

### **Article 44-4: Special Use Provisions**

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**Article 44-4: Special Use Provisions.** All special uses addressed in this article shall meet all applicable requirements of this chapter, including Article 44-1 (Administrative Provisions), Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards), Article 44-3 (Site Planning Provisions), and Article 44-5 (Resource Management Provisions).

44-4.10 **Second Units.** This section establishes standards for second units, where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards). These standards are intended to allow for second units as an important form of housing while preserving the character and integrity of residential and rural areas.

44-4.10.010 **Site Requirements.**

- A. Second units shall be permitted only on legally-created parcels.
- B. In agricultural, natural resources, and special purpose zoning classifications (see Table 44-2.10-1), the second unit shall be located in close proximity to the primary dwelling.
- C. Only one second unit shall be allowed on a parcel.
- D. A second unit is not permitted on parcels already containing two or more dwelling units.
- E. The second unit shall have adequate emergency access.

44-4.10.020 **Size.** There shall be no minimum lot size requirement for second units, provided that the second unit complies with all applicable County regulations, including height and setback standards, building code regulations, and water supply, sewage disposal, and driveway/road access requirements.

**44-4.10.030 Relationship to Primary Dwelling.**

- A. A second unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof.
- B. A second unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling.

44-4.10.040 **Occupancy.** The property owner must occupy either the primary or second unit on a parcel.

44-4.10.050 **Parking.** On-site parking shall be provided consistent with the parking requirements in Section 44-3.20 (Parking and Loading).

44-4.10.060 **Development Standards.** A second unit shall comply with all development and design standards of this Zoning Code that are applicable to the primary dwelling, except as otherwise provided in this section.

- A. Minimum Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit required by the applicable zoning classification shall not apply, provided the minimum building site requirements are met.
- B. Construction Within or Above Existing Buildings or Detached Accessory Buildings. A second unit may be constructed within or above an existing building or detached accessory building.
- C. Maximum Unit Size. The floor area of the second unit shall not exceed 1,200 square feet, except on agricultural classifications (F-A, E-A, U-C, U-T, and A-T) the floor area may be up to 2,500 square feet.
- D. Minimum Unit Size. The minimum floor area of the second unit shall be no less than 150 square feet or the minimum efficiency unit size identified by Health and Safety Code Section 17581.1, whichever is greater.
- E. Setbacks for Detached Second units. Detached second units shall have a minimum side setback of three feet and minimum rear setback of eight feet. The distance between buildings on the same lot must be a minimum of 10 feet.
- F. Setbacks for Attached Second units. Attached second units shall have a minimum side setback of three feet and minimum rear setback of eight feet. The distance between buildings on the same lot must be a minimum of 10 feet. Attached second units shall meet the same setbacks as the primary residential dwelling in the zoning classification.
- G. Separate Access. Access to the second unit shall be separate from the access to the primary residential dwelling.

H. Building Height and Stories.

1. A one story detached second unit shall be no more than sixteen feet in height.
2. A two story detached second unit shall be no more than twenty-eight feet in height.
3. An attached second unit may occupy any story of the primary dwelling if it is designed as an integral part of the primary dwelling and meets the setbacks and height requirements for the primary dwelling.

I. Architectural and Site Design Standards.

1. The design of the second unit shall relate to the design of the primary dwelling by use of the similar exterior wall materials, window types, door and window trims, roofing materials, and roof pitch. This requirement shall not apply to manufactured homes or mobile homes.
2. For second units attached to the primary dwelling, new entrances and exits are allowed on the side and rear of the structures only.
3. Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

- J. Allowed Density. In compliance with Government Code Section 65852.2(b)(5), second units shall not count toward the allowable density for purposes of determining consistency with the General Plan and zoning standards.

44-4.10.070 ***Site Improvements.***

- A. As a condition for the issuance of any discretionary permit for a second unit, the existing driveway or road serving the parcel shall be improved, if necessary, to meet Public Resources Code Section 4290 (Fire Safe Regulations).
- B. Construction of the second unit may require drainage improvements that are customary for a building permit. The extent and timing of the improvements shall be determined by the Department of Public Works.

44-4.10.080 ***Utilities.***

- A. For units served by public water and sewer, the second unit must be accommodated with the existing water service and existing sewer lateral.
- B. For units served by private well and/or septic system, the second unit must be accommodated by the existing well and/or septic system, as permitted by the

Department of Environmental Health, and shall not require a new well or separate septic system.

44-4.10.090 **Conversion of Existing Residence.** An existing residence, in conformance with the above regulations, may be converted to a second unit in conjunction with development of a new primary dwelling unit.

44-4.10.100 **Deed Restrictions.** Prior to the issuance of a building permit for a second unit, the property owner shall file with the County recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner which specifies that: 1) the second unit cannot be sold separately, 2) that the property owner shall reside in either the primary or second unit, and 3) that these restrictions shall be binding on successors in ownership. The declaration shall run with the land. Lack of compliance with the declaration shall result in the second unit becoming an illegal, nonconforming use.

44-4.20 **Day Care Facilities and Group Care Centers.** This section establishes standards for day care facilities and group care centers, where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards). Day care facilities and group care centers shall be operated in compliance with State law and in a manner that recognized the needs of day care and residential care operators and minimizes effects on surrounding properties. Licensing by the California Department of Social Services is required for community care facilities.

44-4.20.010 **Family Day Care, Small.** A family day care home (small) is considered a residential use and is subject to the same standards and requirements as a residence in the same zone.

44-4.20.020 **Family Day Care, Large, and Child or Group Day Care Center.** Notwithstanding any other provision of this code, a large family day care, a child care center (non-residential), or a group day care center (non-residential) shall be allowed only if the following standards are met and with the approval of the appropriate discretionary permit.

- A. **Location.** The large family day care or child care center shall not be located within three hundred feet of an existing family day care (large or small) or child care center as measured from any point upon the outside walls of the existing or proposed structure that will house the children or persons who will receive the care.
- B. **Parking.** Sufficient parking spaces exist that will provide at least one off-street parking space for each non-resident employee plus one parking space for every five children or persons authorized to be cared for at the facility.
- C. **Fire Code.** The existing structure meets all applicable regulations of the State Fire Marshall found at Title 24, California Administrative Code, Part 2, Chapter 2-12.
- D. **Applicable Laws.** The operation of the facility complies with all applicable laws and ordinances.

44-4.30 **Residential Care Homes.** The following standards apply to residential care homes and residential care facilities.

44-4.30.010 ***Residential Care Home, Small.*** A residential care home, small, is subject to the same standards and requirements as a single family residence in same zone.

44-4.30.020 ***Residential Care Home, Large and Residential Care Facility.*** Notwithstanding any other provision of this Zoning Code, a large residential care home or residential care facility shall be allowed only if the following standards are met and with the approval of the appropriate discretionary permit.

- A. **Location.** The large residential care home or residential care facility shall not be located within three hundred feet of an existing residential care home or facility as measured from any point upon the outside walls of the existing or proposed structure that will house residents who will receive the care.
- B. **Parking.** Sufficient parking spaces exist that will provide at least one off-street parking space for each non-resident employee plus one parking space for every four residents or guests authorized to be cared for at the facility;
- C. **Fire Code.** The existing structure meets all applicable regulations of the State Fire Marshall found at Title 24, California Administrative Code, Part 2, Chapter 2-12; and
- D. **Applicable Laws.** The operation of the facility complies with all applicable laws and ordinances.

44-4.40 **Emergency Shelters.** Emergency shelters, where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards), are subject to the standards and requirements of the zone in which the emergency shelter is located and shall meet the additional standards identified in this section.

44-4.40.010 ***Emergency Shelter Standards.***

- A. **Number of Beds.** The number of beds in an emergency shelter shall not exceed 30.
- B. **Proximity to Other Emergency Shelters.** No emergency shelter may be located within 300 feet of another emergency shelter.
- C. **Length of Stay.** Temporary shelter may be provided for no more than six months per calendar year for each resident.
- D. **Management Plan.** The shelter operator shall prepare and submit to County staff a written plan for on-site management that describes provisions for staff training, neighborhood outreach, security during hours that the shelter is in operation, screening of residents to ensure compatibility with services provided at the facility, access to training, counseling, and treatment programs, and a 24-hour on-site caretaker.

- E. **Lighting.** All exterior lighting associated with an emergency shelter shall be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way.
- F. **Compliance.** Lack of compliance with the standards established in this section shall result in the emergency shelter becoming an illegal, nonconforming use.

44-4.50 **Multifamily Rental Housing Conversion.** This section applies to subdivisions of multifamily rental housing that include a condominium project, as defined in Civil Code Sections 783 and 1351(f), a community apartment project, defined in Civil Code Section 1351(d), or a stock cooperative project as defined in Civil Code Section 1351(m).

44-4.50.010 **Application.** An application for a condominium, community apartment, or stock cooperative conversion shall be filed as part of a major development plan review application. Every application for a condominium conversion shall include the following information, in addition to the application materials required for a major development plan:

- A. A copy of the application for a tentative subdivision map; and
- B. The organization documents, including such covenants, conditions and restrictions, are or may be required by the Department of Real Estate of the State of California pursuant to Title VI of the Civil Code or other state laws or policies, and a plan for conveying the units, managing parking and common space, the preliminary annual operating budget, and rules for determining annual assessments and special assessment.

44-4.50.020 **Additional requirements for conversion.** In addition to all other provisions of this chapter, an applicant for a condominium permit for a proposed conversion shall include in the application the following:

- A. Reports prepared by qualified professionals detailing the conditions of the structures, including windows, walls, ceilings, frames, roofing, pest, paint, and, mechanical equipment, recreation facilities, and parking facilities;
- B. A list of the full names and addresses of each tenant occupying the building or buildings on the date of application;
- C. An affidavit that each tenant of the building or buildings proposed for conversion has been or will be given the notices, meeting the legal requirements for service by mail, required by State law, including Government Code Sections 66427.1, 66452.14, 66452.18, 66452.19, and 66452.20; and
- D. A copy of the notice of intention to sell or lease and a copy of the completed questionnaire, as filed with the California Department of Real Estate under the provisions of Business and Professions Code Section 11010 et seq.
- E. A conversion analysis report that describes the impact of the conversion on the project's residents and the local housing market. The conversion analysis

shall include any information deemed necessary and appropriate by the Director.

- F. A detailed plan that describes the relocation and moving assistance information to be given to each tenant, and the steps the applicant will take to ensure the successful relocation of each tenant. The plan shall include additional measures, including assistance in locating comparable housing, assistance in locating a moving company, and payment to cover estimated moving costs, shall be identified to assist special needs tenants, including senior citizens over the age of sixty-two, households with a handicapped person, and lower income, households living with one or more minor children.

44-4.50.030 ***Findings required for approval.***

- A. Conversion of residential real property into a condominium, community apartment, or stock cooperative project shall only be approved if the review authority finds all of the following:
  1. That the proposed conversion is consistent with the General Plan, Zoning Code, and applicable community and specific plans in effect at the time of the use permit application, especially with the objectives, policies, and programs of the housing element of the General Plan designed to provide affordable housing to all economic segments of the population.
  2. That the proposed conversion will not adversely affect housing stock in the County and will not have a negative effect on housing choice, particularly, the availability of multi-family rental units, housing for special needs groups, and housing affordable to low and very low income households.
  3. That the applicant has demonstrated compliance with State laws regarding notifications to tenants of the units proposed for conversion.

44-4.60 **Mobile Home Park Conversion.** This section applies to conversions of mobile home parks to another use. In addition to any other necessary permit applications, the conversion of any existing mobile home park to any other use shall require a major development plan review permit.

44-4.60.010 ***Application.*** At a minimum, each application to convert a mobile home park to any other use shall include the following and any additional information as may be required by this Zoning Code and the Director:

- A. A detailed narrative description of the proposed use to which the mobile home park is to be converted.
- B. The proposed timetable for implementation of the conversion and development of the site.
- C. Evidence that any tenant's rent had not been increased within the four months prior to the filing of an application for conversion of a mobile home park, and a

statement from the applicant that the rent at the mobile home park shall not be increased for two years from the date of filing of the conversion application or until the date of the commencement of relocation activities.

- D. A report on the impact of the conversion of the mobile home park on its residents and a disposition/ relocation plan addressing the availability of replacement housing for existing tenants of the mobile home park consistent with Section 65863.7 of the California Government Code.
- E. Upon filing an application for a use permit for conversion, the Director shall inform the applicant of the requirements of Civil Code Section 798.56 and Government Code Section 65863.8 regarding notification of the mobile home park residents concerning the proposed conversion. The Director shall specify in writing to the applicant the information that must be submitted in order to adequately notify all existing tenants as required by the California Government Code, the California Civil Code, and this section. The applicant shall submit an affidavit that notices and information required by State law, including Civil Code Section 798.56 and Government Code Section 65863.8 shall be given and shall meet the legal requirements for service by mail.
- F. No use permit application for the conversion of a mobile home park to another use shall be deemed complete and processing for consideration will not commence until the conversion impact report and relocation plan as required by this section have been reviewed by the Director for substantial conformance with the requirements of this section.

44-4.60.020 ***Findings required for approval.*** Conversion of a mobile home park to another use shall only be approved if the approval authority finds all of the following:

- A. That the proposed conversion is consistent with the General Plan, Zoning Code, and applicable community and specific plans in effect at the time of the use permit application, especially with the objectives, policies, and programs of the housing element of the General Plan designed to provide affordable housing to all economic segments of the population.
- B. That the proposed conversion will not adversely affect housing stock in the County and will not have a negative effect on housing choice, particularly, the availability of housing for special needs groups, and housing affordable to low and very low income households.
- C. All applicable requirements of Government Code Sections 65863.7 and 65863.8 have been met and the applicant has satisfactorily demonstrated compliance with Government Code Sections 65863.7 and 65863.8, including provisions for tenant notifications.

44-4.70 **Mobile Homes on Permanent Foundations.** This section provides standards for mobile homes on permanent foundations that are certified under the National Mobile Home Construction and Safety Standards Act of 1974 (52 U.S.C. 5401 et seq.), in



compliance with Health and Safety Code Section 18551, where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards). Mobile homes on permanent foundations allowed in compliance with this chapter shall be subject to the following requirements.

- A. The mobile home shall have a roof overhang unless waived by the Director because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area.
- B. Roofing and siding shall be non-reflective.
- C. Siding shall extend to the ground level.

**44-4.80 Temporary Uses.** This section provides standards and rules for temporary uses.

**44-4.80.010 *Permit Required.*** Except as specified in Section 44-4.80.020 (Temporary Uses Exempt from Permits), the establishment and operation of a temporary use shall require the approval of a Temporary Use Permit.

**44-4.80.020 *Temporary Uses Exempt from Permits.*** The following temporary uses are permitted without the approval of a Temporary Use Permit:

- A. Garage sales and yard sales in residential zones.
- B. Public emergency facilities established for the purposes of health and public safety during a declared emergency.
- C. Car washes when sponsored by a religious, educational, fraternal, service, or tax exempt organization directly engaged in civic or charitable efforts. Car washes shall be limited to two days each month for each sponsoring organization.
- D. Public events and activities when conducted on public property as approved by the Board of Supervisors or its designees.
- E. An event on the site of, or within, a meeting hall, school, religious facility, theater, or other similar facility designed and approved by the county for public assembly.
- F. Temporary construction yards that are located on-site, less than 1 acre in size, and established in conjunction with an approved project or development permit. The construction yard shall be immediately removed within 10 days of completion of the construction project or expiration of the building permit.
- G. The use of a site for location filming of commercials, movies, or videos that are allowed subject to a time specified by the Director.

**44-4.80.030 *Temporary Uses Requiring Temporary Use Permits.*** The following temporary uses are permitted subject to issuance of a Temporary Use Permit upon a

determination by the Zoning Administrator that the use is compatible with the applicable zone and surrounding uses:

- A. Seasonal sales (e.g., Christmas trees, pumpkins, crops) for a maximum of 35 consecutive calendar days, no more than 3 times per year on a single property. Seasonal sales shall not be permitted on any residentially-zoned property.
- B. Construction yards located off-site, or more than 1 acre in size on-site, in conjunction with an approved project or development permit. The construction yard shall be immediately removed within 10 days of completion of the construction project or expiration of the building permit.
- C. A trailer or commercial modular unit used as a work site for employees of a business, for a maximum of 12 months.
- D. A trailer or similar structure used as a classroom or office, for a maximum of 12 months.
- E. A real estate office used exclusively for the sale of homes or other real estate for a maximum of three years.
- F. Similar temporary activities determined by the Zoning Administrator to be compatible with the applicable zoning classification and surrounding uses.
- G. Farmer's markets, for a maximum of three days per week.
- H. Community gardens where participants share a portion of an undeveloped parcel for the growing and harvesting of fruits and vegetables for personal use, not involving sales.
- I. Similar temporary activities determined by the Zoning Administrator to be compatible with the applicable zoning classification and surrounding uses.

44-4.80.040 ***Mobile Home, Manufactured Home, or Recreational Vehicle as Temporary Residence.*** Use of a mobile home, manufactured home, or recreational vehicle as a temporary residence shall be permitted during: 1) construction of a single-family residence, due to the rehabilitation of a single-family residence, 2) due to a medical hardship, provided the applicant demonstrates the temporary dwelling is necessary to provide daily care to an individual certified by a physician as needing such care, and 3) construction of projects in remote areas where permanent housing is infeasible and other temporary housing, such as a mobile home park or campground space, is unavailable. The establishment of a temporary mobile home or recreational vehicle as allowed by this section requires the approval of a Temporary Use Permit and shall comply with all of the following requirements:

- A. The temporary dwelling may be placed for up to six months from the date of issuance of the Temporary Use Permit. However, the Zoning Administrator may extend the Temporary Use Permit for a six-month period upon a demonstration of medical hardship by the applicant.

- B. The applicant shall obtain a building permit for the construction or rehabilitation of a permanent residence on the site, if the temporary residence is due to construction or rehabilitation of the primary residence.
- C. The temporary dwelling shall be served by adequate sewer and water facilities, as determined by the County Environmental Health Division.
- D. Within six months of the date of the issuance of the building permit, the occupant shall complete the foundation, rough plumbing, framing, and the roof of the proposed residence.
- E. The house shall be completed within the two-year period and the use of the recreational vehicle as a temporary residence shall be discontinued after this period.
- F. Occupancy of the temporary residence shall be limited to:
  - 1. Members of the household, if the temporary residence is due to construction or rehabilitation of the primary residence, or
  - 2. A caretaker providing assistance to an elderly or disabled member of the household living in the primary residence, or
  - 3. Construction employees if the project is located in a remote area where other temporary housing is not available.
- G. The siting of a temporary mobile home shall conform to the California Residential Code (Title 24, Part 2.5 of the California Code of Regulations).
- H. The temporary dwelling is declared to be a temporary use on the property, accessory to the primary unit and shall not be placed on a permanent foundation. Additionally, a temporary dwelling shall not be permitted on a parcel where there is an approved second unit.
- I. The permit shall be granted for a term of up to 2 years. Extensions of the term for the permit, not exceeding 1 year for each extension, may be granted if the application for the extension is filed within 60 calendar days prior to the date of expiration.
- J. The temporary dwelling shall be vacated upon expiration of the permit and removed within 60 days after the expiration of the permit. The applicant shall obtain a demolition permit so that the County can verify that water, sewer or septic systems, and other utilities are disconnected and the temporary dwelling is removed from the site.
- K. The permit may be revoked if any of the terms or conditions of the permit is violated or if any acts or omissions of the permittee in connection with the use authorized by said permit constitute a public nuisance.

44-4.80.050 **Additional Requirements.** Temporary uses shall comply with the following additional requirements:

- A. Upon, or prior to, the expiration of temporary use approval, any temporary structures, and all accessories thereto, shall be removed from the property, except as provided for temporary dwellings, which shall be removed within 30 days of the expiration of the permit.
- B. The site shall be cleared of debris, litter, and other trash upon expiration of temporary use approval.

44-4.80.060 **Extensions.** Extensions of the time period for the temporary use shall not be permitted, unless otherwise permitted under this chapter.

44-4.90 **Home Occupations.** Home occupations shall be permitted as appurtenant and accessory uses to any residential uses. The following standards shall apply to each home occupation:

- A. The home occupation is confined completely within a legal structure and occupies not more than twenty-five percent of the floor space of a dwelling or fifty percent of that of an accessory building.
- B. The home occupation involves no sales of merchandise other than that produced on the premises, or directly related to and incidental to the service offered.
- C. The home occupation is carried on by the members of the family occupying the dwelling with no other persons employed.
- D. The home occupation produces no evidence of its existence upon or beyond the premises such as external alteration creating nonresidential or unsightly appearance of a structure, noise, smoke, odors, vibrations, etc., except one sign as allowed by Section 44-3.50 (Sign Regulations).
- E. No home occupation shall be allowed unless an administrative permit has first been issued for such use as required by Article 44-1 [Administrative Provisions].

44-4.100 **Recreational Lodging Facilities.** This section applies to recreational lodging facilities in zones other than commercial zones, where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards). This section applies to agricultural visitor lodging, duck clubs, hunting and fishing clubs, and outdoor recreation lodging facilities. This section does not apply to campgrounds or recreational vehicle parks. This section does not apply to hotels or motels.

44-4.100.010 **General Standards.** Recreational lodging facilities shall be subject to the following standards:

- A. The applicant must demonstrate to the satisfaction of the Environmental Health Division that the facilities meet all applicable health standards including, but not limited to, kitchen facility, water, and sewage disposal permit requirements.
- B. Unless superseded by the regulations under this section, guest accommodations shall be allowed in compliance with the development standards of the respective zone and Article 44-4.3 (Site Planning Provisions).
- C. Lodging facilities shall have direct access to a maintained road in conformance with County standards. The entrance, parking area, and walkways shall be kept free of obstructions or hazards of any type. With the exception of Farmstays, the entrance, parking and walkways shall be illuminated in compliance with Section 44-3.30 (Outdoor Lighting).
- D. A lodging facility consisting of five or fewer guestrooms shall be considered a single-unit residential dwelling or lodging house for the purpose of building codes, unless additional standards are required by said codes, as amended from time to time and adopted by the County. Six or more guestrooms within one structure shall be subject to further requirements under the building code.
- E. The operation of a lodging facility shall be subject to Chapter 18A (Uniform Transient Occupancy Tax) and Chapter 10 (Licenses) of the County Code. The business license shall be posted in a conspicuous place on the premises prior to operation of the business.
- F. Ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests may be allowed as part of a Conditional Use Permit or subject to a Temporary Use Permit, if applicable.
- G. If not already required by Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards), a Use Permit shall be required when a proposed use exceeds the general standards in this section.

44-4.100.020 **Farmstays.** Farmstays shall comply with the standards identified by Section 44-4.100.010 and the following standards:

- A. The applicant shall demonstrate to the satisfaction of the Director that the site meets the minimum qualifications for agricultural or grazing use as set forth under the minimum criteria for a Williamson Act Contract, whether the property is under contract or not.
- B. The use is limited to a maximum of four guest rooms for up to eight guests at any one time. The guest rooms shall be in the primary or secondary dwelling on-site.
- C. The property owner shall reside in either the primary or secondary dwelling on-site.

- D. Meals may be served to overnight guests, only. There are no limitations on the number of meals or the times at which they are served. The price of food shall be included in the price of the overnight accommodations in compliance with the California Retail Food Codes enforced by the County (Health and Safety Code Section 113893).
- E. Uses which do not meet the above criteria may be considered as a Bed and Breakfast Inns under Subsection J below.

44-4.100.030 ***Duck Clubs and Hunting and Fishing Clubs.*** Duck clubs and hunting and fishing clubs shall comply with the standards identified by Section 44-4.100.010 and with the following standards:

- A. Minimum lot size – 20 acres.
- B. Density. The use is limited to a maximum density of one cabin per 5 acres or two guest rooms per 5 acres.
- C. Cabins. The following standards shall apply to cabins allowed by this section:
  - 1. Cabins shall have no more than two bedrooms and may have kitchen facilities.
  - 2. Cabins shall not exceed 1,500 square feet.
  - 3. Cabins shall not exceed 16 feet in height unless a Flood Zone Development Permit is required.
  - 4. Cabins are subject to the same setbacks as the primary structures in the zoning classification. The distance between buildings on the same lot must be a minimum of 10 feet.
  - 5. Cabins may be manufactured or mobile homes.
- D. Lodge Facility. Guest rooms may be provided in hotel, dormitory, or similar facility, which shall be subject to the size, height, setback, and other development standards of the zoning classification.
- E. There are no limitations on the number of meals or the serving times of the meals.
- F. Lots served by a well, septic tank or other on-site wastewater disposal system shall demonstrate the capacity for adequate water and wastewater provision through percolation tests, water table height identification, a minimum 100-foot setback of any well from any on-site wastewater system, and all applicable Environmental Health Department requirements.

44-4.100.040 **Bed and Breakfast Inns.** The following standards apply to bed and breakfast inns.

1. The bed and breakfast inn may provide up to a maximum of 12 guestrooms, which shall be contained within the primary and secondary dwelling units, in compliance with the development standards of the applicable residential or agricultural zones.
2. A bed and breakfast inn may be allowed to have two secondary dwelling units, provided the setback, lot coverage, and other development standards established by this code are met.
3. The property owner shall reside in either the primary or secondary dwellings on-site.
4. Meal service shall be limited to registered guests and shall consist of breakfast and light snacks as a portion of the overall room rate in compliance with the California Retail Food Codes enforced by the County (Health and Safety Code Section 113893).
5. Limited ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests, are allowed with a Use Permit and are subject to conditions of approval that include, but are not limited to, restrictions upon the frequency and time of holding events, duration thereof, and the maximum number of persons attending. Food preparation, except for the aforementioned breakfast and light snacks, shall not be allowed within the bed and breakfast inn unless expressly authorized in the Use Permit. Unless expressly authorized in the Use Permit, such ancillary activities are prohibited.
6. A Temporary Use Permit for an ancillary activity may be processed in situations where special events are not authorized under the Conditional Use Permit for the bed and breakfast inn, in compliance with Section 44-4.70. Applicable conditions shall be required, as determined necessary by the review authority, which restrict the number of people attending and offset other related impacts, in order to maintain the residential character of the surrounding neighborhood.

44-4.110 **Animal Keeping.** This section applies to the keeping of animals in residential and transitional zones (R-1, R-2, R-3, R-4, A-T, U-T, MU, and RSC). The keeping and raising of animals in excess of the amount allowed by this section requires a kennel or stable permit in accordance with Article 44-2. The keeping and raising of commercial animals is allowed by right in all agricultural zones. The keeping and raising of commercial animals in agricultural zones is not subject to the requirements of this section.

44-4.110.010 **Household Pets.** The following standards apply to the keeping of household pets. Household pets include small domestic animals that are not used for the production of food or fiber, such as dogs and cats.

- A. The keeping of up to four small domestic household pets is allowed in all residential and transitional zones.
- B. For parcels that exceed 10,000 square feet, up to six small domestic household pets may be kept.
- C. For parcels that exceed one acre, up to eight small domestic household pets may be kept, provided that there are no more than six animals of the same species (i.e., two dogs and six cats, or four dogs and four cats are permitted).
- D. Up to eight immature animals (i.e., puppies and kittens) shall not count against the total number of animals allowed.

**44-4.110.020 Domestic Animal Densities.**

- A. Animal Density Standards. The following density standards apply to the keeping of domestic animals in all residential and transitional zones. The keeping of domestic animals is not allowed on parcels smaller than 6,000 square feet. Domestic animals may be kept in numbers not exceeding the allotment of Animal Density Points, as defined below, unless authorized by the Zoning Administrator through issuance of an Administrative Permit.

TABLE 44-4.110-1: ANIMAL DENSITY POINTS ALLOCATED BY PARCEL SIZE

	MINIMUM PARCEL SIZE								
	6,000 S.F.	0.5 ACRE	1.0 ACRE	2.0 ACRES	3.0 ACRES	4.0 ACRES	5.0 ACRES	6.0 ACRES	EACH ADDITIONAL 1.0 ACRE
Animal Density Points	4	7	10	24	38	52	66	80	+ 25

- B. Animal Density Points. Up to eight immature animals shall not count against the total number of animals allowed. Any combination of the following points may be applied:

TABLE 44-4.110-2: ANIMAL DENSITY POINTS PER ANIMAL

TYPE OF ANIMAL	ANIMAL DENSITY POINTS (PER EACH ANIMAL)
Beef cows and similar cattle shall count for 20 points each.	20
Horses, ponies, or mules shall count for 15 points each.	15
Miniature horses not exceeding 200 pounds	10
Donkeys, burros, or pigs shall count for 10 points each, except that.	10
Miniature donkeys, burros, or pigs not exceeding 200 pounds	8
Sheep, goats, alpacas, and other similar small hoofed animals	8
Roosters, geese, peacocks, and turkeys shall count for 4 points on lots greater than five acres in size. Roosters, geese, peacocks, and male turkeys are not allowed in the R-1 through R-4 zones, and are only	4



allowed in the R-R, U-T, and A-T zones on parcels greater than five acres in size.	
Small animals, including rabbits and chinchillas	1
Fowl, including ducks, chicken hens, and female turkeys	1

**Animal Keeping Calculations:**

*Example 1:* 4 cows (20 points x 4), 2 horses (15 points x 2), and 10 chicken hens (1 point x 10) total 120 animal density points. A minimum of 8 acres (130 animal density points) is required, as 7 acres only allows 105 animal density points.

*Example 2:* 5 pigs (10 points x 5) total 50 animal density points. A minimum of 4 acres (52 points) is required.

*Example 3:* 3 roosters (4 points x 3) and 10 chicken hens (1 point x 10) total 22 animal density points. A minimum of 2 acres (24 points) is required.

- C. Temporary Educational Projects. Temporary educational projects that are conducted as part of a school project or through a recognized organization (i.e., FFA, 4-H), conducted by students through the twelfth grade under the supervisor of an adult advisor or instructor are exempt from the animal density requirements listed above. Animals that are exempt under this paragraph must belong to the resident of the parcel and may not be kept past the project or show period. In no case may the animal be kept longer than eight months. This exemption does not permit cows, horses, and similarly sized animals on parcels zoned R-1-6 or R-1-8 or on parcels that are less than one acre in size.

However, no more than a total of 2 medium or large domestic animals (such as cows, horses, sheep, goats, or pigs) or more than 4 small domestic animals (such as rabbits or chickens) over one year of age shall be kept as part of an educational project as allowed by this subsection.

**44-4.110.030 Fencing, Enclosure, and Sanitation.** The following standards related to fencing, enclosures, and sanitation shall be required:

- A. All animals, except household pets (domestic dogs and cats) kept outdoors shall be kept in an area which is fenced so as to prevent such animals from roaming beyond the property line.
- B. Within the fenced area, an roofed enclosure or shed shall be provided of sufficient size to provide cover for the animals kept on the parcel.
- C. No part of a roofed enclosure for one or more animals shall be located within 25 feet of any neighboring dwelling.

- D. Roosters, geese, and peacocks shall be kept a minimum of 100 feet from any neighboring dwelling.
- E. Animal fecal matter in excess of that which can be safely and sanitarly utilized on the premises shall be removed and shall not be allowed to accumulate.

44-4.120 **Cottage Food Operation.** This section regulates cottage food operations conducted in dwelling units, where the dwelling unit is allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards). Cottage food operations are permitted in residential dwellings subject to the following rules and standards.

- A. The applicant for the cottage food operation permit shall be the individual who conducts the cottage food operation from his or her dwelling unit and is the owner of the cottage food operation. The permit shall not be transferable to another operator nor transferable to another site.
- B. No more than one cottage food employee, as defined by California Health and Safety Code Section 113758(b)(1), and not including a family member or household member of the cottage food operator, shall be permitted on the premises of the cottage food operation.
- C. The cottage food operation shall be registered or permitted by the County Health Officer in accordance with Section 114365 of the California Health and Safety Code. Cottage food operations shall comply with all California Health and Safety Code requirements.
- D. The use shall be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than 25 percent of the dwelling, or 50 percent of an accessory building, may be used for the cottage food operations.
- E. There shall be no change in the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such cottage food operation, with the exception of one sign not to exceed two square feet.
- F. Except for vehicle parking, no outdoor portions of the premises shall be utilized for cottage food operation including outdoor sales and visitation.
- G. No greater than one visitor's vehicle and one non-resident employee's vehicle shall be parked on site at any time. All on site vehicle parking shall be conducted in a manner consistent with the County Code.
- H. Direct sales of products from the site of the cottage food operation shall be conducted by prior appointment only, and shall not exceed more than ten visitors in any single day. No customers of the cottage food operation shall be permitted to dine at the premises.
- I. Direct sales and cottage food operation related deliveries shall not occur between the hours of eight p.m. and seven a.m.

- J. Gross annual sales shall not exceed the dollar amounts specified in California Health and Safety Code Section 113758.

44-4.130 ***Agricultural Worker Housing.***

- A. ***Location.*** Agricultural worker housing should be located in close proximity to existing structures on the property in order to maximize the amount of land available for agricultural activities.
- B. ***Occupancy.*** Agricultural worker housing shall be occupied by agricultural employees. The family members of an agricultural employee residing in agricultural worker housing are allowed occupants.
- C. ***Agricultural worker housing center, large.*** A large agricultural worker housing center project is permitted in the agricultural zones with a minor use permit, subject to the following standards:
1. The agricultural worker housing shall not significantly reduce the agricultural viability of the parcel.
  2. The agricultural worker housing shall be located in close proximity to primary access point and to existing structures on the site.
  3. There is adequate water and wastewater capacity, either private or public, to serve the agricultural worker housing.

44-4.140 ***Caretaker Quarters.*** Caretaker quarters shall meet the site (44-4.10.010), size (44-4.10.020), parking (44-4.10.050), development standards (44-4.10.060), and site improvement (44-4.10.070) requirements established for second units.

44-4.150 ***Adult Business Establishments.*** This section regulates the time, location, and manner of operating adult (sex-oriented) business establishments, where allowed in compliance with Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards), in compliance with Government Code Section 65850.4, in order to protect the public health, safety, and welfare. This section establishes reasonable and uniform regulations to prevent any harmful or inappropriate location and concentration of adult business establishments within the County, thereby reducing or eliminating the adverse secondary effects experienced by other cities and counties, such as crime, blight, and downgrading of the surrounding commercial districts and residential neighborhoods. Location of adult business establishments along the Interstate 5 corridor will be regulated in order to preserve the commercial, residential, and scenic character of the County's main transportation corridor and a primary gateway to the County.

44-4.150.010 ***Definitions.*** The terms specific to this section are defined below.

- A. **Adult business establishment.** An adult business establishment having a substantial or significant portion or its stock or fare in books, magazines, pictures, films, trade, media or live entertainment, which are distinguished or characterized by their emphasis on matter or live conduct depicting,

describing, exposing, or relating to nudity or sexual activities. "Adult business establishment" includes, but is not limited to the following:

1. Adult book store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter, depicting, describing or relating to nudity or sexual activities or an establishment with a segment or section devoted to the sale or display of such materials.
2. Adult motion picture theater. An enclosed building used for presenting material distinguished or characterized by an emphasis or manner depicting, describing or relating to nudity or sexual activities for observation by patrons therein.
3. Adult hotel or motel. A hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual activities.
4. Adult motion picture arcade. Any place wherein coin or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on nudity or sexual activities.
5. Cabaret. A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on nudity or sexual activities.
6. Massage parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric, or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with nudity or sexual activities.
7. Model studio. Any business where, for any form of consideration or gratuity, figure models who display nudity are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.
8. Sexual encounter center. Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons may congregate, assemble, or associate for the purpose of engaging in nudity or sexual activities.

9. Any business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to nudity or sexual activities.

44-4.150.020 **Applicability.** The regulations and standards within this section shall apply to adult business establishments, where allowed as identified in Article 44-2 (Zoning Classifications, Allowed Uses, and Development Standards), including the following forms:

- A. New Business. The opening or commencement of operation of a business as a new business.
- B. Conversion of an Existing Business. The conversion of an existing business, whether an adult business or not, to an adult business establishment or to activities associated with an adult business establishment.
- C. Enlargement of Existing Business. The addition of an adult business establishment to an existing adult business if the addition results in enlargement of the place of business. For the purpose of this article, enlargement shall mean an increase in the size of the structure within which the business is conducted by either construction, use of an adjacent structure, or use of a portion of a structure, whether located on the same or adjacent lot.

44-4.150.030 **Standards.** Adult business establishments shall comply with the following standards.

- A. Location. It shall be unlawful to establish any adult business establishment if the location is:
  1. Located within 1,000 feet of Interstate 5, or
  2. Located within 2,000 feet of the following:
    - a. Any zone that allows residential uses by right,
    - b. Any house of worship or any noncommercial establishment operated by a bona fide religious organization,
    - c. Any public library, public building, or other public facility,
    - d. Any public, private, or parochial school, pre-school, child day care center, park, or playground, or any establishment or facility likely to be used by minors, or
    - e. Any other adult business establishment.

The applicant for an adult business establishment shall provide a vicinity map demonstrating that the location complies with the above requirements. For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the

property line in which the adult business will be located to the nearest property line of a use or zone described in items 1 and 2, above.

- B. No adult business establishment shall be open nor shall any activity described in this section be conducted or carried on in the business premises between the hours of 2:00 a.m. and 10:00 a.m. of any day.
- C. Signs or structures, advertisements, displays, or other promotional material depicting nudity or sexual activities, or displaying instruments, devices or paraphernalia designed for use in connection with sexual activities, shall not be exhibited or shown in a way that is visible from an exterior area.
- D. Structure openings, entries, and windows shall be located, covered, or screened to prevent viewing the interior from an exterior area.
- E. Loudspeakers or sound equipment audible to persons in a public area shall not be used in connection with an adult business, and the business shall be conducted so that sounds associated with the business are not emitted beyond the exterior walls of the structure in which the use is occurring.
- F. Dumpsters used by an adult business establishment shall be locked when not in use to prevent access by the public.
- G. The parking lot and exterior area shall be well-lit. Lighting shall not exceed the level and amount of lighting allowed under Section 44-3.30 (Outdoor Lighting).
- H. The adult business applicant shall provide a written plan for on-site management that describes provisions for staff training and security during hours that the business is in operation.

44-4.150.040 ***Waiver of Locational Provisions.*** Any property owner or his authorized agent may apply to the Commission for a waiver of any locational provisions contained in this section. The Commission, after a public hearing, may waive any locational provision, if all of the following findings are made:

- A. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed;
- B. The proposed use will not enlarge or encourage the development of a concentration of adult business establishments or contribute to secondary adverse effects, such as crime, blight, and downgrading of the surrounding commercial districts and residential neighborhoods;
- C. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation; and
- D. All applicable regulations of the codes and ordinances of the County will be observed.