### ARTICLE 1

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ARTICLE 2

SEC. 21-2. GENERAL PROVISIONS.

2.1 Adoption of the Zoning Ordinance: Pursuant to the authority of Section 65800 et seq. of the Government Code, there is hereby adopted a Zoning Ordinance for Lake County, California, said Zoning Ordinance being a districting plan as provided by law.

2.2 Title of the Zoning Ordinance: This Ordinance shall be known and cited as the Zoning Ordinance; or the Lake County Zoning Ordinance.

2.3 Purpose and effect of the Zoning Ordinance:

(a) Said Ordinance, serves to implement the adopted Lake County General Plan within the applicable unincorporated area of Lake County. This Ordinance is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare. More specifically this Ordinance is to:

1. Provide a guide for orderly growth and development of the County.

2. Encourage the most appropriate uses of land.

3. Maintain and protect the value of property.

4. Conserve and protect the natural resources of the County.

5. Prevent overcrowding of land and avoid undue concentration of population.

6. Protect the character and stability (social and economic) of agricultural, residential, commercial and industrial areas.

7. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage and other facilities and public utilities, and ensure that these facilities are reasonably adequate to safely accommodate the specific proposed uses. (Ord. No. 2128, 1/14/1993)

(b) The purpose of this Ordinance is also to minimize adverse effects of land uses and to promote healthful and safe community living and it is not intended as an overly broad regulation of private property. In meeting this purpose, it is the intent of the County to protect the constitutionally guaranteed property rights of the citizens of the County and to exercise its police power in a manner that will not constitute an unlawful regulatory taking. (Ord. 1749, 7/7/1988)
This Ordinance establishes various zoning districts in the County; establishes yards, heights, parking standards and open spaces within said districts; specifies the uses of land and of buildings permitted in said districts; prescribes regulations for the erection, construction, alteration, and maintenance of buildings, structures, uses, signs and other improvements in said districts; including the requirement that permits be secured for certain of such buildings, structures, uses and improvements, and for the use of land; defining the terms used herein; specifying the procedure for any amendment hereof; prescribing penalties for the violation of any of the provisions hereof.

2.4 Applicability and exemptions:

(a) Applicability:

1. The provisions of this Chapter shall apply to all development undertaken in the unincorporated area of Lake County. (Ord. 1749, 7/7/1988)
2. No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land be used for any purpose, other than as permitted by and in conformance with the provisions of this Chapter and all other laws or maps referred to herein.

(b) Exemptions:

1. Development by the federal government or an agency of the federal government acting in its governmental capacity.
2. Development by the State of California or an agency of the State acting in its governmental capacity.
3. Development by local agencies exempt from County Zoning Ordinances pursuant to Government Code Section 53091.
4. Development undertaken by the County of Lake. (Ord. 1749, 7/7/1988)
5. Development by local agencies for treatment, storage, transmission or disposal of sewage. (Ord. 1749, 7/7/1988)

2.5 Conflicts with other County regulations:

If any provision of this Chapter conflicts with any provision of any regulation contained in any previously adopted Ordinance of the County, the provisions of this Chapter shall be controlling.

2.6 Declaration:

(a) No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land be used for any purpose, other than as
permitted by and in conformance with the provisions of this Chapter and all other laws or maps referred to herein.

(b) In carrying out the declaration of Subsection (a) above, the County shall endeavor to apply conditions necessary to mitigate identifiable adverse effects of land uses, while implementing the purposes of this Chapter. (Ord. 1749, 7/7/1988)

2.7 Fees:
The County Board of Supervisors may establish a schedule of fees for processing the various applications required by this Chapter. All required fees shall be paid at the time of filing the application with the Planning Department and no processing shall commence until the necessary fees are paid. (Ord. 1749, 7/7/1988)
ARTICLE 3

SEC. 21-3. ESTABLISHMENT OF DISTRICTS.

3.1 Declaration: This Zoning Ordinance establishes various districts within the unincorporated territory of said County within some, all or none of which it shall be lawful, and within some, all or none of which it shall be unlawful to erect, construct, alter, or maintain certain buildings or structures or to carry on certain trades or occupations, or to conduct certain uses of land or buildings; within which the height and bulk of buildings shall be limited; within which certain open spaces shall be required about buildings and consisting further, of additional appropriate regulations to be enforced in such district, as set forth herein.

3.2 Interpretation: In their interpretation and application, provisions of this part shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements. It is not intended to impair, or interfere with any private restrictions placed upon property by covenant or deed; provided, however, that where this part imposes a greater restriction upon the use of buildings, structures, or premises, or upon the heights of buildings or requires larger yards, or coverage or other open spaces than are imposed or required by such private restrictions, the provisions of this part shall control.

3.3 Designation of districts: There are hereby established, and into which the County may be divided, the following base zoning districts and symbols used to represent the districts:

(a) Agricultural Districts

1. “APZ” Agricultural Preserve District
2. “A” Agricultural District

(b) Resource Districts

1. “TPZ” Timberland Preserve District
2. “RL” Rural Lands District
3. “O” Open Space District

(c) Residential Districts

1. “RR” Rural Residential District
2. “SR” Suburban Reserve District
3. “R1” Single-family Residential District
4. “R2” Two-family Residential District
5. “R3” Multi-family Residential District
6. “PDR” Planned Development Residential District

(d) Commercial Districts

1. “CH” Highway Commercial District
2. “CR” Resort Commercial District
3. “C1” Local Commercial District
4. “C2” Community Commercial District
5. “C3” Service Commercial District
6. “PDC” Planned Development Commercial District

(e) Industrial Districts

1. “M1” Commercial/Manufacturing District
2. “M2” Heavy Industrial District
3. “MP” Industrial Park District

(f) Other Districts

1. “U” Unclassified District

3.4 Designation of combining districts: In addition to the districts established in Section 3.3, there are hereby established combining districts which may be combined with certain of the districts set forth in Section 3.3 as specified in the District Regulations, Section 3.9 of this Chapter. The said combining districts and symbols used to represent the districts are designated as follows:

(a) Combining Districts

1. “A1” Agricultural Industry Combining District
2. “W” Wetlands Combining District
4. “F1”, “F2”, “F3” Special Floor Area Combining District
3.5 District boundaries:

(a) Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or as shown on the sectional district maps, the following rules shall apply:

1. Where such boundaries are indicated as following streets and alleys, the centerlines of such streets and alleys shall be construed to be such boundaries.

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

3. In unsubdivided property or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions...
shown upon said sectional district maps, shall be determined by the use of the scale appearing on such sectional district maps.

4. In case further uncertainty exists, the Planning Commission upon written application or upon its own motion, shall determine the exact location of such boundaries.

3.6 Establishment of districts: The aforesaid districts and certain combinations thereof are hereby established insofar as the designations, locations, and boundaries thereof are set forth and indicated in the sectional district maps created pursuant to Section 3.7. Sectional district maps that were officially adopted pursuant to or as an amendment to Ordinance No. 645 or prior to the effective date of Ordinance No. 645 are included within the term “sectional district map” and all such maps and all subsequently adopted sectional districts maps are and shall be a part of this section. These sectional district maps show the designation, locations, and boundaries of each of said districts and the location and depth of certain building setback lines.

3.7 Sectional district maps:

(a) There is hereby established a series of sectional district maps which show detailed zoning districts.

(b) Said maps and all locations thereon are hereby made a part of this Chapter by reference thereto, to be of such force and effect as if fully set forth herein.

1. Each map shall constitute a subsection of the Article and Section, and shall be numbered in order of adoption.

3.8 Effect of establishment of districts except as hereinafter otherwise provided:

(a) No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged nor shall any land, building or structure, or premises be used, designed or intended to be used for any purpose or in any manner other than those included among the uses hereinafter listed as permitted in the district in which such building or structure, land, or premises is located.

(b) No building or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building or structure is located.

(c) No building or structure shall be erected, nor shall any existing building or structure be altered, enlarged, or rebuilt except in conformity to the lot area, yard, coverage, and building or structure location regulations hereinafter set forth for the district in which such building or structure is located.

(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a
yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

(e) No parking area or garage space provided on a lot for the purposes of complying with provisions of this Chapter shall be reduced in area or capacity or be considered as providing parking area or garage space, or yard, court, or other open space required for any building or use on any other lot except as hereinafter provided.

(f) No lot or other premises shall be divided, subdivided or otherwise reduced to result in an area less than the minimum lot size specified by this Chapter for the district in which such lot is situated, except as otherwise permitted by this Code. Any division of property made in violation of this provision or in violation of the provisions of Lake County Code, Chapter 17 or the Subdivision Map Act shall not be recognized for the purposes of determining lots or parcels in the application of this Article. (Ord. 1749, 7/7/1988)

(g) All the unincorporated area of the County of Lake, not designated on any sectional district map as being in any other district, is designated as being in the “U” or Unclassified district.

3.9 **District regulations**: The following uses only will be allowed, and the following regulations shall apply within the districts hereinafter established.
ARTICLE 4
SEC. 21-4 REGULATIONS FOR THE AGRICULTURAL PRESERVE ZONE OR “APZ” DISTRICT.

4.1 Purpose: To provide zoning for lands in agriculture preserve and for the conservation and protection of land capable of producing agricultural products. The uses specified in this section have been determined to be compatible uses consistent with the California Land Conservation Act of 1965. Further parcelization of lands under contract shall be discouraged. The following regulations shall apply in all “APZ” districts.

4.2 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

4.3 Uses permitted:

(a) Agricultural uses, including crop and tree farming, livestock grazing, animal husbandry, apiaries, aviaries, except the uses indicated in Sections 4.4 and 4.5. (Ord. 1749, 7/7/1988)

(b) One (1) single-family dwelling or mobilehome subject to Section 4.18 which shall be constructed according to the residential construction standards of Section 10.20.

(c) One produce stand for the display and sale of agricultural products subject to the requirements of Section 27.3(l).

(d) Agricultural processing such as fruit dehydrators and packing sheds not exceeding a use area of five thousand (5,000) square feet.

(e) Greenhouses, hothouses and incidental structures not exceeding a use area of ten thousand (10,000) square feet.

(f) Agricultural and residential accessory uses and accessory structures.

(g) Agricultural family dwellings and farm labor quarters as accessory uses to the agricultural use of the property subject to Section 4.18 and subject to the requirements of Section 27.3(b), or Section 27.3(g), respectively.

(h) Prospecting, claiming, and preliminary geophysical investigations for natural resources including oil, gas, geothermal, or other mineral resources.

(i) Game preserves. (Ord. No. 1897, 12/7/1989)

(j) Those uses permitted in the “APZ” district with a zoning permit in Table A, Article 27.
4.4 Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Uses permitted in Section 4.3 when not in compliance with the performance standards set forth in Article 41.

(b) Small wineries with an annual production capacity of fifteen thousand (15,000) cases or less, including an incidental retail sales area of up to seven hundred and fifty (750) square feet for wine produced and/or bottled on the premises; Wine tasting facilities with up to seven hundred and fifty (750) square feet of retail sales area on sites with a minimum of ten (10) acres of planted vineyards. A restaurant up to seven hundred and fifty (750) square feet in size may be permitted accessory to a wine tasting room. In each case, only winery and wine-related promotional events may be permitted as defined in Section 68.4(s)17. (Ord. No. 2947, 5/3/2011)

(c) Greenhouses, hothouses and incidental structures with a use area exceeding ten thousand (10,000) square feet.

(d) Wholesale nurseries.

(e) Commercial aquaculture.

(f) Private fishing and hunting clubs on parcels of at least forty (40) acres or more in size. (Ord. No. 1897, 12/7/1989)

(g) Display and sale of agricultural products, limited to one stand exceeding six hundred (600) square feet in size per parcel. (Ord. 1749, 7/7/1988)

(h) Uses which are minor additions or alterations to existing uses or structures permitted by Section 4.5, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(i) Large and commercial kennels. (Ord. 2541, 10/19/2000)

4.5 Uses permitted subject to first obtaining a Major Use Permit in each case:

(a) Uses permitted in Sections 4.3 and 4.4 when not in compliance with the performance standards set forth in Article 41.

(b) Cattle and hog feed yards; and commercial dairies.

(c) Large wineries with an annual production capacity exceeding fifteen thousand (15,000) cases including incidental retail sales of wine produced or bottled on the premises, and which may only include winery and wine-related promotional events as defined in Section 68.4(s)17. A restaurant may be permitted when accessory to incidental retail sales of wine. (Ord. No. 2947, 5/3/2011)

(d) Farm labor camps.
Those uses permitted in the “APZ” district with a major use permit in Table B, Article 27.

SEC. 21-4.10 DEVELOPMENT STANDARDS.

4.11 Minimum lot size: Forty (40) acres.

4.12 Minimum average lot width: Five hundred (500) feet.

4.13 Maximum length to width ratio: Five (5) to one (1).

4.14 Minimum yards:

(a) Front yard: Thirty (30) feet from lot line, or fifty-five (55) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: Twenty-five (25) feet from lot line.

(c) Side yard: Fifteen (15) feet from lot line.

(d) Accessory uses: The above yards shall apply.

4.15 Maximum height:

(a) Principal structure: Thirty-five (35) feet.

(b) Accessory structure: Twenty (20) feet. (Ord. 1749, 7/7/1988)

(c) Agricultural accessory structures: Fifty (50) feet.

4.16 Parking: The following minimum parking requirements shall apply except as provided in Article 46.

(a) Residential use: two (2) spaces.

(b) Other uses: As provided for in Article 46. (Ord. No. 2128, 1/14/1993; Ord. No. 2305, 10/19/1995)

4.17 Signs: As provided in Article 45.

4.18 Notice of farming practices: Where a building designed for residential occupancy is to be located on property within this district, prior to issuance of a zoning clearance, the owner(s) of the property shall be required to sign a statement of acknowledgement of the following statement on a form approved by the Planning Department:

“The property on which the proposed structure is to be built is adjacent to or within land utilized for agricultural purposes and residents of this property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including, but not limited to, herbicides, insecticides, fungicides, rodenticides and fertilizers; and from the
pursuit of agricultural operations including, but not limited to, cultivation, plowing, spraying, pruning, harvesting and crop protection from depredation which occasionally generate dust, noise, smoke, odor, flies and other insects. Lake County has established agricultural lands included therein, and residents of adjacent property or within the zoned areas may be inconvenienced from normal, necessary farm operations.” (Ord. 1749, 7/7/1988)

4.19 Minimum residential construction standards: All single-family dwellings except “Temporary Dwellings” and “Farm Labor Quarters” shall meet the minimum residential construction standards of the “R1” district, Section 10.20.

4.20 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. 1749, 7/7/1988)
ARTICLE 5

SEC. 21-5. REGULATIONS FOR THE AGRICULTURE OR “A” DISTRICT.

5.1 Purpose: To protect the County’s agricultural soils, provide areas suitable for agriculture, and prevent development that would preclude their future use in agriculture. The following regulations shall apply in all “A” districts.

5.2 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

5.3 Uses permitted:

(a) Agricultural uses, including crop and tree farming, livestock grazing, animal husbandry, apiaries, aviaries, except the uses indicated in Sections 5.4 and 5.5.

(b) One (1) single-family dwelling or mobilehome subject to Section 5.18, which shall be constructed according to the residential construction standards of Section 10.20.

(c) One (1) produce stand for the display and sale of agricultural products subject to the requirements of Section 27.3 (1).

(d) Agricultural processing such as fruit dehydrators and packing sheds not exceeding a use area of five thousand (5,000) square feet.

(e) Greenhouses, hothouses and incidental structures not exceeding a use area of ten thousand (10,000) square feet.

(f) Agricultural and residential accessory uses and accessory structures; small kennels. (Ord. No. 2128, 1/14/1993)

(g) Agricultural family dwellings and farm labor quarters as accessory uses to the agricultural use of the parcel subject to Section 5.18, and subject to the requirements of Section 27.3 (b), or Section 27.3 (g), respectively.

(h) Prospecting, claiming, and preliminary geophysical investigations for natural resources including oil, gas, geothermal, or other mineral resources.

(i) Game preserves. (Ord. No. 1897, 12/7/1989)

(j) Those uses permitted in the “A” district with a zoning permit in Table A, Article 27.
5.4  Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Uses permitted in Section 5.3 when not in compliance with the performance standards set forth in Article 41.

(b) Commercial dairies.

(c) Small wineries with an annual production capacity of fifteen thousand (15,000) cases or less, including an incidental retail sales area of up to seven hundred and fifty (750) square feet for wine produced and/or bottled on the premises; Wine tasting facilities with up to seven hundred and fifty (750) square feet of retail sales area on sites with a minimum of ten (10) acres of planted vineyards, with or without a small winery. A restaurant up to seven hundred and fifty (750) square feet in size may be permitted accessory to a wine tasting room. Small wineries and tasting facilities may include winery and wine-related promotional events as defined in Section 68.4(s)17, and non-promotional events as defined in Section 68.4(s)16. Non-promotional events shall be subject to Departmental review after one year of operation. (Ord. No. 2947, 5/3/2011)

(d) Agricultural processing such as fruit dehydrators, packing plants, canneries, polishing and packaging plants with a use area between five thousand (5,000) and fifteen thousand (15,000) square feet, including an incidental retail sales area of up to five hundred (500) square feet for products processed on the premises. (Ord. No. 2536, 8/31/2000)

(e) Greenhouses, hothouses and incidental structures with a use area exceeding ten thousand (10,000) square feet.

(f) Large and commercial kennels; commercial stables or riding academies. (Ord. No. 2128, 1/14/1993)

(g) Wholesale nurseries with incidental retail sales.

(h) Commercial aquaculture.

(i) Large animal veterinary clinics (Ord. 1749, 7/7/1988; Ord. No. 2536, 8/31/2000)

(j) Private fishing and hunting clubs on parcel(s) containing not less than forty (40) acres; and commercial fishing and hunting clubs on parcel(s) containing not less than one hundred (100) acres. (Ord. No. 1897, 12/7/1989)

(k) Display and sale of agricultural products, limited to one stand exceeding six hundred (600) square feet in size per parcel. (Ord. 1749, 7/7/1988)

(l) Commercial wood yards.
(m) Uses which are minor additions or alterations to existing uses or structures permitted by Section 5.5, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(n) Those uses permitted in the “A” district with a minor use permit in Table B, Article 27.

(o) Home occupations. (Ord. No. 2536, 8/31/2000)

(p) Agricultural service establishments primarily engaged in performing animal husbandry or horticultural services, including, but not limited to, blacksmiths, farriers, small equipment repair, irrigation services, custom meat cutting, and other ag-dependant uses which are of a similar character and not materially different to those uses listed above, with a total use area not exceeding five thousand (5,000) square feet, including an incidental retail sales area not exceeding five hundred (500) square feet. (Ord. No. 2947, 5/3/2011)

5.5 Uses permitted subject to first obtaining a Major Use Permit in each case:

(a) Uses permitted in Sections 5.3 and 5.4 when not in compliance with the performance standards set forth in Article 41.

(b) Cattle and hog feed yards, veal calf feeders, and animal sales yards.

(c) Large wineries with an annual production capacity exceeding fifteen thousand (15,000) cases including incidental retail sales of wine produced or bottled on the premises, which may include winery and wine-related promotional events as defined in Section 68.4(s)17, non-promotional events as defined in Section 68.4(s)16, and amplified outdoor public events as defined in Section 68.4(s)15. Non-promotional events and amplified outdoor public events shall be subject to Departmental review after one year of operation. A restaurant may be permitted when accessory to incidental retail sales of wine. (Ord. No. 2947, 5/3/2011)

(d) Agricultural processing such as fruit dehydrators, packing plants, canneries, polishing and packaging plants exceeding a use area of fifteen thousand (15,000) square feet.

(e) Farm labor camps housing seasonal workers on a temporary basis. (Ord. No. 2536, 8/31/2000)

(f) Those uses permitted in the “A” district with a major use permit in Table B, Article 27.

(g) Small wineries and wine tasting facilities as defined in Section 5.4(c) that include amplified outdoor public events as defined in Section 68.4(s)15. Amplified outdoor public events shall be subject to Departmental review after one year of operation. (Ord. No. 2947, 5/3/2011)
SEC. 21-5.10. DEVELOPMENT STANDARDS.

5.11 Minimum lot size: Forty (40) acres.

5.12 Minimum average lot width: Five hundred (500) feet.

5.13 Maximum length to width ratio: Five (5) to one (1).

5.14 Minimum yards:

(a) Front yard: Thirty (30) feet from lot line, or fifty-five (55) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: Twenty-five (25) feet from lot line.

(c) Side yard: Fifteen (15) feet from lot line.

(d) Accessory uses: The above yards shall apply.

5.15 Maximum height:

(a) Principal structure: Thirty-five (35) feet.

(b) Accessory structure: Twenty (20) feet. (Ord. 1749, 7/7/1988)

(c) Agricultural accessory structures: Fifty (50) feet.

5.16 Parking: The following minimum parking requirements shall apply except as provided in Article 46.

(a) Residential use: two (2) spaces.

(b) Other uses: As provided for in Article 46. (Ord. No. 2128, 1/14/1993; Ord. No. 2305, 10/19/1995)

5.17 Signs: As provided in Article 45.

5.18 Notice of farming practices: Execution of a notice of farming practices shall be required as set forth in Section 4.18 for all single-family dwellings and farm labor quarters.

5.19 Minimum residential construction standards: All single-family dwellings except “Temporary Dwellings” and “Farm Labor Quarters” shall meet the minimum residential construction standards of the “R1” district, Section 10.20.
5.20 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. 1749, 7/7/1988)
ARTICLE 6

SEC. 21-6. REGULATIONS FOR THE TIMBERLAND PRESERVE ZONE OR “TPZ” DISTRICT.

6.1 Purpose: To provide for timberland preserve zoning and the conservation and protection of land capable of producing timber and forest products. The uses specified in this Section have been determined to be compatible uses consistent with the Timberland Productivity Act of 1982. The following regulations shall apply in all “TPZ” districts.

6.2 Applicability: Parcels proposed for Timberland Preserve Zone shall comply with the following criteria:

(a) The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code and shall be comprised of single or contiguous parcels totaling eighty (80) acres, or forty (40) acres for Class I or II timberland soils.

(b) The land shall be a site quality Class V or higher under Section 434 of the Revenue and Taxation Code.

6.3 Application requirements:

(a) Applicants shall submit to the Planning Department a legible map drawn to scale defining the parcel(s) to be included. Said map shall be accompanied by an accurate legal description of the subject parcel(s).

(b) Applicants shall submit to the Planning Department a plan for forest management either prepared by or approved as to content by a registered professional forester. The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

(c) The parcel(s) shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel(s) is located, or the owner must sign an agreement with the Board of Supervisors to meet these stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as “TPZ”, failure to meet the stocking standards and forest practice rules within this time period provides the Board with grounds for rezoning of the parcel pursuant to Government Code Section 51121. (Ord. 1749, 7/7/1988)

(d) The parcel(s) shall be timberland, as defined in Subdivision (f) of Government Code Section 51104.

6.4 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.
6.5 **Uses permitted:**

(a) Management of lands and forests for the primary use of commercial production and harvest of trees.

(b) Removal of timber, including uses integrally related to growing, harvesting and on-site processing of forest products including, but not limited to, roads, log landings, log storage areas; and incidental logging camps during harvest.

(c) One (1) single-family dwelling or mobilehome which shall be constructed according to the residential construction standards of Section 10.20.

(d) Agricultural and residential accessory uses and accessory structures; small kennels. *(Ord. No. 2128, 1/14/1993)*

(e) Crop and livestock farming, apiaries, aviaries, except those uses indicated in Sections 6.6 and 6.7.

(f) Prospecting, claiming, and preliminary geophysical investigations for natural resources including oil, gas, geothermal, or other mineral resources.

(g) Game preserves. *(Ord. No. 1897, 12/7/1989)*

(h) Management for watershed.

(i) Management for fish and wildlife habitat.

(j) Those uses permitted in the “TPZ” district with a zoning permit in Table A, Article 27.

6.6 **Uses permitted subject to first obtaining a Minor Use Permit:**

(a) Uses permitted in Section 6.5 when not in compliance with the performance standards set forth in Article 41.

(b) Equipment storage yards incidental to the growing and harvesting of forest products, including parking, repairing and storage of equipment so used.

(c) Private fishing and hunting clubs on parcel(s) containing not less than forty (40) acres; and commercial fishing and hunting clubs on parcel(s) containing not less than one hundred (100) acres. *(Ord. No. 1897, 12/7/1989)*

(d) Commercial wood yards.

(e) Commercial dairies.

(f) Large and commercial kennels; commercial stables or riding academies. *(Ord. No. 2128, 1/14/1993)*
(g) Uses which are minor additions or alterations to existing uses or structures permitted by Section 6.5, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(h) Those uses permitted in the “TPZ” district with a minor use permit in Table B, Article 27.

6.7 Uses permitted subject to first obtaining a Major Use Permit:

(a) Uses permitted in Sections 6.5 and 6.6 when not in compliance with the performance standards set forth in Article 41.

(b) Saw mills, planer mills, pulp mills, particle board plants, and log ponds, with associated uses.

(c) Retreats, public and private campgrounds, and recreational vehicle parks. (Ord. No. 2706, 01/06/2005)

(d) Cattle and hog feed yards, veal calf feeders, and animal sales yards.

(e) Those uses permitted in the “TPZ” district with a major use permit in Table B, Article 27.

SEC. 21-6.10. DEVELOPMENT STANDARDS.

6.11 Minimum lot size:

(a) All parcels except as noted below: One hundred sixty (160) acres.

(b) For parcels with Class I or II timberland soils and a joint timber management plan as required in Government Code Section 51119.5: Forty (40) acres.

(c) For parcels with less than forty (40) acres of Class I or II timberland soils and a joint timber management plan as required in Government Code Section 51119.5: Eighty (80) acres.

6.12 Minimum yards:

(a) Front yard: Thirty (30) feet from lot line, or fifty-five (55) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: Twenty-five (25) feet from lot line.

(c) Side yard: Fifteen (15) feet from lot line.

(d) Accessory uses: The above yards shall apply.
6.13 Maximum height:

(a) Principal structure: Thirty-five (35) feet.

(b) Accessory structure: Twenty (20) feet. (*Ord. 1749, 7/7/1988*)

(c) Agricultural accessory structures: Forty-five (45) feet. (*Ord. 1749, 7/7/1988*)

6.14 Parking: The following minimum parking requirements shall apply except as provided in Article 46.

(a) Residential use: two (2) spaces.

(b) Other uses: As provided for in Article 46. (*Ord. No. 2128, 1/14/1993; Ord. No. 2305, 10/19/1995*)

6.15 Signs: As provided in Article 45.

6.16 Notice of farming practices: Shall be required as set forth in Section 4.18 for all single-family dwellings and farm labor quarters. (*Ord. 1749, 7/7/1988*)

6.17 Minimum residential construction standards: All single-family dwellings except “Temporary Dwellings” and “Farm Labor Quarters” shall meet the minimum residential construction standards of the “R1” district, Section 10.20.

6.18 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (*Ord. 1749, 7/7/1988*)

SEC. 21-6.20. NONCONFORMING USES.

6.21 Nonconforming uses:

(a) Changes or additions to any nonconforming uses shall be limited to ordinary maintenance and repair, except that no change or addition which enlarges or tends to make more permanent any nonconforming use shall be permitted.

(b) If any nonconforming use ceases for a period of one year or more, use subsequent to the cessation shall comply with this Article.
ARTICLE 7

SEC 21-7. REGULATIONS FOR THE RURAL LANDS OR “RL” DISTRICT.

7.1 **Purpose:** To provide for resource related and residential uses of the County’s undeveloped lands that are remote and often characterized by steep topography, fire hazards, and limited access. The following regulations shall apply in all “RL” districts.

7.2 **Performance standards:** All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

7.3 **Uses permitted:**

(a) Prospecting, claiming, and preliminary geophysical investigations for natural resources including oil, gas, geothermal, or other mineral resources.

(b) Agricultural uses, including crop and tree farming, livestock grazing, animal husbandry, apiaries, aviaries, except those uses indicated in Sections 7.4 and 7.5.

(c) One (1) single-family dwelling or mobile home which shall be constructed according to the residential construction standards of Section 10.20.

(d) One (1) granny unit or one (1) residential second unit which shall be subject to the requirements of Section 27.3 (h), or Section 27.3 (m), respectively.

(e) Commercial worm farming.

(f) One (1) produce stand for the display and sale of agricultural products subject to the requirements of Section 27.3 (l).

(g) Agricultural processing such as fruit dehydrators and packing sheds not exceeding a use area of two thousand (2,000) square feet.

(h) Greenhouses, hothouses and incidental structures not exceeding a use area of ten thousand (10,000) square feet.

(i) Game preserves. *(Ord. No. 1897, 12/7/1989)*

(j) Farm labor quarters and one (1) guest house subject to the requirements of Section 27.3 (g), or Section 27.3 (i), respectively.

(k) Home occupations subject to the requirements of Section 27.3 (j).

(l) Agricultural and residential accessory uses and accessory structures; small kennels. *(Ord. No. 2128, 1/14/1993)*

(m) Those uses permitted in the “RL” district with a zoning permit in Table A, Article 27.
7.4 Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Uses permitted in Section 7.3 when not in compliance with the performance standards set forth in Article 41.

(b) Commercial dairies, large and small animal veterinary clinics. (Ord. No. 2947, 5/3/2011)

(c) Private fishing and hunting clubs on parcel(s) containing not less than forty (40) acres; and commercial fishing and hunting clubs on parcel(s) containing not less than one hundred (100) acres. (Ord. No. 1897, 12/7/1989)

(d) Small wineries with an annual production capacity of fifteen thousand (15,000) cases or less, including an incidental retail sales area of up to seven hundred and fifty (750) square feet for wine produced and/or bottled on the premises; Wine tasting facilities with up to seven hundred and fifty (750) square feet of retail sales area on sites with a minimum of ten (10) acres of planted vineyards, with or without a small winery. A restaurant up to seven hundred and fifty (750) square feet in size may be permitted accessory to a wine tasting room. Small wineries and tasting facilities may include winery and wine-related promotional events as defined in Section 68.4(s)17, non-promotional events as defined in Section 68.4(s)16. Non-promotional events shall be subject to Departmental review after one year of operation. (Ord. No. 2947, 5/3/2011)

(e) Agricultural processing such as fruit dehydrators, packing plants, canneries, polishing and packaging plants with a use area between two thousand (2,000) and ten thousand (10,000) square feet.

(f) Greenhouses, hothouses and incidental structures with a use area exceeding ten thousand (10,000) square feet.

(g) Wholesale nurseries with incidental retail sales; retail nurseries. (Ord. No. 2172, 8/12/1993)

(h) Commercial aquaculture.

(i) Large and commercial kennels; commercial stables or riding academies. (Ord. No. 2128, 1/14/1993)

(j) Display and sale of agricultural products, limited to one stand, exceeding six hundred (600) square feet in size per parcel. (Ord. 1749, 7/7/1988)

(k) Commercial wood yards.

(l) Agricultural service establishments primarily engaged in performing animal husbandry or horticultural services, including, but not limited to, blacksmiths, farriers, small equipment repair, irrigation services, custom meat cutting, and other ag-dependant uses which are of a similar character and not materially different to those uses listed above, with a total use area not exceeding five thousand (5,000)
square feet, including an incidental retail sales area not exceeding five hundred (500) square feet. *(Ord. No. 2947, 5/3/2011)*

(m) Uses which are minor additions or alterations to existing uses or structures permitted by Section 7.5, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(n) Those uses permitted in the “RL” district with a minor use permit in Table B, Article 27.

7.5 **Uses permitted subject to first obtaining a Major Use Permit in each case:**

(a) Uses permitted in Sections 7.3 and 7.4 when not in compliance with the performance standards set forth in Article 41.

(b) Cattle and hog feed yards, veal calf feeders, and animal sales yards.

(c) Large wineries with an annual production capacity exceeding fifteen thousand (15,000) cases including incidental retail sales of wine produced or bottled on the premises, which may include winery and wine-related promotional events as defined in Section 68.4(s)17, non-promotional events as defined in Section 68.4(s)16, and amplified outdoor public events as defined in Section 68.4(s)15. Non-promotional events and amplified outdoor public events shall be subject to Departmental review after one year of operation. A restaurant may be permitted when accessory to incidental retail sales of wine. *(Ord. No. 2947, 5/3/2011)*

(d) Agricultural processing such as fruit dehydrators, packing plants, canneries, polishing and packaging plants exceeding a use area of ten thousand (10,000) square feet.

(e) Private and public campgrounds, resorts or retreats. *(Ord. No. 2706, 01/06/2005)*

(f) Farm labor camps.

(g) Small wineries and wine tasting facilities as defined in Section 7.4(d) that include amplified outdoor public events as defined in Section 68.4(s)15. Amplified outdoor public events shall be subject to Departmental review after one year of operation. *(Ord. No. 2947, 5/3/2011)*

(h) Those uses permitted in the “RL” district with a major use permit in Table B, Article 27.

(i) Off-road vehicle course when developed on property consisting of at least 100 acres. Off-road vehicle courses shall not be located in mapped serpentine soils areas, and shall not be developed in areas containing more than 10 residences within 1,200 feet, as measured from the project area boundary. *(Ord. No. 2716, 02/03/2005)*
(j) Green waste composting facilities on parcels not less than 10 acres. (Ord. No. 2947, 5/3/2011)

SEC. 21-7.10. DEVELOPMENT STANDARDS.

7.11 Maximum permitted density: The number of lots which can be created from a parcel in this district shall be determined through Table 20. Unless modified by any “B” district, maximum permitted density is the sum of all values derived from Categories 1 through 4, but in no case shall the density exceed one (1) unit per twenty (20) acres. The maximum permitted density may be calculated based on the entire parcel or each proposed lot as long as all parcels conform to the density of Table 20.  (Ord. 1749, 7/7/1988; Ord. No. 2402, 7/12/1997)

Table 20. Land Capacity/Capability

<table>
<thead>
<tr>
<th>Category 1 AVERAGE CROSS SLOPE (%)</th>
<th>Category 2 FUEL LOADING</th>
<th>Category 3 LANDSLIDE RISK</th>
<th>Category 4 DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>BASE DENSITY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-19</td>
<td>20</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>20-29</td>
<td>30</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>30-34</td>
<td>40</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>35 +</td>
<td>45</td>
<td>8</td>
<td>5</td>
</tr>
</tbody>
</table>

(Note: All numbers on the chart are in acres)

(a) Category 1: The average cross slope of the parcel shall be determined by plotting the parcel on the appropriate U.S.G.S. quad sheet or other topographical map with a reliable scale prepared by a registered civil engineer or surveyor. The combined length of the contour lines, in scale feet, will be measured within the plotted area. The average cross slope is calculated utilizing the following formula:

\[ S = \frac{.0023(I)(L)}{A} \]

where:
- \( S \) = Average cross slope in percent
- \(.0023\) = Converts square feet to acres
- \( I \) = Contour interval in feet
- \( L \) = The combined length of the contour lines in linear feet
- \( A \) = The gross area in acres of the parcel

The result of the above formula will be rounded down to the nearest whole percentage point.

(b) Category 2: The fuel loading for the parcel shall be determined using the Lake County General Plan Wildfire Hazard Map on file at the Lake County Planning Department or any updated map indicating fuel load and/or fire hazard as approved by the Planning Commission. The maximum density shall be adjusted according to the parcel’s average cross slope and the corresponding line of Category 2 if the map...
indicates either a “high” or “extreme” rating for more than fifty (50) percent of the parcel. Alternative data establishing fuel load and wildfire hazard may be prepared by a registered forester.

(c) Category 3: The landslide risk for the parcel shall be determined using the Lake County General Plan Landslide Risk Map on file at the Lake County Planning Department, or any updated map indicating geologic hazards and slope stability as approved by the Planning Commission. The maximum density shall be adjusted according to the parcel’s average cross slope and corresponding line of Category 3 if the map indicates either an “unstable” or “existing unconsolidated to moderately consolidated landslide debris” rating for more than fifty (50) percent of the parcel. Alternative data establishing land stability may be prepared by a registered geologist with professional training in structural geology, or a certified engineering geologist.

(d) Category 4: The distance shall be measured in air miles between the edge of the parcel and the location, on the effective date of this Ordinance, of the fire station of the nearest community designated in the 1981 Lake County General Plan’s Rural Lands policy and from the Hidden Valley substation of the South Lake Fire Protection District. The maximum density shall be adjusted according to Category 4 if the parcel is over five (5) air miles from a designated community. (Ord. 1749, 7/7/1988; Ord. No. 2402, 7/12/1997)

(e) The maximum permitted density shall be determined by adding any assigned values in Categories 1, 2, 3, or 4. To determine the number of lots which can be created, divide the parcel’s gross acreage by the calculated maximum permitted density. The maximum permitted density may be calculated based on the entire parcel or each proposed lot as long as all parcels meet the minimum required density. (Ord. No. 2402, 7/12/1997)

(f) Alternative data sources may be substituted for data sources identified in Categories 1 through 4 above, subject to approval by the Planning Commission. (Ord. No. 2402, 7/12/1997)

(g) The Review Authority may increase the maximum permitted density permitted by Table 20 by up to fifty (50) percent when the Review Authority finds all of the following: (Ord. 1749, 7/7/1988)

1. Surrounding parcel sizes are substantially similar in size to those proposed.

2. All parcels to be created front on or will front on a publicly-maintained road, or all parcels front on or will front on a privately-maintained road where maintenance is insured by a homeowner’s association(s) declaration of conditions, covenants and restrictions (CC&R’s) or legal, binding road maintenance agreements across the subdivision site and to a county-maintained road.

3. All proposed parcels front on maintained roads without utilizing flag lot design.
4. The proposed density is not more than one (1) unit per twenty (20) acres.

5. The site is not adjacent to any “TPZ”, “APZ”, “A” or “AI” zoning district.

6. The site does not contain any area identified in the Lake County General Plan as “Wetlands Protected”, Figure V-13; or “Natural Areas”, Figure V-5; or “Critical Resource and Conservation Areas”, Figure V-6.

7. The proposed density increase will not conflict with any specific policy or objective of the Lake County General Plan.

8. Any subdivision approval pursuant to this Subsection has been conditioned so that a building envelope(s) is located on each parcel meeting the following criteria:

i. Is one (1) acre in size or larger.

ii. Will accommodate a typical dwelling, access road, and leach field with one hundred (100) percent expansion area.

iii. Has a cross slope of less than fifteen (15) percent.

iv. Can be served by an access road or driveway of less than fifteen (15) percent grade.

v. Is rated as low or moderate fire hazard.

vi. Construction within the building envelope and along the access route will not adversely affect geological stability. (Ord. 1749, 7/7/1988)

7.12 Minimum lot size:

(a) Twenty (20) acres except when the conditions exist as set forth in Subsection (b).

(b) Minimum lot sizes of five (5) to twenty (20) acres may be approved when, as a result of physical features of the property, it is determined that adherence to the twenty (20) acre minimum parcel size would result in significant environmental impacts, or loss of agricultural efficiency, or physical separation of proposed parcels by physical features. Physical features may include, but are not limited to:

1. “Blue line” creeks as indicated on U.S.G.S. topographic maps; or

2. An existing publicly maintained road; or

3. A “ridge”; or
4. Prime soils, Classes I through IV, may be the basis for reduction in minimum lot size where a reduction would allow the retention of prime soils in a single agricultural unit.

(c) All subdivisions created pursuant to Section 7.12(b) shall include as a condition of approval rezoning to add a “B-Frozen”, “B-4” or “B-5” district of Article 30 to insure that the permitted density of Section 7.11 is not exceeded.

7.13 Minimum average lot width:

(a) Parcels twenty (20) acres or less: Two hundred (200) feet.

(b) Parcels more than twenty (20) acres: Four hundred (400) feet.

7.14 Maximum length to width ratio:

(a) Parcels twenty (20) acres or less: Four (4) to one (1).

(b) Parcels more than twenty (20) acres: Five (5) to one (1).

7.15 Minimum yards:

(a) Front yard: Thirty (30) feet from lot line, or fifty-five (55) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: Twenty-five (25) feet from lot line.

(c) Side yard: Fifteen (15) feet from lot line.

(d) Accessory uses: The above yards shall apply.

7.16 Maximum height:

(a) Principal structure: Thirty-five (35) feet.

(b) Accessory structure: Twenty (20) feet. (Ord. 1749, 7/7/1988)

(c) Agricultural accessory structures: Forty-five (45) feet. (Ord. 1749, 7/7/1988)

7.17 Parking: The following minimum parking requirements shall apply except as provided in Article 46.

(a) Residential use: two spaces.

(b) Other uses: As provided for in Article 46. (Ord. No. 2128, 1/14/1993; Ord. No. 2305, 10/19/1995)
7.18 Projects proposing four or fewer parcels less than 30 acres in size shall have access via an existing publicly maintained road or via a new road improved at a minimum with a processed gravel road consistent with county standards.  
(Ord. No. 2402, 7/12/1997)

7.19 **Signs:** As provided in Article 45.

7.20 **Notice of farming practices:** Shall be required as set forth in Section 4.18 for all single-family dwellings and farm labor quarters.  
(Ord. 1749, 7/7/1988)

7.21 **Minimum residential construction standards:** All single-family dwellings except “Temporary Dwellings” and “Farm Labor Quarters” shall meet the minimum residential construction standards of the “R1” district, Section 10.20.

7.22 **DEVELOPMENT STANDARDS EXCEPTIONS:** FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42.  
(Ord. 1749, 7/7/1988)
ARTICLE 8

SEC. 21-8 REGULATIONS FOR THE RURAL RESIDENTIAL OR “RR” DISTRICT.

8.1 Purpose: To provide for single-family residential development in a semi-rural setting along with limited agriculture. The following regulations shall apply in all “RR” districts.

8.2 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

8.3 Uses permitted:

(a) One (1) single-family dwelling or mobilehome which shall be constructed according to the residential construction standards of Section 10.20.

(b) Agricultural uses, including crop and tree farming, livestock grazing, animal husbandry, apiaries, aviaries, except the uses indicated in Section 8.4 and Section 8.5.

(c) Agricultural and residential accessory uses and accessory structures.

(d) One (1) foster or small family home, family care home, supportive housing, transitional housing or small family day care home not to exceed six (6) persons in addition to the resident family. (Ord. No. 3021, 12/16/2014)

(e) Greenhouses, hothouses and incidental structures not exceeding a use area of six thousand (6,000) square feet.

(f) Agriculture processing such as fruit dehydrators and packaging sheds not exceeding a use area of two thousand (2,000) square feet.

(g) One (1) produce stand for the display and sale of agricultural products subject to the requirements of Section 27.3 (1).

(h) One (1) granny unit or one (1) residential second unit subject to the requirements of Section 27.3 (h), or Section 27.3 (m), respectively.

(i) Home occupations subject to the requirements of Section 27.3 (j).

(j) Farm labor quarters or one (1) guest house subject to the requirements of Section 27.3 (g), or Section 27.3 (i), respectively.

(k) Those uses permitted in the “RR” district with a zoning permit in Table A, Article 27.
8.4 Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Uses permitted in Section 8.3 when not in compliance with the performance standards set forth in Article 41.

(b) Greenhouses, hothouses and incidental structures with a use area between six thousand (6,000) and ten thousand (10,000) square feet.

(c) Small kennels. (Ord. No. 2128, 1/14/1993)

(d) Commercial worm farm and aquaculture.

(e) Wholesale nurseries with incidental retail sales; retail nurseries. (Ord. No. 2172, 8/12/1993)

(f) Commercial aquaculture.

(g) Agricultural service establishments primarily engaged in performing animal husbandry or horticultural services, including, but not limited to, blacksmiths, farriers, small equipment repair, irrigation services, custom meat cutting, and other ag-dependant uses which are of a similar character and not materially different to those uses listed above, with a total use area not exceeding five thousand (5,000) square feet, including an incidental retail sales area not exceeding five hundred (500) square feet. (Ord. No. 2947, 5/3/2011)

(h) Animal densities in excess of those permitted by Section 8.17. (Ord. No. 2172, 8/12/1993)

(i) Small wineries with an annual production capacity of fifteen thousand (15,000) cases or less, including an incidental retail sales area of up to seven hundred and fifty (750) square feet for wine produced and/or bottled on the premises. Wine tasting facilities with up to seven hundred and fifty (750) square feet of retail sales area on sites with a minimum of ten (10) acres of planted vineyards, with or without a small winery. A restaurant up to seven hundred and fifty (750) square feet in size may be permitted accessory to a wine tasting room. Small wineries and wine tasting facilities may include winery and wine-related promotional events as defined in Section 68.4(s)17, and non-promotional events as defined in Section 68.4(s)16. Non-promotional events shall be subject to Departmental review after one year of operation. (Ord. No. 2947, 5/3/2011)

(j) Uses which are minor additions or alterations to existing uses or structures permitted by Section 8.5, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(k) Those uses permitted in the “RR’” district with a minor use permit in Table B, Article 27.
8.5 Uses permitted subject to first obtaining a Major Use Permit in each case:

(a) Uses permitted in Sections 8.3 and 8.4 when not in compliance with the performance standards set forth in Article 41.

(b) Agricultural processing such as fruit dehydrators, packing plants, canneries, polishing and packaging plants exceeding a use area of two thousand (2,000) square feet.

(c) REPEALED (Ord. No. 1749, 7/7/1988; Ord. No. 2172, 8/12/1993)

(d) Small and large animal veterinary clinics on sites not less than five (5) acres; large and commercial kennels on sites not less than five (5) acres. (Ord. No. 2128, 1/14/1993)

(e) Greenhouses, hothouses and incidental structures exceeding a use area of ten thousand (10,000) square feet.

(f) Small wineries and wine tasting facilities as defined in Section 8.4(i) that include Amplified Outdoor Public Events as defined in Section 68.4(s)15. Amplified Outdoor Public Events shall be subject to Departmental review after one year of operation.

(g) Large wineries with an annual production capacity exceeding fifteen thousand (15,000) cases including incidental retail sales of wine produced or bottled on the premises, which may include winery and wine-related promotional events as defined in Section 68.4(s)17, non-promotional events as defined in Section 68.4(s)16, and amplified outdoor public events as defined in Section 68.4(s)15. Non-promotional events and amplified outdoor public events shall be subject to Departmental review after one year of operation. A restaurant may be permitted when accessory to incidental retail sales of wine.

(h) Dairies, stables and riding academies on parcels not less than ten (10) acres.

(i) Private and public campgrounds.

(j) REPEALED (Ord. No. 2172, 8/12/1993)

(l) Those uses permitted in the “RR” district with a major use permit in Table B, Article 27.

SEC. 21-8.10. DEVELOPMENT STANDARDS.

8.11 Maximum permitted density: The number of lots which can be created from a parcel in this district shall be determined through Table 5. Unless modified by any “B” district, maximum permitted density is the sum of all values derived from Categories 1 through 4;
but in no case shall the density exceed one (1) unit per five (5) acres, nor shall the required
density be less than the values in Category 5.  (Ord. No. 1749, 7/7/1988; Ord. No. 2402,
7/12/1997)

Table 5. Land Capacity/Capability

<table>
<thead>
<tr>
<th>Category 1</th>
<th>Category 2</th>
<th>Category 3</th>
<th>Category 4</th>
<th>Category 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>AVERAGE CROSS SLOPE (%)</td>
<td>BASE DENSITY</td>
<td>FUEL LOADING</td>
<td>LANDSLIDE RISK</td>
<td>DISTANCE</td>
</tr>
<tr>
<td>0-20</td>
<td>5</td>
<td>--</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>21-25</td>
<td>6</td>
<td>1</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>26-30</td>
<td>7</td>
<td>2</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>31+</td>
<td>10</td>
<td>3</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

(Note: All numbers on the chart are in acres)

(a) Category 1: The average cross slope of the parcel shall be determined by plotting
the parcel on the appropriate U.S.G.S. quad sheet or other topographical map with
a reliable scale prepared by a registered civil engineer or surveyor. The combined
length of the contour lines, in scale feet, will be measured within the plotted area.
The average cross slope is calculated utilizing the following formula:

\[ S = \frac{.0023(I)(L)}{A} \]

where: \( S \) = Average cross slope in percent
\( .0023 \) = Converts square feet to acres
\( I \) = Contour interval in feet
\( L \) = The combined length of the contour lines in linear feet
\( A \) = The gross area in acres of the parcel

The result of the above formula will be rounded down to the nearest whole
percentage point.

(b) Category 2: The fuel loading for the parcel shall be determined using the Lake
County General Plan Wildfire Hazard Map on file at the Lake County Planning
Department, or any updated map indicating fuel load and fire hazard as approved
by the Planning Commission. The maximum density shall be adjusted according
to the parcel’s average cross slope and the corresponding line of Category 2 if the
map indicates either a “high” or “extreme” rating for more than fifty (50) percent
of the parcel. Alternative data establishing fuel load and wildfire hazard may be
prepared by a registered forester.
(c) Category 3: The landslide risk for the parcel shall be determined using the Lake County General Plan Landslide Risk Map on file at the Lake County Planning Department, or any updated map indicating geologic hazards and slope stability as approved by the Planning Commission. The maximum density shall be adjusted according to the parcel’s average cross slope and corresponding line of Category 3 if the map indicates either an “unstable” or “existing unconsolidated to moderately consolidated landslide debris” rating for more than fifty (50) percent of the parcel. Alternative data establishing land stability may be prepared by a registered geologist with professional training in structural geology or a certified engineering geologist.

(d) Category 4: The distance shall be measured in air miles between the edge of the parcel and the location, on the effective date of this Ordinance, of the fire station of the nearest community designated in the 1981 Lake County General Plan’s Rural Lands policy and from the Hidden Valley substation of the South Lake Fire Protection District. The maximum density shall be adjusted according to Category 4 if the parcel is over five (5) air miles from a designated community. (Ord. 1749, 7/7/1988; Ord. No. 2402, 7/12/1997)

(e) The maximum permitted density shall be determined by adding any assigned values in Categories 1, 2, 3, or 4. To determine the number of lots which can be created, divide the parcel’s gross acreage by the calculated maximum permitted density. The maximum permitted density may be calculated based on the entire parcel or each proposed lot as long as all parcels meet the minimum required density. (Ord. No. 1749, 7/7/1988; Ord. No. 2402, 7/12/1997)

(f) Category 5: The maximum permitted density shall not be less than the value shown in Category 5 regardless of the total of values derived by adding the values from Columns 1 through 4. (Ord. No. 1749, 7/7/1988; Ord. No. 2402, 7/12/1997)

(g) Alternative data sources may be substituted for data sources identified in Categories 1 through 4 above, subject to approval by the Planning Commission. (Ord. No. 2402, 7/12/1997)

(h) The Review Authority may increase the maximum permitted density permitted by Table 5 by up to fifty (50) percent when the Review Authority finds all of the following: (Ord. 1749, 7/7/1988)

1. Surrounding parcel sizes are substantially similar in size to those proposed.

2. All parcels to be created front on or will front on a publicly-maintained road, or all parcels front on or will front on a privately-maintained road where maintenance is insured by a homeowner’s association(s) declaration of conditions, covenants and restrictions (CC&R’s) or legal, binding road maintenance agreements across the subdivision site and to a county-maintained road.
3. All proposed parcels front on maintained roads without utilizing flag lot design.

4. The proposed density is not more than one (1) unit per five (5) acres.

5. The site is not adjacent to any “TPZ”, “APZ”, “A” or “AI” zoning districts.

6. The site does not contain any area identified in the Lake County General Plan as “Wetlands Protected”, Figure V-13; or “Natural Areas”, Figure V-5; or “Critical Resource and Conservation Areas”, Figure V-6.

7. The proposed density increase will not conflict with any specific policy or objective of the Lake County General Plan.

8. Any subdivision approval pursuant to this Subsection has been conditioned so that a building envelope(s) is located on each parcel meeting the following criteria:
   
i. Is one (1) acre in size or larger.

   ii. Will accommodate a typical dwelling, access road, and leach field with one hundred (100) percent expansion area.

   iii. Has a cross slope of less than fifteen (15) percent.

   iv. Can be served by an access road or driveway of less than fifteen (15) percent grade.

   v. Is rated as low or moderate fire hazard.

   vi. Construction within the building envelope and along the access route will not adversely affect geological stability. *(Ord. 1749, 7/7/1988)*

### 8.12 Minimum lot size:

(a) Five (5) acres, except when conditions exist as set forth in Subsection (b).

(b) Minimum lot sizes of two and one half (2.5) to five (5) acres when, as a result of physical features of the property, it is determined that adherence to the five (5) acre minimum parcel size would result in significant environmental impacts, loss of agricultural efficiency of physical separation of proposed parcels by physical features. Physical features may include, but are not limited to:

1. “Blue line” creek as indicated on U.S.G.S. topographic maps; or

2. An existing publicly maintained road; or
3. A “ridge”; or

4. Prime soils, Classes I through IV, may be the basis for reduction in minimum lot size when a reduction would allow retention of prime soils in a single agricultural unit.

(c) All subdivisions created pursuant to Section 8.12(b) shall include as a condition of approval rezoning to add a “B-Frozen”, “B-4” or “B-5” district of Article 30 to insure that the permitted density of Section 8.11 is not exceeded.

8.13 Minimum average lot width: Two hundred (200) feet.

8.14 Maximum length to width ratio:

(a) Parcels five (5) acres or less: Three (3) to one (1).

(b) Parcels more than five (5) acres: Four (4) to one (1).

8.15 Minimum yards:

(a) Front yard: Thirty (30) feet from the lot line, or fifty-five (55) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: Twenty-five (25) feet from lot line.

(c) Side yard: Fifteen (15) feet from lot line.

(d) Accessory uses: The above yards shall apply.

8.16 Maximum height:

(a) Principal structure: Thirty-five (35) feet.

(b) Accessory structure: Twenty (20) feet. (Ord. 1749, 7/7/1988)

(c) Agricultural accessory structure: Forty-five (45) feet. (Ord. 1749, 7/7/1988)

8.17 Animal density:

(a) Parcels shall be limited to the raising, feeding, maintaining and breeding of animals and bees at the following permitted densities:

1. One (1) hog or pig per forty thousand (40,000) square feet of area; or

2. One (1) horse, mule, cow, steer or similar animal per twenty thousand (20,000) square feet of area; or
3. Three (3) goats, sheep, or similar animals per twenty thousand (20,000) square feet of area; or

4. Twenty-four (24) chickens or similar animals per twenty thousand (20,000) square feet of area; or

5. Ten (10) ducks, rabbits or similar animals per twenty thousand (20,000) square feet of area; or

6. Unlimited density except that no more than two (2) beehives are permitted per parcel when within one (1) mile of a populated area (defined as ten (10) or more dwelling units established within a one-quarter (1/4) mile diameter area); or (Ord. No. 1897, 12/7/1989)

7. Any combination of the above units which is determined to be of the same approximate density as (1) through (6) above. Parcels of less than twenty thousand (20,000) square feet are allowed animals in proportion to the square footage of the parcel.

(b) The offspring of animals are allowed and shall not be counted until they are six (6) months of age.

(c) Animal densities exceeding standards set forth in Subsection (a) above shall be subjected to first obtaining a minor or major use permit, as determined by the Planning Director.

(d) 4-H, FFA and similar animal husbandry projects are permitted without limitation of parcel size, provided that the parcel contains at least twenty thousand (20,000) square feet, and a letter of project authorization shall be submitted to the Planning Department by the project advisor upon request. (Ord. 1749, 7/7/1988)

8.18 Parking: The following minimum parking requirements shall apply except as provided in Article 46.

(a) Residential use: two (2) spaces. (Ord. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993; Ord. No. 2305, 10/19/1995)

(b) Other uses: As provided for in Article 46. (Ord. No. 2128, 1/14/1993; Ord. No. 2305, 10/19/1995)

8.19 Projects proposing four or fewer parcels less than 30 acres in size shall have access via an existing publicly maintained road or via a new road improved at a minimum with a processed gravel road consistent with county standards. (Ord. No. 2402, 7/12/1997)

8.20 Signs: As provided in Article 45.
8.21 Notice of farming practices:
Shall be required as set forth in Section 4.18 for all single-family dwellings and farm labor quarters. (Ord. 1749, 7/7/1988)

8.22 Minimum residential construction standards:
All single-family dwellings except “Temporary Dwellings” and “Farm Labor Quarters” shall meet the minimum residential construction standards of the “R1” district, Section 10.20.

8.23 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. 1749, 7/7/1988)
ARTICLE 9

SEC. 21-9 REGULATIONS FOR THE SUBURBAN RESERVE OR “SR” DISTRICT.

9.1 Purpose: To provide for large lot residential development in areas where the establishment of appropriate infrastructure such as public water, sewer, and county maintained roads will ultimately support higher densities. The following regulations shall apply in all “SR” districts.

9.2 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

9.3 Uses permitted:

(a) One (1) single-family dwelling or mobilehome which shall be constructed according to the residential construction standards of Section 10.20.

(b) Crop and tree farming, and animal husbandry subject to the requirements of Section 9.16.

(c) Agricultural and residential accessory uses and accessory structures, including barns and stables.

(d) One (1) foster or small family home, family care home, supportive housing, transitional housing or small family day care home not to exceed six (6) persons in addition to the resident family. (Ord. No. 3021, 12/16/2014)

(e) Greenhouses, hothouses and incidental structures not exceeding a use area of six thousand (6,000) square feet.

(f) One (1) produce stand for the display and sale of agricultural products subject to the requirements of Section 27.3(l).

(g) One (1) granny unit or one (1) residential second unit subject to the requirements of Section 27.3(h), or Section 27.3(m), respectively.

(h) Home occupations subject to the requirements of Section 27.3(j).

(i) One (1) guest house subject to the requirements of Section 27.3(i).

(j) Those uses permitted in the “SR” district with a zoning permit in Table A, Article 27.
9.4 Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Uses permitted in Section 9.3 when not in compliance with the performance standards set forth in Article 41.

(b) Agricultural processing such as fruit dehydrators and packaging sheds not exceeding a use area of two thousand (2,000) square feet.

(c) Small kennels. (Ord. No. 2128, 1/14/1993)

(d) Animal densities in excess of those permitted by Section 9.16. (Ord. No. 2172, 8/12/1993)

(e) Uses which are minor additions or alterations to existing uses or structures permitted by Section 9.5, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(f) Those uses permitted in the “SR” district with a minor use permit in Table B, Article 27.

9.5 Uses permitted subject to first obtaining a Major Use Permit in each case:

(a) Use permitted in Sections 9.3 and 9.4 when not in compliance with the performance standards set forth in Article 41.

(b) Stables and riding academies on parcels not less than ten (10) acres.

(c) Wholesale and retail nurseries including incidental retail sales.

(d) Small wineries with an annual production capacity of fifteen thousand (15,000) cases or less on parcels not less than five (5) acres, including an incidental retail sales area of up to seven hundred and fifty (750) square feet for wine produced and/or bottled on the premises. Small wineries may include winery and wine-related promotional events as defined in Section 68.4(s)17, and non-promotional events as defined in Section 68.4(s)16. Non-promotional events shall be subject to Departmental review after one year of operation. A restaurant may be permitted when accessory to incidental retail sales of wine.

(e) Large wineries with an annual production capacity exceeding fifteen thousand (15,000) cases on parcels not less than five (5) acres, including incidental retail sales of wine produced or bottled on the premises, which may include winery and wine-related promotional events as defined in Section 68.4(s)17, non-promotional events as defined in Section 68.4(s)16, and amplified outdoor public events as defined in Section 68.4(s)15. Non-promotional events and amplified outdoor public events shall be subject to Departmental
review after one year of operation. A restaurant may be permitted when accessory to incidental retail sales of wine.

(f) Those uses permitted in the “SR” district with a major use permit in Table B, Article 27.

SEC. 21-9.10. DEVELOPMENT STANDARDS.

9.11 Maximum permitted density and minimum lot size: (Ord. No. 1897, 12/7/1989)

(a) Maximum permitted density: Forty thousand (40,000) square feet per dwelling unit. (Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989)

(b) Minimum lot size: Forty thousand (40,000) square feet. (Ord. No. 1897, 12/7/1989)

9.12 Minimum average lot width: One hundred fifty (150) feet.

9.13 Maximum length to width ratio: Three (3) to one (1).

9.14 Minimum yards:

(a) Front yard: Thirty (30) feet from lot line or fifty-five (55) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards. (Ord. No. 1749, 7/7/1988)

(b) Rear yard: Twenty (20) feet from lot line.

(c) Side yard: Five (5) feet from lot line.

(d) Accessory uses: The above yards shall apply.

9.15 Maximum height:

(a) Principal structure: Thirty-five (35) feet.

(b) Accessory structure: Twenty (20) feet. (Ord. No. 1749, 7/7/1988)

(c) Agricultural accessory structure: Forty-five (45) feet. (Ord. No. 1749, 7/7/1988)

9.16 Animal density:

(a) Parcels shall be limited to the raising, feeding, maintaining and breeding of animals and bees at the following permitted densities:

1. One (1) hog or pig per eighty thousand (80,000) square feet of area; or
2. One (1) horse, mule, cow, steer or similar animal per twenty thousand (20,000) square feet of area; or

3. Three (3) goats, sheep or similar animals per twenty thousand (20,000) square feet of area; or

4. Twenty-four (24) chickens or similar animals per twenty thousand (20,000) square feet of area; or

5. Ten (10) ducks, rabbits or similar animals per twenty thousand (20,000) square feet of area; or

6. One (1) beehive per twenty thousand (20,000) square feet except that no more than two (2) beehives are permitted per parcel when within one (1) mile of a populated area (defined as ten (10) or more dwelling units established within a one-quarter (1/4) mile diameter area); or (Ord. No. 1897, 12/7/1989)

7. Any combination of the above units which is determined to be of the same approximate density as 1 through 6 above. Parcels of less than twenty thousand (20,000) square feet are allowed animals in proportion to the square footage of the parcel.

   (b) The offspring of animals are allowed and shall not be counted until they are six (6) months of age.

(c) Animal densities exceeding standards set forth in Subsection (a) above shall be subject to first obtaining a minor or major use permit, as determined by the Planning Director.

(d) 4-H, FFA and similar animal husbandry projects are permitted without limitation of parcel size, provided that the parcel contains at least twenty thousand (20,000) square feet, and provided further a letter of project authorization shall be submitted to the Planning Department by the project advisor upon request. (Ord. 1749, 7/7/1988)

9.17 Parking: The following minimum parking requirements shall apply except as provided in Article 46.

   (a) Residential use: Two (2) spaces. (Ord. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993; Ord. No. 2305, 10/19/1995)

   (b) Other uses: As provided for in Article 46. (Ord. No. 2128, 1/14/1993; Ord. No. 2305, 10/19/1995)

9.18 Signs: As provided in Article 45.
9.19 Minimum residential construction standards: All single-family dwellings except “Temporary Dwellings” shall meet the minimum residential construction standards of the “R1” district, Section 10.20. (Ord. No. 1749, 7/7/1988; Ord. No. 2172, 8/12/1993)

9.20 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)
ARTICLE 10

SEC. 21-10 REGULATIONS FOR THE SINGLE-FAMILY RESIDENTIAL OR “R1” DISTRICT.

10.1 Purpose: To establish areas for individual residential dwelling units at relatively low densities where the traditional neighborhood character of single-family units prevail. The following regulations shall apply in all “R1” districts.

10.2 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

10.3 Uses permitted:

(a) One (1) single-family dwelling or mobilehome which shall be constructed according to the residential construction standards of Section 10.20.

(b) One (1) foster or small family home, family care home, supportive housing, transitional housing or small family day care home not to exceed six (6) persons in addition to the resident family. (Ord. No. 3021, 12/16/2014)

(c) One (1) granny unit or one (1) residential second unit subject to the requirements of Section 27.3(h), or Section 27.3(m), respectively.

(d) Home occupations subject to the requirements of Section 27.3(j).

(e) One (1) guest house subject to the requirements of Section 27.3(i).

(f) Residential accessory uses and accessory structures; including horses, appurtenant corrals, and barns subject to the provisions of Section 10.17.

(g) Those uses permitted in the “R1” district with a zoning permit in Table A, Article 27.

10.4 Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Uses permitted in Section 10.3 when not in compliance with the performance standards set forth in Article 41.

(b) Uses which are minor additions or alterations to existing uses or structures permitted by Section 10.5, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(c) Those uses permitted in the “R1” district with a minor use permit in Table B, Article 27.
10.5 Uses permitted subject to first obtaining a Major Use Permit in each case:

(a) Uses permitted in Sections 10.3 and 10.4 when not in compliance with the performance standards set forth in Article 41.

(b) Those uses permitted in the “R1” district with a major use permit in Table B, Article 27.

SEC. 21-10.10 DEVELOPMENT STANDARDS.

10.11 Maximum permitted density and minimum lot size: (Ord. No. 1897, 12/7/1989)

(a) Maximum permitted density: 6,000 square feet per dwelling unit. *(Ord. No. 1897, 12/7/1989)*

(b) Minimum lot size:

1. Public water and sewer: 6,000 square feet.

2. Well and public sewer; or public water and septic system: 15,000 square feet.

3. Well and septic system: 40,000 square feet. *(Ord. No. 1897, 12/7/1989)*

10.12 Minimum average lot width:

(a) Interior lot: 60 feet.

(b) Corner lot: 80 feet.

10.13 Maximum length to width ratio: Three (3) to one (1).

10.14 Maximum lot coverage:

(a) One story dwelling: 35 percent.

(b) Two story dwelling: 30 percent.

10.15 Minimum yard:

(a) Front yard: Twenty (20) feet from lot line, or forty-five (45) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: Fifteen (15) feet from lot line for one story structures, twenty (20) feet from lot line for structures exceeding one story, measured from the wall of the portion of the structure that exceeds one story. *(Ord. No. 2128, 1/14/1993)*

(c) Side yard: Five (5) feet from lot line.
(d) Accessory uses: The above yards shall apply.

10.16 Maximum height:

(a) Principal structure: Thirty-five (35) feet.

(b) Accessory structure: Twenty (20) feet. (Ord. No. 1749, 7/7/1988)

10.17 Animal density: Parcels shall be limited to the raising, feeding, maintaining, and breeding of horses at the density of one (1) horse per forty thousand (40,000) square feet of area.

10.18 Parking: The following minimum parking requirements shall apply except as provided in Article 46.

(a) Residential use: Two (2) spaces. (Ord. No. 2128, 1/14/1993; Ord. No. 2305, 10/19/1995)

(b) Other uses: As provided for an Article 46. (Ord. No. 2128, 1/14/1993; Ord. No. 2305, 10/19/1995)

(c) Detached and attached garages, shops and carports, and storage sheds exceeding 199 square feet, shall be subject to the design standards of Section 10.20 (d), (e), (g) & (h). (Ord. No. 2618, 2/27/2003)

10.19 Signs: As provided in Article 45.

10.20 Minimum residential construction standards: All single family dwellings except “Temporary Dwellings” shall meet the following minimum residential construction standards: (Ord. No. 2172, 8/12/1993)

(a) All dwelling units must be at least twelve (12) feet in width or diameter (excluding eaves) and at least three hundred sixty (360) square feet in gross floor area, except “Granny Units” and “Guest Houses” permitted in Article 27.

(b) Manufactured homes shall be certified under the National Manufactured Home Construction and Safety Standards Act of 1974 and shall not be older than ten (10) calendar years from the date that the building permit application is submitted to the Community Development Department for installation. An exception to this age limit may be granted by the Community Development Director for manufactured homes proposed to be relocated from an existing mobilehome park located within the jurisdictional boundary of the County of Lake, under the following circumstances:

- The parcel upon which the manufactured home is proposed to be installed was purchased by the owner of said manufactured home prior to September 15, 2015, and the manufactured home has been owned by the same party for a minimum of two (2) years.
• The manufactured home was manufactured on or after July 1, 1976 and can be retrofitted to meet current standards under state and federal laws governing the construction of manufactured homes, and the minimum residential construction standards of Section 10.20 of this Article. (Ord. 3027, 4/08/2015)

(c) All dwelling units shall be attached to permanent continuous concrete or masonry perimeter foundations, or to permanent foundation systems pursuant to Health and Safety Code Section 18551. Where permanent foundation systems are used, except in the “A”, “APZ”, “TPZ”, and “RL” districts, dwelling units shall be provided with continuous six (6) inch wide concrete or masonry perimeter curb walls extending from a minimum of three (3) inches below grade to a minimum of six (6) inches above grade. The underfloor areas of dwelling units requiring curb walls shall be ventilated by openings of not less than one square foot for each one hundred fifty (150) square feet of underfloor area. (Ord. 1936, 6/7/1990; Ord. No. 1974, 12/20/1990)

(d) All units shall be designed so that exterior walls look like wood or masonry or stucco regardless of their actual composition.

(e) The roofing materials shall be designed to look like composition roofing, tile, shakes, shingles, or tar and gravel; or architectural metal roof sheathing with factory applied color coatings.

(f) Unit siding shall extend to the ground level (wood excluded) except that when a solid concrete or masonry perimeter foundation or curb wall is used, then siding need only extend one and one-half (1 ½) inch below the top of the foundation or curb wall. (Ord. No. 1974, 12/20/1990)

(g) The slope of the main roof shall not be less than two (2) inches of vertical rise for twelve (12) inches of horizontal run.

(h) All units shall have a perimeter roof overhang on all sides extending not less than six (6) inches measured from the vertical side of the home, not including rain gutters. (Ord. No. 2128, 1/14/1993)

(i) Where any accessory structure is attached to the main structure, the eave requirement at the point of attachment may be waived by the Planning Director.

(j) The Planning Director may waive the requirements of Subsections (f), (g) and (h) when additions to existing dwellings without pitched roofs or roof overhangs are proposed, or when a proposed new dwelling has an architectural design or style including but not limited to the French Mansard, pole houses, domes or California Mission styles.

(k) The Planning Director may waive the perimeter requirement of subsection (c) for pole houses, cantilever construction or similar architectural styles. (Ord 1936, 6/7/1990)
10.21 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)
ARTICLE 11

SEC. 21-11 REGULATIONS FOR THE TWO-FAMILY RESIDENTIAL OR “R2” DISTRICT.

11.1 Purpose: To establish areas for individual and common wall, shared residential dwelling units at low to medium densities while promoting the amenities of a traditional residential neighborhood. The following regulations shall apply in all “R2” districts.

11.2 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

11.3 Uses permitted:

   (a) One (1) single-family dwelling or mobilehome which shall be constructed according to the residential construction standards of Section 10.20.

   (b) Duplexes up to five (5) per project.

   (c) One (1) foster or small family home, family care home, or small family day care home not to exceed six (6) persons in addition to the resident family.

   (d) One (1) granny unit or one (1) residential second unit subject to the requirements of Section 27.3(h), or Section 27.3(m), respectively.

   (e) Home occupations subject to the requirements of Section 27.3(j).

   (f) Residential accessory uses and accessory structures.

   (g) Those uses permitted in the “R2” district with a zoning permit in Table A, Article 27.

11.4 Uses permitted subject to first obtaining a Minor Use Permit in each case:

   (a) Uses permitted in Section 11.3 when not in compliance with the performance standards set forth in Article 41.

   (b) Uses which are minor additions or alterations to existing uses or structures permitted by Section 11.5, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

   (c) Those uses permitted in the “R2” district with a minor use permit in Table B, Article 27.

11.5 Uses permitted subject to first obtaining a Major Use Permit in each case:

   (a) Uses permitted in Sections 11.3 and 11.4 when not in compliance with the performance standards set forth in Article 41.
(b) Mobilehome parks subject to the requirements of Article 43.

(e) Duplexes over five (5) per project.

(d) Those uses permitted in the “R2” district with a major use permit in Table B, Article 27.

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11.11 Maximum permitted density:

(a) Single-family dwelling: 6,000 square feet per dwelling unit.

(b) Duplex: 4,000 square feet per dwelling unit.

11.12 Minimum lot size:

(a) Public water and sewer: 8,000 square feet.

(b) Well and public sewer; or public water and septic system: 15,000 square feet.

(c) Well and septic system: 40,000 square feet.

11.13 Minimum lot width:

(a) Interior lot: 80 feet.

(b) Corner lot: 100 feet.

11.14 Maximum length to width ratio: Three (3) to one (1).

11.15 Maximum lot coverage:

(a) One story dwelling: 40 percent.

(b) Two-story dwelling: 35 percent.

11.16 Minimum yards:

(a) Front yard: Twenty (20) feet from lot line, or forty-five (45) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: Fifteen (15) feet from lot line for one story structures, twenty (20) feet from lot line for structures exceeding one story, measured from the wall of the portion of the structure that exceeds one story. (Ord. No. 2128, 1/14/1993)

(c) Side yard: Five (5) feet from lot line for a one-story structure, and an additional five (5) feet for every story above one for a duplex or a multi-family dwelling,
measured from the wall of the portion of the structure that exceeds one story. (Ord. No. 2128, 1/14/1993)

(d) Accessory uses: The above yards shall apply.

11.17 Maximum height:

(a) Principal structure: Thirty-five (35) feet.

(b) Accessory structure: Twenty (20) feet. (Ord. No. 1749, 7/7/1988)

11.18 Parking: The following minimum parking requirements shall apply except as provided in Article 46. (Ord. No. 2172, 8/12/1993; Ord. No. 2305, 10/19/1995)

(a) Residential use: Two (2) spaces. (Ord. No. 2172, 8/12/1993; Ord. No. 2305, 10/19/1995)

(b) Other uses: As provided for in Article 46. (Ord. No. 2172, 8/12/1993; Ord. No. 2305, 10/19/1995)

(c) Detached and attached garages, shops and carports, and storage sheds exceeding 199 square feet, shall be subject to the design standards of Section 10.20 (d), (e), (g) & (h). (Ord. No. 2172, 8/12/1993; Ord. No. 2305, 10/19/1995; Ord. No. 2618, 2/27/2003)

11.19 Signs: As provided in Article 45.

11.20 Minimum residential construction standards: All single-family dwellings and duplexes except “Temporary Dwellings” shall meet the minimum residential construction standards of the “R1” district, Section 10.20. (Ord. No. 2172, 8/12/1993)

11.21 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)
ARTICLE 12

SEC. 21-12 REGULATIONS FOR THE MULTI-FAMILY RESIDENTIAL OR “R3” DISTRICT.

12.1 Purpose: To establish areas for high density residential development while allowing for a wide range of living accommodations from duplex units to townhouses to apartment buildings. The following regulations shall apply in all “R3” districts and all multi-family dwellings and multi-family dwelling groups shall be subject to development review as set forth in Article 56. (Ord. No. 1897, 12/7/1989)

12.2 Applicability: This district shall be primarily intended for areas of the county served by public water and sewer. (Ord. No. 1749, 7/7/1988)

12.3 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

12.4 Uses permitted:

(a) Duplexes, triplexes, fourplexes or apartment buildings; multi-family dwelling groups up to twenty (20) dwelling units per project.

(b) Residential accessory uses and accessory structures.

(c) Those uses permitted in the “R3” district with a zoning permit in Table A, Article 27.

12.5 Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Uses permitted in Section 12.4 when not in compliance with the performance standards set forth in Article 41.

(b) Uses which are minor additions or alterations to existing uses or structures permitted by Section 12.6, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(c) Those uses permitted in the “R3” district with a minor use permit in Table B, Article 27.

12.6 Uses permitted subject to first obtaining a Major Use Permit in each case:

(a) Uses permitted in Sections 12.4 and 12.5 when not in compliance with the performance standards set forth in Article 41.

(b) Dwelling groups such as townhouses, time shares and condominiums, but not including single-family residences and mobile homes.

(c) Multi-family dwelling groups containing more than twenty (20) residential dwelling units per project.
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12.11 REPEALED (Ord. No. 2947, 5/3/2011)

12.12 Minimum lot size:

(a) Public water and sewer: 10,000 square feet.

(b) Well and public sewer; or public water and septic system: 20,000 square feet.

(c) Well and septic system: 40,000 square feet.

12.13 Minimum average lot width:

(a) Interior lot: 80 feet.

(b) Corner lot: 100 feet.

12.14 Maximum length to width ratio: Three (3) to one (1).

12.15 Maximum lot coverage:

(a) One story dwelling: 40 percent.

(b) Two story dwelling: 35 percent.

(c) Three story dwelling: 30 percent.

12.16 Minimum yards:

(a) Front yard: Twenty (20) feet from lot line, or forty-five (45) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: Twenty (20) feet from lot line.

(c) Side yard: Five (5) feet from lot line for a one story structure, and an additional five (5) feet for every story above one for a duplex or a multi-family dwelling, measured from the wall of the portion of the structure that exceeds one story. (Ord. No. 2128, 1/14/1993)

(d) Accessory uses: The above yards shall apply.
12.17 Maximum height:

(a) Principal structure: Forty-five (45) feet; and height limit may be increased subject to first obtaining a major use permit in each case.

(b) Accessory structure: Twenty (20) feet. *(Ord. No. 1749, 7/7/1988)*

12.18 Building separation, open space and landscaping:

(a) For multifamily and other dwelling groups, the placement of main buildings shall conform to the following building separation standards:

1. When two (2) or more building fronts face each other or are arranged around an open court, they shall be separated from each other a minimum of thirty (30) feet, plus five (5) feet for each additional story of each building in excess of one (1) story. Driveways shall not be located within said building separation.

2. For a building which faces the rear or side of another building, they shall be separated from each other a minimum of twenty (20) feet, plus five (5) feet for each additional story of such building in excess of one (1) story.

3. When the rear of the building faces the rear or side of another building, they shall be separated from each other a minimum of fifteen (15) feet, plus two and one-half (2-1/2) feet for each additional story of each building in excess of one (1) story.

4. When the building’s side faces the side of another, they shall be separated from each other a minimum of ten (10) feet, plus two and one-half (2-1/2) feet for each additional story of each building in excess of one (1) story. No entries shall be permitted between buildings placed side by side, unless an additional ten (10) feet of building separation is provided.

(b) All apartment units shall have a minimum private open space or balcony area of one hundred (100) square feet per unit and a minimum depth of seven (7) feet, with direct access to each unit. *(Ord. No. 2128, 1/14/1993)*

For residential developments of more than seven (7) dwelling units, a landscaped, unified and usable open recreational and leisure area totaling at least three hundred (300) square feet for each dwelling unit shall be required in addition to that landscaping generally required of all developments in Article 41, Section 41.9. Said areas shall be conveniently located and readily accessible to each dwelling unit. *(Ord. No. 2128, 1/14/1993)*
(c) The following areas shall not be considered as contributing to required recreational and leisure areas:

1. Any required front, or side yard.
2. Any area used for parking or vehicular circulation.

**12.19 Parking:** The following minimum parking requirements shall apply except as provided in Article 46.

(a) Residential use:

1. Two (2) spaces per dwelling unit. *(Ord. No. 2305 10/19/1995)*
2. One-half (1/2) uncovered guest parking space for each dwelling unit.
3. For multi-family dwellings; one (1) recreational vehicle space per five (5) dwelling units.
4. Fractions shall be rounded up to the nearest whole number when applicable.
5. Detached and attached garages, shops and carports, and storage sheds exceeding 199 square feet, shall be subject to the design standards of Section 10.20 (d), (e), (g) & (h). *(Ord. No. 2618, 2/27/2003)*

(b) Design:

1. Typically, parking areas should be arranged so as to prevent through traffic to other parking areas. *(Ord. No. 1749, 7/7/1988)*
2. Uncovered parking areas shall be screened from the street and adjacent residences to a height of at least three (3) feet with hedges, dense plantings, or walls.
3. Parking areas shall be landscaped as provided in Section 41.9.

**12.20 Signs:** As provided in Article 45.

**12.21 Minimum residential construction standards:**

All duplexes shall meet the minimum residential construction standards of the “R1” district, Section 10.20. *(Ord. No. 2172, 8/12/1993)*

**12.22 DEVELOPMENT STANDARDS EXCEPTIONS:** FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. *(Ord. No. 1749, 7/7/1988)*
ARTICLE 13

SEC. 21-13 REGULATIONS FOR THE PLANNED DEVELOPMENT RESIDENTIAL, OR “PDR” DISTRICT.

13.1 Purpose: The intent and purposes of the “PDR” district are as follows:

(a) To provide a means for encouraging creative and innovative developments that are environmentally pleasing through the application of imaginative land planning techniques not permitted within other residential zones with fixed standards;

(b) To assure conformance of the project with the Lake County General Plan with respect to use, density, open space, circulation, public facilities, and the preservation of natural features;

(c) To maximize public and private open space areas, including but not limited to: scenic easements, historical areas, scenic areas, active and passive recreational areas, pedestrian ways, equestrian and hiking trails, plazas, environmentally sensitive areas, and distinct spatial separations between pedestrian and vehicular areas;

(d) To provide for an orderly and cohesive growth and physical development pattern and the efficient delivery of County or community services;

(e) To encourage the design of all residential planned developments to be compatible with both existing and potential land uses, including a proper functional relationship with such adjacent areas;

(f) To encourage the optimal utilization of land to provide a full range of dwelling unit types, sites, rents and sales prices;

(g) To assess the residential development’s impacts on public and private support services through the submittal of cost/revenue analyses;

(h) To promote an equitable distribution of public facilities by encouraging developers to provide educational, recreational, water and wastewater, fire protection and other public services in order to avoid the overcrowding of existing facilities used by established residents and provide for a balance of community services;

(i) To provide the County and developer with alternative standards in return for increased amenities to serve the inhabitants of the development and surrounding areas. (Ord. No. 1749, 7/7/1988)
The following regulations shall apply on all “PDR” districts.

13.2 **Applicability:** Applications for “PDR” zoning shall be for a parcel or contiguous parcels of five (5) acres or more; or a parcel or contiguous parcels of one (1) acre or more in the “URBAN” land use category of the General Plan.

13.3 **Performance standards:** All uses permitted within this district shall be subject to the performance standards set forth in Article 41 unless alternative standards are adopted according to the provisions of Section 13.28. *(Ord. No. 1749, 7/7/1988)*

13.4 **Plans required:**

   (a) A rezoning application to “PDR” shall be accompanied by a general plan of development for the entire parcel(s) unless the rezoning is publicly initiated and implements language included in an approved general or community plan. (See requirements of Section 13.9)

   (b) A use permit for specific plan of development shall be required for the portion of the parcel(s) to be developed. (See requirements in Section 13.10)

   (c) General plans and use permits for specific plans of development shall be approved prior to any development.

   (d) Ministerial permits such as grading, Building and Health Department permits shall not be issued prior to approval of a use permit for specific plan of development.

13.5.1 **Uses permitted:** Notwithstanding Section 13.4, the following uses are permitted in any “PDR” district provided that such uses are not inconsistent with an approved general or specific plan of development: *(Ord. No. 1749, 7/7/1988)*

   (a) One (1) single-family dwelling or mobilehome which shall be constructed according to the residential construction standards of Section 10.20.

   (b) Crop and tree farming, and animal husbandry subject to the requirements of Section 9.16.

   (c) Agricultural and residential accessory uses and accessory structures, including barns and stables.

   (d) One (1) foster or small family home, family care home, or small family care home not to exceed six (6) persons in addition to the resident family.

   (e) Those uses permitted in the “PDR” district with a zoning permit in Table A, Article 27. *(Ord. No. 1749, 7/7/1988)*
13.5.2 Uses permitted by General and Specific Plans of Development in the “PDR” district:
(Ord. No. 1749, 7/7/1988)

(a) All those uses permitted in the “SR”, “R1”, “R2”, and “R3” districts and private storage facilities for exclusive use by the residents of the development.

(b) For projects with a minimum of one hundred (100) dwelling units, all those uses permitted in the “C1” district. The gross lot area of “C1” uses shall not exceed eighty (80) square feet per dwelling unit.

(c) For projects with a minimum of fifty (50) acres and two hundred (200) dwelling units, all those resort commercial uses permitted in the “CR” district.

(d) Recreation facilities, including but not limited to tennis courts, golf courses, swimming pools, equestrian trails, fitness trails, boat docks, marinas, playgrounds, and parks.

(e) Community facilities such as day care centers, meeting rooms, and club houses for use by residents of the development.

(f) Temporary model home complexes and real estate sales offices only for the limited purpose of conducting sales or rental of lots or units within the “PDR”.

(g) Those uses generally permitted in the “R1” district in Tables A and B, Article 27.

13.6 Application procedure for Rezoning to “PDR” district and the General Plan of Development:

(a) Pre-application meeting(s): Prior to preparation of the application for rezoning and the general plan development, the applicant shall attend a pre-application meeting(s) with the Planning Department staff. Purposes to be served include:

1. To explain the purpose of the Planned Development Residential district.

2. To review the project’s consistency with the Lake County General Plan.

3. To review the Lake County Code requirements.

4. To provide a review of the applicant’s conceptual design and development objectives.

(b) Application: Application shall be made on forms provided by the Planning Department and accompanied by all fees, information and supplemental plans required by this Article. No applications shall be accepted until the applicant has complied with Subsection (a) above.
13.7 **Application procedure for the Use Permit for a Specific Plan of Development:**

(a) Pre-application meeting(s): Applicants for a use permit for a specific plan of development shall attend a pre-application meeting(s) with the Planning Department staff. In addition to the review purposes for the general plan of development the following shall be reviewed:

1. Consistency of the specific plan of development with the approved general plan of development.

2. Review of the development standards applicable to the project.

(b) Application: Application shall be made on forms provided by the Planning Department and accompanied by all fees, information and supplemental plans required by this district or the Subdivision Ordinance. No applications shall be accepted until the applicant has complied with Subsection (a) above.

13.8 **Phasing of development:** “PDR”s may be phased if phasing is approved as part of the general plan of development. Specific plans of development and tentative final map proposals shall conform to the phasing of the approved general plan of development. *(Ord. No. 1749, 7/7/1988)*

13.9 **Application requirements for the Rezoning and General Plan of Development:**

(a) For pre-application meeting(s), the applicant shall provide enough materials to solicit useful comments or feedback from the Planning Department.

(b) The rezoning application shall include:

1. Completed application form filed in the name(s) of the owner(s).

2. Applicable fees.

3. A sectional district map(s) which shall:

   i. Be prepared according to the requirements of the County Surveyor;

   ii. Indicate the proposed boundaries of the “PDR” zone;

   iii. Reflect the general plan of development by showing the maximum residential density, measured by units per gross acre or maximum number of units.

(c) The general plan of development shall be a graphic and written representation of the applicant’s intended development including:
1. A graphic section consisting of maps, site plans, drawings, sketches or models at a scale agreed upon by the applicant and department at the pre-application meeting(s) showing:
   
i. The entire proposed planned residential development and site.
   
ii. The proposed land uses precisely divided between residential, local commercial, and resort commercial uses.
   
iii. The proposed maximum densities for residential uses measured in units per gross acre; or maximum number of units for each residential type.
   
iv. Intended phasing of development.
   
v. The location and approximate size of all areas to be reserved in open space.
   
vi. The preliminary circulation pattern.
   
vii. The type and location of proposed public facilities.
   
viii. The existing site conditions showing all topographic features such as natural drainage ways, streams, creeks, shorelines, vernal pools or ponds, significant rock outcroppings, slides and depressions; location and types of on-site trees; and general areas of historic or archaeological value; (Ord. No. 1749, 7/7/1988)
   
ix. Topography at contour intervals determined by the Planning Director.
   
x. Enough information on land areas adjacent to the proposed “PDR” to indicate the relationship between the proposed development and existing and proposed adjacent areas, including land uses, parcel sizes, ownership patterns, mineral leaseholds, planning and zoning classifications, densities, traffic circulation systems, public facilities, and major physiographic features such as lakes, streams, shorelines, drainage patterns, ridgelines, tree clusters and other prominent features.

2. The written documents shall support the graphic representations and shall, at a minimum, include:
   
i. A project description.
   
ii. A statement of present and proposed ownership and present and proposed zoning.
iii. A development schedule indicating the approximate date when construction of the project can be expected to begin and be completed for each phase of the project; including the permit phase.

iv. A statement of the applicant’s intentions with regard to the future selling or leasing of all or portions of the project, and whether the applicant intends to sell lots or lots with structures.

v. A statement of the applicant’s proposal for utilities and services including sewage disposal; water supply; police and fire protection; schools; solid waste disposal; power/electricity; cable; telephone; and storm water runoff.

vi. Quantitative data for the following: Total number and type of dwelling units; parcel size; total amounts of common open space, public open space and usable open space; total amount of non-residential construction (including a separate figure for local commercial, resort commercial or institutional facilities). *(Ord. No. 1749, 7/7/1988)*


3. An itemized list of any requested alternative performance and development standards, and any deviations from the standards of the Subdivision Ordinance (Chapter 17).

### 13.10 Application requirements for the Use Permit for a Specific Plan of Development:

(a) For pre-application meeting(s) the applicant shall provide in advance of actual use permit application all required plans and written statements of the specific plan of development for review by the Planning Department.

(b) The specific plan of development shall be a precise graphic and written representation of the applicant’s intended development including:

1. All the application requirements of a general plan of development, excepting those describing existing conditions. All other general plan of development application requirements shall be submitted in their finalized form.

2. A specific plan of development that is in substantial conformity with the previously approved general plan of development.

3. Any required agreements, plans, modifications, mitigations or conditions of approval of the general plan of development shall be included.
4. The specific plan of development shall include a graphic representation of:

i. The entire proposed planned residential development including the precise locations and dimensions of all proposed structures.

ii. The proposed maximum density for residential uses measured in units per gross acre.

iii. Sketches, drawings, models or architectural renderings of typical structures and improvements showing design features, building materials and elevations.

iv. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as private and common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses.

v. The existing and proposed circulation system of arterial, collector, and local streets including the location and dimensions of all off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way (including all points of ingress and egress to the development and notations of proposed ownership, public or private, where appropriate).

vi. The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, cable and telephone lines.

vii. Proposed landscapes, generally indicating the treatment of existing landscapes and proposals for building pads, roads, recreational areas, private and common open spaces and other affected areas on-site; including maintenance provisions.

viii. A grading plan.

ix. A drainage plan.

x. Other pertinent information as required by the Planning Director.

(c) An itemized list of any requested alternative performance and development standards, and any deviations from the standards of the Subdivision Ordinance (Chapter 17).

(d) The written documents shall include a plan for permanent maintenance of common or public open space, recreational areas, and commonly-owned facilities.
The plan shall include all contracts, conveyances or other legal documents necessary to implement the plan. No legal document shall be accepted unless accompanied by a letter from the applicant’s attorney certifying that the legal document(s) will effectively and adequately accomplish the purpose for which it is intended. No instrument shall be acceptable until approved by the Commission as to suitability for the proposed use of the common open spaces. If common open space is to be maintained by a homeowner’s association, such legal instrument may take the form of a declaration of conditions, covenants and restrictions (C.C.& R.’s). (Ord. No. 1749, 7/7/1988)

The legal document(s) shall include a copy of the articles of incorporation and by-laws of the homeowners’ association including conditions, covenants, and restrictions that will govern the association. Required provisions shall include but are not limited to the following:

1. The homeowners’ association shall be established before homes or lots are sold.

2. Membership shall be mandatory for each home or lot buyer and any successive buyer.

3. The association shall be responsible for property taxes, and maintenance of common open space and recreational and other common facilities unless the Planning Commission approves another entity other than a homeowner’s association.

4. Homeowners shall pay their pro-rata share of all costs of the association. The assessment levied by the association can become a lien on the delinquent homeowner’s property.

5. The association shall be able to adjust the assessment to meet changed needs.

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13.21 Development standards: Unless alternative development standards are adopted according to the provisions of Section 13.28: (Ord. No. 1749, 7/7/1988)

(a) All single-family residential dwellings on individual lots permitted within this district shall be subject to the development standards of the “R1” district;

(b) All multi-family residential uses permitted within this district shall be subject to the development standards of the “R2” district for duplexes and “R3” district for all other multi-family residential uses. (Ord. No. 1749, 7/7/1988)
(c) All local commercial and resort commercial uses on individual lots permitted within this district shall be subject to the development standards of the “C1” and “CR” districts, respectively.

13.22 **Maximum permitted density:** As specified by the land use plan of the Lake County General Plan; and as provided for in Section 13.23.

13.23 **Density bonus provisions:** Additional density as provided for in the Lake County General Plan may be approved by general and specific plan of development approvals pursuant to the below market homeownership provisions or the energy conservation provisions of Article 41. This provision shall not apply to the Urban Land Use Category of the land use plan of the Lake County General Plan.

13.24 **Open space:** All developments proposed under the “PDR” district shall include open space for active and passive use by the residents of the development. The amount to be provided shall be determined as follows: *(Ord. No. 1749, 7/7/1988)*

(a) **Private open space:** Each dwelling unit shall contain an area of land located immediately adjacent to the unit, owned or available to the unit’s residents, and reserved exclusively for such use. The required amount of land is as follows:

1. Each single-family dwelling on each lot in a subdivision shall have a minimum of one thousand (1,000) square feet of usable open space. If a dwelling is on a lot contiguous to permanent open space available to and usable by adjacent owners or the public, the area of required usable open space may be reduced by not more than twenty-five (25) percent.

2. All townhouse ownership units with a density of seven (7) units per net acre or less shall have a minimum private open space of three hundred (300) square feet per unit with a minimum dimension of fifteen (15) feet and with direct access to the unit. Townhouse ownership units in excess of the density set forth in this subsection shall have private yard areas as required by the approved specific plan of development. *(Ord. No. 1749, 7/7/1988)*

3. All apartment units shall have a minimum private open space or balcony area of one hundred (100) square feet per unit and a minimum depth of seven (7) feet, with direct access to the unit. *(Ord. No. 2128, 1/14/1993)*

(b) **Common open space:** Each planned residential development shall contain one or more large areas of land permanently reserved primarily for the leisure and recreational use of all the development’s residents and owned and maintained in common by them. Common open space shall be integrated throughout the development and easily accessible to all the residents.

1. Common open space may include:
i. Land area of the site not covered by buildings, parking structures, or accessory structures.

ii. Land which is accessible and available to all occupants of dwelling units for whose use the space is intended unless such land is in a category listed below.

iii. Commonly owned recreational structures and facilities including but not limited to clubhouses, tennis courts, swimming pools, golf courses and trails.

2. Common open space shall not include:

   i. Areas reserved for private open space.

   ii. Proposed street rights of way.

   iii. Open parking or R.V. storage areas, driveways and sidewalks for dwellings.

   iv. Areas reserved for school buildings, not including playground areas open to the public.

   v. Commercial areas including buildings, accessory buildings, and parking and loading facilities for such commercial areas.

   vi. Flood control and drainage channels improved with cement, rip rap, or having a cross-section slope exceeding twenty (20) percent.

   vii. Areas with cross slope in excess of thirty (30) percent. *(Ord. No. 1749, 7/7/1988)*

   viii. Unsuitable land as determined by the Planning Commission.

3. The Planning Commission may determine that up to one half (1/2) of any body of water, natural watercourse and slopes over thirty (30) percent grade may be included as common open space. In making this determination, the Commission shall be guided by the following factors:

   i. The extent of these areas in relation to the area of the planned development; and

   ii. The degree to which these areas contribute to the quality, livability, and amenity of the planned development.
(c) Public open space: As an alternative to, or in addition to, common open space required in Subsection (b) above, each planned residential development may propose one or more parcels of land which would be permanently dedicated in fee to the County or other public or private agency. Such areas will be for the use of the development’s residents in addition to the use by all County residents or for the protection of environmentally sensitive areas.

(d) Required amount: The County shall specify the required amount of public and/or common open space in a planned residential development at the time of approval of the general plan of development, but in no case shall the total amount of public and/or common open space be less than thirty-five (35) percent of the net acreage. Determination of the appropriate amount of public and/or common open space shall be based on consideration of the factors listed below: (Ord. No. 1749, 7/7/1988)

1. The degree to which these areas contribute to the quality, livability, and amenity of the planned development;
2. The need to protect public use areas historically used by the public such as trails or beaches;
3. The avoidance of siting of structures in hazardous areas or on steep slopes;
4. The protection of environmentally sensitive habitat areas and archaeological sites;
5. Protection of scenic areas of the site.

13.25 Traffic circulation:

(a) Internal access: All residential planned development proposals shall ensure that internal circulation systems are properly designed to serve the different types of proposed land uses, accommodate expected traffic flows, provide adequate emergency access to all buildings and structures, and provide for safe and convenient pedestrian access, whether the project is partially or fully implemented. In addition, the following access requirements shall apply:

1. At least two (2) different routes of entrance and exit for emergency vehicles shall be provided where streets are longer than eight hundred (800) feet;
2. Cul-de-sacs shall be limited to one thousand (1,000) feet in length and shall be terminated by a turn-around not less than eighty (80) feet in diameter.

(b) External access: The Planning Commission shall review development applications to ensure that projected traffic increases resulting from the project, when partially
and fully implemented, will not significantly impact connecting streets, roads and existing and proposed land uses outside the project perimeter. The applicant shall propose measures acceptable to the County to reduce significant impacts to existing road networks or land uses outside the development itself.

13.26 Streets:

(a) All internal streets, roads and drives serving the development shall be designed and constructed to County road improvement and design standards unless the optional design and improvement standards of the Subdivision Ordinance (Chapter 17) are utilized.

(b) The use of private streets within planned residential developments shall be permitted.

(c) Public and private streets, roads and drives need not meet the requirements of Subsection (a) above if the Planning Commission finds that the design of the proposed streets and common vehicular ways is adequate to protect the public health, safety and welfare and will promote the purposes and intent of this Article.

(d) When private streets are utilized, a statement or statements shall be included within the legal documents required under Section 13.10(d) which outlines the rights and responsibilities of the homeowners for maintenance of these facilities, and concerning any public utility rights-of-way utilizing private streets. In addition, the document shall spell out any possible intention and agreement including conditions should the homeowners’ association ever request that the private streets be changed to public streets, including expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable at that time for public streets, prior to dedication and acceptance.

13.27 Parking: The following minimum requirements shall apply except as provided in Article 46.

(a) Single-family dwellings: One (1) covered and one (1) uncovered space per dwelling unit. Two (2) covered and one (1) uncovered spaces per dwelling unit with three (3) or more bedrooms. (Ord. No. 1749, 7/7/1988)

(b) Multi-family dwellings, apartments, condominiums, dwelling groups and multi-family dwelling groups: One (1) covered and one (1) uncovered space per dwelling unit. One-half (1/2) uncovered guest parking space for each dwelling unit.

(c) Storage parking lots for recreational vehicles including travel trailers, campers, and boats shall be provided at a ratio of one parking space per five (5) residential dwelling units. These lots shall be screened by landscaping and fenced for aesthetic and security purposes. This requirement may be modified by the
Planning Commission or Board of Supervisors subject to one of the following findings:

1. There is adequate provision for parking for recreational vehicles on individual lots;

2. Opportunities for such parking exist within a reasonable distance of the residential planned development.

(d) The Commission may require additional uncovered parking spaces when it is found that such parking is necessary for the development, taking into consideration the availability of on-street parking facilities in and adjacent to the development.

(e) Typically, parking areas should be arranged so as to prevent through traffic to other parking areas. (Ord. No. 1749, 7/7/1988)

(f) Uncovered parking areas shall be screened from the street and adjacent residences to a height of at least three (3) feet with hedges, dense plantings, or walls.

13.28 Alternative performance and development standards: The development standards of those districts identified in Section 13.5; the performance standards of Section 13.3; or the development standards of this Article, Section 13.21 and Sections 13.24 through 13.27, may be amended as set forth herein. (Ord. No. 1749, 7/7/1988)

(a) The approval of any general plan of development which proposes alternative performance or development standards shall be recommended by not less than a majority vote of the total membership of the Planning Commission and approved by the Board of Supervisors with a finding that such alternative performance or development standards will produce one or more of the results set forth in Subsection (c).

(b) The approval of any specific plan which proposes alternative performance or development standards shall require a majority vote of the total membership of the Review Authority with a finding that such alternative performance or development standards in compliance with those alternative standards approved as provided in Subsection (a) and will produce one or more of the results set forth in Subsection (c).

(c) Results of implementing alternative standards:

1. Reduces the area and unsightliness of cut and fill banks;

2. Reduces the danger of erosion;

3. Creates a better community environment through dedication of public areas, rearrangement of lot sizes, reforestation of barren areas;
4. Creates other improvements or permits the use of techniques which will produce a more desirable and livable community than can be obtained by strict compliance with said minimum requirements;

5. Provides cost-effective services and/or energy efficient development;

6. Provides substantial areas of usable open space;

7. Provides a full range of housing opportunities.

SEC. 21-13.30. ADMINISTRATION.

13.31 Adoption of plans:

(a) Rezonings to “PDR” shall be noticed and heard simultaneously with the adoption of general plans of development. Decisions on the rezoning shall precede action on the general plan of development. Use permits for specific plans of development may be noticed and heard simultaneously with rezonings and general plans of development. Decisions on use permits for specific plans of development shall follow action on the general plan of development. (Ord. No. 1749, 7/7/1988)

(b) General plans of development shall be presented to the Planning Commission for approval and shall be noticed in the same manner as provided for rezonings. The Commission shall act upon the plans within ninety (90) days from the date that the project’s environmental document is certified unless said time period is extended by mutual consent between the Planning Commission and developer. The Planning Commission may approve, conditionally approve or disapprove the general plan of development, and shall promptly report that recommendation to the Board of Supervisors and to the developer.

(c) The general plans of development shall be noticed before the Board of Supervisors in the same manner as provided for rezonings. The Board shall schedule the general plan of development within sixty (60) days of the date of the Planning Commission recommendation. The Board shall act upon the recommendation of the Planning Commission within a reasonable time and may approve, disapprove or modify the general plan of development in any way deemed to be in the best interest of the peace, comfort, health, convenience and general welfare of the County and of the persons residing and working in the area, except that if any modification is recommended which was not previously considered by the Planning Commission, the proposed plans shall be referred back to the Planning Commission for report and recommendation. Failure by the Planning Commission to respond within forty (40) days shall be presumed to indicate concurrence with the Board of Supervisors’ recommendations.
(d) Upon final approval by the Board of Supervisors of the general plan of development as presented or as modified, the plans shall be transmitted back to the Planning Commission together with a minute order stating the approval or any modifications finally determined by the Board of Supervisors.

(e) Upon approval of the general plan of development by the Board of Supervisors, a use permit for a specific plan of development in conformity with the general plan of development may be presented to the Planning Commission for approval; or a use permit for a specific plan of development may be presented concurrently with a general plan of development, provided that any approval by the Planning Commission be conditioned so that the use permit for the specific plan of development shall be of no force or effect until approval of the general plan of development by the Board of Supervisors, nor until the effective date of any applicable rezoning to “PDR”. The use permit for the specific plan shall be noticed, presented, considered and approved in the manner prescribed in Article 51. The Planning Commission may then approve, conditionally approve, disapprove or modify the use permit for the specific plan of development in any manner deemed to be in the best interest of the peace, general welfare of the County and of the persons living or working in the area. (Ord. No. 1749, 7/7/1988)

(f) General plans and use permits for specific plans of development may be amended or extended in the same manner as they are adopted, provided, however, that no use permit for specific plan of development may be amended which also requires an amendment to the sectional district map or general plan of development, until the sectional district map or general plan are amended.

(g) All “PDR” rezonings, general plans of development, specific plans of development and use permits shall only be approved if found to be consistent with the Lake County General Plan.

13.32 Lapse of approval:

(a) A general plan of development shall expire two (2) years after its date of approval unless: 1) an application has been filed with the Planning Department for a use permit for a specific plan of development that implements part or all of the general plan of development prior to plan expiration; or 2) a time extension has been approved prior to the date of general plan of development expiration. The Planning Commission or Board of Supervisors may, upon good cause shown, grant a time extension for one (1) year. (Ord. No. 2128, 1/14/1993)

The filing of an application for a specific plan of development automatically extends the general plan of development for a period of one (1) year. The approval of a specific plan of development that implements part of a general plan of development shall extend the remainder of the general plan of development for a period of five (5) years. (Ord. No. 2128, 1/14/1993)
(b) The use permit for a specific plan of development shall expire five (5) years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been approved. The Planning Commission or Board of Supervisors may, upon good cause shown, grant or conditionally approve a time extension for one (1) year. (Ord. No. 2128, 1/14/1993)

(c) A general plan of development for which a specific plan of development has expired pursuant to (b) above, shall expire one (1) year following the date of expiration of the specific plan of development unless extended pursuant to Subsection (a) above. (Ord. No. 2128, 1/14/1993)

13.33 Resubmittal following expiration: After a general plan or use permit for specific plan of development expires, a new general plan or use permit for a specific plan of development application and fee must be submitted for reconsideration. The new application shall be subject to the same procedures and approval as the original application.

13.34 Existing “PD” zoning districts

(a) All parcels bearing the zoning district designation Planned Development (“PD”) under Ordinances adopted prior to the effective date of this Ordinance, without an approved general plan of development, will henceforward be governed by the provisions of this Article or Article 15.

(b) All parcels bearing the zoning district designation Planned Development (“PD”) under ordinances adopted prior to the effective date of this Ordinance with an approved general plan of development for residential purposes, will henceforward be governed by the provisions of Section 13.32 and this Article; however, the “date of approval” as provided for in Section 13.32(a) for general plans of development approved prior to the effective date of this Ordinance shall be the effective date of this Ordinance. (Ord. No. 1749, 7/7/1988)

(c) A general plan of development approved for any parcel described in Subsection (b) of this Section prior to the effective date of this Ordinance shall be deemed to be an approved general plan of development hereunder, and any specific plan of development previously issued in connection therewith shall be valid to the same extent as though issued pursuant to this Article. Any use permitted under such a plan shall be deemed to be a conforming use under this Ordinance.

(d) If no specific plan of development has been approved prior to the effective date of this Ordinance, for a parcel described in Subsection (b) of this Section, the specific plan of development requirements of this Article shall apply.
ARTICLE 14

SEC. 21-14 RESERVED
ARTICLE 15

SEC. 21-15 REGULATIONS FOR THE PLANNED DEVELOPMENT COMMERCIAL OR “PDC” DISTRICT.

15.1 Purpose: The intent and purposes of the “PDC” district are:

(a) To provide a means for encouraging creative and innovative commercial or industrial developments that are environmentally pleasing through the application of imaginative land planning techniques not permitted within other zones with fixed standards;

(b) To provide for an orderly and cohesive growth and physical development pattern and the efficient delivery of County or community service;

(c) To assure conformance of the project with the Lake County General Plan with respect to use, intensity, circulation, public facilities, and the preservation of natural features;

(d) To encourage the design of commercial planned developments for compatibility with both existing and potential land uses, including a proper functional relationship with such adjacent areas;

(e) To assess the development’s impacts on public and private services through cost-benefit analyses and on other commercial trade areas through market analyses;

(f) To promote equitable distribution of public facilities by encouraging developers to provide recreational facilities, community centers, streets, water and wastewater, fire protection and other public services in order to avoid the overcrowding of existing facilities used by established residents and provide for a balance of community services.

The following regulations shall apply in all “PDC” districts.

15.2 Applicability: Applications for “PDC” zoning shall be for a parcel or contiguous parcels of one (1) acre or more.

15.3 Performance Standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41 unless alternative standards are adopted according to the provisions of Section 15.27. (Ord. No. 1749, 7/7/1988)

15.4 Plans required:

(a) A rezoning application to “PDC” shall be accompanied by a general plan of development for the entire parcel(s) unless the rezoning is publicly initiated and implements language included in an approved general or community plan. (See requirements of Section 15.9.)
(b) A use permit for specific plan of development shall be required for the portion of the parcel(s) to be developed. (See requirements of Section 15.10.)

(c) General plans and use permits for specific plans of development shall be approved prior to any development.

(d) Ministerial permits such as grading, Building and Health department permits shall not be issued prior to approval of a use permit for specific plan of development.

15.5.1 Uses permitted: Notwithstanding Section 15.4, the following uses are permitted in any "PDC" district provided that such uses are not inconsistent with an approved general or specific plan of development: (Ord. No. 1749, 7/7/1988)

(a) Crop and tree farming.

(b) Agricultural and residential accessory uses and accessory structures.

(c) Those uses permitted in the "PDC" district with a zoning permit in Table A, Article 27. (Ord. No. 1749, 7/7/1988)

15.5.2 Uses permitted by general and specific plans of development in the “PDC” district:

(a) All those uses permitted in the “CR”, “C2”, “C3”, “MI”, and “M2” districts.

(b) Day care centers, gymnasiums, and health care facilities.

(c) Recreation facilities including but not limited to tennis courts, fitness trails, swimming pools, boat docks, marinas, playgrounds, and parks.

(d) Those uses generally permitted in the “CR”, “C2”, “C3”, “MI”, and “M2” districts in Tables A and B, Article 27.

15.6 Application procedure for rezoning to “PDC” district and the general plan of development:

(a) Pre-application meeting(s): Prior to preparation of the application for rezoning and the general plan of development, the applicant shall attend a pre-application meeting(s) with the Planning Department staff. Purposes to be served include:

1. To explain the purpose of the Planned Development Commercial district.

2. To review the project’s consistency with the Lake County General Plan.

3. To review the Lake County Code requirements.

4. To provide a review of the applicant’s conceptual design and development objectives.
(b) Application: Application shall be made on forms provided by the Planning Department and accompanied by all fees, information and supplemental plans required by this Article. No applications shall be accepted until the applicant has complied with Subsection (a) above.

15.7 Application procedure for the Use Permit for Specific Plan of Development:

(a) Pre-application meeting(s): Applicants for a use permit for specific plan of development shall attend a pre-application meeting(s) with the Planning Department staff. In addition to the review purposes for the general plan of development, the following shall be reviewed:

1. Consistency of the specific plan of development with the approved general plan of development.

2. Review of the development standards applicable to the project.

(b) Application: Application shall be made on forms provided by the Planning Department and accompanied by all fees, information and supplemental plans required by this district or the Subdivision Ordinance. No applications shall be accepted until the applicant has complied with Subsection (a) above.

15.8 Phasing: “PDC”s may be phased if phasing is approved as part of the general plan of development. Specific plans of development and tentative and final map proposals shall conform to the phasing of the approved general plan of development.

15.9 Application requirements for the Rezoning and General Plan of Development:

(a) For pre-application meeting(s), the applicant shall provide enough materials to solicit useful comments or feedback from the Planning Department.

(b) The rezoning application shall include:

1. Completed application form filed in the name(s) of the owner(s).

2. Applicable fees.

3. A sectional district map(s) which shall:

   i. Be prepared according to the requirements of the County Surveyor;

   ii. Indicate the proposed boundaries of the “PDC” zone.

(c) The general plan of development shall be a graphic and written representation of the applicant’s intended development including:
1. A graphic section consisting of maps, site plans, drawings, sketches or models at a scale agreed upon by the applicant and department at the pre-application meeting(s) showing: (Ord. No. 1749, 7/7/1988)

i. The entire proposed planned commercial development and site.

ii. The locations and sizes of all proposed commercial and industrial land uses.

iii. Intended phasing of development. (Ord. No. 1749, 7/7/1988)

iv. The location and approximate size of all areas to be reserved in open space.

v. The preliminary circulation pattern.

vi. The type and location of proposed public facilities.

vii. The existing site conditions showing all topographic features such as natural drainage ways, streams, creeks, shorelines, vernal pools or ponds, significant rock outcroppings, slides and depressions; location and types of all on-site trees; and general areas of historic or archaeological value.

viii. Topography at contour intervals determined by the Planning Director.

ix. Enough information on land areas adjacent to the proposed “PDC” to indicate the relationship between the proposed development and existing and proposed adjacent areas, including land uses, parcel sizes, ownership patterns, mineral leaseholds, planning and zoning classifications, densities, traffic circulation systems, public facilities, and major physiographic features such as lakes, streams, shorelines, drainage patterns, ridgelines, tree clusters and other prominent features.

2. The written documents shall support the graphic representations and shall, at a minimum, include:

i. A project description.

ii. A statement of present and proposed ownership and present and proposed zoning.

iii. A list and description of all uses shown on the proposed general plan of development.
iv. A development schedule indicating the approximate date when construction of the project can be expected to begin and be completed for each phase of the project; including the permit phase.

v. A statement of the applicant’s intentions with regard to the future selling or leasing of all or portions of the project, and whether the applicant intends to sell lots or lots with structures.

vi. A statement of the applicant’s proposal for utilities and services including sewage disposal; water supply; police and fire protection; schools; solid waste disposal; power/electricity; cable; telephone; and storm water runoff.

vii. Quantitative data for the development including but not limited to: gross and net acreage; the approximate dimensions and location of structures for each district or area; employee statistics; support services required; traffic generation data based on anticipated uses; parking and loading requirements; and outdoor storage requirements based on anticipated uses. (Ord. No. 1749, 7/7/1988)

3. An itemized list of any requested alternative performance and development standards, and any deviations from the standards of the subdivision ordinance (Chapter 17).

15.10 Application requirements for the Use Permit for the Specific Plan of Development:

(a) For pre-application meeting(s) the applicant shall provide in advance of actual use permit application all required plans and written statements of the specific plan of development for review by the Planning Department.

(b) The specific plan of development shall be a precise graphic and written representation of the applicant’s intended development including:

1. All the application requirements of a general plan of development, excepting those describing existing conditions. All other general plan of development application requirements shall be submitted in their finalized form.

2. A specific plan of development that is in substantial conformity with the previously approved general plan of development.

3. Any required agreements, plans, modifications, mitigations or conditions of approval of the general plan of development shall be included.

4. The specific plan of development shall include a graphic representation of:
i. The entire proposed planned commercial development including the precise locations and dimensions of all proposed uses and structures.

ii. All lots or leaseholds within the project area including: lot dimensions; building setbacks, height, coverage and separation (spacing); gross floor area for each use; location and dimensions of outdoor sales, display or storage areas for each use; location of all walls, hedges and fences; parking lot locations; common and public open space areas; lighting locations; and all on-site sign locations.

iii. Sketches, drawings, models or architectural renderings of typical structures and improvements showing design features, materials and elevations.

iv. The existing and proposed circulation system of arterial, collector, and local streets (if applicable) including the location and dimensions of all off-street parking areas including but not limited to, aisles, parking spaces, service areas, loading areas, and points of access to public rights-of-way (including all points of ingress and egress to the development); pedestrian walkways, bicycle paths and parking facilities, handicap parking facilities, and public transit loading areas; and notations of proposed ownership, public or private, where appropriate.

v. The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, cable and telephone lines.

vi. A landscape plan, generally indicating the treatment of existing landscapes and proposals for building pads, roads, parking areas, open spaces, walkways and other affected areas on-site; including maintenance provisions.

vii. A grading permit.

viii. A drainage plan.

ix. A sign plan as provided in Section 15.31.

x. Other pertinent information as required by the Planning Director. (Ord. No. 2128, 1/14/1993)

(c) An itemized list of any requested alternative performance and development standards, and any deviations from the standards of the Subdivision Ordinance (Chapter 17).
(d) The written documents shall include a plan for permanent maintenance of common or public open space, and commonly-owned facilities. The plan shall include all contracts, conveyances or other legal documents necessary to implement the plan. No legal documents shall be accepted unless accompanied by a letter from the applicant’s attorney certifying that the legal document(s) will effectively and adequately accomplish the purpose for which it is intended. No instrument shall be acceptable until approved by the commission as to suitability for the proposed use of the common open spaces. If common open space is to be maintained by a property owner’s association, such legal instrument may take the form of a declaration of the conditions, covenants and restriction (C.C.& R.’s).

The legal document(s) shall include a copy of the articles of incorporation and by-laws of the property owner’s association including conditions, covenants, and restrictions that will govern the association. Required provisions shall include but are not limited to the following:

1. The property owner’s association shall be established before lots, or lots and structures are sold or leased.

2. Membership shall be mandatory for each buyer or lessee, and any successive buyer or lessee.

3. The association shall be responsible for property taxes, and maintenance of common open space and recreational and other common facilities unless the Planning Commission approves another entity other than a property owners association.

4. Association members shall pay their pro rata share of all costs of the association. The assessment levied by the association can become a lien on the delinquent association member’s property.

5. The association shall be able to adjust the assessment to meet changed needs.

SEC. 21-15.20. DEVELOPMENT STANDARDS.

15.21 Development standards: All uses shall be subject to the development standards set forth herein, unless alternative development standards are adopted according to the provisions of Section 15.27. (Ord. No. 1749, 7/7/1988)

(a) Each proposed use shall be subject to the development standards of the zoning district where the use is permitted; or

(b) When more than one zoning district permits a proposed use, the applicant shall identify which of those zoning district’s development standards the proposed use shall be subject to. (Ord. No. 1749, 7/7/1988)
15.22 Minimum yards:

(a) Front yard: Twenty (20) feet from front lot line, or forty-five (45) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: Twenty (20) feet from rear lot line; except as provided below:

1. Where the rear lot line of a lot abuts a residential zone, the minimum rear yard setback shall be fifty (50) feet. Not less than ten (10) feet abutting the rear lot line shall be landscaped and permanently maintained and a six-foot high solid masonry wall shall be required ten (10) feet from the rear lot line.

2. Where abutting or combined with the Scenic Combining district, the minimum rear yard setback shall be fifty (50) feet.

(c) Side yard: Ten (10) feet from side lot lines; except as provided below:

1. Where the side lot line of a lot abuts a residential zone, the minimum side yard setback shall be fifty (50) feet. Not less than ten (10) feet abutting the side lot line shall be landscaped and permanently maintained. A six (6) foot masonry wall shall also be required ten (10) feet from the side lot line and shall not exceed three (3) feet in height when extending into any required front yard.

15.23 Open space: All developments proposed under the “PDC” district may include a proportionate amount of open space for active and passive use by the occupants of the development, whether they be merchants, employees, or the general public. The amount to be provided shall be determined as follows:

(a) Common open space: Each planned commercial development may contain one or more large areas of land permanently reserved primarily for the leisure and recreational use of all the development’s occupants or public and owned and maintained in common by the occupants.

1. Common open space may include:

   i. Land area of the site not covered by buildings, parking structures, or accessory structures.

   ii. Land which is accessible and available to all occupants of structures for whose use the space is intended unless such land is in a category listed below.

   iii. Commonly owned recreational structures and facilities including but not limited to gymnasiums, tennis courts, swimming pools, picnic areas, and parks.
(b) Public open space: As an alternative to, or in addition to, common open space in Subsection (b) above, each planned commercial development may propose one or more parcels of land which would be permanently dedicated in fee to the County or other public or private agency. Such areas will be for the use of the development’s occupants in addition to the use by all county residents or for the protection of environmentally sensitive areas.

(c) Required open space: The County may require public and/or common open space in a planned commercial development at the time of approval of the general plan of development.

15.24 Traffic circulation:

(a) Internal access: All commercial planned development proposals shall ensure that internal circulation systems are properly designed to serve the different types of proposed land uses, accommodate expected traffic flows, provide adequate emergency access to all buildings and structures, and provide for safe and convenient pedestrian access, whether the project is partially or fully implemented. In addition, the following access requirements shall apply:

1. At least two (2) different routes of entrance and exit for emergency vehicles shall be provided where streets are longer than eight hundred (800) feet;

2. Cul-de-sacs shall be limited to one thousand (1,000) feet in length and shall be terminated by a turnaround not less than eighty (80) feet in diameter.

(b) External access: The Planning Commission shall review development applications to ensure that projected traffic increases resulting from the project, when partially and fully implemented, will not significantly impact connecting streets, roads and existing and proposed land uses outside the project perimeter. The applicant shall propose measures acceptable to the County to reduce significant impacts to existing road networks or land uses outside the development itself.

15.25 Streets:

(a) All internal streets, roads and drives serving the development shall be designed and constructed to County road improvement and design standards unless the optional design and improvement standards of the Subdivision Ordinance (Chapter 17) are utilized.

(b) The use of private streets within planned commercial developments may be permitted.

(c) Public and private streets, roads and drives need not meet the requirements of this Article which would otherwise be applicable if the Planning Commission finds that the design of the proposed streets and common vehicular ways is adequate to
protect the public health, safety and welfare and will promote the purposes and intent of this Article.

(d) When private roads are utilized, a statement or statements shall be included within the legal documents required under Section 15.10 (d) which outlines the rights and responsibilities of the property owners to provide private streets, for maintenance of these facilities, and concerning any public utility rights-of-way utilizing private streets. In addition, the document shall spell out any possible intention and agreement including conditions should the property owners association ever request that the private streets be changed to public streets, including expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable at that time for public streets, prior to dedication and acceptance.

15.26 Signs: As provided in Article 45; and

(a) There shall be a common theme to the signing of the development. The theme should include some identifiable common element or elements such as: dimension, construction material, color scheme, lighting or lettering style. All signs in the development shall be integral components of the common theme.

15.27 Alternative performance and development standards: The development standards of those districts identified in Section 15.5; the performance standards of Section 15.3; or the development standards of this district, Section 15.21 through 15.26, may be amended as set forth herein. (Ord. No. 1749, 7/7/1988)

(a) The approval of any general plan of development which proposes alternative performance or development standards shall be recommended by not less than a majority vote of the total membership of the Planning Commission and approved by the Board of Supervisors with a finding that such alternative performance or development standards will produce one or more of the results set forth in Subsection (c).

(b) The approval of any specific plan which proposes alternative performance or development standards shall require a majority vote of the total membership of the Review Authority with a finding that such alternative performance or development standards in compliance with those alternative standards as provided in Subsection (a) and will produce one or more of the results set forth in Subsection (c).

(c) Results of implementing alternative standards:

1. Reduces the area and unsightliness of cut and fill banks;

2. Reduces the danger of erosion;
3. Creates improvements or permits the use of techniques which will produce a more desirable and accessible development than can be obtained by strict compliance with said minimum requirements.

4. Provides cost-effective services and/or energy efficient development.

5. Establishes compatibility with surrounding residential, commercial, or other development.

6. Provides for a circulation system which is suitable and adequate to serve the proposed uses.

SEC. 21-15.30. ADMINISTRATION.

15.31 Adoption of plans:

(a) Rezoning to “PDC” shall be noticed and heard simultaneously with the adoption of general plans of development. Decisions on the rezoning shall precede action on the general plan of development. Use permits for specific plans of development may be noticed and heard simultaneously with rezoning and general plans of development. Decisions on use permits for specific plans of development shall follow action on the general plan of development. (Ord. No. 1749, 7/7/1988)

(b) General plans of development shall be presented to the Planning Commission for approval and shall be noticed in the same manner as provided for rezoning. Said Commission shall act upon the plans within ninety (90) days from the date that the project’s environmental document is certified unless said time period is extended by mutual consent between the Planning Commission and developer. The Planning Commission may approve, conditionally approve or disapprove the general plan of development, and shall promptly report that recommendation to the Board of Supervisors and to the developer.

(c) The general plans of development shall be noticed before the Board of Supervisors in the same manner as provided for rezoning. The Board shall schedule the general plan of development within sixty (60) days of the date of the Planning Commission recommendation. The Board shall act upon the recommendation of the Planning Commission within a reasonable time and may approve, disapprove or modify the general plan of development in any way deemed to be in the best interest of the peace, comfort, health, convenience and general welfare of the County and of the persons residing and working in the area, except that if any modification is recommended which was not previously considered by the Planning Commission, the proposed plans shall be referred back to the Planning Commission for report and recommendation. Failure by the Planning Commission to respond within forty (40) days shall be presumed to indicate concurrence with the Board of Supervisors’ recommendations.
(d) Upon final approval by the Board of Supervisors of the general plan of development as presented or as modified, the plans shall be transmitted back to the Planning Commission together with a minute order stating the approval or any modifications finally determined by said Board of Supervisors.

(e) Upon approval of the general plan of development by the Board of Supervisors, a use permit for a specific plan of development in conformity with the general plan of development may be presented to the Planning Commission for approval; or a use permit for a specific plan of development may be presented concurrently with a general plan of development, provided that any approval by the Planning Commission be conditioned so that the use permit for the specific plan of development shall be of no force or effect until approval of the general plan of development by the Board of Supervisors, nor until the effective date of any applicable rezoning to “PDC”. The use permit for a specific plan shall be noticed, presented, considered and approved in the manner prescribed in Article 51. The Planning Commission may then approve, conditionally approve, disapprove or modify the use permit for specific plan of development in any manner deemed to be in the best interest of the peace, general welfare of the County and of persons living or working in the area. (Ord. No. 1749, 7/7/1988)

(f) General plans and use permits for specific plans of development may be amended or extended in the same manner as they are adopted, provided, however, that no use permit for specific plan of development may be amended which also requires an amendment to the sectional district map or general plan of development, until the sectional district map or general plan are amended.

(g) All “PDC” rezoning, general plans of development, specific plans of development and use permits shall only be approved if found to be consistent with the Lake County General Plan.

15.32 Lapse of approval:

(a) General plan of development shall expire two (2) years after its date of approval unless: 1) an application has been filed with the Planning Department for a use permit for a specific plan of development that implements part or all of the general plan of development prior to plan expiration; or 2) a time extension has been approved prior to the date of general plan of development expiration. The Planning Commission or Board of Supervisors may, upon good cause shown, grant a time extension for one (1) year. (Ord. No. 2128, 1/14/1993)

The filing of an application for a specific plan of development automatically extends the general plan of development for a period of one (1) year. The approval of a specific plan of development that implements part of a general plan of development shall extend the remainder of the general plan of development for a period of five (5) years. (Ord. No. 2128, 1/14/1993)

(b) The use permit for a specific plan of development shall expire five (5) years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been approved. The
Planning Commission or Board of Supervisors may, upon good cause shown, grant or conditionally approve a time extension for one (1) year. *(Ord. No. 2128, 1/14/1993)*

(c) A general plan of development for which a specific plan of development has expired pursuant to (b) above, shall expire one (1) year following the date of expiration of the specific plan of development unless extended pursuant to Subsection (a) above. *(Ord. No. 2128, 1/14/93)*

15.33 **Resubmittal following expiration:** After a general plan or use permit for specific plan of development expires, a new general plan or use permit for a specific plan of development application and fee must be submitted for reconsideration. The new application shall be subject to the same procedures and approval as the original application.

15.34 **Existing “PD” zoning districts:**

(a) All parcels bearing the zoning district designation Planned Development (“PD”) under ordinances adopted prior to the effective date of this Ordinance, without an approved general plan of development will henceforward be subject to the provisions of this Article or Article 13.

(b) All parcels bearing the zoning district designation Planned Development (“PD”) under ordinances adopted prior to the effective date of this Ordinance with an approved general plan of development for commercial or industrial purposes, will henceforward be governed by the provisions of Section 15.32 and this Article. However, the “date of approval” as provided for in Section 15.32(a) for general plans of development approved prior to the effective date of this Ordinance shall be the effective date of this Ordinance. *(Ord. No. 1749, 7/7/1988)*

(c) A general plan of development approved for any parcel described in Subsection (b) of this Section prior to the effective date of this Ordinance shall be deemed to be an approved general plan of development hereunder, and any specific plan of development previously issued in connection therewith shall be valid to the same extent as though issued pursuant to this Article. Any use permitted under such a plan shall be deemed to be a conforming use under this Ordinance.

(d) If no specific plan of development has been approved prior to the effective date of this Ordinance, for a parcel described in Subsection (b) of this Section, the specific plan of development requirements of this Article shall apply.
ARTICLE 16

SEC. 21-16 REGULATIONS FOR THE HIGHWAY COMMERCIAL OR “CH” DISTRICT.

16.1 Purpose: To provide for the location of the facilities and services needed by the traveling public along the County’s major collectors, at intersections with state highways and where they can be reached conveniently and safely. The following regulations shall apply in all “CH” districts and all uses shall be subject to development review as set forth in Article 56.

16.2 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

16.3 Uses permitted: The following highway commercial uses are permitted: When serving the needs of the traveling public; when conducted within a completely enclosed building; and when not exceeding a maximum of three thousand (3,000) square feet of gross floor area per use or six thousand (6,000) square feet of total gross floor area:

(a) Food services such as restaurants, cafes, coffee shops and delicatessens, including drive-in, or drive-thru fast food services, including outdoor dining areas.

(b) Bus stations.

(c) Commercial and residential accessory uses and accessory structures.

(d) Real estate sales offices.

(e) Retail sales of groceries, off sale beer and wine, sporting goods, bait and tackle, souvenirs, antiques, and curios.

(f) Hotels and motels designed not to exceed fifteen (15) units. (Ord. No. 2172, 8/12/1993)

(g) Other highway commercial uses when of a similar character to those listed above. (Ord. No. 1749, 7/7/1988)

(h) Those uses permitted in the “CH” district with a zoning permit in Table A, Article 27.

16.4 Uses permitted subject to first obtaining a Minor Use Permit in each case: The following highway commercial uses are permitted: When serving the needs of the traveling public; when conducted within a completely enclosed building; when outdoor storage, sales or display does not exceed fifteen (15) percent of the gross floor area; and when not exceeding six thousand (6,000) square feet of gross floor area per use or twelve thousand (12,000) square feet of total gross floor area:

(a) Uses permitted in Section 16.3 with outdoor storage, sales, or display; or when exceeding three thousand (3,000) square feet of gross floor area per use, or six thousand (6,000) square feet of total gross floor area.
(b) Uses permitted in Section 16.3 when not in compliance with the performance standards set forth in Article 41.

(c) Uses permitted in Section 16.3 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic, or involve the handling of explosives or dangerous materials.

(d) Food services which offer on-sale beer and wine incidental and accessory to food services without separate bar area; off-sale liquor. (Ord. No. 2172, 8/12/1993)

(e) Fruit and produce stands exceeding four hundred (400) square feet in size.

(f) Hotels and motels designed to exceed fifteen (15) units. (Ord. No. 2172, 8/12/1993)

(g) Park and ride facilities.

(h) Retail fuel sales and minor auto repair; car washes. ((Ord. No. 2128, 1/14/1993; Ord. No. 2172, 8/12/1993)

(i) Uses which are minor additions or alterations to existing uses or structures permitted by Section 16.5, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s). (Ord. No. 2128, 1/14/1993)

(j) Those uses permitted in the “CH” district with a minor use permit in Table B, Article 27. (Ord. No. 2128, 1/14/1993)

16.5 **Uses permitted subject to first obtaining a Major Use Permit in each case:** The following highway commercial uses are permitted: When serving the needs of the traveling public; and when conducted within a completely enclosed building (except RV parks and campgrounds):

(a) Uses permitted in Sections 16.3 and 16.4 when outdoor storage, sales, or display exceeds fifteen (15) percent of the gross floor area per use; or when exceeding six thousand (6,000) square feet of gross floor area per use, or twelve thousand (12,000) square feet of total gross floor area.

(b) Uses permitted in Sections 16.3 and 16.4 when not in compliance with the performance standards set forth in Article 41.

(c) Uses permitted in Sections 16.3 and 16.4 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic, or involve the handling of explosives or dangerous materials.

(d) **REPEALED.** (Ord. No. 2128, 1/14/1993; Ord. No. 2172, 8/12/1993)
(e) Bars, taverns, or cocktail lounges with or without live entertainment. (Ord. No. 2172, 8/12/1993)

(f) REPEALED. (Ord. No. 2172, 8/12/1993)

(g) Truck stops or auto/truck service stations and incidental minor auto/truck repair.

(h) Recreational-vehicle parks, public and private campgrounds.

(i) Those uses permitted in the “CH” district with a major use permit in Table B, Article 27.

SEC. 21-16.10. DEVELOPMENT STANDARDS.

16.11 Minimum lot size:

(a) Public water and sewer: 8,000 square feet.

(b) Well and public sewer; or public water and septic: 15,000 square feet.

(c) Well and septic system: 40,000 square feet.

16.12 Minimum average lot width:

(a) Interior lots: Eighty (80) feet.

(b) Corner lots: One hundred (100) feet.

16.13 Maximum length to width ratio: Three (3) to one (1).

16.14 Maximum lot coverage: One hundred (100) percent.

16.15 Minimum yards:

(a) Front yard: Twenty (20) feet from the lot line, or forty-five (45) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: Twenty (20) feet from the lot line.

(c) Side yard: Five (5) feet from lot line.

(d) Accessory structures: The above yards shall apply.

16.16 Maximum height: Two (2) stories or thirty (30) feet maximum, whichever is less.
16.17 **Parking:** The following minimum parking requirements shall apply except as provided in Article 46.

(a) Commercial use: One (1) space per two-hundred fifty (250) square feet of gross floor area.

(b) Other uses: As provided for in Article 46.

16.18 **Signs:** As provided in Article 45.

16.19 **DEVELOPMENT STANDARDS EXCEPTIONS:** FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. *(Ord. No. 1749, 7/7/1988)*
ARTICLE 17

SEC. 21-17  REGULATIONS FOR THE RESORT COMMERCIAL OR “CR” DISTRICT.

17.1  Purpose: To provide for tourist recreational development in areas of unique scenic and recreational value, while providing for maximum conservation of the resources of the parcel. The following regulations shall apply to all “CR” districts and all uses shall be subject to development review as set forth in Article 56.

17.2  Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

17.3  Uses permitted:

(a) Hotels and motels when not exceeding fifteen (15) units.  (Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989)

(b) Restaurants when open to the public between the hours of 6:00 a.m. and 2:00 a.m., with on-sale beer and wine accessory to food services without a separate bar area, and when not exceeding a gross floor area of 3,000 square feet, including any outdoor dining area.

(c) Commercial and residential accessory uses and accessory structures including piers, boat docks, boat storage, tennis courts, swimming pools, riding and hiking facilities, and laundry facilities, for private use of the hotel or motel guests, or restaurant patrons only.

(d) Novelty and gift shops, beauty and barber shops, sporting goods and apparel shops, game rooms, arcades, laundromats open to the public, and bait and tackle shops when incidental to a hotel, motel, campground, RV park, or time share condominium when not exceeding a use area of five hundred (500) square feet.  (Ord. No. 1749, 7/7/1988)

(e) Those uses permitted in the “CR” district with a zoning permit in Table A, Article 27.

17.4  Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Uses permitted in Section 17.3 when not in compliance with the performance standards set forth in Article 41.

(b) Hotels and motels when exceeding fifteen (15) units but not exceeding twenty-five (25) units.  (Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989)

(c) Restaurants when not exceeding 6,000 square feet of gross floor area including any outdoor dining area; or when operating other than between the hours of 6:00 a.m. and 2:00 a.m.
(d) Novelty and gift shops, beauty and barber shops, sporting goods and apparel shops, game rooms, arcades, laundromats open to the public, and bait and tackle shops when incidental to a hotel, motel, campground, RV park, or time share condominium when not exceeding a use area of one thousand five hundred (1,500) square feet. *(Ord. No. 1749, 7/7/1988)*

(e) Bars and cocktail lounges without amplified voice or music when incidental to a hotel or motel of at least sixteen (16) units.

(f) Caretaker’s quarters, employee housing or dorms incidental to a hotel or motel of at least sixteen (16) units.

(g) Uses which are minor additions or alterations to existing uses or structures permitted by Section 17.5, limited to an increase of twenty (20) percent of the use area or gross floor area.

(h) Those uses permitted in the “CR” district with a minor use permit in Table B, Article 27.

17.5 Uses permitted subject to first securing a Major Use Permit in each case:

(a) Uses permitted in Sections 17.3 or 17.4 when not in compliance with the performance standards set forth in Article 41.

(b) Hotels and motels when exceeding twenty-five (25) units; and recreational vehicle parks, or public and private campgrounds. *(Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989)*

(c) Restaurants when exceeding 6,000 square feet of gross floor area.

(d) Novelty and gift shops, beauty and barber shops, sporting goods and apparel shops, game rooms, arcades, laundromats open to the public, and bait and tackle shops when incidental to a hotel, motel, campground, RV park, or time share condominium when exceeding a use area of one thousand five hundred (1,500) square feet. *(Ord. No. 1749, 7/7/1988)*

(e) Time share condominiums, including conversion of residential uses into time share or resort units.

(f) Commercial recreation facilities and uses available to the general public such as miniature golf, tennis, spas, hot-tubs, health clubs, water-slides; boat, houseboat and jet-ski rentals; para-sailing; skateboard, BMX, or off-road vehicle parks; go-cart tracks; exercise trails, riding stables and equestrian trails.

(g) Bars and cocktail lounges, including amplified voice or music.
SEC. 21-17.10. DEVELOPMENT STANDARDS.

17.11 Minimum lot area:
   (a) Public water and sewer: 8,000 square feet.
   (b) Well and public sewer; or public water and septic system: 15,000 square feet.
   (c) Well and septic system: 40,000 square feet.

17.12 Minimum average lot width:
   (a) Interior lots: Eighty (80) feet.
   (b) Corner lots: One hundred (100) feet.

17.13 Maximum length to width ratio: Three (3) to one (1).

17.14 Maximum lot coverage: Fifty (50) percent.

17.15 Minimum yards:
   (a) Front yard: Twenty (20) feet from lot line, or forty-five (45) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.
   (b) Rear yard: None; or ten (10) feet from the lot line when contiguous to any residential district.
   (c) Side yard: None; or ten (10) feet from the lot line when contiguous to any residential district.
   (d) Accessory structures: The above setbacks shall apply.

17.16 Maximum height: Thirty-five (35) feet.

17.17 Parking: The following minimum parking requirements shall apply except as provided in Article 46.
   (a) Commercial use: One (1) space per two hundred fifty (250) square feet of floor area.
   (b) Other uses: As provided for in Article 46.

17.18 Signs: As provided in Article 45.
17.19 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)
ARTICLE 18

SEC. 21-18 REGULATIONS FOR THE LOCAL COMMERCIAL OR “C1” DISTRICT.

18.1 Purpose: To establish centers for small, localized retail and service businesses which provide goods and services to surrounding residential development. The following regulations shall apply in all “C1” districts and all uses shall be subject to development review as set forth in Article 56.

18.2 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

18.3 Uses permitted: The following local commercial uses are permitted: When conducted within a completely enclosed building; when open to the public between the hours of 6:00 a.m. and 10:00 p.m.; and when not exceeding a maximum of two thousand (2,000) square feet of gross floor area per use or four thousand (4,000) square feet of total gross floor area:

(a) Retail sales of food, dry goods, pharmaceuticals, flowers, bait and tackle, art and craft supplies and studios, books and magazines.

(b) Personal services such as barber and beauty shops, laundromats and cleaners, health clubs, or dance studios.

(c) Minor repair services such as jewelry, shoe and small appliance repair shops.

(d) Food services such as cafes, coffee shops, and delicatessens, including outdoor dining areas.

(e) Professional services such as tax consultants, real estate sales and law offices.

(f) Medical services such as nurse practitioner, general practitioner and dentist offices.

(g) Other local commercial uses when of similar character to those uses listed above.

(h) Commercial and residential accessory uses and accessory structures.

(i) Those uses permitted in the “C1” district with a zoning permit in Table A, Article 27.

18.4 Uses permitted subject to first obtaining a Minor Use Permit in each case: The following local commercial uses are permitted: When conducted within a completely enclosed building; when outdoor storage, sales or display does not exceed five (5) percent of the gross floor area per use; and when not exceeding a maximum of four thousand (4,000) square feet of gross floor area per use or eight thousand (8,000) square feet of total gross floor area:
(a) Uses permitted in Section 18.3 when operating other than between the hours of 6:00 a.m. to 10:00 p.m., or with outdoor storage, sales or display; or when exceeding a maximum of two thousand (2,000) square feet of gross floor area per use or four thousand (4,000) square feet of total gross floor area.

(b) Uses permitted in Section 18.3 when not in compliance with the performance standards set forth in Article 41.

(c) Game rooms or amusement arcades when accessory to any permitted use, and comprising six (6) or fewer games or amusement devices or two (2) or fewer pool tables, occupying less than twenty-five (25) percent of the net floor area.

(d) Uses permitted in Section 18.3 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration or unusual traffic.

(e) Uses which are minor additions or alterations to existing uses or structures permitted by Section 18.5, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(f) Those uses permitted in the “C1” district with a minor use permit in Table B, Article 27.

18.5 Uses permitted subject to first obtaining a Major Use Permit in each case: The following local commercial uses are permitted: When conducted within a completely enclosed building; when outdoor storage, sales and display does not exceed five (5) percent of gross floor area per use (except nurseries); and when not exceeding a maximum of eight thousand (8,000) square feet of gross floor area per use or fifteen thousand (15,000) square feet of total gross floor area.

(a) Uses permitted in Sections 18.3 and 18.4 when exceeding a maximum of four thousand (4,000) square feet of gross floor area per use or eight thousand (8,000) square feet of total gross floor area.

(b) Uses permitted in Sections 18.3 and 18.4 when not in compliance with the performance standards set forth in Article 41.

(c) Retail fuel sales.

(d) Bars when not exceeding twenty-five hundred (2,500) square feet of gross floor area and when not including amplified voice or music.

(e) Retail plant nurseries, including outdoor storage, sales, or display when exceeding five (5) percent of the gross floor area.

(f) Game rooms/amusement arcades.
Those uses permitted in the “C1” district with a major use permit in Table B, Article 27.

SEC. 21-18.10 DEVELOPMENT STANDARDS.

18.11 Minimum lot size:

(a) Public water and sewer: 8,000 square feet.

(b) Well and public sewer or public water and septic system: 15,000 square feet.

(c) Well and septic system: 40,000 square feet.

18.12 Minimum average lot width:

(a) Interior lots: Eighty (80) feet.

(b) Corner lots: One hundred (100) feet.

18.13 Maximum length to width ratio: Three (3) to one (1).

18.14 Maximum lot coverage:

(a) One story buildings: Forty (40) percent.

(b) Two story buildings: Thirty-five (35) percent.

(c) In no case shall coverage exceed fifteen thousand (15,000) square feet.

18.15 Minimum yards:

(a) Front yard: Twenty (20) feet from lot line; or forty-five (45) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: None; or ten (10) feet from lot line when contiguous to any residential district.

(c) Side yard: None; or ten (10) feet from lot line when contiguous to any residential district.

(d) Accessory structures: The above yards shall apply.

18.16 Maximum height:

(a) Principal structures: Two (2) stories or thirty (30) feet maximum, whichever is less.
18.17 Parking: The following minimum parking requirements shall apply except as provided for in Article 46.

(a) Retail or service commercial use: One (1) space per two hundred fifty (250) square feet of gross floor area.

(b) Other uses: As provided for in Article 46.

18.18 Signs: As provided in Article 45.

18.19 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)
ARTICLE 19

SEC. 21-19 REGULATIONS FOR THE COMMUNITY COMMERCIAL OR “C2” DISTRICT.

19.1 Purpose: To provide a full range of commercial retail and service establishments to communities. The following regulations shall apply in all “C2” districts and all uses shall be subject to development review as set forth in Article 56.

19.2 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

19.3 Uses permitted: The following community commercial uses are permitted: When conducted within a completely enclosed building; when open to the public between the hours of 6:00 a.m. and 12:00 a.m.; when without drive-thru facilities; and when not exceeding a maximum of five thousand (5,000) square feet of gross floor area per use or ten thousand (10,000) square feet of total gross floor area:

   (a) Retail sales of food, appliances, paint, hardware, auto parts, drugs, liquor, new and used clothing, furniture, carpet, flowers, books, art and antiques; used appliance stores, second hand stores and thrift stores. *(Ord. No. 2172, 8/12/1993)*

   (b) Personal services such as barber and beauty shops, tailors, laundromats and cleaners, dance and art studios, photocopying centers, photography studios, and dog grooming.

   (c) Repair services such as appliance, radio, television, shoe and jewelry repair shops.

   (d) Food services such as restaurants, cafes, and delicatessens, with on- and off-sale beer, wine and liquor including outdoor dining areas.

   (e) Banking, finance, loans, law, real estate, or general administrative services, including drive-thru services.

   (f) Professional offices and services such as dispatching, blueprinting, duplicating, printing, drafting, engineering, surveying, planning, and architectural services.

   (g) Health care services such as doctor or dental offices, medical clinics, and small animal veterinary clinics.

   (h) Entertainment such as indoor theaters, bowling alleys, pool halls, game rooms and amusement enterprises; and recreational facilities such as health clubs, spas, saunas and hot-tub establishments.

   (i) Funeral homes. *(Ord. No. 2172, 8/12/1993)*
(j) Retail plant nurseries, including outdoor storage, sales, and display.  (Ord. No. 2172, 8/12/1993)

(k) Hotels and motels when not exceeding a maximum of fifteen (15) dwelling units. (Ord. No. 2172, 8/12/1993)

(l) Other community commercial uses when of similar character to those uses listed above.

(m) Commercial and residential accessory uses and accessory structures including six (6) or less games/amusement devices and two (2) or less pool tables occupying less than twenty-five (25) percent of the net floor area.

(n) Those uses permitted in the “C2” district with a zoning permit in Table A, Article 27.

19.4 Uses permitted subject to first obtaining a Minor Use Permit in each case: The following community commercial uses are permitted: When conducted within a completely enclosed building; when outdoor storage, sales or display does not exceed fifteen (15) percent of the gross floor area (excepting retail nurseries); and when not exceeding a maximum of eight thousand (8,000) square feet of gross floor area per use or sixteen thousand (16,000) square feet of total gross floor area:

(a) Uses permitted in Section 19.3 with outdoor storage, sales or display when operating other than between the hours of 6:00 a.m. to 12:00 a.m.; when including drive-thru facilities; or when exceeding a maximum of five thousand (5,000) square feet of gross floor area per use or ten thousand (10,000) square feet of total gross floor area.

(b) Uses permitted in Section 19.3 when not in compliance with the performance standards set forth in Article 41.

(c) Uses permitted in Section 19.3 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic.

(d) Hotels and motels when exceeding a maximum of fifteen (15) dwelling units. (Ord. No. 2172, 8/12/1993)

(e) Retail sales of new and used automobiles including incidental minor or major repair services, including outdoor storage, sales and display.  (Ord. No. 2172, 8/12/1993)

(f) REPEALED.  (Ord. No. 2172, 8/12/1993)

(g) Bars, taverns or cocktail lounges without amplified voice or music.
(h) Single-family, two-family or multi-family residential unit(s) located on the second story or higher, limited to one (1) dwelling unit per 1,000 square feet of commercial floor area, and subject to the parking requirements of Section 21-46. (Ord. No. 2128, 1/14/1993)

(i) Retail fuel sales and minor auto repair; car washes. (Ord. No. 2128, 1/14/1993; Ord. No. 2172, 8/12/1993)

(j) Rental or leasing of autos, trucks, trailers, boats or recreational vehicles, including outdoor storage, sales and display. (Ord. No. 2172, 8/12/1993)

(k) Commercial parking lots, taxicab companies, including outdoor storage. (Ord. No. 2172, 8/12/1993)

(l) Animal shelters. (Ord. No. 2172, 8/12/1993)

(m) Uses which are minor additions or alterations to existing uses or structures permitted by Section 19.5, limited to an increase of twenty (20) percent of the use area or total gross floor area of the structure(s).

(n) Those uses permitted in the “C2” district with a minor use permit in Table B, Article 27.

19.5 **Uses permitted subject to first obtaining a Major Use Permit in each case:** The following community commercial uses are permitted: When conducted within a completely enclosed building, except as noted below:

(a) Uses permitted in Sections 19.3 and 19.4 with outdoor storage, sales or display when in excess of fifteen (15) percent of the gross floor area per use; or when exceeding a maximum of eight thousand (8,000) square feet of gross floor area per use or sixteen thousand (16,000) square feet of total gross floor area.

(b) Uses permitted in Sections 19.3 and 19.4 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic.

(c) Uses permitted in Sections 19.3 and 19.4 when not in compliance with the performance standards set forth in Article 41.

(d) **REPEALED.** (Ord. No. 2128, 1/14/1993; Ord. No. 2172, 8/12/1993)

(e) Major auto repair when conducted within a completely enclosed building, but not including body and fender shops and paint shops.

(f) Farm or building supply stores, home improvement centers when outdoor storage, sales or display is limited to 15 percent of gross floor area.
Bars, taverns, or cocktail lounges, when including amplified voice or music.

Those uses permitted in the “C2” district with a major use permit in Table B, Article 27. *(Ord. No. 2172, 8/12/1993)*

**REPEALED.** *(Ord. No. 2172, 8/12/1993)*

**REPEALED.** *(Ord. No. 2172, 8/12/1993)*

**REPEALED.** *(Ord. No. 2172, 8/12/1993)*

**REPEALED.** *(Ord. No. 2172, 8/12/1993)*

**REPEALED.** *(Ord. No. 2172, 8/12/1993)*

**SEC. 21-19.10 DEVELOPMENT STANDARDS.**

**19.11 Minimum lot size:**

(a) Public water and sewer: 8,000 square feet.

(b) Well and public sewer; or public water and septic system: 15,000 square feet.

(c) Well and septic system: 40,000 square feet.

**19.12 Minimum average lot width:**

(a) Interior lots: Eighty (80) feet.

(b) Corner lots: One hundred (100) feet.

**19.13 Maximum length to width ratio:** Three (3) to one (1).

**19.14 Maximum lot coverage:** One hundred (100) percent.

**19.15 Minimum yards:**

(a) Front yard: None; except where frontage in a block is partially in an “R” district, in which case the frontage shall be the same as required in such “R” districts. Yards abutting streets are front yards.

(b) Rear yard: None; or ten (10) feet from the lot line when contiguous to any residential district.

(c) Side yard: None; or ten (10) feet from the lot line when contiguous to any residential district.
(d) Accessory structures: The above yards shall apply.

19.16 Maximum height:

(a) Principal structures: Thirty-five (35) feet.

(b) Accessory structures: Twenty (20) feet. (Ord. No. 1749, 7/7/1988)

19.17 Parking: The following minimum parking requirements shall apply except as provided for in Article 46.

(a) Retail and service commercial use: One (1) space per two hundred fifty (250) square feet of gross floor area.

(b) Other uses: As provided for in Article 46.

19.18 Signs: As provided in Article 45.

19.19 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)
ARTICLE 20

SEC. 21-20 REGULATIONS FOR THE SERVICE COMMERCIAL OR “C3” DISTRICT.

20.1 Purpose: To provide areas suitable for heavy retail and service commercial uses which do not specialize in pedestrian traffic and are more appropriately located away from the central business district. The following regulations shall apply in all “C3” districts and all uses shall be subject to development review as set forth in Article 56.

20.2 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

20.3 Uses permitted: The following service commercial uses are permitted: When conducted within a completely enclosed building; when outdoor storage does not exceed fifty (50) percent of the gross floor area per use and when within a completely screened area on the same lot; and when not exceeding a maximum of six thousand (6,000) square feet of gross floor area per use or twelve thousand (12,000) square feet of total gross floor area:

(a) Retail sales of large and bulky household items such as appliances, carpet and floor covering, furniture, fireplaces, or woodstoves.

(b) Installation of auto parts and accessories such as tire or battery stores, muffler shops and tune-up shops, including incidental retail sales of auto parts and accessories.

(c) Commercial trade services with or without incidental retail sales such as cleaning and dyeing agencies and plants, bottling works, funeral homes, cabinet and carpentry shops; blacksmith, welding and machine shops; furniture repair and upholstery shops.

(d) Construction related sales and services such as building supply stores with incidental lumber storage yards; general and specialty contractors offices; electrical, plumbing, and heating shops; and light equipment rental shops.

(e) Warehouses and mini-storage.

(f) Sales and services to the agricultural sector such as farm supply stores, farm implement sales and service shops, agricultural supply cooperatives and commercial irrigation services.

(g) Professional construction support services such as blueprinting, duplicating, printing, drafting, engineering, surveying, planning, or architecture services.

(h) Laundry, janitorial or facility maintenance services.

(i) Entertainment and recreational facilities such as, but not limited to, indoor theaters, bowling alleys, pool halls, game rooms and amusement enterprises,
health clubs, spas, saunas and hot-tub establishments.  (Ord. No. 2336, 2/15/1996)

(j) Other service commercial uses when of similar character to those uses listed above.

(k) Commercial and residential accessory uses and accessory structures.

(l) Those uses permitted in the “C3” district with a zoning permit in Table A, Article 27.

20.4 Uses permitted subject to first obtaining a Minor Use Permit in each case: The following service commercial uses are permitted when conducted within a completely enclosed building (excepting auto sales); and when not exceeding a maximum of twelve thousand (12,000) square feet of gross floor area per use or twenty-four thousand (24,000) square feet of total gross floor area:

(a) Uses permitted in Section 20.3 when outdoor storage exceeds fifty (50) percent of the gross floor area per use or when not contained within a completely screened area; or when exceeding a maximum of six thousand (6,000) square feet of gross floor area per use or a maximum of twelve thousand (12,000) square feet of total gross floor area.

(b) Uses permitted in Section 20.3 when not in compliance with the performance standards set forth in Article 41.

(c) Uses permitted in Section 20.3 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic, or involve the handling of explosives or dangerous materials.

(d) Businesses providing retail sales of new or used automobiles with incidental minor and major repair services, and car washes.  (Ord. No. 2128, 1/14/1993)

(e) Automobile, truck, and vehicle service and repair shops and garages providing minor and major repairs, body work and painting; temporary storage of ten (10) or fewer vehicles with no repair or dismantling services.  (Ord. No. 2128, 1/14/1993; Ord. No. 2172, 8/12/1993)

(f) Commercial parking lots, taxicab companies, including outdoor storage.  (Ord. No. 2172, 8/12/1993)

(g) Rental or leasing of trucks, trailers, and recreational vehicles.  (Ord. No. 2172, 8/12/1993)

(h) Uses which are minor additions or alterations to existing uses or structures permitted by Section 20.5, limited to an increase of twenty (20) percent of the use area or gross floor area.
(i) Those uses permitted in the “C3” district with a minor use permit in Table B, Article 27.

20.5 **Uses permitted subject to first obtaining a Major Use Permit in each case:** The following service commercial uses are permitted when exceeding a maximum of twelve thousand (12,000) square feet of gross floor area per use or twenty four thousand (24,000) square feet of total gross floor area:

(a) Uses permitted in Sections 20.3 and 20.4 when not conducted within a completely enclosed building; or when exceeding a maximum of twelve thousand (12,000) square feet of gross floor area per use or twenty four thousand (24,000) square feet of total gross floor area.

(b) Uses permitted in Sections 20.3 and 20.4 when not in compliance with the performance standards set forth in Article 41.

(c) Uses permitted in Sections 20.3 and 20.4 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic, or involve the handling of explosives or dangerous materials.

(d) Open-air retail sales of boats, recreational vehicles, mobile homes, modular homes, factory built homes, swimming pools, storage tanks, satellite dish antennas and other large and bulky items.

(e) **REPEALED.** (Ord. No. 2172, 8/12/1993)

(f) Temporary storage of more than ten (10) vehicles. **(Ord. No. 2128, 1/14/1993; Ord. No. 2172, 8/12/1993)**

(g) **REPEALED.** (Ord. No. 2172, 8/12/1993)

(h) Contractors’ heavy equipment storage yards or heavy equipment rental yards.

(i) Fuel tank farms, wholesale fuel sales or distributors, including natural gas or propane distributors or wholesalers. **(Ord. No. 1749, 7/7/1988)**

(j) Those uses permitted in the “C3” district with a major use permit in Table B, Article 27.

20.6 **Uses expressly prohibited:** Unless otherwise listed in Sections 20.3, 20.4 or 20.5, uses permitted in any commercial or manufacturing district or heavy industrial district are expressly prohibited within the “C3” district.

**SEC. 21-20.10 DEVELOPMENT STANDARDS.**
20.11 Minimum lot size:
   (a) Public water and sewer: 12,500 square feet.
   (b) Well and public sewer; or public water and septic system: 20,000 square feet.
   (c) Well and septic system: 40,000 square feet.

20.12 Minimum average lot width:
   (a) Interior lots: One hundred (100) feet.
   (b) Corner lots: One hundred twenty-five (125) feet.

20.13 Maximum length to width ratio: Three (3) to one (1).

20.14 Maximum lot coverage: Seventy-five (75) percent. (Ord. No. 1749, 7/7/1988)

20.15 Minimum yards:
   (a) Front yard: Ten (10) feet from lot line; or thirty-five (35) feet from the centerline of roadway, whichever is greater. Yards abutting streets are front yards.
   (b) Rear yards: None; or five (5) feet from the lot line when contiguous to any residential district.
   (c) Side yard: None; or twenty-five (25) feet from the lot line when contiguous to any residential district.
   (d) Accessory structures: The above yards shall apply.

20.16 Maximum height:
   (a) Principal structures: Thirty-five (35) feet.
   (b) Accessory structures: Twenty (20) feet. (Ord. No. 1749, 7/7/1988)

20.17 Parking: The following minimum parking requirements shall apply except as provided for in Article 46.
   (a) Service commercial use: One (1) space per six hundred (600) square feet of gross floor area.
   (b) Other uses: As provided for in Article 46.

20.18 Signs: As provided in Article 45.
20.19 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)
ARTICLE 21

SEC. 21-21  REGULATIONS FOR THE COMMERCIAL/MANUFACTURING OR “M1” DISTRICT.

21.1 Purposes: To provide areas for heavy commercial and light industrial or manufacturing uses while maintaining an environment free from offensive or objectionable noise, dust, odor, or other nuisances. The following regulations shall apply to all “M1” districts and all uses shall be subject to development review as set forth in Article 56.

21.2 Applicability: This district shall be applied to industrial sites or parcels not exceeding five (5) acres in size.

21.3 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

21.4 Uses permitted: The following commercial/manufacturing uses are permitted:

(a) Uses permitted in the “C3” district, Section 20.3.

(b) Light manufacturing, assembly, packaging, or processing of the following materials; with incidental retail sales of finished products at the point of manufacture; and when not including any use which incorporates processes involving the pulverization of clays, use of kilns fired by fuels other than electricity or gas, or the refining or rendering of oils or fats:

1. High technology products such as electrical instruments, computers, optical equipment and similar uses, including research and development.

2. Grains, vegetables, fruit or other farm products;

3. Wood, paper, or paper products;

4. Fabrics, textiles, and similar materials;

5. Leather and leather products;

6. Metals and alloys;

7. Glass, plastics, pottery and rubber products.

(c) Laundry, janitorial or facility maintenance services.
(d) One (1) accessory dwelling per use as one security guard or night watchman quarters when incidental to a commercial or manufacturing use subject to the requirements of Section 27.3(a).

(e) Industrial and residential accessory uses and accessory structures.

(f) Any other light industrial use, building, or structure when of similar character to those enumerated in this Section.

(g) Those uses permitted in the “MI” district with a zoning permit in Table A, Article 27.

21.5 Uses permitted subject to first obtaining a Minor Use Permit in each case: The following commercial/manufacturing uses are permitted: When conducted within a completely enclosed building; with up to one hundred (100) percent of the gross floor area for outdoor storage of finished products or materials, when within a completely screened area on the same lot; and when not exceeding a maximum of twelve thousand (12,000) square feet of gross floor area per use or twenty four thousand (24,000) square feet of total gross floor area:

(a) Uses permitted in Section 21.4 when exceeding a maximum of six thousand (6,000) square feet of gross floor area per use or twelve thousand (12,000) square feet of total gross floor area.

(b) Uses permitted in Section 21.4 when not in compliance with the performance standards set forth in Article 41.

(c) Uses permitted in Section 21.4 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic, or involve the handling of explosives or dangerous materials.

(d) Uses permitted in the “C3” district, Section 20.4.

(e) Administrative offices when incidental to the commercial/manufacturing uses permitted in this district.

(f) Food services such as cafes and diners when open to the public between the hours of 6:00 a.m. and 6:00 p.m.

(g) Uses which are minor additions or alterations to existing uses or structures permitted by Section 21.6, limited to an increase of twenty (20) percent of the use or gross floor area of the structure(s).
Those uses permitted in the “MI” district with a minor use permit in Table B, Article 27.

21.6 Uses permitted subject to first obtaining a Major Use Permit in each case: The following commercial/manufacturing uses are permitted:

(a) Uses permitted in Sections 21.4 and 21.5 when outdoor storage exceeds one hundred (100) percent of the gross floor area; or when exceeding a maximum of twelve thousand (12,000) square feet of gross floor area per use or twenty four thousand (24,000) square feet of total gross floor area.

(b) Uses permitted in Sections 21.4 and 21.5 when not in compliance with the performance standards set forth in Article 41.

(c) Uses permitted in Sections 21.4 and 21.5 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic, or involve the handling of explosives or dangerous materials.

(d) Uses permitted in the “C3” district, Section 20.5 except Section 20.5(d).

(e) Contractors’ equipment storage yards or equipment rental yards.

(f) Truck terminals and repair.

(g) Electroplating establishments.

(h) Fuel tank farms, wholesale fuel sales or distributors, including natural gas or propane distributors or wholesalers. (Ord. No. 1749, 7/7/1988)

(i) Those uses permitted in the “MI” district with a major use permit in Table B, Article 27.

21.7 Uses expressly prohibited: Unless otherwise listed in Sections 21.4, 21.5, or 21.6, uses permitted in any heavy industrial district are expressly prohibited within the “MI” district.

SEC. 21-21.10 DEVELOPMENT STANDARDS.

21.11 Minimum lot size:

(a) Public water and sewer: 12,500 square feet.

(b) Well and public sewer; or public water and septic system: 20,000 square feet.

(c) Well and septic system: 40,000 square feet.
**21.12 Minimum average lot width:**

(a) Interior lots: One hundred (100) feet.

(b) Corner lots: One hundred twenty-five (125) feet.

**21.13 Maximum length to width ratio:** Three (3) to one (1).

**21.14 Maximum lot coverage:** Fifty (50) percent.

**21.15 Minimum yards:**

(a) Front yard: Ten (10) feet from lot line; or thirty-five (35) feet from centerline of the roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: None; ten (10) feet from lot line when contiguous to any residential district.

(c) Side yard: None; ten (10) feet from lot line when contiguous to any residential district.

(d) Accessory structures: The above setbacks shall apply.

**21.16 Maximum height:** Forty-five (45) feet.

**21.17 Parking:** The following minimum parking requirements shall apply except as provided for in Article 46.

(a) Retail and service: One (1) space per six hundred (600) square feet of gross floor area.

(b) Warehousing: One (1) space per two thousand five hundred (2,500) square feet of gross floor area.

(c) Incidental offices: One (1) space per two hundred fifty (250) square feet of gross floor area.

(d) Manufacturing: One (1) space for each employee on the shift having the largest number of employees, but not less than one (1) space for each six hundred (600) square feet of gross floor area, minimum of four (4) spaces.

(e) Other uses: As provided for in Article 46.

**21.18 Signs:** As provided in Article 45.

**21.19 DEVELOPMENT STANDARDS EXCEPTION:** FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)
ARTICLE 22

SEC. 21-22 REGULATIONS FOR THE HEAVY INDUSTRIAL OR “M2” DISTRICT.

22.1 Purpose: To provide areas for heavy industrial and manufacturing uses which can locate and operate away from the restrictive influences of non-industrial uses, while maintaining an environment free from offensive or objectionable noise, dust, or other nuisances. The following regulations shall apply in all “M2” districts and all uses shall be subject to development review as set forth in Article 56.

22.2 Applicability: The “M2” district shall be applied to industrial sites, or parcels not exceeding five (5) acres in size.

22.3 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

22.4 Uses permitted: The following heavy industrial and manufacturing uses are permitted: When conducted within a completely enclosed building; with up to one hundred (100) percent of the gross floor area for outdoor storage of products or materials, when within a completely screened area on the same lot; and when not exceeding six thousand (6,000) square feet of gross floor area per use or twelve thousand (12,000) square feet of total gross floor area:

(a) Uses permitted in the “M1” district, Section 21.4; uses permitted in the “C3” district, Section 20.3. (Ord. No. 2172, 8/12/1993)

(b) Wholesale sales, storage and distribution centers when including incidental retail sales on-site. (Ord. No. 2172, 8/12/1993)

(c) Truck terminals and truck repair.

(d) Contractors’ equipment storage yards, and equipment rental yards. (Ord. No. 1749, 7/7/1988)

(e) Boat manufacturing and repair.

(f) Sale of pre-sized rock for ornamental, monument or other uses, when not involving on-site excavation, crushing, or sorting of soils or parent material.

(g) Industrial and residential accessory uses and accessory structures.

(h) One security guard or night watchman quarters when incidental to a commercial or manufacturing use; or an accessory dwelling subject to the requirements of Section 27.3(a).

(i) One administrative office when incidental to a commercial or manufacturing use.
Other heavy commercial uses when of a similar character to those uses listed above. *(Ord. No. 1749, 7/7/1988)*

Those uses permitted in the “M2” district with a zoning permit in Table A, Article 27.

**22.5 Uses permitted subject to first obtaining a Minor Use Permit in each case:** The following heavy industrial and manufacturing uses are permitted: When conducted within a completely enclosed building; with up to one hundred (100) percent of the gross floor area for outdoor storage of products of materials, when within a completely screened area on the same lot; and when not exceeding twelve thousand (12,000) square feet of gross floor area per use or twenty four thousand (24,000) square feet of gross floor area:

(a) Uses permitted in Section 22.4 when exceeding six thousand (6,000) square feet of gross floor area per use or twelve thousand (12,000) square feet of total gross floor area.

(b) Uses permitted in Section 22.4 when not in compliance with the performance standards set forth in Article 41.

(c) Uses permitted in Section 22.4 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic, or involve the handling of explosives or dangerous materials.

(d) **REPEALED. (Ord. No. 2172, 8/12/1993)**

(e) Food services such as cafes and diners when open to the public between the hours of 6:00 a.m. and 6:00 p.m.

(f) Lumber resaw mills.

(g) Uses which are minor additions or alterations to existing uses or structures permitted by Section 22.6, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(h) Those uses permitted in the “M2” district with a minor use permit in Table B, Article 27.

**22.6 Uses permitted subject to first obtaining a Major Use Permit in each case:** The following heavy industrial and manufacturing uses are permitted:

(a) Uses permitted in Sections 22.4 and 22.5 when not conducted within a completely enclosed building; when outdoor storage exceeds one hundred (100) percent of the gross floor area; or when exceeding twelve thousand (12,000) square feet of...
gross floor area per use or twenty four thousand (24,000) square feet of total gross floor area:

(b) Uses permitted in Sections 22.4 and 22.5 when not in compliance with the performance standards set forth in Article 41.

(c) Uses permitted in Sections 22.4 and 22.5 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic, or involve the handling of explosives or dangerous materials.

(d) Auto wrecking yards, salvage and dismantling yards, and junk yards.

(e) Concrete or asphalt batch plants, rock crushing and stone product yards, sand and gravel plants.

(f) Commercial excavation of stone or earth materials such as quarries, gravel pits, or topsoil yards.

(g) Lumber mills.

(h) Processing, slaughtering, or packaging of beast, fish, or fowl such as fish canneries, meat packing plants or slaughterhouses, offal or dead animal disposal, reduction or incineration plants, or tanneries, including incidental commercial feedlots or fat rendering plants.

(i) Manufacturing, mixing or processing of chemicals including, but not limited to, acetylene gas, acid, ammonia, asbestos, or explosives.

(j) Electroplating establishments.

(k) Hazardous or toxic waste disposal operations.

(l) Manufacturing, assembly, packaging or processing of materials which incorporates processes involving the pulverization of clays, use of kilns fired by fuels other than electricity or gas, or the refining or rendering of oils or fats.

(m) Fuel tank farms, wholesale fuel sales or distributors, including natural gas or propane distributors or wholesalers. (Ord. No. 1749, 7/7/1988)

(n) Other heavy industrial uses when of similar character to those uses listed in this Subsection.

(o) Those uses permitted in the “M2” district with a major use permit in Table B, Article 27.
22.7 **Uses expressly prohibited:** Unless otherwise listed in Sections 22.4, 22.5, or 22.6, uses permitted in any commercial district, or commercial/manufacturing district are expressly prohibited within the “M2” district.

**SEC. 21-22.10 DEVELOPMENT STANDARDS.**

22.11 **Minimum lot size:**

(a) Public water and sewer: 12,500 square feet.

(b) Well and public sewer; or public water and septic system: 20,000 square feet.

(c) Well and septic system: 40,000 square feet.

22.12 **Minimum average lot width:**

(a) Interior lots: One hundred (100) feet.

(b) Corner lots: One hundred twenty-five (125) feet.

22.13 **Maximum length to width ratio:** Three (3) to one (1).

22.14 **Maximum lot coverage:** Seventy-five (75) percent. *(Ord. No. 1749, 7/7/1988)*

22.15 **Minimum yards:**

(a) Front yard: Ten (10) feet from lot line; or thirty-five (35) feet from the centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: None; or thirty (30) feet from the lot line when contiguous to any residential district.

(c) Side yard: None; or thirty (30) feet from the lot line when contiguous to any residential district.

(d) Accessory structures: The above setbacks shall apply.

22.16 **Maximum height:** Forty-five (45) feet.

22.17 **Parking:** The following minimum parking requirements shall apply except as provided for in Article 46.

(a) Warehousing: One (1) space per two thousand five hundred (2,500) square feet of gross floor area.

(b) Incidental offices: One (1) space per two hundred fifty (250) square feet of gross floor area.
(c) Manufacturing: One (1) space for every employee on the shift having the largest number of employees, but not less than one (1) space for each six hundred (600) feet of gross floor area, minimum of four (4) spaces.

(d) Other uses: As provided for in Article 46.

22.18 Signs: As provided in Article 45.

22.19 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)
ARTICLE 23

SEC. 21-23 REGULATIONS FOR THE INDUSTRIAL PARK OR “MP” DISTRICT.

23.1 Purpose: To provide areas for a wide range of heavy commercial/manufacturing uses, research facilities, or administrative offices clustered within business parks with well-designed buildings and attractively landscaped areas. The following regulations shall apply in all “MP” districts and all uses shall be subject to the development review provisions of Article 56.

23.2 Applicability: This district shall be for designated community areas of the County identified in the Lake County General Plan which are served by public water and sewer systems. Parcels or lots shall front on a "minor collector" or larger as designated on the Circulation Plan of the Lake County General Plan, or on a “local road” as defined in the Lake County General Plan and when, in the opinion of the Planning Director, such local road serves as a freeway frontage road.

23.3 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth herein and in Article 41.

23.4 Uses permitted: The following heavy commercial/manufacturing uses are permitted: When conducted within a completely enclosed building; when not obnoxious or offensive because of noise, dust, odor, smoke, vibration, danger to life and property; and when not exceeding fifteen (15) percent of the gross floor area of the lot for outdoor storage or finished products or materials and when within a completely screened area on the same lot:

(a) Retail sales of large and bulky household items such as appliances, carpet and floor covering, fabric, furniture, and fireplaces or woodstoves.

(b) Commercial trade services including incidental retail sales such as cleaning and dyeing agencies and plants, bottling works, cabinet and carpentry shops; blacksmith, welding and machine shops; furniture repair and upholstery shops.

(c) Construction related sales and services such as hardware stores; general and specialty contractors offices; electrical, plumbing, and heating shops; and light equipment rental shops.

(d) Commercial warehouses and mini-storage.

(e) Light manufacturing, assembly, packaging, or processing of the following materials, including incidental retail sales of finished products at the point of manufacture; and when not including any use which incorporates processes involving the pulverization of clays, use of kilns fired by fuels other than electricity or gas, or the refining or rendering of oils or fats:

1. High technology products such as electrical instruments, computers, optical equipment and similar uses, including research and development.
2. Grains, vegetables, fruit or other farm products.

3. Wood, paper, or paper products.

4. Fabrics, textiles, and similar materials.

5. Leather and leather products.


(f) Administrative and general business offices and facilities when compatible with uses permitted in this district.

(g) Professional construction support services such as blueprinting, duplicating, printing, drafting, engineering, surveying, planning, or architectural services.

(h) Research, development, and testing laboratories and facilities.

(i) Any other heavy commercial or light industrial use, building, or structure which is of similar character and not materially different to those enumerated herein.

(j) Food services such as cafes and diners open to the public between the hours of 6:00 a.m. and 6:00 p.m.

(k) Laundry, janitorial or facility maintenance services.

(l) Industrial and commercial accessory uses and accessory structures.

(m) Those uses permitted in the “MP” district with a zoning permit in Table A, Article 27.

23.5 **Uses permitted subject to first obtaining a Minor Use Permit in each case:** The following heavy commercial/manufacturing uses are permitted: When conducted within a completely enclosed building; and when not exceeding fifteen (15) percent of the total area of the lot for outdoor storage of finished products or materials within a completely screened area on the same lot:

(a) Uses permitted in Section 23.4 which may be obnoxious or offensive because of noise, dust, odor, smoke, vibration, danger to life and property.

(b) Uses permitted in Section 23.4 when not in compliance with the performance standards set forth in Article 41.

(c) Health care, child care, and recreational facilities accessory to a principal use permitted on the premises and open to the public only during normal business hours of the principal use.
(d) Uses which are minor additions or alterations to existing uses or structures permitted by Section 23.6, limited to an increase of twenty (20) percent of the use or gross floor area of the structure(s).

(e) Those uses permitted in the “MP” district with a minor use permit in Table B, Article 27.

23.6 Uses permitted subject to first obtaining a Major Use Permit in each case: The following heavy commercial/manufacturing uses are permitted: When conducted within a completely enclosed building; and when not exceeding fifteen (15) percent of the total area of the lot for outdoor storage of finished products or materials within a completely screened area on the same lot:

(a) Uses permitted in Sections 23.4 and 23.5 when obnoxious or offensive because of noise, dust, odor, smoke, vibration, danger to life and property.

(b) Uses permitted in Sections 23.4 and 23.5 when not in compliance with the performance standards set forth in Article 41.

(c) Home improvement centers; recycling centers.

(d) Boat manufacturing and repair.

(e) Those uses permitted in the “MP” district with a major use permit in Table B, Article 27.

SEC. 21-23.10 DEVELOPMENT STANDARDS.

23.11 Minimum lot size: Twenty thousand (20,000) square feet.

23.12 Minimum average lot width:

(a) Interior lots: One hundred (100) feet.

(b) Corner lots: One hundred twenty-five (125) feet.

23.13 Maximum length to width ratio: Three (3) to one (1).

23.14 Maximum lot coverage: Thirty five (35) percent.

23.15 Minimum yards:

(a) Front yard: Twenty (20) feet from the lot line; or forty-five (45) feet from the centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear yard: Twenty (20) feet; except as provided below.
1. Where the rear lot line abuts a residential base zoning district, the minimum rear yard setback shall be fifty (50) feet. Not less than ten (10) feet abutting the rear lot line shall be landscaped and permanently maintained and a six-foot high solid masonry wall shall be required ten (10) feet from the rear lot line.

2. Where abutting or combined with the Scenic combining district, the minimum rear yard setback shall be fifty (50) feet.

(c) Side yard: Ten (10) feet; except as provided below.

1. Where the side lot line of a site abuts a residential zone, the minimum side yard setback shall be fifty (50) feet. Not less than ten (10) feet abutting the side lot line shall be landscaped and permanently maintained. A six (6) foot masonry wall shall also be required ten (10) feet from the side lot line and shall not exceed three (3) feet in height when extending into any required front yard.

(d) Accessory structures: The above setbacks shall apply.

23.16 Maximum height: Twenty (20) feet; for each foot of setback in excess of all required setback lines, an additional height of six (6) inches shall be permitted, but the total height shall not exceed forty-five (45) feet, provided that additional height may be permitted subject to first securing a use permit in each case.

23.17 Parking: The following minimum parking requirements shall apply unless otherwise provided for in Article 46.

(a) Retail and service: One (1) space per six hundred (600) square feet of gross floor area.

(b) Warehousing: One (1) space per two thousand five hundred (2,500) square feet of gross floor area.

(c) Incidental or administrative offices: One (1) space per two hundred fifty (250) square feet of gross floor area.

(d) Manufacturing: One (1) space for each employee on the shift having the largest number of employees, but not less than one (1) space for each six hundred (600) square feet of gross floor area, minimum of four (4) spaces.

(e) Minimum parking required of all heavy commercial/manufacturing uses: Four (4) spaces in addition to those required above.

(f) Other uses: As provided for in Article 46.
23.18 Signs: As provided in Article 45.

23.19 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)

SEC. 21-23.20 PERFORMANCE STANDARDS.

23.21 Landscaping, screening and outdoor storage: As provided in Article 41.

23.22 Public Safety: All proposed development shall comply with the following public safety requirements beyond those required elsewhere:

(a) An emergency access way to the rear portion of the lot shall be provided where deemed necessary or where required by the standards of the applicable local fire protection district.

(b) Adequate lighting of parking lots and buildings shall be provided.

(c) Clearly marked street numbers with lighting for night visibility shall be provided.

(d) Required landscaping shall not totally shield a security officer’s view of doors, windows, or entrance areas.

23.23 Additional design criteria: The following additional design criteria shall apply:

(a) Facades of buildings shall be decorative and architecturally pleasing. At a minimum, all buildings shall be designed so that exterior walls look like wood or masonry. All roofing materials shall be designed to look like composition roofing, tile, shakes, shingles, or tar or gravel, or consist of architectural metal roof sheathing with factory applied color coatings.

(b) Colors, materials, and finishes are to be coordinated on all exterior elevations of the buildings to achieve a total continuity of design that is visually pleasing and harmonious with adjacent development.

(c) All roof-mounted mechanical equipment and/or duct work, which projects vertically more than one and one-half (1 ½) feet above roof or roof parapet and visible from an adjoining street, is to be screened by an enclosure which is detailed consistent with the building.

(d) Where total screening of roof-mounted mechanical equipment and/or duct work which projects one and one-half (1 ½) feet or more above the roof or roof parapet is not practical, the projections shall be painted consistent with the color scheme of the building.

(e) No mechanical equipment except for emergency equipment and air conditioning equipment is to be exposed on the wall surface of a building. Such mechanical
equipment shall be screened by an enclosure which is detailed consistent with the building.

(f) Plans for cyclone blowers, bag houses, tanks, etc., shall be reviewed at the time of development review to determine design integration with buildings and adjacent areas. Such equipment shall be painted to blend with or complement the surface to which attached, if visible.

(g) All gutters, downspouts, vents, louvers, exposed flashing and overhead doors, shall be painted to blend with or complement the surface to which attached.

(h) For development that is adjacent to any potential scenic highway as designated in the Lake County General Plan, or adjacent to any district for which the Scenic combining district has been applied, the following standards shall also apply:

1. Outdoor storage of materials and equipment shall not face the scenic highway.

2. Overhead doors, garages, or loading zones shall be placed facing away from view of the scenic highway.

3. Not less than twenty (20) feet of landscaping shall be provided and permanently maintained in any required front yard.
ARTICLE 24

SEC. 21-24 REGULATIONS FOR THE OPEN SPACE OR “O” DISTRICT.

24.1 Purpose: To provide a zoning district to preserve, protect, and enhance public and private lands for their resource production potential and environmentally sensitive animal and plant habitat; while providing access to publicly owned lands and reducing land use conflicts by limiting uses incompatible with the purposes of this district. The following regulations shall apply in all “O” districts. (Ord. No. 1974, 12/20/1990)

24.2 Applicability: This district is intended to be applied to publicly owned land including lands of the U.S. Forest Service, U.S. Bureau of Land Management, the State of California and the County of Lake. In addition, this district may be applied upon the owner’s request to privately owned lands permanently dedicated to open space uses. Other lands that may be designated open space upon the owner’s request include: significant plant and animal habitats, forest lands, parks, recreation areas, hazardous areas, watersheds, lakes, and wetlands. These lands shall be managed under a multiple use concept and grading or structures that do not further resource conservation or public access are discouraged.

24.3 Performance standards: All uses permitted in the “O” district shall be subject to the performance standards of Article 41.

24.4 Uses permitted:

(a) Agricultural uses, including crop and tree farming; livestock grazing, and apiaries.

(b) Management of lands and forests for the primary use of commercial production and harvest of trees, including the removal of timber and uses integrally related to growing, harvesting and processing of on-site forest products including roads, log landings, and log storage areas.

(c) Public parks, passive recreation areas and game preserves. (Ord. No. 1897, 12/7/1989)

(d) Those uses permitted in the “O” district with a zoning permit in Table A, Article 27.

24.5 Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Uses permitted in Section 24.4 when not in compliance with the performance standards set forth in Article 41.

(b) Agricultural and residential accessory uses and accessory structures.

(c) Christmas tree sales incidental to tree farms permitted in Section 24.4.

(d) Private recreation facilities of a passive nature such as picnic areas, equestrian trails, bicycle paths, walking or jogging trails which are permanently set aside as open space, in any private development.
(e) Private fishing and hunting clubs on parcel(s) containing not less than one hundred (100) acres. (Ord. No. 1897, 12/7/1989)

(f) Prospecting, claiming, and preliminary geophysical investigations for natural resources, including oil, gas, geothermal or other mineral resources.

(g) Uses which are minor additions or alterations to existing uses or structures permitted by Section 24.6, limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(h) Uses permitted in the “O” district with a minor use permit in Table B, Article 27.

24.6 Uses permitted subject to first obtaining a Major Use Permit in each case:

(a) Uses permitted in Sections 24.4 and 24.5 when not in compliance with the performance standards set forth in Article 41.

(b) The removal of vegetation or natural materials, or grading for purposes other than agriculture or forest management specifically permitted in Section 24.4(a) or (b) that could defeat the purpose of this district.

(c) Private recreation facilities of an active nature such as ball fields, golf courses, tennis courts, recreation centers, swimming pools, beaches, restrooms and other similar uses not materially different, when set aside as open space, in any private development.

(d) Private hunting clubs on parcel(s) containing between forty (40) acres and one hundred (100) acres.

(e) Lumber mills incidental to those uses specifically permitted in Section 24.4(b).

(f) Public and private campgrounds.

(g) Uses permitted in the “O” district with a major use permit in Table B, Article 27.

SEC. 21-24.10 DEVELOPMENT STANDARDS.

24.11 Minimum lot size:

(a) Federal and state lands: Ninety (90) acres.

(b) County lands: Six thousand (6,000) square feet.

(c) Privately owned or permanently dedicated lands in open space: As existing for the lot of record at the time the lot is rezoned “O”.

24.12 Minimum average lot width: None.
24.13 Maximum length to width ratio: None.

24.14 Maximum lot coverage: None.

24.15 Minimum yards:

   (a) Front yard: Thirty (30) feet from lot line, or fifty-five (55) feet from the centerline of roadway, whichever is greater. Yards abutting streets are front yards.

   (b) Rear yard: Twenty-five (25) feet from lot line.

   (c) Side yard: Fifteen (15) feet from lot line.

   (d) Accessory uses: The above yards shall apply.

24.16 Maximum height: Thirty-five (35) feet.

24.17 Parking: As provided in Article 46.

24.18 Signs: As provided in Article 45.

24.19 DEVELOPMENT STANDARDS EXCEPTIONS: FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)
ARTICLE 25

SEC. 21-25 REGULATIONS FOR THE SUBSTANDARD OLDER SUBDIVISION “SOS” COMBINING DISTRICT.

25.1 Purpose: Provide basic access and fire protection for older subdivided lands, and insure geological stability by the establishment of regulations setting minimum public health and safety standards and procedures for implementation and reimbursement. The implementation of this Ordinance will help insure the continued development of these substandard older subdivisions in a manner that will not result in increased health and safety hazards to persons and property from fire, traffic accidents, landslides and other earth movements. Improved access will help emergency responses by public safety agencies such as police, fire and ambulance services. Within the “SOS” combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “SOS” combining district.

25.2 Applicability: This district shall be applied to predominantly undeveloped older subdivided properties of urban or suburban densities, known as “paper subdivisions”, which are substandard in relationship to existing zoning and subdivision regulations with design, size, or physical improvements not meeting County standards. Such lots should be characterized by steep slopes and lack of adequate public services and facilities such as streets, fire, sewer or water services.

25.3 Uses permitted: All uses permitted by the base zoning district, subject to the regulations of this Article and performance standards of Section 25.10.

25.4 Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Uses permitted in Section 25.3 when not in compliance with the performance standards of Section 25.10, as provided for in Section 41.3(a).

(b) Any development on or off-site, within the “SOS” district, when existing off-site improvements are not in compliance with the performance standards of Section 25.10. For the purposes of this Section, “improvements” include, but are not limited to, public streets, fire facilities and public water or sewer systems; “on-site” shall mean any development on a lot of record, and “off-site” shall mean all other areas within the “SOS” district.

(c) This section shall not apply to individual connections of dwellings or structures to pre-existing sewer lateral or water distribution lines, to reconstruction, replacement, additions or alterations to residences or residential uses existing prior to the effective date of being zoned “SOS”; or to uses authorized by any use permit granted pursuant to this Section or Section 25.5.

25.5 Uses permitted subject to first obtaining a Major Use Permit in each case: Uses permitted in Sections 25.3 and 25.4 when not in compliance with the performance standards of Section 25.10 as provided for in Section 41.3(a).
25.6 Improvements proposed by public agencies: Any public agency proposing development according to Section 25.4(b) shall be subject to the requirements of Sections 65401 or 65402 of the Government Code as applicable.

SEC. 21-25.10 PERFORMANCE STANDARDS.

25.11 Water and sewer service: All lots shall meet one of the following requirements:

(a) The lot is served by existing water and sewer connections; or

(b) The lot is fifteen thousand (15,000) square feet in area and is served by either an existing water or sewer connection; or

(c) The lot is forty thousand (40,000) square feet in area.

(d) The applicable public water or sewer agency has entered into a written agreement to provide water or sewer service as required in (a) and (b) above.

25.12 Fire service: The applicant shall provide written evidence in a form acceptable to the Planning Director that:

(a) The agency responsible for fire protection has certified that existing fire protection facilities meet the requirements of the Uniform Fire Code (1985 edition), Article 10, for access roads and water supply.

25.13 Streets:

(a) The street(s) serving the lot and the lot frontage(s) within the “SOS” district shall meet or exceed the street surfacing standards of Table 13.1.

**TABLE 13.1**

MINIMUM STREET SURFACING STANDARDS

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Street Capacity</th>
<th>Surfacing*</th>
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<tr>
<td>Residential</td>
<td>≤50 lots</td>
<td>Chip seal</td>
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<tr>
<td>Collector</td>
<td>≥50 lots</td>
<td>Double chip seal</td>
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</tbody>
</table>

*Gravel roads may be permitted pursuant to Section 25.23(d).

(b) Nothing in this Section should be construed to imply that any street constructed or brought to the standards contained in Table 13.1 or other County ordinances will be accepted for maintenance as a public street under the jurisdiction of the County of Lake.

25.14 Landslide risk: The applicant shall provide a certified engineering geologist’s report addressing those topics as required in Section 25.22(b), with recommended conditions addressing street and building site stability submitted to and approved as to content by the
Director of Public Works, when more than fifty (50) percent of the parcel is located in either the “unstable” or “existing unconsolidated to moderately consolidated landslide debris” rating on the Landslide Risk Map; or when, in the opinion of the Planning Director, the absence of potential landslide or earth movement hazards have not been documented by available information sources. Potential landslide risk for the parcel may be determined by the Planning Director, using the Lake County General Plan Landslide Risk Map on file at the Lake County Planning Department, or any updated map or documentation indicating geologic hazards and slope stability as approved by the Planning Commission or Planning Director, or based on topographic mapping. When information is not available clearly indicating the absence of potential geological hazards for the project site, the Planning Director shall require the preparation of a certified engineering geologist’s report.

The certified engineering geologist’s report will be reviewed and approved by the Director of Public Works, pursuant to Section 7006(c) of the Appendices of the Uniform Building Code of 1985, et seq., and Section 5-31(b) of the Lake County Code. Any recommendations or conditions in the certified engineering geologist’s report shall become performance standards applicable to the proposed development. Where applicable, improvement plans shall be prepared by a registered civil engineer.

25.15 Compliance procedures:

(a) The Planning Director may require information demonstrating that the proposed use will comply with all applicable performance standards prior to issuance of any ministerial or discretionary approval. This information may consist of a report prepared by a qualified technical consultant(s).

(b) When technical information is required, accurate and representative measurements shall be made according to accepted engineering or scientific practice.

SEC. 21-25.20 IMPROVEMENT PLAN.

25.21 Improvement plan required: Applicants for minor and major use permits pursuant to Sections 25.4 and 25.5 shall submit, as part of the use permit application, an improvement plan.

25.22 Improvement plan:

(a) In conjunction with an application for a minor or major use permit permitted by Sections 25.4 and 25.5, applicant shall submit a proposed improvement plan. The improvement plan shall include a description of all improvements being proposed, their location, a schedule of when they are to be installed and completed, “will serve” letters from public service agencies, and any other information required by the Planning Department to evaluate the application and compliance with the performance standards of Section 25.10.

(b) Certified engineering geologist’s report: The improvement plan shall be accompanied by a geological report, when directed by the Planning Director pursuant to Section 25.14, addressing on and off-site surficial geology and
geological hazards likely to affect the site, and include recommendations or conditions addressing ways to lessen or avoid identified hazards. The report shall be prepared by a certified engineering geologist.

1. The geological report shall include a review of applicable reports in the vicinity of the site and summarize and map surficial geology, and the following:

   i. Where standard foundations and conventional construction techniques are satisfactory.

   ii. On or off-site areas where geological hazards may exist; and areas where hazards can be mitigated through foundation design.

   iii. Areas where geologic suitability is uncertain without additional geotechnical and/or subsurface investigations.

   iv. Identify stable on-site access roads and/or driveway routes to the buildable areas.

   v. If the proposed building sites will be served by septic systems, the report should address on and off-site land stability in relation to leachfield sites and the possibility of instability being induced by leachfield construction.

2. When off-site roadways are proposed, the geological report shall discuss the suitability of and the soils design criteria for constructing roads in the proposed locations. The design criteria shall at a minimum discuss and make recommendations on:

   i. Maximum permissible cut and fill slopes.

   ii. Relative densities to be achieved in constructing fills.

   iii. Drainage channel protection to preclude erosion.

   iv. Any earth retaining structures which are needed to assure a minimum of road instability.

   vi. The design R-value of the soil.

25.23 Conditions: Any minor or major use permit approval shall include as a condition, an approved improvement plan and the following conditions:

(a) The performance standards of Section 25.10 except as specifically waived or amended by the use permit, consistent with the criteria of Section 25.24.
Air Quality: Effective dust control measures shall be implemented during project construction.

Bonding: The Planning Director shall, unless waived in writing, require financial assurances in such form and amounts as may be deemed necessary to assure that the permitted work is completed, if not completed in accordance with the approved improvement plan and specifications.

Unpaved streets: Gravel road surfaces may be permitted by the review authority provided that in each case the applicant improves, or bonds for improvement, per Subsection (c) above, a street section equal in length to those street frontages serving the applicant’s lot frontages, in a location within the “SOS” district and to a standard determined by the Review Authority. In no case shall the required improvements be less than an all-weather chip seal street twenty (20) feet in width. The provisions of this Subsection shall not be applicable when more than ten (10) dwellings utilizing the same access route have been constructed in the “SOS” district.

No street constructed, altered or reconstructed according to the provisions of this Article shall be accepted for maintenance by the County of Lake unless built to full county specifications for subdivision roads.

Indemnification agreement: The permittee shall enter into an indemnification agreement, holding Lake County harmless from any liability for any improvements authorized by this permit satisfactory in form and content to County Counsel.

Road maintenance agreement: All applicants proposing to construct or utilize for access a non-county maintained road shall enter into a property owners’ road maintenance agreement, approved as to form by the Planning Department, ensuring long-term repair and maintenance of the street, including dust control by property owners.

25.24 Criteria: The purpose of this district is to insure that development of older subdivisions will provide basic health and safety services. To this end all use permit applications seeking reduction in the performance standards should be reviewed taking into account the following criteria:

(a) The adequacy and compatibility of proposed and existing improvements.

(b) The provision of basic health and safety requirements.

(c) Adherence to the performance standards will not result in unacceptable aesthetic or environmental degradation.

(d) The staging of improvements in conjunction with reimbursement or other agreements addressing future sewer, water or road improvements will be adequate to insure the orderly development of older subdivisions.
SEC. 21-25.30       REIMBURSEMENT AGREEMENTS.

25.31 Purpose: It is the policy of Lake County that in all applicable instances a reimbursement agreement be entered into when previous permittees pursuant to Sections 25.4 or 25.5 cause improvements to be installed in excess of those needed to serve the applicant’s properties in order to insure the equitable sharing of costs by those who enjoy the benefits of the improvements. To accomplish this goal, this Section establishes a method by which permit holders, who are required to carry out an improvement plan pursuant to Section 25.20 of this Article, are reimbursed by subsequent permit holders, who but for the already implemented improvement plan would have incurred additional expense in meeting the requirements of this Article.

25.32 Reimbursement: When in the judgment of the Review Authority an applicant would have incurred additional expense in meeting the requirements of this Article, except that as a condition of a previous permit improvements have been implemented, the Review Authority shall impose as a condition of permit approval a requirement that the permit applicant reimburse the permit holder(s) who originally implemented the improvements in an amount which bears a reasonable relationship to the project’s respective share of the improvements, including excess costs for geological and engineering services.

(Added by Ord. No. 1749,7/7/1988)
26-1

ARTICLE 26

SEC. 21-26 REGULATIONS FOR THE UNCLASSIFIED OR “U” DISTRICT.

26.1 Purpose: To provide regulations for those areas which, for any reasons, are not included within any other district as specified in this Chapter or shown on any sectional district map as being included within a district.

26.2 Applicability: Parcels shall not be rezoned “U” from other zoning classifications.

26.3 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

26.4 Uses permitted:

(a) Agricultural uses, including crop and tree farming, livestock grazing, animal husbandry, aviaries and apiaries.

(b) One (1) single-family dwelling or mobilehome which shall be constructed according to the residential construction standards of Section 10.20.

(c) Agricultural and residential accessory uses and accessory structures.

(d) One (1) granny unit or one (1) residential second unit which shall be subject to the requirements of Section 27.3(1) or Section 27.3(m), respectively.

(e) One (1) produce stand for the display and sale of agricultural products produced on the premises subject to the requirements of Section 27.4(1).

(f) Agricultural processing such as fruit dehydrators and packing sheds not exceeding a use area of two thousand (2,000) square feet.

(g) Greenhouses, hothouses and incidental structures not exceeding a use area of ten thousand (10,000) square feet.

(h) Fishing clubs; game preserves and private hunting clubs on parcel(s) of one hundred (100) acres or more.

(i) Farm labor quarters and one (1) guest house subject to the requirements of Section 27.3(g) or Section 27.3(h), respectively.

(j) Those uses permitted in the “U” district with a zoning permit in Table A, Article 27.
26.5 Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Uses permitted in Section 26.4 when not in compliance with the performance standards set forth in Article 41.

(b) Private hunting clubs on parcel(s) of forty (40) acres to one hundred (100) acres.

(c) Display and sale of agricultural products produced on the premises, limited to one stand exceeding four hundred (400) square feet in size per parcel.

(d) Uses which are minor additions or alterations to existing uses or structures permitted by Section 26.6, limited to an increase of twenty (20) percent of the use area or gross floor area.

(e) Uses permitted in the “U” district with a minor use permit in Table B, Article 27.

26.6 Uses permitted subject to first obtaining a Major Use Permit in each case:

(a) Uses permitted in Sections 26.4 and 26.5 when not in compliance with the performance standards set forth in Article 41.

(b) Uses permitted in the “U” district with a major use permit in Table B, Article 27.

SEC. 21-26.10 DEVELOPMENT STANDARDS.

26.11 Minimum lot size:
That size existing for the legal lot of record at the time of adoption of this ordinance. No division shall be permitted.

26.12 Minimum average lot width: None.

26.13 Maximum length to width ratio: None.

26.14 Minimum yards:

(a) Front: Thirty (30) feet from lot line; or fifty-five (55) feet from centerline of roadway, whichever is greater. Yards abutting streets are front yards.

(b) Rear: Twenty-five (25) feet from lot line.

(c) Side: Ten (10) feet from lot line.

(d) Accessory structures: The above yards shall apply.

26.15 Maximum height:

(a) Principal structures: Thirty-five (35) feet.
26.16 **Animal density:** Animal densities for this district shall be as set forth in Section 9.16.

26.17 **Parking:** The following minimum parking requirements shall apply except as provided in Article 46. (Ord. No. 2172, 8/12/1993; Ord. No. 2305, 10/19/1995)

   (a) Residential use: Two (2) spaces. (Ord. No. 2172, 8/12/1993; Ord. No. 2305, 10/19/1995)

   (b) Other uses: As provided for in Article 46. (Ord. No. 2172, 8/12/1993; Ord. No. 2305, 10/19/1995)

26.18 **Signs:** As provided in Article 45.

26.19 **Minimum residential construction standards:** All single-family dwellings except “Temporary Dwellings” and “Farm Labor Quarters” shall meet the minimum residential construction standards of the “R1” district, Section 10.20.

26.20 **DEVELOPMENT STANDARDS EXCEPTIONS:** FOR EXCEPTIONS TO THE DEVELOPMENT STANDARDS OF THIS ARTICLE, SEE ARTICLE 42. (Ord. No. 1749, 7/7/1988)
ARTICLE 27

SEC. 21-27 USES GENERALLY PERMITTED.

27.1 Purpose: All uses listed in this Article and all matters related thereto, are declared to be uses possessing characteristics of unique and special form as to make their use acceptable in one or more districts upon issuance of a zoning permit, minor or major use permit in addition to any required building, grading or health permits. (New Table A, Ord. No. 1749, 7/7/1988; Ord. No. 1820, 5/11/1989; Ord. No. 2536, 8/31/2000; Ord. No. 2594, 07/25/2002)

27.2 Uses generally permitted with a zoning permit: Uses listed in Table A are permitted in the zoning districts indicated upon issuance of a zoning permit in the case of the symbol “λ” pursuant to the provisions of Section 27.3 and Article 49.

27.3 Conditions required of uses permitted by a zoning permit:

(a) Accessory residence to a commercial use:

1. The accessory residence shall be constructed concurrently with, or subsequent to the construction of the commercial building and shall be an accessory use to the principal commercial building or use in terms of duration or size.

2. A combination office, accessory residence, or an accessory residence utilized as an office may be located in the front one-half of the lot, subject to the development standards of the base district. (Ord. No. 1749, 7/7/1988)

3. If detached, the accessory residence shall be located on the rear one half (1/2) of the lot and at least ten (10) feet from any commercial building or dwelling on the same lot, or any adjacent lot. If attached, the accessory residence shall be to the rear of the principal commercial building or on a second or higher floor.

4. The accessory residence must be provided with a minimum of two hundred (200) square feet of usable private open space, in the form of enclosed yard, decks, or balconies, not including any required yard area.

5. Fire and vehicular access to the accessory residence of at least twelve (12) feet in width must be provided from a street or alley of a minimum width of twenty (20) feet.

6. The accessory residence must be provided with a separate means of ingress and egress to the ground outside of the building when the accessory residence is an integral part of a business structure.

7. The accessory residence shall comply with the development standards of the zoning district and the performance standards of Article 41
### Section 27.2 Table A. Uses Generally Permitted with a Zoning Permit

#### 27.3(a) thru (y)

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<th>Special Uses</th>
<th>APZ</th>
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<th>TPZ</th>
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- Zoning Permit Standards Included in Subsections

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27.3
8. One (1) parking space shall be provided for the exclusive use of the accessory residence in addition to the parking requirements of the commercial building or use.

9. Accessory residences in the “R3”, “C1”, “C2”, “CR”, “CH” and “PDC” districts shall meet the minimum residential construction standards of the “R1” district, Section 10.20, except for foundations required in 10.20(c). Accessory residences in the “C3”, “M1” and “M2” districts shall meet the minimum construction standards of the “MH” combining district, Section 32.11, except for foundations required in Section 32.11(c). (Ord. No. 1974, 12/20/1990; Ord. No. 2128, 1/14/1993)

(b) **Agricultural family dwelling:**

1. The agricultural family dwelling shall be incidental to the principal dwelling of the full-time operator in terms of size, and shall be located a distance not to exceed two hundred (200) feet from the main dwelling. Agricultural family dwellings may be located further than two hundred (200) feet from the main dwelling upon securing a minor use permit in each case. (Ord. No. 1749, 7/7/1988)

2. The parcel shall contain a minimum of forty (40) acres.

3. The agricultural family dwelling and any accessory structures shall comply with the development standards of the zoning district and the performance standards of Article 41.

4. The agricultural family dwelling shall not be leased, subleased, rented, or subrented to persons not directly involved in the agricultural operation.

5. One (1) parking space shall be provided for the exclusive use of the agricultural family dwelling in addition to the parking requirements of the principal dwelling.

6. The provisions of this Subsection shall not apply to single-family dwellings or mobile homes established prior to the effective date of this ordinance. (Ord. No. 1749, 7/7/1988)

(c) **Bed and breakfast:**

1. A bed and breakfast shall contain no more than two (2) guest rooms used, designed or intended to be used, let or hired out for occupancy for one (1) or more guests.

2. Additions to an existing residence for the purpose of establishing a bed and breakfast shall be limited to fifteen (15) percent of the existing floor space of the residence.
3. Existing residences, new residences and any accessory structures shall comply with the development standards of the zoning district and the performance standards of Article 41.

4. The applicant shall comply with any fire and life safety requirements imposed by the County building official according to the Uniform Building Code and Uniform Fire Code.

5. A zoning permit for a bed and breakfast shall be valid for a period not to exceed five (5) years. Continuance of the use shall require reapplication for each successive five (5) year term. Such reapplication shall be filed with the Planning Department for approval prior to the date of zoning permit expiration.

6. Residential, commercial or agricultural accessory structures shall not be used for rental occupancy.

7. No cooking facilities shall be permitted in guest rooms and food service is limited to continental breakfasts served to guests only. No commercial or “Restaurant Act Kitchen” is permitted.

8. Signs shall be limited to one (1) three (3) square foot non-illuminated or indirectly illuminated attached or free-standing sign; except in the “R1” and “R2” districts, where signs shall be limited to one (1) two (2) square foot non-Illuminated attached or free-standing sign.

9. One (1) parking space per guestroom shall be provided for the exclusive use of the guests in addition to the parking requirements of the principal residence.

10. Bed and breakfasts in the “CR” and “CH” zoning districts not located in a dwelling unit existing prior to the effective date of this Ordinance shall be subject to all the provisions of Section 27.13(b). *(Ord. No. 1897, 12/7/1989)*

(d) **Christmas tree sales:**

1. Christmas tree sales including any accessory structures shall comply with the development standards of the zoning district.

2. No trees or advertising signs shall be displayed within the public right-of-way. Signs shall be subject to the provisions of Article 45.

3. High intensity lights of one thousand (1,000) watts or more used for night display shall be shielded or directed at the use area. *(Ord. No. 1749, 7/7/1988)*

4. There shall be an area reserved for loading and unloading of trees. Egress
and ingress shall be clearly marked.

5. There shall be a minimum of three (3) on-site parking spaces meeting the requirements of Article 46 provided for the exclusive use of the Christmas tree sales in addition to the parking requirements of the principal use or structure.

6. A zoning permit for Christmas tree sales shall only be valid between November 15 and January 2. Lots or parcels utilized for tree sales shall be cleared of such use by the date of permit expiration. Only one (1) sales permit per parcel per year is permitted. **(Ord. No. 1749, 7/7/1988)**

(e) **Dam or reservoir, small:** **(Ord. No. 1749, 7/7/1988)**

1. The proposed site of the small dam or reservoir shall not be identified on any U.S. Geological Survey map as a lake, marsh, or solid or broken “blue line” stream.

2. A small dam shall not exceed six (6) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier; a small reservoir is larger than one (1) acre foot and shall not exceed five (5) acre feet.

3. All dams or reservoirs shall be accompanied by a plan approved by the U.S.D.A., Soil Conservation Service or prepared by a registered civil engineer, except as provided in Subsection 4 or 5 below.

4. Excavated or embankment ponds under one (1) acre foot in capacity or dams less than three (3) feet in height need not include engineered plans or water rights determination.

5. Excavated ponds less than five (5) acre feet when constructed totally below natural grade and off watercourses need not submit engineered plans.

6. All dams or reservoirs shall be accompanied by a 1601 or 1603 permit issued by the State Department of Fish and Game if located on a stream.

7. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit, except as provided in Subsection 4 above. The permittee shall file with the Planning Department all applicable water rights determinations or permits prior to construction of dam. **(Ord. No. 1749, 7/7/1988)**
(e cont.) Dam or reservoir, medium: (Ord. No. 1749, 7/7/1988)

1. The proposed site of the medium dam or reservoir shall not be identified on any U.S. Geological Survey Map as a lake, marsh, or solid or broken “blue line” stream.

2. A medium dam shall not exceed fifteen (15) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier; a medium reservoir shall not exceed fifteen (15) acre feet.

3. All applications for medium dams or reservoirs shall be accompanied by a detailed plan approved by the U.S.D.A., Soil Conservation Service or prepared by a registered civil engineer with assistance of a certified engineering geologist.

4. All applications for medium dams or reservoirs shall be accompanied by an approved 1601 of 1603 permit issued by the State Department of Fish and Game if located on a stream.

5. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit. The permittee shall file with the Planning Department a favorable water rights determination or permit prior to issuance of grading or building permits for construction of a medium dam or reservoir.

(fa) Reverse vending machine: (Ord. No. 1749, 7/7/1988)

1. Reverse vending machines shall be an accessory use to a commercial or industrial district use.

2. Shall be located within thirty (30) feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation.

3. Shall not occupy parking spaces required by the primary use.

4. Shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height.

5. Shall be constructed and maintained with durable waterproof and rustproof material.

6. Shall be clearly marked to identify the type of material to be deposited, operating instruction, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

7. Shall have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions.
8. Shall be maintained in a clean, litter-free condition on a daily basis.

9. Operating hours shall be at least the operating hours of the host use.

10. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

11. Reverse vending machines located within an existing commercial or industrial building do not require a zoning permit.

12. Reverse vending machines not meeting one or more of these conditions may be approved upon first securing a minor use permit in each case.  
(Ord. No. 1749, 7/7/1988)

(fb) Small recycling center:  (Ord. No. 1749, 7/7/1988)

1. Small recycling facilities shall be an accessory use to a commercial or industrial district use and include bulk reverse vending machines and mobile recycling units.

2. Shall be no larger than five hundred (500) square feet and occupy no more than five (5) parking spaces not including space that will be periodically needed for removal of materials or exchange of containers.

3. Shall be set back at least ten (10) feet from any street line and shall not obstruct pedestrian or vehicular circulation.

4. Shall be limited to the collection in separate containers of the following: metals, glass, aluminum or bi-metal cans, plastic containers, newsprint, cardboard, paper bags, clothing and small household items.

5. Shall not collect large or bulky items such as furniture, building materials, large appliances, auto parts or similar items.

6. Shall use no power-driven processing equipment except for reverse vending machines.

7. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, shall be of a capacity sufficient to accommodate materials collected and collection schedule, and be maintained in good repair so as not to be hazardous to the public or visually offensive.

8. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present.
9. Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

10. Noise levels shall not exceed the noise levels of Section 21-41.11.

11. Attended facilities located within one hundred (100) feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.

12. Containers for the 24-hour donation of materials shall be at least one hundred (100) feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.

13. Shall not be located in any required landscape, yard or setback area; nor be so located as to obstruct traffic or reduce sight distance at any driveway or intersection.

14. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One (1) space will be provided for the attendant, if needed.

15. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use by more than three (3) spaces.

16. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

17. Appurtenant signs, in addition to those required in condition 16, shall be limited to two (2) single-faced sixteen (16) square foot non-illuminated attached signs.

18. Small recycling centers not meeting one or more of these conditions may be approved upon first securing a minor use permit in each case (Ord. No. 1749, 7/7/1988).

(g) Farm labor quarters:

1. One (1) mobile home or single-family dwelling meeting the minimum construction standards of Section 32.11 may be permitted for farm help employed principally on land owned by the owner of the building site for
each of the following agricultural uses conducted on the premises: (Ord. No. 1749, 7/7/1988)

i. Fifty (50) dairy or purebred cows or one hundred (100) beef cattle; or

ii. Twenty (20) acres of grapes, apples, pears, walnuts or prunes; or

iii. Twenty thousand (20,000) broiler chickens, fifteen thousand (15,000) egg-laying hens, or three thousand (3,000) turkeys; or

iv. Fifteen (15) brood mares; or

v. Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse, or three (3) acres of field-grown plant materials or containers; or

vi. Five hundred (500) sheep or two hundred fifty (250) goats; or

vii. At least fifty (50) dairy goats or hogs; or

viii. Any other agricultural use, or combination of uses, which the Planning Director, in consultation with the Agricultural Commissioner, determines to be of the same approximate agricultural value and intensity as (i) through (vii) above.

ix. Farm labor quarters for agricultural uses not meeting the criteria of (i) through (viii) above may be permitted upon first securing a major use permit in each case. The Review Authority shall find in each case that:

1. A bona-fide agricultural use operates on the site, and

2. That the qualifying agricultural use existed prior to application for the farm labor quarters, and

3. The owner of the property resides on the same parcel where the farm labor quarters will be located. (Ord. No. 1749, 7/7/1988)

2. Farm labor quarters shall comply with the development standards of the base zoning district, and combining district where applicable.

3. Parking shall be provided as required in Article 46.

4. Trailer coaches, mobile homes and single-family dwellings not meeting the minimum construction standards of Section 32.11 may be approved upon first securing a minor use permit in each case. The Review Authority shall review each minor use permit to insure that the proposed
quarters will be compatible with existing development through conditioning the permit, which may include conditions as to: size, screening, access, siting and construction standards for the proposed dwelling unit. (Ord. No. 1749, 7/7/1988)

5. Farm labor quarters are exempt from the foundation requirements of Section 21-32.11. (Ord. No. 1974, 12/20/1990)

(h) **Granny unit:**

1. A granny unit zoning permit may only be issued subsequent to or concurrently with the construction of the principal dwelling on the same parcel.

2. A granny unit shall meet the development standards of the zoning district (except as provided in Subsection 6 below) and the performance standards of Article 41.

3. The granny unit may be attached or detached from the principal dwelling, provide that all of the setbacks of the base zoning district applicable to the primary dwelling are met. (Ord. No. 2886, 01/27/2009)

4. A granny unit shall not be permitted on a lot in addition to a guest house, residential second unit or similar dwelling. If a granny unit has been approved on a lot, a guest house, residential second unit or similar dwelling shall not be permitted unless the granny unit is removed, or converted to another authorized use.

5. The gross floor area of the granny unit shall not exceed seven hundred and twenty (720) square feet on parcels with a net parcel size less than 40,000 square feet. On parcels of 40,000 square feet or larger net parcel size, the granny unit shall not exceed one thousand and eight (1,008) square feet. For the purpose of this Section, gross floor area shall not include garages and opened or covered porches, and net parcel size shall not include land serving as any road easement. (Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/2003)

6. In addition to the parking requirements of the principal residence, one (1) parking space shall be provided for the exclusive use of granny units that are 720 square feet or less in size, and two (2) parking spaces shall be provided for granny units that exceed 720 square feet. (Ord. No. 2618, 2/27/2003)

7. The granny unit shall contain kitchen and bathroom facilities separate from those of the principal dwelling.

(i) **Guest house:**
1. A guest house shall be an accessory structure consisting of a detached living quarter of permanent type of construction, located within two hundred (200) feet of the main building.

2. The guest house shall not contain provisions for kitchens. (Ord. No. 1749, 7/7/1988)

3. The guest house shall not be leased, subleased, rented, or subrented separately from the main dwelling.

4. The minimum gross floor area required for a guest house shall be two hundred (200) square feet, and shall not exceed a maximum of one thousand (1,000) square feet.

5. Vehicle access to the guest house shall be by way of the driveway of the main building and in no case shall a separate point of access be created to the adjoining road or highway.

6. One (1) parking space shall be provided for the exclusive use of the guest house in addition to the parking requirements of the principal residence.

7. Guest houses shall comply with the development standards of the zoning district (except as noted in Subsection 4 above) and the performance standards of Article 41.

8. A guest house shall not be permitted on a lot in addition to a granny unit, residential second unit, ag family dwelling, farm labor quarters or similar dwelling. If a guest house has been approved on a lot, a granny unit, residential second unit, ag family dwelling, farm labor quarters or similar dwelling shall not be permitted unless the guest house is removed, or converted to another authorized use. (Ord. No. 1820, 5/11/1989)

9. A hardship guest house with a temporary kitchen may be approved upon first securing a minor use permit in each case. Any minor use permit for a hardship guest house shall meet the following conditions (Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/2003):

   i. Kitchen facilities shall be removed upon expiration of the permit.

   ii. The minor use permit shall be valid for a period of three (3) years or longer as determined by the Review Authority.

   iii. The permit shall expire upon any sale or transfer of the property.

   iv. A hardship guest house shall comply with all conditions pertaining to a guest house except condition 27.3(i)2. (Ord. No. 1749, 7/7/1988)
v. A mobile home approved for use as a hardship guest house shall not be located on a permanent foundation. (Ord. No. 1974, 12/20/1990)

10. The Review Authority granting a use permit for a hardship unit shall find, based on a physician’s or other licensed health care professional’s documentation, that a physical or mental impairment has resulted in the need for a supervised living environment for the impaired person. For a hardship guest house located in the “APZ”, “A”, or “TPZ” districts, physical impairment shall not include any respiratory, allergic, or other impairment incompatible with agricultural operations. (Ord. No. 1749, 7/7/1988; Ord. No. 1820, 5/11/1989)

11. Notwithstanding Section 21-27.3(i)7., trailer coaches or mobile homes not meeting the minimum construction standards of Section 32.11 may be approved for a hardship guest house in the “A”, “APZ”, and “TPZ” districts upon a finding by the Review Authority that the proposed quarters will be compatible with existing development. The use permit may include conditions as to: Size, screening, access, siting and construction standards for the proposed dwelling unit. (Ord. No. 1820, 5/11/1989)

(j) Home Occupation: (Ord. No. 2172, 8/12/1993)

1. The home occupation shall be strictly secondary and subordinate to the principal residential use and shall not change or detrimentally affect the residential, agricultural or rural character of the dwelling, premises, or neighborhood.

2. In the “R1” and “R2” districts and on lots of less than one (1) acre in the “SR” district, the home occupation shall be conducted only in the dwelling or attached garage, and not in any detached garage, storage shed, or accessory building. In other districts where home occupation is allowed, the home occupation shall be conducted entirely within the dwelling or an accessory structure that is incidental in size to the principal dwelling. (Ord. No. 1749, 7/7/1988)

3. Any structural alterations to the dwelling for the home occupation may be approved subject to the review and approval of the Planning Director, if consistent with the character of the area and the architecture of the building. (Ord. No. 1749, 7/7/1988)

4. In the “R1” and “R2” districts and on lots of less than one (1) acre in the “SR” district, the home occupation shall be conducted solely by the dwelling occupant(s) and no on-site employees shall be connected with the home occupation. In other zoning districts, on-site employees shall be limited to one (1) employee per two (2) acres and a maximum of five (5) employees.
5. Pick-up and deliveries to the premises by commercial carrier are limited to ten (10) per week.

6. One (1) non-illuminated sign shall be permitted. In the “R1” and “R2” zoning districts and on lots of less than one (1) acre in the “SR” district, signs shall not exceed one (1) square foot in area, and shall be mounted flat against the wall of the dwelling or on the face of a fence. In other zoning districts where home occupation is allowed, signs shall not exceed two (2) square feet in area and may be located anywhere on the parcel.

7. A maximum of eight (8) customers, clients, students, or other persons served by the home occupation(s) shall be permitted on the premises on any one (1) day, only between the hours of 8:00 a.m. and 8:00 p.m., and for no more than one (1) hour at a time. Exceptions to these time limits may be approved through the minor use permit process. Home occupations involving visits by customers, clients, students, or other persons served by the home occupation shall only be permitted in single-family dwellings. (Ord. No. 1749, 7/7/1988)

8. A home occupation shall not create any radio or television interference or create noise audible at the property line.

9. There shall be no outdoor storage of materials or supplies related to the home occupations.

10. In the “R1”, “R2” and “SR” districts, other than vehicles associated with principal uses of the property, one (1) vehicle shall be permitted in connection with the home occupation not to exceed one and one-half (1-1/2) ton capacity. In other zoning districts where home occupation is allowed, a maximum of two (2) vehicles, not to exceed one and one-half (1-1/2) ton capacity each, shall be permitted. (Ord. No. 1749, 7/7/1988)

11. In addition to the on-site parking required for the principal residential use, on-site parking shall be provided for all vehicles connected with the home occupation. (Ord. No. 2172, 8/12/1993)

(k) Newspaper distribution centers:

1. Each individual newspaper publisher, distributor, or contractor proposing to establish a distribution center shall obtain a zoning permit.

2. Newspaper distribution centers for the distribution of bundled newspapers to carriers, including incidental folding, inserting, etc; shall not be located within two hundred (200) feet of any residence.

3. No new structures shall be permitted without application for a minor use permit.
4. The permittee shall supervise carriers so that the operation will not disturb the sleep of nearby residents. To this end, there shall be no outdoor music, no bright lights, no loud conversation, and no idling of vehicle motors; and the permittee shall closely monitor carriers and employees to insure strict adherence to all motor vehicle codes.

5. Access to any distribution center shall be by a paved public street.

6. The site shall be kept clear of any litter or debris.

7. The zoning permit for a newspaper distribution center shall be valid for a period of one (1) year. Application for extension of the zoning permit shall be in writing on the form provided by the Planning Department. Such application shall be made prior to the expiration of the current permit. The permit may be extended up to three (3) years per extension request. The Planning Director may require application for a use permit for extension of a zoning permit if after inspection or complaints indicate that the use may be objectionable by reason of production of emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic.

(l) Produce stand:

1. Only one (1) produce stand shall be permitted per lot.

2. A produce stand shall be permitted only if accessory to crop production on the same lot.

3. A produce stand may sell fruits, vegetables, nuts and cut flowers grown on the same lot or on other lots in the County; and may sell other agricultural products produced in the County such as eggs, honey or beeswax.

4. A produce stand may sell only those ornamental plants that are grown on the same lot as such stand is located.

5. No commodities other than those listed above may be sold from a produce stand.

6. The floor area of such stand shall not exceed four hundred (400) square feet. (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)

7. The produce stand shall not be located or maintained within thirty (30) feet of any public road, street or highway. This setback area shall be kept free to provide for off-street parking.

8. The produce stand shall be of a temporary nature and shall not be constructed with a permanent foundation.
9. Signs shall be limited to two (2) single-faced sixteen (16) square foot non-illuminated signs, attached to the stand. Sign dimensions shall not exceed four (4) feet. *(Ord. No. 1749, 7/7/1988)*

(m) **Residential second unit:**

1. A residential second unit, attached or detached, shall meet the development standards of the zoning district and the performance standards of Article 41.

2. No more than one (1) attached or detached residential second unit shall be permitted on any one lot.

3. The residential second unit shall not exceed the density of the Lake County General Plan.

4. A residential second unit shall not be permitted on a lot in addition to a guest house, granny unit or similar dwelling. If a residential second unit has been approved on a lot, a guest house, granny unit or similar dwelling shall not be permitted unless the residential second unit is removed, or converted to another authorized use.

5. The residential second unit shall contain kitchen and bathroom facilities separate from those of the principal dwelling.

6. **REPEALED** *(Ord. No. 1749, 7/7/1988)*

(n) **Rummage sale, non-profit:**

1. A rummage sale shall be limited to the sale of second-hand goods by individuals or non-profit organizations, including garage and yard sales which are open to the public and occur more than six (6) days per calendar year but not to exceed twelve (12) days per calendar year.

2. The permittee shall supervise all participants so that the sale will not disturb nearby residents. To this end, there shall be no outdoor or amplified music, no sales open to the public before 8:00 a.m. or after 6:00 p.m., no continuous operation of gas-powered equipment, and no sales of live animals or pets.

3. The site shall be kept clear of any litter or debris and returned to its original condition, unless alternative measures have been approved by the Planning Director.

4. A rummage sale shall not be located so as to obstruct traffic or reduce sight distance at any driveway or intersection.
5. Two (2) signs shall be permitted for individuals limited to two (2) square feet in area each, non-illuminated, and in-place only during the sale; signs for non-profit organizations shall be limited to thirty-two (32) square feet in area, non-illuminated, and in-place only during the sale.

6. Applicants shall provide a parking plan which provides for sufficient numbers of parking spaces, adequate access and circulation, for review and approval by the Planning Director.

7. A rummage sale shall not reduce the number or usability of parking spaces for other uses on the site below the minimum required by the base zoning district or as required by use permit, unless such sale is conducted during a time when all other uses on the site are closed to the public.

8. The rummage sale zoning permit shall be valid for one (1) calendar year or twelve (12) days of actual sale, whichever occurs first. The permit may be extended on a year to year basis upon submittal of an application for extension. The Planning Director may require application for a use permit for extension of a zoning permit if after inspection or complaints indicate that the use may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involve the handling of explosives or dangerous materials.

(o) Special outdoor event, non-profit:

1. A special outdoor event shall include but not be limited to outdoor activities such as street dances, craft fairs, sporting events, harvest festivals, open-air plays, sidewalk or parking lot sales when sponsored by an individual(s) or non-profit organizations and not to exceed three (3) days duration. Special outdoor event shall not include events held by individual(s) or non-profit organizations which occur on land specifically designed for such events, including but not limited to sporting stadiums, race tracks, and fraternal lodge or club yard areas.

2. No more than three (3) special events per calendar year shall be permitted on the same site.

3. The permittee shall supervise all participants so that the special event will not disturb nearby residents.

4. The special event shall be limited to the hours of 7:00 a.m. to 10:00 p.m., not including all setting-up and taking-down of displays, booths, stages, sound and lighting equipment. Street dances shall be limited to approved house of operation.

5. Special events, excluding sporting events, shall not obstruct traffic or reduce sight distance at any driveway or intersection.
6. The applicant shall submit for each event the following plans for review prior to issuance of a special event zoning permit, unless waived by the Planning Director:

i. Project description including estimated number of participants and spectators.

ii. Parking and traffic control plan which provides for sufficient parking, circulation and access.

iii. Solid and liquid waste disposal plan which provides for adequate means for solid and liquid waste disposal and removal.

iv. Public safety, noise, crowd control, and emergency contingency plan(s).

7. The site shall be kept clear of any litter or debris and shall be returned to its original condition upon completion of each event unless alternative measures have been approved by the Planning Director.

8. A special event shall not reduce the number or usability of parking spaces for other uses on the lot below the minimum required by the zoning district or as required by use permit, unless such event is scheduled to occur during a time when all other uses on the site are closed to the public.

9. The permit may be extended up to three (3) years per request upon application at the Planning Department. The Planning Director may require application for a use permit for extension of a zoning permit if inspection or complaints indicate that the use may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involves the handling of explosives or dangerous materials.

(p) Temporary dwelling:

1. One (1) trailer coach, recreational vehicle, mobile home or single-family dwelling may be used as a temporary dwelling unit for a period of time not to exceed one (1) year during the construction of a dwelling unit on the same lot. In the case of a manufactured home installation, the temporary dwelling unit may be used for a period of time not to exceed three (3) months. (Ord. No. 2128, 1/14/1993; Ord. No. 2618, 2/27/2003)

2. Applicants for a temporary dwelling zoning permit shall, prior to issuance of a zoning permit:

i. Obtain a building permit for the principal dwelling unit.
ii. Obtain building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary dwelling.

iii. If the principle dwelling will be constructed on site, install the foundation or waste discharge system for said dwelling. If the principal dwelling will be a manufactured home, install the waste discharge for said home. (Ord. No. 2618, 2/27/2003)

iv. Obtain a demolition permit from the County for the removal of the temporary dwelling if it is an existing mobile home on the site. If the temporary dwelling is an existing single-family dwelling, obtain a building permit for its demolition or conversion to another use. Mobile homes may not be converted to another use. (Ord. No. 2128, 1/14/1993; Ord. No. 2618, 2/27/2003)

3. The temporary dwelling shall be removed from the lot if it is a mobile home, or disconnected from water, waste discharge system and electrical services if it is a recreational vehicle, within forty-five (45) days of completion of the home or approval of an occupancy permit for the principal dwelling by the County, whichever is earlier, but not to exceed three (3) months in case of a manufactured home. (Ord. No. 2618, 2/27/2003)

4. To determine compliance with Subsection 3 above, the applicant shall obtain an inspection of the property upon completion of the principal dwelling unit, within one (1) year of the issuance of the zoning permit in the case of a principal dwelling constructed on site, or within three (3) months in the case of a manufactured home. (Ord. No. 2618, 2/27/2003)

5. If the principal dwelling is constructed on site, two (2) extensions of a temporary dwelling zoning permit may be issued on the same lot, each for an additional one (1) year period, upon application in writing for an extension. If the principal dwelling is a manufactured home, one (1) extension of the temporary dwelling zoning permit may be issued on the lot, for an additional three (3) month period. Application for extension shall be subject to the same procedures and requirements as the original zoning permit as specified in Subsections 1 through 4 above. (Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/2003)

6. Application for an extension shall be accompanied by evidence of valid building permits and evidence of substantial progress of construction, which may be photographs or an inspection report from the County. (Ord. No. 1897, 12/7/1989; Ord. No. 2618, 2/27/2003)

7. A temporary dwelling shall meet the performance standards of Article 41 and all development standards of the zoning district except for the minimum residential construction standards.
Temporary office:

1. One (1) commercial coach-mobile home may be used as a temporary office for a period of time not to exceed one (1) year during the construction of a commercial office on the same site.

2. Applicants for a temporary office zoning permit shall, prior to issuance of a zoning permit:
   i. Obtain a building permit for the principal structure.
   ii. Obtain building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary office.
   iii. Install the foundation or waste discharge system for the principal office.

3. The temporary office shall not be permanently attached to the ground and shall be of such a size that it is readily removable.

4. The temporary office shall be removed from the site within forty-five (45) days of completion of the office or commercial building, or approval of an occupancy permit for the principal structure by the County Building Department, but not to exceed one (1) year from the issuance of the zoning permit.

5. The applicant shall obtain an inspection permit for the inspection of the property upon completion of the principal structure, but no later than one (1) year after the issuance of the zoning permit to determine compliance with Subsection 4 above.

6. Two (2) extensions of a temporary office zoning permit may be issued on the same site for an additional one (1) year period upon application in writing for an extension. Applications for extension shall be subject to the same procedures and requirements as the original zoning permit as specified in Subsections 1 through 4 above. (Ord. No. 1749, 7/7/1988)

7. Application for an extension shall be accompanied by evidence of valid building permits and evidence of substantial progress of construction, which may be photographs or an inspection report from the County Building Department.

8. A temporary office shall meet the development standards of the zoning district but need not meet the general performance standards of Article 41.

Temporary construction office:
1. One (1) commercial coach-mobile home may be used as a temporary construction office during a construction project approved pursuant to the requirements of this Chapter.

2. Applicants for a temporary construction office zoning permit shall obtain building and health permits, as applicable, for the inspection of the water supply, waste discharge system and electrical installation for the temporary construction office.

3. The temporary construction office shall not be permanently attached to the ground and shall be of such a size that it is readily removable.

4. All uses shall be conducted within the temporary construction office, and no outdoor storage or work areas shall be authorized by the temporary construction office zoning permit, except for trash storage containers.

5. Signs shall meet the requirements of Article 45.

6. The permit shall expire after either: 1) the project has been completed; or 2) the contractor has completed the contract or the contract between the County and the occupant has been terminated; or 3) three (3) years after its issuance, whichever is earlier. (Ord. No. 1749, 7/7/1988)

7. The temporary construction office shall be removed from the site within forty-five (45) days after the completion of the project, vacation by the occupant, termination of the contract, or expiration of the permit, whichever is earlier.

Temporary sales office for an approved subdivision:

1. The sales office may be located either on one of the proposed lots of a subdivision upon approval by the Planning Commission of a tentative subdivision map or on one of the recorded lots in a subdivision of the same subdivider in the immediate vicinity.

2. The sales office shall not be permanently attached to the ground and shall be of such a size that it is readily removable unless it is within some portion of a model home, other than the garage, or unless the Planning Commission has approved its conversion to a permanent use.

3. So long as it is used as a sales office, it shall not be used for any purpose other than the sale of lots in the particular subdivision within which it is located or for the sale of lots in a subdivision of the same subdivider in the immediate vicinity.

4. The garage of a model home may be used for the sales office subject to conversion of the tract office to a garage at the expiration of the permit.
No occupancy of the model home for dwelling purposes shall be permitted until the office has been removed or a covered space is provided for the dwelling unit.

5. The permit shall expire after either: 1) initial sales have been made of all lots within the tract within which it is located or all lots in a subdivision of the same subdivider in the immediate vicinity; or 2) three (3) years after its issuance, whichever is earlier. The permit may be extended by the Planning Director upon application of the subdivider for good cause shown. (Ord. No. 1749, 7/7/1988)

(t) Wind energy conversion system, (WECS):

1. One (1) wind energy conversion system (WECS) shall be permitted per lot. More than one (1) WECS per lot or a WECS which cannot meet the standards of this Subsection shall require a major use permit pursuant to Section 27.14(ai).

2. The WECS shall not exceed one hundred fifty (150) feet in tower height or seven hundred six (706) square feet of rotor (30’ diameter).

3. The WECS shall be set back a minimum distance of one and one-quarter (1¼) times the total height of the structure from any lot line and a minimum of ten (10) feet from any other structure on the property.

4. The minimum height of the lowest part of the blade tips shall be thirty (30) feet above the maximum building height limit of the base zoning district or thirty (30) feet above all structures or trees within a (200) foot radius. WECS which convert kinetic energy of wind into mechanical energy to pump water shall have a minimum clearance of fifteen (15) feet from the lowest extension of the blade tip to the ground.

5. Lattice or other towers capable of being climbed shall have:

   i. Tower climbing apparatus located not closer than twelve (12) feet from the ground; or

   ii. A locked anti-climb device installed on tower; or

   iii. The tower shall be completely enclosed by a locked protective fence at least six (6) feet in height.

6. A WECS capable of causing radio or television interference shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause interference with radio and/or television broadcasting or reception.
7. All WECS shall meet the manufacturer’s specifications which certify that the WECS are equipped with a braking system, blade pitch control and/or other mechanisms for rotor control and have both manual and automatic overspeed controls.

8. Noise emitted from any WECS shall not exceed fifty-five (55) dBA Ldn at any lot line.

(u) **Temporary sales from a vehicle:** *(Ord. No. 1749, 7/7/1988)*

1. An application for a zoning permit for temporary sales from a vehicle shall be subject to all the conditions of Section 21-27.13(ai), except conditions 5 and 17.

2. Prior to approval of the zoning permit, an application for a minor use permit for temporary sales from a vehicle shall be accepted as complete by the Planning Department.

3. The zoning permit for temporary sales from a vehicle shall be valid for a period of forty-five (45) days.

4. Only one (1) zoning permit for temporary sales from a vehicle may be issued in a calendar year to any vendor or on any single site. *(Ord. No. 1749, 7/7/1988)*

(v) **Vendor’s permit:** *(Ord. No. 1749, 7/7/1988)*

1. Applications for a vendor’s permit shall be accompanied by photos or renderings of sales structure(s) to be used.

2. The application shall specify all locations where sales are proposed.

3. The application shall be accompanied by an itinerant business permit, if applicable, for the proposed use issued by the Sheriff pursuant to Chapter 11 of the Lake County Code.
4. An application involving the sale of any prepared food, seafood, snack bars, pre-packaged food, approved unpacked food, or similar food item for retail sale, or distribution at no cost, shall be accompanied by a food service or food facility permit issued by the Lake County Health Department pursuant to the requirements of the California Uniform Building Code; except as waived for non-profit organizations.

5. Up to two (2) vendors permits may be permitted per lot.

6. Hours of operation shall be limited to the hours between 8:00 a.m. and 10:00 p.m., daily.

7. Vendors permits may be issued for the retail sale of items such as flowers, balloons, and souvenirs; including vendors of foods such as hot dogs, sandwiches, cotton candy, snow cones, ice cream; and including newsstands.

7. Only two (2) carts, push carts, stands, trailers, kiosks or similar sales structures not exceeding one hundred sixty (160) square feet in area shall be used in conjunction with a vendor’s permit. *(Ord. No. 1749, 7/7/1988)*

Refer to Section 71.5 of the Zoning Ordinance.


1. A zoning permit for a farmers’ market, subject to conditions two (2) through twelve (12), may be issued when one of the following conditions is satisfied as determined by the Community Development Director. Applications not meeting one of these conditions shall require a minor use permit.

i. The site is commercially zoned and has adequate facilities to accommodate the anticipated peak load of customers, including parking, circulation and fire suppression; or

ii. The site is zoned Agriculture and has an existing, permitted winery or agricultural service establishment with adequate facilities to accommodate the anticipated peak load of customers.

2. Activities permitted are: Outdoor sales of produce, food products, plants and flowers. Non-food or non-vegetative product booths may comprise no more than 15% of the total sales area. Farmers’ markets not meeting these standards may be applied for as Commercial Rummage Sales [27.13(ae)].

3. Sales of food items shall comply with the requirements of the Health Department and Agricultural Commissioner. Certification of any farmers’
market shall be issued by the Agricultural Commissioner pursuant to the California Department of Food and Agriculture Code of Regulations. The permit holder shall ensure that all vendors have obtained any required permit.

4. All sales activities shall be located in areas that are maintained as dust-free. No sales activities or parking shall be permitted within any road or highway right-of-way.

5. The farmers’ market shall be limited to one (1) day of operation per week.

6. Hours of operation shall be limited to the hours between 8:00 a.m. and 8:00 p.m., daily. Set-up and take-down of displays and booths may extend beyond these hours, but must be completed the same day.

7. The site shall be kept clear of any litter or debris and shall be returned to its original condition upon completion of each event unless alternative measures have been approved by the Community Development Director.

8. Access to the farmers’ market and parking area shall be provided by a driveway or driveways consistent with County standards for distance from street corners or other driveways, and width.

9. Temporary on-site signs shall be limited to one single-sided or double-sided sign, including sandwich signs, no larger than 24 square feet per face. Temporary signs shall be allowed for the duration of the farmers’ market season. Permanent on-site and off-site signs shall be allowed pursuant to Article 45 of this Code.

10. No on-site or off-site signs shall be placed within any road or highway right-of-way.

11. Trash receptacles shall be provided for disposal of trash on the site. The site shall be cleared of all trash immediately following each day of sale.

12. The farmers’ market zoning permit shall be valid for two (2) years and may be extended up to two (2) years per request upon application with the Community Development Department. The Community Development Director may require application for a minor use permit for extension of a zoning permit if after inspection or complaints indicate that the use may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involves the handling of explosives or dangerous materials.

(y) Emergency Shelter: (Ord. No. 3021, 12/16/2014)

1. Purpose. The purpose of these regulations is to establish standards to ensure that the development of emergency shelters (shelters) does not
adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety and general welfare of the nearby residents and businesses. These performance standards shall apply to all shelters. A use permit is required to establish a shelter that does not meet the location, development, and/or operational standards of this section or that would provide more beds than allowed by this section.

2. Location. A shelter may be established in any “C3” Service Commercial District; provided, that the property boundaries are located more than three hundred (300) feet from any other shelter (measured from property line to property line) unless it is separated there from by a state highway.

3. Maximum Number of beds. A maximum of twenty-four beds may be provided.

4. Property Development Standards. The development shall conform to all property development standards of the C3 zoning district, as well as Sections 21-41, 21-45, 21-46.10, and 21-53.

5. Length of Stay. The maximum length of stay at the facility shall not exceed one hundred twenty days in a three-hundred-sixty-five day period.

6. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge. Hours of operation must be prominently posted on site. Clients shall be admitted to the facility between six p.m. and eight a.m. during Pacific Daylight Time and five p.m. and eight a.m. during Pacific Standard Time. All clients must vacate the facility by eight a.m. and have no guaranteed bed for the next night. Clients using optional Facilities/Services may remain onsite outside of these hours.

7. Onsite Parking. Onsite parking shall be provided in the ratio of one space for every six adult beds or one-half space per bedroom designated for family units with children. One space shall be provided for each manager/staff member. Bike rack parking shall also be provided by the facility.

8. Lighting. Adequate exterior lighting shall be provided for security purposes. The lighting shall be stationary and shielded/down lit away from adjacent properties and public right of way.

9. Required Facilities. Shelters shall provide the following facilities.

i. Indoor client intake/waiting area of at least one hundred square feet. If an exterior waiting area is provided, it shall not be located adjacent to the public right of way and shall be visibly separated from public view by minimum six foot tall visibly screening
mature landscaping or a minimum six foot tall decorative masonry wall. Provisions for shade and or rain protection shall be provided.

ii. Interior and or exterior common space for clients to congregate shall be provided on the property at a ratio of not less than fifteen square feet per client, with a minimum overall area of one hundred square feet. Common space does not include intake areas.

10. Optional Facilities/Services. Shelters may provide one or more of the following types of common facilities for the exclusive use of residents:

i. Central cooking and dining room(s) subject to compliance with county health department requirements. Only clients that have been guaranteed a bed shall be eligible for a meal.

ii. Recreation room.

iii. Counseling center.


v. Other support services intended to benefit homeless clients.

11. Shelter Management. The shelter provider or management shall demonstrate that they currently operate a shelter within the state of California or have done so within the past two years and shall comply with the following requirements:

i. At least two facility managers and or volunteers shall be on site and one shall be awake at all times the facility is open. The manager’s area shall be located near the entry to the facility. Additional support staff shall be provided as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas, as appropriate.

ii. An operational and management plan (plan) shall be submitted for review and approval by the Community Development Director. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, said plan shall contain provisions addressing the following issues:

(aa) Security and safety: Addressing both on and offsite needs, including provisions to ensure the security and separation of male and female sleeping areas, as well as any family areas within the facility.
(ab) Loitering/noise control: providing specific measures regarding operational controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on site and or when services are not provided.

(ac) Management of outdoor areas: including a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize disruption to nearby land uses. Smoking shall be allowed in designated areas only.

(ad) Staff training: with objectives to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income. At least one facility manager shall be CPR and First Aid certified.

(ae) Communication and outreach with objectives to maintain effective communication and response to operational issues which may arise in the neighborhood as may be identified by city staff or the general public.

#af) Adequate and effective screening: with the objectives of determining admittance eligibility of clients and providing first service to Lake County area residents.

(ag) Litter control: with the objective of providing for the regular daily removal of litter attributable to clients within the vicinity of the facility.

(z) **Adult Personal Use, Qualified Patient, and Primary Caregiver Cannabis Cultivation (Ord. 2072, 04/19/2018)**

1. **Definitions**

   i. Adult Use: Includes personal use, possession and cultivation of cannabis by adults 21 years of age and older that occurs in compliance with Health and Safety Code Sections 11362.1 and 11362.2, as may be amended, except that nothing in this chapter shall be construed to authorize any activity that is prohibited by Health and Safety Code Sections 11362.3 through 11362.45, inclusive, or by any other state or local law.

   ii. Cannabis: All parts of the plant *Cannabis sativa* (Linnaeus), *Cannabis indica*, or *Cannabis ruderalis*, or any hybrid thereof, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every
compound, manufacture, salt, derivative, mixture, or preparation of
the plant, its seeds, or resin. “Cannabis” also means the separated
resin, whether crude or purified, obtained from cannabis.
“Cannabis” does not include the mature stalks of the plant, fiber
produced from the stalks, oil or cake made from the seeds of the
plant, any other compound, manufacture, salt, derivative, mixture,
or preparation of the mature stalks (except the resin extracted
therefrom), fiber, oil, or cake, or the sterilized seed of the plant
which is incapable of germination. For the purpose of this division,
“cannabis” does not mean “industrial hemp” as defined by Section
11018.5 of the Health and Safety Code.

iii. Cannabis cultivation: Any activity involving the germinating,
cloning, seed production, planting, growing, and harvesting of
cannabis plants and the on-site drying, curing, grading, or
trimming of cannabis plants.

iv. Cannabis indoor cultivation: The cultivation of cannabis using
light deprivation and/or artificial lighting below a rate of 25 watts
per square foot.

v. Cannabis mixed-light cultivation: The cultivation of cannabis in a
greenhouse, glasshouse, conservatory, hothouse, or other similar
structure using light deprivation and/or artificial lighting below a
rate of 25 watts per square foot.

vi. Cannabis outdoor cultivation: Cultivation of cannabis without the
use of light deprivation and/or artificial lighting in the canopy area.
Supplemental low intensity lighting is permissible only to maintain
immature plants as a source of propagation. For the purpose of this
section, cultivation within a greenhouse without supplemental light
are considered outdoor cultivation.

vii. Day care center: Has the same meaning as in Section 1596.76 of
the California Health and Safety Code.

viii. Enforcement official: As used in this Article, shall mean the Lake
County Sheriff, Community Development Director, Chief Building
Official, Environmental Health Director, or any other official
authorized to enforce local, state or federal laws.

ix. Fence: means a wall or a barrier connected by boards, masonry,
rails, panels, wire or any other materials approved by the
Community Development Department for the purpose of enclosing
space or separating parcels of land. The term “fence” does not
include retaining walls, plastic, tarp, bamboo coverings, corrugated
metal, or other materials not designed or manufactured for use as a fence.

x. **Greenhouse (Cannabis):** An outdoor structure, heated or unheated, constructed primarily of glass, 6 mil film, polycarbonate, or other rigid translucent material, which is devoted to the cultivation of cannabis.

xi. **Grow room:** The area designated in a principal structure where the cultivation and processing of cannabis for personal, qualified patient, or primary caregiver use occurs.

xii. **Hoop-house:** An unheated outdoor enclosure used for the purpose of growing and/or for protecting seedlings and plants from cold weather but not containing any mechanical or electrical systems or storage of any items. Typically a hoop-house is of semi-circular design made of, but not limited to, piping or other material covered with translucent material.

xiii. **Immature cannabis plants:** A cannabis plant that is not flowering.

xiv. **Indoor:** means within a fully enclosed and secure structure that complies with the California Building Standards Code (Title 24 California Code of Regulations), as adopted by the County of Lake, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as standard 2" × 4" or thicker studs overlain with 3/8" or thicker plywood or equivalent materials.

xv. **Physician’s recommendation:** A recommendation by a physician or surgeon that authorizes a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

xvi. **Premises:** The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted.

xvii. **Primary caregiver:** The same meaning as California Health and Safety Code Section 11362.7 (d).
xviii. Qualified patient: The same meaning as California Health and Safety Code Section 11362.7 (f), and whose primary place of residence is within Lake County.

xix. School: For the purpose of the cannabis regulations, school means any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

xx. Youth center: The same meaning as in Section 11353.1.e.2 of the Health and Safety Code.

2. Enforcement

i. A violation of any provision of this Section or any condition of a County permit is subject to the enforcement and penalties provisions of Article 61.3 Arrest and Citation Powers and 61.4 Penalties of this Chapter.

ii. The use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this subsection; any condition dangerous to human life, unsafe, or detrimental to the public health or safety; and the existence of loud or unusual noises which are not already regulated through an approved use permit, or foul or noxious odors, not already regulated by the Lake County Air Quality Management District, which offend the peace and quiet of persons of ordinary sensibilities and which interferes with the comfortable enjoyment of life or property and affect the entire neighborhood or any considerable number of persons are declared to be a nuisance subject to the enforcement procedures of Chapter 13 of the Lake County Ordinance Code.

iii. Persons involved in unfair, dishonest, deceptive, destructive, fraudulent and discriminatory practices by which fair and honest competition is destroyed or prevented are subject to enforcement procedures of the California Unfair Practices Act (Business and Profession Code, Division 7. General Business Regulations, Part 2 Preservation and Regulation of Competition, Chapter 4. Unfair Trade Practices).

iv. A Zoning Permit may be revoked under the procedures set forth in section 21-60.10 Revocation of Permits.

3. Development Standards and Restrictions

i. The cultivation of cannabis for non-commercial Adult, Qualified Patient, and Primary Caregiver Use is an accessory use to an
existing, legal, permitted residential structure on a legal lot of record occupied by the qualified patient, primary caregiver, or the adult using the cannabis grown on-site.

ii. On a lot of record five (5) acres or less in size and all lots within community growth boundaries, the cultivation of cannabis shall be conducted in a detached accessory building, i.e. a shed or greenhouse, a grow room that is located in the principal structure, or a greenhouse with mixed light. Hoop-houses are not allowed. The area of the accessory building or grow room shall not exceed 100 square feet in size regardless of the number of adults, qualified patients, or primary caregivers living in the residence. For adult use cultivation, the number of accessory buildings or row rooms is limited to one (1) regardless of the number of adults residing in the residence. For qualified patients and primary caregivers’ more than one accessory building or grow room is allowed but cannot exceed the number of qualified patients.

iii. On a lot of record greater than five acres in size outside community growth boundaries, the cultivation of cannabis shall be conducted either in a detached accessory building, i.e. a shed or greenhouse, a grow room that is located in the principal structure, a greenhouse with mixed-light, or an outdoor fenced area. For adult use cultivation, the area of the accessory building, indoor grow room or outdoor cultivation area shall not exceed 100 square feet in size regardless of the number of adults living in the residence. For qualified patients and primary caregivers’ more than one accessory building, grow room, or individual outdoor cultivation area 100 square feet in size is allowed but cannot exceed the number of qualified patients. Hoop-houses are not allowed. For lots of record that are both within and outside a community growth boundary, such outdoor cultivation is only allowed on that portion outside the community growth boundary and which exceeds five acres in size.

iv. No outdoor cultivation outside of a greenhouse shall be located within 1,000 feet of:

(a) any public or private school, grades 1 through 12;
(b) a developed public park containing playground equipment;
(c) a drug or alcohol rehabilitation facility; or
(d) a licensed child care facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors.

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The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school, park, rehabilitation facility, licensed child care facility, nursery school, or youth-oriented facility, to the closest property line of the lot of record on which the cannabis cultivation site is located.

v. Cannabis plant limitations:

(a) Qualified patient and primary caregiver: No more than six (6) mature cannabis plants or twelve (12) immature cannabis plants per qualified patient may be planted, cultivated, harvested, dried, or processed at any one time.

(b) Personal adult use: No more than six (6) cannabis plants per residence on a lot of record may be planted, cultivated, harvested, dried, or processed at any one time regardless of the number of adults living in the residence.

vi. Protection of minors:

Cannabis cultivation areas shall not be accessible to juveniles who are not qualified patients or primary caregivers residing on the lot of record. The entrance to a shed, grow room, greenhouse, or outdoor area shall be locked to prevent access by minors.

vii. The processing of cannabis includes the drying of cannabis and manufacturing that only utilizes processes that are either solventless or that employ only nonflammable, nontoxic solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).

viii. The living plants and any cannabis produced by the plants in excess of 28.5 grams shall be kept within the private residence or in a locked space, and not visible by normal unaided vision from a public place.

ix. Indoor cultivation and mixed light cultivation lighting shall not exceed 1,200 watts and shall conform to all applicable electrical codes. Outdoor cultivation areas, other than a greenhouse with mixed light shall not have any supplemental lighting.

x. A greenhouse with mixed light shall have the ability to enclose the greenhouse at night to prevent the transmission of light beyond the greenhouse.

xi. A grow room shall only occur within a legal structure that meets the definition of Indoor and complies with all applicable provisions.
xii. Single family dwelling, duplex, or triplex accessory use:

Any accessory structure, i.e. a shed or greenhouse, used for cultivation and processing of cannabis on a lot of record zoned for single family or a lot of record zoned for two or multi-family with a single residential structure, duplex, or triplex as the primary structure shall:

(a) Be located on the same lot of record as the residence occupied by the qualified patient, primary caregiver, or the adult using the cannabis grown on-site.

(b) Be located in an area which is fully enclosed by a fence at least six (6) feet in height. On lots greater than 5 acres where cannabis is cultivated outside of a greenhouse, the outdoor grow area shall be enclosed by an opaque (not transparent or translucent) fence. The Director may waive the requirement for an opaque fence and allow a non-opaque fence if the cultivation site cannot be seen from adjacent properties or by the public due to topography or vegetation.

(c) Be secure against unauthorized entry and accessible only through lockable doors and/or gates.

(d) Be equipped with an odor-control filtration and ventilation system(s) adequate to prevent cannabis plant odors from exiting the interior of the structure.

(e) Be painted in similar colors to the primary residence.

(f) Comply with the base zoning’s setbacks.

(g) A greenhouse shall be a prefabricated structure constructed for nursery or agricultural purposes which has a frame constructed of metal and the panels must be polycarbonate or other similar material which is no less than four (4) millimeters thick. The walls shall be opaque so that a person cannot see inside the greenhouse. Hoop-houses are prohibited.

(h) Obtain a building permit before construction.

(i) Not exceed 100 square feet.
(j) Not create an odor, humidity or mold problem on the premises or on adjacent premises.

(k) The ventilation and filtration system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Lake County Building and Safety Division prior to commencing cultivation within the allowable structure.

(l) Cultivation within any detached accessory structure that does not meet the definition of Indoor or within a greenhouse shall be considered outdoor cultivation.

(m) The number of accessory structures shall not exceed the number of qualified patients living in the single family, duplex, or triplex residential units. Only one accessory structure may be allowed on a lot of record with a single family, duplex, or triplex residential units for adult personal cannabis use regardless of the number of adults living in the residential units.

xiii. Apartment or manufactured home park accessory use:

(a) Any accessory structure, i.e. a shed or greenhouse, used for cultivation of cannabis on a lot of record zoned for multi-family with an apartment building or a manufactured home park shall:

a. Obtain a zoning permit and building permit before construction.

b. Be located on the same lot of record as the residence occupied by the qualified patient, primary care giver, or the adult using the cannabis grown on-site.

c. Be located in an area which is fully enclosed by an opaque (not transparent or translucent) fence at least six (6) feet in height. The Director may waive the requirement for an opaque fence and allow a non-opaque fence if the cultivation site cannot be seen from adjacent properties or by the public due to topography or vegetation.

d. Be secure against unauthorized entry and accessible only through lockable doors. If the accessory use is
designed as a cultivation area or grow room, each such area shall have a separate entry and lock.

e. Be equipped with an odor-control filtration and ventilation system(s) adequate to prevent cannabis plant odors from exiting the interior of the structure.

f. Be painted in similar colors to the primary residence.

g. Comply with the base zoning setbacks.

h. A greenhouse shall be a prefabricated structure constructed for nursery or agricultural purposes which has a frame constructed of metal and the panels must be polycarbonate or other similar material which is no less than four (4) millimeters thick. The walls shall be opaque so that a person cannot see inside the greenhouse. Hoop-houses are prohibited.

i. Not exceed 100 square feet per separate cultivation area or grow room.

j. Not create humidity or mold problem on the premises or on adjacent premises.

(b) The ventilation and filtration system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Lake County Building and Safety Division prior to commencing cultivation within the allowable structure.

(c) If a greenhouse is used, it shall have opaque walls so that a person cannot see inside the greenhouse.

(d) The number of rooms for the cultivation and processing of cannabis in and/or group of, accessory structures cannot exceed the total number of residential units on the lot of record.

(e) An adult tenant, qualified patient, or primary caregiver shall not use, rent, or lease more than one cultivation area or grow room for the cultivation of processing of cannabis at a time.

(f) The owner of the apartment building or manufactured home park shall maintain records of which tenant used, rented, or leased which room in the accessory structure.
(g) Each room for the cultivation and processing of cannabis shall have an individual water and electrical usage meter.

(h) The zoning permit shall include the requirement of an annual compliance monitoring inspection. Included in the inspection shall be an inspection of the tenant use, rental, or lease records and the water and electrical records for each grow room.

(i) Outdoor cultivation is prohibited. Cultivation within any detached accessory structure that does not meet the definition of Indoor or within a greenhouse shall be considered outdoor cultivation.

(j) If the premises is rented or leased, written approval shall be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant or lessee to cultivate cannabis at the site. A copy of the written approval shall be maintained by the tenant or lessee and made available for review by enforcement officials upon request. Written approvals shall be renewed annually.

(k) Cultivation of cannabis is an accessory use to an existing residential structure occupied by the qualified patient, primary caregiver, or the adult using the cannabis grown on-site. Only residents of the mobile home park or their primary caregiver may cultivate cannabis on-site.

(l) Protection of Minors:

Cannabis cultivation areas shall not be accessible to juveniles who are not qualified patients or primary caregivers. The entrance to a shed, grow room, greenhouse, or outdoor area shall be locked to prevent access by minors.

(m) The processing of cannabis to make a concentrated cannabis extract using a volatile solvent is prohibited.

(n) Indoor cultivation shall occur only within a legal structure that meets the definition of indoor and complies with all applicable provisions of the County's General Plan, Zoning Ordinance, and California Building Code.

4. Permits required

i. Cannabis indoor cultivation and cannabis mixed-light cultivation:

(a) All applicable building permits shall be obtained.
(b) Adult, qualified patient, and primary caregiver cannabis cultivation on a single family lot does not require a zoning permit.

(c) Any accessory structure, i.e. a shed or greenhouse, used for cultivation of cannabis on a lot of record zoned for multi-family with an apartment building or a manufactured home park requires a zoning permit.

aa) Emergency Temporary dwelling:

1. One (1) trailer coach, recreational vehicle, mobile home or single-family dwelling may be used as an emergency temporary dwelling unit for a period of time not to exceed six months (6) during the recovery process due to a catastrophic or natural disaster.

2. Applicants for an emergency temporary dwelling zoning permit shall, prior to issuance of a zoning permit:
   - Obtain building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary dwelling.
   - Obtain a demolition permit from the County for the removal of the prior dwelling that was damaged.

3. The emergency temporary dwelling zoning permit will be redefined as a standard temporary dwelling zoning permit once a building permit for construction of an onsite dwelling has been applied for and issued.

4. An emergency temporary dwelling shall meet the performance standards of Article 41 and all development standards of the zoning district except for the minimum residential construction standards.

27.4 Early Activation of Use: Notwithstanding the provisions of Section 21-27.10 pertaining to uses generally permitted with a use permit and those uses listed as permitted subject to first obtaining either a minor or major use permit in each zoning district, the Planning Division may issue an early activation permit allowing for the immediate activation of any use requiring a minor use permit or major use permit, subject to the following conditions (Ord. No. 2336, 2/15/1996):

(a) The early activation permit shall not allow any construction, grading, or removal of mature trees on the property.

(b) Adequate measures shall be included in the early activation permit application and implemented upon commencement of the use for dust control, parking, traffic safety, drainage, erosion control, waste disposal and Health Department requirements.
(c) The early activation permit must be accompanied by an application for the applicable minor or major use permit.

(d) The early activation permit shall expire six (6) months from the date of issuance or upon issuance or denial of the required minor or major use permit or resolution of any appeal thereof.

(e) The Planning Division may deny an application for an early activation permit for early activation of use if the use may result in adverse environmental impacts or if the use is currently being operated in violation of this Chapter.

(f) Early activation is not permitted for those uses listed in Section 22.6 of this Chapter.

(g) The application for an early activation permit shall be accompanied with a fee equivalent to that established by the Board of Supervisors for the issuance of a zoning permit.

SEC. 21-27.10 USES GENERALLY PERMITTED WITH A USE PERMIT


27.11.1 Geothermal Setback Area: There is hereby established a Geothermal Setback Area as set forth in Map A which is attached hereto as Exhibit A and is incorporated herein as if fully setforth. (Ord. 2679, 3/2/2004)

27.12 Exception: The Planning Director or Zoning Administrator shall have the authority to increase the level of review indicated in Table B from minor use permit to major use permit when a project subject to this Article is found:

(a) Not in compliance with the performance standards set forth in Article 41; or

(b) Objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involve the handling of explosives or dangerous materials; or

(c) As having a significant impact on the environment; or
(d) Inconsistent with the Lake County General Plan; or

(e) To be of substantial public controversy.

In no case shall any level of review be reduced.

27.13 Conditions: When the symbol “Δ” is shown by Table B, use-specific conditions are included herein. These conditions shall be incorporated into any use permit issued hereunder, but shall not be construed as preventing as part of any use permit approval, additional conditions deemed necessary.
Sec. 27.11 Table B Uses generally permitted with a Use Permit

- Major Use Permit
- Minor Use Permit
- Δ Standards included in

### Zoning Districts

<table>
<thead>
<tr>
<th>Special Uses</th>
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Sec. 27.11 Table B Uses generally permitted with a Use Permit

Subsection (a) through (as)

| Special Uses                                      | AP | A | TPZ | RL | RR | SR | R1 | R2 | R3 | C1 | C2 | C3 | CR | CH | M1 | M2 | MP | O | W | U | PD R | PD C |
|--------------------------------------------------|----|---|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|
| (w) Outdoor Recreation Facility                  |    |   |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (x) Power Generation Facility                     |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (y) Public Area                                   | O  | O | O   | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O   | Δ   |
| (z) Public or Private Utility                     |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (aa) Repealed                                     |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (ab) Rifle Range                                  |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (ac) Road Building: Import/Export of Fill 2       | O  | O | O   | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O   | Δ   |
| (ad) Rummage Sale, Non-Profit                     | O  | O | O   | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O   |  Δ |
| (ae) Rummage Sale, Commercial                     |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (af) Sanitary Landfill                            |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (ag) Service Station 4                            | O  | O | O   | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O   | Δ   |
| (ah) Special Event, Commercial                    |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (ai) Temporary Sales From a Vehicle               | O  | O | O   | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O   | Δ   |
| (aj) Wind Energy Conversion System 2              |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (ak) Collectors Permit 1                          | O  | O | O   | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O   | Δ   |
| (al) Drop-off Recycling Center 1                  | O  | O | O   | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O   | Δ   |
| (am) Large Recycling Center 1                     | O  | O | O   | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O   | Δ   |
| (an) Recycling Processing Center 1                |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (ao) Exotic Animal Keeping 4                      |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (ap) Farmers’ Market 6                            | O  |   | O   | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O   | Δ   |
| (aq) Wireless Communication Facilities, Collocation 7 | O  | O | O   | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O  | O   | Δ |
| (ar) Wireless Communication Facilities, New or Replacement 7 |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |
| (as) Emergency Shelter 11                         |  • |  • |  •  |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |  • |

Sec. 27.11 Table B Uses generally permitted with a Use Permit
Subsection (a) through (as)

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(a) **Airstrip and heliport**: None.

(b) **Bed and breakfast inn**:

1. A bed and breakfast inn shall contain three (3) but not more than eight (8) guest rooms used, designed or intended to be used, let or hired out for occupancy for one (1) or more guests. In the “CR” and “CH” zoning districts, these provisions may include a bed and breakfast as defined in Section 68.4(b)3. *(Ord. No. 1897, 12/7/1989)*

2. For bed and breakfast inns, approved smoke detectors shall be installed in each lodging room, approved fire extinguisher(s) shall be installed in the structure and an evacuation plan shall be posted in each lodging room.

3. Guest rooms may be detached from the principal dwelling or principal commercial use on parcels of two (2) acres or larger, if said lodging is a component of a larger tourist-related use of the site, and provided that an on-site dining facility for guests is provided in close proximity to the guest rooms. *(Ord. No. 2886, 01/27/2009)*

4. No cooking facilities shall be permitted in guest rooms. Food service shall be limited to inn guests only.

5. The maximum stay for guests shall not exceed fourteen (14) consecutive days.

6. Special events and live entertainment including but not limited to weddings, art or antique shows, craft fairs, wine or food fairs, and music festivals shall not be permitted as part of a bed and breakfast inn, except when specifically authorized as part of the bed and breakfast inn use permit approval.

7. Each bed and breakfast inn shall be identified by a non-illuminated or indirectly illuminated attached or freestanding sign, a minimum of three (3) square feet in size but no larger than six (6) square feet in size, which shall be placed so as to be visible and readable from the street or roadway. *(Ord. No. 2128, 1/14/1993)*

8. One (1) parking space per guest room shall be provided for the exclusive use of the guests in addition to the parking requirements of the principal residence.

(c) **Cemetery**: None.

(d) **Church or private school**: None.
(e) **Community care facility:**

1. A community care facility shall only be permitted with full-time supervision by the licensed owner or lessee on the premises, except for brief absences as provided for in the state and County regulations.

2. The issuance of a use permit for the use shall be subject to the issuance of a license and/or certification by all appropriate local and state agencies. The community care facility shall be discontinued when local or state certification is withdrawn or expires.

3. The project description for each application shall include the following information which shall be included by reference in any permit approval:
   
   i. Description of the physical facility.
   
   ii. Legal description and address of proposed facility.
   
   iii. Number of automobiles to be operated by the residential care facility and the number of off-street parking spaces to be provided.
   
   iv. Approximation of daily visitor parking.
   
   v. Brief description of the facility building and any remodeling plans.
   
   vi. Number of resident and non-resident staff, with a description of the day-to-day supervision provided by the staff. Statement of House Rules shall be included.
   
   vii. Description of the program, e.g. goals, treatment, methodology, anticipated length of stay of residents, type(s) of problem being treated.
   
   viii. Number and type (type of disability, average age, etc.) of person for whom care is being provided.

4. Each approved use permit shall specifically identify the type and number of individuals. Any increase in the number or change in the type of individuals shall require a new use permit approval.

(f) **Community club, private club, or fraternal organization:**

1. In any district zoned “A”, Agriculture, this use shall be limited to agricultural related organizations. This use includes incidental and accessory uses and activities such as weddings, meetings and dances.
2. Minimum lot area shall be twenty thousand (20,000) square feet, and there shall be a six (6) foot wide buffer strip with visual screening of at least three (3) feet in height on all sides abutting residential districts or uses.

3. A landscape plan and site plan shall be submitted to the Development Review Committee for review and approval.

4. Parking shall be no less than the minimum required in Article 46; all parking shall be screened to a minimum height of three (3) feet from the view of surrounding residential districts or uses.

5. The project site shall front on and be served by an existing publicly maintained road.

6. Signs shall be as required in Article 45.

(g) Cottage Industry:

1. A cottage industry is a small-scale commercial or manufacturing activity on low-density agricultural or residential property accessory to the residential use of the parcel when such activities are conducted without significant adverse impact on the residential, agricultural or rural nature of the premises and its surroundings.

2. A wide range of uses may be permitted that are similar to the following examples and consistent with the definition provided in paragraph 1 above: Woodworking, blacksmith and pottery shops; furniture and upholstery repair or refurbishing; arts and crafts or photography studios; handicrafts manufacture including sewing, painting, weaving, knitting, ceramics, doll making, stained glass, jewelry or leather working; small computer applications and electronics repair or service; food preparation including catering services, cake decoration, baking and confectionery.

On parcels of five (5) acres or more a cottage industry may also include the storage of one (1) piece of agricultural, excavating or grading equipment including one (1) tow vehicle and one (1) trailer within a completely enclosed building; “tow vehicles” may include dump trucks of up to five (5) cubic yards capacity or any flatbed or other commercial vehicle of up to five (5) tons capacity; “heavy equipment” may include one (1) bulldozer (of up to D-4 size or equivalent), roller, grader, cat, loader, backhoe, tractor, agricultural implement or similar equipment.

3. The following uses shall not be permitted as cottage industry: Any auto, truck, boat or other vehicle repair or service; light or heavy equipment repair or service; contractor’s equipment in excess of that listed in
paragraph 2 above, or materials storage yards of any kind; commercial
dock or boat construction; businesses offering retail sales or goods
manufactured or produced off-site; real-estate sales offices; any businesses
primarily engaged in retail sales.

4. The cottage industry must be owned and conducted only by residents of
the parcel on which the proposed use has been authorized. Not more than
two (2) non-resident employees may work on the premises.

5. Only those buildings or parking areas as specifically approved may be
utilized in the conduct of the cottage industry.

6. A minimum of one (1) parking space shall be provided for any cottage
industry requiring customers to visit the site in addition to the parking
requirements of the principal residence, plus one (1) parking space for
each employee working on site.

7. Retail sales of products not produced on the premises shall be prohibited.
Retail sales of products produced on the premises shall be secondary and
incidental to the conduct of the cottage industry. Retail sales shall
primarily be by appointment.

8. A maximum of eight (8) customers, clients, students, or other persons
served by the cottage industry shall be permitted on the premises on any
one day.

9. Pick-up and deliveries to the premises by commercial carrier are limited to
ten (10) per week.

10. All activity related to the conduct of cottage industries shall be conducted
within an enclosed structure and shall not exceed one thousand two
hundred (1,200) square feet in area.

11. Vehicles approved for use in the cottage industry may be stored as
approved on the site plan.

12. Signs shall be limited to one (1) four (4) square foot non-illuminated or
indirectly illuminated sign. (Ord. No. 1749, 7/7/1988; Ord. No. 1974,
12/20/1990; Ord. No. 2172, 8/12/1993)

(h) Country club: None.

(i) Dam or reservoir, small:
1. A small dam shall not exceed six (6) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier; a small reservoir shall not exceed five (5) acre feet.

2. All applications for small dams or reservoirs shall be accompanied by a detailed plan approved by the U.S.D.A. Soil Conservation Service, or prepared by a registered civil engineer. An excavated pond (totally below grade) may require an engineering plan.

3. All small dams or reservoirs located on a stream shall receive an approved 1601 or 1603 permit issued by the State Department of Fish and Game prior to issuance of a grading permit.

4. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit. The permittee shall file with the Planning Department a water rights determination or permit prior to issuance of grading or building permits for construction of a small dam or reservoir.

(j) Dam or reservoir, medium:

1. A medium dam shall not exceed fifteen (15) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier; a medium reservoir shall not exceed fifteen (15) acre feet.

2. All applications for medium dams or reservoirs shall be accompanied by a detailed plan approved by the U.S.D.A., Soil Conservation Service, or prepared by a registered civil engineer with assistance of a registered engineering geologist. An excavated pond (totally below grade) may require an engineering plan.

3. All medium dams or reservoirs located on a stream shall receive an approved 1601 or 1603 permit issued by the State Department of Fish and Game prior to issuance of a grading permit.

4. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit. The permittee shall file with the Planning Department a water rights determination or permit prior to issuance of grading or building permits for construction of a medium dam or reservoir.

(k) Dam or reservoir, large:

1. A large dam shall exceed fifteen (15) feet in height from the natural toe of the barrier. A large reservoir shall exceed an impounding capacity of more than fifteen (15) acre feet.
2. All applications for large dams or reservoirs shall be accompanied by an engineering plan prepared by a registered civil engineering with assistance of a registered engineering geologist.

3. All large dams or reservoirs located on a stream shall receive an approved 1601 or 1603 permit issued by the State Department of Fish and Game prior to issuance of a grading permit.

4. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit, and to the Department of Water Resources, Division of Dam Safety for approval to construct. The permittee shall file with the Planning Department a water rights determination or permit and letter of approval from the Division of Dam Safety prior to issuance of grading or building permits for construction of a large dam or reservoir.

(l) Density bonus provisions:

1. Low and very-low income housing: A developer of housing proposing to construct at least twenty-five (25) percent of the total units of a housing development for persons and families of low or very-low income; or, construct ten (10) percent of the total units of a housing development for lower income households, or construct fifty (50) percent of the total dwelling units of a housing development for qualifying residents (seniors); shall be granted by the county a density bonus and an additional incentive, or financial equivalent incentive(s) as determined by the county. (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993; Ord. No. 3021, 12/16/2014)

i. For the purposes of this Section “density bonus” shall mean density increase of at least thirty-five (35) percent over the otherwise maximum allowable residential density under the zoning district and land use element of the General Plan.

ii. The density bonus shall not be included when determining the number of housing units which is equal to ten (10) or twenty-five (25) percent of the total.

iii. The density bonus shall only apply to housing developments of five (5) or more dwelling units.

iv. For the purposes of this section, “housing development” shall include subdivision and any apartment, multi-family dwelling, dwelling group, or condominium development of five (5) or more units.
v. A developer shall only be entitled to one (1) of the three (3) density bonuses provided for under subsection (l).

vi. For the purposes of this section, “persons and families of low or very-low income...” shall be as defined in Section 50093 of the Health and Safety Code; and “lower income households...” shall be defined in Section 50079.5 of the Health and Safety Code; and “qualifying residents” shall be as defined in Section 51.2 of the Civil Code. *(Ord. No. 1749, 7/7/1988)*

vii. For the purpose of this Section, “other incentives...” may be a combination of the following, of equivalent financial value of a twenty-five (25) percent density bonus:

(aa) Reduced improvement standards contained in the Subdivision Ordinance (Chapter 17, Article 7, Section 17-28); and

(ab) Reduced development standards contained in the Zoning Ordinance (Chapter 21); and

(ac) Reduced performance standards contained in the Zoning Ordinance (Chapter 21)

viii. Prior to preparation of an application which includes a request for a residential density bonus, the applicant or a representative shall attend a pre-application meeting with Planning Department staff.

ix. Any developer proposing to obtain a density bonus or other incentive shall either:

(aa) Submit a preliminary proposal for the development of housing with written request for other incentives or a bonus density ninety (90) days prior to the submittal of any formal request for general plan amendment, zoning amendment, subdivision map, development review, or use permit. *(Ord. No. 1749, 7/7/1988)*

(ab) Submit a written proposal for a bonus density concurrently with the initial development application.

x. The County shall, within ninety (90) days of receipt of a written proposal, notify the housing developer in writing of the manner in which it will comply with this Section unless the time period is waived by the developer.
xi. The Planning Director shall prepare a report on any request for density bonus or other incentives for review and approval by the Planning Commission and Board of Supervisors. Said hearing shall be noticed in the manner provided for in Section 57.3. This report may include, but is not limited to, a review of existing density entitlements under the Lake County General Plan and Zoning Ordinance, a review of proposed sales prices and/or costs of improvements, suggested number of units that are to be designated low or moderate income housing, and the project specific mechanisms and procedures necessary for implementation of this Section, including proposed sales or rental prices, sale or rental procedures, development agreements, time periods, etc.

xii. Notwithstanding any other provision of this Code, reduction in the improvement standards of Chapter 17 or the development or performance standards of Chapter 21 pursuant to this Section upon approval of the Board of Supervisors of a density bonus determination shall not require further amendment, variance or waiver from these standards and such reductions shall be deemed in compliance with Chapters 17 and 21 of the Lake County Code.

2. **Energy conservation:** A developer of housing proposing a development project incorporating innovative energy conservation techniques in excess of standards set forth in Titles 20 and 24 of the California Administrative Code (referenced hereafter as: state standards) may be granted a density bonus not to exceed twenty-five (25) percent.

i. For the purpose of this Section “density bonus” shall mean a maximum density increase of twenty-five (25) percent over the otherwise maximum allowable residential density under the zoning district and land use element of the Lake County General Plan.

ii. The density bonus shall not be included when determining the number of housing units which is equal to a maximum of twenty-five (25) percent of the total.

iii. The density bonus shall only apply to housing developments of four (4) or more dwelling units.

iv. For the purpose of this Section, “housing development” shall include subdivision and any apartment, multifamily dwelling, dwelling group, or condominium development of four (4) or more units.
v. A developer shall only be entitled to one (1) of the three (3) density bonuses provided for under Subsection (1).

vi. Prior to preparation of an application which includes a request for a residential density bonus, the applicant or a representative shall attend a pre-application meeting with Planning Department staff.

vii. Applications shall include information clearly demonstrating how the proposed energy saving measures shall be implemented.

viii. Energy conservation bonus: Projects incorporating any or all of the following energy conservation measures may be granted a maximum ten (10) percent density bonus. When an energy analysis conducted by a qualified person acceptable to the Planning Department indicates that a reduction in residential energy use in excess of ten (10) percent of what would occur if the residence was constructed in accordance with the state standards will occur, a density bonus equivalent to the percentage of energy conserved may be granted not to exceed a twenty-five (25) percent density bonus. The bonus shall be calculated in accordance with the provisions set out in Figure 1.

<table>
<thead>
<tr>
<th>Techniques</th>
<th>Maximum Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy efficient site planning</td>
<td>5%</td>
</tr>
<tr>
<td>Energy efficient construction</td>
<td>5%</td>
</tr>
<tr>
<td>Solar domestic hot water heating</td>
<td>5%</td>
</tr>
<tr>
<td>Solar residential space heating</td>
<td>10%</td>
</tr>
</tbody>
</table>

ix. Applications shall be evaluated based on the following energy efficient site planning concepts:

(aa) Site selection - Higher densities should be on south-facing slopes and lower densities on north-facing slopes.

(ab) Street layout - Streets should be oriented on an east and west axis to the greatest extent possible, although topography shall be considered.

(ac) Lot layout - Lots should be oriented with their greatest dimensions north and south to the greatest extent possible.

(ad) Building site - The long axis of a building envelope should be oriented east and west to the greatest possible extent. Zero lot line and shading will also be evaluated.
(ae) Landscaping - New trees shall be located with respect to buildings or solar collectors in order to provide solar heat gain and shade as appropriate.

#af) Other energy savings consideration - Other site planning techniques will be considered when proposed.

x. Applications shall also be evaluated based on the following passive energy efficient construction measures:

(aa) Solar access, solar gain; window sizes, placement and shading; roof overhangs.

(ab) Insulation and building materials.

(ac) Other innovative energy conservation techniques including air locks, greenhouses, trombe walls, etc.

(ad) Percent of energy savings for heating and air conditioning above state standards for residential energy conservation.

xi. Applications shall also be evaluated based on the following solar domestic hot water or active space heating:

(aa) Size and efficiency of collectors.

(ab) Storage capacity.

(ac) Percentage of hot water or space heating the system provides.

3. Geothermal energy conservation: When all proposed units in a housing development will be equipped with any of the following conservation measures a maximum density bonus of twenty-five (25) percent may be granted. The bonus shall be calculated in accordance with the provisions set forth in Figure 2.

### Figure 2. Techniques Maximum Density Bonus

<table>
<thead>
<tr>
<th>Techniques</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Domestic hot water</td>
<td>10%</td>
</tr>
<tr>
<td>Water source heat pumps</td>
<td>10%</td>
</tr>
<tr>
<td>District space heating</td>
<td>15%</td>
</tr>
<tr>
<td>Other geothermal techniques</td>
<td>10%</td>
</tr>
</tbody>
</table>

i. Proposals will be evaluated on the percentage of hot water or space heating the system provides.
ii. For the purposes of this Section “density bonus” shall mean a maximum density increase of twenty-five (25) percent over the otherwise maximum allowable residential density under the zoning district and land use element of the Lake County General Plan.

iii. The density bonus shall not be included when determining the number of housing units which is equal to a maximum of twenty-five (25) percent of the total.

iv. The density bonus shall apply to housing developments of four (4) or more dwelling units.

11. A developer shall only be entitled to one (1) of the three (3) bonuses provided under Subsection (l).

12. Prior to preparation of an application which includes a request for a residential density bonus, the applicant or a representative shall attend a pre-application meeting with Planning Department staff.

13. Applications shall include information clearly demonstrating how the proposed geothermal energy conserving measures shall be implemented.

(m) Geothermal Research Well: (Ord. No.1749, 7/7/1988; Ord.No. 2679, 03/02/2004)

1. A geothermal research well shall not exceed five thousand (5,000) feet in depth.

2. Maximum well diameter shall be five (5) inches.

3. Well design and construction shall prohibit future conversion for production.

4. No toxic materials, such as chromate, shall be used in the drilling fluid.

5. Upon abandonment, the research well pad site shall be revegetated and returned to approximately its original condition.

6. A maximum of six (6) research wells may be filed under a single application.

7. Research wells shall be limited to a parcel(s) of not less than five (5) acres.

8. The surface location of a geothermal research well shall not be located within that area indicated by Geothermal Setback Area- Map A (Sec. 21-27.11.1)
(n) **Geo-exploratory well projects:** (Ord.No.1749,7/7/1988; Ord.No.2679, 03/02/2004)

1. A geothermal exploratory well(s) shall not be drilled within one-half (1/2) mile of any populated area (defined as ten (10) or more dwelling units established within a quarter-mile diameter area) or a recorded major subdivision (defined as five (5) or more lots less than twenty (20) acres in size), without the written consent of at least seventy-five (75) percent of the property owners.

2. The surface location of a geothermal exploratory well(s) shall not be located within that area indicated by Geothermal Setback Area- Map A (Sec. 21-27.11.1)

3. An exploratory well(s) shall be limited to a parcel or contiguous parcels of not less than twenty (20) acres.

4. A maximum of six (6) geothermal exploratory wells may be approved under a single application.

5. Any new geothermal exploratory well shall not be located closer than one-half mile from the surface location of a well capable of producing geothermal resources in commercial quantities existing prior to the approval of the exploratory well use permit application.

(o) **Geo-field development project** (Ord. No. 1749, 7/7/1988; Ord. No. 2679, 03/02/2004)

1. A geothermal field development well(s) shall not be drilled within one-half (1/2) mile of any populated area (defined as more than ten (10) dwelling units established within a one-quarter (1/4) mile diameter area) or a recorded major subdivision (defined as five (5) or more lots less than twenty (20) acres in size), without the written consent of at least seventy-five (75) percent of the property owners.

2. The surface location of a geothermal field development well(s) shall not be located within that area indicated by Geothermal Setback Area- Map A (Sec. 21-27.11.1)

3. A field development well(s) shall be limited to a parcel or contiguous parcels of not less than twenty (20) acres.

(p) **Geo-direct use well project:**
1. The drilling of new geothermal direct use well(s) shall not exceed three thousand (3,000) feet in depth. Wells exceeding two thousand (2,000) feet in depth shall require a major use permit. *(Ord. No. 1749, 7/7/1988)*

2. No toxic materials such as chromate shall be used in the drilling fluid.

3. A geothermal direct use well(s) shall be limited to a parcel(s) of not less than five (5) acres.

4. Geothermal direct use wells proposed in conjunction with a project requiring a use permit or specific plan of development approval shall be processed with the larger project.

5. Geothermal direct use wells with over one thousand (1,000) feet of new road construction or located within five hundred (500) feet of a dwelling or three hundred (300) feet of a lake, perennial or seasonal creek shall require a major use permit. *(Ord. No. 1749, 7/7/1988)*

6. A geothermal direct use well project with three (3) or more wells shall require a major use permit.

7. Only geothermal direct use wells utilizing downhole heat exchangers may be processed by a minor use permit. All geothermal direct use wells which remove geothermal fluids from the well bore shall require a major use permit.

8. Water wells drilled for water-source heat pump applications shall be exempt from the provisions of this section, provided that the water temperature is 86°F or less and the well depth does not exceed three hundred (300) feet. *(Ord. No. 2128, 1/14/1993)*

(q) **Health care facility:** None. *(Ord. No. 1749, 7/7/1988)*

(r) **Large family day care home:**

1. A minor use permit is required for large family day care homes and nursery schools providing family day care to seven (7) to twelve (12) children, inclusive, including children who reside at the home.

2. All outdoor play areas are to be enclosed with fencing, a minimum of four (4) feet high, provided that such fencing is to be solid and six (6) feet in height on any property line abutting a residential use on an adjoining lot.

3. **Hours of operation:** Shall be between 7:00 a.m. and 9:00 p.m. daily.
4. Access: The site shall front on a paved road of a minimum eighteen (18) foot paved width.

5. Parking and loading: A minimum of two (2) on-site parking spaces shall be reserved for the use of dropping off and picking up of children. These spaces shall be in addition to the normal parking requirements of the residence. The drop off area should be a drive thru loop, or an on-site turnaround area should be provided.

6. Fire:
   i. A minimum of one (1) fire extinguisher and one (1) smoke detector shall be maintained in good working order on the premises. These devices shall meet the standards of the State Fire Marshal.
   
   ii. The use shall comply with the standards of the State Fire Marshal on the number of exits.
   
   iii. The use shall be conducted in compliance with the State Fire Marshal’s specifications as to the floor or floors on which day care may be provided.

7. Notice and appeal:
   i. Not less than ten (10) days prior to the proposed issuance, written notice of the proposed issuance of a minor use permit shall be given by mail or delivery by the Planning Director to all owners shown on the last equalized assessment roll as owning real property within a one hundred (100) foot radius of the exterior boundaries of the lot proposed for a large family day care home or nursery school.
   
   ii. The written notice shall meet the notice requirements of Section 57.2(b) and declare the intent of the Zoning Administrator to issue the requested zoning permit if no written appeal or request for hearing is filed with the Planning Department within ten (10) calendar days of the date of mailing. The notice shall also state that the proposed use meets the requirements of this section.
   
   iii. If no appeal or request for hearing is filed with the Planning Department, the minor use permit shall be issued by the Zoning Administrator without a hearing.
   
   iv. If an appeal or a request for a hearing by the applicant or other affected person is filed at the Planning Department pursuant to this Subsection, the Planning Director shall schedule a public
hearing before the Zoning Administrator and provide notice of the
hearing as provided for in this Subsection.

v. Appeals pursuant to this Section shall be accompanied by a fee as
established by the Board of Supervisors.

(s) Marina:

1. A marina located in any commercial district may provide berthing by
rental, lease, or other arrangement; incidental or accessory retail sales of
food, fuel, drink, clothing, fishing or boating supplies; and sales, rental,
operating instruction, maintenance or repair services for boats or accessory
equipment. A marina located in any other district shall only provide
berthing, by rental, lease, or other arrangement.

2. In addition to the parking requirements of Article 46, for those uses
identified in Subsection 1 above, off-street parking shall be supplied at the
ratio of one-half (1/2) parking space for each berth and marinas with boat
ramps or hoists shall provide trailer parking at the ratio of one-half (1/2)
space per parking space required under this Subsection. (Ord. No. 1749,
7/7/1988)

3. Facilities for the storage and sale of fuel, paint, or other flammable
materials shall be approved by the chief officer of the agency providing
fire protection service in the area in which the marina is located. Fuel
pumps shall be grounded and shall meet current fire protection standards.

(t) Mining and resource extraction: None.

(u) Repealed (Ord. No. 2836, 9/20/2007)

(v) Nursery school: (For large family day care homes and nursery schools providing
family day care for more than twelve (12) children). None.

(w) Outdoor recreation facility: None.

(x) Power generation facility: (Ord. No. 2679, 03/02/2004)

1. An electrical generation facility with a generating capacity in excess of
three (3) megawatts shall not be located within one-half (1/2) mile of any
populated area (defined as ten (10) or more dwelling units established
within a one-quarter (1/4) mile diameter area), or a recorded major
subdivision (defined as five (5) or more lots less than twenty (20) acres in
size), without the written consent of at least seventy-five (75) percent of
the property owners. (Ord. No. 1749, 7/7/1988)
2. An electrical generation facility with a generating capacity in excess of three (3) megawatts shall not be located within that area indicated by Geothermal Setback Area-Map A (Sec. 21-27.11.1).

3. An electrical generation facility with a generating capacity in excess of three (3) megawatts shall be limited to a parcel or contiguous parcels of not less than five (5) acres.

(y) Public area: The Planning Director may waive the submission of, or the requirement for a minor use permit if the Director finds that the proposed use or facility is a minor expansion of an existing facility; or will not materially change the existing character of the property or surrounding area. (Ord. No. 1749, 7/7/1988)

(z) Public and private utility: None.

(aa) REPEALED (Ord. No. 2594, 07/25/2002)

(ab) Rifle, pistol, trap shoot or archery range, outdoor:

1. The minimum lot size requirement for an outdoor rifle or pistol range, or trap shoot used by an organization shall be ten (10) acres. For an outdoor archery range used by an organization, minimum lot size shall be two (2) acres.

2. No target or structure associated with shooting of firearms or arrows shall be located closer than two hundred (200) feet to any lot line.

3. Access to all shooting areas shall be controlled by adequate means. Perimeters shall be fenced and signed.

4. No permit shall be issued for an outdoor rifle, pistol, trap shoot or archery range until the applicant has furnished evidence that the proposed development meets all applicable state and County regulations.

(ac) Road building or import/export of fill: None. (Ord. No. 1749, 7/7/1988)

(ad) Rummage sale, non-profit: None.

(ae) Rummage sale, commercial: None.

#af) Sanitary landfill: None.

(ag) Service station:

1. No activities other than the following shall be conducted: Retail sales of fuel, oil, grease, tires, batteries, automobile accessories, and other related
items, directly to users of motor vehicles; tuning motors; washing and waxing of autos; auto detailing; wheel and brake adjustment, minor repairs and major repairs; auto glass work; and minor welding. Major automotive repairs, auto glass work, and minor welding must be conducted entirely within a building. The following activities are prohibited: Upholstery work, painting, tire recapping, auto dismantling or salvage, body and fender work, and new and used car sales, rental or leasing; except as permitted in the “C3”, “M1” and “M2” districts. (Ord. No. 1749, 7/7/1988)

2. No service station located within one hundred (100) feet of an “SR”, “R1”, “R2”, “R1-MH”, or “PDR” zoning district boundary shall conduct operations other than between the hours of 6:00 a.m. and 12:00 midnight, with the further provision that no repairs, other than emergency repairs, will be conducted between the hours of 10:00 p.m. and 12:00 a.m.

3. All gasoline pumps and islands shall be set back fifteen (15) feet from the property line; however, if gasoline pumps or islands are set in a perpendicular position to any street or property line, or in any other position other than parallel to a property line, the setback shall be twenty (20) feet. Additional setback may be established by the Planning Commission if deemed necessary to provide for the protection of property values, safety, health, or welfare.

4. All hydraulic hoists and pits, mechanical washing equipment, and repair and lubrication areas shall be within a completely enclosed building.

5. No vehicles shall be parked on the premises other than those of persons attending to business on the site, vehicles being serviced for customers, vehicles of employees, and tow trucks and other service vehicles.

6. Where a service station adjoins property zoned or used for residential purposes, a six (6) foot high solid masonry wall shall be constructed on interior property lines except that the wall shall be three (3) feet in height when adjacent to any required front yard.

7. Construction materials shall be compatible with the surrounding development and approved by the Planning Commission.

8. All restroom entrances shall be screened from view of adjacent properties or street rights-of-way by a solid fence or landscaping screen.

9. All service stations shall provide compressed air and water for use by the public.

(ah) Special event, commercial: None.
Temporary sales from a vehicle: (Ord. No. 1749, 7/7/1988)

1. Applications for a temporary sales permit shall be accompanied by photos or renderings of vehicle to be used.

2. The application shall specify all locations where temporary sales are proposed.

3. The application shall be accompanied by an itinerant business permit, if applicable, for the proposed use issued by the Sheriff pursuant to Chapter 11 of the Lake County Code.

4. An application involving the sale of any prepared food, seafood, snack bars, pre-packaged food, approved unpacked food, or similar food item for retail sales, or distribution at no cost, shall be accompanied by a food service or food facility permit issued by the Lake County Health Department pursuant to the requirements of the California Uniform Food Facilities Law.

5. Up to two (2) temporary sales permits may be permitted per lot.

6. Hours of operation shall be limited to the hours between 8:00 a.m. and 10:00 p.m., daily.

7. Temporary sales permits may be issued for the retail sale of new goods or commodities, craft items, produce or prepared foods, and other uses, which in the opinion of the Planning Director are of a similar nature to those listed above. Temporary sales in the “APZ”, “A”, and “RL” districts is limited to the sale of produce.

8. Temporary sales shall not include used goods or commodities, or large or bulky items.

9. The minimum distance between lots approved for temporary sales shall be one thousand (1,000) feet.

10. Only one (1) vehicle of one and one-half (1½) tons or less in capacity shall be used in conjunction with a temporary sales permit.

11. The vehicle and all accessory items shall be removed from the site at the close of business each day.

12. The outdoor display of goods or commodities for sale shall not exceed one hundred (100) square feet in area, excluding display within or upon the vehicle.
13. The temporary sales area shall not be located or maintained within thirty (30) feet of any public road, street or highway. This setback area shall be kept free to provide for a minimum of three (3) off-street parking spaces.

14. The temporary sales area shall not reduce the number or usability of parking spaces for other uses on a lot developed for a commercial use below the minimum required by the zoning district or as required by use permit.

15. Portable signs shall be limited to two (2) sixteen (16) square foot non-illuminated signs, not to exceed four (4) feet in any dimension.

16. Temporary sales from a vehicle shall meet the development standards of the zoning district in which the site is located.

17. The minor use permit for temporary sales shall be initially valid for a period of one (1) year. Application for extension of the minor use permit may be made prior to expiration of the current permit. Subsequent minor use permits may be granted for periods of up to three (3) years per extension request.

18. The provisions of this Section do not apply to other itinerant vendors selling from a vehicle with no fixed place of business, such as ice cream trucks and mobile snack vans, regulated by Chapter 11 of the Lake County Code. (Ord. No. 1749, 7/7/1988)

   (aj) Wind energy conversion system, (WECS): (For more than one (1) WECS per lot, or WECS which cannot meet the standards of Section 27.3(t)). None.

   (ak) Collector’s permit: (Ord. No. 1749, 7/7/1988)

   1. A collector’s permit shall be a residential accessory use. A two car garage up to 500 square feet accessory to a permitted dwelling shall not be counted toward total accessory square footage.

   2. All outdoor storage shall be completely screened to a height of six (6) feet by a solid wood or masonry fence, when not completely enclosed in a building unless alternative screening is specifically authorized by this use permit.

   3. Outdoor storage areas shall be fully screened from public view from exterior property lines and from public roadways within one-half (1/2) mile of the open storage area.

   4. There shall be no outdoor storage in any required yard area.
5. There shall be no outdoor storage in any front yard in the “SR”, “R1”, “R2” or “R3” districts.

6. Storage shall only occur in those areas shown on the approved plot plan.

7. A collector’s permit may also permit the open and outdoor storage of no more than two (2) unoccupied recreational vehicles on property not possessing a principal use, subject to the following provisions:
   
   i. The minor use permit application shall be accompanied by proof that the applicant owns the property where the storage is to be located.
   
   ii. The registered owner of the vehicle(s) must own a dwelling unit on a lot abutting the property where the storage is to be located.
   
   iii. There shall be no storage of vehicles permitted within any required front yard.
   
   iv. The permit holder shall agree to maintain the property where the storage is located free of debris, junk, or overgrown weeds.
   
   v. Any recreational vehicle stored pursuant to this Section shall be currently registered and maintained in a condition to be legally operated on a public street or highway within the State of California. (Ord. No. 1974, 12/20/1990)

(al) **Drop-off recycling center:**

1. Shall meet all the conditions of Section 27.3(fa) or (fb) except as specifically waived by any minor use permit approved pursuant to this Section, for any reverse vending machine, bulk reverse vending machine, mobile recycling unit or small recycling center not meeting the standard conditions of Section 27.3(fa) or (fb). (Ord. No. 1749, 7/7/1988)

(am) **Large recycling center:** (Ord. No. 1749, 7/7/1988)

1. A large recycling center may collect all materials of a small recycling center with the addition of motor oil, furniture and large appliances; however, building materials, automobiles or auto parts or other vehicles or machinery or similar items may not be collected.

2. The recycling center shall be screened from the public right-of-way by operating in an enclosed building; or be within an area enclosed by an opaque fence at least six (6) feet in height with landscaping; and at least
one hundred fifty (150) feet from property zoned or planned for residential use.

3. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.

4. Site shall be maintained free of litter and other undesirable materials, and will be cleaned of loose debris on a daily basis.

5. Customer parking will be provided on-site for six (6) vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials in addition to the parking requirements of Article 46; and one (1) parking space will be provided for each commercial vehicle operated by the recycling center.

6. Noise levels shall not exceed the noise levels of Section 21-41.11.

7. If the center is located within five hundred (500) feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.

8. Any containers provided for after-hours donation of recyclable materials will be at least one hundred (100) feet from any property zoned or occupied for residential use, shall be of sturdy, rust-proof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.

9. Donation areas will be kept free of litter and any other undesirable material, and the containers will be clearly marked to identify the type of material that may be deposited. The center shall display a notice stating that no material shall be left outside the recycling containers.

10. The center will be clearly marked with the name and phone number of the center operator and the hours of operation.

11. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may only be approved through a major use permit for a recycling processing center.

12. A large recycling center not meeting conditions 1 through 10 may be approved upon first securing a major use permit in each case. All conditions of this Section shall apply except as specifically waived by any
major use permit approved pursuant to this Section (Ord. No. 1749, 7/7/1988).

(an)  **Recycling processing center: (Ord. No. 1749, 7/7/1988)**

1. A recycling processing center shall not be operated within two hundred fifty (250) feet of property zoned or planned for residential use.

2. In a “C3”, “M1” or “MP” district, processors will operate in a wholly enclosed building except for incidental storage; or, within an area enclosed on all sides by an opaque fence or wall not less than eight (8) feet in height and landscaped on all street frontages.

3. Power-driven processing shall be permitted, provided all noise level requirements are met.

4. A processing center may accept all materials collected by a large recycling center and used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.

5. Setbacks and landscaping requirements shall be those provided for the zoning district in which the center is located.

6. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.

7. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present.

8. Space shall be provided on-site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the center is open to the public, space will be provided for a minimum of ten (10) customers or the peak load, whichever is higher, in addition to the parking requirements of Article 46.

9. One (1) parking space will be provided for each commercial vehicle operated by the processing center.

10. Noise levels shall not exceed the noise levels of Section 21-41.11.
11. If the center is located within five hundred (500) feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The center will be administered by on-site personnel during the hours the center is open.

12. Any containers provided for after-hours donation of recyclable materials will be at least one hundred (100) feet from any property zoned or occupied for residential use; shall be of sturdy, rust-proof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

13. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Center shall display a notice stating that no material shall be left outside the recycling containers.

14. Sign requirements shall be those provided for the zoning district in which the center is located. In addition, center will be clearly marked with the name and phone number of the center operator and the hours of operation.

15. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties. (Ord. No. 1749, 7/7/1988)

(ao) Exotic animal keeping: None. (Ord. No. 2128, 1/14/1993)


1. Activities permitted are: Outdoor sales of produce, food products, plants and flowers. Non-food or non-vegetative product booths may comprise no more than 15% of the total sales area. Farmers’ markets not meeting these standards may be applied for as Commercial Rummage Sales [27.13(ae)].

2. Sales of food items shall comply with the requirements of the Health Department and Agricultural Commissioner. Certification of any farmer’s market shall be issued by the Agricultural Commissioner pursuant to the California Department of Food and Agriculture Code of Regulations. The permit holder shall ensure that all vendors have obtained any required permit.

3. All sales activities shall be located in areas that are maintained as dust-free. No sales activities or parking shall be permitted within any road or highway right-of-way.

4. Access to the farmers’ market and parking area shall be provided by a driveway or driveways consistent with County standards for distance from street corners or other driveways, and width.
5. Temporary on-site signs shall be limited to one single-sided or double-sided sign, including sandwich signs, no larger than 24 square feet per face. Temporary signs shall be allowed for the duration of the farmers’ market season. Permanent on-site and off-site signs shall be allowed pursuant to Article 45 of this Code.

6. No on-site or off-site signs shall be placed within any road or highway right-of-way.

7. Trash receptacles shall be provided for disposal of trash on the site. The site shall be cleared of all trash immediately following each sale.

8. The permit for a farmers’ market shall initially be valid for five (5) years. Subsequent extensions may be granted through the minor use permit process. (Ord. No. 2512, 4/27/2000)

(aq) **Wireless Communication Facilities, Collocation:** (Ord. No. 2868, 07/10/2008) Refer to Section 71.6 of the Zoning Ordinance.

(ar) **Wireless Communication Facilities, New or Replacement:** (Ord. No. 2868, 07/10/2008) Refer to Section 71.7 of the Zoning Ordinance.

(as) **Emergency Shelter:** (Ord. No. 3021, 12/16/2014)

1. Purpose. The purpose of these regulations is to establish standards to ensure that the development of emergency shelters (shelters) does not adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety and general welfare of the nearby residents and businesses. These performance standards shall apply to all shelters.

2. Location. A shelter may be established in any of the applicable districts provided, that the property boundaries are located more than three hundred (300) feet from any other shelter (measured from property line to property line) unless it is separated there from by a state highway.

3. Property Development Standards. The development shall conform to all property development standards of the applicable zoning district, as well as Sections 21-41, 21-45, 21-46.10, and 21-53.

4. Length of Stay. The maximum length of stay at the facility shall not exceed one hundred twenty days in a three-hundred-sixty-five day period.

5. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge. Hours of operation must be prominently posted on
site. Clients shall be admitted to the facility between six p.m. and eight a.m. during Pacific Daylight Time and five p.m. and eight a.m. during Pacific Standard Time. All clients must vacate the facility by eight a.m. and have no guaranteed bed for the next night. Clients using optional Facilities/Services may remain onsite outside of these hours.

6. Onsite Parking. Onsite parking shall be provided in the ratio of one space for every six adult beds or one-half space per bedroom designated for family units with children. One space shall be provided for each manager/staff member. Bike rack parking shall also be provided by the facility.

7. Lighting. Adequate exterior lighting shall be provided for security purposes. The lighting shall be stationary and shielded/down lit away from adjacent properties and public right of way.

8. Required Facilities. Shelters shall provide the following facilities.

   i. Indoor client intake/waiting area of at least one hundred square feet. If an exterior waiting area is provided, it shall not be located adjacent to the public right of way and shall be visibly separated from public view by minimum six foot tall visibly screening mature landscaping or a minimum six foot tall decorative masonry wall. Provisions for shade and or rain protection shall be provided.

   ii. Interior and or exterior common space for clients to congregate shall be provided on the property at a ratio of not less than fifteen square feet per client, with a minimum overall area of one hundred square feet. Common space does not include intake areas.

9. Optional Facilities/Services. Shelters may provide one or more of the following types of common facilities for the exclusive use of residents:

   i. Central cooking and dining room(s) subject to compliance with county health department requirements. Only clients that have been guaranteed a bed shall be eligible for a meal.

   ii. Recreation room.

   iii. Counseling center.


   v. Other support services intended to benefit homeless clients.
10. Shelter Management. The shelter provider or management shall demonstrate that they currently operate a shelter within the state of California or have done so within the past two years and shall comply with the following requirements:

i. At least two facility managers and or volunteers shall be on site and one shall be awake at all times the facility is open. The manager’s area shall be located near the entry to the facility. Additional support staff shall be provided as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas, as appropriate.

ii. An operational and management plan (plan) shall be submitted for review and approval by the Community Development Director. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, said plan shall contain provisions addressing the following issues:

(aa) Security and safety: Addressing both on and offsite needs, including provisions to ensure the security and separation of male and female sleeping areas, as well as any family areas within the facility.

(ab) Loitering/noise control: providing specific measures regarding operational controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on site and or when services are not provided.

(ac) Management of outdoor areas: including a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize disruption to nearby land uses. Smoking shall be allowed in designated areas only.

(ad) Staff training: with objectives to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income. At least one facility manager shall be CPR and First Aid certified.

(ae) Communication and outreach with objectives to maintain effective communication and response to operational issues which may arise in the neighborhood as may be identified by city staff or the general public.
Adequate and effective screening: with the objectives of determining admittance eligibility of clients and providing first service to Lake County area residents.

Litter control: with the objective of providing for the regular daily removal of litter attributable to clients within the vicinity of the facility.

Commercial Cannabis Cultivation: (Ord. No. 3073, 04/19/2018)

1. Definitions
   i. Bureau: The State of California Bureau of Cannabis Control within the Department of Consumer Affairs.
   ii. CalCannabis cultivation licensing: A division of the California Department of Food and Agriculture (CDFA), ensures public safety and environmental protection by licensing and regulating commercial cannabis cultivators in California or its successor agency.
   iii. Cannabis: All parts of the plant Cannabis sativa (Linnaeus), Cannabis indica, or Cannabis ruderalis, or any hybrid thereof, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.
   iv. Cannabis applicant: As defined by Section 26001 of the California Business and Professions Code.
   v. Cannabis canopy: The designated area(s) at a licensed premises, except nurseries, that will contain mature plants at any point in time, as follows: (1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the
space(s) within the boundaries; (2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and (3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

vi. Cannabis cooperative associations: Any cannabis cooperative that is organized pursuant to Chapter 22 (commencing with Section 26229) of Division 10 of the California Business and Professions Code. An association shall be deemed incorporated pursuant to that chapter, or organized pursuant to that chapter and shall be deemed a cultivator of a cannabis product within the meaning of that chapter, if it is functioning under, or is subject to, the provisions of that chapter, irrespective of whether it was originally incorporated pursuant to those provisions or was incorporated under other provisions.

vii. Cannabis cultivation: Any activity involving the germinating, cloning, seed production, planting, growing, and harvesting of cannabis plants and the on-site drying, curing, grading, or trimming of cannabis plants.

viii. Cannabis cultivation area: The area of a cannabis cultivation site in square feet.

ix. Cannabis cultivation site: A location where cannabis is planted, grown, harvested, dried, cured, graded, packaged, stored, or trimmed, or that does all or any combination of those activities.

x. Commercial cannabis activity: includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

xi. Commercial cannabis cultivation: includes the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, or that does all or any combination of those activities and possessing an M – Type 1, A – Type 1, M – Type 1A, A – Type 1A, M – Type 1B, A – Type 1B, M – Type 1C, A – Type 1C, M – Type 2, A – Type 2, M – Type 2A, A – Type 2A, M – Type 2B, A – Type
2B, M – Type 3, A – Type 3, M – Type 3A, A – Type 3A, M – Type 3B, A – Type 3B, M-Type 4, or A-Type 4 license.

xii. Cannabis Indoor cultivation: The cultivation of cannabis using light deprivation and/or artificial lighting below a rate of 25 watts per square foot. Cultivation within a greenhouse not using light deprivation and/or artificial lighting, shall not be considered indoor cultivation.

xiii. Cannabis cultivation licenses

(a) M - Type 1: "specialty outdoor": Outdoor cultivation for medicinal cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(b) A - Type 1: "specialty outdoor": Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(c) M - Type 1A: "specialty indoor": Indoor cultivation for medicinal cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot between 501 and 5,000 square feet of total canopy size on one premises.

(d) A - Type 1A: "specialty indoor": Indoor cultivation for adult use cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot between 501 and 5,000 square feet of total canopy size on one premises.

(e) M - Type 1B: "specialty mixed-light": Cultivation for medicinal cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot of between 2,501 and 5,000 square feet of total canopy size on one premises.
(f) A - Type 1B: "specialty mixed-light": Cultivation for adult use cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot of between 2,501 and 5,000 square feet of total canopy size on one premises.

(g) M - Type 1C: “specialty cottage”: Cultivation for medicinal cannabis of 2,500 square feet or less of total canopy size for mixed-light cultivation using light deprivation and/or artificial lighting below a rate of 25 watts per square foot, up to 25 mature plants for outdoor cultivation without the use of light deprivation and/or artificial lighting in the canopy area at any point in time, or 500 square feet or less of total canopy size for indoor cultivation within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot, on one premises.

(h) A - Type 1C: “specialty cottage”: Cultivation for adult use cannabis of 2,500 square feet or less of total canopy size for mixed-light cultivation using light deprivation and/or artificial lighting below a rate of 25 watts per square foot, up to 25 mature plants for outdoor cultivation without the use of light deprivation and/or artificial lighting in the canopy area at any point in time, or 500 square feet or less of total canopy size for indoor cultivation within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot, on one premises.

(i) M - Type 2: "small outdoor": Outdoor cultivation for medicinal cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(j) A - Type 2: "small outdoor": Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
(k) M - Type 2A: "small indoor": Indoor cultivation for medicinal cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(l) A - Type 2A: "small indoor": Indoor cultivation for adult use cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(m) M - Type 2B: "small mixed-light": Cultivation for medicinal cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(n) A - Type 2B: "small mixed-light": Cultivation for adult use cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(o) M - Type 3: "outdoor": Outdoor cultivation for medicinal cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.

(p) A - Type 3: "outdoor": Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.

(q) M - Type 3A: "indoor": Indoor cultivation for medicinal cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot
between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.

(r) A - Type 3A: "indoor": Indoor cultivation for adult use cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.

(s) M - Type 3B: "mixed-light": Cultivation for medicinal cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.

(t) A - Type 3B: "mixed-light": Cultivation for adult use cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.

(u) M – Type 4: "nursery": Cultivation of medicinal cannabis solely as a nursery.

(v) A – Type 4: "nursery": Cultivation of adult use cannabis solely as a nursery.

xiv. Cannabis mixed-light cultivation: The cultivation of cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot.

xv. Cannabis nursery: A site that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

xvi. Cannabis outdoor Cultivation: Cultivation of cannabis without the use of light deprivation and/or artificial lighting in the canopy area. Supplemental low intensity lighting is permissible only to maintain immature plants as a source of propagation. For the purpose of this section, cultivation within a greenhouse without supplemental light are considered outdoor cultivation.
xvii. Cannabis product: Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

xviii. Day care center: Has the same meaning as in Section 1596.76 of the California Health and Safety Code.

xix. Design professional: As defined in the California Civil Code, Division 4 General Provisions, Part 6 Works of Improvement, Title 1 Works of Improvement Generally, Article 1 Definitions.

xx. Enforcement official: As used in this Article, shall mean the Lake County Sheriff, Community Development Director, Chief Building Official, Environmental Health Director, or any other official authorized to enforce local, state or federal laws.

xxi. Fence: A wall or a barrier connected by boards, masonry, rails, panels, wire or any other materials approved by the Community Development Department for the purpose of enclosing space or separating parcels of land. The term “fence” does not include retaining walls, plastic, tarp, bamboo coverings, corrugated metal, or other materials not designed or manufactured for use as a fence.

xxii. Greenhouse (Cannabis): An outdoor structure, heated or unheated, constructed primarily of glass, 6 mil film, polycarbonate, or other rigid translucent material, which is devoted to the cultivation of cannabis.

xxiii. Grow room: The area designated in a principal structure where the cultivation and processing of cannabis for personal, qualified patient, or primary caregiver use occurs.

xxiv. Hazardous material - Hazardous material means a material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment or as defined in Health and Safety Code 25501.

xxv. Hazardous waste - hazardous waste means a waste that meets any of the criteria for the identification of a hazardous waste adopted by the department pursuant to Health and Safety Code Section 25141
xxvi. Hazardous waste generator: A generator is any person, by site, whose act or process produces hazardous waste identified or listed in Chapter 11 of the hazardous waste regulations or whose act first causes a hazardous waste to become subject to regulation.

(a) Large quantity generator: Generators of 1,000 kg or more of hazardous waste per month, excluding universal wastes, and/or more than 1 kg of acutely or extremely hazardous per month.

(b) Small quantity generator: Generators of less than 1,000 kg of hazardous waste per month, excluding universal wastes, and/or 1 kg or less of acutely or extremely hazardous waste per month.

xxvii. Hoop-house: An unheated outdoor enclosure used for the purpose of growing and/or for protecting seedlings and plants from cold weather but not containing any mechanical or electrical systems or storage of any items. Typically, a hoop-house is of semi-circular design made of, but not limited to, piping or other material covered with translucent material.

xxviii. Immature cannabis plant: A cannabis plant that is not flowering.

xxix. Indoor: Within a fully enclosed and secure structure that complies with the California Building Standards Code (Title 24 California Code of Regulations), as adopted by the County of Lake, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as standard 2” × 4” or thicker studs overlain with 3/8” or thicker plywood or equivalent materials.

xxx. License: A California state license issued pursuant to the California Business and Professions Code, including both an A- and an M- cultivation license.

xxxi. Mature cannabis plant: A cannabis plant that is flowering.

xxxii. Medicinal cannabis: Also “medicinal cannabis product”. Cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a
medicinal cannabis patient in California who possesses a physician’s recommendation.

xxxiii. Mixed-light cultivation: Cultivation of mature cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models described below: (1) “Mixed-light Tier 1” the use of artificial light at a rate of six watts per square foot or less; (2) “Mixed-light Tier 2” the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

xxxiv. Organic certification: Certified by an independent third-party organization as meeting the equivalent of State or federal organic standards.

xxxv. Owner: As defined by Section 26001 of the California Business and Professions Code.

xxxvi. Person: An individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and includes the plural as well as the singular.

xxxvii. Pest: Any of the following that is, or is liable to become, dangerous or detrimental to the agricultural or nonagricultural environment of the state: (1) Any insect, predatory animal, rodent, nematode or weed; and (2) Any form of terrestrial, aquatic, or aerial plant or animal virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other microorganisms on or in living man or other living animals).

xxxviii. Pesticide: Shall have the same meaning as set forth in Article 1, Division 6, Section 6000 of the California Code of Regulations, and Article 1, Division 7, Section 12753 of the California Food and Agriculture Code.

xxxix. Premises: The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area.

xl. School: For the purpose of cannabis regulation, school means any public or private school providing instruction in kindergarten or
any grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

xli. State license: A state license issued pursuant to the California Business and Professions Code.

xlii. Youth center: The same meaning as in Section 11353.1.e.2 of the Health and Safety Code.

2. Enforcement

i. A violation of any provision of this Section or any condition of a major use permits or minor use permits is subject to the enforcement and penalties provisions of Article 61.2 Authorization of Responsibilities, Article 61.3 Arrest and Citation Powers, and 61.4 Penalties of this Chapter.

ii. The use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this subsection; any condition dangerous to human life, unsafe, or detrimental to the public health or safety; and the existence of loud or unusual noises which are not already regulated through an approved use permit, or foul or noxious odors, not already regulated by the Lake County Air Quality Management District, which offend the peace and quiet of persons of ordinary sensibilities and which interferes with the comfortable enjoyment of life or property and affect the entire neighborhood or any considerable number of persons are declared to be a nuisance subject to the enforcement procedures of Chapter 13 of the Lake County Ordinance Code.

iii. Persons involved in unfair, dishonest, deceptive, destructive, fraudulent and discriminatory practices by which fair and honest competition is destroyed or prevented are subject to enforcement procedures of the California Unfair Practices Act (Business and Profession Code, Division 7. General Business Regulations, Part 2 Preservation and Regulation of Competition, Chapter 4. Unfair Trade Practices).

iv. A Minor Use Permit or Major Use Permit may be revoked under the procedures set forth in section 21-60.10 Revocation of Permits.

3. Development standards, general requirements, and restrictions

i. Development standards
<table>
<thead>
<tr>
<th>License</th>
<th>Minimum Lot Size (acres)</th>
<th>Setback from property line</th>
<th>Setback from off-site residences</th>
<th>Height Limitation of structures</th>
<th>Number of Living Cannabis Plants</th>
<th>Number of Mature Cannabis Plants</th>
<th>Minimum fence height (feet)</th>
<th>Maximum fence height (feet)</th>
<th>Maximum canopy area (Sq. ft.)</th>
<th>Maximum cultivation area (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannabis cultivation (greenhouse, mixed light, or indoors only) by a Qualified Patient on lot of record less than 5 acres in size</td>
<td>Base Zoning</td>
<td>Base Zoning</td>
<td>N/A</td>
<td>6 mature, 12 immature per qualified patient</td>
<td>6 per qualified patient</td>
<td>6</td>
<td>8</td>
<td>N/A</td>
<td>100 per qualified patient</td>
<td></td>
</tr>
<tr>
<td>Cannabis cultivation by a Qualified Patient on lot of record more than 5 acres in size</td>
<td>5 outside of CGB</td>
<td>75</td>
<td>150</td>
<td>6 mature, 12 immature per qualified patient</td>
<td>6 per qualified patient, 30 maximum</td>
<td>6</td>
<td>8</td>
<td>N/A</td>
<td>100 per qualified patient</td>
<td></td>
</tr>
<tr>
<td>Cannabis cultivation (greenhouse, mixed light, or indoors only) by a Primary Caregiver on lot of record less than 5 acres in size</td>
<td>base Zoning</td>
<td>Base Zoning</td>
<td>N/A</td>
<td>6 mature, 12 immature per qualified patient, 30 mature and 30 immature maximum</td>
<td>6 per qualified patient, 30 maximum</td>
<td>6</td>
<td>8</td>
<td>N/A</td>
<td>100 per qualified patient, 500 maximum</td>
<td></td>
</tr>
<tr>
<td>Cannabis cultivation by a Primary Caregiver on lot of record more than 5 acres in size</td>
<td>5 outside of CGB</td>
<td>75</td>
<td>150</td>
<td>Base Zoning</td>
<td>6 mature, 12 immature per qualified patient, 30 mature and 60 immature maximum</td>
<td>N/A</td>
<td>6</td>
<td>8</td>
<td>N/A</td>
<td>100 per qualified patient, 500 maximum</td>
</tr>
<tr>
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<td>---</td>
</tr>
<tr>
<td>Cannabis cultivation Outdoor not including greenhouse for personal adult use</td>
<td>5 outside of CGB</td>
<td>75</td>
<td>150</td>
<td>Base Zoning</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>8</td>
<td>N/A</td>
<td>100</td>
</tr>
<tr>
<td>Cannabis cultivation in a greenhouse, mixed light, or indoors for personal adult use</td>
<td>Base Zoning</td>
<td>Base Zoning</td>
<td>N/A</td>
<td>Base Zoning</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>8</td>
<td>N/A</td>
<td>100</td>
</tr>
<tr>
<td>Cannabis cultivation in a duplex, triplex, or apartment building for personal adult use</td>
<td>Base Zoning</td>
<td>Base Zoning</td>
<td>N/A</td>
<td>Base Zoning</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>8</td>
<td>N/A</td>
<td>100</td>
</tr>
<tr>
<td>M – Type 1 and A – Type 1</td>
<td>20</td>
<td>100</td>
<td>200</td>
<td>Base Zoning</td>
<td>75</td>
<td>50</td>
<td>6</td>
<td>8</td>
<td>5,000</td>
<td>10,000</td>
</tr>
<tr>
<td>M – Type 1A, A – Type 1A, M – Type 1B, and A – Type 1B</td>
<td>20</td>
<td>100</td>
<td>200</td>
<td>Base Zoning</td>
<td>N/A</td>
<td>N/A</td>
<td>6</td>
<td>8</td>
<td>5,000</td>
<td>10,000</td>
</tr>
<tr>
<td>M – Type 1C mixed light</td>
<td>5</td>
<td>100</td>
<td>200</td>
<td>Base Zoning</td>
<td>N/A</td>
<td>N/A</td>
<td>6</td>
<td>8</td>
<td>2,500</td>
<td>5,000</td>
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<tr>
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<td>Min</td>
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</tr>
<tr>
<td>M – Type 1C outdoor</td>
<td>5</td>
<td>100</td>
<td>200</td>
<td>50</td>
<td>25</td>
<td>6</td>
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<tr>
<td>M – Type 1C indoor</td>
<td>5</td>
<td>100</td>
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<td>N/A</td>
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<td>6</td>
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<tr>
<td>A – Type 1C Mixed light</td>
<td>5</td>
<td>100</td>
<td>200</td>
<td>N/A</td>
<td>N/A</td>
<td>6</td>
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<td>2,500</td>
<td>5,000</td>
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<tr>
<td>A – Type 1C outdoor</td>
<td>5</td>
<td>100</td>
<td>200</td>
<td>50</td>
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<td>6</td>
<td>8</td>
<td>2,500</td>
<td>5,000</td>
<td></td>
</tr>
<tr>
<td>A – Type 1C indoor</td>
<td>5</td>
<td>100</td>
<td>200</td>
<td>N/A</td>
<td>N/A</td>
<td>6</td>
<td>8</td>
<td>500</td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>M – Type 2, A – Type 2, M – Type 2A, A – Type 2A, M – Type 2B, and A – Type 2B</td>
<td>20</td>
<td>100</td>
<td>200</td>
<td>N/A</td>
<td>N/A</td>
<td>6</td>
<td>8</td>
<td>10,000</td>
<td>20,000</td>
<td></td>
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<tr>
<td>M – Type 3 and A – Type 3</td>
<td>20</td>
<td>100</td>
<td>200</td>
<td>N/A</td>
<td>N/A</td>
<td>6</td>
<td>8</td>
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<td>65,000</td>
<td></td>
</tr>
<tr>
<td>M – Type 3A, A – Type 3A, M – Type 3B, A – Type 3B, M – Type 4, and A – Type 4</td>
<td>20</td>
<td>100</td>
<td>200</td>
<td>N/A</td>
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<td>6</td>
<td>8</td>
<td>22,000</td>
<td>43,560</td>
<td></td>
</tr>
</tbody>
</table>
(a) The Zoning Administrator or Planning Commission may consider exceptions to the development standards because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the development standards of this sub-section are found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

(b) Application for an exception shall be made in writing by the owner of the property; or lessee, with the written consent of the property owner on a form prescribed by the Department. The application shall be accompanied by a fee in an amount to be set by the Board of Supervisors. A plan of the details of the variance requested, other pertinent information required by the Department and evidence showing 1) that the granting of the exception will not be contrary to the intent of this sub-section or to the public safety, health and welfare, and 2) that due to special conditions or exceptional characteristics of the property, or its location, the strict application of this sub-section would result in practical difficulties and unnecessary hardships; and deprives such property of privileges enjoyed by other properties in the vicinity and identical zoning district.

(c) A public hearing shall be held on any application for an exception. Notice of any public hearing shall be given as provided in Article 57.

(d) The Zoning Administrator or Planning Commission may only approve or conditionally approve an exception if all of the following findings are made:

a. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the development standards of this sub-section are found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

b. That any exception granted is subject to such conditions as will assure that the adjustment thereby
authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated; and

c. That the granting of the exception is in accordance with the intent of this Chapter, is consistent with the General Plan and will not be detrimental to the public safety, health and welfare, or injurious to other properties in the vicinity.

ii. General Requirements

(a) State license and permits required.

A person or entity shall not engage in the commercial cultivation of cannabis without first obtaining a Lake County minor or major use permit, a state cannabis cultivation license, and applicable permits, such as from Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs, as appropriate.

(b) Notification to the Bureau of Cannabis Control

The Department shall notify the Bureau of Cannabis Control and/or CalCannabis Cultivation Licensing Division upon revocation of any local license, permit, or authorization for a permittee to engage in commercial cannabis activity within the local jurisdiction.

(c) Records

a. An applicant shall keep accurate records of commercial cannabis activity.

b. All records related to commercial cannabis activity as defined by the state licensing authorities shall be maintained for a minimum of seven years.

c. The County may examine the books and records of an applicant and inspect the premises of a permittee when the County deems necessary to perform its
d. Applicants shall keep records identified by the County on the premises of the location permitted. The County may make any examination of the records of any applicant. Applicants shall also provide and deliver copies of such documents to the County upon request.

e. An applicant, or its agent or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the applicant pursuant to this section, has engaged in a violation of this article.

(d) Applicant

If the applicant is other than a natural person (including general partnerships of more than one individual natural person), the applicant must provide documentation regarding the nature of the entity and the names of the individual natural persons who manage, own or control the entity. The most common entities are corporations, limited liability companies (LLCs), limited partnerships (LPs), or trusts. These entities can be multi-layered and/or interlocking, e.g. a corporation can be owned by another corporation. If that is the case, documents for those other related entities are needed until the individual natural persons who manage, own or control the entities can be identified.

a. For Corporations:

   (1) Articles of Incorporation – file stamped by the state agency where incorporated.

   (2) If not a California Corporation, the registration filed to do business in California must be stamped by the CA Secretary of State.

   (3) A list of the officers and directors of the corporation (this could be a single person).

   (4) The agent for service of process and business office address in California.
(5) A list of the shareholders of the corporation (again, it could be a single person and the same as the officer/director). If it is a large, publicly held corporation with many shareholders, contact the Department for direction.

(6) If a non-profit mutual benefit corporation (common under pre-MMRSA practice for cannabis operations), a list of the members instead of the shareholders.

(7) A resolution of the board of directors authorizing the individual who will sign the application and other documents on behalf of the corporation to do so.

b. For Cannabis Cooperative Associations:

(1) Articles of Incorporation – file stamped by the state agency where incorporated.

(2) A list of the officers and directors of the corporation.

(3) The agent for service of process and business office address in California.

(4) A list of the shareholders of the cooperative association. For the purpose of associations organized without shares of stock, the members shall be deemed to be “shareholders” as the term is used in the General Corporation Law.

(5) By-laws

(6) A resolution of the Board of Directors authorizing the individual who will sign the application and other documents on behalf of the corporation to do so.

c. For Limited Liability Companies:

(1) Articles of Organization – file stamped by the state agency where formed If not a California LLC, or the registration to do
business in California file stamped by the CA Secretary of State.

(2) A list of the managing member or members of the company.

(3) The agent for service of process and business office address in California.

(4) A list of any other members of the company.

(5) The application and other documents submitted on behalf of the LLC must be signed by a managing member.

d. For Limited Partnerships:

(1) Certificate of Limited Partnership – file stamped by the state agency where filed.

(2) If not a California LP, the registration to do business in California file must be stamped by the CA Secretary of State.

(3) The identity of the General Partner or partners.

(4) The agent for service of process and business office address in California.

(5) A list of the limited partners of the LP.

(6) The application and other documents submitted on behalf of the LP must be signed by a general partner.

e. For Trusts:

(1) The Declaration of Trust or Statement of Trust.

(2) The name and address of the Trustee or trustees.

(3) A list of the names beneficiaries of the trust with a vested interest in the property held by the trust (check with County Counsel for explanation and details if needed).
(4) The application and other documents submitted on behalf of the trust must be signed by a Trustee.

(e) Background Checks:

All applicants and employees shall undergo a background check by the Lake County Sheriff Department. An individual may fail the background check if employee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the sheriff determines that the applicant or permittee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or permittee be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the sheriff shall include, but not be limited to, the conditions described in Section 26057 of the California Business and Professions Code.

a. Application for Background Clearance for County Permit

(1) An applicant for commercial cannabis cultivation permit shall do all of the following:

(i) Require that each applicant and employee electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal
convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal.

(ii) The Sheriff’s Office shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.

(iii) The applicant will be responsible to pay any fee the Department of Justice charges that is set by the Department of Justice and sufficient to cover the reasonable cost of processing the requests described in this paragraph.

(f) Qualifications for a Minor or Major Use Permit:

The County may deny a minor or major use permit (permit) or the renewal of a permit if any of the following conditions apply:

a. Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter, including but not limited to, any requirement imposed to protect natural resources, in-stream flow, water quality, and fish and wildlife.

b. The applicant has failed to provide information required by the Lake County Zoning Ordinance.

(g) The applicant, owner, or permittee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the Lake County Sheriff finds that the applicant, owner, or permittee is otherwise suitable to be issued a permit, and granting the permit would not compromise public safety, the Lake County Sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and
evidence of rehabilitation of the applicant or owner, and shall evaluate the suitability of the applicant, owner, or permittee to be issued a permit based on the evidence found through the review.

(h) Property Owner’s Approval:

If the property where the cannabis activity is to be located is not owned by the applicant, written approval shall be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant or lessee to cultivate cannabis at the site. A copy of the written approval shall be maintained by the tenant or lessee and made available for review by enforcement officials upon request. Written approvals shall be renewed annually.

(i) Collocation of Permits

Up to four cultivation permits may be allowed on a single parcel provided that each permit meets the minimum acreage requirement and all other development standards.

(j) Permitted activities:

The following uses in connection with the cultivation of cannabis:

a. Cultivation of cannabis
b. Cannabis processing such as drying, curing, grading, packaging, or trimming
c. Accessory uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

(k) Operating Hours:

Deliveries and pick-ups are restricted as follows:

a. Monday through Saturday: 9:00 a.m. - 7:00 p.m.
b. Sunday: 12:00 p.m. - 5:00 p.m.

(l) Duration of Permits:

Commercial cannabis cultivation permit duration: not to exceed ten (10) years.

(m) Track and Trace:
All permittees shall comply with the State of California Track and Trace requirements

(n) Weights and Measures

All permittees shall comply with the State of California Weights and Measures requirements found in the California Food and Agriculture Code, California Code of Regulations, and the California Business and Professions Code.

(o) Access Standards

a. Any site where a cannabis related activity is permitted shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works.

b. All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body.

c. The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district.

d. Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public. Gates constructed across public access easements are subject to removal per State Street and Highway Codes.

iii. Prohibited Activities

(a) Tree Removal

The removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (Quercus species) or Tan Oak (Notholithocarpus species) for the purpose of developing a cannabis
cultivation site should be avoided and minimized. This shall not include the pruning of any such tree species for the health of the tree or the removal of such trees if necessary for safety or disease concerns.

(b) Water use

The utilization of water that has been or is illegally diverted from any lake, spring, wetland, stream, creek, vernal pool, or river is prohibited.

(c) Odor

Cannabis related permits shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.

(d) Electrical Generators

The indoor or mixed-light cultivation of cannabis shall not rely on a personal gasoline, diesel, propane, or similar fuels, powered generator as a primary source of power and shall only allow properly permitted (when applicable) generators for temporary use in the event of a power outage or emergency that is beyond the permittee’s control.

(e) Lights

All lights used for cannabis related permits including indoor or mixed light cultivation of cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Artificial light shall be completely shielded between sunset and sunrise.

Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the lot of record upon which they are placed.

(f) Pesticide

The use any pesticide that has been banned for use in the state is prohibited.
iv. Protection of Minors

(a) No permittee shall:
   a. Sell, transfer or give cannabis or cannabis products to persons under 21 years of age;
   b. Allow any person under 21 years of age into the cultivation area; pr.
   c. Employ or retain persons under 21 years of age.

v. Commercial Cannabis Cultivation Exclusion Areas

Commercial cannabis cultivation is prohibited in the following areas:

(a) Within any of the following that is in existence at the time the permit is issued:
   a. Community Growth Boundary as described in the Lake County General Plan,
   b. SOS combining district,
   c. Public lands,
   d. A water service sphere of influence,
   e. An incorporated city sphere of influence,
   f. Any public or private school, grades 1 through 12,
   g. A developed public park containing playground equipment,
   h. A drug or alcohol rehabilitation facility, or
   i. A licensed child care facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors.

(b) Within 1,000 feet of the following that is in existence at the time the permit is issued:
   a. Any public or private school, grades 1 through 12,
   b. A developed public park containing playground equipment,
   c. A drug or alcohol rehabilitation facility, or
d. A licensed child care or daycare facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors.

e. A Community Growth Boundary as described in the Lake County General Plan,

f. A water service sphere of influence,

g. Federal Indian Trust Lands,

h. Incorporated city sphere of influence

The distance specified in this section shall be the horizontal distance measured in a straight line from a Community Growth Boundary, a water service or incorporated city sphere of influence, or the boundary of a Federal Indian Trust Lands to the boundaries of the parcel were the commercial cannabis cultivation site is located.

(c) Within areas designated as prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance as depicted on Lake County Important Farmland 2014 prepared by the State of California Department of Conservation Farmland Mapping and Monitoring Program commercial cannabis cultivation shall be limited to indoor, mixed light, and greenhouses that are equipped with filtrations systems that prevents the movement of odors, pesticides, and other air borne contaminates out of or into the structure. The permitting authority may allow outdoor cultivation outside a greenhouse if the prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance are isolated areas that are not connected to a large system of such lands.

4. Permitting process

i. Permits

(a) There are four different permit types for the commercial cultivation of cannabis:

a. Minor Use Permit for legal, non-conforming, and Article 72 compliant cultivation site
b. Minor Use Permit: A minor use permit is required for the following cannabis cultivation licenses: M – Type 1, A – Type 1, M – Type 1A, A – Type 1A, M – Type 1B, A – Type 1B, M – Type 1C, A – Type 1C, M – Type 2, A – Type 2, M – Type 2A, A – Type 2A, M – Type 2B, A – Type 2B, M – Type 4, or A – Type 4 licenses.

c. Major Use Permit: A major use permit is required for the following cannabis cultivation licenses: M – Type 3, A – Type 3, M – Type 3A, A – Type 3A, M – Type 3B, or A – Type 3B licenses.

d. Early activation of a commercial cannabis cultivation permit.

(b) The number of minor and major use permits for commercial cannabis cultivation that one applicant may hold is limited to four within Lake County.

(c) Minor Use Permit for Commercial cannabis cultivation, Article 72 compliant

The following requirements shall be met:

a. A person who holds a Conditional Certificate of Recognition of Compliance may apply for a legal non-conforming minor use permit for an M – Type 1, A – Type 1, M – Type 1A, A – Type 1A, M – Type 1B, A – Type 1B, M – Type 1C, or A – Type 1C license.

b. A minor use permit application shall be submitted to the Department.

c. All fees as established by the Board of Supervisors shall be paid at the time of application submittal.

d. In addition to the requirements of Article 55, the following additional information shall be provided:

(1) The legal business name of the applicant entity.

(2) The license type, pursuant to the California Department of Food and Agriculture cannabis cultivation program regulations, for which the applicant is applying and
whether the application is for an M-license or A-license;

(3) A list of all the types, including the license numbers of valid licenses, from the department and other cannabis licensing authorities that the applicant already holds;

(4) The physical address of the premises;

(5) The mailing address of the applicant;

(6) A designated responsible party, who shall also be an owner, with legal authority to bind the applicant entity, and the primary contact for the application. The following information shall be provided for the designated responsible party: full legal name, title, mailing address, primary contact phone number, email address, and a copy of the owner’s government-issued identification. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government, including, but not limited to, a driver’s license or passport, that contains the name, date of birth, physical description, and picture of the individual;

(7) An individual or entity serving as agent for service of process for the applicant. The following information shall be provided for the agent for service of process: full legal name, mailing address, primary contact phone number, and email address;

(8) A complete list of every owner of the applicant entity. Each individual owner named shall submit the following information:

(i) Full legal name;

(ii) Title within the applicant entity;

(iii) Home address;
(iv) Primary phone number;
(v) Email address;
(vi) Date ownership interest in the applicant entity was acquired;
(vii) Percentage of the ownership interest held in the applicant entity by the owner;
(viii) A list of all the valid licenses, including license type(s) and license number(s), from the department and other cannabis licensing authorities that the owner is listed as either an owner or financial interest holder;
(ix) A copy of their government-issued identification. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government, including that includes the name, date of birth, physical description, and picture of the person, such as a driver’s license or passport.

(9) For applicants that are a cannabis cooperative as defined by Division 10, Chapter 22 (commencing with section 26220) of the Business and Professions Code, identification of all members.

(10) Evidence that the applicant entity has the legal right to occupy and use the proposed location.

(11) The site plan prepared by a design professional consistent with the requirements of the Department pursuant to Article 55.5.

e. The Director may request additional information that would assist the Department in its review of the application.
f. The Zoning Administrator may approve, approve with conditions, or deny the legal non-conforming use permit application as provided for in Article 50.3.

g. The legal non-conforming minor use permit shall be valid for two years from the date of issuance and cannot be extended or renewed.

h. The legal non-conforming cannabis cultivation site cannot be expanded nor can the number of mature cannabis plants exceed 48 mature or 72 immature cannabis plants.

i. Annual Inspection of the cultivation site is required and the applicant shall pay the fee established by resolution of the Board of Supervisors for that inspection.

(d) Minor and Major Use Permits for Commercial cannabis cultivation

a. A person interested in applying for a cannabis cultivation use permit shall be enrolled with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs as of the effective date of this ordinance or written verification from the appropriate board that enrollment is not necessary.

b. The applicant shall schedule and pay the fee for a pre-application conference with the Department prior to the submittal of an application for a use permit. Questions regarding a specific application will only be addressed at a pre-application conference. Prior to the pre-application conference, the applicant shall provide the department:

(1) No later than two weeks prior to the pre-application conference, the applicant shall provide the department:

(2) A map showing the lot of record showing where the cultivation site is located and the Assessor’s Parcel Number (APN) for the lot of record.
(3) Sketch of the proposed cultivation site including the location of the canopy area, full cultivation site, access, existing structures on the lot of record, any water bodies and/or water courses,

(4) A statement as to which State license the applicant intends to submit an application.

(5) Responses to the following performance standards questions:

(i) Has the applicant applied to the CalCannabis Cultivation Licensing Division for a cultivation license if the application relates to an existing site?

(ii) Is the cultivation site located outside a floodplain?

(iii) Do all aspects of the project not require a grading permit?

(iv) Does the applicant have a legal, on-site source of water?

(v) Does the applicant agree to monitor water use and share the data with the County?

(vi) Does the applicant agree to make water source available to Cal Fire for firefighting?

(vii) Has the applicant conducted a cultural/archeological survey of the property?

(viii) Does the applicant agree to monitor energy use and share the data with the County?

(ix) Does the applicant agree to monitor vegetative waste generation and share the data with the County?
(x) Does the applicant agree to monitor solid waste generation and share the data with the County?

(xi) Does the applicant agree to monitor water quality of storm water runoff and share the data with the County?

(xii) Any questions that the applicant may have regarding the permitting process or what is required for the submittal.

c. At the pre-application conference the Department will provide:

(1) A determination of the legal lot of record status or request additional information to make such determination. The lot of record where the cultivation site is located is required to be a legal lot of record.

(2) A determination of current compliance with Chapters 5, 13, 17, 21, 23, 26, 29 or 30 of the Lake County Code. Compliance with these chapters is required to submit an application.

(3) A determination of the performance standards score based on the response to the performance standards questions. A minimum score of 75% is required to submit an application.

(4) A response to the questions submitted with the pre-application conference application.

(5) An outline of the information required for the application.

d. Permit application supplemental information

The use permit application, in addition to the requirements of Article 55, shall include the following additional information:

(1) The legal business name of the applicant entity;
The license type, pursuant to the California Department of Food and Agriculture cannabis cultivation program regulations, for which the applicant is applying and whether the application is for an M-license or A-license;

A list of all the types, including the license numbers of valid licenses, from the department and other cannabis licensing authorities that the applicant already holds;

The physical address of the premises;

The mailing address of the applicant;

A designated responsible party, who shall also be an owner, with legal authority to bind the applicant entity, and the primary contact for the application. The following information shall be provided for the designated responsible party: full legal name, title, mailing address, primary contact phone number, email address, and a copy of the owner’s government-issued identification. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government, including, but not limited to, a driver’s license or passport, that contains the name, date of birth, physical description, and picture of the individual;

An individual or entity serving as agent for service of process for the applicant. The following information shall be provided for the agent for service of process: full legal name, mailing address, primary contact phone number, and email address;

A complete list of every owner of the applicant entity. Each individual owner shall submit the following information:

(i) Full legal name;
(ii) Title within the applicant entity;

(iii) Home address;

(iv) Primary phone number;

(v) Email address;

(vi) Date ownership interest in the applicant entity was acquired;

(vii) Percentage of the ownership interest held in the applicant entity by the owner;

(viii) A list of all the valid licenses, including license type(s) and license number(s), from the department and other cannabis licensing authorities that the owner is listed as either an owner or financial interest holder;

(ix) A copy of their government-issued identification. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government that includes the name, date of birth, physical description, and picture of the person, such as a driver’s license or passport.

(x) For applicants that are a cannabis cooperative as defined by Division 10, Chapter 22 (commencing with section 26220) of the Business and Professions Code, identification of all members.

(xi) Evidence that the applicant entity has the legal right to occupy and use the proposed location.

(xii) Evidence of enrollment with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water
quality protection programs or written verification from the appropriate board that enrollment is not necessary;

(xiii) Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;

(xiv) For indoor and mixed light license types, identification of all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;

(xv) Identification of all water sources used for cultivation activities and the estimated volume of water used on a monthly basis.

(xvi) An attestation that the local fire department has been notified of the cultivation site if the applicant entity is an indoor license type;

(9) Project description:

The project description shall provide adequate information to evaluate the impacts of the proposed project and consists of three parts: a site plan, a written description section, and a property management section.

(i) Site Plan:

A site plan is a graphic representation of the project consisting of maps, site plans, or drawings prepared by a design
professional consistent with the requirements of the Department pursuant to Article 55.5.

(ii) Written Description:

A written section which shall support the graphic representations and shall, at a minimum, include:

(a) A project description;

(b) The present zoning;

(c) A list and description of all uses shown on the site plan;

(d) A development schedule indicating the approximate date when construction of the project can be expected to begin and be completed for each phase of the project; including the permit phase;

(e) A statement of the applicant’s proposal for solid waste disposal, vegetative waste disposal, storm water management, growing medium management, fish and wildlife protection, water resources protection, energy use, water use, pest management, fertilizer use, property management, grading, organic farming, and protection of cultural resources;

(f) Quantitative data for the development including but not limited to: Gross and net acreage; the approximate dimensions and location of structures for each district or
area; employee statistics; support services required; traffic generation data based on anticipated uses; parking and loading requirements; and outdoor storage requirements based on anticipated uses;

(g) Supplemental information, if applicable:

a. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights.

b. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast or Central Valley Regional Water Quality Board.

c. Streambed Alteration Permit obtained from the Department of Fish and Wildlife.

d. Copy of County of Lake well permit, state well permit, or well logs.

e. If the lot of record is zoned TPZ, or involves conversion of timberland, a copy
of less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. Alternately for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE.

(h) Other pertinent information as required by the Director.

(iii) A Management Plan section

Described in subsection 5 below.

e. Minor and Major Use Permit required findings

In addition to the findings required for a minor use permit (Article 50.4) or major use permit (Article 51.4), the following findings shall be made:

(1) The proposed use complies with all development standards described in Section 5.3.i

(2) The applicant is qualified to make the application described in Section 3.ii.(e).

(3) The application complies with the qualifications for a permit described in Section 3.ii.(f).

(e) Early activation
In addition to the requirements of Article 27.4, the following requirements apply:

a. The applicant shall be qualified to receive a permit pursuant to Subsection 3.ii.(e).

b. Evidence of enrollment with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs or written verification from the appropriate board that enrollment is not necessary.

c. The applicant shall have a Conditional Certificate of Recognition of Compliance for compliance with Article 72.

d. The applicant shall have filed an application for a minor or major use permit application, as appropriate, for the same project that has been determined to be complete by the Department.

5. Property Management Plan

All permittees shall prepare a Property Management Plan. The intent of said plan is to identify and locate all existing cannabis and non-cannabis related uses on the property, Identify and locate all proposed cannabis and non-cannabis related uses on the property, and describe how all cannabis and non-cannabis related uses will be managed in the future. The property management plan shall demonstrate how the operation of the commercial cannabis cultivation site will not harm the public health, safety, and welfare or the natural environment of Lake County.

The plan will consist of the following sections:

i. Air Quality

(a) Intent: All cannabis permittees shall not degrade the County’s air quality as determined by the Lake County Air Quality Management District (LCAQMD).

(b) In this section, permittees shall identify any equipment or activity that which may cause, or potentially cause the issuance of air contaminates including odor and shall identify measures to be taken to reduce, control or eliminate the issuance of air contaminants, including odors.
(c) All cannabis permittees shall obtain an Authority to Construct permit pursuant to LCAQMD Rules and Regulations, prior to the construction of the facility described in the Property Management Plan.

(d) All cannabis permittees shall obtain Authority to Construct Permit pursuant to LCAQMD Rules and Regulations, if applicable, to operate any article, machine, equipment or other contrivance which causes or may cause the issuance of an air contaminant.

(e) All permittees shall maintain an Authority to Construct or Permit to Operate for the life of the project, until the operation is closed and equipment is removed.

(f) The applicant shall prepare an odor response program that includes (but is not limited to):

a. Designating an individual(s) who is/are responsible for responding to odor complaints 24 hours per day/seven (7) days a week, including holidays.

b. Providing property owners and residents of property within a 1,000 foot radius of the cannabis facility, with the contact information of the individual responsible for responding to odor complaints.

c. Policies and procedures describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint.

d. The description of potential mitigation methods to be implemented for reducing odors, including add-on air pollution control equipment.

e. Contingency measures to mitigate/curtail odor and other emissions in the event the methods described above are inadequate to fully prevent offsite nuisance conditions.

ii. Cultural Resources

(a) Intent: All permittees shall protect the cultural, historical, archaeological, and paleontological resources on the lot of record where the permitted activity is located.
(b) The Department shall consult with appropriate Tribe regarding the potential of such resources being located on the lot of record.

(c) Based on that consultation, the Department may require a cultural resource study of the property to determine the extent such resources exist on the lot of record.

(d) Based on that study and in consultation with the appropriate Tribe(s), the Department may require its including in this section.

(e) This section shall include:

a. Detailed procedures on actions to take if such resources are found.

b. Describe the procedures to be followed if cultural, historical, archaeological, and paleontological resources are found on the property.

iii. Energy Usage

(a) Intent: Permittees shall minimize energy usage.

(b) In this section permittees shall:

a. Provide energy calculation as required by the California Building Code.

b. Identify energy conservation measures to be taken and maintained including providing proof of compliance with CCR Title 3, Division 8, Chapter 1, Section 8305 the Renewable Energy Requirements.

c. If alternative energy sources are to be used, describe those sources and the amount of electricity that will be provided.

d. For indoor cannabis cultivation licensees, ensure that electrical power used for commercial cannabis activity shall be provided by any combination of the following: (1) On-grid power with 42 percent renewable source. (2) Onsite zero net energy renewable source providing 42 percent of power. (3) Purchase of carbon offsets for any portion of power above 58 percent not from renewable
sources. (4) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.

e. Describe what parameters will be monitored and the methodology of the monitoring program.

iv. Fertilizer Usage

(a) Intent: To ensure consistency of fertilizer storage and use with the other sections of the property management plan.

(b) This section shall describe how cultivation and nursery permittees will comply with the following fertilizer application and storage protocols:

a. Comply with all fertilizer label directions;

b. Store fertilizers in a secure building or shed;

c. Contain any fertilizer spills and immediately clean up any spills;

d. Apply the minimum amount of product necessary;

e. Prevent offsite drift;

f. Do not spray directly to surface water or allow fertilizer product to drift to surface water. Spray only when wind is blowing away from surface water bodies;

g. Do not apply fertilizer when they may reach surface water or groundwater; and

h. The use of fertilizer shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge.

(c) This section shall include a map of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record of land or within 100 feet of the lot of record and a 100-foot setback from
any identified spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool.

(d) Describe what parameters will be monitored and the methodology of the monitoring program.

v. Fish and Wildlife Protection

(a) Intent: To minimize adverse impacts on fish and wildlife.

(b) In this section permittees shall include:

a. A description of the fish and wildlife that are located on or utilize on a seasonal basis the lot of record where the permitted activity is located;

b. A description of the habitats found on the lot of record;

c. A description of the watershed in which the permitted activity is located;

d. Describe how the permittee will minimize adverse impacts on the fish and wildlife; and

e. A map showing the location of any conservation easements or wildlife corridors proposed.


(a) Intent: To describe the operating procedures of the commercial cannabis cultivation site to ensure compliance with the use permit, protect the public health, safety and welfare, as well as the natural environment of Lake County.

(b) This section shall include the following:

(1) Authorization for the County, its agents, and employees, to seek verification of the information contained within the development permit or use permit applications, the Operations Manual, and the Operating Standards at any time before or after development or use permits are issued;

(2) A description of the staff screening processes;

(3) The hours and days of the week when the facility will be open;

(4)
(5) Description of measures taken to minimize or offset the carbon footprint from operational activities;

(6) Description of chemicals stored, used and any effluent discharged as a result of operational activities; and

(c) Grounds.

(1) The permittee shall establish and implement written procedures to ensure that the grounds of the premises controlled by the permittee are kept in a condition that prevents the contamination of components and cannabis products. The methods for adequate maintenance of the grounds shall include at minimum:

(i) The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass so that the premises shall not constitute an attractant, breeding place, or harborage for pests.

(ii) The proper maintenance of roads, yards, and parking lots so that these areas shall not constitute a source of contamination in areas where cannabis products are handled or transported.

(iii) The provision of adequate draining areas in order to prevent contamination by seepage, foot-borne filth, or the breeding of pests due to unsanitary conditions.

(iv) The provision and maintenance of waste treatment systems so as to prevent contamination in areas where cannabis products may be exposed to such a system’s waste or waste by-products.

(2) If the lot of record is bordered by grounds outside the applicant’s control that are not maintained in the manner described in subsections (i) through (iv) of this section, inspection, extermination, and other reasonable care shall be exercised within the lot of record in order to eliminate any pests, dirt, and/or
filth that pose a source of cannabis product contamination.

(d) Any other information as may be requested by the Director and/or by the Planning Commission.

vii. Pest Management

(a) Intent: To ensure consistency pest management with the other sections of the property management plan.

(b) This section shall describe how cultivation and nursery permittees will comply with the following pesticide application and storage protocols:

a. All pesticide applications must fully comply with the California Food and Agriculture Code, Division 6 Pest Control Operations and Division 7 Agriculture Chemical; Chapter 1 – 3.6 and California Code of Regulations, Division 6 Pest Control Operations.

b. These pesticide laws and regulations include but are not limited to:

(1) Comply with all pesticide label directions;
(2) Store chemicals in a secure building or shed to prevent access by wildlife;
(3) Contain any chemical leaks and immediately clean up any spills;
(4) Prevent offsite drift;
(5) Do not apply pesticides when pollinators are present;
(6) Do not allow drift to flowering plants attractive to pollinators;
(7) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
(8) Do not apply pesticides when they may reach surface water or groundwater; and
(9) Only use properly labeled pesticides.
(10) The use of pesticides shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge.

(c) This section shall include a map of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record of land or within 100 feet of the lot of record and a 100 foot setback from any identified spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool.

viii. Security

(a) Intent: To minimize criminal activity, provide for safe and secure working environments, protect private property, and to prevent damage to the environment. The Applicant shall provide adequate security on the premises, as approved by the Sheriff and pursuant to this section, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

(b) Security Plan

This section shall include at a minimum:

a. A description of the security measures to be taken to:

(1) Prevent access to the cultivation site by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:

(i) Establishing physical barriers to secure perimeter access and all points of entry (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including
windows, roofs, or ventilation systems);

(ii) Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;

(iii) Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;

(iv) Maintaining the premises such that visibility and security monitoring of the premises is possible; and

(v) Establishing procedures for the investigation of suspicious activities.

(2) Prevent theft or loss of cannabis and cannabis products. This includes but is not limited to:

(v) Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the cultivation process;

(vi) Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;

(vii) Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and

(viii) Providing designated areas in which personnel may store and access personal items.

(3) Identification of emergency contact(s) that is/are available 24 hours/seven (7) days a
week including holidays. The plan shall include the name, phone number and facsimile number or email address of an individual working on the commercial cultivation premises, to whom notice of problems associated with the operation of the commercial cultivation establishment can be provided. The commercial cultivation establishment shall keep this information current at all times. The applicant shall make every good faith effort to encourage neighborhood residents to call this designated person to resolve operating problems, if any, before any calls or complaints are made to the County.

(4) The permittee shall maintain a record of all complaints and resolution of complaints and provide a tally and summary of issues the annual Performance Review Report.

(5) A description of fences, location of access points, and how access is controlled.

(6) Video Surveillance.

(i) At a minimum, permitted premises shall have a complete digital video surveillance system with a minimum camera resolution of 1080 pixel. The video surveillance system shall be capable of recording all pre-determined surveillance areas in any lighting conditions.

(ii) The video surveillance system shall be capable of supporting remote access by the permittee.

(iii) To the extent reasonably possible, all video surveillance cameras shall be installed in a manner that prevents intentional obstruction, tampering with, and/or disabling.
Areas that shall be recorded on the video surveillance system include, but are not limited to, the following:

(a) The perimeter of the cannabis cultivation site and cannabis nursery;

(b) Areas where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises;

(c) Areas where cannabis is destroyed;

(d) Limited-access areas;

(e) Security rooms;

(f) Areas containing surveillance-system storage devices, in which case, at least one camera shall record the access points to such an area; and

(g) The interior and exterior of all entrances and exits to the cannabis cultivation sites and cannabis nursery including all buildings where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises.

The surveillance system shall operate continuously 24 hours per day and at a minimum of 30 frames per second.
(vi) All exterior cameras shall be waterproof, I-66 minimum.

(vii) All interior cameras shall be moisture proof.

(viii) Cameras shall be color capable.

(ix) Video management software shall be capable of integrating cameras with door alarms.

(x) Video recordings shall be digital.

(xi) Thermal technology shall be use for perimeter fencing.

(xii) All cameras shall include motion sensors that activates the camera when motion is detected.

(xiii) In areas with inadequate lighting for the cameras being used, sufficient lighting shall be provided to illuminate the camera’s field of vision.

(xiv) All recording shall be located in secure rooms or areas of the premises in an access and environment-controlled environment which is separate from the room where the computer and monitoring equipment is located.

(xv) All surveillance recordings shall be kept on the applicant's recording device or other approved location for a minimum of 30 days.

(xvi) All video surveillance recordings are subject to inspection by the Department and shall be copied and sent, or otherwise provided, to the Department upon request.

(xvii) The video recordings shall display the current date and time of recorded
events. Time is to be measured in accordance with the U.S. National Institute Standards and Technology standards. The displayed date and time shall not significantly obstruct the view of recorded images.

(7) Fences

(i) Any commercial cannabis cultivation site shall be enclosed by a fence. The fence shall include, at a minimum, the following: Posts set into the ground. The posts may be steel tubing, timber or concrete and may be driven into the ground or set in concrete. End, corner or gate posts, commonly referred to as "terminal posts", must be set in concrete footing or otherwise anchored to prevent leaning under the tension of a stretched fence. Posts set between the terminal posts shall be set at intervals not to exceed 10 feet. A top horizontal rail is required between all posts. The fence shall be attached to the posts and top horizontal rail.

(ii) No barbed wire, razor wire or similar design shall be used.

(iii) The cultivation area shall be screened from public view. Methods of screen may include, but is not limited to, topographic barriers, vegetation, or solid (opaque) fences.

ix. Storm Water Management

(a) Intent: To protect the water quality of the surface water and the stormwater management systems managed by Lake County and to evaluate the impact on downstream property owners.
(b) All permittees shall manage storm water runoff to protect downstream receiving water bodies from water quality degradation.

(c) All cultivation activities shall comply with the California State Water Board, the Central Valley Regional Water Quality Control Board, and the North Coast Region Water Quality Control Board orders, regulations, and procedures as appropriate.

(d) Outdoor cultivation, including any topsoil, pesticide or fertilizers used for the cultivation cannabis shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge.

(e) The illicit discharges of irrigation or storm water from the premises, as defined in Title 40 of the Code of Federal Regulations, Section 122.26, which could result in degradation of water quality of any water body is prohibited.

(f) All permittees shall prepare a Storm Water Management Plan based on the requirements of the California Regional Water Quality Control Board Central Valley Region or the California Regional Water Quality Control Board North Coast Region. In addition to those requirements, the plan shall include:

a. Identification of any Lake County maintained drainage or conveyance system that the stormwater is discharged into and documentation that the stormwater discharge is in compliance with the design parameters of those structures;

b. Identification of any public roads and bridges that are downstream of the discharge point and documentation that the stormwater discharge is in compliance with the design parameters of any such bridges;
c. Documentation that the discharge of stormwater from the site will not increase the volume of water that historically has flow onto adjacent properties;

d. Documentation that the discharge of stormwater will not increase flood elevations downstream of the discharge point;

e. Documentation that the discharge of stormwater will not degrade water quality of any water body;

f. Documentation of compliance with the requirements of Chapter 29, Storm Water Management Ordinance of the Lake County Ordinance Code;

g. Describe the proposed grading of the property;

h. Describe the storm water management system;

i. Describe the best management practices (BMPs) that will be used during construction and those that will be used post-construction. Post-construction BMPs shall be maintained through the life of the permit; and

j. Describe what parameters will be monitored and the methodology of the monitoring program.

x. Waste Management

(a) Intent: To minimize the generation of waste and dispose of such waste properly, to prevent the release of hazardous waste into the environment, minimize the generation of cannabis vegetative waste and dispose of cannabis vegetative waste properly, and manage growing medium and dispose of growing medium properly.

(b) This section shall include the following components:

a. Solid Waste Management

The solid waste section shall include:

(1) Provide an estimate of the amount of solid waste that will be generated on an annual basis and daily during peak operational seasons, broken down into the following categories:
(i) Paper  
(ii) Glass  
(iii) Metal  
(iv) Electronics  
(v) Plastic  
(vi) Organics  
(vii) Inerts  
(viii) Household hazardous waste  
(ix) Special waste, and  
(x) Mixed residue

(2) Describe how the permittee will minimize solid waste generation, including working with vendors to minimize packaging.

(3) Describe the waste collection frequency and method.

(4) Describe how solid waste will be temporarily stored prior to transport to a compost, recycling, or final disposal location.

(5) Describe the composting, recycling, or final disposal location for each of the above categories of solid waste.

b. Hazardous Waste Management

The hazardous waste section shall include:

(1) Hazard Analysis.

The applicant shall conduct a hazard analysis to identify or evaluate known or reasonably foreseeable hazards for each type of cannabis product produced at their facility in order to determine whether there exist any hazards requiring a preventive control. The hazard analysis shall include:

The identification of potential hazards, including:
(i) Biological hazards, including microbiological hazards;

(ii) Chemical hazards, including radiological hazards, pesticide(s) contamination, solvent or other residue, natural toxins, decomposition, unapproved additives, or food allergens; and/or

(iii) Physical hazards, such as stone, glass, metal fragments, hair or insects.

The evaluation of the hazards identified in order to assess the severity of any illness or injury that may occur as a result of a given hazard, and the probability that the hazard will occur in the absence of preventive controls.

The hazard evaluation shall consider the effect of the following on the safety of the finished cannabis product for the intended consumer:

(i) The sanitation conditions of the manufacturing premises;

(ii) The product formulation process;

(iii) The design, function and condition of the manufacturing facility and its equipment;

(iv) The ingredients and components used in a given cannabis product;

(v) The operation’s transportation and transfer practices;
(vi) The facility’s manufacturing and processing procedures;

(vii) The facility’s packaging and labeling activities;

(viii) The storage of components and/or the finished cannabis product;

(ix) The intended or reasonably foreseeable use of the finished cannabis product: and

(x) Any other relevant factors.

(2) Management Plan

The Management Plans shall:

(i) Identify all Resource Conservation and Recovery Act (RCRA), Non-RCRA hazardous waste and Universal wastes and the volume of each;

(ii) Identify all containers and container management;

(iii) Describe storage locations and chemical segregation procedures;

(iv) Describe hazardous waste manifest and recordkeeping protocol;

(v) Outline inspection procedures;

(vi) Identify emergency spill response procedures;

(vii) Describe staff responsibilities;

(viii) Describe the staff training program;

(ix) Describe the methodology on how the amount of hazardous materials and waste that is generated on the site, the amount that is recycled, and the amount and where hazardous
materials and waste is disposed of, is measured; and

(x) Include A map of any private drinking water well, spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record or within 100 feet of the lot of record and a 100 foot setback from any identified private drinking water well, spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. The map shall also include any public water supply well on the lot of record or within 200 feet of the lot of record and a 200 foot setback from any public water supply well.

Pursuant to the California Health and Safety Code, the use of hazardous materials shall be prohibited except for limited quantities of hazardous materials that are below State threshold levels of 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. The production of any Hazardous Waste as part of the cultivation process is prohibited.

c. Cannabis Vegetative Material Waste Management

The cannabis vegetative material waste management section shall include:

(1) Provide an estimate of the type and amount of cannabis vegetative waste that will be generated on an annual basis;

(2) Describe how the permittee will minimize cannabis vegetative waste generation;

(3) Describe how solid waste will be disposed; and
(4) Describe the methodology on how the amount of cannabis vegetative waste that is generated on the site, the amount that is recycled, and the amount and where cannabis vegetative waste is disposed of is measured.

d. Growing Medium Management

The growing medium management section shall include:

(1) Provide an estimate of the type and amount of new growing medium that will be used and amount of growing medium will be disposed of on an annual basis;

(2) Describe how the permittee will minimize growing medium waste generation;

(3) Describe any non-organic content in the growing medium used (such as vermiculite, silica gel, or other non-organic additives;

(4) Describe how growing medium waste will be disposed; and

(5) Describe the methodology on how the amount of growing medium waste that is generated on the site, the amount that is recycled, and the amount and where growing medium waste is disposed of, is measured.

xi. Water Resources

(a) Intent: To minimize adverse impacts on surface and groundwater resources.

(b) This section shall include:

a. A description of the surface and groundwater resources that are located on the lot of record where the permitted activity is located.

b. A description of the watershed in which the permitted activity is located.
c. A description of how the permittee will minimize adverse impacts on the surface and groundwater resources.

d. A description of what parameters will be measured and the methodology of how they will be measured.

e. A map of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record of land or within 200 feet of the lot of record.

f. A topographic map of the parcel prepared by a licensed surveyor where the permitted activity is located with contours no greater than five (5) feet

xii. Water Use

(a) Intent: To conserve the County’s water resources by minimizing the use of water.

(b) All permitted activities shall have a legal water source on the premises, and have all local, state, and federal permits required to utilize the water source. If the permitted activity utilizes a shared source of water from another site, such source shall be a legal source, have all local, state, and federal permit required to utilize the water source, and have a written agreement between the property owner of the site where the source is located and the permitted activity agreeing to the use of the water source and all terms and conditions of that use.

(c) Permittee shall not engage in unlawful or unpermitted drawing of surface water.

(d) The use of water provided by a public water supply, unlawful water diversions, transported by a water hauler, bottled water, a water-vending machine, or a retail water facility is prohibited.

(e) Where a well is used, the well must be located on the premises or an adjacent parcel. The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within
the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed and monitoring begun at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

(f) Water may be supplied by a licensed retail water supplier, as defined in Section 13575 of the Water Code, on an emergency basis. The application shall notify the Department within 7 days of the emergency and provide the following information:

a. A description of the emergency.
b. Identification of the retail water supplier including license number.
c. The volume of water supplied.
d. Actions taken to prevent the emergency in the future.

(g) All permittees shall prepare a Water Use Management Plan to be approved by the Lake County Water Resources Department. Said plan shall:

a. Identify the source of water, including location, capacity, and documentation that it is a legal source.
b. Described the proposed irrigation system and methodology.
c. Describe the amount of water projected to be used on a monthly basis for irrigation and separately for all other uses of water and the amount of water to be withdrawn from each source of water on a monthly basis.
d. Provide calculations as to the efficiency of the irrigation system using the methodology of the Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division2, Chapter 27).
e. Describe the methodology that will be used to measure the amount of water used and the required monitoring.

6. Compliance monitoring
   i. A compliance monitoring inspection of the cultivation site shall be conducted annually during growing season.
   ii. The permittee shall pay a compliance monitoring fee established by resolution of the Board of Supervisors prior to the inspection.
   iii. If there are no violations of the County permit or state license during the first five years, the inspection frequency may be reduced by the Director to not less than once every five years.

7. Annual Reports
   i. Performance Review
      (a) All cannabis permittees shall submit a “Performance Review Report” on an annual basis from their initial date of operation for review and approval by the Planning Commission. The Planning Commission may delegate review of the annual Performance Review Report to the Director at the time of the initial hearing or at any time thereafter. This annual “Performance Review Report” is intended to identify the effectiveness of the approved minor or major use permit, Operations Manual, Operating Standards, and conditions of approval, as well as the identification and implementation of additional procedures as deemed necessary. In the event the Planning Commission identifies problems with specific Performance Review Report that could potentially lead to revocation of the associated minor or major use permit, the Planning Commission may require the submittal of more frequent “Performance Review Reports.”
      (b) Pursuant to sub-section 6. i. above, the premises shall be inspected by the Department on an annual basis, or less frequently if approved by the Director. A copy of the results from this inspection shall be given to the permittee for inclusion in their “Performance Review Report” to the Department.
Compliance monitoring fees pursuant to the County’s adopted master fee schedule shall be paid by permittee and accompany the “Performance Review Report” for costs associated the review of the report by County staff.

Non-compliance by permittee in allowing the inspection by the Department, or refusal to pay the required fees, or noncompliance in submitting the annual “Performance Review Report” for review by the Planning Commission shall be deemed grounds for a revocation of the development permit or use permit and subject the holder of the permit(s) to the penalties outlined in this Code.

8. Renewals

i. The following is required for permit renewal:

   (a) An application for renewal shall be submitted to the Department at least 180 days prior to the annual anniversary. Failure to submit an application for renewal by that date may result in the expiration of the permit.

   (b) Applications: Applicants shall complete an application form as prescribed by the Director and pay all fees as established by resolution by the Board of Supervisors.

   (c) The following documentation in electronic format is required for application for renewal:

      a. A copy of all licenses, permits, and conditions of such licenses or permits related to the project from state agencies as appropriate including, but not limited to the California Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, and the Department of Public Health.

      b. A copy of all reports provided the County and State agencies as determined by the Director.

      c. A list of all employees on the premise during the past year and a copy of the background checks certification for each.
d. Documentation that the applicant is still qualified to be an applicant.

e. Any proposed changes to the use permit or how the site will be operated.

f. Payment of all fees as established by resolution by the Board of Supervisors.

(d) The permit may be renewed if:

a. Where there are no changes to the use permit or how the site will be operated:
   
   (1) The original permit’s approval findings, conditions, or environmental certification are still valid.
   
   (2) There are no violations of the permit conditions or of state licenses or permits.
   
   (3) The applicant is qualified to apply for such a permit.

b. Where there are changes to the development or use permit or how the site will be operated:
   
   (1) Such changes do not change the findings of the original permit’s approval findings, conditions, or environmental certification.
   
   (2) There are no violations of the permit conditions or of state licenses or permits.
   
   (3) The applicant is qualified to apply for such a permit.
ARTICLE 28
SEC. 21-28 REGULATIONS FOR THE AGRICULTURAL INDUSTRY OR “AI” COMBINING DISTRICT.

28.1 Purpose: To protect the County’s Intensive agricultural activities and soils by reducing the potential for conflicts between residential uses and intensive agricultural uses. Within the “AI” combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “AI” combining district.

28.2 Applicability: This district is intended to be applied to properties that are intensively farmed such as, but not limited to, vineyards, orchards, nurseries, field and row crops; and this district may be applied to areas of prime soils Classes I through IV, capable of intensive cultivation; and this district should be applied where restricted agricultural chemicals, Classes I or II as defined in Title 3, Section 24.50 of the California Administrative Code are commonly used.

28.3 Uses permitted:
(a) All those uses permitted by the base zoning district except bed and breakfasts and bed and breakfast inns.
(b) All dwelling units or residential use types shall be subject to the regulations of Sections 28.4(a) and (b).

28.4 Dwelling clearance:
(a) Agricultural clearance:

1. Prior to application for a zoning clearance permit for any single-family dwelling, mobile home, agricultural family dwelling, farm labor quarters, residential second unit, granny unit, guest house or other dwelling unit or residential use type, application shall be made to the Agricultural Commissioner for an agricultural clearance report. Agricultural clearance application forms shall be provided by the Planning Department. Applications shall describe the existing or proposed agricultural operation for the subject parcel and shall justify the agricultural need for the dwelling(s) as permitted in this article.

2. The Agricultural Commissioner shall review the application and report findings to the Planning Department. When reviewing the formal application for agricultural clearance, the Agricultural Commissioner shall determine:
   i. The agricultural viability of the parcel proposed for the dwelling(s);
   ii. The extent to which the dwelling(s) is necessary to support the farming operation; and
iii. The extent to which the dwelling(s) will adversely affect existing agricultural operations on abutting properties.

3. Upon receipt and review of the Agricultural Commissioner’s report, the Planning Director shall approve the permit upon the Director’s determination that the dwelling(s) meet the purposes of this district and the following criteria:

i. The single-family dwelling or farm labor quarters is necessary to support the farming operation.

ii. The agricultural family dwelling will not adversely affect existing agricultural operations on abutting properties.

(b) Notice of farming practices: Where a building designed for residential occupancy is to be located on property within this district, prior to issuance of a zoning clearance permit, the owner(s) of the property shall be required to sign a statement of acknowledgement of the following statement on a form approved by the Planning Department:

“The property on which the proposed structure is to be built is adjacent to or within land utilized for agricultural purposes and residents of this property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including, but not limited to, herbicides, insecticides, fungicides, rodenticides and fertilizers; and from the pursuit of agricultural operations including, but not limited to, cultivation, plowing, spraying, pruning, harvesting and crop protection from depredation which occasionally generate dust, noise, smoke, odor, flies and other insects. Lake County has established agricultural lands included therein, and residents of adjacent property or within the zoned areas should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations.”
ARTICLE 29

SEC. 21-29 REGULATIONS FOR THE WETLANDS OR ‘W’ COMBINING DISTRICT.

29.1 Purpose: To preserve and protect environmentally sensitive wetlands valuable for their plant and animal habitat and natural appearance and character. Within the “W” Wetlands combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “W” combining district.

29.2 Applicability: This district may be applied in the following areas:

(a) Areas identified as:

1. “Wetlands Protected”, Figure V-13, Lake County General Plan.

2. Wetlands shown as “Natural Areas”, Figure V-5, Lake County General Plan.

3. Wetlands shown as “Critical Resource and Conservation Areas”, Figure V-6, Lake County General Plan.

(b) Wetlands, marshes, bogs, swamps and vernal pools: Those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

29.3 Uses permitted:

(a) All uses permitted in the base zoning district.

29.4 Uses permitted subject to first obtaining a Minor Use Permit and approval of a Management Plan in each case: (Ord. No. 2172, 8/12/1993)

(a) Any use permitted in the base zoning district involving grading, dredging, filling, excavation of soil and gravel or other activities that would alter existing topographic characteristics, except those exemptions provided in Section 29.10.

This Section shall not be interpreted to include customary agricultural maintenance activities such as plowing, diskin, harrowing, seeding, fencing and the burning of tules or stubble; or the planting of pasture, orchards, vineyards, or field and row crops, unless topographic alteration in excess of one (1) foot will occur.

SEC. 21-29.10 MAJOR USE PERMIT AND MANAGEMENT PLAN EXEMPTIONS.

29-1
29.11 **Exemptions:** The following activities shall be exempt from Section 29.4 of this Article.

(a) Activities of a governmental agency including:

1. The repair, rehabilitation or replacement of any previously authorized, currently serviceable fill, provided that the fill has not or will not be put to uses differing from uses specified for it in any permit authorizing its original construction.

2. Utility line crossings.


(b) Maintenance and operation of existing flood control, irrigation and drainage facilities, including maintenance dredging.

(c) Emergency filling measures for the protection of human safety, health or welfare.

(d) Accumulated silt removal, down to original grade.

**SEC. 21-29.20 MANAGEMENT PLANS.**

29.21 **Management plan required:** Applicants for major use permits pursuant to Section 29.4 shall submit, as part of the use permit application, a wetlands management plan for review and approval by the Planning Commission. The wetlands management plan shall include:

(a) A plot plan drawn to scale showing all existing vegetative cover, identifying all types such as pasture, orchards, vineyards, tules, cattails, willows, cottonwoods, aquatic vegetation, oaks, etc.

(b) A plot plan showing existing topography at one (1) foot intervals and identifying the following for areas adjacent to Clear Lake: zero (0) Rumsey, seven-point-seven-nine (7.79) Rumsey, and eleven-point-five (11.5) Rumsey.

(c) A vicinity map identifying the wetlands on all adjacent properties.

(d) A plot plan showing the intended development including all proposed structures, roads, drainage facilities, fill areas, dredging areas, final topographic contours, and water control facilities such as levees, dikes, berms, etc.

(e) A plant and wildlife habitat management, protection and enhancement program.

29.22 **Findings required:** Any use permit approval shall include as a condition, an approved wetlands management plan. A wetlands management plan shall only be approved if it is found that the proposed project and management plan will:

(a) Not significantly adversely affect existing water quality.
(b) Materially affect the long term preservation of lands capable of supporting wetlands vegetation.

(c) Not affect any rare or endangered plants or animals.
ARTICLE 30

SEC. 21-30 REGULATIONS FOR THE SPECIAL LOT SIZE/DENSITY OR “B” COMBINING DISTRICT.

30.1 Purpose: To provide for specified minimum lot sizes; or to promote open space and protect sensitive resources by clustering residential development. Within the “B” combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “B” combining district. In no case shall a “B” combining district reduce a minimum lot size below that required or increase the maximum permitted density above that required in the development standards of the base zoning district with which it is combined. For the purpose of this Section, density shall mean the maximum number of dwelling units permitted per gross acre.

30.2 Special lot sizes and densities available:

(a) “B3” areas: Minimum lot size shall be as specified on the sectional district map.

(b) “B4” areas: Maximum permitted density measured by dwelling units per gross acre shall be as specified on the sectional district map. The minimum lot size shall conform to the base district with which the “B4” district is combined.

(c) “B5” areas: Maximum permitted density measured by dwelling units per gross acre and minimum lot size shall be as specified on the sectional district map.

(d) “B Frozen” areas: Minimum lot size shall be the size of the lot on the effective date of the sectional district map. No further subdivisions of the land is permitted.

1. This designation may be required subsequent to subdivision of “B4”, “B5”, “B7” areas; and

2. This designation may be required for Rural Lands (“RL”) and Rural Residential (“RR”) subdivisions utilizing the minimum lot size exception as provided for in Section 7.12(b) or Section 8.12(b).

3. A general plan amendment shall be required prior to consideration of any subsequent rezoning which would allow additional dwelling units or land division entitlements in excess of those authorized by the General Plan at the time the property was zoned “B Frozen”. Land divisions which received maximum density under the Lake County General Plan at the time the property was zoned “B Frozen” shall not be entitled to a residential second unit. (Ord. No. 1897, 12/7/1989)

(e) “B7” areas, slope density: The maximum permitted density, or maximum permitted density and minimum lot size shall be as shown in any slope density table based on the average cross slope of the parcel. The sectional district map shall indicate the slope density table number which has been adopted as part of this Chapter.
ARTICLE 31

SEC. 21-31 REGULATIONS FOR THE SPECIAL FLOOR AREA OR ‘F’ COMBINING DISTRICT.

31.1 Purpose: To provide minimum floor area standards for residential uses. Within the “F” combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “F” combining district. (Ord. No. 1749, 7/7/1988)

31.2 Applicability: This district may be combined with all residential base zoning districts. It is intended to be utilized when requested by a homeowners association or subdivision developer. (Ord. No. 1749, 7/7/1988)

31.3 Procedure:

(a) Floor area occupied by living space within the main building, on the lot shall not be less than that specified herein.

<table>
<thead>
<tr>
<th>Area Symbol</th>
<th>Feet of Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>“F1”</td>
<td>1000</td>
</tr>
<tr>
<td>“F2”</td>
<td>1600</td>
</tr>
<tr>
<td>“F3”</td>
<td>As specified on the sectional district map, but in no case less than seven hundred twenty (720) square feet.</td>
</tr>
</tbody>
</table>

(b) Garages (attached or detached), carports, breezeways, open porches, guest houses, pools and similar accessory buildings and uses shall not be included in computing the square footage of the living area required.
ARTICLE 32

SEC. 21-32  REGULATIONS FOR THE MOBILE HOME OR “MH” COMBINING DISTRICT.

32.1 Purpose: To provide for mobile homes and other single family dwellings not meeting the residential construction standards of Section 10.20 of this Chapter. Within the “MH” combining district, all uses of land shall comply with the regulations of the base zoning district, except for the residential construction standards, and with the additional regulations of the “MH” combining district.

32.2 Applicability: This district may be combined with all base zoning districts except the “R3”, “CH”, “CR”, “CI”, “C2”, “C3”, “MI”, “M2”, “MP”, “O”, “W” and “U” districts.

32.3 Uses permitted:

(a) All uses permitted in the base zoning district;

(b) One (1) mobile home may be substituted for each of the Following residential uses permitted in the base zoning district:


2. Residential second unit.

3. Granny unit.

4. Ag-family dwelling.

5. Farm labor quarters.

32.4 Uses permitted subject to first obtaining a Major Use Permit in each case: Mobile home parks, when combined with the “R1” zoning district, subject to the requirements of Article 43.

SEC. 21-32.10  DEVELOPMENT STANDARDS.

32.11 Minimum residential construction standards: The following standards shall apply to mobile homes, modular homes and single-family dwellings except for “Temporary Dwellings”: (Ord. No. 2172, 8/12/1993)

(a) All dwelling units must be at least twelve (12) feet in width or diameter (excluding eaves) and at least three hundred sixty (360) square feet in gross floor area.

(b) Mobile homes shall be certified under the National Manufactured Home Construction and Safety Standards Act of 1974.
(c) All dwelling units shall be attached to permanent continuous perimeter foundations or permanent foundation systems. In addition to this requirement, all manufactured homes shall be constructed pursuant to Health and Safety Code Section 18551. (Ord. No. 1936, 6/7/1990)

(d) All units shall be designed so that exterior walls look like wood, masonry or stucco regardless of their actual composition.

(e) The roofing materials shall be designed to look like composition roofing, tile, shakes, shingles, or tar and gravel, or consist of architectural metal roof sheathing with factory applied color coatings.

(f) Unit siding shall extend to the ground level (wood excluded) except that when a solid concrete or masonry perimeter foundation is used, then siding need only extend one and one-half (1-1/2) inch below the top of the foundation.

(g) The slope of the main roof shall not be less than two (2) inches of vertical rise for twelve (12) inches of horizontal run.

(h) All units shall have a perimeter roof overhang on all sides extending not less than six (6) inches measured from the vertical side of the home, not including rain gutters. (Ord. No. 2128, 1/14/1993)

(i) Where any accessory structure is attached to the main structure, the eave requirement may be waived at the point of attachment by the Planning Director.

(j) A detached private garage may be located immediately adjacent to a mobile home if the interior of the garage wall adjacent to the mobile home is constructed of materials approved for one-hour fire resistive construction, or if there are openings in the mobile home wall adjacent to the garage wall, a minimum of three feet shall be maintained. A minimum ten (10) foot separation shall be maintained between the mobile home and a private garage which does not meet the requirements for one-hour fire-resistive construction.

(k) Skirting shall be installed conforming to the Division of Housing and Building Standards around the entire perimeter of a mobile home of comparable structural screening within thirty (30) days of occupancy.

(l) The Planning Director may waive the requirements of Subsections (f) and (g) when additions to existing dwellings without pitched roofs or roof overhangs are proposed, or when a proposed new dwelling has an architectural design or style including but not limited to the French Mansard, or California Mission styles.

(m) The Planning Director may waive the perimeter requirement of Subsection (c) for pole houses, cantilever construction, or similar architectural styles. (Ord. No. 1936, 6/7/1990)
ARTICLE 33

SEC. 21-33 REGULATIONS FOR THE RESIDENTIAL DESIGN OR “RD” COMBINING DISTRICT

33.1 Purpose: To insure that the external appearance of residential uses will be compatible and harmonious with the use and enjoyment of surrounding residential properties; and that new residential development will not have a material or substantial deleterious effect upon the historic, economic, social and cultural well-being and development of residential communities, nor be incompatible with existing scenic qualities or architectural character. This district is intended to be established at the request of an original developer, homeowners association, or a substantial segment of the population of an area. This district establishes “Residential Design-Construction Standards” and a “Courtesy Review” of proposed residential units by local architectural review committees. Within the “RD” combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “RD” combining district.

33.2 Uses permitted:

(a) All uses permitted in the base zoning district.

SEC. 21-33.10. PERFORMANCE STANDARDS.

33.11 Residential Design-construction standards: The following standards shall apply to mobile homes, modular homes and single-family dwellings in districts where they are permitted either as a principal or accessory use. These standards shall not apply when the “MH” combining district is combined with any district, or to “Temporary Dwellings” or “Farm Labor Quarters” permitted in Article 27.

(a) All residences (dwelling units) shall be at least fifteen (15) feet in width or diameter (excluding eaves), except “granny units” and “guest houses” permitted in Article 27.

(b) Mobile homes shall be certified under the National Manufactured Home Construction and Safety Standards Act of 1974.

(c) All dwelling units shall be attached to permanent continuous concrete or masonry perimeter foundations, or to permanent foundation systems pursuant to Health and Safety Code Section 18551. Where permanent foundation systems are used, except in the “A”, “APZ”, “TPZ”, and “RL” districts, dwelling units shall be provided with continuous six (6) inch wide concrete or masonry perimeter curb walls extending from a minimum of three (3) inches below grade to a minimum of six (6) inches above grade. The underfloor areas of dwelling units requiring curb wall shall be ventilated by openings of not less than one (1) square foot for each one hundred fifty (150) square feet of underfloor area. (Ord. No. 1936, 6/7/1990; Ord. No. 1974, 12/20/1990)
(d) All residences shall be designed so that exterior walls are wood or masonry or stucco.

(e) The roofing materials shall be composition roofing, tile, shakes, shingles, copper, or architectural metal roof sheathing with factory applied color coatings.

(f) Residential siding shall extend to the ground level (wood excluded) except that when a solid concrete or masonry perimeter foundation or curb wall is used, then siding need only extend one and one-half (1-1/2) inches below the top of the foundation or curb wall. (Ord. No. 1974, 12/20/1990)

(g) The slope of the main roof shall not be less than three (3) inches of vertical rise for twelve (12) inches of horizontal run.

(h) All residences shall have a perimeter roof overhang on all sides extending not less than sixteen (16) inches measured from the vertical side of the home, not including rain gutters. (Ord. No. 2128, 1/14/1993)

(i) Where any accessory structure is attached to a residence, the eave requirement may be waived at the point of attachment by the Planning Director.

(j) The minimum floor area for a principal residence shall be one thousand (1000) square feet.

(k) Driveways and parking aprons in front of residences or garages shall be surfaced with asphaltic concrete or concrete. For driveways over one hundred (100) feet in length the Planning Director may approve a chip seal surfacing.

(l) Covered parking:

1. A minimum of two (2) covered parking spaces shall be provided for a principal residence.

2. A minimum of one (1) covered parking space shall be provided for residences other than the principal residence.

3. Covered parking shall be a garage with two (2) or more spaces. (Ord. No. 2128, 1/14/1993)

4. Garages shall:
   
   i. Be solidly enclosed on three (3) sides, with doors on the fourth side; and

   ii. Have roof pitch and roofing materials matching those of the residence to which it is appurtenant.
(m) The Planning Director may waive the requirements of Subsections (f), (g), (h) and (l) when additions to existing dwellings without pitched roofs or roof overhangs are proposed, or when a proposed new dwelling has a unique architectural design or style including but not limited to the French Mansard, pole houses, domes or California Mission styles.

(n) The Planning Director may waive the perimeter requirement of subsection (c) for pole houses, cantilever constructions, or similar architectural styles. (Ord. 1936, 6/7/1990)

33.12 Exception: The residential design construction standards may be amended upon first securing a minor use permit in each case. The Review Authority may amend the specific requirements of this Article when a finding is made that the amendment will not be inconsistent with the purposes of this Article.

SEC. 21-33.20 HOMEOWNERS ASSOCIATION REVIEW.

33.21 Purpose: To acknowledge the existence of local architectural review committees established by homeowners associations by insuring notification of committees when building plans are submitted to the County for review or approval. The following procedures shall apply in all “RD” districts.

33.22 Applicability:

(a) Any local architectural review (including design or site planning) committee established through recorded Conditions, Covenants and Restrictions (CC&R’s), may petition in writing the Board of Supervisors for a “courtesy review” of building and site plans.

(b) The local architectural review committee shall submit, along with their petition, a copy of the legal instrument establishing their authority to be reviewed by the Planning Department prior to action on the petition by the Board of Supervisors.

(c) Upon receipt of a petition for courtesy review, the Board of Supervisors may direct the Planning Department to extend “courtesy review” to the local architectural review committee.

(d) Upon Board direction to the Planning Department for courtesy review, the local architectural review committee shall provide to the Planning and Building Inspection Departments: the name(s), phone number(s) and address(s) of committee members; designate an official contact person and mailing address for the committee; and maintain this information in a current fashion by periodic notification to the departments of changes as necessary.
33.23 **Effect:** When the Board of Supervisors has authorized courtesy review, the following requirements and procedures shall be implemented by the Building Inspection and Planning Departments.

(a) Prior to building permit zoning clearance by the Planning Department for any residence, guest house or garage, the owner, agent or contractor shall provide one of the following to the Planning Department:

1. A letter from the architectural review committee acknowledging receipt of building plans for review; or

2. A letter from the local architectural review committee approving, modifying or disapproving the proposed structure; or

3. A complete set of building and plot plans for transmittal to the local architectural review committee.

(b) Alternate: One (1) extra complete set of plans or a letter from the local architectural committee acknowledging receipt of such plans may be submitted to the Building Inspection Department when “plan check” is requested.

(c) Upon receipt of plans for transmittal to the local architectural review committee by the Planning or Building Inspection Departments, a proof of receipt and transmittal notice shall be permanently affixed to the building permit. Letters received to meet the requirements of Subsection (a) shall be affixed to the building permit.

(d) The Planning Department may petition the Board of Supervisors to withdraw the courtesy review to a local architectural review committee when in the opinion of the Planning Director the committee has not complied with the requirements of Section 33.22(d). Upon receipt and review of said petition, the Board of Supervisors may withdraw courtesy review.
ARTICLE 34

SEC. 21-34  REGULATIONS FOR THE SCENIC OR “SC” COMBINING DISTRICT.

34.1 Purpose: To protect and enhance views of scenic areas from the County’s scenic highways and roadways for the benefit of local residential and resort development, the motoring public, and the recreation based economy of the County. The following regulations shall apply in all “SC” districts and all uses except single-family residential structures shall be subject to development review as set forth in Article 56.

34.2 Applicability: The following features should be considered when applying the “SC” district:

(a) Views predominantly possessing two (2) or more of the following characteristics: (Ord. No. 1749, 7/7/1988)

1. Varied topographic features including uniquely shaped rocks, dominant hills, mountains or canyons.

2. Vegetative features including significant stands of trees, colorful variety of wildflowers or plants.

3. Water features including views of Clear Lake, creeks or streams, waterfalls.

4. Pastoral features such as farms, pasture, vineyards or orchards.

5. Historical buildings or districts which characterize period architecture or are indicative of past lifestyles.

6. Provide convenient visual access from a state highway, county roadway, bikeway or trail.

7. Allow features to remain in view of the traveling public for a reasonable length of time for lasting views or impressions.

(b) The “SC” combining district shall not be applied to commercial or industrial districts established by this Chapter.

34.3 Uses permitted:

(a) Uses permitted in the base zoning district or any combining district except the following: (Ord. No. 1749, 7/7/1988)

1. Off-premises outdoor advertising signs and displays, excepting information panels and category signs as provided in Article 45.
2. Sanitary landfills.

3. Slaughterhouses, cattle and hog feed lots.

4. Unscreened outdoor storage; except supplies, products or equipment incidental to a ranch or farm.

5. Uses predominantly utilizing outdoor storage.

6. Mobile commercial coaches, trailer coaches, and mobile homes not meeting the residential construction standards of Section 10.20. When this Article is combined with the Mobile Home combining district, provisions of this Subsection shall take precedence over the Mobile Home combining district. (Ord. No. 1749, 7/7/1988)

7. Any other use which is determined to be of similar character to other prohibited uses or to be in conflict with the intent of this district. (Ord. No. 1749, 7/7/1988)

8. Repealed (Ord. No. 2536, 08/31/2000; Ord. No. 2554, 02/13/2001)

9. The following agricultural uses when located within the Scenic Combining District adjacent to a State Highway (Ord. No. 2536, 8/31/2000):

   i. Agricultural processing such as fruit dehydrators, packing plants, canneries, polishing and packaging plants;

   ii. Greenhouse, hothouses and incidental structures;

   iii. Commercial dairies;

   iv. Large and small animal veterinary clinics; and

   v. Commercial wood yards.


34.4 Uses permitted, when located within the Scenic Combing District adjacent to County Roads, subject to first obtaining a Major Use Permit in each case: (Ord. No. 2536, 08/31/2000)

   i. Commercial dairies;

   ii. Agricultural processing such as fruit dehydrators, packing, sheds not exceeding a use area of five thousand (5,000) square feet, including an incidental retail sales area of up to five

34-2
hundred (500) square feet for products processed on the premises;

iii. Greenhouses, hothouses and incidental structures not exceeding a use area of five thousand (5,000) square feet; and

iv. Large and small animal veterinary clinics. (Ord. No. 2536, 08/31/2000)

SEC. 21-34.10 PERFORMANCE STANDARDS.

34.11 Performance standards: The following performance standards shall apply to all land and structures in the “SC” district abutting a scenic highway or roadway as identified in the Lake County General Plan. The minimum standard shall be the development standards of the base zoning district, or the performance standards set forth in this Article, whichever is more restrictive. Exception: All agricultural uses and accessory uses including crop and tree farming, livestock grazing, animal husbandry, apiaries and aviaries are exempt from the regulations of this section, except those agricultural uses requiring a minor or major use permit in the base zoning district.

(a) For single-family residential structures, mobile homes which shall be constructed according to the residential construction standards of Section 10.20 of the “R1” district:

1. Minimum average lot width:
   i. Interior lot: Seventy (70) feet.
   ii. Corner lot: Ninety (90) feet.

2. Minimum yards:
   i. Front yard: Thirty (30) feet from lot line; or fifty-five (55) feet from centerline of roadway, whichever is greater if said yard fronts on the roadway identified by the “SC” district, but in no case less than the base district. Yards abutting streets are front yards.
   ii. Side yard: Five (5) feet.
   iii. Accessory uses: The above yards shall apply.
   iv. Substandard sized lots: For existing legal lots of record less than seventy (70) feet in width or one hundred (100) feet in depth, yards required in this Article may be reduced by the Planning Director to those of the base zoning district if hardship findings can be made due to physical and design constraints of the property.
v. The yard requirements of this Section may be reduced by the Planning Director to those of the base zoning district if the proposed structure will not detract from any scenic view.

3. Maximum building height:
   
i. Within sixty (60) feet or less of any front lot line: eighteen (18) feet.
   
ii. Between sixty (60) feet to one hundred (100) feet of any front lot line: Twenty-two (22) feet.
   
iii. Between one hundred (100) feet to one hundred twenty-five (125) feet of any front lot line: Thirty (30) feet.
   
iv. Beyond one hundred twenty-five (125) feet of any front lot line thirty-five (35) feet.
   
v. Accessory structures: Fifteen (15) feet.
   
vi. Wind energy conversion systems (WECS): As provided for in Table A or by use permit in Table B.

4. Maximum lot coverage:
   
i. One story dwelling: Forty (40) percent.
   
ii. Two story dwelling: Thirty (30) percent.

(b) For all other uses and districts not provided for in Subsection (a) above:

1. Minimum average lot width:
   
i. Interior lot: One hundred (100) feet.
   
ii. Corner lot: One hundred twenty (120) feet. Yards abutting streets are front yards.

2. Minimum yards:
   
i. Front yard: Thirty (30) feet from lot line; or fifty-five (55) feet from centerline of roadway, whichever is greater.
   
ii. Side yard: Fifteen (15) feet.

3. Use of yard areas:
i. Driveways, sidewalks.

ii. Parking and loading areas: In all districts, driveways, sidewalks, loading areas and parking areas shall be surfaced with either concrete, oil seal coat, or an approved asphaltic surface unless through the development review process adequate conditions can be implemented using an approved all weather surface for sensitive and recharge areas.

iii. Outdoor storage: Outdoor storage shall not be allowed in any required front or side yard area and storage in any area shall be screened adequately from other properties.

iv. Operations: No operations or repair work of a commercial or industrial nature shall be conducted outside of a completely enclosed building.

v. Landscaping: Landscaping shall be required as a part of the development review in all developments other than single-family.

4. Maximum building height:

i. Within sixty (60) feet or less of any front lot line: Twenty (20) feet.

ii. Between sixty (60) feet to one hundred (100) feet of any front lot line: Twenty-five (25) feet.

iii. Between one hundred feet (100) to one hundred twenty-five (125) feet of any front lot line: Thirty (30) feet.

iv. Beyond one hundred twenty-five (125) feet of any front lot line: Thirty-five (35) feet.

v. Accessory structures: Fifteen (15) feet.

vi. Wind energy conversion systems (WECS): As provided for in Table A or by use permit in Table B.

5. Maximum lot coverage:

i. All structures: Forty-five (45) percent.

6. Signs: As provided in Article 45 with the following exceptions:
i. Signs shall conform to the maximum building height limits of this Article.

ii. Information panels and category signs are permitted.

iii. Appurtenant signs shall be non-illuminated; or illuminated only during hours of business or operation.

7. Parking: All parking area perimeters shall be landscaped and screened to a height of three (3) feet with landscaped berms or plantings.

(c) General standards: The following standards shall apply in all districts and to all uses with which the “SC” is combined:

1. Siting: Structures should be sited and where feasible, distribution lines undergrounded to minimize obstruction of views of significant natural features, such as Clear Lake, Blue Lakes, Lake Pillsbury, Boggs Lake, Anderson Marsh State Park, Cobb Mountain, Mt. St. Helena and Mt. Konocti.

2. Alterations to natural or artificial land contours shall be limited as follows:
   
i. No major ridgelines shall be altered unless approved by the Zoning Administrator or Planning Commission.

   ii. Access roads shall be located to keep grading to a minimum and dust shall be controlled at all times.

   iii. Any contour altered by grading shall be restored by means of land sculpturing and a cover of topsoil in such a manner as to minimize runoff and erosion, prevent ponding of water, and shall be planted with plant materials native or well adapted to the area, and approved by the Zoning Administrator or Planning Commission so as to require minimum care and be compatible with existing ground cover.

   iv. Alterations of stream beds or destruction of adjacent vegetation may be permitted only by approval of the Zoning Administrator or Planning Commission and only for protection of streambanks, reduction of erosion, elimination of traffic hazards or the preservation of the natural scenic quality of stream courses, vegetation, and wildlife habitat.
3. Utilities:

i. All extensions or relocations of utility distribution and service lines shall be placed underground in accordance with the utility rules of the California Public Utilities Commission. The Planning Director may waive undergrounding when information is furnished to enable a finding that such undergrounding is unreasonable because of environmental impacts, terrain, soil conditions, geological problems, length of undergrounding or type of development; or unnecessary because of screening vegetation or topography.

ii. The siting of transmission lines shall avoid interfering with the scenic views to the greatest extent possible, taking into account the design and size of transmission towers in the landscape. The utility companies shall coordinate in the planning stage with the Planning Department on the location or relocation of all transmission lines that would be less than one-half (1/2) mile from the Scenic combining district boundaries. All high voltage transmission towers, and lines 115 k.v. and above, proposed by a local agency shall require a major use permit.
ARTICLE 35

SEC. 21-35 REGULATIONS FOR THE FLOODWAY OR “FW” COMBINING DISTRICT.

35.1 **Purpose:** To provide land use regulations for properties situated in floodways, and along creeks and streams to ensure for an adequate open corridor to safeguard against the effects of bank erosion, channel shifts, increased runoff or other threats to life and property; and to prevent property damage and safeguard the health, safety and general welfare of the people by allowing the passage of the one hundred (100) year flood.

Within the “FW” combining district, no development shall take place except in accordance with the regulations of the base zoning district, with the additional regulations of this Article, and the regulations of Chapter 25, Floodplain Management. Where the “FW” imposes a greater restriction upon the use of buildings, structures or premises than are required by the base zoning district, the provisions of the “FW” district shall control. All uses shall be reviewed by the Director of the Lake County Flood Control and Water Conservation District for compliance with Chapter 25 prior to any development or issuance of any permit pursuant to this Code. Only those uses permitted in both the base zoning district and the “FW” combining district are permitted uses.

35.2 **Applicability:** This district is intended to be applied to properties which lie within a designated floodway as determined by the Federal Insurance Administration’s Flood Insurance Study (FIS) for Lake County adopted October 17, 1978, as amended and incorporated herein. The district may also be applied to properties along creeks, streams, levees, and other areas subject to inundation.

35.3 **Uses permitted:**

(a) Crop and tree farming, livestock grazing, viticulture, apiaries and other agricultural uses of a similar character and not materially different to those uses listed above.

(b) Public utilities as provided for in Section 66.1(a).

35.4 **Uses permitted subject to first obtaining a Minor Use Permit in each case:**

(a) Agricultural accessory uses and structures which do not obstruct flood flows.

35.5 **Uses permitted subject to first obtaining a Major Use Permit in each case:**

(a) Public and private parks and recreation areas and facilities, including boat ramps, docks, parking areas, recreation facilities, campgrounds and recreational vehicle parks. All such uses are limited to operation during the period of May 1 to October 30 of each year.

(b) Commercial excavation of natural materials, filling of land areas, construction of levees, dikes or other water control structures.
ARTICLE 36

SEC. 21-36   REGULATIONS FOR THE FLOODWAY FRINGE OR “FF” COMBINING DISTRICT.

36.1  **Purpose:** To provide land use regulations for properties and their improvements situated in the floodplain to ensure protection from hazards and damage which may result from flood waters.

Within the “FF” combining district, no development shall take place except in accordance with the regulations of the base zoning district, with the regulations of this Article, and the regulations of Chapter 25, Floodplain Management. Where the “FF” imposes a greater restriction upon the use of buildings, structures or premises than are required by the base zoning district, the provisions of the “FF” district shall control. All uses shall be reviewed by the Director of the Lake County Flood Control and Water Conservation District for compliance with Chapter 25 prior to any development or issuance of any permit pursuant to this Code. Only those uses permitted in both the base zoning district and the “FF” combining district are permitted uses.

36.2  **Applicability:** This district is intended to be applied to properties which lie within a floodway fringe, as determined by the Federal Insurance Administration’s Flood Insurance Study (FIS) for Lake County, adopted October 17, 1978, as amended and incorporated herein. The district may also be applied to other areas subject to inundation.

36.3  **Uses permitted:**

(a)  Crop and tree farming, livestock grazing, viticulture, apiaries and other agricultural uses of a similar character and not materially different to those uses listed above.

(b)  Agricultural processing facilities and greenhouses and other agricultural uses or a similar character and not materially different to those uses listed above when not exceeding a use area of five thousand (5,000) square feet.

(c)  Fishing clubs; game preserves and private hunting clubs on parcel(s) containing not less than one hundred (100) acres.

(d)  Prospecting, claiming, and preliminary geophysical investigations for natural resources including oil, gas, geothermal, or other mineral resources.

(e)  Public utilities as provided for in Section 66.1(a).

(f)  One (1) single-family dwelling or mobile home which shall be constructed according to the residential construction standards of Section 10.20.

(g)  One (1) foster or small family home, family care home, or small family day care home not to exceed six (6) persons in addition to the resident family.
(h) Residential, agricultural, commercial or industrial accessory uses and accessory structures.

(i) Those uses permitted in the base zoning district with a zoning permit in Table A, Article 27.

36.4 Uses permitted subject to first obtaining a Minor Use Permit in each case:

(a) Those uses permitted in the base zoning district when not in compliance with the performance standards set forth in Article 41.

(b) All uses permitted by Section 5.4 of the “A” Agriculture district.

(c) Those uses which are minor additions or alterations to existing uses or structures permitted by major use permit in the base zoning district limited to an increase of twenty (20) percent of the use area or gross floor area of the structure(s).

(d) Those uses permitted in the base zoning district with a minor use permit in Table B, Article 27.

36.5 Uses permitted subject to first obtaining a Major Use Permit in each case:

(a) Those uses permitted and uses permitted with a minor use permit in each case in the base zoning district when not in compliance with the performance standards set forth in Article 41.

(b) All uses permitted by Section 5.5 of the “A” Agriculture district.

(c) Any commercial or industrial use permitted in the base commercial or industrial zoning district except as provided for in Section 36.3(h).

(d) All residential uses except those of Sections 36.3(f) and (i).

(e) Subdivisions resulting in three (3) or more parcels or lots.

(f) Those uses permitted in the base zoning district with a major use permit in Table B, Article 27, except for Sections 27.11(c), (af) and (ag).

36.6 Development standards for Clear Lake shoreline areas:

(a) Purpose: To provide additional protection to life and property in those areas adjacent to Clear Lake where wave action may result in property damage to structures and buildings; and to reduce flood insurance premiums by decreasing flood and wave action hazards.

(b) Applicability: The regulations of Section 36.6 shall apply to properties zoned “FF” and located at or below an elevation of one thousand three hundred thirty-four (1,334) feet national geodetic vertical datum, on the perimeter of Clear Lake.
(c) **Floor level:** All habitable floor levels shall have an elevation of three (3) feet above the water surface elevation of the one hundred (100) year flood as determined by the Federal Insurance Administration’s Flood Insurance Study (FIS) for Lake County (1,334 n.g.v.d.), adopted October 17, 1978, as amended, except as provided for in Section 36.6(d).

(d) **Floor level reduction:** The Planning Director may, after consultation with the Flood Control Director, reduce the required habitable floor level requirement of Section 36.6 to a minimum elevation of one (1) foot above the water surface elevation of the one hundred (100) year flood as determined on the Federal Insurance Administration’s Flood Insurance Study (FIS) for Lake County (1,332 n.g.v.d.) adopted October 17, 1978, as amended if one or more of the following findings can be made: *(Ord. No. 1749, 7/7/1988)*

i. The proposed development will be protected from wave action by the construction of: bulkheads, sea walls; or berms, breakwaters or other structures.

ii. Existing natural topography shields the site from wave action; or

iii. Existing structures, buildings or vegetation shield the site from wave action.
ARTICLE 37

SEC. 21-37 REGULATIONS FOR THE WATERWAY OR “WW” COMBINING DISTRICT.

37.1 Purpose: To preserve, protect and restore significant riparian systems, streams and their riparian, aquatic and woodland habitats; protect water quality; control erosion, sedimentation and runoff; and protect the public health and safety by minimizing dangers due to floods and earth slides. These purposes are to be accomplished by setting forth regulations to limit development activities in significant riparian corridors and through the establishment of an administrative procedure for the granting of exceptions from such regulations.

Within the “WW” Waterway combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “WW” combining district.

37.2 Applicability: This district may be applied on properties containing the following characteristics as defined in this Section:

(a) Streams identified as “Natural Areas”, Figure V-5, Lake County General Plan.

(b) Streams identified as “Critical Resource and Conservation Areas”, Figure V-6, Lake County General Plan.

(c) Perennial streams: Any watercourse designated by a solid line symbol on the largest scale United States Geological Survey map most recently published. Perennial streams normally flow throughout the year.

(d) Intermittent streams: Any watercourse designated by a dash and three dots symbol on the largest scale United States Geological Survey map most recently published. Intermittent streams normally flow only in direct response to rainfall and are dry for large parts of the year.

(e) Areas adjacent to those locations identified in Subsections (a) through (d) above that include:

1. Wetlands: Those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

2. Riparian vegetation: Those plant species that typically occur in wet areas along streams or marshes. Characteristic species are: Fremont Cottonwood (Populus fremontii), White Alder (Alnus rhombifolia), Box Elder (Acer negundo), Dogwood (Cornus nuttallii), Willow (Salix), Big leaf maple (Acer macrophyllum).
3. Natural standing water: Any area designated as standing water on the largest scale United States Geological Survey map most recently published, and that is not man-made, and is adjacent to a perennial or intermittent stream.

37.3 Definitions:

(a) Development activities: Development activities shall include, but are not limited to:

1. Grading and dredging: Excavating or filling or a combination thereof including gravel extraction.

2. Clearing: The removal of vegetation down to bare soil.

3. Building: The construction or alteration of any structure or part thereof, such as to require a building permit.

4. Tree and shrub removal: The topping or felling of any standing vegetation four (4) or more inches in diameter at three (3) feet in height.

5. The deposition of refuse or debris.

This Section shall not be interpreted to include customary agricultural maintenance activities such as plowing, disking, harrowing, seeding, fencing and the burning of tules or stubble; or the planting of pasture, orchards, vineyards, or field and row crops.

(b) Riparian corridor: Those areas which fall into any of the following four (4) categories:

1. Perennial streams: An area extending outward thirty (30) feet from the top of the streambank.

2. Intermittent streams: An area extending outward twenty (20) feet from the top of the streambank.

3. An area extending outward twenty (20) feet from the high water mark of an adjacent area of wetlands or natural body of standing water; or

4. An adjacent area of riparian vegetation. The boundary shall be defined as the outer limit of the occurrence of riparian vegetation and may extend farther than the above specified distances. This boundary may be determined by the Planning Director or Zoning Administrator.

(c) Exception or conditional exception: For the purposes of administration of this Article, an exception is equivalent to a minor use permit and subject to all provisions pertaining to minor use permits as set forth in this Chapter.
37.4 Uses permitted:

(a) All uses permitted in the base zoning district; however, no person shall undertake any development activity within a riparian corridor except when:

1. The development activity is exempt from the provisions of this Article pursuant to Section 37.5; or

2. The development activity has been authorized by an exception or conditional exception pursuant to Section 37.6 of this Article.

37.5 Exemptions: The following activities shall be exempt from the provision of this Article:

(a) The continuance of any pre-existing non-agricultural use provided such use has not been abandoned for a period of one (1) year or more.

(b) Agricultural activities not involving the placement of structures or the removal of riparian vegetation (defined as vegetation four (4) or more inches in diameter at three (3) feet in height) within twenty (20) feet of the top of the streambank.

(c) All activities done pursuant to a valid timber harvest permit.

(d) Emergency clearing and filling measures for the protection of human safety, health or welfare.

(e) Administrative gravel extraction permits pursuant to Chapter 24 which do not result in the removal of riparian vegetation.

(f) Clearing or removal of dead, dying, diseased or downed vegetation within the streambed or on the streambank; and the removal of vegetation obstructing streamflow or causing streambed or streambank erosion.

(g) Maintenance and operation of existing flood control, irrigation and drainage facilities.

37.6 Exceptions: Exceptions and conditional exceptions to the provisions of this Article may be authorized by the Zoning Administrator.

(a) The granting of an exception may be conditioned by the requirement of measures to ensure compliance with the purposes of this Article. Required measures may include, but are not limited to:

1. Maintenance of a protective strip of vegetation between the development and a stream, marsh, or body of standing water. The strip should have sufficient filter capacity to prevent significant degradation of water quality, and sufficient width to provide value for wildlife habitat, as determined by the Zoning Administrator.
2. Installation and maintenance of waterbreaks.

3. Surface treatment to prevent erosion or slope instabilities.

4. Installation and maintenance of drainage facilities.

5. Seeding or planting of bare soil including the establishment of ground cover or the planting of woody vegetation.

6. Installation and maintenance of sediment catch basins.

(b) Concurrent processing of related permits: An application for exception may be processed concurrently with an application for a permit required for the development activity in question. The Review Authority responsible for issuance of the required permit may also authorize an exception, pursuant to the requirements of this Article. No permit for the activities in question shall be issued until an exception has been authorized. Any permit must include any conditions included in the exception.
ARTICLE 38

SEC. 21-38  REGULATION FOR HISTORIC PRESERVATION OR “HP” COMBINING DISTRICTS.

38.1 Purpose: To provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, and other objects having special character or special historical value, and to protect cultural and archeological sites with potential for listing on the National Register of Historic Places and/or designation as a State Historic Landmark. Such sites may be of local or state-wide significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, or other values.

Within the “HP” combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “HP” combining district. All uses shall be subject to review by the Cultural Resource Commission prior to any development or issuance of any permit pursuant to this Chapter.

38.2 Applicability: The Historic Preservation district “HPD” or Historic Preservation site “HPS” designation may be applied upon the request of the property owner or by the Board of Supervisors, and recommendation by the Cultural Resource Commission to:

(a) Sites, structures, or districts which have been officially designated as significant by local, state, or federal agencies; or

(b) Other sites, buildings, or structures having a special character or special historic value.

38.3 Definitions:

(a) Cultural Resource Commission: A decision-making body consisting of five members appointed by the Board of Supervisors and responsible for officially registering significant cultural sites which have not been designated by state or federal authority and responsible for reviewing and making recommendations on proposals for establishment of historical preservation districts and historical preservation sites.

(b) Registered cultural resource or site: An historic or prehistoric site, or group of sites, where cultural significance has been determined through listing on or by the National Register of Historic Places, State Inventory of Historic Resources, Lake County Historical Society Registry of Historical Sites, or which has been officially registered by the Cultural Resource Commission.

(c) Alteration: Any exterior change, modification, or demolition through public or private action, of any registered cultural site including, but not limited to:
Exterior changes or modification of structures, architectural details or visual characteristics such as paint color and surface texture; grading, paving, new structures, surface or subsurface disturbance of archeological sites, the placement or removal of any exterior objects such as signs, plaques, light fixtures, walls, fences, steps, trees and rock outcrops affecting the exterior visual qualities or general setting of the resources.

38.4.1 Uses permitted:  All uses permitted in the base zoning district subject to the following regulations: (Ord. No. 1749, 7/7/1988)

(a) The alteration of any registered cultural resource or site within an “HP” combining district shall require a major use permit. No feature of any property zoned “HP” which gives the property its special historical, archaeological, or architectural character shall be altered or demolished except in accordance with the provisions of such a major use permit.

(b) When a lot or parcel contains a registered cultural resource or site, or is within an “HP” district listed on one of the registers defined in Section 38.3(b), then permit applications which may result in the alteration of such a cultural resource or site shall be referred by the Planning Department to the Cultural Resource Commission for review and comment. Such review and comment shall relate to the cultural significance as set forth in Section 38.3. Failure of the Cultural Resource Commission to report within forty (40) days after the referral shall be deemed to be their approval of the permit application. The Planning Commission shall not issue any permit until they have received and reviewed the Cultural Resource Commission evaluation. The Planning Director shall also refer to the Cultural Resource Commission applications which, in the opinion of the Director, may affect a potentially significant cultural resource or site which has not yet been listed on one of the lists defined in Section 38.3(b). (Ord. No. 1749, 7/7/1988)

38.4.2 Exceptions: (Ord. No. 1749, 7/7/1988)

(a) Customary agricultural activities such as plowing, disking, grading, ditching, harrowing, seeding, fencing, grazing of livestock, burning of tules and stubble, the planting of pastures, orchards, vineyards and field crops. Also animal husbandry, maintenance and operation of existing flood control, irrigation and drainage facilities, including maintenance dredging, and digging of ditches for underground irrigation pipelines shall be exempt from the additional regulations of the “HP” combining district.

(b) The Planning Director may waive the submission of or the requirement for a major use permit if the Director finds that: 1) all the purposes of this Article have been fulfilled by the approval of any other permit required by this Chapter; or 2) the project involves only interior alterations not materially changing the character of the property; or 3) the project
involves only minor exterior alterations not materially changing the
color of the property; or 4) the project is a residential accessory use or
structure that in the opinion of the Planning Director will not be
inconsistent with the purpose of this Article. (Ord. No. 1749, 7/7/1988)

38.5 Site selection criteria:

(a) A cultural resource is any material remains of past human life or activities
which are of historical, archeological or cultural value or interest, or of
special character or special historic interest or value. Such remains are from
prehistoric or historic periods and occur either below or above ground.

(b) Historical sites and structures are areas where artifacts, features, or structures
can be tied to a particular time period. The types of sites in this category
include, but are not limited to, historic structures and buildings representing
mining, farming, residential and industrial uses; bridges, wagon roads, and
other historic transportation routes, and other areas, without structures, which
provide evidence of historic cultural use.

(c) Prehistoric cultural sites include, but are not limited to: Native American
village sites; seasonal campsites; hunting or butchering sites; quarries or tool
manufacturing sites; various types of rock paintings and carvings; and
resource collection sites used today for the gathering of traditional Native
American resources.

These sites usually contain some or all of the following characteristics:
obsidian and/or chert flakes, evidence of stone tool making; dietary remains
such as fishbone, animal bone, and shells; artifacts; darkened soil, stained by
charcoal from cooking fires; depressions in the ground which may be ruins
of house or ceremonial structures; and Indian burial grounds which can
occur by themselves or within village or campsite areas.

38.6 Findings required for rezoning: The Review Authority shall only
approve a rezoning to “HP” when it finds that the registered cultural
resource or site has one or more of the following qualities as defined by
the U.S. Department of Interior (36 CFR 800.10):

(a) Identification or association with persons, eras or events that have
contributed to local, regional, state, or national history in a distinctive or
important way; or

(b) Identification as, or association with, a distinctive or important work or
vestige:*
1. Of an architectural style with historic value, design, or method of construction, or notable architect, engineer, builder, artist or craftsman; or

2. The totality of which comprises a distinctive or important work or vestige whose component parts may lack the same attributes; or

3. That has yielded or is likely to yield information of value about history, archaeology or culture, or that provides for existing and future generations an example of the physical surroundings in which past generations worked.

* The factor of age alone does not necessarily confer a special historical, cultural, architectural or archeological value or interest upon a resource, but it may have such effect if a more distinctive or important example thereof no longer exists.

### 38.7 Designation of districts:
Sectional district maps approved pursuant to this article shall take one of the following forms:

(a) The designation “HPD” Historic Preservation district for entire lots or aggregations of lots, where the intent is to regulate all uses on a lot; or

(b) The designation “HPS #” Historic Preservation Site, for individual structures or buildings or small areas of lots, where the intent is to regulate uses of individual buildings, structures or small portions of lots and not entire lots or aggregations of lots. The assigned number (#) shall represent the site on the Lake County Cultural Resource Commission Registry of Cultural Sites. The regulations of this Article shall apply to those structures or areas as identified in the zoning file of the Planning Department; or

(c) A combination of “HPD” and Historical Preservation Site numbers (#). In this case, regulation of development shall be as set forth in Subsection (a) above.

### 38.8 Incentives:

(a) Tax preference: The Historic Preservation “HP” combining district when used in conjunction with Section 50280 et. seq. of the California Government Code and Section 439.1 of the Revenue and Taxation Code is designed to preserve significant historic and cultural resources or sites by providing the availability of tax incentives to those landowners in the community who voluntarily agree to preserve such resources on their property by entering into a contract with the County.
(b) Building code exemptions: The owners of historic structures which have obtained the status of “registered cultural site” may no longer need to conform to the Uniform Building Code (UBC) but may opt instead to meet the requirements of the State Historic Building Code (HBC) in order to maintain the historic character of the structure.
ARTICLE 39

SEC. 21-39  REGULATIONS FOR THE AIRPORT APPROACH OR “AA” COMBINING DISTRICT

39.1 **Purpose:** To regulate and restrict the height of structures and objects of natural growth in the vicinity of the County’s airports, to promote public safety and compatibility of adjacent uses with air navigation, and to establish approach, conical, horizontal and transition zones in the vicinity of County airports.

Within the “AA” combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “AA” combining district.

39.2 **Applicability:** This district may be combined with all base zoning districts located in an Airport zone.

39.3 **Findings:**

(a) This ordinance is adopted pursuant to the authority conferred by Section 50485 et. seq. of the Government Code. It is hereby found that an airport hazard has the potential for endangering the lives and property of users of the County’s airports, and property or occupants of land in their vicinity; that an obstruction may affect future instrument approach minimums; and that an obstruction may reduce the size or areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the County’s airports and the public investment therein.

39.4 **Definitions:**

(a) **County airport:** Lampson or Pearce Airport

(b) **Airport elevation:** Lampson - 1,368 feet above mean sea level. Pearce - 1,385 feet above mean sea level.

(c) **Approach surface:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 39.6 of this Article. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

(d) **Conical surface:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of three thousand (3,000) feet.

(e) **Hazard to air navigation:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(f) **Height:** For the purpose of determining the height limits in all airport zones set forth in this Article and shown on the sectional district zoning map, the datum shall be mean sea level elevation unless otherwise specified.
(g) **Horizontal surface:** A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

(h) **Non-conforming use:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article or an amendment thereto.

(i) **Obstruction:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 39.6 of this Article.

(j) **Primary surface:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 39.5(a) of this Article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(k) **Runway:** A defined area on an airport prepared for landing and take-off of aircraft along its length.

(l) **Structure:** An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

(m) **Transitional surfaces:** These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary approach surfaces to where they intersect the horizontal and conical surfaces.

(n) **Tree:** Any object of natural growth.

(o) **Utility runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

(p) **Visual runway:** A runway intended solely for the operation of aircraft using visual approach procedures.

### 39.5 Establishment of airport zones:

(a) Airport zones: In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the County’s airports. Said airport zoning shall be adopted in the manner provided in Government Code Section 50485.5. Such zones are shown on
the Official Airport Zoning Maps (sectional district map) as created by County Ordinance #982 adopted in August 1976, for Lampson Airport and Ordinance #887 adopted on April 26, 1976, for Pearce Airport and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Non-instrument approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Transitional zone: The transitional zone is the area beneath the transitional surface.

3. Horizontal zone: The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

4. Conical zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of three thousand (3,000) feet.

39.6 Airport zone height limitations: Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grown in any zone created by this Article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(a) Utility runway visual approach zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

(b) Transitional zones: Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is 1,365 feet above mean sea level for Lampson and one thousand three hundred and eighty five (1,385) feet above mean sea level for Pearce. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

(c) Horizontal zone: Established at one hundred fifty (150) feet above the airport elevation.
(d) Conical zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

(e) Excepted height limitations: Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land.

39.7 Use restrictions:

(a) Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(b) New land uses, structures and/or planting of vegetation within this district shall be consistent with the criteria of the adopted Lake County Airport Land Use Compatibility Plan. (Ord. No. 2172, 8/12/1993)

39.8 Non-conforming uses:

(a) Regulations not retroactive: The regulations prescribed by this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of a non-conforming use. Before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted, a permit must be secured from the Zoning Administrator.

(b) No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming structure or tree or non-conforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

39.9 Permits:

(a) Future uses: Except as specifically provided in Subsections 1, 2, and 3 hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting
use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article shall be granted unless a variance has been approved in accordance with Section 39.9(c).

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article except as set forth in Section 39.6(e).

(b) Existing uses: No permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Article, may apply to the Zoning Administrator for a variance permit from such regulations. The application for variance shall be accompanied by a notice of intent and determination from the Federal Aviation Administration (in accordance with Title 14, Code of Federal Regulations, page 77) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Article. Additionally, no
application for variance to the requirements of this Article may be considered by
the Zoning Administrator unless a copy of the application has been furnished to
the Airport Manager for advice as to the aeronautical effects of the variance. If
the Airport Manager does not respond to the application within 15 days after
receipt, the Zoning Administrator may act on his own to grant or deny said
application.

(d) Obstruction marking and lighting: Any permit or variance granted may, if such
action is deemed advisable to effectuate the purpose of this Article and be
reasonable in the circumstances, be so conditioned as to require the owner of the
structure or tree in question to install, operate, and maintain, at the owner’s
expense, such markings and lights as may be necessary. If deemed proper by the
Zoning Administrator, this condition may be modified to require the owner to
permit the County, at its own expense, to install, operate, and maintain the
necessary markings and lights.

39.10 Enforcement: The Planning Director of Lake County is hereby designated the
Administrator, charged with the duty of administering and enforcing the regulations herein
described.

(a) The duties of the Planning Director shall include that of reviewing all applications
for building permits within the approach, horizontal, conical and transition zones
of all airports in the County of Lake.

39.11 Conflicting regulations: In the event of conflict between this Article and any regulations
applicable to the same area or parcel of land, whether the conflict be with respect to the
height of structures or trees, the use of land or any other matter, and whether such other
regulations were adopted by the County of Lake or by some other public agency, the more
stringent limitations or requirements shall govern and prevail.

39.12 Notice of aircraft overflights: Where a building designed for residential occupancy is to be
located on property within this district, prior to issuance of a zoning clearance, the owner(s)
of the property shall be required to sign a statement of acknowledgement of the following
statement on a form approved by the Planning Department: “This property is in the area
subject to overflights by aircraft using a county airport, and as a result, residents may
experience inconvenience, annoyance or discomfort arising from the noise of such
operations. State law (Public Utilities Code Section 21670 et. seq.) establishes the
importance of public use airports and protection of the public interest of the people of the
State of California. Residents of property near a public use airport should therefore be
prepared to accept such inconvenience, annoyance or discomfort from normal aircraft
operations. Any subsequent deed conveying parcels or lots shall contain a statement in
substantially this form.” (Ord. No. 2172, 08/12/1993)
ARTICLE 40

SEC. 21-40 REGULATIONS FOR THE PARKING OR “P” COMBINING DISTRICT.

40.1 **Purpose:** To provide for alternative parking standards in established commercial areas.

40.2 **Applicability:** This district may be combined with the “C1”, “C2”, and “C3” districts. Areas which qualify for the “P” combining district must possess one or more of the following characteristics:

(a) Areas identified as central business districts which are characterized by zero (0) setback building lines and inadequate on-site parking.

(b) Areas near or adjacent to publicly-owned parking lots open to the public.

(c) Properties which are proposing to contribute to a fund to provide community parking facilities.

40.3 **Alternative parking standards:** Parking requirements in the “P” combining district may be adjusted from Article 46 by approval of a minor use permit, using any of the following methods:

(a) Uses which front on a street which has angled parking directly in front of the property may include those spaces as providing required parking, at a ratio of one space per ten (10) feet of property frontage or one (1) space per twenty (20) feet of occupancy frontage for streets with parallel parking. For properties which possess more than one use, this ratio shall be calculated using occupancy frontage.

(b) Uses which are within five hundred (500) feet of a community parking lot or parking lot open to the public may reduce the amount of required on-site parking at the rate of one (1) space per ten (10) spaces located in the community parking lot.

(c) Where a community parking district has been established through the Streets and Highways Code for an area, a proposed use may contribute funds to provide community parking in lieu of on-site parking, provided that at least fifty (50) percent of the required parking be located on-site, or consistent with 40.3(a) and (b).

40.4 **Implementation:** In approving a minor use permit to allow alternative parking standards allowed by this Article, the review authority may impose conditions relative to landscaping, installation of street improvements, sidewalks, or other necessary conditions to insure the adjustment does not result in any special privilege.
ARTICLE 41

SEC. 21-41 PERFORMANCE STANDARDS.

41.1 Purpose: To establish performance standards to promote compatibility among various uses of land; protect and enhance the rural-resort character of the County; protect the health, safety, or welfare of the community; and control noise, dust, odor, smoke, vibration, danger to life and property, or similar causes likely to create a public nuisance. All uses permitted in Chapter 21 of the Lake County Code shall comply with all applicable performance standards of the base zoning district, combining district, and as set forth herein, except as provided in Section 41.3.

41.2 Compliance procedures:

(a) The Planning Director may require pertinent information demonstrating that the proposed use will comply with all applicable performance standards prior to issuance of any ministerial or discretionary approval. This information may consist of a report prepared by a qualified technical consultant(s).

(b) When technical information is required, accurate and representative measurements shall be made according to accepted engineering or scientific practice. Measurements shall be made at the exterior lot lines.

41.3 Exceptions:

(a) Uses which are not in compliance with all applicable performance standards at the time of zoning clearance shall require a use permit. The Planning Director shall determine whether a minor or major use permit is required based on the specific characteristics of the proposed use in relationship to the applicable performance standard(s). A major use permit shall be required when the performance characteristics of the proposed use:

1. Have the potential to significantly impact the environment; or
2. Have the potential to create substantial public controversy; or
3. Have the potential to injure the public health, safety or welfare.

(b) The following agricultural uses are exempt from the provisions of Sections 41.6, 41.8, 41.9, 41.11 and 41.15: Livestock grazing, crop and tree farming; animal husbandry; apiaries; and aviaries.

(c) The performance standards contained in the following Subsections are the required minimum. They shall not be construed as preventing the Review Authority, as part of any discretionary approval, to require more restrictive standards as deemed necessary.

41.4 Air quality: All uses shall comply with applicable local, state, and federal laws and regulations regarding contaminants and pollutants. This requirement includes, but is not
limited to, emissions of suspended particulates, carbon monoxide, hydrocarbons, odors, toxic or obnoxious gases and fumes.

41.5 **Electromagnetic interference:** Devices which generate electromagnetic interference shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Public utilities shall comply with all applicable state and federal regulations. *(Ord. No. 1749, 7/7/1988)*

41.6 **Erosion control:** The following erosion control standards shall apply to all development projects in commercial or industrial zoning districts:

(a) The smallest practical area of land shall be exposed at any one time during development.

(b) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

(c) Natural features such as trees, groves, natural terrain, waterways, and other similar resources shall be preserved where feasible.

(d) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.

(e) The permanent final vegetation and structures shall be installed as soon as practical in the development.

(f) Wherever feasible the development shall be fitted to the topography and soils to create the least erosion potential.

(g) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.

(h) Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development where needed.

41.7 **Fire and explosion hazards:** All uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment.

41.8 **Glare and heat:**

(a) All exterior lighting accessory to any use shall be hooded, shielded or opaque. No unobstructed beam of light shall be directed beyond any exterior lot line. Buildings and structures under construction are exempt from this provision.
(b) No use shall generate heat so that increased ambient air temperature or radiant heat is measurable at any exterior lot line.

41.9 Landscaping standards:

(a) General: All undeveloped land areas shall be maintained in permanent vegetative cover, or alternatively be landscaped with a combination of materials to control runoff. All yards shall be landscaped such that there shall be no accumulation of silt, mud, or standing water causing unsightly or hazardous conditions, either within the yard or on adjacent properties, public roads, or sidewalks.

(b) Standards of uses permitted in the “R3”, “PDR”, “PDC”, “CH”, “CR”, “C1”, “C2”, “C3”, “M1”, “M2”, and “MP” districts: The following recommended landscaping standards shall be required unless an alternative landscaping plan is approved or waived by the Review Authority which meets the intent of this Article.

1. Minimum required landscaping per parcel: All development shall include an area or areas of the parcel for landscaping to serve as a visual screen and/or provide an increased aesthetic environment; except where street frontages are occupied by existing development.

2. The front of the lot shall be landscaped with a minimum of a ten (10) foot wide planted area but not so as to obstruct traffic or reduce sight distance at any driveway or intersection, unless because of the location or design of existing development, or appropriate site planning would make adherence to this standard result in development inconsistent with the purposes of Subsection (b) 1 above, in which case, an alternative landscape plan may be approved by the Review Authority. The landscaping may be interrupted by building entrances or exits and driveways. (Ord. No. 1749, 7/7/1988)

3. When abutting any residential district side yard:

   i. The side of the lot shall be landscaped with a minimum of a five (5) foot wide planted area but not so as to obstruct traffic or reduce sight distance at any driveway or intersection; or

   ii. A six (6) foot high wooden fence or masonry wall shall be constructed at the side lot line(s), but shall not exceed four (4) feet in height within any required front yard.

4. When abutting any residential district rear yard:

   i. The rear of the lot shall be landscaped with a minimum of a five (5) foot wide planted area when abutting any residential use or district; or
ii. A six (6) foot high wooden fence or masonry wall shall be constructed at the rear lot line.

5. Where a parking lot contains ten (10) or more spaces and is visible from a street, not less than five (5) percent of the parking lot, excluding the area of the landscaped strip required by Subsection (b) 2 shall be landscaped. Such landscaping shall be distributed through the parking lot and shall not be concentrated in any one area. Landscaping shall be computed on the basis of the total amount of parking and driveways provided (except spaces provided for enclosed vehicle storage areas).

6. For landscaping required for parking lots in Subsection (b) 5 above, protective measures including but not limited to concrete curbing, railroad ties, or decorative rock shall border all landscaped area.

7. Existing or indigenous plant materials that meet the requirements of this section may be counted as contributing to the total landscaping required when located within the proposed use area.

8. Minimum plant size: Unless otherwise specifically indicated elsewhere all plant materials shall meet the following minimum standards as indicated in Table 9.1:

<table>
<thead>
<tr>
<th>Plant material type</th>
<th>Planting in areas abutting residential property or street</th>
<th>All other plantings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canopy tree</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single stem</td>
<td>1 ½ inch caliper</td>
<td>1 ½ inch caliper</td>
</tr>
<tr>
<td>Multiple stem</td>
<td>10 feet (height)</td>
<td>6 feet (height)</td>
</tr>
<tr>
<td>Understory tree</td>
<td>1 ½ inch caliper</td>
<td>4 feet (height)</td>
</tr>
<tr>
<td>Evergreen tree</td>
<td>5 feet (height)</td>
<td>3 feet (height)</td>
</tr>
<tr>
<td>Shrubs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deciduous</td>
<td>5 gallon container</td>
<td>1 gallon container</td>
</tr>
<tr>
<td>Evergreen</td>
<td>5 gallon container</td>
<td>1 gallon container</td>
</tr>
</tbody>
</table>

(Note: plant sizes for indigenous species may be reduced upon approval of the Planning Director).

9. Irrigation required: All landscaping shall be provided with a drip irrigation system or in-ground sprinkler system. If all plant materials are indigenous or drought resident, a temporary or portable irrigation system may be provided. (Ord. No. 1749, 7/7/1988)

10. Plan required: A landscape plan, either as an overlay of the proposed site plan or a separate drawing, shall be submitted to the Planning Department for review and approval by the Development Review Committee. The following information shall be included in the plan:
i. The location of all landscaped areas with the proposed shrubs, trees, and other plant materials clearly labeled with information on size, type, and spacing.

ii. The location of existing trees and shrubs, including any riparian vegetation, large oak trees, etc., and indicating those existing trees, shrubs, or other indigenous species that are to be included as part of the landscape plan.

iii. A description and layout of the proposed irrigation system.

iv. Any additional information or materials required by the Planning Director or Development Review Committee.

11. Final inspection: No use shall commence nor occupancy permit be issued (building fished) until:

i. The landscape plan has been implemented and approved as required herein; or

ii. The applicant has entered into an agreement and posted bonding as required in Subsection (b)12 below for that portion or portion(s) of the landscaping plan determined incomplete. (Ord. No. 1749, 7/7/1988)


i. Where the department determines that the applicant has failed to implement an approved landscape plan according to the provisions of Subsection (b)10 above, the applicant shall be required to enter into an improvement/maintenance agreement with the County Planning Department and provide financial assurance for completion of the required landscaping within one (1) year. The financial assurance may take the form of a certificate of deposit, letter of credit, bond, or other financial assurance acceptable to the Planning Director.

ii. Such financial assurance shall be set at one hundred fifty (150) percent of the costs necessary to cover all landscape improvements as indicated on the approved landscape plan; and

iii. Such agreement shall provide for maintenance of planting utilizing acceptable horticultural practices, and for replanting of new material where a required planting has not survived the first year after planting. (Ord. No. 1749, 7/7/1988)
41.10 **Liquid, solid and hazardous wastes:**

(a) All uses are prohibited from discharging liquid, solid, toxic or hazardous wastes onto or into the ground and into streams, lakes or rivers. Discharge into a public or private waste disposal system in compliance with applicable local, state, and federal laws and regulations is permitted.

(b) Wastes detrimental to a public sewer system or a sewage treatment plant, shall not be discharged to a public sewer system unless they have been pretreated to the degree required by the authority having jurisdiction over the sewerage system.

(c) The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water; and disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, state and federal regulations.

(d) All burning of waste materials accessory to any use shall be in compliance with the Lake County Air Pollution Control District rules and regulations.

(e) The disposal or dumping of solid waste accessory to any use, including, but not limited to, slag, paper and fiber wastes, or other industrial wastes shall be in compliance with applicable local, state, and federal laws and regulations.

41.11 **Noise:** Maximum sound emissions for any use shall not exceed equivalent sound pressure levels in decibels, A-Weighted Scale, for any one (1) hour as stipulated in Table 11.1. These maximums are applicable beyond any property lines of the property containing the noise. (Note: Equivalent sound pressure level (Leq) is a measure of the sound level for any one (1) hour. It is the energy average of all the various sounds emitted from the source during the hour. A-Weighted Scale is used to adjust sound measurements to simulate the sensitivity of the human ear.)

Table 11.1 Maximum one-hour equivalent sound pressure levels (A-Weighted - dBA).

<table>
<thead>
<tr>
<th>Time of Day</th>
<th>Residential*</th>
<th>Commercial</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 am - 10 pm</td>
<td>55</td>
<td>60</td>
<td>65</td>
</tr>
<tr>
<td>10 pm - 7 am</td>
<td>45</td>
<td>55</td>
<td>60</td>
</tr>
</tbody>
</table>

*Note: The Residential category also includes all agricultural and resource zoning districts.

(a) In the event the receiving property or receptor is a dwelling, hospital, school, library or nursing home, even though it may be otherwise zoned for commercial or industrial and related uses, maximum one-hour equivalent sound pressure received shall be as indicated in Table 11.2.
Table 11.2 Maximum one-hour equivalent sound pressure levels (A-Weighted - dBA).

<table>
<thead>
<tr>
<th>Time of Day</th>
<th>Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 am - 10 pm</td>
<td>57</td>
</tr>
<tr>
<td>10 pm - 7 am</td>
<td>50</td>
</tr>
</tbody>
</table>

(b) Noises of short duration: For noises of short duration or impulsive character, such as hammering, maximum one-hour sound pressure levels permitted beyond the property of origin shall be seven decibels less than those listed in Table 11.2 above.

(c) Noises of unusual periodic character: For noises of unusual periodic character, such as humming, screeching, and pure tones, the median octave band sound pressure levels as indicated in Table 11.3 shall not be exceeded beyond the property of origin when the receiving property is zoned residential or is occupied by a dwelling, hospital, school, library, or nursing home.

Table 11.3 Median octave band sound pressure levels.

<table>
<thead>
<tr>
<th>Octave Band Center Frequency, Hz</th>
<th>7 am - 10 pm</th>
<th>10 pm - 7 am</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.5</td>
<td>68</td>
<td>65</td>
</tr>
<tr>
<td>63</td>
<td>65</td>
<td>62</td>
</tr>
<tr>
<td>25</td>
<td>61</td>
<td>56</td>
</tr>
<tr>
<td>250</td>
<td>55</td>
<td>50</td>
</tr>
<tr>
<td>500</td>
<td>52</td>
<td>46</td>
</tr>
<tr>
<td>1,000</td>
<td>49</td>
<td>43</td>
</tr>
<tr>
<td>2,000</td>
<td>46</td>
<td>40</td>
</tr>
<tr>
<td>4,000</td>
<td>43</td>
<td>37</td>
</tr>
<tr>
<td>8,000</td>
<td>40</td>
<td>34</td>
</tr>
</tbody>
</table>

(d) Additional allowance: When the receiving property is zoned commercial or industrial and is not a dwelling, hospital, school, library, or nursing home, an additional sound decibel emission above the pressure levels specified in Table 11.3 above shall be permitted as indicated in Table 11.4.

Table 11.4 Additional allowance.

<table>
<thead>
<tr>
<th>Receiving Property Zone</th>
<th>Additional Decibels Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>5</td>
</tr>
<tr>
<td>Industrial</td>
<td>10</td>
</tr>
</tbody>
</table>
(e) **Exemptions:** Local noise standards set forth in this Section do not apply to the following situations and sources of noise provided standard, reasonable practices are being followed:

1. Emergency equipment operated on an irregular or unscheduled basis.
2. Warning devices operated continuously for no more than five (5) minutes.
3. Bells, chimes, or carillons.
4. Non-electronically amplified sounds at sporting, amusement, and entertainment events.
5. Construction site sounds between 7:00 am and 7:00 pm.
6. Lawn and plant care machinery fitted with correctly functioning sound suppression equipment and operated between 7:00 am and 8:00 pm.
7. Aircraft when subject to federal or state regulations.
8. Agricultural equipment when operated on property zoned for agricultural activities.

(f) **Exceptions:** Upon written application from the owner or operator of an industrial or commercial noise source, the Zoning Administrator or Planning Commission, as part of a use permit approval, may conditionally authorize exceptions to local noise emission standards in the following situations:

1. Infrequent noise.
2. Noise levels at or anywhere beyond the property lines of the property of origin when exceeded by an exempt noise, as listed in Section (e) above, in the same location.
3. If after applying Best Available Control Technology (BACT), a use existing prior to the effective date of this ordinance is unable to conform to the standards established by this section.

41.12 **Open and outdoor storage, sales and display:**

(a) **General:** Outdoor storage in any district shall be maintained in an orderly manner and shall not create a fire, safety, health or sanitary hazard. *(Ord. No. 1749, 7/7/1988)*

(b) **Standards for uses permitted in the “APZ”, “A”, “TPZ”, “RL”, “RR”, “SR”, “R1”, “R2”, “R3”, “U” and “PDR” districts:**
1. Except for farm products, supplies or equipment when incidental to a working farm or ranch, construction materials during authorized construction, or firewood; outdoor storage of materials, including but not limited to junk, construction materials, scrap metal, wood, petroleum-based materials or products, paper products, waste or trash materials on parcels of one (1) acre or less shall not exceed an aggregate area of one hundred (100) square feet per lot, or on parcels larger than one (1) acre, four hundred (400) square feet of aggregate area. On parcels of five (5) acres or more in the “RR”, “RL”, “TPZ”, “A” and “APZ” districts, six hundred (600) square feet of aggregate area is permitted. This performance standard does not prohibit the enclosed storage of similar materials in a building of up to two thousand (2,000) square feet in area.  

2. Except for farm supplies and products, firewood, boats, farm equipment and unstacked automotive vehicles, open or outdoor storage shall be limited to a height of six (6) feet.

3. Except for farm products, supplies, or equipment; construction materials during authorized construction; or firewood for personal consumption on the premises, outdoor storage shall be completely screened from public view from all exterior property lines and any public roadway within one-half (1/2) mile of the pen storage area by the use of sight obscuring fences, hedges, or other measures determined to be effective by the Planning Director. Securely fastened tarps may be utilized for screening of open storage areas of one hundred (100) square feet or less.

On parcels of five (5) acres or more, open storage areas shall not be maintained closer than seventy-five (75) feet from any property line. On parcels of less than five (5) acres, open storage areas when not completely enclosed by solid fencing shall have a minimum setback from any property line of a distance of not less than twenty (20) percent of the lot width.  
(Ord. No. 1749, 7/7/1988)

4. There shall be no outdoor storage in any required front yard in the case of interior lot, or required street-side setback area in the case of corner lot, or in an area three (3) feet wide along one (1) side lot line; and there shall be no outdoor storage in any front yard in any “SR”, “R1”, “R2”, or “R3” district.  
(Ord. No. 1749, 7/7/1988)

5. In addition to the outdoor storage permitted in Subsection (b)1 above, the open and outdoor storage of inoperable motor vehicles shall be limited to the following:  
(Ord. No. 1749, 7/7/1988)

i. The open storage of one (1) inoperable motor vehicle per lot in any “RR”, “RL”, “A”, “APZ”, or “TPZ” district. This does not include a Public Nuisance Vehicle as defined in Section 13-13.1(f) of Chapter 13 of the Lake County Code.  


1. No outdoor storage of materials or equipment shall be permitted in the following areas: Required front yards, off-street parking and loading areas, driveways, landscaped areas, or street right-of-ways.

2. Open and outdoor storage and operation yards (work areas) of an interior lot shall be confined to the area to the rear of a line which is the extension of the front wall of the principal building and shall be screened from view from any street by appropriate walls, fencing, earthen mounds or landscaping as approved in the required landscaping plan. Storage or operation yards on a corner or through lot shall be subject to approval of the Development Review Committee.

3. Open and outdoor storage of materials or products, except for trucks and other vehicles necessary for the operation, shall not exceed a height of eight (8) feet.

4. Open and outdoor storage shall be located so as not to constitute a hazard to adjacent buildings or property and shall not exceed six (6) feet in height when within ten (10) feet of side or rear property lines.

5. Exterior trash and storage areas, service yards, and electrical utility boxes shall be screened from view of all nearby streets and adjacent structures in a manner that is compatible with the building design. Smaller areas near the building shall be screened with a wall of the same construction as the building wall. Larger areas shall be screened by a solid six (6) foot high fence. Chain-link fencing shall be permitted only when accompanied by heavy landscaping which will grow to screen the fence in three (3) years. Provisions for adequate vehicular access to and from trash, garbage or refuse areas shall be provided.

41.13 Radioactivity: No radiation of any kind shall be emitted in quantities which are dangerous to humans.

41.15 Vibrations: No use shall generate ground vibration which is perceptible without instruments beyond the lot line. Ground vibrations caused by motor vehicles, aircraft, temporary construction work, or agricultural equipment are exempt from these standards.

41.16 Commercial Coach - Mobile homes: Shall only be permitted as permanent offices in the “C3” and “M2” districts. Commercial coach-mobile homes are permitted as temporary uses as provided for in Sections 27.2(q), (r) and (s). (Ord. No. 1749, 7/7/1988)

41.17 Restrooms: Restrooms open for public use shall be provided by all retail sales, entertainment or open-to-public recreational uses when gross building floor area exceeds three thousand (3,000) square feet in area per use, and for all retail fuel sales uses. Restrooms shall meet the occupant load factors, accessibility and plumbing facilities regulations of the Uniform Plumbing and Building Codes as amended. The availability and/or location of restrooms shall be noticed by signing when restroom facilities are not readily visible to the public. (Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989)

41.18 Marijuana Cultivation and/or Processing:

(a) Outdoor cultivation of medical marijuana is prohibited within any mobilehome park, which is defined as a mobilehome park by Section 21-43.3(i) of this Chapter, unless cultivated within a designated garden area that has been set aside by park management, or cultivated on a mobilehome park lease lot that exceeds 4,500 square feet. In such cases, cultivation amounts shall be limited to that amount of medical marijuana that may be cultivated on those premises in compliance with any then-existing County ordinance regulating marijuana cultivation locations and amounts.

(b) Cultivation of medical marijuana is prohibited within any property that is improved with multi-family dwellings, as defined by Section 68.3(d) 15 of this Chapter.

(c) Processing of medical marijuana, including but not limited to drying, trimming, weighing, packaging, and storing for later distribution, shall be limited to that amount of medical marijuana that may be cultivated on those premises in compliance with any then-existing County ordinance regulating marijuana cultivation locations and amounts. (Ord. No. 2984, 02/19/2013)
ARTICLE 42

SEC. 21-42 DEVELOPMENT STANDARD EXCEPTIONS.

42.1 **Purpose:** To provide relief where strict adherence to the development standards of the base zoning districts would impose undue hardship and prevent the legitimate use of land consistent with the purpose of this Chapter; and to provide additional regulations for specific uses.

42.2 **Lots of record:**

(a) Any single lot or parcel of land, which was of record and a legal lot at the time of adoption of this Chapter, but does not meet the requirements of the district in which it is located for minimum lot width and area, may be utilized for all permitted uses, if all other requirements of this Chapter are met.

(b) No lot existing at the effective date of this Chapter shall be reduced in dimension or area in relation to any building thereon so as to be smaller than required by this Chapter. However, in the case of a recorded lot which already has less area or does not conform with the minimum average lot width or maximum length to width ratio as required by this Code, said lot may be reduced in area by not more than ten (10) percent of the existing lot area and the lot dimensions may be modified at the discretion of the Review Authority through the lot line adjustment provisions in Chapter 17, the Subdivision Ordinance of the County of Lake. (Ord. No. 1749, 7/7/1988)

42.3 **Height, yard and setback exceptions for agricultural structures, buildings, and fences:**

(a) Fences in excess of four (4) feet in height may occupy any required yard provided they are for agricultural purposes, proposed in a district where agricultural uses are a permitted use, and constructed of wire mesh, chain link or other material allowing unobstructed visibility above four (4) feet in height, except as provided for corner lots in Section 42.11(a). (Ord. No. 1749, 7/7/1988; Ord. No. 2172, 8/12/1993)

(b) Accessory buildings and structures used for the housing or maintenance of farm animals shall be located at least fifty (50) feet from the front lot line, and twenty (20) feet from any side lot line, and fifty (50) feet from any dwelling on the same or adjacent lot, not including perimeter fencing for grazing purposes. (Ord. No. 1749, 7/7/1988)

(c) No occupied beehive or box shall be located within 400 feet of any dwelling on an adjacent lot, nor within 150 feet of any public road, street or highway, or as determined by the Planning Director.
42.4 Yard exceptions:

(a) Every part of a required yard (setback) shall be unobstructed from the ground to the sky, except as otherwise provided in this Article and except for landscaping, septic tanks or other appropriate underground utilities, driveways and sidewalks, and the ordinary projection of sills, buttresses, cornices, chimneys, eaves, solar energy equipment, greenhouses, and ornamental features but in no case shall such projections exceed three (3) feet.

(b) Where a building setback line has been established by a recorded subdivision or parcel map, sectional district map, or as a condition of any approved specific plan of development, use permit, or variance, the required setback shall be the building setback line shown on the subdivision or parcel map or condition of permit approval. This exception includes setbacks for roads, yards, creeks, building envelopes, and special setbacks for the protection of environmentally sensitive areas, or adjacent land uses. In no case shall the required setback be less than that required by the zoning district.

(c) Whenever an official setback line has been established for any street or proposed street designated in Section 21-42.20, Official Setback Line Exceptions, yards required by this Chapter shall be measured from such official line unless the yard requirements of this Chapter are more restrictive when measured from the front lot line. In no case shall the provision of this Chapter be construed as permitting any encroachment upon an official setback line. (Ord. No. 1749, 7/7/1988)

(d) In the case of odd-shaped lots where the required yard definitions set forth in this Chapter are not applicable, the Planning Director shall determine the required yards which shall approximate the required yards of a rectangular lot in the same base zoning district.

(e) In the case of through lots, the required side yard shall extend the full depth of the lot between the street lines and there shall be two (2) required front yards for the purpose of computing setbacks.

(f) When corner lots not meeting the width requirements of this Chapter abut two or more streets, the following standards shall apply:

1. The shortest lot frontage shall meet the required front yard standards, the length of this frontage shall be the lot width; and the required rear yard shall be opposite this front yard.

2. The required front yard on the remaining street side of such lot shall be not less than twenty (20) percent of the width of the lot, but in no case shall the required front yard be less than ten (10) feet.
3. The required rear yard of a corner lot backing upon a key lot may be reduced to a depth of ten (10) feet, provided the total yard area required on the lot by the applicable district regulations is not thereby reduced.

(g) Interior lots not meeting the width requirements of this Chapter to be developed with single-family dwellings may have a reduced required side yard equal to ten (10) percent of the average lot width in compliance with the Uniform Building Code. In no case, however, shall the structure encroach closer than three (3) feet to the side lot line. (Ord. No. 2172, 8/12/1993)

(h) Lots smaller than five (5) acres, but larger than one (1) acre in size in the Rural Residential, Rural Lands and Unclassified zoning districts may utilize the minimum yard requirements of the Suburban Reserve district Section 9.14. Lots smaller than one (1) acre in size in the “RR”, “RL” and “U” districts and lots smaller than fifteen thousand (15,000) square feet in the Suburban Reserve district may utilize the minimum yard requirements of the “R1” Single-Family Residential district Section 10.15. (Ord. No. 1749, 7/7/1988; Ord. No. 1974, 12/20/1990)

(i) The yard requirements of this Article and Chapter may be reduced by up to twenty-five (25) percent upon securing a minor use permit in each case. (Ord. No. 1749, 7/7/1988)

42.5 Yard exceptions for attached accessory buildings, porches, sundecks, landings, stairways, and solar energy systems:

(a) Where an accessory building is attached to the main building, it shall be structurally a part of and have a common roof or common wall with the main building, and shall comply in all respects with the requirements of this Chapter applicable to the main building.

(b) Open, uncovered, raised porches, decks, landing places or outside stairways may project not closer than four (4) feet to any side lot line, or ten (10) feet to any rear lot line.

(c) Sundecks to serve any story other than the ground floor may project not closer than four (4) feet to any side lot line or ten (10) feet to any rear lot line; provided that such sundeck shall not extend more than twenty (20) feet from the rear of the main structure.

(d) Solar energy systems attached to the south elevation of a principal building may encroach up to ten (10) feet into the required rear yard.

(e) Open, uncovered walkways not exceeding four (4) feet in width or thirty-six (36) inches in height may occupy any required yard area.
42.6 Front yard exceptions:

(a) Where four (4) or more lots in a block, in the same zoning district and on the same side of the street, have been improved with buildings (not including accessory buildings), the required front yard (setback) may be reduced to the average of the existing setbacks; provided that no such front yard shall be less than five (5) feet. If the block is more than 800 feet between intersections, only those parcels within 400 feet of both sides of the subject parcel shall be considered. Vacant lots shall be averaged at the required front yard (setback) line. Any improved lot shall not be averaged at a greater distance than the required yard. This section shall not be interpreted to reduce the required setback for a garage entrance.

(b) Solar energy systems attached to the south elevation of a principal building may encroach up to six (6) feet into the required front yard.

(c) Additions may be made to dwelling units within the required front yard, provided that such addition into the required front yard does not exceed the encroachment of the existing main structure. Additions proposed pursuant to this section which are within ten (10) feet of the front property line shall be subject to the approval of a minor use permit. (Ord. No. 1749, 7/7/1988)

42.7 Side yard exceptions for dwelling units:

(a) Where a dwelling unit is located on a lot so that the main entrance is located on the side of the building, the required side yard setback from the front setback line to such entrance, shall not be less than ten (10) feet.

(b) Additions may be made to dwelling units within the required side yards provided that such addition into the side yard does not exceed the encroachment of the existing main structure. In no case, however, shall the addition encroach closer than three (3) feet to the side lot line. (Ord. No. 2128, 1/14/1993)

42.8 Yard and setback exceptions for garages and carports; and sloping lots: (Ord. No. 2128, 1/14/1993)

(a) Detached garages and carports in any residential district accessory to a single-family residence may be located on the front one-half (1/2) of the lot, provided that it meets all front and side yard requirements applicable to a main building, is not less than three (3) feet from any dwelling on the same lot or an adjacent lot, and meets all other requirements of this Chapter as to location. (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)

(b) Garage or carport entrances when opening onto any front lot line shall be located not less than twenty (20) feet from said lot line. Garages or carports opening onto any rear or side lot line facing an alley shall be located not less than thirty (30) feet from the far side of the alley. Garage or carport entrances facing any rear or side interior
lot line shall be located not less than twenty-five (25) feet from said line.  (Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989)

(c) Where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation, a private garage or carport (attached or detached), open parking platform, or an outside staircase no wider than four (4) feet may be built to the front line, with no encroachment on required side yards. Any garage or carport constructed pursuant to this section shall be oriented towards a side lot line and shall contain a minimum backup area of twenty-five (25) feet.  (Ord. No. 2128, 1/14/1993)

(d) A detached carport may be located immediately adjacent to a single-family dwelling or mobile home. A detached private garage may be located immediately adjacent to a single-family dwelling or mobile home if the interior of the garage wall adjacent to the single-family dwelling or mobile home is constructed of materials approved for one-hour fire resistive construction. If there are openings in the single-family dwelling or mobile home wall adjacent to the garage wall, the garage shall be placed not less than three (3) feet from the adjacent single-family dwelling or mobile home wall. (Ord. No. 1749, 7/7/1988)

(e) Repealed (Ord. No. 1749, 7/7/1988)

42.9 Setback exceptions for detached accessory structures and buildings:

(a) Accessory buildings in any residential district (other than a garage or carport) shall be located on the rear one-half (1/2) of the lot and at least three (3) feet from any dwelling existing or under construction on the same lot, or any adjacent lot; except as provided for in Sections 42.8(d) and 42.9(g). (Ord. No. 1749, 7/7/1988; Ord. 1897, 12/7/1989)

(b) Accessory buildings shall not be located within three (3) feet of the side lot line of the lot or, in the case of a corner lot, shall not project beyond the required front yard or that required front yard existing on the adjacent lot. (Ord. No. 1749, 7/7/1988)

(c) Detached accessory structures shall be kept at a distance no less than three (3) feet from the main building(s) or structure(s); except as provided for in Section 42.8(d). (Ord. No. 1749, 7/7/1988)

(d) Swimming pools may be located on the front one-half (1/2) of the lot, but shall not be located less than five (5) feet from any interior side or rear lot line. Such pools are prohibited within the required front yard(s). (Ord. No. 1749, 7/7/1988)
Detached accessory structures and buildings in any residential district may be located within the required rear yard provided that they shall not be located less than three (3) feet from the rear lot line, and provided that accessory buildings within the required rear yard do not occupy more than thirty-five (35) percent of the width of the required rear yard. (Ord. No. 1749, 7/7/1988)

Accessory structures that need not meet the setback requirements of this code include ground level sidewalks, stepping stones and pathways, curbs, traffic control berms, retaining walls of three (3) feet in height or less (walls greater than three (3) feet in height may be approved pursuant to Sections 42.11 and 42.14), balanced cuts and fills, importation of fill, light standards and similar ornamental or accessory structures or constructs; not including any dam or dam embankment. (Ord. No. 1749, 7/7/1988)

Wells and well houses may be located within a front yard or any required yard area provided they are at least three (3) feet from any property line. Propane tanks may be located within a front yard or any required yard area provided that they are located consistent with the Uniform Fire Code and the Uniform Building Code. When located within any front yard or required front yard, such structures may be screened from view. (Ord. No. 1897, 12/7/1989; Ord. No. 2172, 8/12/1993)

42.10 Height exceptions for appurtenant and accessory buildings and structures:

(a) Accessory buildings, in any district except as noted within the various districts and Articles of this Chapter, may not exceed twenty (20) feet in height; however, upon the securing of a minor use permit, this height limit may be exceeded. (Ord. No. 1749, 7/7/1988)

(b) Appurtenant structures attached to a principal or accessory building including chimneys, vents, towers, heating and cooling fans or other devices, may be erected to a fifteen (15) percent greater height limit than the limit established for the district in which the structure is located. (Ord. No. 2202, 11/25/1993; Ord. No. 2594, 7/25/2002)

(c) Detached and attached appurtenant structures including silos, cupolas, flag poles, monuments, gas tanks, water tanks and those appurtenant structures listed in Section 42.10 (b) may exceed height limits upon the securing of a major use permit in each case. (Ord. No. 2594, 7/25/2002)

42.11 Height exceptions for fences, walls, and hedges:

(a) Fences, walls, and hedges not exceeding four (4) feet in height may be placed in the required front yard (setback) of an interior lot. Fences and walls in excess of three (3) feet in height but not higher than four (4) feet may occupy any required front yard of a corner lot, provided that the portion of the fence exceeding three (3) feet that is located within: 1) fifty (50) feet of the corner property line(s) or extended corner property line(s), or 2) from the edge of a prescriptive right of
way, whichever provides the most unobstructed vision, is constructed of wire mesh, chain link or other material allowing unobstructed visibility. Fences, walls, and hedges exceeding four (4) feet but six (6) feet or less in height may be approved in the required front yard area upon first securing a minor use permit in each case if the Review Authority makes the following additional findings (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993):

1. Approval will not result in obstruction of sight distance so as to create or increase any traffic safety hazard.

2. The design of the project provides for off-street, on-site parking of one (1) vehicle in tandem to any gated vehicle entrance. (Ord. No. 1749, 7/7/1988)

(b) A maximum six (6) foot high fence, wall or hedge may be located within the required side or rear yard (setback) of an interior lot or corner lot. Fences, walls and hedges exceeding six (6) feet in height may be permitted in the required side or rear yard (setback) of an interior lot, or interior side of a corner lot, subject to the approval of a minor use permit in each case. (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)

(c) Fences, walls, and hedges exceeding four (4) feet in height may not be placed within ten (10) feet of the front property line in the “C2” district. (Ord. No. 2128, 1/14/1993)

(d) Fences, walls and hedges in excess of six (6) feet but not exceeding twelve (12) feet may be located around a tennis court anywhere on a lot, except in a required front yard (setback) adjacent to a street, subject to securing a minor use permit. (Ord. No. 2128, 1/14/1993)

(e) The Review Authority or Development Review Committee may approve a maximum six (6) foot high wall or fence in any required front yard in any “C3”, “M1” or “M2” district. Walls or fences exceeding six (6) feet may be approved subject to first obtaining a minor use permit in each case. (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)

42.12 Height and yard exceptions for utility facilities: Utility distribution and transmission poles and towers are exempt from the maximum height and minimum yard regulations of this Chapter.


42.14 Height exceptions, general: The maximum height limitations of this Article and Chapter may be exceeded upon securing a major use permit in each case.

42.15 Coverage exceptions:
(a) Swimming pools, open decks and appurtenant energy systems are exempt from the maximum lot coverage requirements of this Chapter. **(Ord. No. 1749, 7/7/1988)**

(b) In the “R1” and “R2” districts, lots less than six thousand (6,000) square feet in area may be developed with single-story structures with a maximum lot coverage of forty (40) percent provided all other requirements of this Chapter are met. **(Ord. No. 1749, 7/7/1988)**

42.16 Length to width ratio exceptions:

(a) Where the length of an existing parcel exceeds the length to width ratio of any district of this Chapter by a factor of two (2) or more, the Review Authority for a subdivision may approve lots longer than the required length to width ratio as long as the existing lot width is not reduced by more than twenty-five (25) percent.

(b) The length to width ratio limitations of this Article and Chapter may be exceeded upon securing a major use permit in each case. The Review Authority approving such a request shall in addition to the findings of Section 51.4 find that strict adherence to this standard would result in increased environmental impacts or poor usability of resulting parcels, or physical features such as watercourses, ridges, and existing roads are to be utilized as boundaries.

SEC. 21-42.20 OFFICIAL SETBACK LINE

42.21 Purpose: These regulations are adopted to provide for adequate building setbacks from State highways and other roads in the County of Lake. **(Ord. No. 1749, 7/7/1988)**

42.22 Definitions (Ord. No. 1749, 7/7/1988):

(a) **Master Plan of Streets and Highways** means that certain portion of the General Plan of Lake County, California, which consists of a map and text, and shows the location of existing and proposed major thoroughfares in said County.

(b) **Official setback lines** refers to lines established as set forth in Section 42.20, and located at specified distance on either side of a line midway between the right-of-way, easement, or side property lines of any road, if there is no right-of-way or easement, the centerline of the traveled surface of said road, or any centerline established by resolution of the Board of Supervisors.

(c) **Precise Plan** means such rules and regulations as set forth in Section 42.20 of this Article and such other maps, rules, and regulations which are or may be adopted to protect and carry out the “Master Plan of Streets and Highways.”

(d) **Road** means any street, way, lane, avenue, county road, road or state highway in the County of Lake.
(e) **Structure** means that which is built or constructed: an edifice or building of any kind, any piece of work, including swimming pools, retaining walls, stairways and any underground storage facility in excess of one thousand (1,000) gallons capacity; provided, however, “structure” shall not include: any structure or building existing on the effective date of Section 42.20; public utility distribution lines; wells; septic tanks; trees, garden or agricultural crops; wire fences or similar fences which are largely transparent; solid fences under three (3) feet in height; structures established by governmental agencies; signs and movable awnings attached to the face of a building and projecting not more than eight (8) feet beyond the official setback line, provided that the lowest part of such sign or awning and all supporting members shall be not less than eight (8) feet above the ground immediately below.

**42.23 Master Plan:** There is hereby adopted a Master Plan of Streets and Highways, said plan being the Circulation Plan of the Lake County General Plan, consisting of the following parts of the Lake County General Plan:

(a) The Circulation Plan, Figure IV-11, page IV-47; and

(b) Lake County Road Standards, Table 10-9, page IV-48; and

(c) Pages IV-46 to IV-50.

**42.24 Precise Plan:** Based on said Master Plan, there is hereby adopted a Precise Plan of Streets and Highways. The following State highways and County roads, together with the official setback lines indicated below, are hereby declared to be the “Precise Plan” for roads and highways of the County of Lake:

<table>
<thead>
<tr>
<th>Road Number</th>
<th>Road Name</th>
<th>Official Setback Line (Distance from centerline)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hwy. 20</td>
<td>State Highway</td>
<td>50’</td>
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<tr>
<td>Hwy. 29</td>
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<tr>
<td>Hwy. 53</td>
<td>State Highway</td>
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<td>50’</td>
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<tr>
<td>Hwy. 281</td>
<td>State Highway</td>
<td>50’</td>
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<tr>
<td>---</td>
<td>Bryant Road</td>
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<tr>
<td>101</td>
<td>Butts Canyon Road</td>
<td>50’</td>
</tr>
<tr>
<td>104</td>
<td>Hartman</td>
<td>30’</td>
</tr>
<tr>
<td>107</td>
<td>Big Canyon Road</td>
<td>30’</td>
</tr>
<tr>
<td>111</td>
<td>Socrates Mine Road</td>
<td>50’</td>
</tr>
<tr>
<td>122</td>
<td>Spruce Grove Road</td>
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<td>137</td>
<td>Seigler Canyon Road</td>
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<tr>
<td>140</td>
<td>Morgan Valley Road</td>
<td>50’</td>
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<td>209</td>
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<td>216</td>
<td>Sulphur Bank Drive</td>
<td>30’</td>
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<tr>
<td>219</td>
<td>Point Lakeview Road</td>
<td>30’</td>
</tr>
</tbody>
</table>
42.25 Effect of Precise Plan:

(a) No structure shall hereafter be moved, erected or structurally altered so as to be closer to any road than the distance specified by the official setback lines established by Section 42.20.

(b) In the event that this Article imposes greater setbacks on certain properties than those imposed by the zoning regulations of the County of Lake or by building setback lines on any subdivision map, then the provisions of this Article applicable to setbacks on such properties shall apply.

(c) No official setback lines, as established herein, shall be interpreted as permitting any encroachment of any building structure, fence or any other device within any road right-of-way.

(d) The setback provisions of this Article shall not apply to structures built adjacent to any road in areas where the topography of land adjacent to the road is steeper than plus twenty (20) feet vertical per one hundred (100) feet of horizontal distance measured from the edge of the traveled way.
42.26 Community business district exception:

(a) The official setback lines of Section 42.20 may be lessened by the Planning Director in established community business districts along the highways and roads identified in Section 42.26(b) when the Planning Director finds that any of the following conditions exist:

1. Existing development in the vicinity does not meet the requirements of the official setback line.

2. The development proposed will replace a building structure or use existing on the effective date of this Ordinance.

3. On properties not developed on the effective date of this Ordinance, adherence to the official setback line would substantially restrict the development potential of the property, and result in setbacks significantly greater than existing development on adjacent lots.

(b) Community business districts: In the following areas the official setback lines may be reduced to those of the base zoning district on both sides of the roads unless indicated otherwise:

1. On Hwy. 20:
   i. From 300 feet west of Mendenhall to 500 feet east of Government Street on the north side of Hwy. 20. (Ord. No. 1897, 12/7/1989)
   ii. Foothill Drive to Country Club Drive.
   iii. From Sayre Avenue to Lakeshore Drive.
   iv. From Island Drive to High Valley Road and on the south side of Hwy. 20 from High Valley Road to Keys Blvd.

2. On Hwy. 175: From Hwy. 29 to Big Canyon Road.

3. On Hwy. 53: From the junction of Hwys. 29 and 53 to 650 feet north on the west side and 1,100 feet on the east side. (Ord. No. 1897, 12/7/1989)

4. On Hwy. 29: From Hill Avenue to Wardlaw Street

5. On Morgan Valley Road: From Hwy. 53 to 300 feet east of Mill Street.
42.27 Existing signs exception:

(a) Any sign existing on the effective date of Section 42.20., and not otherwise allowed by Section 42.22(e) of this Article, which sign is within any official setback line established herein, may be remodeled, reconstructed or replaced, provided that a development review permit is first secured from the Development Review Committee subject to the following conditions:

1. No part of any sign shall encroach any further into the setback area than the existing sign.

2. The sign shall be removed by the owner thereof at no expense to the State of California, the County of Lake, or any other public agency, in the event that the area of encroachment is required for street widening or any other public purpose.

(b) Application for the development review permit required by this Section shall be accompanied by plans and drawings sufficient to demonstrate that the sign applied for shall not constitute a hazard to vehicular or pedestrian traffic.

(c) A decision of the Development Review Committee made pursuant to this Section may be appealed to the Planning Commission in accordance with the provisions of Section 58.10 et. seq. of this Chapter.

(Ord. No. 1749, 7/7/1988)
ARTICLE 43

SEC. 21-43 REGULATIONS FOR ESTABLISHMENT OF MOBILE HOME PARKS, RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS AND CONVERSION, CLOSURE OR CESSATION OF USE OF MOBILE HOME PARKS (Ord. No. 2836, 09/20/2007)

43.1 Purpose:

(a) To provide regulations for the orderly development of mobile home parks, recreational vehicle parks and campgrounds, insuring a safe and attractive residential environment, while assuring compatibility with adjacent uses through the application of specific design standards.

(b) To provide regulations for the conversion, closure or cessation of use of mobile home parks which assures that no undue financial hardship to residents is incurred by mobile home park conversion, while recognizing the rights of park owners to pursue changes in land use. (Ord. No. 2836, 09/20/2007)

43.2 Applicability: The regulations of this Article shall apply to all mobile home parks, recreational vehicle parks and campgrounds permitted by this Chapter. Nothing contained in this article shall be construed to abrogate, void or minimize any of the minimum provisions of Title 25 of the California Administrative Code. Mobile home parks, recreational vehicle parks and campgrounds are permitted as specified in the following districts, subject to obtaining a major use permit or specific plan of development in each case:

(a) Mobile home park: “R1-MH”, “R2”, “R3” and “PDR”.

(b) Recreational vehicle park: “TPZ”, “RL”, “PDC”, “CR”, and “CH”.


43.3 Definitions:

(a) Campground: An area or tract of land used for outdoor overnight accommodations of one or more camping parties in tents, trailers or recreational vehicles, provided that no more than twenty-five (25) percent of the campground spaces possess waste disposal facilities suitable for recreational vehicles.

(b) Camping party: A person or group of not more than ten (10) persons occupying a campsite.

(c) Campsite: An area within a campground occupied by a camping party.
(d) Comparable housing: Housing that is comparable in floor area and number of bedrooms to the mobile home to which comparison is being made, which housing meets the minimum standards of the State Uniform Housing Code.

(e) Comparable mobile home Park: any other mobile home park substantially equivalent in terms of park conditions, amenities and other relevant factors.

(f) Conversion: A change of use of a mobile home park to uses other than rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes used for human habitation. Such a conversion may affect an entire mobile home park or any portion thereof but does not include spaces occupied by recreational vehicles. A conversion shall include a change of any existing mobile home park or any portion thereof to any other uses such as commercial or resort use, subdivision of land, condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the mobile home park are to be sold, or the cessation of use of all or a portion of the park as a mobile home park, whether immediately or on a gradual basis, or the closure of the park. "Conversion" shall not include the purchase of the park by its existing residents.

(g) Home owner: The registered owner or owners of a mobile home, who has a tenancy in a mobile home park under a rental or lease agreement. The provisions of this ordinance shall not apply to owners of second homes used on a seasonal basis.

(h) Mobile home: A structure designed for human habitation and for being transportable on a street or highway under permit pursuant to California Vehicle Code Section 35790, and as defined in Section 18008 of the Health & Safety Code. "Mobile home" does not include a recreational vehicle as defined in 18010 of the Health & Safety Code, or a commercial coach, as defined herein and in Section 18001.8 of the Health & Safety Code.

(i) Mobile home park: An area of land where two or more mobile home spaces are used, rented, leased, or held out for use, rent or lease, to accommodate mobile homes for human habitation. For purposes of this Chapter, "mobile home park" shall not include a mobile home subdivision, stock cooperative, or any park where there is any combination of common ownership of the entire park or individual mobile home spaces. This shall not include recreational vehicle parks or portions of parks that include recreational vehicle spaces.

(j) Mobile home tenant: A person who occupies a mobile home in a mobile home space pursuant to a bona fide lease or rental agreement with the mobile home owner and who, during his or her tenancy, was not the owner or member of the immediate household of the mobile home owner. Tenants shall not qualify for relocation assistance pursuant to this ordinance.

(k) Resident: A person lawfully residing in a mobile home park, and includes a mobile home owner, or member of the immediate household of the mobile home owner. A resident shall not include an individual(s) who owns or occupy a mobile home on a temporary or seasonal basis or as a second residence.
Space: When referring to a mobile home park, recreational vehicle park or campground, any area, lot, pad or site designated or used for the occupancy of one (1) mobile home, travel trailer, recreation vehicle, or camping party.

(Ord. No. 1749, 7/7/1988; Ord. No. 2836, 09/20/2007)

43.4 Mobile home park standards: Mobile home parks shall conform to the following minimum standards, however, the Review Authority may impose other and more restrictive requirements:

(a) Minimum site area: Five (5) acres.  (Ord. No. 1749, 7/7/1988)

(b) Maximum density: Ten (10) spaces per acre. No more than one (1) single-family mobile home may be placed on a mobile home space. No occupied travel trailer, camper, or recreational vehicle shall be allowed on any approved mobile home space except as provided for in Section 43.5(b).

(c) Minimum space area:
   1. Two thousand four hundred (2,400) square feet for single wide mobile homes.
   2. Three thousand four hundred (3,400) square feet for double wide mobile homes.
   3. Four thousand four hundred (4,400) square feet for triple wide mobile homes.

(d) Minimum space width:
   1. Single wide mobile home: Forty (40) feet
   2. Double wide mobile home: Fifty (50) feet
   3. Triple wide mobile home: Sixty (60) feet

(e) Minimum size for mobile homes: No mobile home which is less than eight (8) feet wide or which has a floor bed of less than four hundred eighty (480) square feet may be parked or located on a mobile home space in a mobile home park except as provided for in Section 43.5(b).

(f) Coverage: The mobile home and accessory structures shall not cover more than sixty-five (65) percent of the space area.

(g) Minimum yards: Minimum yard setbacks for individual spaces shall be five (5) feet on all sides, except for any side or rear yard abutting the project property line, in which case the minimum yard setback shall be ten (10) feet.
Projection into yard: The following structures may be erected or project into any required yard setback:

1. Eaves, stairways and awnings not to exceed one (1) foot.
2. Landscape elements including trees, shrubs, and other plants, except hedges, provided that such landscape feature does not hinder the movement of the mobile home in or out of its space.
3. Mobile home tongue or hitch.
4. Necessary appurtenances for utility services.

Skirting: Spaces beneath mobile homes shall be enclosed with architecturally harmonizing skirts or by a combination of skirts, decks and grading with ventilation and access in accordance with State law.

Height:

1. Mobile homes: Twenty (20) feet; or
2. Accessory use structures: Two (2) story or thirty (30) feet maximum, whichever is less.

Parking:

1. Occupant spaces: One (1) covered and one (1) uncovered parking space per dwelling unit, which may be tandem spaces.
2. Visitor spaces: One (1) for each four (4) mobile homes.
3. One (1) recreational vehicle (RV) parking space per five (5) mobile home spaces.

Recreational vehicle parking space: RV parking spaces shall be centralized in lots and fenced for security and each space shall be a minimum of ten (10) by twenty (20) feet.

Recreation areas shall each have sufficient parking facilities to accommodate one (1) automobile for every ten (10) mobile home spaces. Laundry areas shall have a minimum of two (2) parking spaces. *(Ord. No. 1749, 7/7/1988)*

Perimeter fencing: A six (6) foot high solid fence of (1) masonry, or (2) wood, or other fencing or screening as approved by the Planning Commission shall be provided around the perimeter of all developed areas of the mobile home park; except that the Planning Commission may waive fencing on waterfront sites.
Buffer strip: There shall be a twenty (20) foot buffer strip along all streets or roadways adjoining the park that shall be landscaped and into which no mobile homes or parking spaces shall be placed. The buffer strip shall be street side of any perimeter park fencing required. This buffer strip shall not be included in any required recreational area. *(Ord. No. 1749, 7/7/1988)*

Recreation area:

1. Fifteen (15) percent of total park area or seven hundred (700) square feet per space, whichever is less, shall be devoted to recreational areas and facilities, excluding any buffer strip required by Section 43.4(o). Use of such facilities shall be limited to park residents. All recreational areas and facilities shall be completed prior to park occupancy; except as approved by the Planning Commission in a phasing program. *(Ord. No. 1749, 7/7/1988)*

2. No recreation area shall be less than three thousand (3,000) square feet in area and total recreation area for any park shall not be less than six thousand (6,000) square feet in area.

3. For parks with children, a tot lot of a minimum twelve hundred (1,200) square feet in area equipped with play apparatus shall be provided for each twenty-five (25) spaces and shall be credited to the area required under Subsection 1 above.

4. All recreation areas shall be landscaped or planted in lawn and included in the landscape plan of Subsection 43.4(v).

Access:

1. All streets shall be designed by a registered civil engineer and paved with asphaltic concrete to not less than twenty-five (25) feet in width if no car parking is permitted; and to not less than thirty-two (32) feet in width if car parking is permitted on one side and forty (40) feet in width if car parking is permitted on both sides. Roads may be divided into separate adjacent one-way traffic lanes by a curbed divider if each lane is not less than fifteen (15) feet in clear width; if car parking is proposed, each lane shall be increased in width by seven (7) feet. *(Ord. No. 1749, 7/7/1988)*

2. No access driveway shall be located closer than one hundred (100) feet to any public street intersection.

3. All cul-de-sac streets shall have a minimum outside turning radius of thirty-eight (38) feet.

4. All corners shall have a minimum fifteen (15) feet radii.
5. Curbs and gutters shall be installed on both sides of all streets. Concrete roll curbs may be approved by the Planning Commission and the Commission may approve alternatives in cases of extreme topography or low density developments.

6. All streets shall be illuminated pursuant to Title 25.

7. Each space shall front on an access street.

8. Stop signs shall be provided at all intersections with all public streets.

9. Circulation: All mobile home park developments shall complement adjoining, existing or contemplated vehicle circulation patterns. All mobile home park developments may be required to dedicate land adjoining public roads to the County for road widening purposes. Improvements of the same to County standards may be required by the Planning Commission to offset the burden placed on the public by the generation of new traffic.

(r) Utilities: All utility distribution facilities serving individual mobile home spaces shall be placed underground. The park owner is responsible for complying with the requirements of this Subsection and shall make the necessary arrangements with each of the serving utilities for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenant structures may be placed above ground. Water and sewer distribution facilities shall be installed in conformance with applicable utility specifications. All mobile home spaces must be served with water, electricity, telephone and cable lines.

(s) Antennas: Individual overhead television or radio antennas shall not be permitted; either a single community antenna with underground connections, and/or underground cable television shall be provided. This Subsection shall not be interpreted to prohibit “CB” or “ham radio” antennas.

(t) Faucets: Individual outdoor faucets with hose hook-ups shall be provided for each mobile home space.

(u) Trash storage: A centralized refuse and trash storage area(s) shall be provided and be readily accessible to all mobile home spaces. Trash storage areas shall be concealed from any public and private street and enclosed by a six (6) foot solid wall or fence.

(v) Landscaping: All mobile home parks shall have the following:

1. A landscape plan for open space and recreational areas, prepared by a licensed landscape architect or state licensed (C-27) landscape contractor or other qualified individual acceptable to the Department which shall be a condition of approval for the use permit.
2. Planting areas drawn to scale and plants clearly located and labeled. A plant list shall include the following:
   
i. Botanical name.

   ii. Common name.

   iii. Size to be planted (gallon size).

   iv. Quantity of each.

3. Location, name and size of all existing trees and shrubs that are to be incorporated as part of the landscape plan.

4. Irrigation facilities adequate to maintain plant materials at all times. Use of automatic watering systems is encouraged to facilitate maintenance. Hose bibs shall be located within serviceable proximity to every planter where fixed and/or automatic water systems are not employed.

5. A continuous maintenance program shall be provided by the mobile home park developer for the landscaped areas. The plan shall include repair or replacement as needed for the life of the park.

6. All approved landscaping shall be installed or financial assurance provided to the Department in an amount sufficient to fund the total cost of the required landscaping.

(w) Signs: Mobile home parks shall be allowed up to fifty (50) square feet of sign area visible from external roadways and adjoining property. Signs shall be limited to:

1. One (1) freestanding sign and one (1) wall sign.

2. No single sign shall exceed twenty-five (25) square feet in area.

3. The maximum height of a freestanding sign shall be six (6) feet.

4. A freestanding sign located in the mobile home park buffer strip.

43.5 Accessory uses: The following accessory uses are permitted in a mobile home park:

(a) Uses permitted: Accessory uses which are permitted uses and serve park residents and which shall not be available for use by the general public, including: Coin operated machines for laundry, soft drinks, cigarettes and similar uses, on condition that such uses shall be located in the interior of the park and shall not
(b) Uses permitted subject to first obtaining a major use permit in each case:

1. A management facility or office, recreational facilities or clubhouses, a common car wash, storage facilities, and a single family residence for the manager which may also be used in part as an office.

2. Permanent or transient recreational vehicle spaces: The location, number and size of spaces shall be approved by major use permit and shall meet the standards of Sections 43.20 and 43.30.

3. Sale of mobile homes at mobile home parks:
   i. The operation of a business or occupation, either full or part-time, for the purpose of mobile home sales, may be allowed on the premises of any legally established mobile home park as an accessory use not subject to a use permit. The maximum number of unoccupied mobile homes so installed for display shall not exceed three (3) units at any time unless a major use permit has been approved.
   ii. Restrictions: In no event shall the holder of the major use permit or any other person maintain or allow to be maintained on the mobile home park premises for display any mobile home either assembled or disassembled which is not installed on a space and connected to all utilities sufficient to be legally adequate for immediate occupancy.

43.6 General provisions:

(a) The owner or operator of the mobile home park shall be responsible for maintaining compliance with all sections of county, state, and of other pertinent laws and regulations pertaining to the use, operation, and maintenance of such mobile home park. Nothing contained in this Article shall be construed to abrogate, void or minimize such other pertinent regulations.

(b) The owner or operator shall have a resident manager on duty at all times who shall be responsible for such compliance in the absence of the owner or operator.

(c) It shall be the responsibility of the park owner to see that the common landscaped areas are well-kept and maintained.

43.7 Application requirements: A site plan shall be submitted with the major use permit application, which shall include the following:

(a) A title as selected by the park developer.
(b) Name and addresses of the legal owner of the property, park developer, and civil engineer or licensed land surveyor or person who prepared the map.

(c) Topographic contours showing accurately the existing terrain within the park and a minimum of one hundred (100) feet on all sides.

(d) Approximate finished grade contours of all proposed roads, existing drainage channels, culverts, overhead and underground utility lines, wells and springs, major structures, irrigation ditches, utility poles and other improvements in their correct location.

(e) Minimum mapping requirements:
   1. Shall be drawn to an engineer’s scale of one (1) inch equals fifty (50) feet or larger.
   2. The contour of the land at intervals of one (1) foot of elevation up to five (5) percent slope; two (2) foot intervals up to ten (10) percent slope and five (5) foot intervals over ten (10) percent slope.
   3. Every fifth contour shall be of heavier weight and labeled. Contours shall be clearly labeled.
   4. Contours may be omitted when the lines fall closer than ten (10) contours per inch, provided that all contours at the bottom and top of slope changes are shown. In no event shall the heavy contours be omitted.
   5. On comparatively level terrain where contours are more than one hundred (100) feet apart, the contours may be omitted and spot elevations substituted. Additional spot elevations shall be shown at intervals along the center of dikes, roads, and ditches at summits, depressions, saddles or at other existing permanent installations.
   6. When the map contains more than one (1) sheet, the sheets shall be indexed to show the relative position of each sheet.

(f) The site plan shall also show:
   1. The outline of existing slides, slips, slump areas, and areas subject to inundation.
   2. The approximate edges of pavements of existing paved roads, driveways and the edges of existing traveled ways, within or adjacent to public rights-of-way and easements or within private common rights-of-way.
3. Approximate existing property lines and approximate boundaries of existing easements within the park, with the names of owners of record of easements, exclusions, and the properties abutting the park.

4. The proposed space and street layout with scaled dimensions of the spaces, and the minimum, maximum, and average space area.

5. The approximate width, location and purpose of all existing and proposed easements.

6. Street names, widths of streets and easements, approximate grade, approximate point of grade change, and radii of curves along the centerline of each street.

7. Areas designated for public and/or common purpose.

8. Location, approximate grade, direction of flow, and type of facility of existing drainage channels and storm drains.

9. A vicinity map showing roads, adjoining subdivisions, towns, creeks and other data sufficient to locate the proposed mobile home park and show its relationship to the community.

10. The line of high and low water and flood plain on all spaces abutting any lake, river, stream, reservoir, or other body of water.

11. North arrow and scales for maps, and contour interval.

12. Existing and proposed use of all existing structures.

13. Approximate toe of fills and top of cuts in excess of five (5) feet.

14. Parking areas and access solutions for individual spaces.

15. Identification of all transient mobile home or permanent recreational vehicle spaces.

16. Identification of all double and triple wide mobile home spaces.

(g) Additional information: A statement(s) from an authorized officer of all utility service providers certifying the agreement and ability of said utility service provider to serve the proposed mobile home park.

(h) Proposed phasing.

(i) Engineered improvement plans, roadway structural sections, and drainage plans.
43.11 **Campgrounds:** Shall conform to the following standards, including those of Section 43.30, however, the Review Authority may impose other and more restrictive requirements:

(a) Minimum site area: Three (3) net acres.

(b) Maximum density: Twelve (12) campsites per acre.

(c) Parking spurs: One (1) parking spur shall be provided for each campsite. The maximum grade for the last twenty-five (25) feet of any spur shall be two (2) percent. Seventy (70) percent of all spurs shall be designed to accommodate both a car and recreational vehicle. Parking spurs shall not be placed closer than forty (40) feet on center.

(d) **Access:** *(Ord. No. 1749, 7/7/1988)*

1. Main access: As provided in Section 43.4(q)1.

2. Internal access:
   
i. Each campsite shall abut and have direct access to a roadway not less than eighteen (18) feet in width, where designed for two-way traffic.

   
   ii. The width of a roadway may be reduced to twelve (12) feet if designed and clearly marked for use by one-way traffic. Each one-way roadway should originate from and terminate upon a two-way roadway. Four-way intersections shall be utilized only where there is no other feasible road design.

   
   iii. Internal roadway shall be surfaced with asphaltic concrete or a double chip seal unless the Review Authority finds that an alternative will be more appropriate.

   
   iv. If car parking is proposed, add seven (7) feet to minimum roadway widths of Subsections i and ii above for each parking lane. *(Ord. No. 1749, 7/7/1988)*

(e) “Wilderness” or “primitive” campsites shall provide parking and access as approved by the Planning Commission. *(Ord. No. 1749, 7/7/1988)*

(f) **Setbacks:** All campsites or structures, except entry booths within a campground, shall be at least fifty (50) feet from any property line. *(Ord. No. 1749, 7/7/1988)*
Recreational facilities: Any recreational facilities constructed as part of a campground shall be limited to the use of campground residents unless approved as a resort by major use permit.

Signs:

1. An overall sign plan shall be prepared for all campgrounds. This plan may include both freestanding and wall signs. The plan may also provide for internal signs (those not visible from off site roads or adjoining property) which are strictly directional in nature.

2. Campgrounds shall be allowed up to sixty (60) square feet of sign area visible from external roadways and adjoining property. Signs shall be limited to:

   i. Two (2) freestanding signs and one (1) wall sign.

   ii. No single sign shall exceed thirty (30) square feet in area.

   iii. The maximum height of freestanding signs shall be ten (10) feet.

(Ord. No. 2224, 3/16/1994)

SEC. 21-43.20 RECREATIONAL VEHICLE PARK STANDARDS.

43.21 Purpose: The purpose and objective of this Section is to recognize the value of the development of recreational vehicle parks and the development of incidental camping areas, for the benefit of the general public utilizing recreational vehicles and such parks and facilities. (Ord. 2224, 3/17/1994)

43.22 Recreational vehicle parks: Shall conform to the following standards, including those of Section 43.30. These standards may be varied upon application for and approval of a variance pursuant to Article 52 or through the Planned Development Commercial process pursuant to Article 15.

(a) Maximum density: Eighteen (18) spaces per acre.

(b) Lot Occupancy: The occupied area of any recreational vehicle space shall not exceed 75 percent of the space area.

(c) Setbacks: Recreation vehicles shall be located a minimum of three (3) feet from any side or rear space line.

(d) Access: Main access, as provided in Section 43.4(q)1. and internal access, as provided in Section 43.11(d)2.

(e) Buffer strip: A minimum ten (10) foot buffer strip shall be provided along all streets or roadways adjoining the park which may include up to five (5) feet of
unused right-of-way. A minimum three (3) foot buffer strip shall be provided along all interior property lines.

(f) Signs: All signs shall comply with Article 45. *(Ord. No. 2224, 3/17/1994)*

SEC. 21-43.30 GENERAL PROVISIONS FOR CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS.

43.31 The following provisions shall be applicable to both recreational vehicle parks and campgrounds: *(Ord. 2224, 3/17/1994)*

(a) Road design: The maximum grade on all roadways shall be fifteen (15) percent.

(b) Parking standards:

1. Guest parking shall be provided at the rate of one (1) additional space per ten (10) RV spaces or campsites. Guest parking may be located in a centralized area(s) or on or adjacent to each RV space or campsite. Parking areas should be screened from roads, activity areas, and adjoining property whenever possible. A minimum of two (2) tandem parking spaces shall be provided to permit parking for persons registering for the campground.

2. All spaces that do not have sewer hookups shall be no further than 400 feet from a comfort station.

(c) Numbering: Lots and campsites shall be numbered and the numbers visible on each campsite.

(d) Commercial uses: A recreational vehicle park or campground located in the “TPZ”, “RL”, “RR” or “O” zoning districts may include accessory commercial uses which are for the convenience of campers, provided that such uses shall not occupy more than five hundred (500) square feet for each fifty (50) spaces or campsites. A recreational vehicle park or campground located in the “CR” or “CH” districts may include other commercial uses of any size, as long as the uses are permitted within that zoning district. The area used for commercial uses open to the general public in the “CR” and “CH” districts, including structures, parking and landscaping, shall not be included when calculating overall density for the RV park.

(e) Manager’s quarters: Living quarters may be provided for the use of a caretaker and/or owner/manager. The living quarters may be either a mobile home or a permanent dwelling unit. The location of the living quarters shall be subject to approval of a Development Review Permit and shall not detract from any existing recreation area in an existing RV park or campground.
(f) Landscaping or forest management plan: A landscaping plan and/or a forest management plan may be prepared for both recreational vehicle parks and campgrounds. The type of plan(s) to be prepared will be determined by the Review Authority holding the hearing on the major use permit.

1. Forest management plans shall be prepared by a state licensed forester and shall include provisions for a continuous management program.

2. The landscape plan shall be prepared by a qualified individual as specified in Subsection 43.4(v)1. and shall include the following (Ord. No. 1749, 7/7/1988):

   i. Contours at intervals sufficient to indicate all slope area to be landscaped.

   ii. Planting areas drawn to scale and plants clearly located and labeled.

   iii. Location, name and size of all existing trees and shrubs that are to be incorporated as part of the landscape plan.

   iv. Irrigation facilities adequate to maintain plant materials at all times. Use of automatic watering systems is encouraged to facilitate maintenance. Hose bibs shall be located within serviceable proximity to every planter where automatic water systems are not employed.

   v. A continuous maintenance program shall be provided for the landscaped areas. The plan shall include repair or replacement as needed for the life of the park.

   vi. All approved landscaping shall be installed or financial assurance provided to the Department in an amount sufficient to fund the total cost of the required landscaping.

(g) With the exception of manager’s quarters, RV parks or campgrounds shall not be used for permanent residential purposes. (Ord. No. 2224, 3/16/1994)

43.32 Submittal of applications: Each application for a campground or recreational vehicle park shall be accompanied by a project description and site plan which shall include:

(a) Project description: The applicant shall submit a detailed narrative outlining the nature of the proposed park and type of camping parties and vehicles it is intended to accommodate; and any proposed phasing.

(b) Minimum mapping requirements: A site plan shall be submitted with the major use permit application. The map shall be drawn to the following minimum scales:
1. All areas on which roads, camping spaces or other improvements are proposed shall be shown drawn to an engineer’s scale of one (1) inch equals one-hundred (100) feet or larger.

2. Areas in which no improvements are proposed shall be drawn to an engineer’s scale of one (1) inch equals four-hundred (400) feet or larger.

3. The contour of the land at intervals of one (1) foot of elevation up to five (5) percent slope; two (2) foot intervals up to ten (10) percent slope and five (5) foot intervals over ten (10) percent slope.

4. Every fifth contour shall be of heavier weight and labeled. Contours shall be clearly labeled.

5. Contours may be omitted when the lines fall closer than ten (10) contours per inch, provided that all contours at the bottom and top of slope changes are shown. In no event shall the heavy contours be omitted.

6. On comparatively level terrain where contours are more than one thousand (1000) feet apart, the contours may be omitted and spot elevations substituted. Additional spot elevations shall be shown at intervals along the center of dikes, roads and ditches at summits, depressions, saddles or at other existing permanent installations.

7. When the map contains more than one (1) sheet, the sheets shall be indexed to show the relative position of each sheet.

(c) The site plan shall also show:

1. The outline of existing slides, slips, slump areas, and areas subject to inundation.

2. The approximate edges of pavements of existing paved roads, driveways and the edges of existing traveled ways, within or adjacent to public rights-of-way and easements or within private common rights-of-way.

3. Approximate existing property lines and approximate boundaries of existing easements within the park, with the names of owners of record of easements.

4. The proposed space and street layout with scaled dimensions of the spaces.

5. The approximate width, location and purpose of all existing and proposed easements.
6. Street widths of streets and easements, approximate grade, approximate point of grade change, and radii or curves along the centerline of each street.

7. Areas designated for public and/or common purpose.

8. Location, approximate grade, direction of flow and type of facility of existing and proposed drainage channels, storm drains, culverts, streams and water courses.

9. A vicinity map showing roads, adjoining subdivisions, towns, creeks and other data sufficient to locate the proposed park and show its relationship to the community.

10. The line of high and low water and flood plain on all spaces abutting any lake, river, stream, reservoir, or other body of water.

11. North arrow and scale for maps, and contour interval.

12. Existing and proposed use of all existing structures.

13. Approximate tops of fills and tops of cuts in excess of five (5) feet.

14. Parking areas and access solutions for individual spaces.

15. Where a travel trailer park is being added to an existing mobile home park, or where an existing recreational vehicle or travel trailer park is being expanded, all existing spaces and facilities shall be shown.

16. Location of existing and proposed dump and comfort stations.

17. Size and location of existing trees and riparian areas.

18. A title as selected by the park developer.

19. Names and addresses of the legal owner of the property, park developer, and civil engineer or licensed land surveyor or person who prepared the map.

20. Location of existing and proposed sewage disposal facilities.

43.40. PROCEDURES FOR CONVERSION, CLOSURE OR CESSATION OF USE OF MOBILE HOME PARKS (Ord. No. 2836, 09/20/2007)

43.41 Purpose: The purpose of the Mobile Home Park Conversion procedure is to ensure that any conversion of these parks to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of a proposed conversion, and that relocation and other assistance is
provided to park residents when warranted, consistent with the provisions of this ordinance and the California Government Code, Section 65863.7 and 66427.4.

43.42 **Applicability:** The regulations of this Article shall apply to conversion, closure or cessation of use of all mobile home parks permitted by this Chapter.

43.43 **Vacancy Rate in Excess of 20% - Notice Required.** The following shall apply when any mobile home park in the County has a vacancy rate of 20% or greater of the total number of spaces in existence in the mobile home park.

a) Whenever twenty (20%) percent or more of the total number of mobile home sites or mobile homes at a mobile home park are vacant or otherwise uninhabited and such situation was not caused by physical disaster, including but not limited to fire, flood, storm, earthquake, landslide, or by another natural condition beyond the control of the owner or operator of the mobile home park, the owner or operator of the park shall file with the Community Development Director a written notice informing the County of the current vacancy rate at the park. For purposes of this Chapter, a mobile home site is "uninhabited" or "vacant" when it is either:

1. Unoccupied by a mobile home, or
2. Occupied by a mobile home in which no persons reside.

3. A mobile home shall not be considered vacant for purposes of this Chapter if rent is being paid pursuant to a bona fide rental or lease agreement and the mobile home is merely unoccupied.

b) The written notice to the Community Development Director from the owner or operator of the mobile home park shall clearly state any known reasons for the vacancy rate to be in excess of 20% and whether or not the property owner intends in the immediate future to convert the mobile home park to another use.

c) If it is determined that the owner of the mobile home park intends to apply for a conversion of the mobile home park to another use, the Community Development Director shall immediately inform the property owner of the requirements of this Chapter.

43.44 **Application requirements:** The conversion of an existing mobile home park to another use shall require a use permit to be reviewed and approved by the Planning Commission pursuant to Article 51 of this Chapter. An application for such permit shall include the following and such other information as may be required by the Community Development Department:

a) A general description of the proposed use to which the mobile home park is to be converted, including a narrative and site plan.

b) The proposed timetable for implementation of the conversion and development of the site.

c) 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 residents of the mobile home park consistent with Section 65863.7 of the California Government Code. The conversion impact report shall include the following information:
1. Detailed description of the mobile home spaces within the mobile home park, including but not limited to:
   i. The total number of mobile home spaces in the park and the number of spaces occupied;
   ii. The length of time each space has been occupied by the present resident(s) thereof;
   iii. The age, size, and type of mobile home occupying each space;
   iv. The monthly rent currently charged for each space, including any utilities or other costs paid by the present resident(s) thereof to the park owner;
   v. Name and mailing address of the primary resident(s) of each mobile home within the mobile home park in a paper or electronic format acceptable to the Community Development Department.

2. A list of all comparable mobile home parks within the County of Lake. This list shall include the number of spaces and vacancies, a schedule of rents, and the criteria for acceptance of new tenants and mobile homes.

3. An analysis of the economic impact of the relocation on each resident including the estimated costs of moving a mobile home and personal property to a comparable mobile home park.

4. A relocation plan for which the applicant agrees to pay all reasonable moving expenses to a comparable mobile home park within Lake County to any mobile home resident who relocates from the park after County approval of the Use Permit authorizing conversion of the park. The reasonable cost of relocation and moving expenses shall include the cost of relocating a displaced homeowner’s mobile home, accessories, and possessions, including the costs for disassembly, removal, transportation, and reinstallation of the mobile home and accessories at the new site, and replacement or reconstruction of the blocks, skirting, siding, porches, decks, awnings, storage sheds, cabanas, or earthquake bracing if necessitated by the relocation; indemnification for any damage to personal property of the resident caused by the relocation, reasonable living expenses of displaced park residents from the date of actual displacement to the date of occupancy at the new site; payment of any security deposit required at the new site; and the reasonable difference (up to 25%) between the rent paid in the existing park and any higher rent at the new site for the first twelve (12) months of the relocated tenancy. Relocation assistance shall not exceed the in-place value of a unit. When any resident has given notice of his intent to move prior to County approval of the Use Permit, eligibility to receive moving expenses shall be forfeited.

5. If the Planning Commission determines that a particular mobile home cannot be relocated to a comparable mobile home park within the County of Lake, and the mobile home owner has elected to sell his or her mobile home, the relocation plan shall identify those mobile homes, the reasons why the mobile homes cannot be relocated as provided for in Section 43.44 (c)-4, then the Planning Commission shall, as a part of the reasonable cost of relocation as provided for in Government Code Section 65863.7(e) require the applicant to provide for purchasing the mobile home of a displaced home owner at its in-place market value. Such value shall be
determined after consideration of relevant factors, including the value of the mobile home in its current location including the blocks and any skirting, siding, porches, decks, storage sheds, cabanas, and awnings, and assuming the continuation of the mobile home park in a safe, sanitary, and well maintained condition, and not considering the affect of the change of use on the value of the mobile home. If a dispute arises as to the in-place value of a mobile home, the applicant and the homeowner shall have appraisals prepared by separate, or mutually agreed upon, qualified MAI appraisers with experience in establishing the value of mobile homes. The Planning Commission shall determine the in-place value based upon the average of the appraisals submitted by the applicant and mobile home owner.

d) Upon filing an application for a Use Permit for conversion, the Community Development Director shall inform the applicant of the requirements of Civil Code Section 798.56 and Government Code 65863.8 regarding notification of the mobile home park residents concerning the proposed conversion. The Community Development Director shall specify in writing to the applicant the information that must be submitted in order to adequately notify all existing residents as required by the California Government Code, the California Civil Code, and this Chapter.

e) No Increase in Rent. A resident's rent shall not be increased within two (2) months prior to filing an application for conversion of a mobile home park, nor shall the rent be increased an amount greater than the Consumer Price Index for one (1) year from the date of filing of the conversion application or until relocation takes place, whichever is later.

43.45 Required Findings: The Planning Commission may approve a permit for a mobile home park conversion if it finds that the proposed conversion meets the following requirements, in addition to the requirements of Section 21-51.

a) That the proposed use of the property is consistent with the General Plan or any community plan, and all applicable provisions of this ordinance are met;

b) That the residents of the mobile home park have been adequately notified of the proposed conversion, including information pertaining to the anticipated timing of the proposed conversion.

c) That there exists land zoned for new or replacement comparable mobile home parks or adequate space is available in other comparable mobile home parks within the County of Lake for the residents who will be displaced.

d) That the conversion will not result in the displacement of any residents without other acceptable options to mitigate loss of housing.

e) That the age, type, size, and style of mobile homes to be displaced as a result of the conversion will be able to be relocated into other comparable mobile home parks within the County of Lake or that the applicant has agreed to purchase any mobile home that cannot be relocated at its in-place value as provided for in this Chapter.

f) That if the mobile home park is to be converted to another residential use, the mobile home residents to be displaced shall be provided the right of first refusal to purchase, lease, rent, or otherwise obtain residency in the replacement dwelling units, and the
construction schedule for such replacement dwelling units shall not result in a
displacement of unreasonable length for those mobile home residents electing to
relocate in these replacement units;

g) That any mobile home residents displaced as a result of the conversion shall be
compensated by the applicant for all reasonable costs incurred as a result of their
relocation; and

h) That the relocation plan mitigates the impacts of the displacement of individuals or
households for a reasonable transition period and mitigates the impacts of any long-
term displacement.

43.46 Conditions of Approval: Consistent with Section 21-51, the Planning Commission
shall impose the following conditions of approval for a use permit for a mobile home
park conversion, in addition to any other conditions:

a) The applicant shall implement a relocation plan that shall make adequate provisions
for the relocation of all mobile homes and mobile home residents to be displaced as a
result of the conversion. Such plan shall include provisions to relocate such mobile
homes and mobile home residents in comparable mobile home parks within the
County of Lake. A replacement mobile home park shall be deemed comparable if it
provides substantially equivalent park facilities and amenities, space rental and fees,
and location, i.e., proximity to public transportation, medical and dental centers,
shopping facilities, recreation facilities, religious and social facilities, etc.

b) The applicant shall bear all reasonable costs of relocating mobile homes and mobile
home residents displaced by the conversion. Such costs shall include, but not be
limited to: the cost of moving the mobile home to its new location; the cost of
necessary permits, installations, landscaping, site preparation at the mobile home's new
location; the cost of moving personal property; and the cost of temporary housing, if
any. Such costs may also include the cost of in place value of mobile homes which can
not be relocated, pursuant to section 43.44(c)(5) or establishing a new mobile home
park for the relocation of displaced mobile homes.

c) The Planning Commission shall establish the date on which the permit for conversion
will become effective. Such date shall not be less than one year from approval of the
use permit, provided that conversion at an earlier date may be approved if the
Commission receives a written petition requesting an earlier date signed by a majority
of those persons residing in the subject mobile home park at the time of the public
hearing to consider the conversion application. The effective date of the approval in
such a case shall be the date set forth in the petition. Conversion at the earlier date may
be approved only if the applicant has complied with all the provisions of an approved
relocation plan and submitted evidence of such compliance to the Community
Development Director.

43.47 Issuance of Grading and/or Building Permits.

a) No building or grading permit shall be issued for the development of a new use to
which a mobile home park is being converted, pursuant to this Chapter unless and until
the applicant has filed with the Community Development Director a verified statement
made under penalty of perjury that all conditions of approval have been met or
otherwise incorporated into the final project plans including the payment of all required relocation assistance required pursuant to this Chapter. Such statement shall identify in itemized form each payee, the amount paid, the date of payment, and the type of relocation or other assistance for which each such payment was made.

43.48 Violations.

a) In addition to any remedies or penalties for noncompliance with any County Ordinance as provided elsewhere in the County Code, any park owner or applicant who violates any rights of any mobile home owner or mobile home resident established under this Chapter shall be liable to said person for actual damages caused by such violation, plus costs and reasonable attorney's fees. In addition, no park owner shall take any willful action to threaten, retaliate against, or harass any park resident with the intent to prevent such residents from exercising his or her rights under this Chapter.

(Ord. No. 2836, 09/20/2007)
ARTICLE 44

SEC. 21-44 REGULATIONS FOR RESIDENTIAL CONDOMINIUM CONVERSIONS.

44.1 Purpose: The purpose of this Article is to ensure safe housing by the establishment of performance criteria for the conversion of existing residential structures to owner occupied single-family residential uses. (Ord. No. 1749, 7/7/1988)

44.2 Applicability: The regulations of this Article shall apply to the conversion of existing residential structures originally built for sale, rent or lease to residential condominiums, stock cooperatives, timeshare condominiums or similar developments.

44.3 Major use permit required: Any proposal for the conversion of existing residential structures to a condominium stock cooperative, timeshare condominium or similar development is permitted in all districts subject to first obtaining a major use permit in each case.

44.4 Definitions:

(a) **Apartment**: A rental dwelling unit in a structure designed or used to house two or more families living independently of each other;

(b) **Condominium, including but not limited to, residential condominium, stock cooperative or timeshare condominium**: A separately owned dwelling unit in a building containing two or more units, as defined in Section 783 of the Civil Code;

(c) **Project**: The entire parcel of real property, including all structures, all or part of which is currently rented or leased as apartments and which is proposed to be converted to condominiums and divided, as land or air space, into two or more lots, parcels or units.

(d) **Repealed (Ord. No. 1749, 7/7/1988)**

(e) **Repealed (Ord. No. 1749, 7/7/1988)**

44.5 Application requirements:

(a) The applicant for a condominium conversion shall provide the County with a use permit application which shows in detail: (Ord. No. 1749, 7/7/1988)

1. Copy of tentative subdivision map;

2. Dimensions and locations of each building and dwelling unit;

3. Location of each common area;
4. Location and dimensions of each parking garage, carport, parking area, accessway or other on-site area reserved for vehicular use; *(Ord. No. 1749, 7/7/1988)*

5. Areas for exterior storage space for individual occupants;

6. Location of all amenities to be provided within common areas for the enjoyment and use of individual unit owners;

7. Landscape plan which specifies plant location, species, quantity and size.

(b) Economic and demographic information: The applicant requesting approval of a condominium conversion shall also provide the County with specific information concerning the economic and demographic characteristics of the project, including, but not limited to, the following:

1. Tenant profile information, including percentage of senior citizens and families with young children, and length of occupancy for each occupant of the project and an indication of the number of tenants desiring to purchase converted units within the project;

2. Square footage and number of rooms in each unit;

3. Current rent for each unit, including the date and amount of the last two (2) rent increases;

4. Estimated market value or sales price of each unit;

5. Terms of proposed assistance, discount or other financing program to be offered to present tenants for the purchase of converted units;

6. Availability of comparable rental units of a similar rental range within the community;

7. Any relocation assistance to be offered by the applicant, including the payment of moving expenses incurred by the present tenants.

(c) Tenant’s notice and option: The applicant shall provide proof that each tenant:

1. Has notice per the requirements of Section 66427.1(a) of the State of California Subdivision Map Act; and *(Ord. No. 1749, 7/7/1988)*

2. Will be given notice per the requirements of Sections 66427.1(b), (c) and (d) of the State of California Subdivision Map Act; and *(Ord. No. 1749, 7/7/1988)*
3. A notice of intent to convert units to condominiums was posted on the premises; and

4. A notice of public hearing on the application was mailed to each tenant postage prepaid at least 10 days before the date set for the hearing.

(d) Structural reports: The applicant shall submit to the County Planning Department:

1. A report prepared by a California licensed architect, or civil or structural engineer detailing the structural condition of each building and structure on the property, with specific reference to the extent that any condition existing on the property is unsafe or dangerous; (Ord. No. 1749, 7/7/1988)

2. A structural pest report, prepared by a California licensed structural pest control operator, relating to the presence or absence of wood-destroying pests and organisms, or dry rot; (Ord. No. 1749, 7/7/1988)

3. A report prepared by a California licensed architect, or civil or structural engineer showing that the wall separation and the floor and ceiling separation between units meet the soundproof standards of the current Uniform Building Code requirements adopted by the County. (Ord. No. 1749, 7/7/1988)

   i. If the report shows that these standards are not met, the applicant shall, as a condition of approval, enter into an agreement with the County, secured in the manner provided in Government Code Sections 66499-66499.10, to correct the condition within a stated period of time.

(e) Homeowners association declaration of covenants, conditions and restrictions: At the time of filing, the applicant must provide a declaration of covenants, conditions and restrictions for the condominium project which shall provide for:

1. The homeowner’s association shall be established before homes are sold;

2. Membership shall be mandatory for each home buyer and any successive buyer;

3. The homeowners’ association shall be responsible for property taxes, and maintenance of common open space and recreational and other common facilities unless the Planning Commission approves another entity other than a homeowners’ association, including provisions for:

   i. An agreement for common area maintenance, including facilities and landscaping, together with an estimate of
the initial assessment fees anticipated for the maintenance;

ii. Provision for maintenance of vehicular access areas within the project; and

iii. Provisions for maintenance of all utility lines and services for each unit.

4. Homeowners shall pay their pro-rata share of all costs of the association. The assessment levied by the association can become a lien on the delinquent homeowners’ property;

5. The association shall be able to adjust the assessment to meet changed needs.

(f) Other information required: In addition to the information required in the above Sections, the applicant may be required to submit other pertinent information which, in the opinion of the Planning Director, will assist in determining whether the proposed conversion is consistent with the purposes of this Article.

44.6 RESERVED.

44.7 Performance standards: No proposal for condominium conversion shall be approved unless the project meets the following standards:

(a) Insulation: Each dwelling unit shall conform to the current noise and energy insulation standards under the Uniform Building Code as adopted by the County or other applicable law or regulation.

(b) Fire Safety: Each dwelling unit shall meet Uniform Fire Code Standards for one-hour fire separation between common walls of individual units. Each dwelling unit shall have at least one approved smoke detector capable of detecting products of combustion other than heat.

(c) Parking: For each dwelling unit of one-bedroom or less, there shall be a minimum of one and one-half on-site parking spaces, one of which must be covered. For each dwelling unit of two bedrooms or more, there shall be a minimum of two on-site parking spaces, one of which shall be covered.

(d) Utilities: As available, each dwelling unit shall be separately metered for gas, electricity and water, unless the County approves a plan for equitable sharing of communal metering. Separate water shut-off valves shall be provided for each dwelling unit, or for each individual fixture.
(e) Trash areas: Each area for trash placement and pick-up shall be adequately designed, and all refuse shall be removed on a regularly scheduled basis from the premises.

(f) Vibration mitigation: Permanent mechanical equipment which the Building Inspector determines is a potential source of vibration or noise shall be shock mounted or otherwise mounted in a manner approved by the Building Inspector to lessen the transmission of vibrations or noise.

(g) Storage space: At least two hundred (200) cubic feet of enclosed, weatherproof, lockable storage space shall be provided for each unit. It may be either inside or outside of the unit, but if outside, the location shall bear a reasonable relation to the location of the unit.

(h) Directory: Addresses for all dwelling units and directory maps if found by the County to be necessary, shall be prominently displayed at appropriate places of public or private access within or adjacent to the project.

44.8 **Findings required:** The County shall deny approval of the application for condominium conversion unless it finds that:

(a) The proposal is consistent with the objectives, policies and elements of the General Plan and any applicable specific plan, excluding consideration of the density of existing units, unless additional dwelling units are proposed;

(b) The design of the project creates an acceptable balance between and provides reasonable relationships among the structures and their units, private yard areas, open spaces, parking areas and recreational facilities; and

(c) The proposed conversion is consistent with the purposes of this Article.

(d) The tenant notice requirements of applicable state law have been or will be met by conditions of approval of the use permit or tentative subdivision map approval. *(Ord. No. 1749, 7/7/1988)*
ARTICLE 45

SEC. 21-45 REGULATIONS FOR SIGNS.

45.1 Purpose: To provide regulations for signs that recognize the economic benefit of providing adequate identification, direction and advertisement, while protecting the aesthetic appearance of the physical community. It is further intended to restrict signs which may contribute to traffic accidents or otherwise threaten the public health and safety. Nothing in this article shall be interpreted as limiting the exercise of any right guaranteed by the First Amendment to the U.S. Constitution. (Ord. No. 2225, 9/1/1994)

The following regulations shall apply to all districts and uses except where specific sign regulations for uses are contained in this Chapter, in which case the specific regulations for the use shall apply.

45.2 Definitions:

(a) Bulletin board sign: A sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

(b) Directional sign, on-site: A sign designed to guide or direct pedestrian or vehicular traffic.

(c) Double-faced sign: A sign with two surfaces against, upon or through which the message is displayed. Both surfaces of a double-faced sign must be parallel to each other and must be tied together into one integral unit with no visible air space between the surfaces.

(d) Freestanding sign: Any sign erected upon or standing on the ground, supported from the ground by one or more poles, columns, uprights or braces.

(e) Indirect lighting: The illumination of a sign by a light source that is not a component part of the sign, such as spotlights.

(f) Internal lighting: The illumination of a sign by a light source that is a component part of the sign itself, including neon.

(g) Occupancy frontage: The length of that portion of a building occupied by a single business abutting a street or alley or parking area, or other means of customer access such as an arcade, mall, or walkway.

(h) Off-site sign: A sign which directs attention to a business, commodity, service, use or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
On-site sign: Any sign used exclusively to advertise the sale or lease of the property upon which such sign is located, to designate the name of the owner or occupant of the premises or to advertise the uses, business conducted, services rendered, or goods produces or sold upon the property upon which such sign is located.

Political sign: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Portable sign: A sign that is not permanent, affixed to a building, structure, or ground, including sandwich signs, and wheel mounted bulletin board signs.

Projecting sign: Any sign which is suspended from or is supported by a wall or building and which projects more than one (1) foot outward therefrom.

Roof sign: A sign mounted upon and projecting above a roof, eave or other architectural features such as, but not limited to, mansards and parapets.

Shopping center: A group of commercial establishments, the perimeter of which is clearly definable, developed on a contiguous area of land, planned and developed as a single unit and providing on-site parking appropriate to the number, types and sizes of stores.

Sign area computation: The area of each sign surface shall be computed by calculating the area within the frame enclosing the letters or material which composes the sign, or, where there is no frame, by calculating the area of the surface upon, against or through which the message is displayed. Where a sign is composed of separate letters which are placed or painted on a building or other similar surface not designed specifically for sign presentation, the sign area shall be computed on the basis of a shape closest to the extremities encompassing individual letters or words.

Street frontage: The front lot line of a lot abutting the right-of-way line of a public or private street, excluding alleys to which such property has the legal right of access.

Temporary sign: Any sign, banner, pennant, or advertising display consisting of any material intended to be displayed for a short period of time only.

Wall sign: Any sign posted or painted on, suspended from or otherwise affixed to the wall of any building or structure in such a position that is essentially parallel to the wall of the building and projecting not more than one (1) foot from such wall.

45.3 Special purpose signs - permitted:
The following special purpose signs are permitted uses in all zoning districts, except as provided for in Section 45.23:
(a) Directional, warning or informational signs required or authorized by law which are erected by federal, state, county or municipal officials.

(b) Official notices issued by a court, public body or office and posted in the performance of a public duty.

(c) Danger signs and signs of public utility companies indicating danger and aids to service or safety.

(d) House numbers.

(e) Flags, emblems and insignia of a nation or political subdivision.

(f) Commemorative signs or plaques of recognized historical organizations.

(g) Signs on licensed vehicles.

(h) Signs which are not intended to be viewed from public streets and are not legible therefrom adjacent properties, such as signs in interior areas or shopping centers, commercial buildings and structures, ball parks, stadiums, race tracks and similar uses of a recreational or entertainment nature.

(i) Religious symbols or insignia.

(j) Holiday decorations, not identifying a business name or product.

(k) Statuary signs incorporating three-dimensional replicas of persons, animals, products or trademark figures in whole or in part.

(l) Murals or other art with no advertising copy.

(m) No Trespassing and No Parking signs and similar warning signs.

(n) Incidental signs showing trading stamps offered, credit cards accepted, notices of services required by law, trade affiliations, and the like, attached to a free-standing sign, structure or building.

(o) On-site directional signs designed to guide or direct pedestrian or vehicular traffic.

(p) Signs on awnings or removable canopies not permanently attached to or built as part of a building.

(q) Name plate signs located on the premises giving the name or address, or both, of the owner or occupant of a building or premises.
Temporary window signs painted directly onto the window or constructed of paper, cloth or similar expendable material that are affixed only to the interior window surface or painted onto the window surface for a short period of time to promote a particular sale of products or merchandise.

Bulletin board signs for public, philanthropic, charitable or religious organizations or agencies.

Identification signs identifying multiple dwellings, clubs and similar uses of premises.

Community identification signs solely to identify a community, its civic, fraternal, and religious organizations, and its community slogan or motto.

Temporary on-site construction site signs identifying contractors or subcontractors currently conducting work on the premises and future businesses.

Temporary real estate signs advertising the sale, lease or rental of property on which located.

Temporary political signs, subject to the following conditions;

1. No political signs shall be erected earlier than ninety (90) days prior to the election in which the candidate or measure will be voted upon.

2. All political signs shall be removed within ten (10) days of the close of the campaign. Signs on behalf of a political candidate who is successful in the primary election may be retained for the general election.

3. The maintenance and removal of political signs is the responsibility of the candidate or sponsor.

Temporary grand opening signs and mobile searchlights for a period not exceed four (4) weeks. Grand opening signs are permitted during an on-site use’s original opening, or upon a change in ownership of an existing on-site use or upon an expansion of an existing use or building.

Signs which move or revolve, or display any moving or revolving parts, provided that signs larger than twelve (12) square feet shall require a minor use permit.

Airborne devices such as blimp or balloons if less than six (6) feet in size in major dimension.

Attention-attracting signs such as flags, banners, pennants, streamers and similar devices.

Self-illuminated signs.
(dd) Signs with variable lighting, provided that signs larger than twelve (12) square feet shall require a minor use permit.

(ee) Any other signs or works of art which are not mentioned in this ordinance, which signs or works of art do not conflict with the purposes of intent set forth in the articles of this ordinance; and which signs or works of art do not cause adverse effects or harm to people, property or the environment.

SEC. 21-45.10 ON-SITE SIGNS.

45.11 On-Site sign regulations for signs in the Local Commercial “C1” District:

(a) Two (2) individual sign shall be permitted for any use. The size of the sign shall not exceed one-half (.5) square foot per foot of occupancy frontage. No matter how small the frontage of an establishment, at least sixteen (16) square feet in area of signing will be allowed. All signs may be illuminated.

(b) Signs may consist of a wall sign, roof or a projecting sign.

(c) Notwithstanding any other provision of this section, for each individual occupancy, the total area of signs shall not exceed four hundred (400) square feet in area.

(d) In addition to the signs listed above, a neighborhood shopping center may have: One (1) free-standing sign not to exceed twenty-five (25) feet in height or sixty (60) square feet in area on any one face. The total sign area of signs with more than one face shall not exceed one hundred twenty (120) square feet. There shall be a common theme to the signing of a shopping center. The theme should include some identifiable common element or elements such as: dimension, construction material, color scheme, lighting or lettering style. All signs in the center shall be integral components of the common theme.


(a) The total area of signing shall not exceed one (1) square foot in area for each linear foot of street or occupancy and lake frontage, except that any commercial operation may have up to thirty-two (32) square feet of signing, regardless of street or lake frontage. Lake frontage shall be used only in calculating sign areas for lake-oriented signs. All signs may be illuminated.

(b) For double-faced signs, the maximum area of any one face shall not exceed one hundred (100) square feet, however, only one face shall be counted as part of the total allowed sign area. For signs with more than two (2) parallel faces, all surfaces shall be included as part of the total sign area.
(c) Where the face of a building is twenty (20) or more feet in height below the eave, the signing allowance for that frontage may be increased one (1) percent in area for each foot above the initial twenty (20) feet.

(d) Signing may consist of any combination of one (1) free-standing sign per occupancy, plus any number of projecting signs, roof signs or wall signs. Corner lots and through lots may have one free-standing sign facing each frontage provided that the total allowable sign area is not exceeded.

(e) Notwithstanding any other provision of this section, for each individual occupancy, the total area of signs shall not exceed four hundred (400) square feet in area.

(f) A free-standing sign shall not exceed a height of twenty-five (25) feet at the front property line. This height may be increased to a maximum of thirty-five (35) feet by providing one (1) foot of setback for each additional foot in height.

(g) One (1) portable sign may be permitted per parcel. Any permitted portable sign shall be limited to eight (8) square feet on any one face, provided overall sign area on the parcel is not exceeded. Portable signs shall be located outside of any right-of-way.

(h) In addition to the above requirements, a shopping center may have one (1) free-standing sign not to exceed twenty-five (25) feet in height or fifty (50) square feet in area on any one face. The total area of signs with more than one face shall not exceed one hundred (100) square feet in area. There shall be a common theme to the signing of a shopping center. The theme should include some identifiable common element or elements such as: dimension, construction material, color scheme, lighting or lettering style. All signs in the center shall be integral components of the common theme. Free-standing signs for individual occupancies shall be prohibited.


(a) As a permitted use: Appurtenant signs as specified in Section 45.11 for the “C1” Local Commercial district.

(b) Permitted with a minor use permit: Appurtenant signs as specified in Section 45.12 for the “C2” Community Commercial district.

45.16 Off-site community identification signs and directional signs proposed by local business associations are permitted in all districts subject to review and approval by the Community Development Director in consultation with Lake County Marketing Director and Director of Public Works. Signs shall be consistent with the following standards (Ord. 2670, 12/25/2003):

45-6
(a) Sign copy of community identification signs shall be limited to identifying the types of services available in the community, and shall not advertise businesses. One community identification sign per road leading to the community is allowed. Signs shall not exceed 75 square feet, measured on one side.

(b) Directional signs shall not exceed 15 square feet, including any emblems or local symbols. Directional signs shall be located near intersections of public roads to direct visitors to the community or other attractions such as public parks, lake access or airports. Signs shall be placed so as not to obstruct sight distance or result in traffic safety hazards. Sign copy shall be limited to the community name, or words such as “Park”, “Lake Access”, or “Airport”, with an arrow pointing in the appropriate direction.

(c) All signs for each community shall include a common design theme with consistent colors, scale and insignia, and shall be subject to the performance standards of Section 45.24 of this Chapter. (Ord. 2670, 12/25/2003)

SEC. 21-45.20 OUTDOOR ADVERTISING AND OFF-SITE SIGNS.

45.21 One (1) outdoor advertising and off-site sign no larger than thirty-two (32) square feet in total surface area per face is permitted per lot in all districts except the “R1” and “O” base zoning districts and “SC” combining district. Temporary real estate signs not exceeding thirty-two (32) square feet are permitted in any district.

45.22 Off-site outdoor advertising (billboard) signs are permitted in the “C3”, “M1”, “M2” and “PDC” districts subject to first obtaining a major use permit in each case; and subject to the following regulations:

(a) No more than four hundred (400) square feet in area per face.

(b) One (1) sign per lot maximum.

(c) Maximum sign height from ground level to bottom of sign: twelve (12) feet.

(d) Signs shall be non-illuminated or illuminated by indirect lighting.

45.23 Off-site outdoor advertising signs permitted in the “SC” Scenic Combining District, subject to first obtaining a major use permit in each case:

(a) When an “SC” combining district has been established, no off-site sign is permitted, except for one category sign not more than ten (10) square feet in area, carrying words or symbols to denote “Roadside Business”; “Food-Lodging-Gas”; “Resort Area”, or similar words or symbols, which may identify an individual person, firm or place of business. Category signs shall be generally uniform in size, shape, lettering and appearance, to a design approved by the Planning Commission.
45.24 Performance standards: The following performance standards shall apply to all signs permitted in this chapter and article:

(a) Signs permitted by this chapter shall conform to the size, location, height and other development and performance standards established for the zone in which they are located, except as may be modified herein. Signs permitted by Section 45.3 shall be permitted within any required yard area. All other permitted signs may be located within any required yard area upon securing a minor use permit in each case, or as part of a major use permit, upon the finding that the location of the sign is necessary for visibility due to topographical, vegetative or other existing physical constraint.

(b) All lighted signs shall be so located or shielded to prevent glare to surrounding properties or public streets. No sign shall be so lighted as to in any way endanger public safety by causing distraction to operators of motor vehicles on the streets and highways.

(c) All signs shall in no way endanger the health and safety by causing distraction to operators or motor vehicles on the streets and highways. Location, lighting and color of signs shall not cause confusion with public signs and traffic signals.

(d) Except for awning signs and projecting signs reviewed and approved by the Department of Public Works, no sign shall be erected in such a manner that any portion of its surface or supports is located within, or hangs over, any public right-of-way including streets, roads, flood control or maintenance easements, and navigable waters.

(e) No sign shall be painted, marked, posted, fastened, or in any manner affixed to any curb, street sign post, or any sign or signal erected for the purpose of directing or warning traffic or to any telephone, telegraph or electric light pole, tree or shrub located in any park or public right-of-way.

(f) No permit for any sign shall be issued, and no sign shall be constructed or maintained, where said sign has less horizontal or vertical clearance from communications lines and energized electrical power lines, than that prescribed by the laws of the State of California, or rules and regulations duly promulgated by agencies thereof.

(g) No sign shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window.

(h) The maintenance of a sign or support structure or the changing of sign copy not involving any increase in size shall not constitute a new sign and does not require any permits by this chapter.

ARTICLE 46

SEC. 21-46 REGULATIONS FOR PARKING.

46.1 Purpose: To assure the provision and maintenance of safe, adequate, well-designed off-street parking facilities in conjunction with any use or development; to reduce street congestion and traffic hazards; and to promote an attractive environment through design and landscaping standards for parking areas. The following regulations shall apply to all districts and uses except where specific parking regulations for uses are contained in other Articles of this Chapter, in which case the specific regulations for the use shall apply.

46.2 Applicability: The following minimum off-street requirements for the parking of automobiles shall apply to all buildings erected, enlargements of existing uses, and uses initiated after the effective date of this Section.

46.3 Exceptions:

(a) The requirements set forth in this Article shall be considered minimums, and shall not prevent the Review Authority, as part of any use permit or development review approval, from requiring additional spaces, design modifications or improvements as deemed necessary.

(b) The parking requirements of this Article may be reduced by minor use permit when the following findings are made by the Review Authority:

1. The characteristics of a use or its immediate vicinity do not necessitate the number of parking spaces, type of design, or improvements required by this Chapter; and

2. That reduced parking will be adequate to accommodate on the site all parking needs generated by the use.

(c) Change in use: Additions and enlargements

1. Whenever there is a change in occupancy which does not increase the need for additional parking by more than two spaces, no additional parking shall be required.

2. Expansions or enlargements of existing buildings shall provide additional parking corresponding to the amount required for the expansion only.

3. No additional parking facilities shall be required solely because of the remodeling of an existing use or building unless there is a change in the use or increase in floor area or other unit of measurement.
46.4 Units of measurement:

(a) For the purpose of this Article, “floor area” shall mean the total area of all floors of a building as measured to the surfaces of interior walls and including corridors, stairways, elevator shafts, attached garages, porches, balconies, basements, and offices.

(b) Indoor or outdoor places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each eighteen (18) inches of such shall be counted as one (1) seat for the purpose of determining requirements for off-street parking.

46.5 Required number of spaces: Parking spaces for residential, commercial, industrial, and public service uses shall be provided as specified below. For any use not specifically mentioned herein, the Review Authority shall determine the amount of parking required.

<table>
<thead>
<tr>
<th>Uses</th>
<th>Spaces required</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Residential uses</td>
<td></td>
</tr>
<tr>
<td>1. Single-family dwelling, duplex</td>
<td>Two (2) spaces per dwelling unit. (Ord. No. 2305, 10/19/1995)</td>
</tr>
<tr>
<td>or mobile home on individual lots</td>
<td></td>
</tr>
<tr>
<td>(Ord. No. 2128, 1/14/1993)</td>
<td></td>
</tr>
<tr>
<td>2. Triplex, fourplex or multifamily</td>
<td>Two (2) spaces per dwelling unit; and</td>
</tr>
<tr>
<td>dwelling</td>
<td>One half (1/2) guest parking space for each dwelling unit; and (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)</td>
</tr>
<tr>
<td></td>
<td>For multifamily dwellings, one (1) recreational vehicle parking space per five (5) dwelling units; (Ord. No. 2305, 10/19/1995)</td>
</tr>
<tr>
<td>3. Rooming or boarding house;</td>
<td>One (1) parking space per rentable room in addition to the parking required for the</td>
</tr>
<tr>
<td>dormitory</td>
<td>residence; for dormitories, one hundred (100) square feet of floor area shall be considered a bedroom.</td>
</tr>
</tbody>
</table>
4. Mobilehome in a mobilehome park

Two (2) per dwelling unit; and

One (1) recreational vehicle parking space per five (5) dwelling units; and

One (1) visitor parking space per four (4) dwelling units. *(Ord. No. 2305, 10/19/1995)*

(b) Commercial uses

1. General

Four (4) spaces; or the following, whichever is greater.

2. Retail Store *(Ord. No. 2172, 8/12/1993)*

   - Personal service establishment, barber or beauty salon
   - One (1) space per two hundred fifty (250) square feet of floor area for structures up to two thousand (2,000) square feet of floor area;
   - Eight (8) spaces, or one (1) space per three hundred (300) square feet of floor area for structures exceeding two thousand (2,000) square feet of floor area but less than five thousand (5,000) square feet of floor area, whichever is greater;
   - Seventeen (17) spaces, or one (1) space per four hundred (400) square feet of floor area for structures exceeding five thousand (5,000) square feet of floor area, whichever is greater
   - One (1) space per two hundred fifty (250) square feet of floor area or two (2) spaces for each barber or beautician, whichever is greater. *(Ord. No. 2172 8/12/1993)*

3. Banking, finance, loans, law, real estate, or general administrative service

   - Bank which provides drive-through service
   - One (1) space per three hundred (300) square feet of floor area.
   - As provided in Section 46.16.

4. Restaurant, bar, cocktail lounge

   One (1) space for each fifty (50) square feet of floor area used for seating, dancing and assembly.
<table>
<thead>
<tr>
<th></th>
<th>Use Description</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Hotel, motel and similar use</td>
<td>One (1) space per bedroom; one (1) recreational vehicle space per four (4) units; plus two (2) spaces for the manager’s office. <em>(Ord. No. 2128, 1/14/1993)</em></td>
</tr>
<tr>
<td>6</td>
<td>Service station, not including convenience stores which sell gas.</td>
<td>Two (2) spaces for each working bay plus one (1) space for each employee on the largest shift.</td>
</tr>
<tr>
<td>7</td>
<td>Minor and major auto repair; body and fender shop</td>
<td>One (1) space per five hundred (500) square feet of floor area.</td>
</tr>
<tr>
<td>8</td>
<td>Cabinet, plumbing, heating and electrical shop; construction support service</td>
<td>One (1) space per six hundred (600) square feet of floor area.</td>
</tr>
<tr>
<td>9</td>
<td>Commercial service establishment or retail store which handle only bulky merchandise such as furniture, household appliances, fireplaces</td>
<td>One (1) space per six hundred (600) square feet of floor area.</td>
</tr>
<tr>
<td>10</td>
<td>Outdoor sales facility such as automobile, boat, mobile home, or trailer sales or rental lot, retail nursery and other commercial uses not in an enclosed building</td>
<td>One (1) space for each two thousand (2,000) square feet of display area.</td>
</tr>
<tr>
<td></td>
<td>Commercial rummage sale and flea market</td>
<td>One (1) space per two hundred (200) square feet of sales area.</td>
</tr>
<tr>
<td></td>
<td>Contractor’s storage yard</td>
<td>One (1) space per three thousand (3,000) square feet of lot area.</td>
</tr>
<tr>
<td>11</td>
<td>Mini-storage warehouse.</td>
<td>One (1) space per each on-site employee.</td>
</tr>
<tr>
<td>12</td>
<td>Recreational and entertainment:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Spectator type, e.g. theater, auditorium, skating rink, sports arena:</td>
<td>Without fixed seats, one (1) space per fifty (50) square feet of floor area; with fixed seats, one space per four (4) fixed seats.</td>
</tr>
<tr>
<td></td>
<td>Participating type:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dance hall</td>
<td>One (1) space per fifty (50) square feet of floor area.</td>
</tr>
<tr>
<td></td>
<td>Tennis and racquetball court</td>
<td>Two (2) spaces per court.</td>
</tr>
<tr>
<td></td>
<td>Spa, health club and the like</td>
<td>One (1) space per two hundred (200) square feet of area.</td>
</tr>
<tr>
<td>Public swimming</td>
<td>One (1) space per one hundred twenty-five (125) square feet of pool area.</td>
<td></td>
</tr>
<tr>
<td>Miniature golf course</td>
<td>One and one-half (1 ½) parking spaces for each hole.</td>
<td></td>
</tr>
<tr>
<td>Golf course</td>
<td>Three (3) spaces per hole plus one (1) space per two hundred fifty (250) square feet of building area used for commercial purposes.</td>
<td></td>
</tr>
<tr>
<td>Driving range</td>
<td>One (1) space per tee, or ten (10) feet of lateral distance on an unimproved tee.</td>
<td></td>
</tr>
<tr>
<td>Game room/amusement arcade</td>
<td>One (1) parking space per two hundred (200) square feet of floor area.</td>
<td></td>
</tr>
<tr>
<td>Commercial stable and riding academy</td>
<td>One (1) parking space for each stall or three (3) horses, whichever is greater.</td>
<td></td>
</tr>
</tbody>
</table>

(c) **Industrial uses**

1. **General**

   Four (4) spaces; or the following, whichever is greater.

2. **Manufacturing**

   One (1) space per six hundred (600) square feet of floor area; or one (1) space for each employee on the shift having the largest number of employees, whichever is greater.

3. **Warehousing**

   One (1) space per two thousand five hundred (2,500) square feet of floor area.

4. **Incidental office**

   One (1) space per two hundred fifty (250) square feet of floor area.

5. **Vehicle and freight terminal**

   Two (2) spaces per loading bay.

(d) **Public service uses**

1. **General**

   Four (4) spaces; or one (1) space per two hundred fifty (250) square feet of floor area; or the following, whichever is greater.

2. **School, college and university:**

   - **Kindergarten and nursery school**
     One (1) space for each employee plus one (1) space for each ten (10) children.
   - **Elementary and junior high school**
     One (1) space for each employee plus one (1) space for each eight (8) students.
Senior high school
College, university and institutions of higher learning; business and professional school or college; trade, art and craft school or college; music and dancing school

| 3. Church | One (1) space for each employee plus one (1) space for each six (6) students.  
One (1) space for each three (3) students. |

(e) Health and care facilities
1. General
   Four (4) spaces, or the following, whichever is greater.

2. Hospital or other health facility
   One (1) space for each two (2) beds, plus one (1) space for each six hundred (600) square feet of area.

3. Medical, dental, chiropractic office or clinic
   Four (4) spaces per doctor or one (1) space per two hundred fifty (250) square feet of floor area, whichever is greater.

4. Rest home and other community care facility
   One (1) space for each two (2) beds plus one (1) space for manager or owner.

5. Small and large animal clinic
   One (1) space per three hundred (300) square feet of floor area.

46.6 REPEALED. (Ord. No. 2172, 8/12/1993)

SEC. 21-46.10 PERFORMANCE STANDARDS.

46.11 Space requirements:

(a) A required off-street open parking space shall not be less than nine (9) feet in width and not less than twenty (20) feet in length (9’ x 20’), exclusive of access drives or aisles, ramps, posts or other uses of space. Such space shall have a vertical clearance of not less than seven (7) feet.

(b) If a parking lot includes ten (10) parking spaces or more, then one small car space of not less than seven and one-half (7 ½) feet in width and not less than sixteen (16) feet in length (7.5’ x 16’) may be permitted. For each (8) spaces thereafter, a
small car space may be provided. All compact spaces shall be clearly marked and permanently identified.

(c) Parking lots with twenty (20) or more spaces may replace regular spaces with motorcycle spaces at a ratio of one motorcycle space per each twenty (20) required spaces. Motorcycle spaces are to be a minimum three (3) feet in width and six (6) feet in length (3’ x 6’).

(d) Parallel parking: Space dimensions are to be nine (9) feet in width and twenty two (22) feet in length (9’ x 22’). Aisle widths for parallel parking are to be twelve (12) feet in width for one-way aisles and twenty-four (24) feet in width for two-way aisles.

(e) Handicapped parking: Every parking facility serving commercial, industrial and public uses shall include parking stalls for the physically handicapped. Parking stalls for the handicapped shall have a minimum width of fourteen (14) feet and a minimum length of twenty (20) feet (14’ x 20’). The number of handicapped parking stalls required shall be one (1) per forty (40) spaces, but in no case less than one (1) space, and shall meet the requirements of the State Building Code, Chapter 2-7102, et.seq.

Exceptions to this requirement may be made by the Review Authority when the circumstances of the particular case meet the requirements for exceptions of the State Building Code, Chapter 2-7102, et.seq. (Ord. No. 1749, 7/7/1988)

(f) Bicycle parking: A minimum of one (1) post or rail type bicycle rack or similar device shall be provided for each fifteen (15) spaces in any parking lot for the following:

1. In any “C1”, “C2”, or “CR” district; or

2. For the following uses a minimum of one (1) rack and additional racks at the above rate: Gamerooms and amusement arcades, bowling alleys, theaters, tennis courts, swimming pools, skating rinks, miniature golf courses, public service uses and buildings, schools, sports arenas and stadiums.

Required bicycle racks, posts or similar devices should provide for one or more bicycles and should be located near the entrance of the building(s) or use they serve and not interfere with vehicular or pedestrian circulation and be designed to provide for locking of the bicycle to the rack.

(g) Shopping carts: Uses proposing to utilize shopping carts, including but not limited to, variety stores, junior department stores, home improvement centers, hardware stores, and grocery stores shall provide area(s) within the parking lot for the storage of shopping carts. These storage areas shall be specifically marked as
such and shall be constructed in a manner which will physically contain the carts and not interfere with vehicular or pedestrian circulation.

(h) Recreational vehicle (RV) parking spaces: Required spaces shall not be less than ten (10) feet in width and twenty (20) feet in length (10’ x 20’) when located in a parking lot; or a minimum area of three hundred twenty-five (325) square feet shall be provided per required space when separate storage parking lots are proposed, provided that such lots are fenced and screened by solid fencing or landscaping. *(Ord. No. 1749, 7/7/1988)*

46.12 Maintenance of parking spaces:

(a) No parking area or parking space provided for the purpose of complying with the provisions of this Article shall thereafter be eliminated, reduced, or converted in any manner unless equivalent facilities approved by the County are provided elsewhere in conformity with this Article. The permit for the use for which the parking was provided shall immediately become void upon the failure to comply with the requirements of this Article.

46.13 Location requirements:

(a) Parking required in any district shall be located on the same lot as the building or use that it is to serve, or located on an adjacent or contiguous lot pursuant to an agreement with the County that the lots in question be held as one lot for the life of the project or merged to create one lot, except as provided in Subsections (b) and (d) below. Off-street parking shall be available without charge except for public institutions.

(b) Off-street, off-site, and non-contiguous parking lots may be permitted when located within three hundred (300) feet of the lot line, containing the building or use that the parking is to serve subject to a minor use permit, or when located further than three hundred (300) feet of the lot line, containing the building or use the parking is to serve subject to a major use permit, and provided that the parking lot is in the same ownership as the use, or is under a recorded lease with the use that provides that the parking will exist as long as the use it serves, unless the parking is replaced with other spaces that satisfy the requirements of this Article. *(Ord. No 2559, 06/21/2001)*

(c) Shared on-site parking adjustment: Where two (2) or more nonresidential uses are on a single site, the number of parking spaces may be reduced through adjustment at a rate of five (5) percent for each separate use, up to a maximum of ten (10) percent as long as the total number of spaces is not less than required for the use requiring the largest number of spaces. The parking adjustment shall be reviewed and approved by the Review Authority.

(d) Joint use parking adjustment: Where two (2) or more nonresidential uses propose to share parking spaces on or off-site, the applicant shall meet the applicable requirements of Subsection (b) and the applicant shall show that there is no
substantial conflict in the operating hours or uses. The required parking shall equal that of the use requiring the higher number of parking spaces pursuant to this Article. An on-site parking adjustment shall be reviewed and approved by the Review Authority.

(e) Any off-street parking space, whether open or enclosed, shall be located so as to be individually accessible and useable for the parking of motor vehicles, except as provided in Section 46.14.

(f) Uncovered parking in any required yard area bordering a street is prohibited except in the case of single-family residential, duplex, triplex or fourplex residential development provided that such parking is in tandem to and adjacent to required covered parking. (*Ord. No. 2128, 1/14/1993*)

(g) Handicapped stalls shall be located so that the handicapped person will not be required to wheel behind parked cars other than parked cars for the handicapped, while entering or exiting the parking area. Said stalls shall be located as close as possible to the main entrance of the building. Except as provided in Chapter 2-7102 of the State Building Code, each parking stall for the physically handicapped shall be clearly identified with posting immediately adjacent to and visible from each stall or space, a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

Exceptions to this requirement may be made by the Review Authority when the circumstances of the particular case meet the requirements for exceptions of the State Building Code, Chapter 2-7102, et.seq. (*Ord. No. 1749, 7/7/1988*)

46.14 Access requirements:

(a) Parking lots are to be designed and improved to prevent vehicular access at any point other than designated points of ingress (entrance) or egress (exit). This applies to both commercial and residential areas. Driveway access locations shall be approved by the Review Authority.

(b) Each developed site shall not have more than two (2) accessways to any one street, except as provided for in a required use permit.

(c) There should be a minimum distance of twenty-four (24) feet between driveway curb cuts along any street frontage.

(d) No driveway shall be allowed to encroach closer than twenty (20) feet to the end or beginning of the radius on any street corner unless approved by the Department of Public Works.

(e) The width of a driveway providing access to a parking lot from the public street or between separate parking areas on a site is to be a minimum of twelve (12) feet for one-way access, twenty (20) feet for multiple-family residential, and commercial or industrial two-way access. (*Ord. No. 1749, 7/7/1988*)
(f) No driveway entering onto a right-of-way shall exceed a width of thirty (30) feet.

(g) For commercial use a driveway access grade of no more than eight (8) percent shall be allowed for the first forty (40) feet, thereafter a grade of over twelve (12) percent shall not be acceptable without prior approval of Planning Department and Department of Public Works.

(h) For single-family residential uses in all “APZ”, “A”, “TPZ”, “RL”, “RR” and “SR” zoning districts, the first fifty (50) feet of a driveway beginning at the edge of the existing improved surface shall be constructed and maintained with an all-weather surface. An all weather surface includes: Six (6) inches of gravel or crushed rock, an oil and rock surface, asphaltic concrete, or concrete.

In all other zoning districts, all driveways shall be constructed and maintained with an all-weather surface of asphaltic concrete or concrete unless another all-weather surface is approved by the Review Authority. (Ord. No. 1749, 7/7/1988)

46.15 Design specification requirements: Parking lots shall be designed according to minimum specifications as set forth in this Section and Table 1. A sample parking and circulation plan is provided in Figure 1 to show how the minimum specifications may be applied. (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)

(a) The required front yard setback dimension (A) as shown in Figure 1 shall be as specified for the zone in which the parking lot is to be located or as provided in Article 41; however, such dimension shall not be less than ten feet (10) unless modified as permitted in Article 41.

(b) The wheelstop setback dimension (E) as shown in Figure 1 shall be a minimum of three (3) feet.

(c) The minimum driveway width (F) at any parking stall angle less than forty five (45) degrees, including parallel stalls, shall be twelve (12) feet as shown in Figure 1.

(d) The turnaround or end driveway width (G) as shown in Figure 1 shall be a minimum of eighteen (18) feet.

(e) Parking areas are to be designed so as to not require or encourage cars to back out into a public street, public or private pedestrian walk, or public alley, in order to leave the lot or to maneuver out of the parking space.

(f) Except as provided for in Section 46.13(f), no parking space shall be designed to back out directly toward a right-of-way without a minimum clearance between
right-of-way and the rear of the stall of twenty five (25) feet at a ninety (90) degree angle.
Table 1. **Required parking and circulation dimensions.**

<table>
<thead>
<tr>
<th>ANGLE</th>
<th>STALL WIDTH (B)</th>
<th>STALL DEPTH (C)</th>
<th>STALL DEPTH (D)</th>
<th>DRIVEWAY WIDTH (F)</th>
</tr>
</thead>
<tbody>
<tr>
<td>45°</td>
<td>12.7'</td>
<td>33.2'</td>
<td>19.8'</td>
<td>12.0'</td>
</tr>
<tr>
<td>60°</td>
<td>10.4'</td>
<td>37.5'</td>
<td>21.0'</td>
<td>15.0'</td>
</tr>
<tr>
<td>90°</td>
<td>9.0'</td>
<td>38.0'</td>
<td>20.0'</td>
<td>25.0'</td>
</tr>
</tbody>
</table>

(Note: For any given parking angle not specifically listed in Table 1, use a table angle nearest the given angle, or an average of the two appropriate measurements.)

(g) Parking may be designed to include tandem parking only in the following situations:

1. In a parking area serving a single-family dwelling, duplex, triplex, or fourplex residential development where the tandem parking is not more than two (2) cars in depth provided that such parking is in tandem to and adjacent to required covered parking. *(Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)*

2. In a public garage or public parking lot where all parking is performed by attendants at all times, or for public assembly facilities and temporary events where user arrivals and departures are simultaneous and parking is attendant-directed.

3. For all-day employee parking lots restricted to employee use, provided that required aisle widths are maintained, and no more than fifty (50) percent of the employee spaces are designed for tandem use.

(h) All parking lots providing ten (10) or more spaces, or any parking lot which contains angled parking, shall provide permanent directional markers to indicate driveway location and circulation pattern.

(i) Parking lot spaces serving multifamily residential, commercial and industrial uses which face sidewalks, walkway curbs or landscaped perimeters shall be provided with adequate wheel stops.

(j) All parking lots containing four (4) or more spaces shall be required to submit a landscaping plan as set forth in Article 41, Section 41.9.

(k) A parking lot of four (4) or more spaces shall be surfaced with an asphaltic, cement, or other appropriate pavement material to provide a durable surface. It shall be graded and drained to dispose of all surface water accumulated, and shall be
arranged and marked to provide for orderly and safe loading, unloading, parking and storage of vehicles.
Figure 1. Sample parking and circulation plan.

Refer to Table 1 for dimensions.

46-12a
46.16 Drive-in and drive-through facilities: In addition to the parking space requirements of Section 46.5, retail or service commercial uses providing drive-in and drive-through services shall provide the following:

(a) Staking area: An area that is physically separated from other traffic circulation on the lot shall be provided for cars waiting for drive-through service. The stacking area is to accommodate at least four (4) cars per drive-through window in addition to the car(s) receiving service. Separation of the stacking area from other traffic shall be by concrete or asphalt curb.

(b) Lane separation: An on-site circulation pattern shall be provided for drive-through traffic that separates such traffic from that of parking customers. Separation should be by paint-striped lanes from the point of lot access to the stacking area. Such lanes shall be at least ten (10) feet wide.

(c) Access driveways or lanes to drive-through windows shall diverge, not converge.

(d) Directional signs: Signs are to be provided that indicate the entrance, exit and one-way path of drive-through lanes.

46.17 Off-street loading facilities:

(a) In any district, in connection with every building, or part thereof, erected and having a gross floor area of ten thousand (10,000) square feet or more, which building is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same parcel with such building, at least one (1) off-street loading space, plus one (1) additional off-street loading space for each twenty thousand (20,000) square feet, or major fraction thereof, of gross floor area.

(b) Retail nurseries shall have one (1) loading space per each acre of use area.

(c) Each loading space shall be not less than thirty-five (35) feet in length and twelve (12) feet in width and have an overhead clearance of at least fourteen (14) feet.

(d) A loading space shall not be located in a required front yard and shall be screened from adjoining sites by a fence of not less than eight (8) feet when adjacent to an “R” district. Further, sufficient room for the turning and maneuvering of vehicles must be provided on the site. Required loading spaces shall not interfere with the access to any required parking lot or space.
ARTICLE 47

SEC. 21-47  ORDINANCE TEXT AMENDMENT AND REZONING AMENDMENT.

47.1 Purpose: To establish the procedures by which amendments may be made in both the text of the Zoning Ordinance; and the applications thereof to the land within Lake County by amendment of the sectional district maps by rezoning, whenever such changes are warranted by the community welfare, public necessity, or changes in state law and the General Plan.

47.2 Applicability: Any amendment to this Chapter which changes any property from one district to another district; or imposes any regulation upon property not theretofore imposed or removes or modifies any such regulation, shall be initiated and adopted as hereinafter set forth in this Article. Any other amendment to this Chapter may be adopted as other ordinances are amended or adopted.

SEC. 21-47.10  ORDINANCE TEXT AMENDMENT.

47.11 Initiation: The text of this Chapter may be amended whenever the Board of Supervisors deems that the amendment will be in the best interest of the public. Text amendments may be initiated by:

(a) A resolution of intention by the Board of Supervisors.

(b) A resolution of intention by the Planning Commission.

47.12 Public hearing by the Planning Commission - Notice Required:

(a) Upon receipt of a complete application, or resolution of intention of amendment, the Planning Commission shall set a date for a public hearing thereon.

(b) Notice of the hearing shall be given pursuant to Section 57.2 of this Chapter, except as provided in Subsection (c) below.

(c) If the proposed ordinance text amendment affects the permitted uses of real property, notice of the hearing shall be given pursuant to Section 57.3 of this Chapter.

47.13 Public hearing by the Planning Commission - Recommendation to the Board of Supervisors: After the close of the public hearing, the Planning Commission shall render its final decision on the proposed Ordinance text amendment. Within ten (10) days of said final decision, the Planning Commission shall transmit its decision in the form of a written recommendation to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed
Ordinance or amendment to the Lake County General Plan, and a copy of the proposed amendment.

47.14 Public hearing by the Board of Supervisors - Notice Required:

(a) Upon receipt of the recommendation of the Planning Commission, the Board of Supervisors shall set a date for a public hearing thereon.

(b) Notice of the hearing shall be given pursuant to Section 57.2 of this Chapter, except as provided in Subsection below.

(c) If the proposed ordinance text amendment affects the permitted uses of real property, notice of the hearing shall be given pursuant to Section 57.3 of this Chapter.

47.15 Action by the Board - Decision: Follow any hearing, the Board may approve, modify or disapprove the recommendation of the Planning Commission; provided that any modification of the proposed ordinance or amendment by the Board not previously considered by the Planning Commission during its hearing, shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference, or such longer period as may be designated by the Board of Supervisors, shall be deemed to be approval of the proposed modification.

47.16 Abandonment of ordinance text amendment: The Board of Supervisors, or the Planning Commission may by resolution abandon any proceeding for an Ordinance text amendment initiated by its own resolution of intention, but only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

SEC. 21-47.20 REZONING AMENDMENT.

47.21 Initiation of rezoning: Amendment of the boundaries of any zoning districts established by this Chapter as shown on any adopted sectional district map may be initiated by:

(a) A petition by one or more owners of property which is the subject of the proposed amendment.

(b) A resolution of intention by the Board of Supervisors.

(c) A resolution of intention by the Planning Commission.

47.22 Application:
(a) A rezoning amendment initiated by any one other than the Board of Supervisors or Planning Commission shall require filing with the Planning Department an application requesting a rezoning amendment of the zoning ordinance, a list of the names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved; and shall be accompanied by a fee as established by the Board of Supervisors; and any other information required by the Planning Department as provided in Article 55.

(b) Applicants requesting a change to a County zoning map shall submit as many copies as required by the Planning Department of an Exhibit “A” zoning map (sectional district map), which shall indicate clearly the requested zoning district(s) and the zoning map shall meet the requirements of the County Surveyor.

47.23 Public hearing by the Planning Commission - Notice Required:

(a) Upon receipt of a complete application, or resolution of intention of amendment, the Planning Commission shall set a date for a public hearing thereon.

(b) Notice of the hearing shall be given pursuant to Section 57.2 of this Chapter, except as provided in Subsection (c) below.

(c) If the proposed rezoning amendment to a zoning ordinance affects the permitted uses of real property, notice of the hearing shall be given pursuant to Section 57.3 of this Chapter.

47.24 Public hearing by the Planning Commission - Recommendation to the Board of Supervisors:

(a) After the close of the public hearing, the Planning Commission shall render its final decision of the proposed rezoning amendment. Within ten (10) days of said final decision, the Planning Commission shall transmit its decision in the form of a written recommendation to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed rezoning amendment to the Lake County General Plan, and a copy of the proposed amendment.

(b) The recommendation of the Planning Commission shall also be transmitted to the party requesting the rezoning amendment of the zoning ordinance.

47.25 Public hearing by the Board of Supervisors - Notice Required:

(a) Upon receipt of the recommendation of the Planning Commission, the Board of Supervisors shall set a date for a public hearing thereon, except as provided in Subsection (b) below.

(b) If the Planning Commission has recommended against the adoption of the rezoning amendment and makes no alternative recommendation, the Board of
Supervisors shall not be required to take any further action on the rezoning amendment unless an interested party requests a hearing by filing a written request with the Clerk of the Board of Supervisors within five (5) days after the Planning Commission files its recommendations with the Board.

(c) Notice of the hearing shall be given pursuant to Section 57.2 of this Chapter, except as provided in Subsection (d) below.

(d) If the proposed ordinance rezoning amendment affects the permitted uses of real property, notice of hearing shall be given pursuant to Section 57.3 of this Chapter.

47.26 Action by the Board - Decision: Following any hearing, the Board of Supervisors may approve, modify or disapprove the recommendation of the Planning Commission; provided that any modification of the proposed rezoning amendment by the Board of Supervisors not previously considered by the Planning Commission during its hearing, shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference, or such longer period as may be designated by the Board of Supervisors, shall be deemed to be approval of the proposed modification.

47.27 Abandonment of rezoning amendment: With the consent of the Planning Commission, any petition for a rezoning amendment may be withdrawn at any time upon the written application of a majority of all persons who signed such petition. The Board of Supervisors, or the Planning Commission may by resolution abandon any proceeding for rezoning amendment initiated by its own resolution of intention, but only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.
ARTICLE 48

SEC. 21-48    ZONING CLEARANCE PERMIT.

48.1 Zoning clearance: A zoning clearance permit shall be required for all buildings and structures hereinafter erected, constructed, altered, repaired or moved within or into any district established by this Chapter, and for any use requiring a grading permit, building permit or any permit required in this Code, or for a change in the character of the use of land, within any district established by this Chapter. No building permit shall be issued until the zoning clearance permit portion thereof has been issued by the Planning Department and any other permit required by this chapter has been issued and become effective. The zoning clearance permit is a ministerial act. (Ord. No. 1974, 12/20/1990; Ord. 2224, 3/17/1994)

48.2 Required submittals: A request for a zoning clearance shall be accompanied by plans showing the details of the proposed use to be made of the land or building, and any other information required by the Planning Department as provided in Article 55.

48.3 Findings required for approval:

The Planning Department shall issue a zoning clearance, which shall be effective upon issuance, if all of the following findings are made: (Ord. No. 2128, 1/14/1993)

(a) The proposed use is a permitted use in the district where located and is consistent with the general plan.

(b) The proposed use meets the performance and development standards of the district in which it is located.

(c) The proposed use complies with the performance standards of Article 41.

(d) Any other permit required for the proposed use by this Chapter has been issued and become effective.

(e) That no violation of Chapters 5, 17, 21, 23, or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis. (Ord. No. 2128, 1/14/1993)

48.4 Expiration and revocation: Notwithstanding Article 60, a zoning clearance permit for a building permit or Health Department on-site sewage disposal permit shall expire upon the expiration or revocation of the applicable building or health permit, upon the occurrence of an amendment to the Zoning Ordinance which precludes the use for which the zoning clearance permit was issued, or in two (2) years, whichever comes first, unless the permit has been vested pursuant to Section 60.1(a). All other zoning clearance permits shall expire or may be revoked as provided for in Article 60. (Ord. No. 2128, 1/14/1993)
ARTICLE 49

SEC. 21-49  ZONING PERMIT.

49.1 Zoning permit:  Zoning permits, revocable, conditional and/or valid for a term period, may be issued for those uses authorized by Table A in Article 27 of this Chapter.  Zoning permits shall be issued by the Planning Director in the manner, and subject to the conditions, as specified in Article 27.  The zoning permit is a ministerial permit.

49.2 Application:  Application for a zoning permit shall be made in writing by the owner of the property; or lessee, purchaser in escrow or optionee with the written consent of the owner; on a form prescribed by the Planning Department.  The application shall be accompanied by any applicable fee in an amount to be set by the Board of Supervisors, and plans showing the details of the proposed use to be made of the land or building, and any other pertinent information required by the Planning Department as provided in Article 55.  

(Ord. No. 1749, 7/7/1988)

49.3 Public hearing and notice:

(a)  No public hearing is required.

(b)  The Review Authority for zoning permits shall be the Planning Director or his designee.

(c)  No public notice is required.

49.4 Findings required for approval:  The Review Authority shall approve a zoning permit if all of the following findings are made:

(a)  That the proposed use is a permitted use in the district where located and is consistent with the general plan.

(b)  That the proposed use does meet the development standards of the district in which it is proposed.

(c)  That the proposed use does comply with the performance standards of Article 41 when indicated in Section 27.3.

(d)  That the proposed use is listed as a permitted use in Table A, Section 27.2, and meets the specific conditions required in Section 27.3.

(e)  That the applicant has executed the zoning permit agreeing to:

1.  Obtain all applicable Building, Health, and Public Works Department permits, and agricultural clearances prior to issuance of the zoning clearance;

2.  Comply with the conditions of Section 27.3;
3. Operate the approved use at all times in conformance with the conditions of Section 27.3 and as described in the zoning permit application.

(f) That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis. (Ord. No. 2128, 1/14/1993)

49.5 Permit issuance: Upon payment of any applicable fees and a determination by the Planning Director that the requirements of Section 49.4 have been met, the Planning Director shall issue the zoning permit. The zoning permit shall be effective upon issuance. Where applicable, the zoning permit may be issued at the same time as other required permits.

49.6 Appeals: Appeals shall be filed, noticed and heard in the manner provided for administrative appeals in Section 58.10.

49.7 Expiration: A zoning permit shall expire as provided for in Article 27. All other zoning permits not so specified in Article 27 shall expire or be revoked as provided for in Article 60. (Ord. No. 2128, 1/14/1993)

49.8 Revocation: Zoning permits may be revoked as provided in Article 60.
ARTICLE 50

SEC. 21-50 MINOR USE PERMIT.

50.1 Minor use permit: Minor use permits revocable, conditional and/or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this Chapter. The Board of Supervisors, Planning Commission or Zoning Administrator may impose such conditions as they deem necessary to secure the purposes of this Chapter and may require tangible guarantees or evidence that such conditions are being, or will be, complied with. The Planning Director may require that the Review Authority for a proposed minor use permit be the Planning Commission by requiring a major use permit when proposed uses are not in compliance with all applicable performance standards pursuant to the criteria of Section 41.3. (Ord. No. 1749, 7/7/1988)

50.2 Application: Application for a minor use permit shall be made in writing by the owner of the property; or lessee, purchaser in escrow or optionee with the written consent of the owner; or by a public utility company or other agency with the powers of eminent domain, on a form prescribed by the Planning Department. The application shall be accompanied by a fee in an amount to be set by the Board of Supervisors, and plans showing the details of the proposed use to be made of the land or building, and any other pertinent information required by the Planning Department as provided in Article 55. (Ord. No. 1749, 7/7/1988)

50.3 Action by Zoning Administrator:

(a) Upon receipt of a minor use permit application that is determined by the Planning Department to be complete, the Planning Department shall set the matter for a public hearing before the Zoning Administrator in the following manner:

1. Not less than ten (10) calendar days prior to the proposed issuance, written notice of the proposed issuance of a minor use permit shall be given by mail or delivery by the Planning Director to all owners shown on the last equalized assessment roll as owning real property as follows:

   i. If the real property which is the subject of the hearing is five (5) acres or less in size, notice shall be given to owners of all real property within three hundred (300) feet of the real property which is the subject of the hearing.

   ii. If the real property which is the subject of the hearing is more than five (5) acres in size, notice shall be given to owners of all real property within seven hundred (700) feet of the real property which is the subject of the hearing.

   iii. Said notice shall also be published one (1) time in at least one (1) newspaper of general circulation within the county at least ten (10) days prior to the proposed date of approval.

2. The written notice shall declare that the requested minor use permit may be issued without a public hearing if no written request for hearing is filed
with the Planning Department within ten (10) calendar days of the date of mailing.

3. If no appeal or request for hearing is filed with the Planning Department, the minor use permit may be issued by the Zoning Administrator without a public hearing.

4. If an appeal or request for a hearing by the applicant or other affected person is filed at the Planning Department pursuant to this Subsection, the Planning Director shall schedule a public hearing and provide notice of the hearing as provided for in Article 57.

5. Appeals pursuant to this Section shall be accompanied by a fee as established by the Board of Supervisors. (Ord. No. 2172, 8/12/1993)

50.4 Findings required for approval:

(a) The Review Authority may only approve or conditionally approve a minor use permit if all of the following findings are made:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use. (Ord. No. 2128, 1/14/1993)

4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project. (Ord. No. 1749, 7/7/1988)

5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.

6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in
violation so as not to be affected by the violation from a public health, safety or general welfare basis.  *(Ord. No. 2128, 1/14/1993)*

**50.5 Permit issuance and appeal period:** Minor use permits shall not be issued until seven (7) calendar days have elapsed from the granting thereof, and in case an appeal is filed from the Zoning Administrator or Planning Commission decision thereon shall not be issued until a decision has been made by the appellate body on such appeal. Minor use permits shall not have any force and effect until the permittee acknowledges receipt thereof and agrees in writing to each and every term and condition thereof.

**50.6 Appeals:**

(a) A decision of the Zoning Administrator on a minor use permit application may be appealed to the Planning Commission in accordance with the provisions of Section 58.20 et seq. of this Chapter.

(b) A decision of the Planning Commission on a minor use permit application may be appealed to the Board of Supervisors in accordance with the provisions of Section 58.30 et seq. of this Chapter.

**50.7 Reapplication:** Reapplication for denied minor use permits shall be as provided in Article 60.

**50.8 Expiration:** All minor use permits shall have an expiration period(s) as provided in Article 60.

**50.9 Revocation and modification:** Minor use permits may be revoked or modified as provided in Article 60.

**SEC. 21-50.10 ESTABLISHMENT OF THE ZONING ADMINISTRATOR.**

**50.10 Establishment:** There is hereby created the office of Zoning Administrator. The Zoning Administrator shall be the Planning Director or his designee.

**50.12 Responsibility of the Zoning Administrator:** The Zoning Administrator shall be the Review Authority for all minor use permits required or permitted by this Chapter and shall be responsible for such other duties as specified in this Chapter or by the Board of Supervisors.
ARTICLE 51

SEC. 21-51 MAJOR USE PERMIT.

51.1 Major use permit: Major use permits revocable, conditional and/or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this Chapter. The Board of Supervisors or Planning Commission may impose such conditions as they deem necessary to secure the purposes of this Chapter and may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

51.2 Application: Application for a major use permit shall be made in writing by the owner of the property; or lessee, purchaser in escrow or optionee with the written consent of the owner; or by a public utility company or other agency with the powers of eminent domain, on a form prescribed by the Planning Department. The application shall be accompanied by a fee in an amount to be set by the Board of Supervisors, and plans showing the details of the proposed use to be made of the land or building, and any other pertinent information required by the Planning Department as provided in Article 55. (Ord. No. 1749, 7/7/1988)

51.3 Public hearing and notice:

(a) A public hearing shall be held on any application for a major use permit.

(b) The Review Authority for major use permits shall be the Planning Commission.

(c) Notice of any public hearing shall be given as provided in Section 57.3.

51.4 Findings required for approval:

(a) The Review Authority may only approve or conditionally approve a major use permit if all of the following findings are made:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use. (Ord. No. 2128, 1/14/1993)
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project. (Ord. No. 1749, 7/7/1988)

5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.

6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis. (Ord. No. 2128, 1/14/1993)

51.5 Permit issuance and appeal period: Major use permits shall not be issued until seven (7) calendar days have elapsed from the granting thereof, and in case an appeal is filed from the Planning Commission decision thereon shall not be issued until a decision has been made by the Board of Supervisors on such appeal. Major use permits shall not have any force and effect until the permittee acknowledges receipt thereof and agrees in writing to each and every term and condition thereof.

51.6 Appeals: A decision of the Planning Commission on a major use permit application may be appealed to the Board of Supervisors in accordance with the provisions of Section 58.30 et seq. of this Chapter.

51.7 Reapplication: Reapplication for denied major use permits shall be as provided in Article 60.

51.8 Expiration: All major use permits shall have an expiration period(s) as provided in Article 60.

51.9 Revocation and Modification: Major use permits may be revoked or modified as provided in Article 60.
ARTICLE 52

SEC. 21-52   VARIANCES.

52.1 Variance: Variances, revocable, conditional and/or valid for a term period, from the development standards of this Chapter may be applied for and granted when because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the development standards of this Chapter are found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The Board of Supervisors or Planning Commission may impose such conditions as they deem necessary to secure the purposes of this Chapter and may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

52.2 Applicability:

(a) The provisions of this section shall apply to all zone districts.

(b) In no case shall a variance be granted to permit a use or activity which is not otherwise permitted in the district in which the property is located.

(c) Variances may only be granted from the regulations on land, buildings, and structures, and no variance may be granted from the procedural regulations of this Chapter.

52.3 Application: Application for a variance shall be made in writing by the owner of the property; or lessee, purchaser in escrow or optionee with the written consent of the owner; or by a public utility company or other agency with the powers of eminent domain, on a form prescribed by the Planning Department. The application shall be accompanied by a fee in an amount to be set by the Board of Supervisors. A plan of the details of the variance requested, other pertinent information required by the Planning Department as provided in Article 55 and evidence showing 1) that the granting of the variance will not be contrary to the intent of this Chapter or to the public safety, health and welfare, and 2) that due to special conditions or exceptional characteristics of the property, or its location, the strict application of this Chapter would result in practical difficulties and unnecessary hardships; and deprives such property of privileges enjoyed by other properties in the vicinity and identical zoning district. (Ord. No. 1749, 7/7/1988)

52.4 Public hearing and notice:

(a) A public hearing shall be held on any application for a variance.

(b) The Review Authority for variances shall be the Planning Commission.

(c) Notice of any public hearing shall be given as provided in Section 57.3.
52.5 **Findings required for approval:** The Review Authority may only approve or conditionally approve a variance if all of the following findings are made:

(a) That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the development standards of this Chapter are found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

(b) That any variance granted is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situate; and

(c) That the granting of the variance is in accordance with the intent of this Chapter, is consistent with the General Plan and will not be detrimental to the public safety, health and welfare, or injurious to other properties in the vicinity.

52.6 **Permit issuance and appeal period:** Variances shall not be issued until seven (7) calendar days have elapsed from the granting thereof, and in case an appeal is filed from the Planning Commission decision thereon shall not be issued until a decision has been made by the Board of Supervisors on such appeal. Variances shall not have any force and effect until the permittee acknowledges receipt thereof and agrees in writing to each and every term and condition thereof.

52.7 **Appeals:** A decision of the Planning Commission on a variance application may be appealed to the Board of Supervisors in accordance with the provisions of Section 58.30 et seq. of this Chapter.

52.8 **Reapplication:** Reapplication for denied variances shall be as provided in Article 60.

52.9 **Expiration:** All variances shall have an expiration period(s) as provided in Article 60.

52.10 **Revocation and Modification:** Variances may be revoked or modified as provided in Article 60.

**SEC. 21-50.20  VARIANCE FROM PARKING REQUIREMENTS.**

52.21 Parking variance: Notwithstanding any other provision of this Article, a variance may be granted from the parking requirements of this Chapter in order that some or all of the required parking spaces be located off-site, including locations in other local jurisdictions, or that in-lieu fees or facilities be provided instead of the required parking spaces, if both the following conditions are met:

(a) The variance will be an incentive to, and a benefit for, the non-residential development.
(b) The variance will facilitate access to the non-residential development by patrons of public transit facilities, particularly guideway facilities.
ARTICLE 53

SEC. 21-53 REGULATIONS FOR THE DESIGN REVIEW OR “DR” COMBINING DISTRICT.

53.1 Purpose: To insure aesthetic compatibility between uses, protect and enhance property values, protect scenic qualities, and promote community character through use of community design manuals. This district is intended to be established at the request of an original developer or a substantial segment of the population of an area. Within the “DR” Design Review combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of “DR” combining district. (Ord. 1749, 7/7/1998)

53.2 Applicability: The Design Review combining district should be applied in community shopping areas, along selected scenic routes, and in other areas where increased or coordinated aesthetic design standards are desirable. The zoning designation should be accompanied by adoption of community design manuals providing criteria for the review of development project.

53.3 Uses permitted: All uses permitted in the base zoning district upon first securing in each case a design review permit.

53.4 Exceptions: The Planning Director may waive the submission of or the requirement for a design review permit if the Director finds that 1) all the purposes of design review have been fulfilled by the approval of any other permit required by this Chapter; or 2) the project involves only interior alterations not materially changing the character of the use of the property; or 3) the project involves only minor exterior alterations not materially changing the character of the use of the property; or 4) the project is a single-family dwelling or mobile home meeting the residential construction standards of Section 10.20; or 5) the project is a residential accessory use or structure that in the opinion of the Planning Director will not be inconsistent with the purpose of the district. (Ord. No. 1749, 7/7/1988)
ARTICLE 54

SEC. 21-54 DESIGN REVIEW PERMIT.

54.1 Design review permit: Design review permits, revocable and conditional may be issued for any of the uses or purposes for which said permits are required or permitted by the terms of this Chapter. The Development Review Committee (Committee) may impose such conditions as they deem necessary to secure the purposes of this Chapter, Code or other County standards, and may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

Design review will help insure aesthetic compatibility between uses in community business districts and along designated scenic corridors where the Design Review combining district is applied. Design review shall include, but not be limited to, a review of the following: Traffic and circulation, building arrangement, setbacks, walls and fences, noise emissions and control measures, off-street parking, physical design, building exteriors, architectural design, grading, drainage, landscaping, lighting, signs, public services and utilities, community design criteria, development and performance standards and the interrelationships of these elements. (Ord. No. 1749, 7/7/1988)

54.2 Applicability: The Design Review combining district should be applied in community shopping areas, along selected scenic routes, and in other areas where increased or coordinated aesthetic design standards are desirable. The zoning designation should be accompanied by adoption of community design manuals providing criteria for the review of development projects. A design review permit should be required as follows except as provided in Subsection (c):

(a) Any use, structure or sign requiring a design review permit as specifically provided in the applicable zoning district regulations of this Chapter or as provided in Article 45.

(b) Any use requiring a design review permit as specifically required by the Zoning Administrator, Planning Commission or Board of Supervisors as a condition of approval of any permit.

(c) The Planning Director may waive the submission of or the requirement for a design review permit if the Director finds that 1) all the purposes of design review have been fulfilled by the approval of any other permit required by this Chapter; or 2) the project involves only interior alterations not materially changing the character of the use of the property; or 3) the project involves only minor exterior alterations not materially changing the character of the use of the property.

54.3 Application: The design review permit application shall be accompanied by any applicable fee in an amount to be set by the Board of Supervisors, and plans showing the details of the proposed use to be made of the land or building, and any other pertinent information required by the Planning Department as provided in Article 55.
54.4 Public hearing and notice:

(a) A public hearing shall be held on any application for a design review permit.

(b) The Review Authority for design review permits is the Development Review Committee.

(c) Notice of any public hearing shall be given as provided in Section 57.3.

54.5 Findings required for approval:

(a) The Review Authority shall only approve or conditionally approve a design review permit if all of the following findings are made:

1. That the proposed use is a permitted use in the district where located.

2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

3. That there are adequate public or private services, including but not limited to fire protection, water supply, and sewage disposal.

4. That the project is in conformance with the applicable provisions and policies of this Chapter, the Lake County General Plan and any approved zoning or land use study or plan.

5. That the placement and design of buildings and structures are compatible with existing development and will not detract from the visual setting.

6. That the project is in conformance with any applicable community design manual criteria.

7. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use. (Ord. No. 2128, 1/14/1993)

8. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis. (Ord. No. 2128, 1/14/1993)
54.6 Permit issuance and appeal period:

(a) Upon completion of review of a design review permit the Development Review Committee shall either:

1. Make such findings as are required by Section 54.5 and approve the application; or

2. Notify the applicant of those changes and modifications required for approval of the application; or

3. Deny the application if the Development Review Committee finds that:
   i. The application cannot be conditioned by adequate requirements to insure compliance with applicable regulations, or
   ii. The application cannot reasonably be modified to conform to the applicable regulations.

(b) Design review permits shall be effective upon issuance, unless within seven (7) calendar days of a decision by the Commission, the decision is appealed as provided for in Section 54.7. In case an appeal is filed, the design review permit shall not have any force or effect until a decision is made by the Review Authority on such appeal.

(c) Design review permits shall not have any force or effect until the permittee acknowledges receipt thereof and has agreed in writing to each and every term and condition thereof.

54.7 Appeals:

(a) A decision of the Development Review Committee on a design review permit application may be appealed to the Planning Commission in accordance with the provisions of Section 58.20 et seq. of this Chapter.

(b) A decision of the Planning Commission on a design review permit application may be appealed to the Board of Supervisors in accordance with the provisions of Section 58.30 et seq. of this Chapter.

54.8 Expiration: All design review permits shall have an expiration period(s) as provided in Article 60.
54.9 **Revocation:** Design review permits may be revoked in the manner and for the reasons as provided in Section 60.10.

*(Added by Ord. No. 1749, 7/7/1988)*
ARTICLE 55

SEC. 21-55 APPLICATIONS

55.1 Applications: Application forms shall be completed, signed and submitted to the Planning Department for any permit or other entitlement pursuant to this Chapter. Applications shall be accompanied by site plans, and other pertinent supporting documentation as required by the Planning Department, or submitted by the applicant in support of any application.

55.2 Information for application submittal: The applicant shall submit applications as specified in the Articles of this Chapter, and where no specific requirements are provided, the application shall include the following unless waived by the Planning Department:

(a) A site plan with all dimensions clearly indicated, and the following information as applicable:

1. North arrow and scale of drawing.

2. Site address.

3. Lot dimensions and boundaries; including the total area of property presented in square feet or acres.

4. Location of all existing and proposed structures, with dimensions, including height.

5. Distance from proposed structure(s) to property lines, centerline of the street or alley, and existing structures.

6. Walls and fences: Their location, height, and construction materials.

7. Public right(s)-of-way: With street names, route numbers, width of right-of-way, and surfacing.

8. Off-street parking: Location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.

9. Access: Pedestrian, vehicular, service; and delineations of all points of ingress and egress.

10. Signs: Location, size, height, and method of illumination.

11. RESERVED.


13. All easements.
14. Location of well and/or septic field, or indication that the property is to be served by public water and/or sewer.

15. Landscape plans.

(b) Information needed to determine that the performance standards of Article 41 will be met.

(c) Any request for amendment to the performance standards of Article 41 shall be in writing with an explanation of why the standard(s) should be waived.

(d) All required fees shall be paid at the time of filing the application with the Planning Department, and no processing shall commence until the fee is paid.

(e) When filed by an agent, contract purchaser or lessee, the application shall include a written statement signed by the property owner(s) indicating his or her endorsement of the application.

(f) A signed statement by the applicant indicating whether the project is located on a site which is included on any of the lists relating to hazardous waste, provided to the County by the State Office of Planning and Research pursuant to Government Code Section 65962.5. (Ord. No. 1749, 7/7/1988)

(g) Additional information:

1. Any additional pertinent information required by the Planning Department from the “List specifying required data for development projects” of Section 55.5.

2. The applicant may be requested to provide more detailed information on a project as part of the application requirements, including but not limited to the following: Soils reports; drainage plans; geologic, hydrologic, or seismic investigations; archaeological reports; biological studies; flood hazard reports; market analysis; fiscal impact studies; noise studies; traffic and circulation studies or other pertinent studies of a technical nature which would assist the Planning Department in its evaluation of, or mitigation of, any potential adverse impacts.

55.3 Application review procedure:

(a) The Planning Department shall, within thirty (30) days of the receipt of any development project application, notify the applicant in writing of the completeness of the application. Failure of the Planning Department to provide such notice shall be deemed to be acceptance of the application as complete.

(b) If the Planning Department determines that an application is incomplete, the Planning Department shall request any information not provided as required in Sections 55.2(a) through (f), or additional information as provided for in Section
55.2(g), within thirty (30) days of the receipt of any development project application. The Planning Department’s determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the Planning Department in response to the list and description. (Ord. No. 1749, 7/7/1988)

(c) Upon receipt of any resubmittal of the application, a new thirty (30) day period shall begin, during which the Planning Director shall again determine the completeness of the application.

(d) Not later than thirty (30) days after receipt of the submitted materials, the Planning Department shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that thirty (30) day period, the application together with the submitted material shall be deemed complete for the purposes of this Article.

(e) If the application, together with the submitted material are determined not to be complete pursuant to Subsection (d) above, the applicant may file an administrative appeal as provided in Section 55.4.

55.4 Administrative appeal procedure for determinations of incompleteness for development project applications: This Article shall apply to all applications for development projects which are processed by the Planning Department.

(a) Any applicant for a development project who, after having made a resubmittal in response to the Planning Department’s previous determination of incompleteness, is not satisfied with the Planning Department’s written determination that the resubmittal does not constitute a complete application, may, within seven (7) calendar days of the date of the Planning Department’s determination, file an administrative appeal in writing of said determination with the Planning Commission. Said appeal shall set forth the specific reasons the applicant is dissatisfied with the determination of the Planning Department.

(b) Upon receipt of such appeal and any required fee, the Planning Department shall set the matter for hearing before the Planning Commission. The Planning Department shall submit a report to the Planning Commission, setting forth its reasons for the determination of incompleteness. At the hearing, the Planning Commission shall hear such argument and evidence as the applicant, the Planning Department or other persons may present.

(c) Upon conclusion of the hearing, the Planning Commission shall, within sixty (60) calendar days after receipt of the applicant’s original written appeal, make a final written determination. The applicant and the Planning Commission may mutually agree to an extension of time for the Planning Commission to make its final written determination.
(d) The Planning Commission’s determination under Section 55.4 shall be final.

55.5 **List specifying required data for development project:** The Planning Department shall prepare one or more lists which shall specify in detail the information which will be required from any applicant for a development project. Copies of such information shall be made available to all applicants for development projects and to any person who requests such information.

55.6 **Preapplication site visit:** Any applicant desiring to apply for any permit or other entitlement pursuant to this Chapter may request a preapplication site visit with the Planning Department upon payment of the fee as established by resolution by the Board of Supervisors. Said fee shall be credited towards any application fee(s) required for the proposed project if any application is received within six (6) months of the date of the site visit. The Planning Director shall designate one or more members of the Department staff to meet with the prospective applicant regarding the project. The purposes of the site visit includes review of:

(a) The applicant’s conceptual design and development objectives;

(b) The environmental setting at the project site;

(c) Potential environmental impacts and mitigation measures associated with the project;

(d) The project’s consistency with the Lake County General Plan; and

(e) Other Lake County Code requirements.
ARTICLE 56

Sec. 21-56 DEVELOPMENT REVIEW PERMIT.

56.1 Development review permit: Development review permits, revocable, and conditional may be issued for any of the uses or purposes for which said permits are required or permitted by the terms of this Chapter. The Development Review Committee (Committee) may impose such conditions as they deem necessary to secure the purposes of this Chapter, Code, or other County standards, and may require tangible guarantees or evidence that such conditions are being, or will be, complied with. Development review shall include, but not be limited to, a review of the following: Traffic and circulation, building arrangement, setbacks, walls and fences, noise emissions and control measures, off-street parking, grading, drainage, landscaping, lighting, signs, public services and utilities, development and performance standards and the interrelationships of these elements. The development review permit is a ministerial permit. (Ord. No. 1749, 7/7/1988)

56.2 Applicability: A development review permit shall be required as follows except as provided in Subsections (c) and (d) (Ord. No. 1749, 7/7/1988):

(a) Any use, structure or sign requiring a development review permit as specifically provided in the applicable zoning district regulations of this Chapter or as provided in Article 45.

(b) Any use requiring a development review permit as specifically required by the Zoning Administrator, Planning Commission or Board of Supervisors as a condition of approval of any permit.

(c) The Planning Director shall waive the submission of or the requirement for a development review permit if the Director finds that 1) all the purposes of development review have been fulfilled by the approval of any other permit required by this Chapter; or 2) the project involves only interior alterations not materially changing the character of the use of the property; 3) the project involves only minor exterior alterations not materially changing the character of the use of the property, or 4) the use is proposed in an existing building and is listed as a permitted use in the zoning district in which it is located. (Ord. No. 2172, 8/12/1993)

(d) A development review permit is hereby waived whenever a design review permit is required by this Chapter. (Ord. No. 1749, 7/7/1988)

56.3 Application: The development review permit application shall be accompanied by any applicable fee in an amount to be set by the Board of Supervisors, and plans showing the details of the proposed use to be made of the land or building, and any other pertinent information required by the Planning Department as provided in Article 55. (Ord. No. 1749, 7/7/1988)
56.4 Public hearing and notice:

(a) No public hearing is required. However, public comment may be accepted and reviewed by the Committee.

(b) The Review Authority for development review permits is the Committee.

(c) The Planning Director may cause notice to be given on any application as provided in Sections 57.2 or 57.3.

56.5 Findings required for approval: (Ord. No. 1749, 7/7/1988)

The Review Authority shall only approve or conditionally approve a development review permit if all of the following findings are made: (Ord. No. 1749, 7/7/1988)

(a) That the proposed use is a permitted use in the district where located. (Ord. No. 1749, 7/7/1988)

(b) That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed. (Ord. No. 1749, 7/7/1988)

(c) That there are adequate public or private services, including but not limited to fire protection, water supply, and sewage disposal. (Ord. No. 1749, 7/7/1988)

(d) That the project is in conformance with the applicable provisions and policies of this Chapter, the Lake County General Plan and any approved zoning or land use study or plan. (Ord. No. 1749, 7/7/1988)

(e) That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use. (Ord. No. 2128, 1/14/1993)

(f) That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis. (Ord. No. 2128, 1/14/1993)

56.6 Permit issuance and appeal period:

(a) Upon completion of review of a development review permit the Development Review Committee shall either:

1. Make such findings as are required by Section 56.5 and approve the application; or
2. Notify the applicant of those changes and modifications required for approval of the application; or

3. Deny the application if the Development Review Committee finds that:
   
i. The application cannot be conditioned by adequate requirements to insure compliance with applicable regulations, or
   
ii. The application cannot reasonably be modified to conform to the applicable regulations.

(b) Development review permits shall be effective upon issuance, unless within seven (7) calendar days of a decision by the Committee, the decision is appealed as provided for in Section 56.7. In case an appeal is filed, the development review permit shall not have any force or effect until a decision is made by the Review Authority on such appeal.

(c) Development review permits shall not have any force or effect until the permittee acknowledges receipt thereof and has agreed in writing to each and every term and condition thereof.

56.7 Appeals:

(a) A decision of the Development Review Committee on a development review permit application may be appealed to the Planning Commission in accordance with the provisions of Section 58.20 et seq. of this Chapter.

(b) A decision of the Planning Commission on a development review permit application may be appealed to the Board of Supervisors in accordance with the provisions of Section 58.30 et seq. of this Chapter.

56.8 Expiration: All development review permits shall have an expiration period(s) as provided in Article 60.

56.9 Revocation: Development review permits may be revoked in the manner and for the reasons as provided in Section 60.10.

SEC. 21-56.10 ESTABLISHMENT OF DEVELOPMENT REVIEW COMMITTEE

56.11 Establishment:

(a) There is hereby created a Development Review Committee (Committee). The Committee shall consist of the Planning Director or designee, the Senior Planner or equivalent, and a representative from the Building Inspection, Public Works and Environmental Health Departments. The Planning Director may request a representative from any city or community in the County for review and comment on an application within the sphere-of-influence of their city or community. (Ord. No. 2128, 1/14/1993)
(b) The Planning Director or designee shall act as Chairperson of the Committee.

(c) A quorum of the Committee shall consist of three (3) members; one shall be the Planning Director or designee.

(d) All meetings of the Committee shall be open to the public.

(e) The Board of Supervisors may also appoint two (2) members to the Development Review Committee for each community where an area or specific plan has been adopted who shall be members for consideration of design review permits located within the area or specific plan they represent. (Ord. No. 1897, 12/7/1989; Ord. No. 1974, 12/20/1990)

56.12 Responsibility of the Development Review Committee:

(a) The Committee shall be the Review Authority for all development review and design review permits required or permitted by this Chapter and shall be responsible for such other duties as specified in this Chapter or by the Board of Supervisors. (Ord. No. 1749, 7/7/1988)

(b) The Committee may at the request of the Planning Director conduct pre-application review of projects referred to the Committee by the Planning Director.

(c) The Committee shall meet the first, second, third and fourth Wednesday of every month, beginning at 2:00 p.m., in the Planning Department of the Lake County Courthouse, Lakeport, California, to review and receive public comment on applications for development review and design review permits. An agenda of applications to be considered by the Committee shall be posted at the Planning Department prior to the public meeting. (Ord. No. 1749, 7/7/1988)
ARTICLE 57

SEC. 21-57 NOTICE OF PUBLIC HEARING.

57.1 **Purpose:** To establish procedures for public notice when required by the provisions of Chapter 21.

57.2 **Notice by publication:**

(a) When a provision of this Chapter requires notice of a public hearing to be given pursuant to this Subsection, notice shall be published one (1) time, in at least one (1) newspaper of general circulation within Lake County, at least ten (10) days prior to the hearing. (If there is no such newspaper of general circulation, the notice shall be posted at least ten (10) days prior to the hearing in at least three (3) public places within Lake County.)

(b) All notices provided pursuant to this Subsection shall provide the date, time and place of the public hearing, the identity of the Review Authority conducting the hearing, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

(c) In addition to the notice required in this Subsection, notice of the hearing may be given in any other manner deemed necessary or desirable.

57.3 **Notice by mail or delivery:**

(a) When a provision of this Chapter requires notice of a public hearing to be given pursuant to this Subsection, notice shall be given in all of the following ways:

1. Notice of hearing shall be mailed or delivered at least ten (10) days prior to the hearing to the owner of the subject real property, or the owner’s duly authorized agent, and to the project applicant;

2. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;

3. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll as follows:

   i. If the real property which is the subject of the hearing is five (5) acres or less in size, notice shall be given to owners of all real property within three hundred (300) feet of the real property which is the subject of the hearing.
ii. If the real property which is the subject of the hearing is more than five (5) acres in size, notice shall be given to owners of all real property within seven hundred (700) feet of the real property which is the subject of the hearing. (Ord. No. 1749, 7/7/1988)

4. If the number of owners to whom notice would be mailed or delivered pursuant to Section 57.3(a)3 above is greater than one thousand (1,000), in lieu of mailed or delivered notice, notice may be given by placing a display advertisement of at least one-eighth (1/8) page in at least one (1) newspaper of general circulation within the County at least ten (10) days prior to the hearing.

(b) If the notice is mailed or delivered pursuant to Subsection (a) above, the notice shall also either be:

1. Published one (1) time in at least one (1) newspaper of general circulation within the County at least ten (10) days prior to the hearing; or

2. Posted at least ten (10) days prior to the hearing in at least three (3) public places in Lake County, including one (1) public place in the area directly affected by the proceeding.

(c) All notices provided pursuant to this Subsection shall include the information specified in Section 57.2(b).

(d) In addition to the notice required by this Subsection, notice of the hearing may be given in any other manner deemed necessary or desirable.

57.4 Request for notification: When a provision of this Chapter requires notice of a public hearing to be given pursuant to Section 57.2 or 57.3, the notice shall also be mailed or delivered at least ten (10) days prior to the hearing to any person who has filed a written request for notice with the Clerk of the Board, the Planning Department, or other person designated. The County may charge a fee which is reasonably related to the costs of providing this service and request shall be annually renewed.

57.5 Failure to receive notice: The failure of any person or entity to receive notice given pursuant to this Article shall not constitute grounds for any court to invalidate the actions of the County for which the notice was given.

57.6 Hearing continuation: Any public hearing conducted under this Article may be continued from time to time.
ARTICLE 58

SEC. 21-58   APPEALS.

58.1 Appeals: Appeals may be taken from a decision of the Planning Director, Planning Department staff, Enforcement Officers, Development Review Committee, Zoning Administrator, or Planning Commission made pursuant to the enforcement or administration of the Zoning Ordinance.

58.2 Appellate jurisdiction: The Review Authority having appellate jurisdiction over ministerial decisions of the Planning Director, Planning Department staff, Enforcement Officers, Design Review Committee, and Development Review Committee shall be the Planning Commission. The Review Authority having jurisdiction over the decisions of the Planning Commission shall be the Board of Supervisors. The Planning Commission shall be the final Review Authority for application appeals as set forth in Section 55.4(d).  (Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989)

SEC. 21-58.10   ADMINISTRATIVE APPEALS.

58.11 Application: An application for an administrative appeal shall be made as follows:

(a) Persons eligible: The following persons shall be eligible to file an administrative appeal:

1. A person having an interest in the property that is subject of the decision being appealed.

2. Any interested person not satisfied with the decision of the Review Authority.

(b) Timeliness: An administrative appeal shall be filed within seven (7) calendar days of the date on which the decision being appealed was rendered.

(c) Form, filing, and fee: An appeal of an administrative decision shall be made on the prescribed form and shall be filed with the Planning Department, accompanied by the applicable fee in the amount to be set by Resolution of the Board of Supervisors.

(d) Required documents: An appeal shall be accompanied by a written statement setting forth the grounds upon which the appellant asserts there was an error or abuse of discretion, or how the decision of the Planning Director, Planning Department, Enforcement Officer, Design Review Committee or Development Review Committee is inconsistent with the purposes of this Chapter.  (Ord. No. 1897, 12/7/1989)
58.12 **Effect of filing the appeal:** An appeal of an administrative decision shall stay all further proceedings and no additional building permit, or other permit that is the subject of the appeal, shall be issued until such time as the appeal has been acted on as set forth in Section 58.15. The permittee may continue to act in reliance on any previously issued permit; however, further reliance after receipt of notice of an appeal, is done at permittee’s own risk pending the outcome of the appeal.

58.13 **Forwarding of record:** Prior to the hearing on said appeal, the Planning Department shall transmit to the Planning Commission copies of pertinent permit materials including all maps and data and a statement setting forth the reasons for the decision by the Planning Director, Planning Department, Enforcement Officer, or Development Review Committee.

58.14 **Public hearing and notice:** The Planning Commission shall hold a public hearing on all administrative appeals, scheduled and noticed as required by Section 57.2. The public hearing shall be de novo and all interested persons may appear and present evidence. If the appeal affects a permitted use on a specific lot, then notice shall be given as required by Section 57.3.

58.15 **Decision:** Within forty-five (45) days after the close of the hearing, the Planning Commission may either sustain the decision being appealed or render such new decision as it considers appropriate. Notice of the decision of the Planning Commission shall be mailed to the appellant and/or applicant within fifteen (15) calendar days.

58.16 **Effective date:** The decision of the Planning Commission on an administrative appeal shall be final, conclusive and effective immediately, unless an appeal of the Planning Commission decision is filed with the Board of Supervisors as provided for in Section 58.30.

SEC. 21-58.20 **PLANNING COMMISSION APPEALS.**

58.21 **Application:** Decisions of the Zoning Administrator may be appealed as follows:

(a) **Persons eligible:**

1. A person having an interest in the property that is subject of the decision being appealed.

2. Any interested person not satisfied with the decision of the Review Authority.

(b) **Timeliness, form, filing and fee:** An appeal of the decision of the Zoning Administrator shall be filed with the Planning Department within seven (7) calendar days of the decision on the prescribed form and accompanied by the applicable fee in the amount to be set by Resolution of the Board of Supervisors.

(c) **Required documents:** An appeal shall be accompanied by a written statement setting forth the grounds upon which the appellant asserts there was an error or abuse of discretion, or how the decision of the Planning Director, Planning
Department, Enforcement Officer, Design Review Committee or Development Review Committee is inconsistent with the purposes of this Chapter.  (Ord. No. 1897, 12/7/1989)

58.22 Effect of filing the appeal: An appeal shall stay the proceedings and effective date of the decision of the Zoning Administrator until such time as the appeal has been acted on as hereinafter set forth.

58.23 Forwarding of record: Prior to the hearing on said appeal, the Planning Department shall transmit to the Planning Commission copies of pertinent permit materials including all maps and data and a staff report.

58.24 Public hearing and notice: Following the filing of an appeal, the Planning Commission shall hold a public hearing on the appeal scheduled and noticed as required in Section 57.3. The public hearing shall be de novo and all interested persons may appear and present evidence.

58.25 Decision: Within forty-five (45) days after the close of the hearing, the Planning Commission may sustain or overturn the decision of the Zoning Administrator which is appealed or may grant or modify the minor use permit subject to conditions it imposes, or may deny the minor use permit. Notice of the decision of the Planning Commission together with a copy of any findings adopted by the Commission shall be mailed to the appellant and/or applicant within fifteen (15) calendar days.

58.26 Finality and effective date: The decision of the Planning Commission shall be final, conclusive, and effective immediately, unless an appeal of the Planning Commission decision is filed with the Board of Supervisors as provided for in Section 58.30.

SEC. 21-58.30 BOARD OF SUPERVISORS APPEALS.

58.31 Application: Decisions of the Planning Commission may be appealed as follows:

(a) Persons eligible:

1. A person having an interest in the property that is subject of the decision being appealed.

2. Any interested person not satisfied with the decision of the Review Authority.

3. The Board of Supervisors. (Ord. No. 1749, 7/7/1988)

(b) Timeliness, form, filing and fee: An appeal of a decision by the Planning Commission shall be filed with the Clerk of the Board of Supervisors within seven (7) calendar days of the decision on the prescribed form and accompanied by the applicable fee in the amount to be set by the Board of Supervisors. (Ord. No. 1749, 7/7/1988)
(c) Required documents: An appeal shall be accompanied by a written statement setting forth the grounds upon which the appellant asserts there was an error or abuse of discretion by the Planning Commission.  (Ord. No. 1897, 12/7/1989)

58.32 Effect of filing the appeal: An appeal shall stay the proceedings and effective date of the decision of the Planning Commission until such time as the appeal has been acted on as hereinafter set forth.

58.33 Forwarding of record: Prior to the hearing on said appeal, the Planning Department shall transmit to the Board of Supervisors pertinent permit materials including all maps and data and a staff report setting forth the reasons for the decision by the Planning Commission.

58.34 Public hearing and notice: Following the filing of an appeal, the Board of Supervisors shall hold a public hearing on the matter scheduled and noticed as required in Section 57.3. The public hearing shall be de novo and all interested persons may appear and present evidence.

58.35 Decision: Within forty-five (45) days after the close of the hearing, the Board of Supervisors may sustain or overturn a decision of the Planning Commission which is being appealed, or may grant or modify a permit subject to specified conditions it imposes, or may revoke or deny a permit. Notice of the decision of the Board together with a copy of any findings adopted by the Board shall be mailed to the appellant and/or applicant within fifteen (15) calendar days.

58.36 Finality and effective date: The decision of the Board of Supervisors shall be final, conclusive, and effective immediately.

SEC. 21-58.40 AUTOMATIC APPEALS.

58.41 Automatic Appeals: If a ballot of the members of the Planning Commission results in a tie vote, or if the Planning Commission is unable to take action because of legal disqualification or abstentions, the matter shall be deemed to be automatically denied at the first hearing at which the application is considered and is unable to be acted upon; and be appealed to the Board of Supervisors for public hearing. Automatic appeals pursuant to this section shall not be subject to filing fees as provided for in Section 58.30.

58.42 Continuations: Notwithstanding Section 58.41, if a ballot of the members of the Planning Commission results in a tie vote, the Planning Commission may decide to continue the matter for further consideration.
ARTICLE 59

SEC. 21-59 NON-CONFORMING USES, BUILDINGS AND STRUCTURES.

59.1 Non-conforming uses of land, buildings or structures: Except as otherwise provided in this section, the lawful use of land, buildings or structures existing at the time of the adoption of any zoning district may be continued, although the particular use, building or structure does not conform to the regulations specified by this Chapter for the district in which the particular use, building or structure is located. No such use or building shall be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of adoption of this Ordinance.

59.2 Non-conforming dwellings:

(a) Single-family dwellings, mobile homes, and trailer coaches of two hundred and forty (240) square feet or more may be replaced by a single-family dwelling which meets the single-family residential development standards of Sections 10.14 through 10.21. Single-family dwellings may be replaced, provided they are substantially replaced or rebuilt within two (2) years of their removal or destruction, or enlarged in compliance with other provisions of this Chapter.

(b) Single-family dwellings that do not conform to current setback or coverage requirements may be permitted to be reconstructed in the same location and configuration upon securing a minor use permit, provided that the replacement structure is found to be compatible with other development in the vicinity.

(c) Non-conforming single-family dwellings that are repaired, reconstructed, enlarged, or remodeled equivalent to fifty-one (51%) percent or more of the replacement value, or additions or cumulative additions equivalent to fifty (50%) percent or more of the size of the original dwelling, as determined by the Director of Building and Safety, must meet all of the criteria of Sections 10.14 through 10.21.

59.3 Non-conforming signs: Every non-appurtenant, off-premise sign or other advertising structure in existence at the time of adoption of any zoning district which does not conform to the provisions of this Chapter shall be removed to conform with the provisions of this Chapter as provided for in Article 45.

59.4 Non-conforming keeping of animals: The keeping of types or numbers of animals not allowed in a particular zoning district may be continued provided that:

(a) The number of animals existing on the effective date of this Article shall not be increased except as provided in Subsection (b) of this Section.

(b) New offspring of existing animals may be retained on-site until four months of age or until weaned, after which the new animals are to be removed.

(c) Deceased animals that are not replaced within 90 days, or animals that are relocated for a period greater than 90 days, are not to be replaced.
59.5 Alterations:

(a) If no structural alterations or enlargements are made, a non-conforming use of a building may, upon obtaining a major use permit in each case, be changed to another non-conforming use of the same or more restrictive use classification.

(b) A legal non-conforming use of land may be enclosed by a building upon obtaining a major use permit in each case, provided that the use area of the non-conforming use is not expanded, and additional uses are not initiated. The Review Authority shall make the following additional findings in each case:

1. The major use permit has been conditioned so that the non-conforming use more closely meets applicable performance standards for the particular use in relationship to other permitted uses of the district.

2. The visual appearance of the site will be improved by landscaping, screening or enclosure of existing outdoor use area.

3. The overall effect of granting the major use permit will result in a non-conforming use that is more compatible with other uses of the district in which it is located.

(c) A non-conforming use, building or structure for which a major use permit has been granted pursuant to Subsections (a) and (b) of this Section shall remain non-conforming.

59.6 Abandonment: Except as set forth in Sections 59.2 and 59.4, if any non-conforming use is abandoned for a period of two (2) years or more after the effective date of the zoning district, then any subsequent use of the property shall conform to the regulations of the particular zoning district in which the property is located. (Ord. No. 2961, 10/25/2011)

59.7 Repair and maintenance: Any building or structure existing at the effective date of the zoning district which is non-conforming in use, design or arrangement shall be allowed to be repaired and maintained if not enlarged to occupy a greater area; provided for in Section 59.5.

59.8 Replacement: Any non-conforming building or structure destroyed by fire, explosion or other casualty or act of God to the extent of fifty (50) percent or less of its replacement value, as determined by the Director of Building and Safety, may be rebuilt.

59.9 Major destruction of a non-conforming building or structure or use: Except as set forth in Section 59.2, whenever a non-conforming building or structure is destroyed by fire, explosion or other casualty or act of God to the extent of fifty-one (51) percent or more of the replacement value of the building or structure, as determined by the Director of Building and Safety, the structure may be restored or reconstructed to allow continuation of the same non-conforming use only upon first securing a major use permit in each case.

ARTICLE 60

SEC. 21-60  EXPIRATION, REVOCATION, OR MODIFICATION OF PERMITS AND REAPPLICATION.

60.1  Expiration:

(a) Each valid unrevoked and unexpired minor use permit, major use permit, variance permit, development review permit, design review permit, zoning permit, or zoning clearance permit shall expire and become null and void at the time specified in the permit; or if no time is specified, then the permit shall expire two (2) years after granting unless in either case substantial physical construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced, may be extended as provided by Section 60.1[c] or 60.33. If any use permitted by one of these permits is abandoned for a period of two (2) years, then the permit as it relates to that use shall expire and be null and void, and any subsequent use of the property shall conform to the current regulations of the particular zoning district in which the property is located. “Substantial physical construction and/or use of the property in reliance on the permit” as used within this Article and Code shall have the following meaning(s):  (Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989; Ord. No. 2128, 1/14/1993)

1. A documented expenditure of at least fifteen (15) percent of the total estimated cost of the project (excluding land and financing costs) or construction of buildings or facilities; up to one-third (1/3) of the costs may be for grading; or

2. A documented expenditure of at least fifteen (15) percent of the total estimated cost of the project (excluding land and financing costs) on preparation of construction plans including: grading, drainage, building, engineering, architectural and landscape plans; or

3. For projects utilizing existing buildings, or for uses not requiring construction; the intended purpose or activity for which the permit was issued must be commenced.  (Ord. No. 1897, 12/7/1989)

(b) Notwithstanding Subsection (a) above, if a use permit or specific plan of development is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the use permit or specific plan of development shall remain in full force and effect for the duration of the tentative approval for that subdivision map and, if the subdivision map does not receive final approval, the use permit or specific plan of development shall expire upon expiration of the tentative map. If the subdivision map receives final approval, the use permit or specific plan of development shall expire one (1) year after recordation of the final or parcel map unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within such construction and/or use must be commenced may be extended pursuant to Subsection (c) below or Section 60.1(c).  (Ord. No. 1749, 7/7/1988)
(c) If prior to expiration of a permit, the applicant files a written application for extension, the period within which substantial physical construction or use commenced, may be extended one (1) year by order of the Planning Director, Zoning Administrator, Development Review Committee, Planning Commission, or Board of Supervisors, whichever granted the permit, at any time within ninety (90) days of the date of expiration. An application for such an extension shall be made on the prescribed form and shall be accompanied by any applicable fee as established by the Board of Supervisors. (Ord. No. 1749, 7/7/1988)

SEC. 21-60.10 REVOCATION OF PERMITS.

60.11 Grounds for revocation of a permit for cause:

(a) The Planning Commission or Board of Supervisors may revoke or modify any minor use, major use, variance or development review permit or specific plan of development granted in accordance with the terms of this Chapter, on any one or more of the following grounds:

1. That such permit was obtained by fraud.

2. That one or more of the terms or conditions upon which such permit was granted has been violated.

3. That the use for which the permit was granted is so conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance.

(b) Grounds for zoning clearance and zoning permit revocation: The Community Development Director may revoke or modify any zoning clearance or zoning permit granted in accordance with the terms of this Chapter on any one or more of the grounds listed in Section 60.11(a). The Community Development Director’s determination may be appealed as set forth in Section 58.10.

60.12 Initiation of action: A hearing to revoke or modify a permit may be initiated by order of the Planning Commission or the Board of Supervisors on its own motion, or on request of the Planning Director. The order shall set forth the grounds for revocation or modification.

60.13 Public hearing and notice: A public hearing shall be held by the Planning Commission on any revocation initiated pursuant to Section 60.10. No less than ten (10) days prior to the date of any hearing before the Planning Commission, the Secretary of the Planning Commission shall:

(a) Give notice of the public hearing in the manner provided by Section 57.3 of this Chapter.

(b) Serve a written notice of the time and place of such hearing and a copy of the order upon the owner and upon the person in possession of the premises involved.
Service of the notice and copy of the order shall be made in the manner required by law for the service of a summons, or by registered or certified mail, postage prepaid. However, if no owner or person in possession can be found, the Secretary shall cause notice of such hearing together with a copy of the order by first class mail, postage prepaid, to be mailed to the person whose name and address appears as owner of the premises involved on the latest tax roll of the County of Lake or, alternatively, on such other records of the Assessor or Tax Collector that contain more recent information in the opinion of the said Secretary.

(c) Cause a notice of the time and place of hearing and copy of the order to be sent to such public offices, departments of agencies who, in the opinion of the Secretary of the Planning Commission, might be interested and request a report thereon.

60.14 Decision of the Planning Commission: After such hearing the Planning Commission shall render its decision and may revoke or modify the permit.

60.15 Appeal to the Board of Supervisors: Any person dissatisfied with the decision of the Planning Commission may appeal therefrom to the Board of Supervisors within seven (7) calendar days after the decision of the Planning Commission. The appeal may be taken by filing a written appeal with the Planning Department, setting forth in writing the grounds upon which the appellant asserts the decision of the Planning Commission was in error. Upon the filing of such appeal and payment of a fee in an amount to be set by Resolution by the Board of Supervisors, the Planning Director shall forthwith transfer to the Board of Supervisors the papers and documents applicable to such appeal that are on file with the Planning Commission, including the decision of the Planning Commission. An appeal shall stay the proceedings and effective date of the decision of the Planning Commission until such time as the appeal has been acted on as hereinafter set forth.

60.16 Public hearing: A public hearing shall be held by the Board of Supervisors on any appeal of a revocation or modification decision of the Planning Commission. The Board of Supervisors hearing shall be de novo and any interested person may testify or present evidence.

60.17 Notice: Notice of the time and place of hearing of an appeal before the Board of Supervisors shall be given in the manner provided by Section 60.13 of this Article by the Clerk of the Board of Supervisors.

60.18 Decision of the Board of Supervisors: The Board of Supervisors shall hold a hearing on the merits of said revocation. Following any such public hearing the Board of Supervisors shall render its decision and may sustain or overturn the decision of the Planning Commission or may revoke or modify the permit, which decision shall be final.
60.21 Modification of permits:

(a) In lieu of revocation, the Planning Commission or Board of Supervisors may after public hearing, modify any minor use, major use, or variance permit, or specific plan of development if the grounds which would otherwise justify revocation can be corrected or cured by a modification imposing new or additional conditions.

(b) Modifications of permits shall be based on the same grounds, and initiated, heard, noticed and be subject to the same appeal procedures as are provided for revocations in Sections 60.11 to 60.18 of this Article.

60.31 Reapplication for denied permits: No reapplication for a minor use, major use, or variance permit or specific plan of development which has been denied shall be filed or accepted by the Planning Department earlier than six (6) months after the date of such denial; unless specific authority to do so has been granted by the Board of Supervisors or Planning Commission.

60.32 Denial without prejudice: The Planning Commission or Board of Supervisors may deny without prejudice any minor use, major use, or variance permit or specific plan of development application. A “denial without prejudice” shall authorize the reapplication for a permit without meeting the six (6) month period specified in Section 60.31.

60.33 Reapplication for amendment of permits: Any permit pursuant to this Chapter may be amended by the granting of a new permit of the same type and following the same procedure for adoption of the original permit, except as specifically provided for in this Chapter. Amendments to permits may include extensions of expiration periods as provided for in Section 60.10 and changes in uses, structures, and conditions previously approved; however, any change in conditions must be approved by the Review Authority that originally adopted such conditions.
ARTICLE 61

SEC. 21-61 INTERPRETATION, ENFORCEMENT AND PENALTIES.

61.1 Interpretation:

(a) Except as specifically provided herein, this Chapter shall not be interpreted to repeal, abrogate, annul or in any way affect any existing provision of any law or ordinance or regulation or permits previously adopted or issued relating to the erection, construction, moving, alteration or enlargement of any building or improvement; provided however, in any instances where this Chapter imposes greater restrictions upon the erection, construction, establishment, moving, alteration or improvement of buildings or the use of any building or structure than is imposed or required by an existing law, ordinance or regulation, the provisions of this Chapter shall control.

(b) Whenever the Planning Commission of the County of Lake is called upon to determine whether or not the use of land or any structures in any district is similar in character to the particular uses allowed in a district, the Commission shall consider the following criteria for their determination:

1. The proposed use’s consistency with the purpose and applicability sections of the zoning district.

2. That the proposed use is compatible with and not materially different from other uses permitted in the zoning district.

3. The effect upon the public health, safety and general welfare of the neighborhood involved and the County at large.

4. The effect upon the orderly development of the area in question and the County at large in regard to the general planning of the whole community.

(c) The Planning Director shall determine whether or not the use of land or any structure in any district is similar in character to the particular uses allowed in a district and shall consider the criteria of Section 61.1(b)1-4. The Planning Director may request a resolution of interpretation from the Planning Commission as provided for in Section 61.1(b). (Ord. No. 1749, 7/7/1988)

(d) The Planning Commission shall have the power to hear and decide administrative appeals based on the enforcement or interpretation of the provisions of this Chapter.

(e) Any person who has been issued a written Notice of Violation or stop Work Order for any violation of a provision of this Chapter by a County official or employee authorized to enforce said provisions, may, within seven (7) calendar days of receipt of said Notice of Violation or Stop Work Order, file an administrative appeal in writing to said determination of violation to the Planning Commission.
after payment of the required fee. Enforcement actions which consist of the issuance of a citation for a violation of this Chapter shall not be appealable.  

(Ord. No. 1749, 7/7/1988)

A written notice of violation shall set forth in detail each of the following:

1. The Chapter(s), Article(s), and Section(s) alleged to be violated;
2. The date(s) of such violation(s) including a statement as per whether each such violation(s) is alleged to be a continuing violation;
3. A general statement setting forth the corrective action(s) which may be taken to eliminate any alleged violation.  

(Ord. No. 1749, 7/7/1988)

(f) Upon receipt of such administrative appeal and any required fee, the Planning Commission shall set the matter for hearing at the next available regularly scheduled meeting of the Commission. Notice of the time and place of the hearing shall be provided to the appellant.  

(Ord. No. 1749, 7/7/1988)

(g) The Planning Commission shall render its decision at the close of the hearing.

(h) The decision of the Planning Commission on an administrative appeal shall be final, conclusive and effective immediately, unless an appeal of the Planning Commission decision is filed with the Board of Supervisors as provided in Section 21-58.30 of this Chapter.  

(Ord. No. 1897, 12/7/1989)

61.2 Authorization of Responsibilities:

(a) It shall be the duty of the Director of Building and Safety of the County of Lake to enforce the provisions of this Chapter pertaining to the use of land or buildings and the erection, construction, reconstruction, moving, alteration, or addition to any buildings or structures, except as provided for Subsection(b).

(b) It shall be the duty of the Planning Department of the County of Lake to enforce the provisions of this Chapter pertaining to major use permits, minor use permits, design review permits, and development review permits.  

(Ord. No. 1936, 6/7/1990)

(c) Any permit or license of any type issued by any department or officer of the County of Lake, issued in conflict with the provisions of this Chapter is hereby declared to be null and void.

61.3 Arrest and Citation Powers:

(a) The following officers and employees of the Lake County Building Inspection Department and Planning Department are hereby designated enforcement officers and given arrest and citation powers pursuant to Section 836.5 of the Penal Code:
1. Planning Director

2. Environmental Officer (Ord. No. 2128, 1/14/1993)

3. Director of Building and Safety

4. Zoning Code Compliance Officer

(b) The above-named officers and employees shall enforce the provisions of this Chapter and all other laws relating to the use of land or buildings and the erection, construction, reconstruction, moving, alteration or addition to any buildings or structures in the unincorporated areas of the County of Lake.

61.4 Penalties:

(a) A violation of any provision of this Chapter or any condition of a conditional use permit is punishable as an infraction by a fine not exceeding one hundred dollars ($100.00); or as a misdemeanor by a fine of not more than five hundred dollars ($500.00), or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each separate day or any portion thereof on which any violation occurs shall be deemed to constitute a separate offense punishable as herein provided.

(b) Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Chapter and any use of land or buildings operated or maintained contrary to the provisions of this Chapter are hereby declared to be public nuisances. The County Counsel, upon order of the Board of Supervisors, shall commence the necessary action or proceedings for the abatement, removal and enjoinder thereof in the manner prescribed by law in the courts which may have jurisdiction to grant such relief as will accomplish such abatement and restraint. The remedies provided for in this Section shall be in addition to any other remedy or remedies or penalties provided in this Chapter or any other law or Chapter.
ARTICLE 62

SEC. 21-62  SEVERABILITY AND REFERENCE.

62.1 Severability: If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, and phrase hereof irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared invalid.

62.2 Reference: Reference in this Chapter to any section hereof by number is intended to include any and all subsections of the numbered section cited.
ARTICLE 63

SEC. 21-63 LIABILITY.

63.1 Liability: This Chapter shall not be construed to hold the County, or any officer, committee, commission, board, or employee responsible for any damage to persons or property by reason of the approval or disapproval of any permit authorized by this Chapter or by reason of any activity, approval, or disapproval in connection with the administration, interpretation or enforcement of the provisions of this Chapter or by reason of any act required or by reason of any act or omission in the discharge of their duties.
ARTICLE 64

SEC. 21-64   ENVIRONMENTAL PROTECTION.

64.1  General responsibilities:

(a)  The Board of Supervisors, as the body having general governmental powers in the County, hereby delegates to the Planning Commission or Zoning Administrator to the fullest extent permitted by state law the responsibility for preparing and certifying in their final form, all environmental documents for projects subject to County jurisdiction. The Board of Supervisors further delegates to the Planning Director the preliminary responsibility for certification of environmental documents for projects that a County Ordinance has authorized Planning Director approval. However, the Board of Supervisors may certify, recertify or otherwise modify any decision concerning the California Environmental Quality Act for a publicly initiated project. “Publicly initiated project” shall be defined as an activity proposed and directly undertaken by any public agency under the jurisdiction of the Board of Supervisors, including but not limited to public works construction and related activities, clearing or grading of lands, improvements to existing public structures, enactment and amendment of Zoning Ordinances, grants or subsidies, and the adoption of and amendment of local General Plans or elements thereof. (Ord. No. 1749, 7/7/1988)

(b)  The Planning Commission’s certification of the completeness of all environmental documents shall be final except as provided in Section 64.1(a).

64.2  Environmental protection guidelines:  The Board of Supervisors shall by resolution adopt Environmental Protection Guidelines which shall establish the procedures to be followed in making environmental considerations for all projects subject to County jurisdiction.
ARTICLE 65

SEC. 21-65 SURFACE DOMESTIC WATER SOURCE MITIGATION AND REIMBURSEMENT.

65.1 **Purpose:** It is the policy of Lake County that all possible significant or adverse impacts to surface domestic water sources from all major developments be mitigated in a manner wherein the costs are shared equitably by all those who cause the impacts. To accomplish this goal, this Article establishes a method by which use permit holders, who are required to carry out a complete mitigation measure as a condition of approval for their project, are reimbursed by subsequent use permit holders who, but for the already implemented mitigation measures would have caused a significant impact to domestic surface water sources.

65.2 **Mitigation:** There may be imposed by the Planning Commission, or the Board of Supervisors on appeal, as a condition of approval of a use permit, or as a mitigation measure in connection with a determination under the California Environmental Quality Act a requirement that the applicant implement mitigation measures to mitigate possible significant or adverse impacts to domestic surface water sources.

65.3 **Reimbursement:** When in the judgement of the Planning Commission, or the Board of Supervisors on appeal, a proposed use permit would have had a possible significant adverse impact on a domestic surface water source, except that as a condition of a previous use permit mitigation measures have been previously implemented, the Planning Commission, or the Board of Supervisors on appeal, shall impose as a condition of approval, a requirement that the use permit applicant reimburse the use permit holder who originally implemented the mitigation measures in an amount which bears a reasonable relationship to the project’s respective share of impact on the domestic water source.
ARTICLE 66

SEC. 21-66 PUBLIC UTILITIES AND PUBLIC ROAD FACILITIES.

66.1 Public utilities:

(a) Public utilities: Public utility distribution and transmission line towers and poles, street lights, public communication systems and structures, and underground facilities for distribution of gas, water, local telecommunications, and electricity, shall be subject to the approval of a minor use permit except to the extent that this ordinance is preempted by state or federal regulations. (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)

(b) Planning Commission review: All routes of all types of proposed transmission lines 115 KV and above shall be submitted to the Planning Commission for their recommendation. Such recommendation shall be received prior to acquisition of right-of-way thereof.

(c) Exception: Pursuant to Government Code Section 53091, all electrical transmission lines 115 KV and above or electrical substations proposed by a local agency shall require a major use permit in any zoning district.

(d) For the purposes of this Chapter, “Local agency” means an agency of the state for the local performance of governmental or proprietary function within limited boundaries. “Local agency” does not include the state, a city, a county, a rapid transit district whose board of directors is appointed by public bodies or offices, or elected from election districts within the area comprising the district, or a bridge and highway district.

66.2 Public road facilities:

(a) Notwithstanding any other provision of this Chapter, the construction, reconstruction, repair, maintenance or other alteration of public streets and street right-of-ways by the County of Lake for roadway purposes, is exempt from the provisions of this Chapter.

(b) Notwithstanding any other provision of this Chapter, the reconstruction, expansion, repair, maintenance or other alteration to a corporation, road or storage yard operated by the County of Lake, accessory to roadway purposes established prior to the effective date of this ordinance is exempt from the provisions of this Chapter.

66.3 Public agency projects:

(a) Notwithstanding any other provisions of this Chapter, temporary staging or contractor’s storage yards when proposed in conjunction with a public agency project are allowed in all zoning districts subject to first obtaining a minor use permit in each case. (Ord. No. 1819, 5/11/1989)
ARTICLE 67

SEC. 21-67. STATUTE OF LIMITATIONS.

67.1 Any court action or proceeding to attack, review, set aside, void or annul any decision of matters listed in this Chapter otherwise subject to court review (other than those listed in Article 64 of this Chapter) or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within thirty (30) days after the effective date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.
ARTICLE 68

SEC. 21-68 DEFINITIONS.

68.1 Purpose and applicability: To promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words and phrases as set forth shall apply throughout the Zoning Ordinance, except where the context of such words and phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Code shall be applicable except when in conflict with definitions contained in the Zoning Ordinance, in which case the Zoning Ordinance definition shall prevail.

68.2 General rules for construction of language: The following general rules of construction shall apply to the textual provision of the Zoning Ordinance:

(a) Headings: Section and Subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the Zoning Ordinance.

(b) Illustration: In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.

(c) Shall and May: “Shall” is mandatory. “May” is discretionary or permissive.

(d) Tenses and Numbers: Words used in the present tense include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(e) Conjunctions: Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items or provisions apply.

2. “Or” indicates that the connected items or provisions may apply singly or in any combination.

3. “Either...or” indicates that the connected items or provisions shall apply singly but not in combination.

4. All public officials, bodies, and agencies to which reference is made are those of the County of Lake unless otherwise indicated.

68.3 General terms:

(a) “Uses permitted” means permitted without the requirement for a minor or major use permit but subject to all other applicable permits or regulations.
(b) “Department” means the Planning Department.

(c) “Board” or “Board of Supervisors” shall mean the Board of Supervisors of the County of Lake.

(d) “Commission” or “Planning Commission” shall mean the Planning Commission of the County of Lake.

(e) “County” shall mean the County of Lake.

(f) “Federal” shall mean the Government of the United States of America.

(g) “State” shall mean the State of California.

(h) “Used” includes “arranged for”, “designed for”, “occupied”, or “intended to be occupied for”.

(i) “General Plan” means the Lake County General Plan.

(j) “Director” means the Planning Director.

(k) “Section” means a Section of the Zoning Ordinance unless otherwise indicated.

(l) “Article” means an Article of the Zoning Ordinance unless otherwise indicated.

(m) “Chapter” means Chapter 21 of the Lake County Code unless otherwise indicated.

(n) “Code” or “this Code” means the Ordinance Code of the County of Lake, State of California.

68.4 Words and phrases: For the purposes of this Chapter, words and phrases used in this Ordinance shall be defined as follows:

(a) DEFINITIONS (A)

1. Abandonment: The relinquishment of property, or a cessation of the use of the property by the owner for a period of one (1) year or more.

2. Abutting: Having a common boundary except that parcels having no common boundary other than a common corner shall not be considered abutting.

3. Accessory: Incidental, appurtenant or subordinate to the principal use or structure on the same lot or parcel.

4. Accessory residence: A single-family dwelling or mobilehome for the use of the business operator, caretaker or watchman whether as a portion of the business building, or as a separate structure.
5. **Accessory structure**: A structure containing no kitchen and located upon the same lot or parcel as the principal use or structure to which it is accessory. The structure is customary, incidental, appropriate and subordinate to the use of the principal building, or the principal use of the land; and structures accessory to uses permitted without first obtaining a use permit shall be constructed with, or subsequent to the construction of the principal structure or subsequent to activation of the principal use; and structures accessory to uses permitted by use permit shall be constructed with, or subsequent to the construction of the principal structure or subsequent to activation of the principal use only if authorized by the permit. Otherwise, the addition of such accessory structures shall require either an amendment to the permit authorizing the principal use or a separate use permit.

6. **Accessory use**: A use conducted upon the same lot or parcel as the principal use or structure to which it is accessory. The use is customary, incidental, appropriate and subordinate to the use of the principal building, or the principal use or the land; and uses accessory to uses permitted without first obtaining a use permit shall be activated with, or subsequent to the construction of the principal structure or activation of the principal use. Uses accessory to uses permitted by use permit shall be activated with, or subsequent to the construction of the principal structure or activation of the principal use only if authorized by the permit. Otherwise, the addition of such accessory uses shall require either an amendment to the permit authorizing the principal use or a separate use permit.

7. **Accessory uses and structures, agricultural**: Those uses and structures customarily incidental and subordinate to the agricultural use of the land including but not limited to: barns, storage sheds, corrals, pens, fences, windmills, watering and feed troughs; the storage and use of farm implements, irrigation and crop-protection equipment; the storage and use of fuels for heating buildings and operating farm equipment or appliances; water and wastewater treatment facilities and systems for private domestic use; exempt wireless communication facilities; permitted signs; storage structures or cargo boxes designed or once serving as commercial shipping or cargo containers when completely screened from public view by buildings, fences or walls, or when covered with wood siding, and a roof, and when equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure is occupied or equipped with a mechanism to unlock the door from the inside when the structure is occupied; administrative gravel permits pursuant to Chapter 24 of the Lake County Code and gravel extraction of less that fifty (50) yards annually; and other accessory uses and structures which are determined by the Community Development Director to be customary and incidental to the agricultural use of the lot or parcel. “Accessory use, agricultural” shall not include residences of
any kind or construction equipment storage yards, mobile storage trailers, truck trailers or boxes. (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993; Ord. No. 2594, 07/25/2002; Ord. No. 2961, 10/25/2011)

8. Accessory uses and structures, residential: Those uses and structures customarily incidental and subordinate to the residential use of the land including but not limited to: private garages, children’s playhouses, patios, decks, fences, landings, porches, gazebos, outdoor gardens; art works including: lawn art, statuary, sculpture and other media; storage sheds; exempt wireless communication facilities; solar panels, flag poles; private boat docks, boathouses, and boat ramps; private pools, tennis courts, spas and hot tubs; domestic animal keeping; water and wastewater treatment facilities and systems for private domestic use; permitted signs; the storage and use of fuels for heating buildings or for operating light equipment or household appliances; the parking of or temporary storage of fully-operative automobiles, light trucks, boats, recreational vehicles, and motorcycles; storage structures or cargo boxes designed or once serving as commercial shipping or cargo containers when completely screened from public view by buildings, fences or walls, or when covered with wood siding and a roof, and when equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure is occupied or equipped with a mechanism to unlock the door from the inside when the structure is occupied; administrative gravel permits pursuant to Chapter 24 of the Lake County Code and gravel extraction of less than fifty (50) yards annually; and other accessory uses and structures which are determined by the Community Development Director to be customary and incidental to the residential use of the lot or parcel. “Accessory use, residential” shall not include mobile storage trailers, truck trailers or boxes; or the parking of tractor-trailers or separate tractors or cargo trailers. Notwithstanding Sections 68.4(a)5 and 6, sea walls, bulkheads and fences, docks, piers and similar structures in compliance with other provisions of this Chapter and Code are permitted uses and structures on a residential lot or parcel which does not possess a principal use. (Ord. No. 1749, 7/7/1988; Ord. No. 1987, 12/7/1989; Ord. No. 2128, 1/14/1993; Ord. No. 2594, 07/25/2002; Ord. No. 2961, 10/25/2011)

9. Accessory uses and structures, commercial: Those uses and structures customarily incidental and subordinate to the commercial use of the land including but not limited to: trash storage areas and bins; vending machines; six (6) or fewer games/amusement devices and two (2) or fewer pool tables occupying less than twenty-five (25) percent of the net floor area of the principal use; required loading and unloading facilities; outdoor tables, benches, umbrellas, fountains, ponds, statues, sculpture, paintings and other works of art; exempt wireless communication facilities; the storage and use of fuels for fleet vehicles, heating buildings or for operating appliances or equipment used within a building; water and wastewater treatment facilities and systems; incidental services such as
cafeterias, storage facilities and garages, sales offices, showrooms and administrative offices; permitted signs; the storage and use of commercial fleet vehicles as part of the principal use; storage structures or cargo boxes designed or once serving as commercial shipping or cargo containers when completely screened from public view by buildings, fences or walls, or when covered with wood siding and a roof, and when equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure is occupied or equipped with a mechanism to unlock the door from the inside when the structure is occupied; administrative gravel permits pursuant to Chapter 24 of the Lake County Code and gravel extraction of less than fifty (50) yards annually; and other accessory uses and structures which are determined by the Community Development Director to be customary and incidental to the commercial use of the land. “Accessory use, commercial” shall not include mobile storage trailers, truck trailers or boxes (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993; Ord. No. 2594, 07/25/2002; Ord. No. 2961, 10/25/2011)

10. **Accessory uses and structures, industrial**: Those uses and structures customarily incidental and subordinate to the industrial use of the land including but not limited to: loading and unloading facilities and equipment, parking areas and shipping terminals; water and wastewater treatment facilities and systems; incidental services such as cafeterias, storage facilities and garages, sales offices, showrooms and administrative offices; exempt wireless communication facilities; the storage and use of fuels for fleet vehicles, heating buildings or for operating appliances or equipment used within a building; the storage and use of fleet vehicles, heavy equipment or trucks as part of the principal use; permitted signs; administrative gravel permits pursuant to Chapter 24 of the Lake County Code and gravel extraction of less than fifty (50) yards annually; and other accessory uses and structures which are determined by the Community Development Director to be customary and incidental to the industrial use of the land. (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993; Ord. No. 2594, 07/25/2002)

11. **Acre**: A measure of land area containing 43,560 square feet unencumbered by any public or private street right of way or roadway easement except as provided for herein.

12. **Addition**: Any construction which increases the size of a building such as a porch, attached garage or carport, or new room or wing. An addition is a form of alteration.

13. **Agricultural use**: The tilling of soil, the raising of crops, horticulture, silviculture, viticulture, aviculture, aquaculture, apiculture, livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying, and animal husbandry.
14. **Agricultural processing**: The refinement, treatment, or packaging of agricultural products. Examples of agricultural processing include but are not limited to, packing sheds, fruit dehydrators, cold storage houses and hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form including all uses customarily incidental thereto. “Agricultural processing” shall not include wineries, or manufacturing of secondary products using agricultural products such as commercial kitchens, bakeries, breweries, and woodworking.

15. **Agricultural service establishment**: A commercial business principally established to serve farming or ranching activities and which relies on agriculture as its major means of support. Agricultural service establishments shall include blacksmiths or farriers; commercial harvesters, irrigation or crop sprayers; farm equipment repair services; and custom meat cutters.

16. **Airport**: Any area of land or water which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

17. **Airstrip**: Any area of land or water used for the landing, take-off or taxiing of aircraft.

18. **Alley**: A public or private thoroughfare which affords a secondary means of access to abutting property and not intended for general traffic circulation.

19. **Alteration**: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

20. **Animal husbandry**: The breeding, keeping, care and production of animals.

21. **Antenna**: Any systems of wires, poles, rods, reflecting discs, or similar devices for the transmission or reception of electromagnetic waves. Such a system may transmit, receive, or repeat electromagnetic frequencies for purposes of communication uses such as radio, television, telephone, data, paging or other similar technologies. *(Ord. No. 2594, 07/25/2002)*
22. **Antenna, ground-mounted:** Means any antenna with its base placed directly on the ground or a mast less than ten (10) feet tall and six inches in diameter and not exceeding the height limit for the zoning district. *(Ord. No. 2868, 07/10/2008)*

23. **Antenna, structure-mounted:** Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than ten (10) feet tall and six inches in diameter and not exceeding the height limit for the zoning district. *(Ord. No. 2868, 07/10/2008)*

24. **Apartment:** A room or suite of rooms within a building but comprising an independent self-contained dwelling unit, with kitchen or cooking facilities, occupied or suitable for occupation as a residence for eating, living and sleeping purposes.

25. **Apartment house:** Any building or portion thereof containing five (5) or more apartments or dwelling units. See “Multi-Family Dwelling” or “Multi-Family Dwelling Group”.

26. **Appurtenant:** Accessory to a principal use or structure on the same site.

27. **Aquaculture:** The culture of plants or animals in water.

28. **Automotive repairs, major:** Repair or refurbishing of any motor vehicle including the dismantling of an engine by removal of the head or pistons; the removal of the transmission, rear-end or major assembly of any motor vehicle. Painting, body and fender work are excluded.

29. **Automotive repairs, minor:** Limited repair of any motor vehicle including the sales and installation of tires or replacement of fluids or minor automotive parts including, but not limited to, spark plugs, belts, batteries, mufflers, tires and wheels. Major automotive repair, painting, body and fender work are excluded.

30. **Auto wrecking yards:** Lands used for dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of motor vehicles exceeding the outdoor storage standards of Article 41 which for a period exceeding thirty (30) days have not been capable of operating under their own power, or from which parts have been or are to be removed for re-use or sale shall constitute prima facie evidence of an automobile wrecking yard.
31. **Average cross slope**: The average degree of deviation of the surface of a parcel of land from the horizontal, expressed as a percentage. The following formula shall be used to determine the average cross slope of any given parcel:

\[ S = \frac{.0023 \times (I)(L)}{A} \]  

*(Ord. No. 1897, 12/7/1989)*

where:

- **S** = The average cross-slope of the ground in percent.
- **I** = The contour interval in feet.
- **L** = The combined length in feet of all contours on the parcel map.
- **A** = The area of the parcel in acres.

(b) **DEFINITIONS (B)**

1. **Bar**: A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

2. **Barn**: A building used for the shelter of livestock, the storage of agricultural products, the storage and maintenance of farm equipment or the storage of agricultural supplies.

3. **Bed and breakfast**: A commercial lodging use accessory to a principal dwelling and further defined as two (2) or fewer guest rooms located in the principal dwelling used, designated, or intended to be used, let or hired out for overnight sleeping accommodations.

4. **Bed and breakfast inn**: A commercial lodging use accessory to a principal use or as the principal use, and further defined as three (3) to eight (8) rooms or suites used, designated or intended to be used, let or hired out for overnight sleeping accommodations.

5. **Blue-line creek**: A creek, stream or watercourse indicated by a solid or broken blue line on a U.S. Geological Survey 7.5 or 15 Minute Series topographic map.

6. **Buildable area**: The net lot area minus any required minimum yard provided the maximum lot coverage is not exceeded. *(Ord. No. 2128, 1/14/1993)*

7. **Building**: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or material of any kind or nature. “Building” shall include “structure”.

8. **Building, accessory**: See “Accessory structure”.

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9. **Building envelope**: See “Buildable area”.

10. **Building height**: See “Maximum height”.

11. **Building setback line**: A development standard defined as a boundary line drawn on a sectional district map which separates buildable and non-buildable areas. The building setback line may be a specific distance from a physical feature such as a creek bank, stream centerline, roadway, or follow a contour elevation line on a topographic map.

12. **Building, principal**: A building or structure in which is conducted the principal use of the lot or parcel on which it is situated.

13. **Bulk reverse vending machine**: A bulk reverse vending machine is a reverse vending machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container. A bulk reverse vending machine is also defined as a “small recycling center”. *(Ord. No. 1749, 7/7/1988)*

14. **Business, retail**: The sale of any service, article, substance or commodity to the consumer.

15. **Business, wholesale**: The handling and sale of any article, substance or commodity for resale, including incidental retail sales.

(c) **DEFINITIONS (C)**

1. **Campground/camping area**: Any area or tract of land where one (1) or more campsites are used, rented or leased, or held out for use, rent, or lease to accommodate camping parties; not including the occasional and temporary use by a single camping party. *(Ord. No. 1749, 7/7/1988)*

2. **Card rooms**: A place whose main purpose is to provide card games of chance or legal gambling. *(Ord. No. 2128, 1/14/1993)*

3. **Carport**: A roofed structure, or a portion of a building, open on two (2) or more sides for the parking of automobiles.

4. **Cattle and hog feed yard**: Any area where cattle or hogs are held or maintained for the purpose of feeding and fattening where sixty (60) percent or more of the feed for such cattle is imported or purchased; when not incidental to a farm or ranch.

5. **Cellular service**: A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmitter sites called cell sites, either to the public switched network or to other mobile cellular phones. *(Ord. No. 2868, 07/10/2008)*
6. **Cemetery**: Land dedicated for the burial of animal or human remains, and for this Chapter including columbariums, crematoriums, mausoleums and mortuaries.

7. **CEQA**: California Environmental Quality Act. Guidelines established to identify and prevent potentially significant environmental impacts as well to identify ways that environmental damage can be avoided or significantly reduce by the use of alternatives or mitigation measures. *(Ord. No. 2868, 07/10/2008)*

8. **Cocktail lounge**: An area or room within or connected to a restaurant where alcoholic beverages are sold for consumption on the premises, structurally separated from the dining area.

9. **Collector’s permit**: The open or enclosed storage of inoperable vehicles and the open or enclosed storage of other materials exceeding the performance standards of Article 41, Section 41.12 for “collectors” of items such as antique cars, planes or other vehicles; furniture, handicrafts, memorabilia or other collector’s items when incidental or accessory to a residential use on the same property. *(Ord. No. 1749, 7/7/1988)*

10. **Co-located communication facility**: Means a telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity. *(Ord. No. 2868, 07/10/2008)*

11. **Communication facility, collocated wireless**: A wireless communication facility comprised of a single tower, building, water tank, or other such structure supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity. *(Ord. No. 2594, 07/25/2002)*

12. **Communication facility, wireless**: A public, commercial or private facility for transmission, broadcast, repeating or reception of electromagnetic, or other communication signals, including, but not limited to, radio, telephone, data, paging, internet, television, telegraph, telephone, or other wireless communication signals. Includes but is not limited to towers, antennas, generators, accessory equipment, and buildings and the land on which they are situated. Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections are not included in this definition. *(Ord. No. 2594, 07/25/2002)*

13. **Community care facility**: Any facility, place, or building which is maintained and operated to provide non-medical residential care, emergency shelters, adult day care, or home finding agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, or incompetent persons.
“Community care facility” shall include residential facility, residential care facility for the elderly, adult day care facility, home finding agency, and social rehabilitation facility, as defined in Section 1502 of the Health and Safety Code.

14. **Condominium**: The joint ownership of certain common property along with private, separate ownership of living space, including stock cooperatives and timeshare developments.

15. **Contractor’s equipment storage yard**: Storage of large equipment, vehicles, or other materials commonly used in the contractor’s type of business; storage of scrap materials used for repair and maintenance of contractor’s own equipment; and buildings or structures for uses such as offices and repair facilities.

16. **Conversion**: A change in the use of land or a structure from one use to another.

17. **Cottage industry**: A small-scale commercial or manufacturing activity accessory to the principal residential or agricultural use.

18. **Covered space**: See “Parking, covered”

19. **Coverage**: See “Maximum coverage”.

20. **Curb wall**: A non-bearing, non-structural wall located underneath the exterior wall of a structure. *(Ord. No. 1974, 12/20/1990)*

(d) **DEFINITIONS (D)**

1. **Dams, small, medium and large**: An earthen, concrete, or stone wall to confine a flow of water, as a stream, and raise its level. Small dams do not exceed six (6) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier. Medium dams are of seven (7) to fifteen (15) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier. Large dams are those exceeding fifteen (15) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier. The height of a dam shall be measured to the highest level of water that may be impounded. *(Ord. No. 1749, 7/7/1988)*

2. **Density**: The total number of dwelling units permitted per acre of land.

3. **Density bonus**: A density increase over the otherwise maximum permitted density for residential dwelling units as specified by the zoning district and land use category of the Lake County General Plan.

4. **Detached**: Not sharing a common wall or roof.
5. **Development**: On land, in or under land or water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density of intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and timber harvesting operations.

6. **Development standards**: A set of regulations contained within each zoning district of this Chapter setting forth minimum requirements or specifications which must be met by all applicants for permits; including but not limited to: lot dimensions, setbacks and height limits; lot coverage; animal densities; parking and signs.

7. **De Novo**: A new hearing. The Review Authority may approve, disapprove, or modify any proposed permit without regard to any previous testimony or action by another Review Authority.

8. **Domestic animal keeping**: “Pets” raised by the occupants of the premises including dogs, cats, birds, fish or other such animals when, in the opinion of the Planning Director in consultation with the Animal Control Director, kept at a level not to create a habitual nuisance or endanger the health and safety of the community in accordance with this Chapter or Chapter 4, Article 1 of the Lake County Code.

9. **Driveway**: A private access for vehicles located on a single parcel, excepting that “Driveway” also includes shared, reciprocal access along both sides of a common property boundary serving no more than two (2) adjoining parcels. *(Ord. No. 1897, 12/7/1989; Ord. No. 2128, 1/14/1993)*

10. **Drop-off recycling center**: Any premises where recyclable items such as newspapers, magazines, glass bottles, or aluminum cans are accepted, whether for compensation or not, and stored within containers until such time as the recyclable items are transferred to a recycling processing center. A drop-off recycling center also includes “reverse vending machines”, “bulk reverse vending machines”, “mobile recycling unit”, and “small recycling center” as defined in this Article. *(Ord. No. 1749, 7/7/1988; Ord. No. 1897, 11/7/1989)*

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11. **Duplex**: A two-family dwelling. *(Ord. No. 1897, 11/7/1989)*

12. **Dwelling unit**: A single unit providing independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation, and having only one (1) kitchen. *(Ord. No. 1897, 11/7/1989)*

13. **Dwelling, single-family**: A single detached dwelling designed for and occupied exclusively by one family alone, and having but one (1) kitchen. Single-family dwelling includes “factory-built housing” as defined in Section 19971 of the Health and Safety Code. *(Ord. No. 1897, 11/7/1989)*


15. **Dwelling, multi-family**: A single detached building designed for and occupied exclusively by three or more families living independently of each other as separate housekeeping units, including apartment houses, condominiums, triplexes, and fourplexes. *(Ord. No. 1897, 11/7/1989)*

16. **Dwelling group**: A group of two (2) or more detached or semi-detached single-family, two-family, or multi-family dwellings occupying a parcel of land in one ownership and having any yard or court in common. *(Ord. No. 1897, 11/7/1989)*

(e) **DEFINITIONS (E)**

1. **Egress**: A point of vehicle, bicycle or pedestrian exit from a parking area, lot, garage, driveway or building.

2. **Enclosed building**: A structure supported by columns, enclosed on all sides by walls, and covered by a roof.

3. **Equipment repair, light**: A shop for the restoration or the replacement of parts or machinery powered by motors of fifteen (15) horsepower or less.

4. **Equipment repair, heavy**: A shop for the restoration or the replacement of parts or machinery powered by motors greater than fifteen (15) horsepower.

5. **Equipment storage yard**: See “Contractor’s equipment storage yard”.

6. **Equipment Structure**: With respect to communication facilities, a structure, shelter, cabinet, or vault used to house and protect the equipment necessary for processing communication signals. Associated equipment may include, but is not limited to, switching devices,
transmitters, receivers, air conditioning, backup power supplies and generators. *(Ord. No. 2594, 07/25/2002)*

7. **Exotic animal keeping**: The keeping of wild animals for which a wild animal permit is required according to Chapter IV, Article 3 of the Lake County Code.

(f) **DEFINITIONS (F)**

1. **FAA**: Federal Aviation Administration. *(Ord. No. 2868, 07/10/2008)*

2. **Factory-built housing**: A single-family dwelling defined as “factory-built housing” by Section 19971 of the Health and Safety Code which has the approval of the Department of Housing and Community Development of the State of California. Factory-built housing also includes “Modular home or housing”.

3. **Family**: One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a hotel, club, fraternity or sorority house. The family shall be deemed to include necessary servants.

4. **Family care home**: Any residential facility providing twenty-four (24) hour care and supervision for six (6) or fewer juveniles or adults.

5. **Family home, small**: Any residential facility providing twenty-four (24) hour care for six (6) or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities.

6. **Farm labor quarters**: Rooming and boarding houses, trailer coaches, mobilehomes, single-family dwellings and mess halls for any number of farm help customarily employed principally on land owned by the owner of the building site occupied by said structures.

7. **Farm labor camp**: Living accommodations, including structures, tents, trailers and mobilehomes, mess halls, garages, and accessory buildings and uses, for any number of persons, maintained in connection with any work or place where work is being performed, and including the premises on which said buildings and uses are situated or the area set aside for them. Labor camp and labor quarters shall also include any such living accommodations, and the premises which they occupy, which are owned, operated or maintained by any person engaged in the business of supplying lodging or meals for five (5) or more persons who are or may be employed by him or by others.
8. **Farmers’ Market**: A seasonal or year-round open air market where agricultural products are sold directly to consumers. *(Ord. No. 2512, 4/27/2000)*


10. **Feedlot, commercial**: See “Cattle and hog feed yard”.

11. **Flood plain**: The area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

12. **Floor area, gross**: The total area of all floors of a building as measured to the surfaces of interior walls and including corridors, stairways, elevator shafts, attached garages, porches, balconies, basements, and offices. Notwithstanding the above, for the purpose of determining “gross floor area” or “living space” or “minimum floor area” for “single-family dwellings”, “residences” or “mobilehomes”, floor area, gross shall be the total area of all floors of a building as measured to the surfaces of exterior walls, not including external open or enclosed porches, stairways, corridors, balconies, breezeways, or attached or detached carports and garages; or any other accessory structure or building. *(Ord. No. 1749, 7/7/1988)*

13. **Floor area, net**: The gross floor area excluding vents, shafts, stairs, corridors, attics, and unenclosed porches and balconies.

14. **Foster family home**: Any residential facility providing twenty-four (24) hour care for six (6) or fewer children which is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed.

15. **Front yard**: That yard or area within the front one half of the lot.

**(g) DEFINITIONS (G)**

1. **Game preserves**: A public or private land area, chiefly in a natural state, set aside for the protection, enhancement and enjoyment of wild animals or birds; includes “game reserve”.

2. **Game rooms/amusement arcades**: A place wherein games/amusement devices occupy twenty-five (25) percent or more of the net floor area, or which contains seven (7) or more games/amusement devices and three (3) or more pool tables and does not include any card games of chance or gambling.

3. **Garage**: An accessible and usable covered and completely enclosed space of not less than ten (10) feet by twenty (20) feet per vehicle for storage of
automobiles, measured from the outside of the structure, provided that a minimum dimension of nineteen (19) feet by ten (10) feet within the garage for a one-car garage or nineteen (19) feet by nineteen (19) feet within the garage for a two-car garage is free of any permanently constructed or attached fixture or appliance. (Ord. No. 2128, 1/14/1993)

4. **Granny unit**: An accessory dwelling unit either separate from or attached to the principal residence intended for the sole occupancy of one (1) or two (2) persons who are sixty (60) years of age or older.

5. **Green waste**: Green waste includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products, and construction and demolition wood waste. Green waste does not include food material, biosolids, mixed solid waste, material processed from commingled collection, wood containing lead-based paint or wood preservative, mixed construction or mixed demolition debris. (Ord. No. 2947, 5/3/2011)

6. **Group care home**: See “Community care facility”.

7. **Guest house**: A detached living quarters of a permanent type of construction without kitchen or cooking facilities of any kind, intended and used for temporary guests and not rented or leased separately from the main dwelling.

(h) **DEFINITIONS (H)**

1. **Health care facility**: Any facility, place, or building which is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including after convalescence and rehabilitation and including care during and after pregnancy, or for any one (1) or more of these purposes, for one (1) or more person, to which the persons are admitted for a twenty-four (24) hour stay or longer. “Health care facility” shall include general acute care hospital, acute psychiatric hospital, skilled nursing facility, intermediate care facility, intermediate care facility/developmentally disabled habilitative, special hospital, or intermediate care facility/developmentally disabled.

2. **Height**: See “Maximum height”.

3. **Hobby kennel**: See “Kennel, hobby”.

4. **Hog farm, commercial**: See “Cattle and hog feed yard”.

5. **Home occupation**: An occupation conducted within a dwelling principally by a person(s) residing in the dwelling unit, which is incidental and secondary to the residential use of the dwelling.
6. **Hospital**: See “Health care facility”.

7. **Hotel**: Any building, portion thereof or group of buildings, providing transient accommodations containing six (6) or more rooms; used, designed or intended to be used, let or hired out for transient occupancy.

8. **Hunting cabin**: A building used by hunters for hunting expeditions, not permanently occupied for residential uses. A hunting cabin located at a hunting club of one hundred (100) acres or larger and not visible from a public road may consist of one recreational vehicle, travel trailer, mobilehome, or cabin constructed to all Building and Health Department requirements, but not subject to the residential construction standards of the zoning district in which it is located. A hunting cabin or recreational building shall not be occupied for more than ninety (90) days per calendar year.

9. **Hunting club, private**: An area used or leased for hunting by the owners or “lessees” of the land or invited guests.

10. **Hunting club, commercial**: An area used for hunting and available for hunting by payment of fees or on membership basis to the general public.

(i) **DEFINITIONS (I)**

1. **Import/Export of fill**: The deposit or removal of earth in amounts exceeding five hundred (500) cubic yards in any one (1) lot or parcel. *(Ord. No. 1749, 7/7/1988)*

2. **Incidental**: Secondary, accessory, appurtenant, or subordinate to another use, structure or activity.

3. **Interior lot**: See “Lot, interior”.

4. **Itinerant vendor**: An itinerant vendor is any person who has not established a place of business in the County and who either goes from door to door or place to place for the purpose of selling goods, wares or merchandise, or who solicits orders for the sale of goods, wares or merchandise to be delivered at some future time or date, or who solicits contributions for any charitable, social, fraternal or similar purpose, cause or organization. *(Ord. No. 1749, 7/7/1988)*


(j) **DEFINITIONS (J)**

1. **Junk**: Means any used, waste, discarded, or salvaged machinery, scrap iron, steel, other ferrous and nonferrous metals, tools, implements or
portions thereof, glass, plastic, cordage, building materials or other waste which has been abandoned from its original use and may be used again in its present or in a new form. Also including automobiles, other vehicles, or dismantled vehicles in whole or part.

2. **Junkyard**: The use of a parcel of land for open or outdoor storage in excess of the permitted amount of Section 41.12(b)1 or 5; or, the use of any parcel or portion of a parcel of land for the commercial keeping, storage, salvaging, reconditioning, sorting, distribution, bartering or sale of “junk”, including the dismantling or wrecking of automobiles or other vehicles for sale or storage. *(Ord. No. 1749, 7/7/1988)*

(k) DEFINITIONS (K)

1. **Kennels, commercial**: Any premises where dogs, cats, or other similar animals are kept, maintained, bred, boarded, or cared for, for compensation, or are kept for the purposes of sale, hire, breeding or exhibition. *(Ord. No. 2128, 1/14/1993)*

2. **Kennels, large**: Any premises where more than seven (7) dogs, cats or similar animals over six (6) months of age are kept or maintained for non-commercial purposes. Dogs used in herding farm animals, incidental to an agricultural use, are excluded from this definition. *(Ord. No. 2128, 1/14/1993)*

3. **Kennels, small**: An accessory use of a principal residential or agricultural use where five (5) to seven (7) dogs over six (6) months of age are sheltered, bred or trained. *(Ord. No. 2128, 1/14/1993)*

(l) DEFINITIONS (L)

1. **Landscaping**: The planting of ornamental trees, shrubs and groundcovers, including mulching, borders, irrigation systems and incidental ornamental features such as fencing, wagon wheels, fountains, antique farm equipment, planters and plant containers. *(Ord. No. 1749, 7/7/1988)*

2. **Large family day care home**: A home which regularly provides care, protection and supervision of seven (7) to twelve (12) children, including children who reside at the home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away.


4. **Lot area, gross**: The area included within the boundaries of a “lot of record”, including any portion described in the map or deed creating the lot as lying within a public or private street right-of-way or roadway easement. For lots five (5) or more acres in size, or when the zoning
regulations require minimum lot size of five (5) or more acres, up to, but not exceeding, fifteen (15) percent of the minimum lot size or maximum permitted density requirement may consist of any area required for new road dedication or one half (1/2) of any existing public right-of-way.

5. **Lot area, net**: The gross lot area minus any public or private street right-of-way, and minus any roadway easement.

6. **Lot, corner**: A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty four (134) degrees.

7. **Lot coverage**: See “Maximum lot coverage”.

8. **Lot, interior**: A lot which is bordered on three sides by other lots, and which fronts upon a street or right-of-way.

9. **Lot, key**: A lot, the side line of which abuts the rear line of one or more adjoining lots.

10. **Lot, through**: A lot having frontage on two parallel, or approximately parallel streets.

11. **Lot line**: A line separating the frontage from a street; the side from adjoining property; or the rear from an alley or street or adjoining property.

12. **Lot line, front**: A line separating a front yard of a lot from the street.

13. **Lot line, rear**: The lot line most distant from and generally opposite the front lot line; or on a lot with two front lot lines, the lot line opposite the narrowest front lot line.

14. **Lot line, side**: Any lot line not a front lot line or a rear lot line.

15. **Lot of record**: A single parcel of land, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, certificate of compliance, or deed provided that such recorded deed does not create or attempt to create a lot in violation of the provisions of any applicable California law or County Ordinance.

16. **Lot width, minimum average**: The average horizontal distance between the side lot lines measured at right angles to the lot depth of the lot at a point midway between the front and rear lot lines. In the case of triangular lots, or lots that are bound by more than four straight lines, or that have curvilinear side lines, the Planning Director shall determine lot width.
17. **Lumberyard**: An area used for the storage, distribution, and sale of lumber and lumber products, but not including the manufacture, remanufacture, or fabrication of lumber, lumber products or firewood.

(m) **DEFINITIONS (M)**

1. **Manufactured housing**: See “Mobilehome”.

2. **Maximum height**: The height for any principal or accessory structure or auxiliary facility, above which air space cannot be occupied by any building, structure or ancillary facility. The maximum height shall be the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof.

3. **Maximum lot coverage**: A development standard which shall have the following meaning: the percentage of the net lot area covered by the vertical projection of any structure, excluding any structure not extending above grade. Lot coverage shall not include swimming pools, and shall not include underground accessory structures such as septic tanks, gas tanks, or water and sewer lines.

4. **Maximum permitted density**: A development standard indicating the maximum number of dwelling units per acre.

5. **Minimum lot size**: The smallest permitted size of any newly created lot(s) or parcel(s). For lots less than five (5) acres in size all minimum lot sizes shall be net lot area; for lots five (5) acres or more in size all minimum lot sizes shall be gross lot area.

6. **Minimum yards**: Defined herein the same as “required yard” or “setback” which establish areas of a lot or parcel which shall be left unobstructed by permanently affixed buildings and structures to provide for adequate light, air and open space, and which is a development standard applied to the placement of structures and is the shortest possible distance (setback) between every structure and the front, rear or side lot line of the subject yard. *(Ord. No. 1749, 7/7/1988)*

7. **Ministerial**: Describes a governmental decision involving little or no personal judgement by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgement in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgement in deciding whether or how the project should be carried out. Examples of ministerial permits of this Chapter include: zoning clearance, zoning and development review permits. *(Ord. No. 1749, 7/7/1988)*
8. **Mining and resource extraction**: For the purposes of Article 27, mining and resource extraction shall mean the removal and processing of natural mineral resources such as aggregate, ore, water (including bottling plants), and other minerals. This definition shall not apply to geothermal resources; or to administrative gravel permits pursuant to Chapter 24 of the Lake County Code. *(Ord. No. 1749, 7/7/1988)*

9. **Minor additions or alterations**: The repair, maintenance, or minor alteration of structures, buildings, or topographic features involving negligible or no expansion of use beyond that previously existing, including but not limited to interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards; or additions to existing structures or uses provided that the addition will not result in an increase of more than twenty (20) percent of the floor area of the structure or use area of the current use before the addition. *(Ord. No. 1749, 7/7/1988)*

10. **Mobile recycling unit**: A mobile recycling unit means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers, transported by trucks, vans or trailers, and used for the collection of recyclable materials. A mobile recycling unit is also defined as a “small recycling center”. *(Ord. No. 1749, 7/7/1988)*

11. **Mobilehome**: A structure, transportable in one or more sections, which is at least twelve (12) feet in width (excluding eaves) and five hundred sixty (560) square feet in size, or as otherwise defined in this Chapter, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. Mobilehome includes a “manufactured home” as defined in Section 18007 of the Health and Safety Code. Mobilehome does not include a recreational vehicle (Section 18010.5), commercial coach (Section 18012), or factory-built housing (Section 19971). *(Ord. No. 1749, 7/7/1988)*


13. **Monopole**: A structure erected on the ground to support wireless communication antennas and connecting appurtenances, and consisting of one (1) pole. *(Ord. No. 2868, 07/10/2008)*

15. **Motorhome**: A “housecar” as defined by the California Department of Motor Vehicles, which is any vehicle designed for human habitation. *(Ord. No. 1749, 7/7/1988)*


17. **Multi-family dwelling group**: A group of two (2) or more detached or semi-detached two-family or multi-family dwellings that occupy a parcel of land in one ownership. *(Ord. No. 1749, 7/7/1988)*

(n) **DEFINITIONS (N)**

1. **Newspaper distribution center**: Any premises where newspapers are picked up by vendors employed for redistribution either by house-to-house delivery or in small quantities to retail stores.

2. **Non-conforming lot**: A legal lot of record having less area, dimensions or frontage than required in the regulations of the district in which it is situated.

3. **Non-conforming structure**: A legal building or structure, where the setbacks, height or area of the structure does not meet the regulations of the district in which it is situated.

4. **Non-conforming use**: Any legal use of land which does not conform to the regulations of the district in which it is situated.

5. **Nursery, retail**: See “Plant nursery, retail”.

6. **Nursery, wholesale**: See “Plant nursery, wholesale”.

7. **Nursery school**: A public or private school for children usually under five (5) years of age.

8. **Nursing home**: A form of “Health care facility”.

(o) **DEFINITIONS (O)**

1. **Off-road vehicle course**: An area improved for the use of off-road vehicles, including dirt bikes, motorcycles, and four-wheel drive vehicles. Includes facilities for spectators. Off-road vehicle courses are available for the general public either without charge, or on an hourly, daily, weekly, monthly, yearly or membership basis. *(Ord. No. 2716, 02/03/05)*

2. **Off-sale liquor**: The sale of alcohol or alcohol products for human consumption outside the place of sale.
3. **On-sale liquor**: The sale of alcohol or alcohol products for human consumption inside the place of sale.

4. **Open storage**: The storage of new or usable supplies, materials, products, motor vehicles or other appurtenances in the “open” or in view of the general public. “Open storage” is a form of “outdoor storage” but does not include a “junkyard”.

5. **Open to the public**: Hours of operation of a commercial use when the goods or services provided are “available for use by persons other than employees”.

6. **Outdoor storage**: The storage of supplies, materials, products, motor vehicles or other articles outside of a building and left uncovered by roofs or walls.

7. **Outdoor recreation facility**: Any premises which offers open-air recreational opportunities to the general public either on a membership basis, or on an hourly, daily, weekly, monthly or yearly rate including but not limited to golf courses, tennis courts, swimming pools, equestrian trails, and private hot springs. “Outdoor recreation facility” shall not include commercial resort uses such as skateboard parks, BMX tracks, miniature golf, waterslides, jet ski and other boat rentals.

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**DEFINITIONS (P)**

1. **Parcel**: See “Lot of record”. *(Ord. No. 1897, 12/7/1989)*

2. **Parking space**: An accessible and usable space on the lot at least nine (9) by twenty (20) feet in dimension for the parking of automobiles, except as otherwise provided for in Article 46.

3. **Parking, covered**: An accessible and usable parking space of not less than ten (10) by twenty (20) feet in dimension located within a structure of columns and roof or enclosed by walls and roof. Includes “carport” or “garage”.

4. **Performance standards**: A set of regulations in Article 41 setting forth minimum requirements or maximum allowable limits on the effects or characteristics of a use; including but not limited to performance standards on air quality, erosion, glare, landscaping, hazardous wastes, noise, outdoor storage and satellite dish antennas.

5. **Person**: Any individual, firm, co-partnership, corporation, company, association, joint association or local agency and includes, any trustee, receiver, assignee or other similar representative thereof.
6. **Plant nurseries, retail**: The retail handling of any article, substance or commodity related to the planting, maintenance or harvest of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals or other nursery goods and related products in small quantities to the consumer.

7. **Plant nurseries, wholesale**: The growing, storage and sale of garden plants, shrubs, trees or vines for resale; including incidental retail sales.

8. **Power generation**: Any electrical generating facility using thermal, wind, or water energy including but not limited to, biomass plants, wind farms, coal-fired plants, or thermal power plants.

9. **Principal use**: The primary or dominant use of the land, whether it be to farm, to ranch, to reside within a dwelling, or to operate a business.

10. **Principal structure**: A structure in which is conducted the principal use of the lot on which it is situated, except for agricultural uses.

11. **Private utility**: Any utility which is not a public utility.

12. **Private water system**: An individual well or mutual water system.

13. **Private sewer system**: An individual septic system.

14. **Public area**: An area, structure or building owned by a governmental agency and operated for use by the public including but not limited to: public parks, playgrounds, trails, paths, and other recreational areas and other public open spaces; schools, libraries, police stations, corporation yards and other public uses, buildings and structures.

15. **Publicly maintained road**: Any road in Lake County accepted for maintenance, or owned and maintained by a city, county, special district or state.

16. **Public sewer system**: Means any sewage disposal system of one hundred (100) or more connections operated and maintained by any municipality, district, public or private corporation, organized and existing under and by virtue of the laws of the State of California.

17. **Public utility**: Production, storage, transmission and recovery facilities for water, sewerage, energy, communications and other similar utilities owned or operated by a business organization and subject to the jurisdiction of the Public Utilities Commission.

18. **Public water system**: Means a system, regardless of type of ownership, for the provision of piped water to the public for domestic use, if such system has at least one hundred (100) service connections; or a system of
any number of connections utilizing a riparian water right to surface waters of Clear Lake. (Ord. No. 1749, 7/7/1988)

19. Public and private non-profit campgrounds: Non-profit camping facilities for the general public, youth organizations, or community service groups.

(q) DEFINITIONS (Q)

(r) DEFINITIONS (R)

1. Rear yard: That yard or area within the rear one half (1/2) of the lot which extends from the rear wall of the principal building or structure to the rear lot line.

2. Recreational vehicle: A motorhome, travel trailer, camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy, with an area of less than four hundred eighty (480) square feet. Recreational vehicle shall also include trailered boats.

3. Recreational vehicle park: Any area or tract of land, where one or more spaces are rented or leased or offered for rent or lease or held out for use to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

4. Recycling center: A collection center for the acceptance by donation, redemption or purchase of recyclable materials from the public, and further defined as follows: (Ord. No. 1749, 7/7/1988)

   i. Recycling center, small: A collection center of less than five hundred (500) square feet in area, accessory to a commercial or industrial district use including “mobile recycling unit”, and “bulk reverse vending machines”, but not including any powered recycling processing except for reverse vending machines, or bulk reverse vending machines. (Ord. No. 1749, 7/7/1988)

   ii. Recycling center, large: A collection center of five hundred (500) square feet or larger in area, or a small recycling center not accessory to a commercial or industrial district use, not including any powered recycling processing, except for reverse vending machines, or bulk reverse vending machines. (Ord. No. 1749, 7/7/1988)

   iii. Recycling processing center: A center that may include collection and processing of recyclable materials. Processing may include powered or unpowered preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing,
mechanical sorting, shredding, cleaning, and remanufacturing. 
(Ord. No. 1749, 7/7/1988)

5. Replacement value: A building evaluation by the Chief Building Official not including the value of land.

6. Residential second unit: A single-family dwelling constructed after or concurrent with another single-family dwelling on the same lot or parcel.

7. Required yard: Defined herein the same as “required front yard”, or “required rear yard” or “required side yard”; see “minimum yards”. (Ord. No. 1749, 7/7/1988)

8. Reservoir, small, medium, large: A form of “excavated pond” or “embankment pond”. A small reservoir is greater than one (1) acre foot, but shall not exceed five (5) acre feet. A medium reservoir is greater than five (5) acre feet but shall not exceed fifteen (15) acre feet. A large reservoir exceeds fifteen (15) acre feet. The aggregate volume of all ponds on the property shall be used for calculating pond size on any individual parcel.

9. Rest home: See “Community care facility”.

10. Restaurant: An establishment where food is prepared for consumption on the premises, which may include on-sale alcoholic beverages in conjunction with meals, provided that there is no separate bar area.

11. Retail: The sale of goods or commodities in small quantities to ultimate consumers, including incidental wholesale sales. (Ord. No. 1749, 7/7/1988)

12. Retreat: A facility with permanent structures for meeting, lodging, dining and sanitation in a predominantly natural environment. The primary use of retreats is for religious, educational or charitable purposes, such as meetings and programs in religion, spirituality, personal growth or environmental studies. (Ord. No. 2706, 01/06/05)

13. Reverse vending machine: A reverse vending machine is an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. A reverse vending machine is less than fifty (50) square feet in area. A zoning permit for a reverse vending machine includes multiple machines. See “Bulk reverse vending machine”. Reverse vending machines to be located within an existing commercial or industrial building are commercial or industrial accessory uses and do not require a zoning permit. (Ord. No. 1749, 7/7/1988)
14. **Review authority**: For the purpose of this Chapter, “Review Authority” shall mean the officer, committee, commission, board, or employee responsible for the approval of disapproval of any permit or entitlement or responsible for the administration, interpretation or enforcement of the provisions of this Chapter.

15. **Ridge**: A topographic feature indicated as an extended elevation between valleys, typically the upper part of a range of hills or mountains.

16. **Rifle range**: Any facility; or premises protected from uncontrolled entry where firearms or arrows are lawfully discharged for target practice or competition. “Rifle range” includes pistol range, archery range, or trap shoot.

17. **Road**: See “Street”. *(Ord. No. 2128, 1/14/1993)*

18. **Road building**: The removal of more than five hundred (500) cubic yards of earth for road building, or grading of roads longer than five hundred (500) feet, but not including roads constructed for agricultural purposes. *(Ord. No. 1897, 12/7/1989)*

19. **Rummage sale, non-profit**: The infrequent sale of second hand goods by individuals or organizations, including garage and yard sales, and flea markets conducted between six (6) and twelve (12) days per calendar year.

20. **Rummage sale, commercial**: The sale of second hand goods, including flea markets by individuals or organizations conducted more than twelve (12) days per calendar year.

**(s)** **DEFINITIONS (S)**

1. **Sanitary landfill**: A site for solid waste disposal in which the solid waste is spread in thin layers, compacted to the smallest practical volume, and covered with soil at the end of each working day.

2. **Satellite dish antenna, private**: An accessory structure to the principal use, and capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or transmitter relay located in planetary orbit.

3. **Satellite dish antenna, commercial**: Any structure capable of receiving radio or television signals from a transmitter or a transmitter relay located in planetary orbit, used in conjunction with a commercial use or where admission is charged to view programs received via satellite.
4. **School, private**: A school that is established, conducted, and primarily financially supported by a non-governmental agency or group of individuals.

5. **School, public**: A school that is financially supported by a local, city, county, state, or other government authority.

6. **Screening**: To intentionally prevent or obstruct the public’s view of some particular use, article, activity, structure or building.

7. **Service station**: A retail business establishment limited to the sale of motor fuels and supplying goods and services generally required in the operation and maintenance of automotive vehicles.

8. **Setback**: See “Minimum yards”, or “Building setback line” and Article 42. *(Ord. No. 1749, 7/7/1988)*

9. **Side yard**: That yard or area within either side of the lot and outside of the front yard of rear yard which extends from the wall of the principal building or structure to the side lot line.

10. **Sign**: Anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved or otherwise fastened, affixed or made visible for out-of-door advertising purposed in any manner whatsoever, on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or anything whatsoever.

11. **Single-family dwelling**: See “Dwelling, single-family”.

12. **Small family day care home**: A home which regularly provides care, protection and supervision of six or fewer children (including children who reside at the home) for periods of less than twenty-four (24) hours per day.

13. **Social rehabilitation facility**: Any residential facility which provides social rehabilitation services for adult individuals for periods of no longer than eighteen (18) months duration in a group setting.

14. **Special event**: An establishment or enterprise involving large assemblages of people or automobiles on private land not specifically designed for such events, including but not limited to a carnival or circus, automobile or foot race, rodeo, outdoor concert, play or festival attracting more than five hundred (500) participants or observers, or a tennis tournament.

15. **Special events, winery and wine related amplified outdoor public events**: Events that are held at wineries and/or wine-tasting facilities that are not the tasting, marketing, and/or educational events and activities described
as “promotional events,” are open to the public, are held outdoors with amplification, and normally require an admission fee. These may include, but not be limited to, concerts and music festivals. Event capacity and number of events permitted shall be determined on a case-by-case basis. (Ord. No. 2947, 5/3/2011)

16. **Special events, winery and wine-related non-promotional events:** Events that are held at wineries and/or wine-tasting facilities that are not the tasting, marketing, and/or educational events and activities described as “promotional events.” These may include charitable events as well as facility rental events. Facility rental events include any event wherein the property owner is compensated for the use of the site and/or facilities and which may include, but not be limited to, weddings, parties, company picnics, reunions, or other social gatherings. Event capacity and number of events permitted shall be determined on a case-by-case basis. (Ord. No. 2947, 5/3/2011)

17. **Special events, winery and wine-related promotional events:** Tasting, marketing, and/or educational events and activities that are held at wineries and/or wine-tasting facilities that are intended for the promotion and sale of the wine- and/or other ag-related products produced on-site or produced elsewhere from grapes and/or other crops grown on site. Promotional events may include, but not be limited to, wine club events, wine education, winemaker dinners, distributor sales visits, barrel tastings, and new release events. Promotional Events may be sponsored by the property owner, an association of agricultural property owners, or similar organizations formed to assist the local agricultural industry. All existing and new wineries, and wine-tasting facilities, open to the public may conduct promotional events. Attendance at promotional events shall not exceed 200 persons at one time with no limitation on the number of events per year. (Ord. No. 2947, 5/3/2011)

18. **Street:** A permanently reserved, public or private right-of-way which affords a principal means of vehicular access to abutting or adjacent property, not including alleys or driveways as defined herein. The service or frontage road of a freeway shall be considered as a street separate from such freeway or highway.

19. **Structure:** Anything constructed or erected, the use of which requires location on or above the ground or the attachment to something having location on or above the ground including swimming pools and patio covers.

20. **Structural alteration:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

21. **Structural wall:** Any bearing wall of a building.
1. **Telecommunication facility**: Means an unstaffed facility that transmits and/or receives electromagnetic signals. It includes cellular towers, antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment buildings, parking area, and other accessory development. *(Ord. No. 2868, 07/10/2008)*

2. **Telecommunication tower**: A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. *(Ord. No. 2868, 07/10/2008)*

3. **Temporary**: A term applied to certain uses requiring a zoning permit which are only permitted for a limited time, after which the zoning permit expires.

4. **Temporary dwelling**: A travel trailer or motorhome which serves as a temporary residence for the owner or builder until the principal dwelling unit is built or occupied.

5. **Temporary office**: A commercial coach which serves as a temporary office until the principal commercial structure is built or occupied.

6. **Temporary sales office**: A real estate sales office located in a subdivision.

7. **Timber Operations**: The management of lands and forests for the primary use of commercial production and harvest of trees, including the removal of timber and uses integrally related to growing, harvesting, and processing of on-site forest products including roads, log landings, and log storage areas. *(Ord. No. 2507, 2/24/2000)*

8. **Timeshare**: A single-family dwelling unit whether attached or detached which is in common ownership by more than one (1) family or individual, the purpose of which is to provide temporary living accommodations to all owners on a scheduled basis for recreation. A timeshare may be managed separately and rented to nonowners when approved by the common owners.

9. **Tower, wireless communication**: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including but not limited to self-supporting lattice towers, guyed towers, monopole towers, and alternative tower structures. *(Ord. No. 2594, 07/25/2002)*

10. **Townhouse**: A single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside,
no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire resistant walls.

11. **Trailer coach**: A vehicle designed or used for human habitation, including travel trailers, motorhomes, house cars and campers, with a maximum gross occupied ground area of less than four hundred eighty (480) square feet.

12. **Truck stop**: A place of business primarily engaged in providing service station facilities for cargo vehicles, trailer trucks, and automobiles. Truck stops may include accessory food and lodging services.

(u) **DEFINITIONS (U)**

1. **Use**: The purpose for which land or premises of a building thereon is designed, arranged, or intended or for which it is or may be occupied or maintained.

2. **Use, accessory**: See “Accessory use”.

3. **Use area**: The area occupied by principal use or structure and accessory buildings, structures, and appurtenant outdoor, screened or covered areas accessory to a permitted use or structure.

(v) **DEFINITIONS (V)**

1. **Vehicle, motor**: A device by which any person or property may be propelled, moved, or drawn upon a highway, street, alley, or road except as a device moved by human power or used exclusively upon stationary rails or tracks. *(Ord. No. 1749, 7/7/1988)*

2. **Vehicle, inoperable**: A motor vehicle that cannot be moved under its own power due to lack of a motor, transmission, or wheels and in the case of trailers is incapable of being towed. *(Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/03)*

3. **Vendor’s permit**: A zoning permit allowing retail sales of items such as flowers, balloons and souvenirs; including vendors of foods such as hot dogs, sandwiches, cotton candy, snow cones, ice cream; and including newsstands, when sales are conducted in a zoning district allowing retail sales. Sales may be from carts, push carts, stands, trailers, kiosks or similar structures. *(Ord. No. 1749, 7/7/1988)*

4. **Veterinary clinic, large animal**: Any premises used for the on-site care and treatment of large domestic animals including horses, cattle, goats, sheep, and similar animals including holding pens or corrals.
5. **Veterinary clinic, small animal**: Any premises used for the care and treatment of small domestic animals including dogs, cats, birds and similar animals with all such operations being conducted wholly within a building.

(w) **DEFINITIONS (W)**

1. **Wholesale**: The sale of goods or commodities in quantity for resale; including incidental retail sales. *(Ord. No. 1749, 7/7/1988)*

2. **Wholesale plant nursery**: See “Plant nursery, wholesale”.

3. **Winery**: A bonded establishment primarily used for the purpose of processing grapes or other fruit products. Processing includes, but is not limited to crushing, fermenting, blending, aging, storage, bottling, and wholesale or retail sales of wine produced or bottled on the premises. Accessory uses include tasting rooms and incidental retail sales of wine related products, including but not limited to glasses, bottle openers, and previously prepared packaged foods.

4. **Wireless communication facility, exempt**: Wireless communication facilities not exceeding the height limit of the base zoning district for accessory structures if detached, and not exceeding the height limit by more than 15% of structures to which they are attached and less than 200 square feet floor area per project, not located in a required yard, which are not illuminated, do not propose auxiliary fossil fuel fired generators, and which generate little or no additional traffic volume, and which are otherwise deemed by the Review Authority to be compatible with the surrounding area and do not have the potential to cause a substantial impact on the environment; private residential, commercial or institutional satellite dish antennas located anywhere on a lot except within a required front yard, which conform to the height restrictions for detached accessory structures or exceed the height limit by no more than 15% for structures to which they are attached; private amateur, business and institutional 2-way radio antennas up to 65 feet in height, not located in a required front yard; routine maintenance of wireless communication facilities including minor expansions or replacement or upgrading of equipment which does not result in increased environmental impact. *(Ord. No. 2594, 07/25/2002)*

5. **Wireless communication facility, major**: Wireless communication facilities which exceed 65 feet in height or are over 400 square feet in floor area; projects which would otherwise be deemed exempt or defined as minor wireless communication facilities, but which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright light, visual impacts, vibration, radio frequency interference, or unusual traffic, or involve the handling of explosives or dangerous materials. This definition does not include private amateur,
6. **Wireless communication facility, minor:** Wireless communication facilities for commercial use which exceed the height limit for the base zoning district but which are under 65 feet in height and under 400 square feet in floor area; private amateur, business, or institutional 2-way radio facilities which exceed 65 feet in height or are located in a required front yard; private residential, business or institutional satellite dish antennas located within a required front yard, or which do not conform to the height restrictions of detached accessory structures or exceed the height limit of the base zoning district by more than 15% for structures to which they are attached; collocated wireless communication antennas sited on existing structures, such as existing communication or utility towers, water tanks, buildings, church steeples, freestanding signs, trees and other such structures exceeding the height limit for the base zoning by more than 15%; projects which would otherwise be deemed exempt wireless communication facilities, but which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright light or other visual impacts, vibration, radio frequency interference, or unusual traffic, or involve the handling of explosives or dangerous materials. *(Ord. No. 2594, 07/25/2002)*

7. **Wireless communication facility, temporary:** A wireless communication facility which would otherwise be considered a minor or major wireless communication facility, which is installed for a temporary period of time, not to exceed 90 days, for testing purposes, special events, or other special use. *(Ord. No. 2594, 07/25/2002)*

8. **Wood yard, commercial:** Any premises where large quantities of firewood, whether as whole trees or parts of trees, are imported, openly stored, split, sized and cut for sale.

(x)  DEFINITIONS (X)

(y)  DEFINITIONS (Y)

1.  **Yard:** See “Minimum yards”, “front yard”, “rear yard” or “side yard”. *(Ord. No. 1749, 7/7/1988)*

(z)  DEFINITIONS (Z)

1.  **Zoning Administrator:** The Planning Director or designee.
ARTICLE 69

Sec. 21-69 DEVELOPMENT AGREEMENTS

69.1 Purpose and authority: The lack of certainty in the approval of larger or phased development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public, due to potential changes in development regulations, rules and planning ordinances.

The provisions of this Article will provide assurance to applicants for development projects that upon approval of a project, the applicant may proceed with the project in accordance with the policies, rules and regulations, and subject to conditions of approval in effect at the time of approval. Development agreements entered into pursuant to this Article will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

Development agreements may also include provisions whereby applicants are reimbursed over time for financing public facilities and improvements installed in excess of those needed to serve the applicant’s development project. These regulations are adopted for the purposes authorized and under the authority of Government Code Sections 65864-65869.5.

69.2 Applications:

(a) The Planning Director shall prescribe the form for each application, notice and document provided for or required by these regulations for the preparation and implementation of development agreements.

(b) The Planning Director may require an applicant to submit such pertinent information and supporting data as he considers necessary to process the application.

(c) The application shall be accompanied by a fee(s) in an amount to be set by the Board of Supervisors.

(d) The applicant shall present to the Planning Director, the written consent to the development agreement of all parties having any record title interest in the real property which is the subject to the development agreement.

69.3 Qualifications as an applicant: Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. Applicant includes authorized agent. The Planning Director may require an applicant to submit proof of his interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the Planning Director may obtain the opinion of the County Counsel as to the sufficiency of the applicant’s interest in the real property to enter into the agreement.
69.4 **Form of agreement:** Applications shall be accompanied by a proposed development agreement prepared by the applicant. This requirement may be met by submittal of a development agreement consistent with the standard form of development agreements prepared by the Planning Department which may include specific proposals for changes in or additions to the language of the standard form.

69.5 **Review of application:** The Planning Director shall review the application and may reject it if it is incomplete or inaccurate for processing. If he finds that the application is complete, he shall accept it for filing. The Director shall review the application and determine the additional requirements necessary to complete the agreement. After receiving the required information, he shall prepare a staff report and recommendation and shall state whether or not the agreement proposed or in an amended form would be consistent with the General Plan and any applicable specific or community plan.

69.6 **Public hearings and notice:**

(a) Public hearings shall be held on any application for a development agreement and subject to the same proceedings as provided for rezoning applications in Section 47.20.

(b) Notice of the hearings shall be given as provided for rezoning applications in Section 47.20.

(c) When a development agreement is for a project requiring a general plan amendment, specific or community plan amendment, rezoning, major use permit or any subdivision approval, consideration of the development agreement shall be concurrently with or subsequent to consideration of any of the entitlements identified above.

69.7 **Recommendation by the Planning Commission:** After the hearing by the Planning Commission, the Planning Commission shall make its recommendation in writing to the Board of Supervisors. The recommendation shall include the Planning Commission’s determination whether or not the development agreement proposed:

(a) Inconsistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan or community plan.

(b) Is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is located.

(c) Is in conformity with public convenience, general welfare and good land use practice.

(d) Will be detrimental to the public health, safety and general welfare.

(e) Will adversely affect the orderly development of property or the preservation of property values.
The recommendation of the Planning Commission shall include the reasons for the recommendation.

69.8 Decision by the Board of Supervisors:

(a) After the Board of Supervisors completes its public hearing, it may accept, modify or disapprove the recommendation of the Planning Commission.

(b) The Board of Supervisors may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the General Plan and any applicable specific or community plan.

(c) If the Board of Supervisors approves the development agreement, it shall do so by the adoption of an ordinance.

(d) After the ordinance approving the development agreement takes effect, the County may enter into the agreement.

69.9 Amendment or cancellation: Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. The procedure for proposing and adoption of an amendment to or cancellation in whole or in part of the development agreement shall be the same as the procedure for entering into an agreement. However, where the Board of Supervisors initiates the proposed amendment to or cancellation of the development agreement, it shall first give at least thirty (30) days notice to the applicant of its intention to initiate such proceedings in advance of the public hearing by the Planning Commission.

69.10 Recordation of development agreement:

(a) The applicant shall present the written consent to the development agreement of all parties having any record title interest in the real property which is the subject to the development agreement prior to recordation of the agreement.

(b) Within ten (10) days after the Board of Supervisors enters into the development agreement, the County Clerk shall have the agreement recorded with the County Recorder. The agreement shall describe the land subject thereto.

(c) If the parties to the agreement or their successors in interest amend or cancel the agreement, or if the Board of Supervisors terminates or modifies the agreement for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the County Clerk shall have notice of such action recorded with the County Recorder.
69.11 Periodic Review:

(a) Time for and initiation for review:

1. The Planning Commission shall review the development agreement every twelve (12) months from the date the agreement is entered into.

2. The time for review may be modified by affirmative vote of at least three (3) members of the Planning Commission.

(b) Notice of periodic review: The Planning Director shall begin the review proceeding by giving notice that the County intends to undertake a periodic review of the development agreement to the property owner or successor in interest. He shall give the notice at least thirty (30) days in advance of the time at which the matter will be considered by the Planning Commission.

(c) Public hearing by Planning Commission: The Planning Commission shall conduct a public hearing at which time the property owner or successor in interest must demonstrate good faith compliance with the terms of the agreement.

(d) Findings upon public hearing: The Planning Commission shall determine upon the basis of substantial evidence whether or not the applicant has, for the period under review, complied in good faith with the terms and conditions of the agreement.

(e) Procedure upon findings:

1. If the Planning Commission determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded.

2. If the Planning Commission finds and determines on the basis of substantial evidence the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Planning Commission may initiate proceedings to modify or terminate the agreement.

3. The property owner may appeal a determination pursuant to Subsection 69.11(e)2 above the Board of Supervisors as provided for in Section 58.30.
69.12 Modification or termination;

(a) If upon a finding under Subsection 69.11(e)2, the Planning Commission determines to proceed with modification or termination of the agreement, the Planning Director shall transmit to the Board of Supervisors all pertinent materials concerning the periodic review and a staff report setting forth the reasons for the decision by the Planning Commission.

(b) Upon receipt of the staff report pursuant to Paragraph (a) above, the Board of Supervisors shall hold a public hearing on the matter scheduled and noticed as required in Section 57.3.

(c) At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The Board of Supervisors may refer the matter back to the Planning commission for further proceedings or for report and recommendation. The Board of Supervisors may impose those conditions to the action it takes as it considers necessary to protect the interests of the County. The decision of the Board of Supervisors is final.

(Added by Ord. No. 1749, 7/7/1988)
ARTICLE 70

SEC. 21-70 REASONABLE ACCOMMODATION

70.1 Purpose: It is the policy of the County of Lake, pursuant to the Federal Fair Housing Amendments Act of 1988 and California Fair Employment and Housing Act, Gov. Code Section 12901 et.seq, to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of this Article is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning or building laws, rules, policies, practices and/or procedures of the County.

70.2 Definitions:


(b) Applicant: An individual making a request for reasonable accommodation pursuant to this article.

(c) Department: The Community Development Department of the County of Lake.

(d) Disabled Person: Any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. People who are currently using illegal substances are not covered under the Act or this Article unless they have a separate disability.

70.3 Requests for reasonable accommodation:

(a) In order to make specific housing available to an individual with a disability, a disabled person and/or their authorized representative may request reasonable accommodation relating to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the County.

(b) A request for reasonable accommodation in laws, rules, policies, practices and/or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing.

(c) If an individual needs assistance in making the request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the Department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant shall be entitled to be represented at all stages of the proceeding by a person designated by the applicant.
(d) If the project for which the request is being made also requires some other planning or building permit or approval, then the applicant shall file the request together with the application for such permit or approval.

70.4 **Required Information:**

(a) All requests for reasonable accommodation shall include the following information:

1. Applicant’s name, address and telephone number;

2. Assessor’s Parcel Number and physical address of the property for which the request is being made;

3. The current actual use of the property;

4. The code provision, regulation or policy from which accommodation is being requested;

5. The basis for the claim that the individual is considered disabled under the state and federal fair housing acts and why the accommodation is necessary to make the specific housing available to the individual.

6. Plans showing the details of the proposed use to be made of the land or building, and any other pertinent supporting documentation as required by the Community Development Department.

70.5 **Notice of Request for Reasonable Accommodation:**

(a) Not less than ten (10) calendar days prior to the proposed approval of a request for reasonable accommodation, written notice of a request for reasonable accommodation shall be given as follows:

1. Written notice shall be given by mail or delivery by the Community Development Department to all owners shown on the last equalized assessment roll as owning real property as follows:

   (i) If the real property which is the subject of the request is five (5) acres or less in size, notice shall be given to owners of all real property within three hundred (300) feet of the real property which is the subject of the request.

   (ii) If the real property which is the subject of the request is more than five (5) acres in size, notice shall be given to owners of all real property within seven hundred (700) feet of the real property which is the subject of the request.
2. The written notice shall declare that the requested reasonable accommodation may be approved and that written comments should be filed within ten (10) calendar days of the date of the mailing.

70.6 Jurisdiction:

(a) The Community Development Director, or his/her designee, shall have the authority to consider and act on request for reasonable accommodation. The Community Development Director shall designate the Chief Building Official to act on his/her behalf for requests that involve reasonable accommodations to the Building Codes. When a request for reasonable accommodation is filed with the Department, it will be referred to the Community Development Director or Building Official for review and consideration. The Director or Building Official shall issue a written decision within thirty (30) days of the date of receipt of a completed application and may (1) approve the accommodation request, (2) approve the accommodation request subject to specified nondiscriminatory conditions, or (3) deny the request. All written decisions shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The notice of decision shall be sent to the applicant or any other person requesting notice by certified mail, return receipt requested.

(b) If necessary to reach a determination on the request for reasonable accommodation, the Community Development Director or Building Official may request further information from the applicant consistent with this Article, specifying in detail what information is required. In the event a request for further information is made, the thirty-(30) day period to issue a written determination shall be stayed until the applicant responds to the request.

(c) Accommodation approval shall not have any force and effect until applicant acknowledges receipt thereof and agrees in writing to each and every term and condition thereof.

70.7 Grounds for accommodation:

(a) In making a determination regarding the reasonableness of a requested accommodation, the following factors shall be considered:

1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual protected under the Acts.

2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.

3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the County.
4. Whether the requested accommodation will require a fundamental alteration to the zoning, or building laws, policies and/or procedures of the County.

5. Physical attributes of the property and structures.

6. Alternative reasonable accommodations which may provide an equivalent level of benefit.

70.8 Appeals:

(a) Within thirty (30) days of the date the Community Development Director or Building Official issues a written decision, the applicant requesting the accommodation may appeal an adverse determination or any conditions or limitations imposed in the written determination.

(b) Any other interested person not satisfied with the decision of the Community Development Director, shall file an appeal within seven (7) calendar days of the date on which the decision being appealed was rendered.

(c) All appeals shall contain a statement of the grounds for the appeal.

(d) Effect of filing an appeal: The permittee may continue to act in reliance on any issued permit; however, further reliance after receipt of notice of an appeal, is done at permittee’s own risk pending the outcome of the appeal.

(e) Appeals shall be to the Board of Supervisors who shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed. Following the filing of an appeal, the Board of Supervisors shall hold a public hearing on the matter scheduled and noticed as required in Section 57.3. All determinations on an appeal shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

(Added by Ord. 2670, 12/25/2003)
ARTICLE 71

SEC. 21-71 REGULATIONS FOR THE PLACEMENT OF COMMUNICATIONS TOWERS AND ANTENNAE

71.1 Purpose: The purpose of this Section is to establish the regulations, standards and circumstances for the siting, design, construction and maintenance of wireless communication facilities in the unincorporated area of the County of Lake. (Ord. No. 2868, 07/10/2008)

71.2 Applicability: Except as otherwise stated herein, the provisions of this Section are applicable in all zoning districts.

71.3 General Regulations: Wireless telecommunication facilities shall be allowed on lots or parcels within the zoning districts specified in Section 27.11, Table B of the zoning ordinance, subject to a discretionary permit unless otherwise specified by Sections 71.4 or 71.5 of this Article. All wireless telecommunications facilities are subject to the following general regulations of their exempt status:

(a) Wireless communication facilities shall comply with all applicable goals, objectives and policies of the general plan, area plans, zoning regulations and development standards.

(b) Wireless communication facilities shall comply with all FCC rules, regulations, and standards.

(c) Wireless communication facilities shall comply with all applicable criteria from the Lake County Airport Land Use Compatibility Plan (ALUP) and the Federal Aviation Administration (FAA).

(d) Wireless communication facilities shall be sited in the least visually obtrusive location possible as determined by the Community Development Director. Facility towers, antennas, buildings and other structures and equipment visible from adjacent residences or public vantage points, shall be designed, located, constructed, painted, screened, fenced, landscaped or otherwise architecturally treated to minimize their appearance and visually blend with the surroundings.

(e) Where a wireless communication facility exists on the proposed site location, co-location shall be pursued to the maximum extent feasible. If a co-location agreement cannot be reached, documentation of the effort and the reasons why co-location was not possible shall be submitted and reviewed by the Director of Community Development.

(f) Other regulations enacted pursuant to the General Plan and Area Plans, may be applied to the proposed wireless communication facility, depending on the location and type of facility.
Antennas and antenna towers shall be inspected, following significant storm or seismic events, by a structural engineer licensed in the state of California to assess their structural integrity, and a report of the engineer’s findings shall be submitted to the Community Development Department. Costs of inspection and reporting shall be borne by the permit holder.

71.4 **Uses Permitted**: The following types of wireless communications facilities are allowed in any zoning district and are exempt from the provisions of this Chapter:

(a) Structure-mounted antennas as defined in Section 68.4(a)22 of this Chapter.

(b) Ground-mounted antennas as defined in Section 68.4(a)23 of this Chapter.

(c) A ground- or building-mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the parcel on which the radio or television antenna is located.

(d) A ground- or building-mounted citizens band radio antenna including any mast, provided the height of the antenna, including the tower, support structure, or post, does not exceed zoning district height requirements of the zoning district.

(e) A ground-building- or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, provided that its maximum height does not exceed the height requirements of the zoning district.

(f) A ground- or building-mounted receive-only radio or television satellite dish, which does not exceed thirty six (36) inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the maximum height specified by the Zoning Ordinance for the principal structure by more than fifteen (15) percent.

(g) Mobile services providing public information coverage of news events of a temporary nature.

(h) Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Community Development Director.

(i) Wireless communication facilities to be used for public safety or homeland security purposes, installed and operated by authorized federal, state, or local public agencies.

71.5 **Temporary Wireless Communications Facilities**

(a) Temporary wireless communications facilities shall be allowed on lots or parcels within the zoning districts specified in Section 27.2, Table A of the zoning ordinance, subject to approval of a Zoning Permit and the following requirements.
1. The application for a temporary wireless communication facility shall include a graphic and written description of the structure(s) and equipment to be installed, proposed uses, hours and days of operation, a photographic depiction of the site as it exists in its natural state, to be retained by the Community Development Department as a guide to site restoration, and other information as required by the Community Development Department.

2. The application shall include a description of the nature and frequency of activities that will occur at the site in conjunction with the facility, such as monitoring of test equipment, relocation of the facility, or special events that will take place at the site.

3. All temporary wireless communication facility operators shall reasonably cooperate in providing siting for additional collocutors at their sites and in sharing equipment.

4. The facility may remain in place until the intended uses have been completed, or for a maximum period of 90 days.

5. Temporary electric power to the site shall be provided by public utility service lines unless the applicant can demonstrate that this is not feasible, in which case on-site electric power production may be permitted.

6. On-site temporary power generation shall be designed to minimize environmental impacts from noise, emissions, and traffic. Power generation equipment shall not exceed noise limits at the property boundary as required by Section 41.11 of the Zoning Ordinance. Any equipment generating air emissions shall be subject to approval by Lake County Air Quality Management District.

7. Anti-climb devices or fencing and safety signage shall be installed to prevent unauthorized access to equipment.

8. Removal of decommissioned or abandoned equipment and restoration of the site shall be completed by the permit holder within 30 days after discontinuation of use.

9. If substantive complaints are received from the operation of the temporary wireless communication facility the zoning permit may be revoked pursuant to Article 60 of the Zoning Ordinance.

71.6 Uses permitted subject to first obtaining a Minor Use Permit in each case:

Subject to the requirements of Government Code Section 65850.6:

(a) Collocation of wireless telecommunications facilities on existing towers or poles, provided that there is no increase in height.
71.7 Uses permitted subject to first obtaining a Major Use Permit in each case:

(a) New or replacement wireless telecommunication facilities.

71.8 General Development Standards for all Wireless Telecommunication Facilities:

(a) Site Location:
1. Facility towers, antennas, buildings and other structures and equipment visible from adjacent residences or public vantage points, shall be designed, located, constructed, painted, screened, fenced, landscaped or otherwise architecturally treated to minimize their appearance and visually blend with the surroundings.

2. Co-location is required when feasible and when it minimizes adverse effects related to land use compatibility, visual resources, public safety and other environmental factors. Co-location is not required when it creates or increases such effects and/or technical evidence demonstrates to the satisfaction of the Community Development Director that it is not feasible due to physical, spatial, or technological limitations. Fiscal constraints or competitive conflicts are not considered justifiable reason for not co-locating a new facility where opportunity for co-location exists.

3. Wireless communication facilities shall not be sited in a way which will create visual clutter or negatively affect view from communities, highways and major collector roads, from Clear Lake or from highly used public areas, such as but not limited to parks and resorts.

4. New communication facilities shall be discouraged on ridge top sites where they will be silhouetted against the sky from communities, highways and major collector roads or from highly used public areas, such as but not limited to parks and resorts.

5. Wireless communications facilities shall be screened from any public viewing areas to the maximum extent feasible.

6. Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.

7. Any exterior lighting, except as required for FAA regulations for airport safety, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.

8. No telecommunication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless the applicant has demonstrated to the Director of Community Development that
the proposed location is the most feasible location for the provision of services as required by the FCC

9. No telecommunication facility shall be installed within the safety zone of any airport within Lake County unless the airport owner/operator indicates that it will not adversely affect the operation of the airport, and the proposal is reviewed and approved by the Airport Land Use Commission.

10. No telecommunication facility shall be located in an environmentally sensitive habitat, such as but not limited to, wetlands, vernal pools, or special study areas containing rare and endangered plants and animals.

11. In instances where the wireless telecommunication facility is located near or in a residential area, or located within a Community Growth Boundary or within one (1) mile of said Boundary, photos shall be submitted of the proposed facility from the nearest residential neighbors. In instances where the wireless communication facility would be visible from a State Highway or County Collector or Arterial Road or from Clear Lake a detailed visual analysis of the facility shall be submitted.

12. Anti-climb devices or fencing and safety signage shall be installed to prevent unauthorized access to equipment.

13. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.

14. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirement for the Zoning District.

15. A subdivision pursuant to the State Subdivision Map Act shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building in unmanned.

16. The maximum height of any communications tower shall be 150 feet.

17. The foundation and base of any communications tower shall be setback from a property line (not lease line) located in any Residential District at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.

18. Existing trees and other vegetation which will provide screening for the proposed facility and associated access roads shall be protected from damage during construction. Additional landscaping or visual screening shall be installed and maintained where it would mitigate visual impacts of a communication facility. Introduced vegetation shall be native, drought
tolerant species compatible with the predominant natural setting of the project area, and shall be maintained throughout the life of the project. Communication facility sites, whether leased or purchased, shall be of sufficient size to include vegetative screening if landscaping would provide a useful reduction to visual impacts. No trees that provide visual screening of the communication facility shall be removed except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.

19. The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.

(b) Design Review and Frequency Emission Compliance

1. Towers and monopoles shall be constructed of metal or other non-flammable material, unless specifically conditioned by the County to be otherwise.

2. Support facilities (i.e. vaults, equipment rooms, utilities and equipment enclosures) shall be constructed of non-flammable, no-reflective materials and shall not exceed a height of twenty (20) feet.

3. All ancillary buildings, poles, towers, antenna supports, antennas, and other components or telecommunication facilities shall be of a color or combination of colors approved by the Appropriate Authority. If the facility is conditioned to require paint, it shall initially be painted with a flat paint color approved by the Appropriate Authority, and thereafter repainted as necessary with a flat paint color. Components of the telecommunication facility which will be viewed against soils, trees, or grasslands shall be of a color matching these landscapes.

4. A visual simulation of the wireless telecommunication facility shall be provided. Visual simulation shall consist of either a physical mock-up of the facility, a balloon simulation with a balloon tethered at the height of the proposed tower and of a diameter matching the maximum width of the proposed antenna, a computer simulation or other reasonable and comparable means.

5. Special design of the wireless telecommunication facilities may be required to mitigate potentially significant adverse visual impacts.

6. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

7. The site of a communications tower shall be secured by a fence with a maximum height of 8 feet to limit accessibility by the general public.
8. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

9. Communications Towers shall be protected and maintained in accordance with the requirements of the County’s Building Code.

10. One off street parking space shall be provided within the fenced area.

11. Written documentation shall be submitted to the Community Development Department annually by permit holders, prepared by Radio Frequency Engineers or other qualified professionals, that verify compliance with FCC regulations if any change in facility conditions justify said documentation. Written affirmation shall be submitted to the Community Development Department annually by permit holders that verifies continuing compliance with FCC regulations.

71.9 Application Submittal Requirements for Wireless Telecommunications Facilities:
Applications for wireless telecommunications facilities shall include the following information:

(a) The applicant shall provide written documentation that is licensed by the Federal Communications Commission to operate a communications tower, or that it is a tower development company that is representing a Federal Communication Commission licensed client.

(b) The applicant shall provide written documentation that the proposed wireless telecommunications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(c) Communications towers shall comply with all applicable Federal Aviation Administration and applicable Airport Zoning Regulations.

(d) Any applicant proposing construction of a new communications tower shall provide written documentation that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
2. The proposed antennae and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

3. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

4. Addition of the proposed antennae and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

5. A commercially reasonable agreement could not be reached with the owners of such structures.

(e) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

(f) The applicant shall submit certification from a California registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the County’s Building Code.

(g) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1 million per occurrence and property damage coverage in the minimum amount of $1 million per occurrence covering the communications tower and communications antennas.

(h) A description of the facility that includes:

1. The types of services to be provided by the applicant to its customers.

2. The number, type and dimensions of antennas and other equipment to be installed.

3. The power rating for all antennas and equipment.

4. A statement that the system by itself, and in conjunction with other facilities in the vicinity, will conform to radio frequency radiation emission standards adopted by the FCC.

5. Capacity of the site and facility to accommodate expansion through co-location.
A map showing the locations of all other existing and proposed antennas included in the applicant’s system for provision of service within Lake County, showing the approximate area served by each antenna.

A map showing the location of all other wireless communication facilities within five air miles of the proposed facility.

Written evidence of ownership or authorization for use of the proposed site. Applicant shall not enter into a lease that precludes possible co-location.

Written evidence of easements or other authorization for proposed utility lines and for vehicular access between the site and a public road.

Visual analysis of the proposed facility at design capacity, including at a minimum photo montages, photo simulations or other accurate representations of visual appearance from at least three different locations, at least two of which shall be from public locations from where the facility will be most visible. For locations determined by the Community Development Director to be especially visually sensitive, the applicant may be required to provide a demonstration of the proposed height of the facility on the site in the form of a tethered balloon, vehicle-mounted boom, or other object raised to the proposed height.

A narrative discussing the factors leading to selection of the proposed site and antenna height, including alternative sites considered. For facilities not proposed to be co-located, the applicant shall provide a detailed statement substantiating why co-location is not practical.

A statement that the applicant and successors agree to negotiate in good faith for co-location of proposed facility by third parties, and require no more than a reasonable charge for co-location.

The Community Development Director may waive submittal requirements or require additional information based on factors specific to an individual project. The Director may, at the applicant’s expense, require independent peer review of any technical claims or data submitted as part of the review process.

Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

**71.10 Regulations Governing Telecommunications Antenna and Equipment Buildings**

Building mounted wireless telecommunications antennas shall not be located on any single-family dwelling or two family dwelling.
(b) Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than 20 feet.

(c) Omni directional or whip communications antennas shall not exceed 20 feet in height and 7 inches in diameter.

(d) Directional or panel communications antennas shall not exceed 5 feet in height and 3 feet in width, unless the cumulative visual impact of an array can be reduced by using a different size.

(e) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit documentation from a California registered professional Engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

(f) Any applicant proposing communications antennas mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure to be reviewed for compliance with the State and local building requirements and other applicable law.

(g) Any applicant proposing wireless telecommunications antennas to be mounted on a building or other structure shall submit evidence of agreements with the property owner.

71.11 Reporting Requirement

(a) All telecommunications carriers and providers that offer or provide any telecommunication services for a fee directly to the public applying for use permits, within the unincorporated areas of the County of Lake, shall file a report with the County pursuant to this Chapter on forms to be provided by the Director or Community Development and which shall include the following:

1. The identity and legal status of the applicant, including any affiliates.

2. The name, address, and telephone number of the officer, agent or employee responsible for the accuracy of the report.

3. A narrative and map description of applicant’s existing or proposed facilities within the unincorporated areas of the County of Lake.

4. A written description of the telecommunication services that the applicant intends to offer to provide, or is currently offering or providing, to persons, firms, businesses or institutions within the unincorporated areas of the County of Lake.
5. Written documentation sufficient to determine that the applicant has applied for and received any certificate of authority required by the California Public Utilities Commission to provide telecommunications services or facilities within the unincorporated areas of the County of Lake.

6. Written documentation sufficient to determine that the applicant has applied for and received any building permit, operating license or other approvals required by the Federal Telecommunications Commission (FCC) to provide services or facilities within the unincorporated areas of the County of Lake.

7. Such other information as the Director of Community Development may reasonably require.

(b) The purpose of the report under this Section is to:

1. Provide the County with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunications services within the unincorporated areas of the County of Lake, or that own or operate facilities within the unincorporated areas of the County of Lake;

2. Assist the County in the enforcement of this Chapter;

3. Assist the County in monitoring compliance with local, State and Federal laws.

(c) Amendment. Each applicant shall inform the County, within sixty (60) days of any change of the information required pursuant to this Section.

71.12 Site Restoration upon Termination/Abandonment of Facility

(a) The site shall be restored to its natural state within six (6) months of termination of use or abandonment of the site.

(b) Applicant shall enter into a site restoration agreement subject to the approval of the Director Community Development and County Counsel.

(c) If a Communications Tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such 12 month period.

71.13 Findings for Approval: In addition to the applicable findings of Sections 50.4 and 51.4 of the Zoning Ordinance for approval of minor and major use permits, the following findings shall be made for approval of wireless telecommunications facilities:

(a) That the development of the proposed wireless communications facility will not significantly affect any public viewshed, scenic corridor or any identified
environmentally sensitive area or resource as defined in the Lake County General Plan or Area Plans.

(b) That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that it is the least intrusive for the provision of services as required by the FCC.

(c) That the proposed wireless communication facility complies with all of the applicable requirements of Article 71 of the Lake County Zoning Ordinance.

(d) That the subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any have been paid.

71.14 Indemnification: Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant indemnify and hold harmless the County and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit.

71.15 Conflicts with Other Chapters: If this Section is found to be in conflict with any other Chapter, Section, Subsection, or Title, the provisions of this Section shall prevail.