Chapter 17.52

GENERAL PROVISIONS AND EXCEPTIONS

Sections:

17.52.010 Effect of chapter. The regulations set forth in this chapter shall modify or supplement the zoning district regulations appearing elsewhere in this title. (Ord. 1229 § 2 (part), 1982).

17.52.020 Entertainment and alcoholic beverage service. No establishment where liquor, beer or wine is served, or any place where entertainment with amplified music is provided shall be permitted closer than two hundred feet to any residential (R) zoning district except as provided in this section. Service of beer and wine only when incidental to food service in a restaurant in a commercial (C), recreational (K), mixed use (MU) or business park (BP) zoning district may be allowed as a conditional use within two hundred feet of a residential (R) zoning district. Entertainment with amplified music provided at businesses in a commercial (C), recreational (K), mixed use (MU) or business park (BP) zoning district may be allowed as a conditional use within two hundred feet of a residential (R) zoning district. (Ord. 3225 § 9, 2013: Ord. 2222 § 93, 1998; Ord. 1307 § 5, 1983; Ord. 1229 § 2 (part), 1982).

17.52.030 Temporary rummage sales and flea markets. Temporary rummage sales and flea markets may be held in any given location or sponsored by a particular person or group for not more than three days in any calendar year. (Ord. 1229 § 2 (part), 1982).

17.52.040 Temporary and seasonal uses and structures.

A. Any use listed as a permitted use or a conditional use in any zoning district and any temporary structures associated therewith may be permitted in any other district for a period not to exceed one year provided a use permit is first secured. No use permit shall be granted pursuant to this section unless the applicant for such permit guarantees removal of any such

structure or use upon expiration of the one-year period, either by posting a bond or other device acceptable to the director who will insure such removal. This section shall not apply to signs not otherwise permitted in a particular district.

B. Commercial and industrial uses which are seasonal in nature and reestablished annually may be permitted in any district for one continuous period not to exceed six months each year, provided a use permit is first secured. Once a use permit is issued it shall remain valid each year without reapplying or renewal as long as the seasonal use occurs each year, unless otherwise stated in the conditions of the permit. No use permit shall be granted pursuant to this section unless the applicant for such permit guarantees removal of the structure or Use after each period of six months or less by posting a bond or other device acceptable to the director. This section shall not apply to any use which is not considered to be seasonal in nature by the director. (Ord. 1378 § 1, 1985; Ord. 1229 (part), 1982).

17.52.050 Limitations to obstructions.

A. Cornices, eaves, canopies and similar architectural features shall not extend more than two feet into any required yard or setback area.

B. Uncovered porches, fire escapes or landings shall not extend more than four feet into any required front or rear yard or setback area, or more than three feet into any side yard or setback area.

C. On all property boundaries, the maximum height of any fence shall be six feet. This does not apply to commercial (C), business park (BP) and industrial (M) districts or parcels larger than one-third acre.

D. In no case shall any fence, hedge, sign, structure, or other visual screen be erected in such a manner as to block necessary motorist visibility and create a traffic hazard. (Ord. 2222 § 94, 1998; Ord. 1229 § 2 (part), 1982).

17.52.060 Public utility uses.

A. Except as otherwise provided in this title, public utility distribution facilities are declared to be permitted uses in all districts, except in open space (O) districts and design control (:D) and historical area (:HDP) combining districts.

B. Routes or proposed electric transmission lines shall be submitted to the planning commission for review, recommendation and approval prior to the acquisition of rights-of-way.

C. Except as otherwise provided in this title, all public utility uses except distribution facilities, are declared to be conditional uses in all districts and are permitted subject to securing a use permit in each case. (Ord. 2506 § 14, 2003; Ord. 1229 § 2 (part), 1982).

17.52.070 Applicability to public agencies. The provisions of this title, to the extent permitted by law, shall apply to all public bodies, districts and agencies, including federal, state, county, municipal and local (other than the County of Tuolumne); provided, however, that use permits, variances and zone changes may be applied for and granted to such governmental units without payment of the required application fee. (Ord. 1229 § 2 (part), 1982).

17.52.080 Propane tanks for domestic use. Storage tanks for liquid petroleum gas for domestic use are permitted in all districts. (Ord. 1229 § 2 (part), 1982).

17.52.100 Home occupations. Home occupations are permitted in all districts except when the occupation or any part of it is otherwise regulated in this code. (Ord. 2222 § 95, 1998; Ord. 1229 § 2 (part), 1982).

17.52.110 Airplane hangars.[1] The construction and utilization of aircraft hangars, parking aprons and workshops for the storage, maintenance, repair and construction of the resident's own personal aircraft are permitted accessory uses on lots with taxiway access to an airport. (Ord. 1229 § 2 (part), 1982).

17.52.120 Salvage of dead, dying or diseased timber. Notwithstanding any other provision of this title to the contrary, no use permit shall be required for the commercial salvage of dead, dying or diseased timber on parcels of three acres or more when an exemption from the timber harvesting plan requirement or an emergency notice is issued by the California Department of Forestry and Fire Protection. No use permit shall be required for the salvage of dead, dying or diseased timber on parcels of less than three acres. For the purposes of this

[1] For provisions on airport zoning, see Ch. 18.28 of this Code.

section, "dead, dying or diseased timber" means trees which are dead, dying or diseased because of lack of water, insect infestation or other factors and includes “Diseased trees” and “Dying trees” as defined in Section 895.1 of the California Code of Regulations. (Ord. 3225 § 10, 2013; Ord. 1229 § 2 (part), 1982).

17.52.130 Storage containers. Storage containers are prohibited in all zoning districts unless they conform to the following requirements:

A. In all zoning districts:

1. Any storage container, regardless of size, shall conform to all building setbacks.

2. A building permit or waiver shall be secured for any storage container over one hundred square feet.

B. In a design review district, any storage container may be installed only after first securing a design review permit in accordance with Chapter 17.46.

C. In any MU, R or RE zoning district:

1. Only one storage container, not exceeding two hundred square feet in size, is allowed on any parcel.

2. Any storage container shall be placed behind or to the side of the principal building. Said container shall be screened with fencing or landscaping so as not to be visible from any roadway or neighboring home.

D. In any C, M, BP, P, or K zoning district:

1. A landscaping plan and/or screening plan shall be reviewed and approved by the community development department prior to the installation of any storage container.

2. Only two storage containers are allowed on any parcel.

E. In any A zoning district:

1. All storage containers must be used primarily for agricultural purposes.

2. Storage containers easily visible to a neighboring home or roadway shall be screened with fencing or landscaping.

F. Existing use of any storage container in numbers greater than permitted herein are subject to the provisions of Chapter 17.58 of this title. Notwithstanding Chapter 17.58, existing uses of any storage container not conforming to the provisions of this section, other than limits on numbers of containers, shall be removed or brought into conformance with this section upon change of ownership of the parcel or within five years after the effective date of this section, whichever comes first. (Ord. 2314 § 79, 1999; Ord. 2222 § 96, 1998; Ord. 1800 § 2, 1990).

17.52.140 Movie sets.

A. Temporary motion picture and television stage sets and scenery are permitted in all districts provided said structures are removed within ninety days of their erection.

B. Permanent motion picture and television stage sets and scenery may be permitted in any district provided a use permit is first secured. (Ord. 1738 § 1, 1990).

17.52.150 Small family day care homes. Small family day care homes are permitted uses within permitted and conditional use single-family residences in all districts, except O and O-1. (Ord. 2119 § 41, 1995)

17.52.160 Large family day care homes. Large family day care homes are permitted uses within permitted and conditional use single-family residences in all district, except O and O-1, provided all of the following criteria are met at all times during the use:

A. There is only one large family day care home on each parcel.

B. Two off-street parking spaces are provided for the single-family residence and one-half parking space for each employee who does not reside in the home per largest shift is provided on-site. In the case of a fractional number of required parking spaces, the number shall be rounded up to the next whole number. The required parking spaces shall be designed and constructed in accordance with Section 17.60.070.

C. A drop-off and pick-up loading area for children is provided on-site. The drop-off area shall be designed to provide for safe drop-off or pick-up of the children without blocking driveway access.

D. A fire extinguisher and smoke detector device and any other regulations adopted by the State Fire Marshall for large family day care homes are provided.

E. Noise levels generated by the family day care home are restricted to the following exterior noise limits: (See next chart below.)

Zoning Classification of Receiving Property	Noise Level (dB) of Sound Source	
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10, C-O, C-1, C-S, BP	50 $L_{eq.}$ (1 hour)1	45 $L_{eq.}$ (1 hour)1

[1]Leq. 1 hour refers to the average noise level measured over a one hour period. (Ord. 2222 § 97, 1998; Ord. 2119 § 42, 1995).

17.52.170 Commercial growing and harvesting of timber. The commercial growing of timber is a permitted use in all districts, except O and O-1. The commercial harvesting of timber shall be permitted as follows:

A. Commercial harvesting of timber encompassing more than three (3) acres is a permitted use in all districts, except O and O-1, provided it is in conformance with the California Forest Practice Rules (Title 14 of the California Code of Regulations).

B. Commercial harvesting of timber, except old growth coniferous forest as identified on the Tuolumne County Wildlife Habitat Maps, encompassing fewer than three (3) acres is a permitted use in all districts, except O and O-1, provided it is in conformance with the California Forest Practice Rules (Title 14 of the California Code of Regulations) and all of the following criteria can be met:

1. The harvesting of timber shall not occur within 100' of a cultural resource site boundary unless a cultural resource protection plan has been approved by the California Department of Forestry and Fire Protection (Cal Fire) or a cultural resource protection plan has been approved by the director. The cultural resource protection plan shall identify any significant archeological or historical sites and means to protect those sites during timber harvesting. Avoidance of the site is an example of an appropriate protection measure. If the significance of a cultural resource site is unknown, it shall be deemed to be significant and shall be protected from significant disturbance.

2. The harvesting of timber shall not occur within riparian or wetland areas, as defined in the Tuolumne County General Plan, as follows unless mitigation measures for potential impacts to the riparian or wetland areas have been identified in a Timber Harvesting Plan or other plan approved by the California Department of Forestry and Fire Protection (Cal Fire) or the timber harvesting as been authorized by an approved County entitlement. Mechanical equipment, such as trucks and bulldozers, shall be prohibited for the harvesting of any timber within the areas listed below. The following setbacks may be reduced by the director if vegetation removal within these areas is necessary for reasons of health and/or safety or is consistent with the Watercourse and Lake Protection Zone requirements of the California Forest Practice Rules:

Perennial streams	100' from centerline
Intermittent streams	75' from centerline
Reservoirs, lakes, Ponds	100' from high water level
Vernal pools	150' from high water level

C. Harvesting of Valley Oak and Aspen species and commercial harvesting of old growth coniferous forest as identified on the Tuolumne County Wildlife Habitat Maps, encompassing fewer than three (3) acres shall be prohibited in all zoning districts unless approved in conjunction with an entitlement from the County or approved by the director if vegetation removal is necessary for reasons of health and/or safety and provided any commercial harvesting is in conformance with

the California Forest Practice Rules (Title 14 of the California Code of Regulations). (Ord. 3225 § 11, 2013; Ord. 2314 § 80, 1999; Ord. 2115 § 30, 1995)

17.52.180 Retail sales, indoor, retail services, indoor, or shopping centers. Where retail sales, indoor, retail services, indoor, or shopping centers are subject to the requirements established herein, the application for a conditional use permit or site development permit shall be referred to the planning commission as provided in section 17.68.180. Any approved conditional use permit or site development permit shall include conditions to ensure compliance with the following provisions:

A. The design and exterior materials of the retail sales or retail services establishment or shopping center shall reflect the traditional architectural motif of the community in which it is proposed, blend with the surrounding neighborhood, or be consistent with any applicable design standards in the general plan or as provided in this title.

B. The retail sales or retail services establishment or shopping center shall be designed and located to be compatible with, rather than imposed on, the landscape and environment by minimizing the amount of grading and topographical alteration and shall be designed in accordance with the provisions of the Tuolumne County Hillside and Hilltop Development Guidelines.

C. An application for a use permit shall be referred to any jurisdictional design review or other planning advisory committee for review and recommendation to the planning commission. (Ord. 3177 § 13, 2011; Ord. 2550 § 21, 2004).

17.52.200 Accessory Dwelling Units.

A. Purpose. The purpose of this chapter is to provide regulations and criteria for the establishment and location of accessory dwelling units in compliance with Government Code Section 65852.2.

B. Locations Permitted. Accessory dwelling units and junior accessory dwelling units are allowed in districts zoned to allow single-family or multifamily uses, subject to the permit requirements of applicable zone districts and compliance with the development standards of this chapter, and other County plans, policies, and regulations that restrict the construction of dwelling units for health and safety reasons. These health and safety restrictions listed in development standards, County plans, policies and regulations shall supersede the density allowances outlined in this section.

C. Permit Required. An accessory dwelling unit or junior accessory dwelling unit may be attached to or detached from an existing or proposed single-family or multifamily dwelling upon the issuance of a permit in accordance with this chapter. An attached accessory dwelling unit may also be attached to or placed within garages, storage areas, or an accessory structure. The Director shall approve a permit for an accessory dwelling unit and/or junior accessory dwelling unit meeting the development standards of this chapter and consistent with Section 65852.2 of the Government Code.

1. Processing of Permit. A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, in accordance with Section 65901 or 65906 of the Government Code and all local ordinance provisions regulating the issuance of variances or special-use permits, as follows.
    a. On Lots that allow Single-Family Dwellings.
        i. An attached accessory dwelling unit or junior accessory dwelling unit shall be allowed subject to the following:
            a. The accessory dwelling unit or junior accessory dwelling unit is within the enclosed, conditioned space of a proposed or existing

single- family dwelling; or

b. The accessory dwelling unit or junior accessory dwelling unit is within an existing accessory structure.

c. May include an expansion of the primary residence of not more than 150 square feet beyond the current physical dimensions of the existing accessory structure solely to accommodate ingress and egress.

d. The unit has exterior access from the proposed or existing single- family dwelling.

ii. detached, new construction, accessory dwelling unit on a lot with a proposed or existing single-family dwelling. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings (see Government Code Section 5852.2(e)(1)(A) and (B).

iii. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph a. i. for the purposes of a single permit.

b. On Lots that allow Multifamily Dwellings.

i. Multifamily structures may be allowed accessory dwelling units in a total amount of up to 25 percent of the number of total principal units entitled on the property. At least one accessory dwelling unit must be allowed.

ii. Accessory dwelling or junior accessory dwelling units may be provided within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

iii. No more than two accessory dwelling units may be detached from a primary multifamily structure.

2. The County of Tuolumne (County) shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

3. Timing

a. The County shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the County receives a completed application if there is an existing single- family or multifamily dwelling on the lot. If the County does not act within 60 days, the application shall be deemed approved.

b. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the County may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the County acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing.

c. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

4. The County shall not issue a certificate of occupancy for an accessory dwelling unit before the certificate of occupancy is issued for the primary residence.

D. Junior accessory dwelling units. In addition to complying with Government Code Section 65852.2, junior accessory dwelling units shall comply with the following:

1. When a junior accessory dwelling unit is permitted, the owner must reside on the property. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, housing organization, or other 501(c)(3) organization.

2. A junior accessory dwelling unit may not be detached from the proposed or existing primary residence.

3. A junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing primary residence.

4. A junior accessory dwelling unit shall include an efficiency kitchen, which shall include:

a. A cooking facility with appliances; and

b. A food preparation counter and storage cabinets that are of useable size.

5. Parking shall not be required as a condition to permit a junior accessory dwelling unit.

6. No subdivision of this County Code of Ordinances shall be interpreted to prohibit the

requirement of an inspection, including the imposition of a fee for that inspection, to determine if a junior accessory dwelling unit complies with applicable development standards.

7. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner of the lot or parcel on which it is to be constructed shall record a deed restriction in a form satisfactory to the County attorney that includes the following:

a. A prohibition of the sale of the junior accessory dwelling unit separately from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers; and A restriction on the size and attributes of the junior accessory dwelling unit that conforms with Section 65852.2 of the Government Code that regulates accessory dwelling units.

E. Development Standards. The following development standards shall apply to all accessory dwelling units.

1. The living area of a detached accessory dwelling unit shall not exceed 1,200 square feet, which does not include any square footage designated as a garage. The living area includes all conditioned and unconditioned space in the detached accessory dwelling unit. Buildup/underfloor space areas shall not have any improved floor area. Buildup/underfloor areas shall be limited to one light and one plug and may be used as space for equipment serving the ADU. All accessory dwelling units shall be limited to one attached garage, which shall be limited to 50% of the ADU conditioned/unconditioned floor area. An accessory dwelling unit shall be allowed to be at least 16 feet in height and shall be set back at least four feet from side and rear property lines.

2. No setback shall be required for an existing living area, garage, or other accessory structure that is converted to an accessory dwelling unit (or portion of accessory dwelling unit) with the same dimensions as the existing structure, and a setback of five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

3. Except as otherwise provided in this chapter, the accessory dwelling unit shall not increase an existing or create a new encroachment upon any required front, side, or rear yard space, increase building height or coverage beyond the standards prescribed for the district in which it is located or decrease the distance between structures that is required.

4. No passageway or entrance within view of a street shall be required in conjunction with the construction of an accessory dwelling unit.

5. An accessory dwelling unit shall include at least one bathroom, one kitchen, and one living/dining room.

6. Septic Systems

a. Where a septic system is used for the proposed ADU, approval by the Environmental Health Director will be required, as allowed by Government Code Section 65852.2 (a)(1)(D)(ix).

b. A soil mantle test may be required as required by County Code of Ordinances Chapters 13.08 and 13.04. and as allowed

by Government Code Section 65852.2(e)(5).

7. Fees
   a. Notwithstanding any provision to the contrary contained in this code (or in any code adopted by reference in this code), an accessory dwelling unit may be connected to a district sewerage system through a side sewer shared with the existing residence on the site, or it may have its own side sewer. In either case, the connection of the accessory dwelling unit to the district sewerage system is subject to the requirements of this Chapter 17.52, including obtaining applicable permits, paying connection charges (where applicable), and paying user charges.
   b. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, and other utilities as defined, unless the accessory dwelling unit was constructed with a new single-family dwelling. Separate metering of utilities is not required for accessory dwelling units unless they are constructed with a new primary dwelling.
   Fees will be charged for the construction of accessory dwelling units in accordance with Title 3 of the Tuolumne County Code of Ordinances and state law. The County, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Impact fees include school fees. School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
   c. A connection fee shall not be collected for water, sewer, power, or other utility for a junior accessory dwelling unit.

8. Fire sprinklers shall be required for accessory dwelling units as required by the building code.
   a. For purposes of fire or life- protection regulations, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

9. An accessory dwelling unit may be rented, but it shall not be offered for sale apart from the principal unit, nor shall the lot or parcel be subdivided to create a separate building site unless approved pursuant to the subdivision ordinance of this County. No accessory dwelling unit may be offered for rental terms of less than 30 days.
   a. Notwithstanding

Section 17.52.200.E.9, the County may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all the following apply:

i. The property was built or developed by a qualified nonprofit corporation.

ii. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit that satisfies all the requirements of paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

iii. The property is held pursuant to a recorded tenancy in common agreement that includes all the following provisions:

a. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

b. A repurchase option that requires the qualified buyer first, offer the qualified nonprofit corporation the opportunity to buy the property if the buyer desires to sell or convey the property.

c. A requirement that the qualified buyer occupy the property as the buyer's principal residence.

d. Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner occupied housing units and will be sold or resold to qualified buyer.

iv. A grant deed naming the grantor and grantee and describing the property interests

being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

v. Notwithstanding any provisions in Section 17.52.200 of this code, if requested by a utility providing service to the primary residence, the accessory dwelling unit shall have a separate water, sewer, or electrical connection to that utility.

10. Except as otherwise provided in this chapter, accessory dwelling units shall comply with all uniform building codes adopted, and all other applicable laws, rules, and regulations. An accessory dwelling unit may consist of manufactured housing if such housing is permitted in the district in which it is proposed to be located and meets the standards for such housing.

a. Parking

i. Required parking shall not exceed one space per unit or per bedroom, whichever is less. Such additional space may be a tandem space in a driveway or off-street within setback areas provided in locations approved by the County. Tandem parking and the location of off- street parking within setback are as shall be approved by the County unless specific findings can be and are made that parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety

ii. If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced. This section shall not be considered in the application of any local

iii. No additional off-street parking spaces shall be required for accessory dwelling units in locations meeting the following criteria:

a. The unit is located within one-

half mile walking distance of public transit.

b. The unit is located within a historic district.

c. The accessory dwelling unit is part of a proposed or existing primary residence or accessory structure.

d. On-street parking permits are required but not available to the occupant of the accessory dwelling unit.

e. There is a car- share vehicle located within one block of the accessory dwelling unit.

F. Other Provisions.

1. This section shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

2. No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under Chapter 17.52.

3. Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

G. Code Enforcement. The code enforcement officer may conduct a review of accessory dwelling units within the county. The code enforcement officer or designee may enforce all provisions of this code and provisions of state law pertaining to the development, occupation, and maintenance of residential properties and accessory dwelling units, pursuant to the following provisions:

1. A code enforcement officer may report:

a. A change in ownership of the lot or parcel of land on which the residential units are situated.

b. A change in the occupancy of the residential units that is not in compliance with this section.

2. A code enforcement officer may issue to an owner of an accessory dwelling unit a notice to correct a violation of any provision of any building standard or any failure to comply with this section. The code enforcement officer shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to the following findings:

a. The accessory dwelling unit was built before January 1, 2020

b. The accessory dwelling

unit was built on or after January 1, 2020; however, at the time the unit was built, the County had a noncompliant accessory dwelling unit ordinance, but the unit is compliant at the time the request is made.

3. The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in Section 17.52.200.G, may submit an application to the County requesting that enforcement of the violation be delayed for up to five years on the basis that correcting the violation is not necessary to protect health and safety.

a. The County shall grant an application described in Section 17.52.200.G.3 if it is determined that correcting the violation is not necessary to protect health and safety. In making this determination, the zoning administrator shall consult with the code enforcement officer, building official, and/or the State Fire Marshal or designee pursuant to Section 13146 of the Health and Safety Code.

b. The County shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the County before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to Section 17.52.200.G.3.a. If upon such review it appears that in a particular case a violation of the provisions of this chapter has occurred, the code enforcement officer may take such action as deemed necessary by the Community Development Director to correct any violation.

H. Compliance with State Law. This section is intended to comply with the requirements of Section 65852.2 of the Government Code and any amendments thereto. All accessory and junior accessory dwelling units approved by this section are deemed to not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and accessory and junior accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designations for the lot. (Ord. 3388 § 2, 2021; Ord. 3170 § 114, 2011).

17.52.210 Primary caregivers. One detached secondary single-family dwelling may be temporarily placed on any parcel that contains a primary dwelling where a detached secondary single-family dwelling is not otherwise allowed by this title for the purpose of providing care for elderly or ill persons, subject to the following requirements:

A. The primary caregiver must reside on the parcel;

B. The property owner must submit a letter to the Community Development Director from a physician explaining the need for the detached secondary single-family dwelling;

C. Placement of the detached secondary single-family dwelling must comply with all applicable building codes in effect at the time of installation;

D. The detached secondary single-family dwelling must be no larger than 500 square feet of livable area; and

E. The detached secondary single-

family dwelling shall be removed from the parcel within 60 days following the date it is no longer needed by the person being cared for. The director may require security be provided to insure removal. (Ord. 3170 § 115, 2011).

17.52.220 Commercial events on agricultural land. Commercial events are the use of land and/or facilities for meetings, gatherings and events, including, but not limited to, weddings, parties and similar uses, for which a fee is charged.

A. An annual ministerial permit may be acquired from the County to allow up to 40 commercial events to be held per calendar year for up to 300 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in subsection C.

B. An annual ministerial permit may be acquired from the County to allow up to two commercial events to be held per calendar year for up to 500 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in subsection C.

C. Standards for commercial events:

1. The event venue shall be located on a parcel that complies with the cul-de-sac road standards specified in Section 11.12.040 of this Code.
2. The event venue, excluding parking areas, shall be located at least 200 feet from the boundary of the nearest parcel zoned R or RE.
3. The event parking areas shall be located at least 20 feet from the boundary of any parcel zoned R or RE.
4. Prior to issuance of the annual special event permit, a traffic management plan (TMP) shall be submitted and approved by the Community Resources Agency for events exceeding 100 guests. The TMP shall be prepared by a qualified transportation engineer/consultant and shall include appropriate techniques to provide safe ingress and egress from event facilities without resulting in substantial congestion of roadways, or otherwise cause traffic-related hazards. Such techniques may include (but may not be limited to):
   a. Temporary caution and directional signage;
   b. Clearly defined points of ingress/egress;
   c. Cones or other clear markers placed to help direct vehicle flow define parking areas and driveways; and
   d. Flag persons to help direct vehicle flow and minimize congestion.
5. All events shall occur between the hours of 10:00 a.m. and 10:00 p.m. excluding set up and clean up time. If an event is held entirely within an enclosed building after 10:00 p.m., the event may continue until 2:00 a.m.
6. Noise generated by the event shall not exceed a noise level of 60 dB Leq (1 hour) from 10:00 a.m. to 7:00 p.m. or 50 dB Leq (1 hour) from 7:00 p.m. to 2:00 a.m. as measured at the property line.
7. At least one drinking fountain or equivalent arrangement for potable water shall be provided at no cost to guests. If more than 100 guests are in attendance, two drinking fountains or equivalent arrangement shall be provided.
8. At least one water closet and one urinal shall be provided for every 200 males or portion thereof in attendance at the event and one water closet shall be provided for every 100 females or portion thereof in attendance. For events with 50 or fewer guests in attendance, at least one water closet shall be provided.
9. At least one off-street parking space shall be provided for each two guests in attendance at the event. Parking areas shall be surfaced with gravel, asphalt or asphaltic concrete to reduce dust

and be maintained free of vegetation. Alternatively, areas covered with grass or pasture areas may be used for parking provided the grass is trimmed to a height of no more than three inches.

10. On-site signage shall not exceed that necessary to identify the venue and direct traffic and shall be removed immediately following each event. On-site signage shall be in accordance with Chapter 17.62 of this Code. Off-site signage shall comply with Chapter 17.62 of this Code if the signage is located on private property. An encroachment permit shall be obtained prior to placing signage within a County road right-of-way.
11. Lighting shall not exceed that necessary to provide for the safety of guests attending the event. All lighting shall be low level, low intensity and directed downward toward the area to be illuminated to avoid creating glare for residents of the area or passing motorists.
12. A building permit shall be secured prior to erecting a temporary tent or a temporary stage.
13. Temporary power cords shall not be affixed to structures, extended through walls, or subjected to environmental or physical damage. Cords shall be secured to prevent tripping hazards. Large diameter cords shall be provided with cord bridges or ramps to facilitate the crossing of wheel chairs, strollers and similar wheeled equipment.
14. If a commercial event utilizes a tent or membrane structure, the placement, construction and use of that structure shall adhere to all applicable provisions of the California Fire Code, California Building Code and this Code.
15. Receptacles for refuse and recyclable materials shall be provided for each event. All refuse and recyclables shall be collected the day following the event and shall be removed from the parcel within seven days following conclusion of the event.
16. If food will be served, the event shall comply with the California Retail Food Code.
17. If alcohol will be served, the event shall comply with the Alcoholic Beverage Control Act.

D. A use permit shall be obtained prior to holding a commercial event in the AE-37, AE-80 or AE-160 district that exceeds the number of events or is not in compliance with the standards contained in subsections A through C of this Section.

E. Up to 15 commercial events may be held per calendar year for up to 100 persons in the A-20 district subject to the standards contained in subsection C of this Section. A use permit shall be obtained prior to holding a commercial event in the A-20 district for more than 100 persons, not in compliance with the standards of subsection C of this Section or holding more than 15 commercial events in a calendar year.

F. A use permit shall be obtained prior to holding any commercial event in the A-10, RE-5 or RE-10 districts.

(Ord. 3350 § 46, 2019)

17.52.230 Music festivals. Music festivals are allowed in any zoning district where tent revivals, circuses or carnivals are allowed provided a Use Permit is first obtained. No Use Permit is required for a music festival held in a permanent building that is consistent with Section 17.52.020 or at a permanent facility constructed for such activities or similar activities. Any outdoor festival as defined in Section 5.12.010 of this Code shall obtain a Special Use Permit pursuant to Section 5.12.020 in lieu of a Use Permit required by this section. (Ord. 3225 § 12, 2013).

17.52.240 Cottage food operations. A cottage food operation is allowed in any permitted

single-family dwelling provided a registration or a permit is first issued by the Environmental Health Division and further provided that the cottage food operation is operated in compliance with Chapter 11.5 (commencing with Section 114365) of Part 7 of Division 104 of the California Health and Safety Code. (Ord. 3225 § 13, 2013).

17.52.250 Mobile food vendors. Mobile food vendors are permitted in all zoning districts, except O and O-1, provided they comply with the following standards:

A. A mobile food vendor shall comply with the California Retail Food Code (Part 7 (commencing with Section 113700) of Division 104 of the California Health and Safety Code).

B. A mobile food vendor shall not remain on the same parcel for more than two hours per day, exclusive of set up and take down time, except as provided in subdivision D.

C. A mobile food vendor shall not park within a County road right-of-way.

D. Notwithstanding subdivision B, mobile food vendors at a flea market, fair, circus, outdoor music festival or similar event may remain on the parcel for the duration of the event and shall be removed from the parcel when the event ceases. (Ord. 3225 § 14, 2013).

17.52.260 Keeping of poultry in the R-1 district. Poultry may be kept in any R-1 district as an accessory use to a dwelling located on the parcel where the poultry is kept, subject to the following standards:

A. Poultry shall be maintained in a clean and sanitary manner and shall not pose a threat to public health.
B. Poultry shall not cause fouling of the air off the parcel by unpleasant odor.
C. Poultry shall not create a nuisance to residents of adjacent parcels.
D. Poultry shall be kept in fully enclosed coops or cages having a roof so the poultry cannot leave the enclosure.
E. Coops and cages shall not be located within required building setbacks.
F. Feed shall be stored in rodent-proof containers.
G. Meat and eggs from the poultry shall not be sold.
H. Slaughtering of poultry shall occur indoors only.
I. Roosters and tom turkeys are prohibited.
J. Except as provided in subdivision K, the maximum allowable poultry per parcel shall be as follows:
   Less than 0.5 net acre parcel = 2 birds
   0.5 but less than 1.0 net acre parcel = 4 birds
   1.0 net acre parcel or larger = 6 birds.
   Chicks in excess of these limits shall be removed from the parcel within 21 days following hatching.
K. No turkeys may be kept on any parcel that is less than 1.0 net acre in area. (Ord. 3267 § 5, 2014).