachment Area (square feet)
Front	6	96
Side	4	64
Rear	6	96

~~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" (County of Santa Clara Housing Element Update, 2001-2006, Appendix 4 of the General Plan, adopted March 25, 2003).~~

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.

<u>Yard</u>	<u>Maximum Encroachment Distance (feet)</u>	<u>Maximum Encroachment Area (square feet)</u>
<u>Front</u>	<u>6</u>	<u>96</u>
<u>Side</u>	<u>4</u>	<u>64</u>
<u>Rear</u>	<u>6</u>	<u>96</u>

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.

3. 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.

SECTION 14: Section 4.30.070 of Chapter 4.30, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§ 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 one (1) front yard parking space (or corner-lot exterior side-setback parking space) may be counted toward the minimum number of parking spaces required on a given lot.
7. ~~Parking areas and driveways within front yards~~ 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). ~~This limitation~~ These limitations shall not apply to flag lots or any lot whose street frontage is 25 feet or less.
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.

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SECTION 15: Section 4.50.020 of Chapter 4.50, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

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- 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. Such interpretation shall follow the procedure detailed in Section 1.20.040: Interpretation of Regulations. The Zoning Administrator, Planning Director or authorized designee may determine whether a modification shall require a public hearing before the Planning Commission. Planning Commission or Planning Commission secretary. The Planning Commission secretary shall make a determination as to whether the proposed change necessitates a formal zoning interpretation hearing before the Planning Commission. The commission shall have authority to deny the modification or place appropriate limitations on the modified use and to require architecture and site approval for more precise conditioning.
- C. **Cessation of Use.** If any non-conforming use ceases for continuous period of ~~not less than twelve (12) months~~, one year or more, the legal non-conforming status shall terminate and any future use of the building or ~~lot~~ land shall conform to the zoning ordinance.

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- I. **Maintaining Legal-Nonconforming Status.** In order for a use to maintain its legal-nonconforming status, all government-issued licenses and permits otherwise necessary for the facility's ongoing operation, such as a food facility permit, Alcoholic Beverage Control license, or renewable fire safety certificate, must be actively maintained. If there is any lapse in the operational validity of any such license, then the use shall be deemed to have ceased for the period of such lapse for purposes of the cessation of use provision in subsection C. This subsection does not apply to single-family residential uses.

SECTION 16: Section 5.50.050 of Chapter 5.50, Article 5 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§ 5.50.050 Statutory Exemptions

The following project categories are deemed minor in character and exempt from the design review process, except where any superseding “-d₁” provisions (§ 3.20.040), ~~-sr~~ provisions (§ 3.30.030) or “-h₁” provisions (§ 3.50.030) apply.

SECTION 17: Section 5.50.060 of Chapter 5.50, Article 5 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§ 5.50.060 Discretionary Exemptions

The following project categories may, at the discretion of the Zoning Administrator, be considered minor and exempt from the design review process, except where any superseding “-d₁” provisions (§ 3.20.040), -sr provisions (§ 3.30.030) or “-h₁” provisions (§ 3.50.030) apply.

- A. House additions with floor area between 1,001 and 2,500 square feet;
- B. Detached buildings and structures with floor area between 1,001 and 2,500 square feet;
- C. Decks where those portions of floor surface that exceed 30 inches in height above grade comprise a total surface area exceeding 1,000 square feet;
- D. Fences in “-d” combining districts or along designated scenic roads which conform to the provisions of this ordinance regulating fence height (excluding certain “open” fences, see subsection 5.50.050(F));
- E. Projects in “-d₁” zoning districts meeting exemption criteria specified in Section 3.20.040 (i.e. “Tier 1,” and “Sites Not Visible”), regardless of any conflicting standards within this section, and;
- F. Other minor construction similar in scale to the above categories and having low potential for visual impact.

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SECTION 18: Section 5.55.040 of Chapter 5.55, Article 5 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

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- 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.

SECTION 19: Section B24-1 of Division B24, of Title B: Regulations, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

Sec. B24-1. Definitions.

Large family day-care home, means an establishment regularly providing for the care, supervision, and protection of between seven and ~~12~~ 14 children (inclusive) in the provider's own home, for periods of less than 24 hours.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Liz Kniss, President
Board of Supervisors

SIGNED AND CERTIFIED that a copy of this document has been delivered by electronic or other means to the President of the Board of Supervisors.

ATTEST:

Maria Marinos
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

Lizanne Reynolds
Deputy County Counsel

2009 Miscellaneous Corrections and Minor Improvements

Attachment B

Ordinance Section	Description	Comments
§ 1.20.030	Precision of Numbers: Add new provision clarifying the precise meaning of time measurement terms, including “day” “month,” and “year.” Also provides clarity on matters specific to filing deadlines.	The zoning ordinance contains 92 instances of time unit terms. Need for clarity resulted from discussion on nonconforming uses, related time limitations and filing deadlines.
§ 1.30.030	Building Envelope: Clarify definition to reference building envelopes on subdivision maps.	Clarification of purpose of a building envelope, recognize special uses of same as set forth in certain subdivision approvals.
§ 2.10.030	Residential Accessory Structures and Uses: Add limited exemption to allow one small storage building on an otherwise undeveloped lots.	Responds to District 1 referral by providing for the limited storage needs of some property owners for maintenance and security.
§ 2.10.040 § B24-1	Community Care: <ul style="list-style-type: none"> • Redefine large-family day care to accommodate up to 14 children, consistent with state law. Includes definitions in zoning ordinance and ord code. • Clarify applicability regarding nursing homes and assisted living facilities. 	State law increased maximum occupancy to 14 for large-family day care. Clarify that senior care facilities such as nursing and assisted living have been approved under this classification, which is more appropriate than any other existing use classification.
§ 2.10.040	Construction contractor’s facilities: Add new classification, and include in ML, MH and A1 use tables.	There is presently no separate classification for contractors’ equipment yards. It is referenced

Ordinance Section	Description	Comments
		under Machinery and Equipment Services. Not an intuitive or user-friendly location. No change to use regulations.
§ 2.10.040	Corporation Yard: Delete classification.	Title not intuitive and current definition applies to activity that accompanies a construction project, which would be either covered under a use permit, or exempt.
§ 2.10.040	<p>Utilities:</p> <ul style="list-style-type: none"> • Rename “Utilities & Public Facilities” • Clarify exemptions with footnote in use tables. • Include reference to franchisee equipment and other minor utilities located in County-maintained roads subject to encroachment permit only; exempt from ASA. 	<p>The word “utilities” alone is not sufficient to describe the large number of different uses and facility types. Certain public and private infrastructure has state exemptions from local zoning if regulated by state.</p> <p>ASA requirements for minor utilities in County rights-of-way eliminated to require only encroachment permits.</p>
2.50.020 C	Medicinal Marijuana Dispensaries: Correct error by eliminating use classification from A1 use table.	Such uses are prohibited in A1 districts by Section B26-3 of Ordinance Code.
2.50.030	A1 Districts, setbacks by ASA: Setbacks for non-residential uses in A1 districts determined by ASA Committee. Change would give ASA Committee authority to determine appropriate setbacks for residential projects under its purview.	Would be useful for certain Stanford projects.

Ordinance Section	Description	Comments
3.30.030 5.50.050 5.50.060	Scenic roads: -sr design review exemptions: Add provision to state that new buildings within scenic setbacks may not be eligible for design review exemptions.	Restores more limited exemptions to design review as originally intended for scenic road protection. Subsequent changes to language regarding design review exemptions inadvertently affected these limitations.
3.40.040	Covered porches, Burbank (-n2): Delete “Covered Porch Allowance” provision.	Now provided under revised § 4.20.110.
§ 4.10.285 (new) 2.10.030	Recycling Facilities: Add basic standards (e.g. footprint limitation, separation from adjacent property etc.) for consumer recycling collection facilities.	Provides basic criteria for sites and uses, consistent with regulations of other jurisdictions.
4.10.340 D 7	Secondary dwellings: Urban districts: <ul style="list-style-type: none"> • Eliminate reference to driveway restriction. Less of an issue here with respect to appearing to be two separately developed lots than on large rural lots. Limitation can be impractical on corner lots. Driveway limitations in 4.30.070 otherwise preclude problematic site design on urban lots. • Change wording of proximity requirements to primary residence to allow more flexibility in decision-making for special permits based on lot-specific circumstances, “or if demonstrably superior, more practical and efficient site design can be achieved.” 	Proximity change would allow for decision-making based on practicality as well as necessity. In certain rare cases, the front yard may be the only available location to situate a secondary dwelling. The intent of the Government Code provisions (§ 65852.150) is for local governments to provide for secondary dwellings without “being so arbitrary, excessive, or burdensome so as to unreasonably

Ordinance Section	Description	Comments
	<p>design can be achieved.”</p> <ul style="list-style-type: none"> • Change reference to “side and rear yard setbacks” to ALL setbacks. Current rear yard limitation problematic in RHS and other areas with larger lots. Side yards often most logical location. <p>Rural districts:</p> <ul style="list-style-type: none"> • [Secondary] dwelling attached to accessory building. Correct typo: subsections 3 and 4 above <u>subsections 2 and 3 above</u>. • Change wording of proximity requirements to primary residence to allow more flexibility in decision-making for Special Permits based on lot-specific circumstances, “or if demonstrably superior, more practical and efficient site design can be achieved,” as is case with driveway provisions. • Add statement to the effect that where an existing building is being converted to a secondary dwelling, and such building exceeds the max. allowable floor area of a secondary dwelling, the building must be physically reduced in floor area to conform with size limitations of the zoning district for secondary DUs. 	<p>restrict the ability of homeowners to create second units.”</p> <p>Building conversion statement would make explicit the need to conform the building’s size to its use as a secondary DU.</p>
4.20.020 D, E	<p>Accessory Building Setbacks: Change wording to reference more generally the fire separation requirements of the building code, which were amended in January 2008.</p>	<p>Responds to 2008 building code revisions.</p>
4.20.110 A 2	<p>Entrance decks, stairs, porches: Allow front porches that are covered to also encroach in front setbacks as prescribed in tables.</p>	<p>Accommodates interest in upgrading front facades that include minor covered porch improvements</p>

Ordinance Section	Description	Comments
	Break out disability access structures as separate provision.	intended to make entrances more attractive architecturally and upgrade housing styles.
4.30.070 A 7	<p>Parking Design Standards: Residential</p> <p>Change wording to clarify measurement of “width,” and provide accommodation for circular driveway</p>	Addresses lack of guidance for many lots where size and orientations of lot would allow different driveway configurations. Current standard too limiting based on typical rectangular lot.
§ 4.50.020	<p>Nonconforming Uses of Land and Buildings:</p> <p>Revise wording of subsection B: Modification of Use, to better conform with zoning interpretation procedures.</p> <p>Add new subsection stating that a legal nonconforming use must otherwise maintain all government-issued licenses necessary to support the use.</p>	<p><i>Modification of Use</i> revision would align interpretation authority with that stated in §1.20.040. Would clarify procedural requirement and application type necessary to consider modification.</p> <p>Added text necessary to ensure that maintaining rights to nonconforming status does not rely solely on continuous use but maintenance with otherwise applicable County (or other agency) licenses.</p>
§ 5.50.050 5.50.060	Design review exemptions: Revise to reference revised -sr provisions for design review exemptions.	

Ordinance Section	Description	Comments
5.55.040 C	<p>Lot Line Adjustment: Subsection C of Section 5.55.040 limits the degree/extent of an adjustment on substandard lots. The revision proposed would apply to the allowable reduction in area of a lot undergoing lot line adjustment.</p> <p>The change makes the provision more flexible by eliminating the present 20,000 square-foot ceiling on lot area reduction.</p>	

Notable Changes to Previous Draft

1. A new provision (§1.20.030 (C)) was added to provide clarification on time measurement terms. This resulted from a discussion on nonconforming uses, time limits and filing deadlines. (Section 1; pp 1-2)
2. The proposed revisions to §1.20.040, Interpretation of Regulations, are being withheld at this time. The revisions to this section would benefit from further discussion and some resolution before bringing back to the Planning Commission.
3. A new revision would eliminate the use classification “medical marijuana dispensaries” from A1 use tables (Section 6; pp 7-9). This is a correction of an error, as medical marijuana dispensaries are prohibited from A1 zoning districts by Section B26-3 of the County Ordinance Code.
4. The proposed revisions to §5.40.050 [ASA] Small Project Exemptions are being withheld at this time. There is ongoing discussion related to document organization that needs resolution.
5. There are wording changes in legal nonconforming use provisions (Section 15; p 22), including the rewrite of proposed subsection I to resolve issues raised at the November 5 hearing.



Santa Clara County Zoning Atlas

This atlas is intended to serve as a guide to the various zoning districts of the unincorporated areas of Santa Clara County. Because of the large area covered, and the scale of the map pages, the zoning designations have been somewhat simplified. Not all zoning designations have been labelled. Please check with the Planning Office for official zoning determinations.

Legend			
	County Boundary		A1 with Combining District
	Urban Service Area		AR
	Parcels		AR with Combining District
	Freeways		CG
	Creeks		CG-20s
	Lakes		CN
Zoning			HS
	A		HS with Combining District
	A with Combining District		MH
	A1		ML
	OA		OSF
	OSF-sr		R1
	R1 with Combining District		R1S
	R1E with Combining District		R1S-sr
	R2		R2-8
	R3		R3-3
	R3S		R3S
	R3S with Combining District		RHS
	RHS		RHS with Combining District
	RR		RR with Combining District
	RS		RS-sr

