

County  
of  
San Benito



Public Review Draft  
Zoning Code

December 2021

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## **25.01: General Provisions and Administration**

### **25.01.001 General Provisions and Applicability**

The Zoning Code codified in this title provides for the division of the county into districts, within each of which the uses of land and buildings and the height and bulk of buildings and the open spaces about them are regulated as specified. The regulations established within the zoning ordinance apply throughout the county, unless an adopted specific plan for an area within the county sets forth alternate regulations, in which case the regulations in the specific plan shall control.

The construction or operations of San Benito County government buildings and facilities shall not be regulated by the provisions of this Zoning Code.

### **25.01.002 Purpose**

This Zoning Code is adopted to promote and protect the public health, safety, peace, moral, comfort, convenience, and general welfare and for the accomplishment thereof and is adopted among other purposes for the following more particularly specified purposes:

- A. To assist in providing a definite plan of development for the County, and to guide, control and regulate the future growth of the County in accordance with this title;
- B. Achieve the arrangement of land uses depicted in the San Benito County General Plan, consistent with the goals and policies of the General Plan;
- C. To protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the county and to assure the orderly and beneficial development of the areas;
- D. Facilitate the appropriate location of community facilities, institutions, transportation, and parks and recreational areas;
- E. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.
- F. Define duties and powers of administrative bodies and officers responsible for implementation of the Code.

### **25.01.003 Relationship to Prior Ordinances, Rights, and Violations**

The provisions of this Code supersede all prior ordinances codified in Title 25 of the San Benito Code and any amendments. No provisions of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.

The regulations of this Code and requirements or conditions imposed pursuant to this Code shall also not supersede any other regulations or requirements adopted or imposed by the San Benito County Board of Supervisors, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Code and any other County ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.

### **25.01.004 Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The San Benito County Board of Supervisors hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

### **25.01.005 Relationship to the General Plan**

This Code implements the goals and policies of the San Benito County General Plan by regulating the use of land and structures within the county. This Code shall be consistent with the General Plan. Any permit, license, or approval issues pursuant to this Code must be consistent with the General Plan and all applicable Specific Plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall control.

### **25.01.006 Authorities**

#### **A. Purpose**

This Chapter lays out the basic roles, responsibilities, and functions of all planning authorities, including the Board of Supervisors, Planning Commission, and Planning Director.

#### **B. Board of Supervisors**

The powers and responsibilities of the Board of Supervisors include, but are not limited to the following:

1. Consider and adopt, reject or modify proposed amendments to the General Plan, Zoning Code, Zoning Map, development agreements, specific plans, and environmental documents related to any of the foregoing, pursuant to the provisions of the



Amendments to the General Plan, Zoning Code, and Zoning Map section in Chapter 25.01.

2. Hear and decide appeals from decisions of the Planning Commission pursuant to the provisions of the Appeals section in Chapter 25.01.
3. Consider and adopt, reject, or modify Development Agreements, following a public hearing and recommended action by the Planning Commission, pursuant the provisions of the Development Agreements section in Chapter 25.01.
4. Establish, by resolution, a County Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Title.

#### **C. Planning Commission**

The powers and responsibilities of the Planning Commission include, but are not limited to the following:

1. Approve, modify, or deny Parcel Maps, Tentative Maps, Conditional Use Permits and Variances.
2. Make recommendations to the Board of Supervisors on development agreements.
3. Make recommendations to the Board of Supervisors on proposed amendments to the General Plan, Zoning Code, and Zoning Map, specific plans, and environmental documents related to any of the foregoing.
4. Hear and decide appeals from decisions of the Planning Director.
5. Hear and decide proposals to revoke permits.
6. Consider and adopt environmental determinations on any approvals that are subject to environmental review under the California Environmental Quality Act, pursuant to State law.
7. Annually review progress towards implementation of the General Plan and make recommendations to the Board of Supervisors based on any new legislation, development trends, or changing economic, social, and environmental conditions.
8. Such other powers and responsibilities as assigned or directed by the Board of Supervisors.

#### **D. Planning Director**

The powers and responsibilities of the Planning Director ("the Director"), or his/her designee, include, but are not limited to the following:

1. Perform all the functions designated by State law, including, but not limited to the

following:

- a. Annual report related to implementation of the General Plan in compliance with Government Code Section 65400;
  - b. Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and
  - c. Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.
2. Maintain and administer the Zoning Code, including the processing of applications, abatements, and other enforcement actions.
  3. Clarify or make determinations when ambiguities exist with regard to the meaning of any provision of this Code or their application to a specific parcel or project.
  4. Prepare rules and procedures necessary for conducting the Director's business. They may include the administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure, and recordkeeping). These rules and procedures must be approved by Board of Supervisors resolution, following review and recommendation by the Planning Commission.
  5. Issue administrative regulations for the submission and review of applications subject to the requirements of Government Code Section 65950, Deadlines for Project Approval Conformance; Extensions.
  6. Issue a Zoning Clearance pursuant to provisions of the Zoning Clearance section in Chapter 25.01.012.
  7. Approve, modify, or deny Administrative Use Permits, pursuant to the provisions of the Use Permits section in Chapter 25.02.002.
  8. Approve, modify, or deny Home Occupation Permits and Rural Home Enterprises, pursuant to the provisions of Chapter 25.08.004.
  9. Approve, modify, or deny Temporary Use Permits, pursuant to the provisions of the Temporary Use Permits section in Chapter 25.01.004.
  10. Approve, modify, or deny a Minor Modification, pursuant to the provisions of the Administrative Modifications section in Chapter 25.02.008.
  11. Approve, modify, or deny requests for Reasonable Accommodation for land use projects, pursuant to the provisions of the Reasonable Accommodation section in Chapter 25.02.010.

12. Conduct Minor Development Plan Review and approve, modify, or deny land use projects pursuant to the provisions of the Design Review section in Chapter 25.02.001.
13. Determine whether a project is subject to review under the California Environmental Quality Act and notify the applicant if any additional information is necessary to conduct the review.
14. Make recommendations to the Planning Commission and Board of Supervisors on all applications, appeals, and other matters upon which they have the authority and the responsibility to act under this Title.
15. Investigate and report to the Planning Commission on permit violations when the County has initiated revocation procedures, pursuant to the provisions of the Revocation of Permits section in Chapter 25.02.013.
16. Delegate administrative functions to members of the Planning Division.
17. Such other powers and responsibilities as assigned or directed by the Board of Supervisors.

**E. Summary of Review Authorities for Decisions and Appeals**

Table 25.01-A, below, identifies the Review Authority responsible for reviewing and making decisions on each type of application required by the Zoning Code.

**Table 25.01-A: Review Authorities**

Type of Action	Applicable Code Section	Role of Review Authority		
		Director	Planning Commission	Board of Supervisors
Legislative Actions				
Development Agreements and Amendments	County Code 19.11	Recommend	Recommend	Decision
Zoning Code and Zoning Map Amendments	25.01.011	Recommend	Recommend	Decision
General Plan and Specific Plan Amendments	25.01.011	Recommend	Recommend	Decision
Planning Permits, Approvals, and Administrative Actions				
Administrative Use	25.02.002	Decision	Appeal	Appeal

Permits				
Conditional Use Permits: Adoption	25.02.003	Recommend	Decision	Appeal
Modification and Revocation of Permits	25.02.012	Recommend	Decision	Appeal
Temporary Use Permits	25.02.004	Decision	Appeal	Appeal
Temporary Event Permits	25.02.005	Decision	Appeal	Appeal
Sign Permits	25.07.016	Decision	Appeal	Appeal
Minor Modifications	25.02.008	Decision	Appeal	Appeal
Variances	25.02.009	Recommend	Decision	Appeal
Planned Developments	25.05	Recommend	Decision	Appeal
Reasonable Accommodations	25.02.010	Decision	Appeal	Appeal
Development Plan Review	25.02.001	Decision	Appeal	Appeal
Home Occupation and Rural Home Enterprise Permits	25.08.004	Decision	Appeal	Appeal
Nonconforming Uses, Structures and Sites	25.01.012	Decision	Appeal	Appeal
Interpretations of this Zoning Code	25.01.009	Decision	Appeal	Appeal
Zoning Clearances	25.02.011	Issue	Appeal	Appeal
Zoning District Boundary Determinations	25.01.009	Decision	Appeal (Decision in Some Cases)	Appeal
<b>Table Notes</b>  1. "Recommend" means that the Review Authority makes a recommendation to a higher decision-making body; "Decision" means that the Review Authority makes the final decision on the matter; "Issue" means that the Director grants the Zoning Clearance after confirming compliance with all applicable provisions of this Zoning				

Code; and "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body.

2. When necessary, the Director may defer action and refer the request to the Planning Commission for consideration and final decision or may bring an Action from the Planning Commission to be made by the Director.
3. When necessary, the Planning Commission may defer action and provide a recommendation to the Board of Supervisors for consideration and final decision.

## **25.01.007 Public Hearing Procedures and Noticing**

### **A. Noticing Requirements**

Notice of public hearings shall be provided consistent with County procedures and as specified in this Code. § 65090-96

### **B. Conduct of Public Hearings**

The conduct of public hearing(s) shall include the following elements identified below.

1. Discretionary Review. At the public hearing, the authorized hearing body shall review the application and any pertinent materials submitted with the application, and any report based on County staff's investigation of the application.
2. The Applicant's Rights at Public Hearing. During any public hearing, the applicant for the application shall have the right to be represented to provide testimony and to present evidence.
3. The Public's Rights at Public Hearing. All other persons shall have the right to comment on any relevant aspect of the application under consideration.
4. Discretionary Action. Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, deny, continue, or take under advisement, the subject of the public hearing.
5. Continuation of Public Hearing. If the action is taken to continue the item being considered or to take the matter under advisement, before adjournment or recess, the person presiding at the public hearing shall publicly announce the time and place to which the hearing will be continued. No further notice shall be required.
6. Final Decision. The decision of the hearing body shall be considered final unless a decision is appealed. In all cases, the Board of Supervisors shall represent the final authority.



## **25.01.008 Appeals**

### **A. Appeal of Director's Decisions**

Any discretionary decision of the Director may be appealed to the Planning Commission within (10) ten calendar days after the date of the decision. An appeal shall be in writing and submitted to the Director in the form provided by the Planning Department, which shall be accompanied by the required filing fee. The Planning Commission shall render its decision within (30) thirty days following the close of the hearing on the appeal.

### **B. Appeal of Planning Commission Decisions**

Any decision of the Planning Commission may be appealed within ten calendar days after the date of the Planning Commission's decision to the Board of Supervisors. The appeal shall be submitted in writing to the county clerk on the forms provided by the County, which shall be accompanied by the required fee.

Upon receipt of a completed appeal, the Director shall set the matter for hearing before the Board of Supervisors not less than (5) five days or more than (30) thirty days thereafter and shall give written notice of the hearing to the appellant, the applicant and the Planning Director.

The Board of Supervisors shall render its decision within (30) thirty days following the close of the hearing on the appeal.

## **25.01.009 Interpretations**

### **A. Location and Boundaries of Zone**

The designation, location and boundaries of the aforementioned zones and areas shall be by written description or by delineation on zoning maps which shall be adopted as specified in this title. The maps and written legal descriptions shall become a part of the zoning ordinance under this section and subject thereto. These maps and descriptions are not codified.

### **B. Determining Uncertain Zoning District Boundaries**

1. The Director shall make decisions regarding uncertain zoning district boundaries. The Director's decision may be appealed to the Planning Commission.
2. Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall be used in determining the following:
  - a. Where boundary lines are indicated as following streets and alleys they shall be construed as following the centerlines thereof.
  - b. Where boundary lines are indicated as approximately following lot lines, the lot lines shall be construed to be the boundaries.

- c. Where a boundary line divides a lot or crosses unsubdivided property, the location of the boundary shall be as indicated upon the zoning map using the scale appearing on the map.
  - d. Where a lot held in one ownership and of record at the effective date of the ordinance codified in this title is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided, that this regulation shall not apply if it increases the area of the less restricted portion of the lot by more than 20%.
- 3. Where further uncertainty exists, the Planning Commission upon written application, or upon its own motion, may by resolution determine the location of a disputed boundary, giving due consideration to the apparent indicated location thereof and the scale of the zoning map and the expressed intent of this title.
  - 4. Wherever any property is not, under these rules, specifically included in any district shown on the zoning map, the property is declared to be in an agricultural zone or as determined by the Planning Commission.

#### C. Use Determination

Determination of land uses not specifically listed in Chapter 25.03 (Zoning Map and Districts) shall be reviewed and determined by the Director per the provisions below.

- 1. **Director's Determination.** The Director has the authority to determine when a proposed land use that is not listed in Chapter 25.03 (Zoning Map and Districts) is similar to another listed use that is permitted or administratively permitted if the following findings can be made:
  - a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, or similar impacts as determined by special environmental studies as required by the Director, than the uses listed in the zoning district;
  - b. The proposed use will meet the purpose/intent of the zoning district that is applied to the location of the use;
  - c. The proposed use will be consistent with the goals, objectives, and policies of the General Plan, or any applicable specific plan or planned development district; and
  - d. The proposed use is not prohibited or illegal.
- 2. **Planning Commission Appeal.** The Director's decision regarding a Use Determination can be appealed to the Planning Commission.

3. **Applicable Standards and Permit Requirements.** When the Director or Planning Commission determines that a proposed but unlisted land use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Zoning Code apply.

## **25.01.010 Enforcement of this Zoning Code**

### **A. Purpose**

This Section establishes the responsibilities of various departments, officials, and public employees of the County to enforce the requirements of this Zoning Code and establishes uniform procedures the County will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Title.

### **B. Enforcement Responsibilities**

All departments, officials and public employees of the County vested with the duty or authority to issue permits, certificates or licenses shall comply with the provisions of this title and shall issue no permit, certificate or license for uses, buildings or purposes which may be in conflict with the provisions of this title and any such permit, certificate or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void.

1. **Director.** The Director shall enforce the provisions of this Title pertaining to the use of any land or structure, bulk, height and land coverage of structures, open spaces about structures and the dimensions and area of sites upon which structures are located.
2. **Other Officials.** Requirements pertaining to health and sanitation, fire protection and building code regulations shall be enforced by the respective agencies which have jurisdiction in such matters. Whenever there is a conflict between the provisions of this Title and other County, State and Federal regulations, the more restrictive regulations apply.

### **C. Revocation**

Any permit granted under this Title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

See also Title 1 of the County Code, "General Provisions; Code Enforcement," for additional regulations related to nuisances, penalties, and administrative civil remedies.

### **D. Nuisance Defined**

Any building, structure, or planting set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Title, any use of any land, building, or

premises established, conducted, operated, or maintained contrary to the provisions of this Title, and failure to comply with any of the conditions of a permit granted under this Title is declared to be unlawful and a public nuisance.

#### **E. Penalties**

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating or failing to comply with a mandatory requirement of this Title shall be guilty of a misdemeanor but may be cited or charged, at the election of the enforcing officer or County Attorney, as an infraction. A person, firm, or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of this Title is committed, continued, or permitted by such person, firm or corporation, and shall be punished accordingly.

#### **F. Remedies**

The remedies provided for herein shall be cumulative and not exclusive. Upon a finding of nuisance and after giving the property owner an opportunity to cure the nuisance and determining that the nuisance still exists, the Planning Commission or Board of Supervisors may impose any remedy available at law or in equity, which shall include, but is not limited to, any of the following or combination thereof:

1. Ordering the cessation of the use in whole or in part;
2. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses;
3. Requiring continued compliance with any conditions so imposed;
4. Requiring the user to guarantee that such conditions shall in all respects be complied with;  
or
5. Imposing additional conditions or ordering the cessation of the use in whole or in part upon.

### **25.01.011 Amendments to the General Plan, Zoning Code, and Zoning Map**

#### **A. Purpose**

This Chapter establishes procedures for consideration and review of Amendments to the General Plan, Zoning Code, and/or Zoning Map, when there are compelling reasons to do so more specifically, this Chapter addresses:

1. Amendments to the General Plan, to address changes in State or Federal law and problems and opportunities that were unanticipated at the time of adoption or the last amendment; and

2. Amendments to the Zoning Code and Zoning Map, whenever the public necessity, convenience, general welfare, or good practice justify such amendment, consistent with the General Plan.

#### **B. Applicability**

The procedures in this Chapter shall apply to:

1. All proposals to change the text of the General Plan, including any maps which are part of the General Plan; and
2. All proposals to change the text of this Zoning Code or to revise a zone or boundary line shown on the Zoning Map.

#### **C. Authority**

The Planning Commission shall act as the advisory body for all Amendments to the General Plan text, General Plan Land Use Map, Zoning Code text, and Zoning Code Map and provide recommendations to the Board of Supervisors. The Board of Supervisors shall act as the Review Authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all Amendments to the General Plan text, General Plan Land Use Map, Zoning Code text, and Zoning Code Map.

#### **D. Initiation of Amendment**

An Amendment to the General Plan, Zoning Code, or Zoning Map may be initiated by any qualified applicant identified in Section 25.01.013, Application Forms and Fees, the Director, or by a motion of the Board of Supervisors or Planning Commission.

#### **E. Procedures**

1. Application. A qualified applicant shall submit an application accompanied by the required fees by the County. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application. The Planning Division may allow Amendments to the General Plan, Zoning Code, and Zoning Map to be processed concurrently with other applications.
2. Staff Report. The Director shall prepare a report and recommendation to the Planning Commission on any amendment application. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in this section for Zoning Amendments (if applicable), as well as an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). Applications involving projects for which an environmental document is required shall not be heard until the environmental assessment procedures required by CEQA are satisfied.
3. Public Hearing and Notice. All Amendments to the General Plan, Zoning Code, and Zoning Map shall be referred to the Planning Commission, which shall conduct at least one public



hearing on any proposed amendment. At least (10) ten days before the date of any public hearing, the Planning Division shall provide notice. Notice of the hearing also shall be mailed or delivered to any local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

#### **F. Planning Commission Hearing and Recommendation**

1. Planning Commission Hearing. Before submitting a recommendation report to the Board of Supervisors, the Planning Commission shall conduct at least one public hearing in accordance with the Public Hearings provisions in 25.01.007.
2. Recommendation to Board of Supervisors. Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, consistency with General Plan, and the relationship of the proposed amendment to other adopted documents. The recommendation shall be transmitted in the form of a memorandum to the Board of Supervisors, prepared by the Director.
3. Approval. If the Planning Commission has recommended approval of the proposed amendment, the Board of Supervisors is required to take final action pursuant to Board of Supervisors Hearing and Action in this Chapter.
4. Denial. If the Planning Commission has recommended against the proposed amendment, the Board of Supervisors is not required to take any further action unless an appeal is filed in accordance with the Appeals provisions of Chapter 25.01.008.

#### **G. Board of Supervisors Hearing and Action**

1. Board of Supervisors Hearing. After receiving the recommendation from the Planning Commission, the Board of Commissioners shall hold a hearing in accordance with the Public Hearings provisions in Chapter 25.01.007. The notice for the hearing shall include a summary of the Planning Commission recommendation.
2. Board of Supervisors Action. After the conclusion of the hearing, the Board of Supervisors may approve, modify, or deny the proposed amendment. If the Board of Supervisors proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation.

The Planning Commission shall not be required to officially consider the referral from the Board of Supervisors. If the Planning Commission does not report to the Board of Supervisors within (45) forty-five days after the referral, it shall be deemed that the Commission recommends approval, and the amendment shall be returned to Board of Supervisors for action.

#### **H. General Plan Consistency Required for Zoning Amendments**

The Planning Commission shall not recommend, and the Board of Supervisors shall not approve a Zoning Amendment unless the proposed amendment is found to be consistent with the General Plan. In the case of a combined General Plan amendment and change of zone or Zoning Code amendment, a finding may be made that the Zoning Amendment is consistent with the General Plan as proposed to be amended.

### **25.01.012 Non-Conforming Uses, Structures, and Sites**

#### **A. Purpose and Intent**

1. This section provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the current terms of this code or future amendments.
2. It is the intent of this section to discourage the long-term continuance of nonconformities that have the potential to create nuisance or other incompatibility issues and provide for their eventual elimination while allowing them to exist under the limited conditions outlined in this code.

#### **B. Establishment of Legal Nonconforming Status**

The provisions of this Chapter apply to sites, uses, and structures that have become nonconforming by adoption of this Title as well as sites, uses, and structures that become nonconforming due to subsequent amendments to its text or to the County Zoning Map.

#### **C. Nonconformities Defined**

Any lawfully established use or structure that is in existence on the effective date of this Title or any subsequent amendment thereto but does not comply with the standards and requirements of this Title shall be considered nonconforming.

1. A non-conforming use or structure may result from any inconsistency with the requirements of this Title including, but not limited to, use, location, density, floor area, height, setback, other development standards, or the lack of an approved Administrative Use Permit, Conditional Use Permit, or other required authorization.
2. A parcel of land may be considering nonconforming if it was previously used and/or developed without required site improvements including but not limited to paving, screening, landscaping, lighting, drainage, etc.

#### D. Continuance of Legal Nonconforming Uses and Structures

Any use or structure that was lawfully established prior to the effective date of this Title or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any building or structure or use therein; or no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership, tenancy, or management. The right to continue a nonconforming use or structure shall not apply to uses or structures determined by the Planning Commission or Board of Supervisors as described in this Chapter to be a public nuisance arising from conditions that constitute a threat to public health, safety or general welfare.

The right to continue a nonconforming use or re-occupy a nonconforming structure shall terminate if the nonconforming use has been abandoned or the nonconforming structure has been vacated for the relevant period described in the Abandonment of Nonconforming Uses Section.

#### E. Nonconforming Uses

Nonconforming uses shall not be expanded, modified, or substituted for another nonconforming use except as provided below.

1. **Expansion.** Nonconforming uses shall not expand in intensity and/or physical footprint.
2. **Absence of Permit.** Any use that is nonconforming solely by reason of the absence of a Use Permit may be changed to a conforming use by obtaining the appropriate Use Permit pursuant to the requirements with the provisions in the Use Permits sections in Chapter 25.02.
3. **Conditions.** The Director may impose reasonable conditions deemed necessary to ensure compliance with the required findings. The Planning Director may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
4. **Abandonment of Nonconforming Use.** If the nonconforming use ceases to operate, whether with the intent to abandon the use or not, for a continuous period of one calendar year, it shall be considered abandoned and shall not be resumed, reestablished, reopened, or replaced by any use other than a conforming use. It is the responsibility of the applicant to provide evidence demonstrating to the satisfaction of the Director that the use was legally established and has not been abandoned.
  - a. **Abandonment.** The time period set forth above shall commence when the use ceases to operate, whether with the intent to abandon the use or not, and any one of the following occurs:

- i. The site is vacated;
    - ii. The business license expires or is revoked;
    - iii. Utilities are terminated; or
    - iv. The applicable lease is terminated.
  - b. **Extension of Abandonment Period.** The Director may approve an additional one-year time period during which the use will not be considered abandoned; provided that the Director finds that economic conditions warrant the additional time. If such additional time period is approved, the total period during which the use will not be considered abandoned shall not exceed two years from the date the use ceased to operate.
5. **Burden of Proof.** The burden of proof as to the nonconforming status of any use shall rest with the property owner, tenant, and/or resident.

#### F. **Nonconforming Structures**

Nonconforming structures may be continued and maintained in compliance with the following provisions.

1. **Additions and Enlargements.** Additions to and/or enlargements of nonconforming structures are allowed if the addition or enlargement complies with all applicable laws and requirements of this Title, the use of the addition/enlarged area of the property is authorized by this Title, and there is no increase in the discrepancy between existing conditions and the requirements of this Title, except as provided below.
2. **Maintenance and Repairs.** Structural and non-structural maintenance, repair, and interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge the structure, change the building footprint, or increase building height or roof pitch. This excludes any improvements required to meet accessibility requirements.
  - a. **Nonconforming Setbacks, Residential Zones.** In Residential Zones, a nonconforming setback may be maintained and extended, and shall not be considered an increase in the discrepancy, provided that:
    - i. A new encroachment into any other required setback is not created;
    - ii. The height of the portion of the structure that is within the required setback is not increased; and
    - iii. Any residential additions above the first floor shall conform to the setbacks in effect at the time the application for the addition is submitted.

3. **Restoration of Damaged or Destroyed Nonconforming Structures.** A nonconforming structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster that was not caused by an act or deliberate omission of a property owner, their agent, or person acting on their behalf or in concert with them, may be restored or rebuilt subject to the following provisions.
  - a. **Restoration When Damage is 50 Percent or Less of Value.** If the cost of repair or reconstruction is less than or equal to 50 percent of the appraised value of the structure as determined by the Building Official, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed. The determination of the appraised value shall be made by a professional appraiser selected by the County, whose fee shall be paid by the building or property owner.
  - b. **Restoration When Damage Exceeds 50 Percent of Value.** If the cost of repair or reconstruction exceeds 50 percent of the appraised value of the structure, as determined pursuant to Subsection A above, the land and building shall be subject to the requirements of this Title, except as provided below.
    - i. **Residential Structures.** Any nonconforming multi-family residential structure may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed subject to a Zoning Clearance in the case of single-unit dwellings or Director approval in the case of other residential uses, unless the review authority finds that the reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood.
    - ii. **Timing.** Building permits must be obtained within two years of the date of the damage or destruction and construction shall be completed within one year of issuance unless another time period is specified through Director consideration. Building permits must be maintained valid through the completion of the project.
4. **Burden of Proof.** The burden of proof as to the nonconforming status of any structure shall rest with the property owner, tenant, and/or resident.

#### G. Nonconforming Sites

A “nonconforming site” is a lot or parcel that is not in compliance with current site development standards (e.g., parking, landscaping, etc.) but which was in conformance when the site was developed.

In conjunction with the expansion of existing buildings or the construction of new buildings on a partially developed site, nonconforming sites shall be brought into compliance on the following basis.



In all cases, it is recognized that full compliance with the requirements of this Zoning Code may not be possible, due to limitations such as the size of the parcel. In such cases, a good faith effort to achieve compliance shall be sufficient.

<b>Proposed Building Expansion</b>	<b>Required Site Improvements</b>
Less than ten percent (10%) increase in floor area or 500 square feet of expansion, whichever is less	Exempt; no site improvements required.
Ten percent (10%) or greater increase in floor area	Landscaping shall be installed along street and building frontages to the extent possible
Thirty percent or greater increase in floor area	One of the improvements below shall be made with the construction of the increased floor area, if enough site area is available:  a. Installation of additional parking to achieve as much compliance with parking requirements as possible;  b. Installation of landscaping to achieve as much compliance with landscaping requirements as possible.
Fifty percent or greater increase in floor area	Both of the items below shall be completed with the construction of the increased floor area, if enough site area is available:  a. Installation of additional parking to achieve as much compliance with parking requirements as possible;  b. Installation of landscaping to achieve as much compliance with landscaping requirements as possible.

#### **H. Abatement**

The provisions of this Chapter are in addition to existing state law authority to declare and abate a public nuisance and other applicable provisions of the County Code. If a legal nonconforming structure or use is found to constitute a public nuisance, appropriate action may be taken by the County pursuant to the County Code.

## 25.01.013 Application Forms and Fees

This Chapter establishes uniform procedures for the preparation, filing, and processing of all land use permits and approvals provided for in this Title, unless superseded by a specific requirement of the Zoning Code or State law.

### A. Forms and Fees

1. **Applicant.** The owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof of the right to use and possess the property as applied for, satisfactory to the Director, shall accompany the application.
2. **Application Forms.** The Director shall prepare, and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Title.
3. **Supporting Materials.** The Director may require the submission of supporting materials as part of the application, including but not limited to: statements, photographs, plans, drawings, renderings, models, staking and flagging, material samples and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).
4. **Availability of Materials.** All submitted material becomes the property of the County, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request, and during normal business hours, any person may examine application materials in support of or in opposition at the Planning Division offices. Unless prohibited by law or superseded by specific permit confidentiality requirements, copies of such materials shall be made available at a reasonable cost.
5. **Reimbursement and Indemnification.** The application shall include an enforceable provision in which the applicant agrees to reimburse the County for the cost of processing the application and to defend the County in any legal actions arising from the County's processing and/or approval or denial.

### B. Multiple Applications

1. **Concurrent Filing.** An applicant for a development project that requires the filing of more than one application (e.g., Conditional Use Permit, Tentative Map, etc.), shall file all related applications concurrently, together with all application fees required by the County. Under certain circumstances, the concurrent filing requirements may be waived by the Director.
2. **Concurrent Processing.** Multiple applications for the same project may be processed concurrently, each application shall be reviewed and approved or denied by the Review Authority designated by the Zoning Code. In the case of concurrent applications which

require review and approval by a lower authority and a higher authority (e.g., Planning Commission and Board of Supervisors), any approvals by the lower authority shall be contingent upon approval by the higher authority.

#### C. Application Fees

1. **Fee Schedule.** The Board of Supervisors shall approve by resolution a Fee Schedule that that establishes flat fees or deposits for permits, procedures for processing flat fees or deposits, informational materials, penalties, copying, and other such items.
2. **Fee Payment.** No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid.
3. **Fee Waiver.** No fee shall be required when the applicant is the County, or if it is waived under any other provision of the San Benito County Code.
4. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the San Benito County Code or by policy of the County.

#### D. Review of Applications

1. **Initial Completeness Review.** The Director shall determine whether an application is complete within (30) thirty days of the date the application is accepted and the required fee received, whichever is later, except for legislative acts (zoning amendments, Specific Plans, etc.) or where this time limit is superseded by state law.
2. **Incomplete Application.** If an application is deemed incomplete, the Director shall provide written notification to the applicant listing the application(s), forms, information, and any additional fees that are necessary to complete the application.
3. **Appeal of Determination.** Determinations of incompleteness are subject to the provisions of Appeals in Chapter 25.01.008.

#### E. Expiration of Applications

1. **Expiration of Application.** Based on noncommunication, the director may determine that an application has been abandoned. The applicant shall be informed that the County plans to deem the application expired and shall be given an opportunity to provide any missing materials within a reasonable time. Final notice of an expired application shall be mailed to the applicant if no response is received, or if missing materials are not provided.
2. **Notice of Expired Application.** When an application is deemed expired, the Director shall make a record of that date and also notify the applicant.
3. **Application Fees Refunded.** Any funds paid or deposited and not used at the time the application is deemed expired shall be refunded to the applicant.

## **25.02: Permits and Other Planning Actions**

### **25.02.001 Development Plan Review**

The Development Plan Review process provides for the review of new construction and additions or other physical modifications to sites and buildings.

Two types of Development Review are established:

- A. Minor Development Plan Review
- B. Major Development Plan Review

A third type of project review for the simplest projects, Zoning Clearance, is described in 25.02.011.

#### **A. Approving Authority**

1. Zoning Clearance does not involve approval of a project and is described elsewhere in this Chapter (25.02.011).
2. Minor Development Plan Reviews. The Planning Director shall act as the Review Authority for Minor Development Plan Reviews.

The Planning Director may, at his or her discretion, forward any application for a Minor Development Plan Review to the Planning Commission.

The Planning Director must refer an application for a Minor Development Plan Review to the Planning Commission if the applicant or applicant's representative, or any member of the public, requests a public hearing in writing. Such forwarded applications shall be processed as a Major Development Plan Review.

3. Major Development Plan Reviews. The Planning Commission shall act as the Review Authority for Major Development Plan Reviews.

#### **B. Review of Exempt Projects**

The Director may, at his or her discretion, require that a project which is defined as exempt from Development Plan Review be processed as a Minor or Major Development Plan Review, as deemed appropriate by the Director.

The Director's decision to process an otherwise exempt project may be appealed as provided in this Code.

### C. Thresholds for Types of Development Plan Review

New construction and additions or physical modifications to buildings shall be categorized as Exempt or subject to Minor or Major Development Plan Review as shown below.

**Table 25.02-A**

<b>Development Plan Review Thresholds</b>			
	<b>Exempt (Requires Zoning Clearance)</b>	<b>Minor Development Plan Review</b>	<b>Major Development Plan Review</b>
<b>Single-Family Residential Structures</b>	Additions or exterior modifications to existing single-family residences and accessory structures  New construction of a custom single-family home and accessory structures	Master home plans for subdivisions of up to 10 lots  Master landscaping, lighting, and fencing plans for single-family residential subdivisions	Master home plans for residential subdivisions greater than 10 lots
<b>Multi-Family Residential Structures</b>	Additions or modifications to multi-family residential structures which do not result in an increase in the number of residential units	New multi-family development with 4 or less dwelling units	New multi-family development with 5 or more dwelling units

<b>Non-Residential (Commercial, Office, Institutional) Structures</b>	New buildings, additions or modifications to structures that add less than 2,500 square feet to an existing building	Additions or modifications to structures that add 2,501 to 5,000 square feet to an existing building  New structures of 3,000 square feet or less	Additions or modifications to structures that add 5,001 square feet or more to an existing building  New structures greater than 5,000 square feet
<b>Agricultural / Industrial Structures</b>	Barns, garages, workshops, and other similar structures up to 5,000 square feet  Additions to existing structures are exempt	Barns, garages, workshops, and other similar structures 5,001 square feet to 10,000 square feet  Additions to existing structures are exempt	Barns, garages, workshops, and other similar structures greater than 10,000 square feet  Additions to existing structures are exempt
<b>Other</b>	Interior alterations that do not change the permitted use of the structure  Signs, including freestanding signs and signs attached to a building  Fences and Walls: <ul style="list-style-type: none"> <li>• Retaining walls less than thirty-six (36) inches in height.</li> <li>• Fences located on residential or agricultural property constructed in compliance with</li> </ul>	Other development of similar scale and impact, as determined by the Director, that is not explicitly subject to Major Development Plan Review per this section	Hillside Development, per Chapter 25.07 of this Code  Other development of similar scale and impact, as determined by the Director, that is not explicitly subject listed in this subsection

	<p>the standards of this section</p> <ul style="list-style-type: none"> <li>• Fences and walls required by a state or federal agency, or by the County for public safety.</li> </ul> <p>Other development of similar scale or impact, as determined by the Director, that is not explicitly subject to Minor or Major Development Plan Review per this section</p>		
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#### **D. Application**

Applications for Development Plan Review shall be filed with the Planning Division on prescribed application forms and all application fees paid.

#### **E. Notice of Application Filing**

Notices of the application filing shall be distributed as follows:

1. Notices for Major Development Plan Reviews shall meet the criteria for public notice and hearing before the Planning Commission. Notices shall include the following:
  - a. A statement that staff is considering the application (but not necessarily staff's recommendation); and
  - b. A statement that a public hearing will be held; and
  - c. A specific deadline (of not less than seven calendar days from the date of the mailing) to respond in writing to provide comments.

2. Notices for Minor Development Plan reviews shall be provided as follows:
  - a. A notice describing the proposed project shall be mailed to property owners and occupants on properties adjacent to the subject site; and
  - b. The notice shall indicate that staff is considering the application (but not necessarily staff's recommendation); and
  - c. The notice shall indicate that, unless requested, a public hearing will not be held; and
  - d. The notice shall include a deadline of not less than seven calendar days from the date of the mailing to respond in writing to provide comments or request a public hearing.

#### **F. Public Hearings**

1. Minor Development Plan Review. Applications for Minor Development Plan Review shall be reviewed by staff and do not require a public hearing unless a hearing is requested.
2. Minor Development Plan Review with Hearing Requested. All applications for Minor Development Review for which a public hearing is requested require a public hearing at the Planning Commission, which shall be advertised and conducted as provided in this Code.
3. Major Development Plan Review. Applications for Major Development Plan Review require a public hearing at the Planning Commission, which shall be advertised and conducted as provided in this Code.

#### **G. Required Findings**

All of the following findings must be made in order to approve a Minor or Major Development Plan Review. Evidence in support of these findings shall be documented for all Minor and Major Development Plan Review approvals. Other chapters may contain additional specific findings or criteria that apply to the approval of Development Plan Reviews in specific circumstances.

1. The proposed development is compliant with applicable General Plan policies, zoning regulations, specific plan provisions, and any other applicable regulations.
2. The proposed development respects terrain, drainage, onsite and offsite infrastructure, etc.; is compatible with adjacent development and uses; and will not create conflict with vehicular, bicycle, or pedestrian circulation.
3. That the site has adequate sewer disposal (e.g., sewer or septic), water, power, and other required utilities, or will provide these as part of the development of the site.
4. The proposed project will not be detrimental to the public health, safety and general welfare, nor result in adverse effects on neighboring residents, businesses, or property.



#### **H. Conditions of Approval**

In approving a Development Plan Review, the Reviewing Authority may impose reasonable conditions to ensure that the development will allow all of the findings for approval to be made. Conditions of approval shall not affect the operation of any use in the structure.

#### **I. Modifications**

Minor changes to approved Major or Minor Development Plan Reviews which result in minor design revisions or minor modifications or substitutions to conditions of approval which are substantially the same as the approved conditions may be made by the Director through the Zoning Clearance process.

Changes to an approved Major or Minor Development Plan Review which are in the Director's opinion not minor may be approved by the Director (for any Development Plan Review originally approved by the Director) or following a public hearing at the Planning Commission (for Major Development Plan Reviews originally approved by the Planning Commission).

#### **J. Notice of Decision**

An official notice of approval or denial of a Development Plan Review shall be provided to the applicant. The notice shall include:

1. The Reviewing Authority's decision and the date of the decision;
2. Any conditions of approval; and
3. A deadline to file an appeal of the decision, which shall be per the Appeals procedures in Chapter 25.01 of this Code.

#### **K. Appeals**

Any person can appeal the Director's or Planning Commission's decision per the procedures established in Chapter 25.01 of this Code.

#### **L. Effective Date**

The Director's and Planning Commission's approval shall be final when the deadline for an appeal by the public or applicant has expired without the filing of an appeal.

Applications which have been appealed shall be deemed not approved until the subsequent Review Authority takes action to approve or deny, and that appeal period, if applicable, has expired without the filing of an appeal.

#### **M. Expiration**

Approvals for Minor or Major Development Plan Reviews shall not automatically expire and shall remain in effect until revoked or replaced by a subsequent approval, unless a condition of approval which must be completed by a specific date is not complied with, in which case the approval may be returned to the approving authority for revocation.

#### **N. Overlapping or Multiple Approvals Not Permitted**

Only one Minor or Major Development Plan Review approval may be approved for a parcel or development site. Approval of a new Development Plan Review shall be considered to revoke any previously approved approval.

### **25.02.002 Administrative Use Permits**

Administrative Use Permits are provided for the individual review of a use at a specific location to ensure that their operation will be compatible with surrounding areas and uses. Administrative Use Permits are provided for certain uses to expedite the processing of applications by allowing staff review and approval. Administrative Use Permits are provided for uses which require individual scrutiny but are generally less potentially impactful than uses for which a Conditional Use Permit is required.

#### **A. Approving Authority**

The designated Approving Authority for an Administrative Use Permit is the Planning Director.

The Planning Director may, at his or her discretion, forward an application for an Administrative Use Permit to the Planning Commission for decision. The Director may refer an application to the Planning Commission for any of the following reasons:

1. The applicant or applicant's representative or any member of the public requests, in writing, a public hearing.
2. At the discretion of the Director.

Administrative Use Permits referred to the Planning Commission shall be processed in the same manner as a Conditional Use Permit.

## **B. Uses Requiring Administrative Use Permits**

Uses which require Administrative Use Permits are shown in the use tables in Chapter 25.03 of this Zoning Code.

## **C. Application**

Applications for Administrative Use Permits shall be filed with the Planning Division on the prescribed application forms.

## **D. Notice of Application Filing**

Once an application for an Administrative Use Permit has been determined to be complete, notice of the application shall be mailed to all persons owning and/or residing on property within 300 feet of the exterior boundaries of the property for which the permit has been applied. The notice shall also be posted on the website, and at the project site by the applicant in a location that is readable from the public right of way.

1. The notice shall indicate that staff is considering the application but need not include a proposed decision.
2. The notice shall indicate that, unless requested, a public hearing will not be held.
3. The notice shall include a deadline of not less than ten (10) calendar days to respond in writing to provide comments or request a public hearing from the date of the notice.

## **E. Required Findings**

All of the following findings must be made in order to approve an Administrative Use Permit:

1. The proposed use is administratively permitted within the applicable zone and complies with all other applicable provisions of this Title and all other titles of the County of San Benito County Code, General Plan and any applicable Specific Plan;
2. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
3. The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Title;
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints.

The Director shall provide his or her determination to approve or deny in writing to applicant.

#### **F. Conditions of Approval**

In approving an Administrative Use Permit, the Director may impose reasonable conditions or restrictions to ensure that the project's operation will allow all of the findings for approval to be made. The Director may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

Conditions of approval may be included requiring that specific actions take place by specified deadlines. Noncompliance with such conditions may result in revocation, as provided in this section.

#### **G. Modification of Conditions**

Minor changes to an approved Administrative Use Permit to modify or substitute conditions of approval which are substantially the same as the approved conditions may be made by the Director. No public notice shall be required for such changes.

Changes to an approved Administrative Use Permit which are in the Director's opinion not minor may be approved following a public hearing at the Planning Commission.

#### **H. Notice of Decision**

The Director's decision to approve or deny an application for an Administrative Use Permit shall be provided to the applicant in writing.

The Notice of Decision shall include:

1. The Director's decision and the date of the decision
2. Any conditions of approval
3. A deadline for the public or applicant to file an appeal of the decision, which shall be (10) ten calendar days from the day on which the notice was mailed.

#### **I. Appeals**

The public or applicant can request an appeal of the Director's decision per the procedures established in Chapter 25.01.008 of this Code.

The Commission can request that the application be scheduled for a public hearing to review the Director's decision.

#### **J. Effective Date**

The Director's approval shall be final when the deadline for the filing of an appeal by the public or applicant has expired without the filing of an appeal.

Applications which have been appealed or scheduled for review at the request of the Planning Commission shall be deemed not approved until the Planning Commission takes action to approve or deny.

**K. Expiration**

No automatic expiration for an Administrative Use Permit is imposed by this Code. Conditions may be required to be complied with by a certain date.

**L. Revocation**

An Administrative Use Permit can be revised or revoked following a public hearing by the Planning Commission based on non-compliance with conditions of approval or to address issues which have arisen due to the operation of the use despite adherence to all approved condition of approval. Noticing and hearing procedures for revocation shall be the same as for the initial consideration of the Administrative Use Permit.

### **25.02.003 Conditional Use Permits**

Conditional Use Permits are provided for the individual review of uses at specific locations to ensure that their operation will be compatible with surrounding areas and uses.

**A. Approving Authority**

The Planning Commission shall act as the Review Authority for Conditional Use Permits.

**B. Uses Requiring Administrative Use Permits**

Uses which require Conditional Use Permits are shown in the use tables in Chapter 25.03 of this Zoning Code.

**C. Application**

Applications for Conditional Use Permits shall be filed with the Planning Division on the prescribed application forms.

**D. Public Notice and Hearing**

All applications for Conditional Use Permits shall require public notice and hearing before the Planning Commission pursuant to the provisions of Public Hearings section in Chapter 25.01.007 of this Zoning Code.

**E. Findings**

All of the following findings must be made in order to approve a Conditional Use Permit:

1. The proposed use is conditionally permitted within the applicable zone and complies with

all other applicable provisions of this Title and all other titles of the County of San Benito County Code, the General Plan and any applicable Specific Plan;

2. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
3. The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Title;
4. The site is physically suitable for the type, density, and intensity of the use being proposed. Suitability criteria may include, but are not limited to, access, utilities, and the absence of physical constraints.

#### **F. Conditions of Approval**

In approving a Conditional Use Permit, the Director may impose reasonable conditions or restrictions to ensure that the project's operation will allow all of the findings for approval to be made. The Director may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

Conditions of approval may be included requiring that specific actions take place by specified deadlines. Noncompliance with such conditions may result in revocation, as provided in this section.

#### **G. Modification**

Modifications to an approved Conditional Use Permit may be made per the provisions of the Modification of Approvals section in Chapter 25.02.

#### **H. Notice of Decision**

An official notice of approval or denial of a Conditional Use Permit shall be provided to the applicant. The notice shall include:

1. The date of the decision
2. Any conditions of approval
3. A deadline to file an appeal of the decision, which shall be per the procedures in Chapter 25.01 of this Code.

#### **I. Appeals**

The public or applicant can request an appeal of the Planning Commission's decision per the procedures established in Chapter 25.01.008 of this Code.

**J. Effective Date**

The Planning Commission's approval shall be final when the deadline for an appeal by the public or applicant has expired without the filing of an appeal.

Applications which have been appealed shall be deemed not approved until the Board of Supervisors takes action to approve or deny.

**K. Expiration**

No automatic expiration for a Conditional Use Permit is imposed by this Code. Conditions may be required to be complied with by a certain date. If such conditions are not followed, revocation may proceed as provided in this section.

**L. Revocation**

A Conditional Use Permit can be revised or revoked following a public hearing by the Planning Commission based on non-compliance with conditions of approval or to address issues which have arisen due to the operation of the use despite adherence to all approved condition of approval. Noticing and hearing procedures for revocation shall be the same as for the initial consideration of the Conditional Use Permit.

**M. Reapplication for Denied Conditional Use Permit**

If a conditional use permit is denied, no new application for a new permit substantially the same as the one denied shall be considered for a period of one year following denial.

**N. Automatic Issuance of a Conditional Use Permit to Holder of Surface Mining Operations Permit**

Upon the issuance of the operations permit, pursuant to the surface mining operation and reclamation code set out in the Surface Mining and Reclamation Section in Chapter 25.08.017, a conditional use permit shall automatically be issued by the Planning Director without further hearing and without additional fee to the holder of the operations permit. All conditions of the operations permit shall be conditions of the use permit. The status of the use permit shall be the same as that of the operations permit.

**25.02.004 Temporary Use Permits**

**A. Purpose**

The purpose of this section is to establish regulations for uses of private property that are temporary in nature. These provisions place restrictions on the duration of the temporary use, its location, and other development standards. The intent of these regulations is to ensure that the temporary use does not adversely impact the long-term uses of the same or neighboring sites, or impact the general health, safety, and welfare of persons residing within

the community. (Refer to the section on Temporary Events and Permits for regulations related to events.)

## **B. Permit Required**

Except as otherwise provided in this Zoning Code, the temporary uses listed in this section shall require the issuance of a Temporary Use Permit from the Planning Director prior to establishment of the use. The Planning Director may impose conditions on the approval of a temporary use.

## **C. Temporary Use Regulations**

1. Exempt temporary uses. The following temporary uses are exempt from the permit requirements of this section, provided they comply with the development standards listed below.
  - a. Emergency facilities. Temporary facilities to accommodate emergency public health and safety needs and activities;
  - b. Construction yards—On-site. Yards and sheds for the storage of materials and equipment used as part of a construction project, provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity;
  - c. Miscellaneous. Activities conducted on public property or within the public right-of-way that are approved by the County or as otherwise required by the County Code.
  - d. Garage or yard sales, provided that no more than three (3) sales are conducted at the same address in any calendar year.
2. Allowed temporary uses and related standards. The following temporary uses may only be established after first obtaining a valid Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with the use and development regulations and planning permit requirements that otherwise apply to the property.
  - a. Construction office. A temporary construction office, used during the construction of a main building or buildings on the same site;
  - b. Construction yards—Off-site. Site contractors' construction yards, in conjunction with an approved construction project;
  - c. Model homes. A model home or model home complex may be authorized before the completion of subdivision improvements;
  - d. Temporary real estate offices, including sales trailers and related facilities. May be established within the area of an approved residential subdivision project, solely for



the first sale of homes. In addition, conditions of approval regulating the hours of operation, landscaping, or other aspects as deemed necessary may be imposed as part of the Temporary Use Permit;

- e. Seasonal sales lots. Temporary seasonal sales activities (e.g., Christmas trees, pumpkin sales, and other similar outdoor sales) may be permitted in any commercial or industrial zoning district, or on any religious facility or school site that abuts a collector or arterial roadway as designated in the General Plan. Seasonal sales may be permitted in any non-residential zoning district upon issuance of a Temporary Use Permit. The term of permit shall not exceed sixty (60) days per calendar year, which may be used in up to three (3) periods (e.g. 20+20+20 or 10+10+40)..
  - f. Temporary dwellings, including mobile homes, when a primary dwelling is being constructed or remodeled may be permitted, provided a valid building permit has been issued. The temporary dwelling shall be limited to a maximum of one year.
  - g. Other temporary uses and activities that typically occur on private property.
3. When a temporary use is not specifically listed in this section, the Director shall determine whether the proposed use is similar in nature to listed uses(s) and shall establish the term and make necessary findings and conditions for the particular use.

#### **D. General Standards for Temporary Uses**

Each use granted a Temporary Use permit shall comply with all applicable zoning district and development standards as outlined in this Zoning Code. The Director shall establish the following standards in combination with the provisions above and, based on the type of temporary use, in addition to standards within the Zoning Code for guidance:

- 1. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code.
- 2. Limitation on the duration of approved temporary structures to a maximum of one year, so they shall not become permanent or long-term structures.
- 3. Other requirements as appropriate to minimize any adverse impacts of the use.

#### **E. Similar Uses**

When a temporary use is not specifically listed in this section, the Director shall determine whether the proposed use is similar in nature to listed uses(s) and shall establish the term and make necessary findings and conditions for the particular use, consistent with the provisions in Chapter 25.01.006.

## **25.02.005 Temporary Event Permits**

### **A. Purpose**

The purpose of this section is to ensure that the operators of privately-run or -sponsored temporary events obtain all required permits and approvals from the County and other agencies to ensure the safety of the public attending the events. This section applies to events taking place entirely on private property and to privately-run or -sponsored events which occur partially or entirely on public property (e.g., an event in a public park, or a parade or event taking place on public streets).

### **B. Temporary Event Permit and Compliance with All County and Outside Agency Permits Is Required**

All temporary events shall obtain an approved temporary event permit from the County at least ten (10) calendar days before the event, and shall comply before, during, and after the event with all requirements, conditions, etc., which may be imposed by the County and/or outside agencies. County departments and other public agencies to be consulted include:

1. San Benito County Building and Safety Department
2. San Benito County Public Works Department
3. San Benito County Administrative Office
4. San Benito County Fire Department
5. San Benito County Sheriff
6. San Benito County Department of Environmental Health

Coordination with these agencies will be facilitated and verified by the County, as described in subsection 6, below. Some of these agencies may require separate permits or approvals, which are in addition to the Temporary Event Permit.

A temporary use permit is required for some types of commercially oriented temporary activities that are not considered temporary events. Please see the provisions in Temporary Uses.

### **C. Application for a Temporary Event Permit**

The temporary event sponsor shall submit an application for a temporary event permit to the County not less than forty five (45) days prior to the start of the temporary event.

#### **D. Temporary Events Defined**

Temporary events are generally one-time events, including annual or recurring events. Examples include fairs; carnivals; rodeos; shows; walking, running, and/or bicycling events and races; parades, and tent revival meetings. The County may limit the number of temporary events at a location, including either the same event held on multiple occasions or different events.

#### **E. Temporary Structures**

Any temporary structure used for a temporary event shall be approved by the Fire Marshall or Building Official. This includes tents, but excludes tables, chairs, umbrellas, or inflatable objects.

#### **F. Verification of Compliance with County and Agency Requirements**

Unless a temporary event is exempt as defined below, the Planning Department shall verify either that:

1. The event does not require a review or permit by the departments or agencies listed in subsection B, above.
2. Any required permits from the departments and agencies listed above have been obtained. Once coordination has been verified by the Planning Department, a temporary event permit will be issued, and the temporary event may proceed.

#### **G. Exempt Temporary Events**

The following are exempt from the requirements of this section, unless they require approval or permits from any of the departments or agencies listed above:

1. Temporary facilities to accommodate emergency public health and safety needs and activities.
2. Noncommercial events conducted at private homes (weddings, parties, etc.), which do not involve the construction of temporary structures in the required front yard.
3. Yard or garage sales.
4. Holiday displays.
5. Promotional events and grand opening celebrations in established commercial shopping centers that do not interfere with vehicular traffic on public or private streets and driveways, do not disrupt the proper functioning of parking areas, do not involve the outdoor sale of goods and merchandise, and do not exceed two days in duration.

6. Uses or events which are consistent with the clearly intended use of the facility (e.g., sporting events in a stadium or a play in a theater), as determined by the Planning Director.

While exempt from the requirements of this chapter, these temporary events must comply with all applicable County and other requirements.

#### **H. Temporary Event Standards**

Temporary events must comply with the following standards:

1. All parking spaces for patrons and guests shall be provided on-site where the activity is taking place. On-street or off-site parking may be used in lieu of on-site parking if approved by the Planning Director.
2. Vehicular access to the event site shall not create traffic conflicts or congestion on County streets during the operation of the event.
3. Noise created by the event shall not exceed the levels outlined in the San Benito County Noise Ordinance.
4. The concentration or placement of persons, animals, structures, or vehicles shall not interfere with emergency access.
5. Temporary events shall be limited to three days in length.

The County may limit the number of temporary events at a location, including either the same event held on multiple occasions or different events, so they shall not become long-term or permanent.

#### **I. Bond and Insurance**

Bonding or insurance may be required to be in place in advance of a temporary event, as follows:

1. The County may require a sponsor of a temporary event to post a bond or to otherwise financially secure that the event location is restored to its original condition and that the County is fully reimbursed for any unanticipated law enforcement or emergency medical expenses. The County shall determine the amount of the bond or other security, and the event sponsor shall post it with the permitting authority.
2. The County may require that the sponsor of a temporary event show proof of liability insurance naming the County as an additional insured.

## **J. Enforcement**

The County may require the immediate closure of any nonexempt event that is operating without a temporary event permit or is not in compliance with any requirements, conditions, etc., which have been imposed by the County or any agency.

## **25.02.006 Crowing Fowl Permits**

### **A. Crowing Fowl Permit Required in the County**

Notwithstanding any other provision in this code, keeping, raising, or harboring six or more crowing fowl is an unlawful use in the county without a valid crowing fowl permit.

### **B. Fees**

Permit fees shall be paid annually in the following amounts:

6—10 crowing fowl	\$125
11 or more	\$1,500

### **C. Administrative Permits for Crowing Fowl**

1. It is unlawful for any person to keep, raise or harbor crowing fowl within the county without first having obtained an administrative permit therefor from the Planning Director. The administrative permit shall be a temporary permit, subject to annual renewal.
2. The Planning Director may issue an administrative permit for the keeping, raising or harboring of six to ten crowing fowl under any conditions and restrictions deemed necessary for the protection of animal and/or public health, safety or welfare, and may specify such conditions and restrictions in the administrative permit. Every application for a crowing fowl permit shall be made on crowing fowl permit forms provided by the Planning Department, accompanied by the appropriate filing fee as established by resolution of the Board of Supervisors from time to time.
3. Administrative permits may be modified or revoked for the same reason(s) that a conditional use may be modified or revoked. Any proceedings to modify or revoke an administrative permit shall be conducted by the Planning Director.

### **D. Conditional Use Permits for Crowing Fowl**

It is unlawful for any person to house eleven (11) or more crowing fowl without first having obtained a conditional use permit.

#### **E. Additional Findings for Denial of Conditional Use Permits for Crowing Fowl**

The Planning Commission may refuse to issue a conditional use permit for the housing of crowing fowl to:

1. Any person whose conditional use permit for crowing fowl has been suspended or revoked, for the period in the case of suspension, during which the order of suspension is in effect plus an additional one year from the effective date of the suspension; or, in the case of revocation, for five years after the effective date of the order of revocation;
2. Any person who has been or is an officer, agent or employee of any crowing fowl operation whose conditional use permit for crowing fowl has been suspended or revoked and who was responsible for, or participated in, the violation upon which the order of suspension or revocation was based, for the period in the case of suspension, during which the order of suspension is in effect plus an additional one year from the effective date of the suspension; or, in the case of revocation, for five years after the effective date of the order of revocation;
3. Any person who is in violation of any of the provisions of this title; and
4. Any person who has been convicted of the crime of cruelty to animals, whether in this state or any other jurisdiction, for a period of ten (10) years following the service of any sentence or completion of any condition of conviction, whichever is later.

#### **F. Permit Standards**

No crowing fowl permit shall be approved unless it complies with the following standards and the Planning Director, Code Enforcement Officer, Health Officer and Animal Control Officer find that it will not cause an adverse impact on the public health, safety or welfare:

1. Compliance with standards. All persons who own, keep, raise, harbor or maintain crowing fowl shall comply with the crowing fowl housing standards specified in Article II of this chapter. A violation of the standards required by Article II of this chapter shall be a violation of this chapter.
2. Hours of enclosure. Crowing fowl shall be confined inside the walled and roofed enclosure specified in Article II of this chapter between the hours of 8:00 p.m. and 6:00 a.m. each day.
3. Acknowledgment of standards. A copy of the applicable standards for housing of crowing fowl shall be supplied to any applicant requesting an application for a crowing fowl permit. By signing the application form, the applicant shall acknowledge receipt of such standards and shall agree to comply with them and to allow inspections at reasonable times to confirm compliance with them.
4. Non-compliance with standards. Each person who owns, keeps, raises, harbors or

maintains crowing fowl shall correct any deficiencies noted by the Animal Control Officer or Planning Director within a reasonable period of time as specified by the Animal Control Officer or Planning Director. Plans for new or remodeled facilities shall be submitted to the Animal Control Officer and Planning Director for review. Upon request by the Animal Control Officer or Planning Director, the applicant must make the premises, facilities and equipment available for the purpose of ascertaining compliance with such standards.

#### **G. Conditions of Approval**

Any crowing fowl permit granted shall be subject to such conditions and restrictions deemed necessary for the protection of animal and/or the public health, safety and general welfare. The Planning Commission may provide that issuance of a crowing fowl permit shall be contingent upon acceptance and observance of specified conditions, including but not limited to the conditions specified in § 25.43.005 of this title. In addition, a crowing fowl permit shall be subject to the following conditions:

1. Compliance with any regulations regarding the keeping or raising of poultry as a conditional use in the applicable zoning district;
2. Compliance with the housing standards specified in Article II of this chapter;
3. At the time the permit is issued, the applicant shall reside on the subject property; and
4. The applicant's consent to inspections at reasonable times without prior notice by the Planning Director or Animal Control Officer to ensure continued and ongoing compliance with applicable standards and conditions of approval.

#### **H. Inspections**

Public and animal health, safety and welfare require periodic inspections of all facilities housing crowing fowl within the county to ensure the protection of animals kept therein from unhealthy or inhumane conditions and practices. Accordingly, the Planning Director or Animal Control Officer shall have the right to inspect at reasonable times and shall inspect at intervals deemed appropriate by the Planning Director or Animal Control Officer, all crowing fowl permit holders within the county. As a condition of the issuance of any permit for crowing fowl, each permit holder shall agree to allow such inspection, which acknowledgment shall be made as part of the application and file.

#### **I. Exceptions**

The following are exempt from the provisions of this article:

1. Future Farmers of America (FFA) or 4-H projects conducted by the occupants on the premises are not subject to the requirements of this article except that an administrative permit must be filed with the Planning Department. Administrative permit forms shall be available at the Planning Department and may be filed free of charge; and

2. Poultry farms of chickens, ducks, geese, pigeons, pheasants, peafowl, turkeys or guinea fowl that are regulated by a conditional use permit, conditional uses in agricultural rangeland, and conditional uses in agricultural productive district, are not subject to the requirements of this article.

### **25.02.007 Lot Line Adjustments**

The Planning Division shall review lot line adjustment requests with the development standards of the Zoning Code through the Zoning Clearance process and provide input to the Public Works Division.

### **25.02.008 Minor Modifications to Development Standards**

#### **A. Purpose**

This section allows for adjustments to certain Zoning Code provisions to allow creative design solutions and to accommodate unique site conditions. Adjustments are not intended to convey special privileges to a property beyond what would be otherwise permitted within the zoning district and are only for minor deviations from the code. See the Variances section in 25.02.009 for more significant deviations from the code and Chapter 25.07.009, Height Exceptions.

While a minor modification allows for creative design, the Variance is reserved for limited circumstances where the property is severely constrained through dimension, topographical, or other site limitations.

#### **B. Applicability**

An adjustment may be granted to modify certain requirements of this Zoning Code, as listed in Table 25.02-B.



**Table 25.02-B**

<b>Minor Modification Amounts</b>	
Standard	Maximum Reduction or Increase
Parking or loading spaces	10% reduction in number of required spaces
Setbacks	20% reduction in required setback
Maximum lot coverage	10% increase in allowed coverage
Maximum height	10% increase in height
Fence/wall height	Up to 2' increase in height
Landscaping (required area)	10% decrease
Grading (amount approved through Major or Minor Development Plan Review)	10% increase or decrease

**C. Exclusions**

Minor modifications cannot be granted for any of the following standards:

1. Lot area, width, or depth.
2. Residential density.

**D. Application**

An application for a Minor Modification shall be filed to the Planning Division. The application shall state in writing the nature of the request and explain how the required findings are satisfied. The applicant shall also submit dimensioned plans illustrating the requested Minor Modification.

**E. Procedures**

1. The Planning Director makes final determinations on adjustment applications. The Planning Director may choose to refer any adjustment application to the Planning Commission for hearing and decision.
2. Public Notice and Hearing. Minor modifications do not require a public hearing or notice.

## **F. Findings**

The review authority may approve an adjustment, with or without conditions, only after first making all of the following findings:

1. That the proposed development is of sufficient size and is designed to provide a desirable environment within its own boundaries.
2. The proposed development is compatible with existing and proposed land uses in the surrounding area.
3. That any exceptions to or deviations from the density, requirements or design standards result in the creation of project amenities that would not be available through strict adherence to code provisions (e.g., additional open space, protection of natural resources, improved pedestrian connectivity, public plazas, etc.).
4. Granting the adjustment will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
5. The adjustment is consistent with the General Plan or any applicable Specific Plan or development agreement.
6. The adjustment is the minimum required.
7. The adjustment does not grant a privilege not available to other properties where an adjustment was not granted.

## **G. Conditions of Approval**

In approving an adjustment, the review authority may do the following:

1. Impose conditions to ensure that the adjustment does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located.
2. Impose conditions (e.g., the placement, height, nature, and extent of the use, buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the approval complies with the findings required by this chapter.

## **25.02.009 Variances**

### **A. Purpose**

This Chapter is intended to provide relief from the strict application of this Title where this would deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

### **B. Applicability**

Variances may be granted to vary or modify physical development standards.

Variances may not be granted to allow uses or activities that this Title does not authorize for a specific lot or site.

### **C. Review Authority**

The Planning Commission is empowered to grant variances, in order to prevent or lessen the practical difficulties and unnecessary physical hardships inconsistent with the objectives of this title as would result from a strict or literal interpretation and enforcement of certain of the regulations described by this title. The Commission shall approve only such variances as are in harmony with the general purpose and intent of this title and in accordance with the specific regulations set forth

### **D. Criteria for Issuance**

1. Variances from the terms of this title shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this chapter deprived the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant to special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated.
3. A variance shall be approved only when the strict and literal interpretation of regulations in the particular case would involve practical difficulties or unnecessary hardships, and only to the extent necessary to overcome the difficulties or unnecessary hardships.

### **E. Hearings**

The Commission shall hold a public hearing on each application for a variance as provided in the public hearing section of this title.

## **F. Findings**

A variance in whole or in part or subject to conditions may be approved by the Commission if from the information presented in the application and at the public hearing it appears to be in compliance with the criteria set forth in this chapter and the Commission makes all of the following findings:

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the proposed use;
2. Granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and [zoning district](#), and denied to the subject property owner;
3. That the allowance of the variance will not, under the circumstances of the particular case, be materially detrimental to the public welfare or materially injurious to persons or property in the vicinity; and
4. The [proposed project](#) would be compatible with the existing aesthetics, character, and scale of the surrounding neighborhood, and considers impacts on neighboring properties.

## **25.02.010 Reasonable Accommodation**

### **A. Purpose**

This Chapter establishes the procedures to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (“the Acts”) in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

### **B. Applicability**

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
3. A request for Reasonable Accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

### **C. Review Authority**

The Director shall act as the Review Authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority for the discretionary land use application.

### **D. Application**

An application for a Reasonable Accommodation shall be prepared, filed, and processed in compliance with the provisions of the Applications section in Chapter 25.01.013. No noticing or public hearing are required for a Reasonable Accommodation request. In addition to any other information required under the San Benito County Code, an applicant submitting a request for Reasonable Accommodation must provide the following information:

1. Description of the accommodation request;
2. The applicant's name, address, and telephone number;
3. Location of the subject property, including address and assessor's parcel numbers;
4. Name and address of the property owner and the owner's written consent to the application;
5. The current actual use of the subject property;
6. Verifiable documentation of the individual's disability status;
7. The regulation(s), policy, or procedure for which accommodation is sought;
8. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling; and
9. Additional information necessary for County Planning Division staff to facilitate proper consideration of the request, consistent with fair housing laws.

### **E. Procedures**

The Director shall make a written determination within (45) forty-five days of the application being deemed complete and either approve, modify, or deny a request for Reasonable Accommodation in compliance with the Required Findings section below.

#### **F. Required Findings**

The Director must consider all of the following factors in order to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts.

1. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled 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; and
4. Whether the requested Reasonable Accommodation would require a fundamental alteration of a County program or law, including but not limited to land use and zoning.

#### **G. Conditions of Approval**

In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

#### **H. Appeals, Expiration, Extensions, and Revisions**

1. **Appeals.** Reasonable Accommodation decisions may be appealed as provided for in Chapter 25.01.008.
2. **Expiration, Extensions, and Revisions.** Reasonable Accommodations may only be expired, extended, or revised as provided for in Chapter 25.01.011. A Reasonable Accommodation may be terminated if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

### **25.02.011 Zoning Clearance**

#### **A. Purpose**

Zoning Clearance is a nondiscretionary administrative verification procedure used by the County to verify that a proposed land use, improvement, or structure complies with the list

of activities allowed in the applicable zone and the development standards applicable to the use, improvement, or structure.

## **B. Applicability**

Where Chapter 25.01.012 or another provision of this Zoning Code requires a Zoning Clearance as a prerequisite to establishing a land use, improvement, or structure, a Zoning Clearance shall be required at the time of the Director's review of any of the following:

1. **Initiation of a Land Use.** A Zoning Clearance shall be obtained before the initiation or commencement of any use of land not requiring the construction of a structure or improvement.
2. **Change of Use.**
  - a. Whenever a use is proposed to be changed from a use for which a Zoning Clearance has been issued, whether or not the new use involves a new lessee, operator, or owner, a new Zoning Clearance shall first be obtained.
  - b. A Zoning Clearance shall also be required even if the lessee, operator, or owner of the previous use did not file for or receive a Zoning Clearance.
3. **Business License.** A Zoning Clearance shall be obtained before the County issues a new or modified Business License.
4. **Other Activities.** Any other activities as specified in this Zoning Code.
5. **Accessory Dwelling Units:** Unless otherwise exempt, a Zoning Clearance for Accessory Dwelling Units shall be obtained prior to submittal of an application for a building plan check and a permit to construct an Accessory Dwelling Unit.

## **C. Review Authority**

The Director or his/her designee shall act as the Review Authority for Zoning Clearance applications based on consideration of the requirements of this Chapter.

## **D. Review Procedure**

1. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in the Zoning Code. The Director may request that the Zoning Clearance application be accompanied by a written narrative, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Title and the requirements and conditions of any applicable use permit or other discretionary land use approval.

2. **Determination.** If the Director determines that the proposed use or structure is allowed as a matter of right by this Title and conforms to all the applicable development and use standards, the Director shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Title. Prior to issuing any building permit or subdivision approval, the Director shall review the application to determine whether the use or structure complies with all provisions of this Title or any applicable use permit or other discretionary land use approval and that all conditions of such permits and approvals have been satisfied.
3. **Exceptions.** No Zoning Clearance shall be required for the continuation of previously approved or permitted uses and structures or uses and structures that are not subject to any building or zoning regulations.

## **25.02.012 Modification, Revocation and Termination**

### **A. Purpose**

This Chapter provides procedures for securing modification or revocation of previously approved permits or approvals.

### **B. Process**

Modification, revocation, or termination shall take place in the same manner in which the permit or application was originally approved, and by the same body which made the approval. If a public hearing was required for the original approval, a public hearing shall be required to consider modification, revocation, or termination.

### **C. Modifications**

1. The County's action to modify a permit or approval, instead of revocation, may include conditioning any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, noise, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit or approval is operated in a manner consistent with the original findings for approval.
2. The County shall provide a notice of intention to modify to the owner(s) of the property and any current occupants of the property not less than (30) thirty days before the public hearing at which the Review Authority is scheduled to consider the modification.

### **D. Revocations or Termination**

The County's action to revoke or terminate a permit or approval, instead of modifying it, shall



have the effect of terminating the permit or approval and denying the privileges granted by the original permit or approval.

The County shall provide a notice of intention to revoke to the owner(s) of the property and any current occupants of the property not less than (30) thirty days before the public hearing at which the Review Authority is scheduled to consider the revocation.

1. **Hearings Required.** The Review Authority that approved the original permit or approval shall hold a public hearing to modify or revoke a permit or approval granted in compliance with the provisions of this Code. The hearing shall be conducted in compliance with Public Hearings in Chapter 25.01.007 unless otherwise specified in this section.
2. **Notice.** Permit modification and revocation shall be subject to review and approval or denial at a noticed public hearing in compliance with the Public Hearings section in Chapter 25.01.007.
3. **Appeal.** A decision on a permit modification or revocation shall be subject to the Appeals section in Chapter 25.01.008.

#### **E. Required Findings**

Any permit or approval, issued in compliance with this Code, may be modified or revoked by the Review Authority that originally granted the permit or approval by the same procedure under which the permit was issued for any of the following causes:

1. Compliance with any term or condition of the permit or approval has not been achieved;
2. The property or portion thereof subject to the permit or approval is used or maintained in violation of any statute, ordinance, law, or regulation;
3. The use for which the permit or approval was granted has been determined to be detrimental to the public health, safety or welfare and is a nuisance; or
4. Changes in technology or in the type or amount of development in the vicinity of the use, or other good cause, warrants modification of the conditions of operation or imposition of additional conditions of operation to assure that the use remains compatible with existing and potential uses or other property within the general area in which the use is located.

## 25.03: Zoning Map and Zoning Districts

### 25.03.001 Purpose and Intent

Zones have been established to classify, regulate, and restrict the uses of land and buildings; regulate and restrict the height and bulk of buildings; regulate the area of yards and other open spaces about buildings; and regulate the density of people.

### 25.03.002 Official Zoning Map

The boundaries of the zones established by this Code are not included in this Code but are shown on the Official Zoning Map maintained by the Planning Division. The Official Zoning Map, together with all legends, symbols, notations, references, zone boundaries, map symbols, and other information on the maps, have been adopted by the Board of Supervisors and are hereby incorporated into this Code by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

A digital version of the Official Zoning Map is available on the County's web site.

### 25.03.003 Establishment and Designation of Zoning Districts

The County is divided into zones to allow for orderly, planned development and to implement the General Plan. Table 25.03-A (Zones Implementing the General Plan) identifies all zones in San Benito County. All zones shall be listed and appropriately designated on the official Zoning Map.

- A. **Base Zones.** Every parcel shall have a base zone that establishes the primary type and intensity of land use permitted, along with development regulations for that particular type and intensity of land use.
- B. **Specific Plan Zones.** Adopted Specific Plans located in the County are identified in Chapter 25.06 of this Code.
- C. **Combining Zones.** A combining zone supplements the base zone for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the

combining zone regulations, the provisions of the combining zone shall apply. Combining zones and their regulations are in Chapter 25.04 of this Code.

**Table 25.03-A**

<b>Zones Implementing the General Plan</b>		
<b>Zone Symbol</b>	<b>Zone District Name</b>	<b>General Plan Land Use Designation Implemented by Zone</b>
<b>BASE ZONES</b>		
<b>Agricultural Zones</b>		
AR	Agricultural Rangeland	Rangeland (RG)
AP	Agricultural Productive	Agriculture (A)
R	Rural	Rural (R)
RT	Rural Transitional	Rural Transition (RT)
<b>Residential Zones</b>		
RR	Rural Residential	Residential Rural (RR)
R1	Single Family Residential	Residential Rural (RR); Residential Mixed (RM)
RM	Residential Mixed	Residential Multiple (RM)
<b>Commercial Zones</b>		
C-1	Commercial Thoroughfare	Commercial Thoroughfare (CT)
C-2	Neighborhood Commercial	Commercial Neighborhood (CN)
<b>Industrial Zones</b>		
BP	Business Park	Industrial Light (IL)
M-1	Light Industrial	Industrial Light (IL)
M-2	Heavy Industrial	Industrial Heavy (IH)

Public/Quasi-Public Zones		
PQP	Public/Quasi-Public	Public/Quasi-Public (PQP)
RRP	Resource Recovery Park	Public/Quasi-Public (PQP)
Specific Plan Zones		
Santa Ranch Specific Plan		Santana Ranch Specific Plan (SRSP)
Fairview Corners Specific Plan		Fairview Corners Specific Plan (FCSP)
San Juan Oaks Specific Plan		San Juan Oaks Specific Plan (SJOSP)
COMBINING ZONES		
ES	Emergency Shelter Combining Zone	N/A
AS	Airport Safety Combining Zone	N/A <sup>1</sup>
FLA	Frazier Lake Airpark Combining Zone	N/A <sup>1</sup>
HMA	Hollister Municipal Airport Combining Zone	N/A <sup>1</sup>

1. These combining zones implement the Airport Land Use Compatibility Plan for each airport.

### 25.03.004 Agricultural and Rural Districts

The intent of the agricultural zones is to maintain the productivity of agricultural land, especially prime farmland, as well as maintain open space and grazing in more remote areas of the county. The rural zones are intended to serve as a transitional area between agricultural to rural areas and rural to urban areas. Single-family dwellings, accessory dwellings and farm worker housing are allowed in these zones, as appropriate for the level of available infrastructure.

These zones implement the Agriculture land use designation of the General Plan.

#### A. Agricultural Rangeland (AR) District – Intent

The intent of this district is to provide for areas within the county to be used for agricultural rangeland purposes as set forth in the general plan. Very low-density residential development and farmworker housing are permitted due to the lack of public infrastructure and for the preservation of open space and agriculture.

**B. Agricultural Productive (AP) District – Intent**

The intent of the AP district is to provide for areas within the county to be used for agricultural production of any type as set forth in the general plan, including agriculture support uses, vineyards, wineries and winery supporting land uses. Low-density residential uses, and the preservation of prime farmland. Low-density and farmworker housing are also permitted.

**C. Rural (R) District – Intent**

The intent of this district is to allow very low-density residential development in areas within the county that are not primarily suited for agricultural uses, and lack infrastructure needed for higher density development. The R zone is intended to provide areas for mixtures of housing and small-scale agricultural uses.

**D. Rural Transitional (RT) District – Intent**

The RT district is intended to provide a buffer of rural development between areas of residential development and agricultural areas in order to minimize the conversion of agricultural lands to urban uses.

**E. AR, AP, R, and RT Permitted Uses**

The following table designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in an AR, AP, R, and RT districts. These uses apply to every lot and building site in the AR, AP, R, and RT zoning districts, except where modified by a combining zone.

Table 25.03-B					
Land Uses - Agricultural Zones					
<p>P = Permitted Use</p> <p>A = Administrative Use Permit Required</p> <p>C = Conditional Use Permit Required</p> <p>“—” = Use Not Allowed</p> <p><i>Some new structures require review, per Section 25.02.001 of this Code</i></p>					
Land Use Classification	Agricultural Rangeland (AR)	Agricultural Productive (AP)	Rural (R)	Rural Transition (RT)	Notes and Additional Regulations
<b>Agricultural Uses<sup>1</sup></b> See note 1 to this table for all agricultural uses.					
Commercial agriculture (see Glossary)	P	P	P	--	
Commercial composting	C	C	C	--	
Commercial mushroom growing	C	C	C	--	
Crowing fowl (6-10)	A	A	A	--	
Crowing fowl (11+)	C	C	C	--	
Indoor commercial production of plants	C	C	C	C	
Commercial livestock farm or ranch involving poultry or small or large livestock able to roam and/or	P	P	P	--	

feed over a large area					
Commercial livestock farm or ranch involving concentrations of poultry or small or large livestock animals in a central location, such as a chicken ranch, dairy, feed lot and similar uses	A	C	C	--	
Rangeland grazing of small or large livestock	P	P	--	--	
Non-commercial raising of poultry or other animals	P	P	P	P	See "Animal Keeping" standards in Chapter 25.08 for limits on number of animals.
Future Farmers of America (FFA) or 4-H projects, conducted by residents of the premises.	P	P	--	--	
Wholesale Plant Nursery	P	P	P	P	
<b>Commercial Uses</b>					
Bed and breakfast establishments	C	C	C	--	
Hotel or motel	A	A	A	--	

Winery	A	A	A	--	
Sale of agricultural products, including products not produced in San Benito County	A	A	A	A	Sale of other products, including pre-packaged and prepared food, allowed as an accessory use.
Sale of agricultural products produced in San Benito County	P	P	P	P	Sale of other products, including pre-packaged and prepared food, allowed as an accessory use.
<b>Commercial Cannabis/Hemp Uses<sup>1</sup></b> See note 1 to this table for all cannabis uses.					
Indoor or outdoor cultivation of commercial cannabis; transport of crops to offsite locations (not including “distribution” as defined in Title 7, Chapter 7.02 of the County Code	C	C	C	--	Subject to additional requirements of Title 7, Chapter 7.02 of the County Code
Laboratory testing of commercial cannabis or hemp and/or cannabis or hemp products	C	C	C	--	
Manufacturing of commercial cannabis or hemp (mixed light, including nurseries and distribution)	C	C	C	--	



<b>Industrial Uses<sup>1</sup></b> See note 1 to this table for all Industrial uses.					
Abattoir (Slaughterhouse)	C	C	C	--	
Agricultural Processing of products grown onsite	P	P	P	--	
Agricultural processing of products not grown onsite	C	C	C	--	
Cannery	--	--	--	--	
Pallet and agricultural bin manufacturing	C	C	C	--	
Off-site truck parking in service of agricultural operations	C	C	C	--	
<b>Residential Uses<sup>1</sup></b> See note 1 to this table for all Residential uses.					
Single-family dwelling	P	P	P	P	Per the density requirements of the General Plan
Accessory Dwelling Unit	P	P	P	P	See Chapter 25.08.002 for Accessory Dwelling Unit standards
Group Home (Small)	P	P	P	P	
Group Home (Large)	C	C	C	C	

Permanent Agricultural Employee Housing, not exceeding 12 dwelling units (including mobile homes and RVs, or spaces for mobile homes and RVs), or 36 beds in group quarters	P	P	P	P	See Note 2
Permanent Agricultural Employee Housing exceeding 12 dwelling units or 36 beds in group quarters	C	C	--	--	See Note 2
Labor Supply Employee Housing	P	P	P	P	See Note 2
Seasonal Agricultural Employee Housing	P	P	P	P	See Note 2
Temporary Agricultural Employee Housing	P	P	P	P	See Note 2
Senior/Congregate Care	P	P	P	P	
Transitional and Supportive Housing	P	P	P	P	
<b>Recreational Uses</b>					
Commercial outdoor recreational uses, including but not limited to RV parks, hunting clubs and	C	C	C	C	

riding clubs and golf courses					
Private outdoor camping facilities, including cabins and tent camping	C	C	C	C	
<b>Other/Institutional/Utility</b>					
Aircraft Landing Field/Helipad	C	C	C	C	
Assembly Uses, including places of worship, private clubs, fraternity/sorority houses, senior centers	C	C	C	C	
Bus stops, park and ride lots, transit stops	P	P	P	P	
Cemetery (includes columbarium)	C	C	C	C	
Day Care, Small Family	P	P	P	P	
Day Care, Large Family	A	A	A	A	
Day Care Center	C	C	C	C	
Educational institution, private	C	C	C	C	Public schools are not regulated by this Code

Hobby Kennels	A	A	A	--	See "Animal Keeping" in Chapter 25.08
Hospital	C	C	C	C	
Kennels, including, without limitation, kennels for hybrid animals	C	--	--	--	See "Animal Keeping" in Chapter 25.08
Library or museum not operated by a governmental entity	A	A	A	A	Publicly operated libraries and museums are not regulated by this Code
Microwave, radio and television transmission and/or relay structures	C	C	C	C	Facilities regulated by the PUC are not regulated by this Code
Private enterprise performing governmental functions	C	C	C	C	
Radio frequency emission measuring facilities (if privately operated)	C	C	C	C	Publicly operated radio frequency emission measuring facility not regulated by this Code
Railway stations, multi-modal transit centers	C	C	C	C	
Renewable Energy Generation	C	C	C	--	See Chapter 25.08.016 for

Facilities, Commercial					development standards
Renewable Energy Generation Facilities, Commercial and Private Non- Commercial	A	A	A	--	See Chapter 25.08.016 for development standards
Surface mining, including concrete and asphalt batch plants and concrete and asphalt recycling plants	C	C	C	C	Must comply with Surface Mining Ordinance, title 19 of the County Code
Veterinary hospitals and pet clinics	C	C	C	--	
Accessory/Incident al Uses	Regulated as a use per this table. Administrative Use Permit or conditional use permit required if shown in the table above.				
Wireless telecommunication facilities	See the Wireless Telecommunication regulations in Title 7 of the County Code				
Similar Uses	See "Interpretations" in Chapter 25.01				

Note 1: All Agricultural, Cannabis, Industrial and Residential uses in Agricultural zones can be a primary use, if consistent with the General Plan land use designation for the property.

Note 2: Farmworker housing provided by an employer must comply with all provisions of Section 17008(a) of the California Health and Safety Code. Farmworker housing provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code.

#### **F. Agricultural and Rural District Development Standards**

Table 25.03-C establishes the basic development standards for the agricultural and rural zones. Development standards for specific uses are provided in Chapter 25.08. The regulations in this section apply to every lot and building site in the AR, AP, R, and RT zoning districts, except where modified by a combining zone.

Table 25.03-C				
Development Standards – Agricultural Zones				
Development Standard	Agricultural Rangeland (AR)	Agricultural Productive (AP)	Rural (R)	Rural Transition (RT)
<b>Lot and Density Standards</b>				
Maximum Density	1 dwelling unit per 40 acres	1 dwelling unit per 5 acres	1 dwelling unit per 5 acres	1 dwelling unit per 2.5 acres
Minimum Lot Size	40 acres	5 acres	5 acres	2.5 acres
<b>Minimum Lot Requirements</b>				
Front Setback	30	25	25 <sup>1</sup>	25 <sup>1</sup>
Side, Interior Setback	20% of width (not less than 8 feet, not more than 32 feet required)	20% of width (not less than 8 feet, not more than 32 feet required)	20% of width (not less than 8 feet, not more than 32 feet required) <sup>1</sup>	20% of width (not less than 8 feet, not more than 32 feet required) <sup>1</sup>
Rear Setback	20% of lot depth (not more than 35 feet required)	20% of lot depth, not less than 20 feet, but not more than 35 feet required <sup>1</sup>	20% of lot depth, not less than 20 feet, but not more than 35 feet required <sup>1</sup>	20% of lot depth, not less than 20 feet, but not more than 35 feet required <sup>1</sup>
Distance between buildings	Subject to requirements of California Building Code			
Maximum Building Height (feet)	35	35	35	35

1. R & RT zones – in state responsibility area, a vegetation clearance easement may be required for defensible space for firefighting, see County Fire Department.

### 25.03.005 Residential Districts

The intent of the residential districts is to provide for a range of housing types consistent with the general plan and other compatible land uses that will support and enhance the residential environment.

#### **A. Rural Residential (RR) District – Intent**

The RR zone is intended to provide areas of mixtures of housing and limited agricultural uses. The single-family dwelling is the primary use while agricultural uses are intended to be of secondary importance. This category applies to areas in proximity to urban services. The density of this zone shall be a maximum of one dwelling unit per acre, unless a public sewer and public water service is available or the municipality accepts wastewater treatment responsibility, at which point the minimum net parcel size may be reduced to one-half acre. The following regulations except to the extent they may be modified by this title or by a combining or overlay district, shall apply to every lot and building in the RR district.

Development applications are by County policy referred to the city that would provide services to the project.

#### **B. Residential Districts**

1. These residential districts are established to provide areas in suitable locations for the various types of dwelling accommodations needed in the county and to provide a means of regulating the density and distribution of the population in conformance with the general plan.
2. There are two residential zones which implement the Residential Mixed land use designation of the General Plan:
  - a. Single-family residential; or
  - b. Residential Multiple.

#### **C. Single-Family Residential (R1) District**

The intent of the R1 district is to provide primarily for the development of single-family neighborhoods, with appropriate supporting uses. Attached or multi-family housing is not permitted, except for Accessory Dwelling Units and where state law mandates approval of these types of housing.

Development intensity is established in part by the availability of public water and sewer service. In areas where both are available, smaller lot sizes can be created. Where one or both is not available, lot sizes will be limited by the availability of local soils and underground water to provide sufficient capacity consistent with the Building Code and other health regulations.

#### **D. Residential Multiple (RM) District - Intent and Application of Article**

The intent of the RM district is to allow for areas of multiple-family dwellings, in areas already developed to urban density, as well as having utility services to allow this density to continue. This will allow unincorporated pockets of urban concentration to occur where public sewer and water, as well as circulation, other utilities and services exist or can be

provided.

This zoning designation is to be located where commercial services, recreational facilities and public services, such as shopping and health care, are available within a reasonable distance. The following regulations, as set out in this article, except to the extent that they may be modified by a combining or overlay district, or any adopted specific plan, shall apply to every lot and building site in an RM district.

An adopted specific plan may establish, without limitation, a separate list of permitted and conditionally permitted land uses, site development standards, height and coverage limitations and building setbacks for all land within the boundaries of the specific plan.

Development intensity is established in part by the availability of public water and sewer service. In areas where both are available, smaller lot sizes can be created. Where one or both is not available, lot sizes will be limited by the availability of local soils and underground water to provide sufficient capacity consistent with the Building Code and other health regulations.

#### **E. RR, R1, & RM Permitted Uses**

The following table designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in an RR, R1, and RM districts. These uses apply to every lot and building site in the RR, R1, and RM zoning districts, except where modified by a combining zone.



Table 25.03-D				
Land Uses - Residential Zones				
<p><i>P = Permitted Use</i></p> <p><i>A = Administrative Use Permit Required</i></p> <p><i>C = Conditional Use Permit Required</i></p> <p><i>“—” = Use Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>				
Land Use Classification	Rural Residential (RR)	Single Family Residential (R1)	Residential Multiple (RM)	Additional Regulations
<b>Agricultural Uses</b>				
Commercial agricultural as defined in the Glossary	P	--	--	
Hobby/Personal agriculture	P	P	P	
Small livestock farming	P	--	--	
Sale of agricultural produce grown on the premises	P	P	P	
<b>Residential Uses</b>				
Single-family dwelling, Primary	P	P	C	
Additional Single-Family dwellings	P	P	P	Must meet density requirements of the General Plan

Accessory Dwelling Unit	P	P	P	See Accessory Dwelling Unit Standards in Chapter 25.08.002
Boarding House	P	P	P	
Duplex or Half-plex	--	--	P	
Group Home (Small)	P	P	P	
Group Home (Large)	C	C	C	
Mobile Home Park	--	--	P	
Multiple-family dwellings, condominiums and apartments	--	--	P	
Senior/Congregate Care	P	P	P	
Transitional and Supportive Housing	P	P	P	
<b>Other</b>				
Assembly Uses, including places of worship, private clubs, fraternity/sorority houses, senior centers	C	C	C	
Bus stops, park and ride lots, transit stops	P	P	P	
Cemetery (includes columbarium)	C	C	C	

Commercial outdoor recreational uses, including but not limited to RV parks, hunting clubs and riding clubs and golf courses	C	--	--	
Day Care, Small and Large Family	P	P	P	Must be operated in accordance with California Health & Safety Code, Chapter 3.6, Sections 1597.44, 1597.45, 1597.46, and 1597.465
Day Care Center	C	C	C	
Educational institution, private	C	C	C	Public schools are not regulated by this Code
Hospital	C	C	C	
Library or museum not operated by a governmental entity	A	A	A	Publicly operated libraries and museums are not regulated by this Code
Microwave, radio and television transmission and/or relay structures	C	C	C	Facilities regulated by the PUC are not regulated by this Code
Private enterprise performing Governmental functions	C	C	C	

Railway stations, multi-modal transit centers	C	C	C	
Renewable Energy Generation Facilities, Commercial Scale	--	--	--	
Renewable Energy Generation Facilities, Private Non-Commercial	A	A	A	See Chapter 25.08.016 for development standards
Recreational uses incidental to single-family residential uses and for the exclusive use of the residents residing on the same parcel	P	P	P	
Accessory/Incidental uses	Regulated as a use per this table. Administrative Use Permit or conditional use permit required if shown in the table above.			
*Similar Uses	See "Interpretations" in Chapter 25.01.009			

#### F. Residential District Development Standards

The following table establishes the basic development standards for the rural residential and urban residential zones. Development standards for some specific uses are provided in Section 25.08 of this Code.

These standards apply to every lot and building site in the RR, R-1, and RM zoning districts, except where modified by a combining zone.

Table 25.03-E			
Development Standards – Residential Zones			
Development Standard	Rural Residential (RR)	Single Family Residential (R1)	Residential Multiple (RM)
Lot and Density Standards			
Maximum Density	2 dwelling units per acre <sup>1</sup>	Up to 20 units per acre if both public water and sewer are available <sup>1</sup>	8 - 20 dwelling units per acre if both public water and sewer are available <sup>1</sup>
Minimum Lot Size	0.5 to 1 acre <ul style="list-style-type: none"> <li>0.5 acre: public sewer + public water</li> <li>1 acre: only one public water/sewer service provided)</li> </ul>	5,000 sq. ft., 1 acre, and 2.5 acres minimums for single family homes, depending on availability of services: <sup>3</sup> <ul style="list-style-type: none"> <li>5,000 sq. ft.: public sewer + public water</li> <li>1 acre: septic tanks + public water</li> <li>2.5 acre: septic tanks + well water)</li> </ul>	No minimum lot size for multi-family <sup>2</sup>  Single family development intensity depends on availability of services: <sup>3</sup> <ul style="list-style-type: none"> <li>1 acre: septic tanks + public water</li> <li>2.5 acre: septic tanks + well water)</li> </ul>
Minimum Lot Requirements			
Interior lot width/lot depth	Depth of lot cannot be more than three times the width of the lot (Planning Commission can waive for parcels larger than 5 acres in size)		
Maximum lot coverage (percentage)	40%	40%	60%
FAR 0.8	N/A	0.8 FAR	0.8 FAR

Building Form and Location			
Front setback	25	20	20 feet, except the setback shall be 15 feet for parcels of less than 7,200 square feet if administrative approval by the Planning Director is granted
Side setback (each side)	15% of width (not less than 8 feet, but not more than 32 feet required)	10% of the lot width (not less than 6 feet, but not more than 20 feet required)	10% of the lot width (not less than 6 feet, but not more than 20 feet required)
Rear setback	20% of lot depth, not less than 20 feet, but not more than 35 feet required	20% of lot depth, not less than 20 feet, but not more than 35 feet required	20% of lot depth, not less than 20 feet, but not more than 30 feet required
Distance between main buildings	Subject to requirements of California Building Code		
Maximum Building Height (feet)	35	30	35

1. ADUs and JADUs not counted toward density.
2. 30% mixed housing types required for RM lots with public infrastructure/utilities.
3. Note: Site-specific soil characteristics may result in larger lot sizes.

### 25.03.006 Commercial Districts

The intent of the C-1 and C-2 districts is to provide for commercial development that is compatible with other land uses and will conveniently and effectively serve the needs of the people. The objective is to encourage commercial services to meet the needs of rural citizens as well as the needs of the weekend or recreational uses.

#### **A. Commercial Thoroughfare (C-1) District - Intent**

The C-1 district implements the Commercial Thoroughfare land use designation of the General Plan, which seeks to:

*“... provide commercial services for motorists near highway interchanges, along thoroughfares, and near Federal, State, and regional parks, and other tourist attractions to capture pass-through traffic, and to allow for commercial uses that serve the agricultural and rural unincorporated community. These uses could include small shopping centers, truck and automobile stations, and tourist-serving commercial uses.”*

*The purpose of this designation is to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of such commercial uses at key intersections along Interstate 101 and other major State Routes. These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels.”*

The C-1 zoning district allows the establishment of businesses offering accommodations, supplies or services especially to motorists, and for certain uses such as commercial amusement and specialized automotive and related sales and service establishments which serve persons coming to them from large trading areas by automobile.

These uses ordinarily do not seek locations in shopping centers, and therefore, must be provided at independent locations. The C-1 district, when appropriate, will be located along major thoroughfares. Special development standards are incorporated in the district regulations in order to provide for orderly development and to minimize traffic hazards.

The following regulations apply to every lot and building site in a C-1 district, except where modified by a combining zone.

#### **B. Neighborhood Commercial (C-2) District - Intent**

The C-2 district implements the Commercial Neighborhood land use designation of the General Plan, which seeks to:

*“... provide convenience goods within or near communities or other concentrations of population. This designation intends to reduce unnecessary vehicular trips to commercial centers in the cities of Hollister and San Juan Bautista and outlying cities in other counties, encouraging a focus on local businesses, with a destination retailer or restaurant. This designation also allows mixed-use developments that could include residential, retail, and office uses.”*

The C-2 zoning district is specifically intended to establish and provide centers for convenient shopping to residential neighborhoods.

The following regulations apply to every lot and building site in a C-2 district, except where modified by a combining zone.

#### C. C-1 & C-2 Permitted Uses

The table below designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in C-1 and C-2 districts.

Table 25.03-F			
Land Use Regulations – Commercial Zones			
<p>"P"= <i>Permitted Use</i></p> <p>"A"= <i>Administrative Use Permit Required</i></p> <p>"C"= <i>Conditional Use Permit Required</i></p> <p>"--" = <i>Use Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>			
Land Use Classification	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)	Additional Regulations
<b>Agricultural Uses</b>			
Commercial agriculture as defined in Glossary	P	P	
Future Farmers of America/4-H projects	--	P	Must be conducted by occupants of premises. Projects involving crowing fowl require crowing fowl affidavit
Hobby/Personal agriculture	--	P	
Grazing	P	P	



Table 25.03-F			
Land Use Regulations – Commercial Zones			
<p>"P"= <i>Permitted Use</i></p> <p>"A"= <i>Administrative Use Permit Required</i></p> <p>"C"= <i>Conditional Use Permit Required</i></p> <p>"--" = <i>Use Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>			
Land Use Classification	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)	Additional Regulations
Plant Nursery, Wholesale Only	P	P	
Small livestock farming	P	P	One adult animal per acre (see Chapter 25.08)
<b>Residential Uses</b>			
Single-family dwelling	--	C	One per lot or parcel
Accessory Dwelling Unit	--	P	Per Accessory Dwelling Unit regulations in Chapter 25.08.002
Caretaker unit	P	P	
Duplex or two-family dwelling	--	C	
Multiple-family dwellings, condominiums and apartments	--	C	Per General Plan density

Table 25.03-F			
Land Use Regulations – Commercial Zones			
<p>"P"= <i>Permitted Use</i></p> <p>"A"= <i>Administrative Use Permit Required</i></p> <p>"C"= <i>Conditional Use Permit Required</i></p> <p>"--" = <i>Use Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>			
Land Use Classification	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)	Additional Regulations
Transitional and Supportive Housing	--	P	
<b>Commercial Uses</b>			
Alcohol sale for on-site or off-site consumption	P	P	
Automotive/vehicle related uses (see Glossary)	A	--	
Automobile service stations and car washes (full service and self service)	C	C	
Commercial entertainment and amusement establishments	C	--	
Custom clothing retail and tailoring services	--	P	
Drive-through restaurants	C	--	
Drugstore/Pharmacy	--	A	

Table 25.03-F			
Land Use Regulations – Commercial Zones			
<p>"P"= <i>Permitted Use</i></p> <p>"A"= <i>Administrative Use Permit Required</i></p> <p>"C"= <i>Conditional Use Permit Required</i></p> <p>"--" = <i>Use Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>			
Land Use Classification	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)	Additional Regulations
Eating and drinking establishments, including nightclubs	C	--	
Farm equipment sales with accessory repairs and services	A	--	
Sale of fruit and vegetable in a roadside stand	A	--	
Greenhouse, plant nursery, including sales of garden hardware	A	--	
Home improvement stores	C	--	
House trailer sales and rentals	A	--	
Mobile home parks	--	C	
Motels and hotels	C	--	
Outdoor display and sale of merchandise, permanent	A	A	

Table 25.03-F			
Land Use Regulations – Commercial Zones			
<p>"P"= <i>Permitted Use</i></p> <p>"A"= <i>Administrative Use Permit Required</i></p> <p>"C"= <i>Conditional Use Permit Required</i></p> <p>"--" = <i>Use Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>			
Land Use Classification	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)	Additional Regulations
Outdoor display and sale of merchandise, temporary	Requires Temporary Use Permit		
Outdoor storage of materials	--	--	
Restaurant	P	P	
Retail business establishments, small scale	P	P	
Retail business establishments, large scale	C	--	
Secondhand sales (auction shop, merchandise liquidator, surplus or salvage outlet or store, secondhand store or close-out store or other business of a similar type or nature)		--	
Trailer rentals (U-Haul type)	A	--	
Truck stops/travel plazas	C	--	
<b>Personal Service Uses</b>			
Bank	P	P	

Table 25.03-F			
Land Use Regulations – Commercial Zones			
<p>"P"= <i>Permitted Use</i></p> <p>"A"= <i>Administrative Use Permit Required</i></p> <p>"C"= <i>Conditional Use Permit Required</i></p> <p>"--" = <i>Use Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>			
Land Use Classification	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)	Additional Regulations
Personal Services, excluding massage parlors	P	P	
Retail clothes cleaning, dry cleaning, or laundry, including self-service laundromat	P	P	
Office, business or professional (including medical/dental)	P	P	
Veterinary hospitals and pet clinics	C	--	
Undertaking establishments, funeral homes, mortuaries	C	--	
<b>Other Uses</b>			
Assembly Uses, including places of worship, private clubs, fraternity/sorority houses, senior centers	--	C	
Bus stops, park and ride lots, transit stops	P	P	

Table 25.03-F			
Land Use Regulations – Commercial Zones			
<p>"P"= <i>Permitted Use</i></p> <p>"A"= <i>Administrative Use Permit Required</i></p> <p>"C"= <i>Conditional Use Permit Required</i></p> <p>"--" = <i>Use Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>			
Land Use Classification	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)	Additional Regulations
Day Care, Small Family	P	P	
Day Care, Large Family	A	A	
Day Care Center	C	C	
Educational institution, private	--	C	Public schools are not regulated by this Code
Hospital	--	C	
Library or museum or information center not operated by a governmental entity	--	C	Publicly operated libraries and museums are not regulated by this Code
Microwave, radio and television transmission and/or relay structures	C	C	Facilities regulated by the PUC are not regulated by this Code
Outdoor recreation and/or education	C	--	

Table 25.03-F			
Land Use Regulations – Commercial Zones			
<p>"P"= <i>Permitted Use</i></p> <p>"A"= <i>Administrative Use Permit Required</i></p> <p>"C"= <i>Conditional Use Permit Required</i></p> <p>"--" = <i>Use Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>			
Land Use Classification	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)	Additional Regulations
Private enterprise performing governmental functions	--	C	
Privately operated swimming pool	--	C	Publicly operated pools are not regulated by this Code
Recreation trailer parks	C	C	
Recycling Collection facilities	P	P	Minor Development Plan Review required. In C-1, limited to 200SF of outside storage. No outside storage in C-2
Recycling equipment to briquette, shred, transform or otherwise process recyclable materials	C	C	See chapter 25.08
Recycling Processing facilities	--	--	

Table 25.03-F			
Land Use Regulations – Commercial Zones			
<p>"P"= <i>Permitted Use</i></p> <p>"A"= <i>Administrative Use Permit Required</i></p> <p>"C"= <i>Conditional Use Permit Required</i></p> <p>"--" = <i>Use Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>			
Land Use Classification	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)	Additional Regulations
Unmanned Aircraft takeoff and landing facilities	C	--	
Railway stations, multi-modal transit centers	C	C	
Accessory/Incidental uses	Regulated as a use per this table. Administrative Use Permit or conditional use permit required if shown in the table above.		
*Similar uses	See "Interpretations" in Chapter 25.01		

#### D. Commercial District Development Standards

The table below establishes the basic development standards for the C-1 and C-2 zones.

Table 25.03-G		
Development Standards - Commercial Zones		
	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)
Density and Lot Requirements		
Density (units/acre)	N/A	20 dwelling units per acre



Minimum Lot Size (square feet)	20,000	20,000
<b>Building Form and Location</b>		
Floor Area Ratio (FAR)	0.8	0.8
Maximum Height (feet)	35	35 feet or more as determined by the Planning Commission as part of Development Plan Review
Maximum lot coverage	40%	50%
Front setback	10 feet or as determined by the Planning Commission as part of Development Plan Review	10 feet or as determined by the Planning Commission as part of Development Plan Review
Side setback (each side) <sup>1, 2</sup>	0 unless required by Planning Commission, then a minimum of 10 feet, <b>or</b> 10 feet when adjacent to a residential zone	Same as most restrictive adjacent zone
Rear setback <sup>1, 2</sup>	0 unless required by the Planning Commission, then a minimum of 10 feet, <b>or</b> 10 feet when adjacent to a residential zone	Same as most restrictive adjacent zone

1. In C-1 zone - in state responsibility area, a vegetation clearance easement may be required for defensible space for firefighting, see County Fire Department.

2. In C-1 zone – a commercial use abutting a residential use shall provide a ten- foot screened and landscaped setback buffer. Walls shall be not less than five feet nor more than eight feet in height.

### 25.03.007 Industrial Districts

The BP, M-1, and M-2 districts are intended to provide specialized areas where industrial uses can be located in a setting which will preserve and enhance the existing environment and where such uses will be compatible with other uses. These zoning categories implement the Industrial

Light and Industrial Heavy land use designations of the General Plan.

**A. Business Park (BP) District – Intent**

The business park district is intended to provide specialized areas where industrial uses of high quality can be located in a park-like setting which will preserve and enhance the existing environment and will be compatible with multiple residential and institutional uses.

**B. Light Industrial (M-1) District – Intent**

The M-1 district is intended to allow light industrial development near existing transportation systems (e.g., highways, rail, air). This includes: warehouses, contractor yards, nurseries, lumber yards, auto repair shops, light manufacturing and/or assembly, and research and development operations that do not cause significant environmental hazards or create major pollution.

**C. Heavy Industrial (M-2) District – Intent**

The M-2 district is intended to provide areas for heavy industrial activities that are not suitable for urban areas because of their size, noise, dust, traffic, or safety concerns. This could include large-scale manufacturing operations, mining and aggregate production facilities, recycling transfer centers, chemical and explosives manufacturing, or other similar uses.

**D. BP, M-1 & M-2 Permitted Uses**

The table below designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in BP, M-1 and M-2 districts.

The regulations in this section apply to every lot and building site in the BP, M-1 and M-2 zoning districts, except where modified by a combining zone.

Table 25.03-H				
Land Use Regulations -Industrial Zones				
<p><i>"P" = Permitted Use</i></p> <p><i>"A" = Administrative Use Permit Required</i></p> <p><i>"C" = Conditional Use Permit Required</i></p> <p><i>"--" = Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>				
Land Use Classifications	Business Park (BP)	Light Industrial (M-1)	Heavy Industrial (M-2)	Additional Regulations and Notes
<b>Residential Uses</b>				
Caretaker units	P	P	P	As an accessory use to a primary industrial use
<b>Commercial Cannabis/Hemp Uses</b>				
Cultivation of commercial cannabis or hemp (mixed light, including nurseries)	C	C	C	Subject to Title 7, Chapters 7.02 and 7.04 of the Municipal Code
Cultivation of commercial cannabis or hemp (indoor, including nurseries)	C	C	C	
Distribution of commercial cannabis or hemp and/or cannabis or hemp products	C	C	C	
Laboratory testing of commercial cannabis or hemp and/or cannabis or hemp products	C	C	C	

Table 25.03-H				
Land Use Regulations -Industrial Zones				
<p><i>"P" = Permitted Use</i></p> <p><i>"A" = Administrative Use Permit Required</i></p> <p><i>"C" = Conditional Use Permit Required</i></p> <p><i>"--" = Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>				
Land Use Classifications	Business Park (BP)	Light Industrial (M-1)	Heavy Industrial (M-2)	Additional Regulations and Notes
Manufacturing of cannabis or hemp and/or cannabis or hemp products	C	C	C	
Microbusiness for commercial cannabis (excluding retail activity)	C	C	C	Subject to Title 7, Chapter 7.02 of the Municipal Code
Commercial and Office Uses				
Building material sales, including the sale of rock, sand, gravel and the like	--	P	P	
Executive and professional offices as a standalone use	P	A	A	
Mini-Storage	--	A	--	See Chapter 25.08.015 for development standards
Offices associated with an industrial use	P	P	P	

Table 25.03-H				
Land Use Regulations -Industrial Zones				
<p><i>"P" = Permitted Use</i></p> <p><i>"A" = Administrative Use Permit Required</i></p> <p><i>"C" = Conditional Use Permit Required</i></p> <p><i>"--" = Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>				
Land Use Classifications	Business Park (BP)	Light Industrial (M-1)	Heavy Industrial (M-2)	Additional Regulations and Notes
Plant nurseries and greenhouses	--	C	C	
Restaurants, bars, coffee shops	A	--	--	
Retail lumberyard, including mill or cabinet work	--	A	A	
Retail sale of products manufactured on-site, including food and beverage products (including on-site consumption)	--	C	C	Allowed as an accessory use to the manufacturing facility
Industrial Uses				
Bus stops, park and ride lots, transit stops	P	p	P	
Contractor's equipment storage or plant, or rental of equipment commonly used by contractors	--	A	A	

Table 25.03-H				
Land Use Regulations -Industrial Zones				
<p><i>"P" = Permitted Use</i></p> <p><i>"A" = Administrative Use Permit Required</i></p> <p><i>"C" = Conditional Use Permit Required</i></p> <p><i>"--" = Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>				
Land Use Classifications	Business Park (BP)	Light Industrial (M-1)	Heavy Industrial (M-2)	Additional Regulations and Notes
Explosives handling, storage or manufacture	--	--	C	
Fuel manufacturing, refining or storage	--	--	C	Liquid, gas or solid
Industrial activity occurring outdoors	--	--	C	
Industrial cleaning and laundry facilities	--	--	C	
Junkyard or wrecking yard	--	--	C	
Nuclear generator	--	--	C	
Outdoor activity	--	--	C	
Outdoor storage, incidental to a primary use	--	C	C	See Standards for Specific Uses Chapter
Outdoor storage as a primary use	--	--	C	See Standards for Specific Uses, Chapter 25.08

Table 25.03-H				
Land Use Regulations -Industrial Zones				
<p><i>"P" = Permitted Use</i></p> <p><i>"A" = Administrative Use Permit Required</i></p> <p><i>"C" = Conditional Use Permit Required</i></p> <p><i>"--" = Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>				
Land Use Classifications	Business Park (BP)	Light Industrial (M-1)	Heavy Industrial (M-2)	Additional Regulations and Notes
Public utility service yard for electrical receiving or transformer station	P	P	P	Facilities regulated by the PUC are not regulated by this Code
Recycling	--	--	C	
Recycling Collection facilities	--	P	P	Requires Minor Development Plan Review
Recycling equipment to briquette, shred, transform or otherwise process recyclable materials			C	See chapter 25.08.014
Recycling Processing facilities	--	--	C	Must operate within an enclosed building; no outdoor storage allowed
Renewable Energy Generation Facilities, Private and Non-Commercial	--	A	A	See Chapter 25.08 for development standards

Table 25.03-H				
Land Use Regulations -Industrial Zones				
<p><i>"P" = Permitted Use</i></p> <p><i>"A" = Administrative Use Permit Required</i></p> <p><i>"C" = Conditional Use Permit Required</i></p> <p><i>"--" = Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>				
Land Use Classifications	Business Park (BP)	Light Industrial (M-1)	Heavy Industrial (M-2)	Additional Regulations and Notes
Renewable Energy Generation Facilities, Commercial	--	C	C	See Chapter 25.08.016 for development standards
Research and development laboratories	A	A	--	Provided such use does not cause any danger or produce undue odor, smoke, noise, pollution of surface or underground water or other objectionable effects
Warehouses	A	A	P	
Logistics Facility	--	C	A	
Light Industrial facilities (see glossary)	A	A	A	
Heavy Industrial facilities (see glossary)	--	--	A	
Railway stations, multi-modal transit centers	C	C	C	



Table 25.03-H				
Land Use Regulations -Industrial Zones				
<p><i>"P" = Permitted Use</i></p> <p><i>"A" = Administrative Use Permit Required</i></p> <p><i>"C" = Conditional Use Permit Required</i></p> <p><i>"--" = Not Allowed</i></p> <p><i>All new structures require review, per Chapter 25.02 of this Code</i></p>				
Land Use Classifications	Business Park (BP)	Light Industrial (M-1)	Heavy Industrial (M-2)	Additional Regulations and Notes
Accessory/Incidental Uses	Per the use table. Administrative Use Permit or conditional use permit required if shown in the table above.			
Wireless telecommunication facilities	See the Wireless Telecommunication regulations in Title 7 of the County Code			
Similar Uses	See "Interpretations" in Chapter 25.01			

#### E. Industrial District Development Standards

The table below establishes the basic development standards for the light and heavy industrial zones. Development standards for specific uses are established in Section 25.08 of this Code.

Table 25.03-I				
Development Standards - Industrial Zones				
Development Standard	Business Park (BP)	Light Industrial (M-1)	Heavy Industrial (M-2)	Additional Regulations and Notes

Lot and Density Standards				
Minimum Lot Size (square feet unless otherwise indicated)	No minimum	No minimum	No minimum	
Building Form and Location Standards				
Maximum Floor Area Ratio (FAR)	0.8	0.8	0.8	
Maximum Height (feet)	40	40	40	
Maximum Lot coverage	50%	50%	50%	
Minimum Setbacks (feet)				
Front	25	25	25	Front setback shall be landscaped
Street side	25	25	25	Shall also apply to lots adjacent to residential zones
Interior Side	10 <sup>1</sup>	10 <sup>1</sup>	10 <sup>1</sup>	25-foot side setback required for uses adjacent to residential zones
Rear	10 <sup>1</sup>	10 <sup>1</sup>	10 <sup>1</sup>	

1. 10 feet landscape strip or less as determined by Planning Commission as part of Development Plan Review, and as determined by the Fire Department for emergency access.

#### F. Industrial District Special Regulations

In the BP, M-1, and M-2 districts, any building type is permitted if permitted by other regulations.

## **25.03.008 Public/Quasi-Public Districts**

The purpose of the Public/Quasi-Public Districts is to provide for needed community and infrastructure supporting services. This designation is typically applied to lands owned by the County or other public agencies. These zoning districts implement the Public/Quasi Public land use designation of the General Plan.

### **A. Public/Quasi-Public (PQP) District – Intent**

The PQP district is intended to provide for the public and quasi-public uses, including public facilities and services. This designation applies to the following uses: schools, landfills, recycling, resource recovery, government lands (non-parkland), sewage treatment plants, fire stations, sheriff stations/substations, jails, libraries, energy generation and distribution, water distribution, and public meeting halls, and other similar uses related to the operation of County government services.

### **B. Resource Recovery Park (RRP) District - Intent**

The RRP District is intended to provide specialized areas where diverted material resources from local and regional waste streams are directed to a controlled, central facility where recycling, co-locating reuse, manufacturing, and both wholesale and retail businesses can develop and thrive. The following regulations shall modify the regulations of the base zone with which the RRP district is combined within San Benito County. Except as modified herein, the base zone regulations apply.

#### **1. The purposes of the RRP district are as follows:**

- a. To provide economic development opportunities through materials management, thereby facilitating job creation in the green economy.
- b. To further the public health, safety and general welfare in a time of increasing waste generation, emphasizing material diversion requirements and promoting the growing demand for the recycling and reuse of resources diverted from local and regional waste streams;
- c. To encourage innovations in the manufacturing of value-added products that are created from materials diverted from landfills;
- d. To create greater opportunities for the reuse of discarded materials to extend their useful life and conserve waste disposal space;
- e. To encourage energy-producing businesses that use recycled materials, such as landfill gas, biomass, anaerobic digestion and renewable energy sources;
- f. To centralize the county's waste disposal, waste diversion, waste materials reuse, waste materials recycling and waste materials remanufacturing activities to reduce

traffic and circulation effects and to reduce greenhouse gas generation;

- g. To provide a campus setting where the type, design and layout of development to the particular site and the particular demand for recycled materials can be developed in a unified and complimentary manner while preserving the property uses and values within adjacent areas; and
- h. To provide a modern and convenient household hazardous waste and electronics recycling facility for county residents.

### C. PQP and RRP Permitted Uses

The following table designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in RRP and PQP districts.

Table 25.03-J			
Land Use Regulations -Public/Quasi-Public Zones			
<p>"P" = Permitted Use</p> <p>"A" = Administrative Use Permit Required</p> <p>"C" = Conditional Use Permit Required</p> <p>"--" = Not Allowed</p>			
Land Use Classification	Resource Recovery Park (RRP)	Public/Quasi-Public (PQP)	Additional Regulations
<b>Agricultural Uses</b>			
Agriculture	A	--	
Grazing	A	--	
<b>Residential Uses</b>			
Caretaker quarters	P	P	
Labor Supply Employee Housing	A	--	Farmworker housing provided by an employer must comply with all provisions of Section 17008(a)

			<p>of the California Health and Safety Code.</p> <p>Farmworker housing provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code.</p>
Permanent Employee Housing, not exceeding 12 dwelling units (including mobile homes and RVs, or spaces for mobile homes and RVs), or 36 beds in group quarters	A	P	
Permanent Employee Housing exceeding 12 dwelling units or 36 beds in group quarters	--	--	
Seasonal Employee Housing	P	--	As defined by Section 17010 (b) of the California Health and Safety Code
Temporary Employee Housing	P	--	As defined by Section 17010 (a) of the California Health and Safety Code
Transitional and Supportive Housing	--	P	
<b>Industrial Uses</b>			

Construction and demolition materials sorting and management	A	--	
Energy and gas recovery	C	--	
Recycling, buy back, salvage, repair, and restoration of all household goods, indoor	P	--	
Recycling, buy back, salvage, repair, and restoration of all household goods, with outdoor operations	A		
Wood and green waste grinding	A	--	
Household hazardous waste collection, processing and transportation, indoors	P	--	
Household hazardous waste collection, processing and transportation, with outdoor operations	A		
Renewable Energy Generation Facilities, Commercial and Private Non-Commercial	A	A	See Chapter 25.08.016 for development standards
Research and development laboratories	A	--	
RRP-supporting operations facilities such as offices, equipment and materials, etc., indoor	P	--	
Outdoor equipment or materials storage or handling	A		
Wholesale and retail sales of RRP materials	A	--	
<b>Institutional/Administrative Uses</b>			
Conference Centers	--	C	
Educational demonstrations of use of compost in gardens and landscaping	P	--	

and use of recycled building products in construction			
Education facilities, private	--	A	Public uses not regulated by this Code
Facilities owned and operated by other government agencies	--	P	Public uses not regulated by this Code
Hospital	--	C	
Museums and Libraries, public	--	P	
Private enterprise performing governmental functions	--	A	
Public facilities owned or operated by the County	P	P	Public uses not regulated by this code
<b>Other Uses/Utilities</b>			
Aircraft Landing Field/Helipad	--	C	
Bus stops, park and ride lots, transit stops	P	P	
Cemetery (includes columbarium)	C	C	
Microwave, radio and television transmission and/or relay structures	--	C	
Radio frequency emission measuring facilities (if privately operated)	--	P	
Railway stations, multi-modal transit centers	C	C	
Wireless telecommunication facilities	See the Wireless Telecommunication regulations in Title 7 of the County Code.		

Accessory uses	Per the use table. Administrative Use Permit or conditional use permit required if shown in the table above.		
Uses similar to the above determined by the Director or the Planning Commission	P/A/C	P/A/C	Based on the Director's determination

#### **D. Public/Quasi-Public District Development Standards**

The following table establishes the basic development standards for the RRP and Public/Quasi-Public zones.



Table 25.03-K		
Development Standards – Public/Quasi-Public Zones		
Development Standard	Resource Recovery Park (RRP)	Public/Quasi-Public
Lot and Density Standards		
Minimum Lot Size	1 acre	Subject to Design Review
Minimum Lot Width (feet)	150	
Minimum Lot Depth to Width (feet)	150	
Minimum Lot Frontage (feet)	100	
Building Form and Location Standards		
Maximum Floor Area Ratio (FAR)	1.0	Subject to Design Review
Maximum Height (feet)	40 <sup>1</sup>	
Minimum Setbacks (feet)		
Front	22 <sup>2, 3</sup>	Subject to Design Review
Street side	22 <sup>2, 3</sup>	
Interior Side	0	
Rear	0	
Minimum distance between buildings and/or structures	Subject to requirements of California Building Code	

1. Accessory structures, such as barns, silos, grain elevators, oil derricks, mechanical devices, radio, communication and antenna, and other similar structures shall be allowed to exceed the height limitations in accordance with Chapter 25.02 of this Code.

2. Vegetated biofiltration treatment areas can be included within the front and corner yard setbacks.
3. Heating, ventilation, air conditioning, cooling, electrical, structural equipment, water heating equipment and architectural projections may project into front and corner yard setbacks up to (one) 1 foot.

**E. Special Regulations for RRP**

Any building type is permitted if permitted by other regulations set forth in this title. Effort shall be made to reflect the architecture of its surroundings.

## 25.04: Combining Zones

### 25.04.001 Purpose and Application of Combining Zones

The Combining Zones in this chapter provide specific regulations that affect land whose characteristics require standards that are different from those of the base zoning districts listed in Chapter 25.03.

Combining Zones may:

- Supplement the standards of a base zoning district by leaving in place the base and adding additional new standards; or
- Replace the standards of the base zoning district by specifying different standards than provided in the base zone.

Requests to apply or remove a combining designation shall be accomplished pursuant to the rezoning procedures in Chapter 25.01.011

### 25.04.002 Combining Zones Established

The following Combining Zones are established:

Designation	Combining Zone Name
ES	Emergency Shelter Combining Zone
AS	Airport Safety Combining Zone
FLA	Frazier Lake Airpark Combining Zone
HMA	Hollister Municipal Airport Combining Zone

Refer to the Zoning Map to determine where these combining zones apply.

### 25.04.003 Emergency Shelter (ES) Combining Zone

#### A. Intent

The purpose and intent of the Emergency Shelter (ES) Combining Zone is to establish locations at which emergency shelters serving homeless and other local populations in need of emergency housing are permitted.

**B. Areas Designated Emergency Shelter**

Areas designated with the ES Combining Zone shall be shown on the Zoning Map.

**C. Permitted Uses**

In addition to uses permitted in the underlying zoning district, the following are permitted in the ES Combining Zone:

1. Emergency shelters as defined in Cal. Health and Safety Code § 50801(e) and Cal. Gov't Code § 65582(d).

**D. Nondiscretionary Permits for Emergency Shelters**

Review by the County of a proposal for an emergency shelter shall not be considered a discretionary act within the meaning of the California Environmental Quality Act (Cal. Public Resources Code, Division 13, commencing with § 21000).

**E. Site and Development Standards**

All development standards of the underlying zone shall apply, plus the following:

1. Off-street parking shall be provided at a rate of one vehicle parking space per employee (by shift) plus one vehicle parking space for every ten beds. Off-street parking within 500 feet devoted to the shelter during its operating hours by formal contractual agreement between the shelter operator and the property owner may be approved by the Planning Department as satisfying the off-street parking requirement. Parking available on-street along the street frontage of the property on which the shelter is located may also be counted toward satisfying the off-street parking requirement.
2. The County shall not approve emergency shelters in hazardous areas unless it is unavoidable or the facility is designed and constructed in a manner that minimizes or eliminates potential impacts.

**F. Facility Operation Standards**

The following standards apply to the operation of emergency shelters:

1. The shelter shall be operated by a responsible agency or organization, with experience in managing or providing social services. The shelter shall provide at least one qualified on-site supervisory-level staff member during hours of operation, and adequate management, support staff, and security must be present during the hours of operation of the facility, including but not limited to at least one employee or volunteer of the same sex as the clients being served.
2. A security plan shall be submitted to the County Sheriff's Department for approval and

shall be approved before the facility begins operation and annually thereafter.

3. The maximum length of stay shall be no longer than that established by the Cal. Health and Safety Code for emergency shelters.

#### **25.04.004 Airport Safety (AS) Combining Zone**

##### **A. Intent**

The intent of the airport safety district is to establish special regulations and development policies in areas adjacent to those airports without a County adopted Airport Land Use Compatibility Plan, for the purpose of assuring land use compatibility and safety of persons and property.

##### **B. Areas Subject the AS Combining Zone**

The AS Combining Zone shall apply to all public and private airport facilities licensed by the state's Department of Transportation Division of Aeronautics with a total of 20 or more operations per month (a takeoff and a landing are each considered a separate operation) and five or more permanently based aircraft and which do not have a County adopted Airport Land Use Compatibility Plan.

For regulations applicable to the Frazier Lake Airpark and the Hollister Municipal Airport, see the sections specific to those facilities.

##### **C. Definitions**

The following terms are used in this section. For definitions, see the Glossary in Chapter 25.09 of this Code. For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. Approach Safety Zone
2. Clear Zone
3. Hazard to Air Navigation
4. Overflight Zone
5. Primary Surface
6. Runway
7. Runway Protection Zone
8. Utility Runway

9. Utility Runway Visual Approach Zone

10. Visual Runway.

**D. Density, Coverage and Land Use Limitations in Safety Areas**

The following standards apply to areas subject to this section.

<b>Safety Area</b>	<b>Density</b>	<b>Coverage</b>	<b>Land Use</b>
Runway Protection Zone	No people	No structures	No residential. No petroleum or explosives. No above grade power lines.
Approach Safety Zone	No more than 10 people on an annual average per acre	Maximum structural coverage must be less than 25%	Low density residential. No multi-family. No hotels/motels, bars, schools, hospitals, government services, concert halls, auditoriums, industries involved in flammable materials or processes. Commercial and Industrial uses generally acceptable if density and lot coverage restrictions are applied.

**E. Prohibited Uses in AS Combining Zone**

The following uses are prohibited in the AS Combining Zone, even if permitted by the underlying zone:

1. Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport other than an FAA approved navigational signal light or visual approach slope indicator.
2. Any use which would cause sunlight to be reflected toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport.
3. Any use which would generate smoke or which would attract large concentrations of birds or which may otherwise affect safe air navigation within this area.
4. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

5. Any use which would cause an object to extend above the Utility Runway Visual Approach Slope.

#### **F. Non-Conforming Uses**

1. The regulations prescribed in this section 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 title, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this title and is diligently prosecuted.
2. Notwithstanding the preceding provision of this section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of the markers and lights as shall be deemed necessary by the county's Planning Director to indicate to the operators of aircraft in the vicinity of the airport the presence of the airport obstruction. The markers and lights shall be installed, operated and maintained at the expense of the owner of the affected airport facility.

#### **G. Variance from AS Combining Zone Standards**

1. 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 section, may apply for a variance from the regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. The variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that 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 section.
2. Any permit or variance granted may, if the action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances, be so conditional as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, the markings and lights as may be necessary.

### **25.04.005 Frazier Lake Airpark (FLA) Combining Zone**

#### **A. Intent**

The intent of the Frazier Lake Airpark (FLA) Combining Zone is to establish additional regulations applicable in the vicinity of Frazier Lake Airpark to protect people and property

on the ground, minimize injury to aircraft occupants and prevent creation of hazards to aircraft using the airport.

**B. Areas Subject the FLA Combining Zone**

The FLA Combining District shall be applied to every parcel within the Airport Influence Area, as defined in the Frazier Lake Airpark Airport Land Use Compatibility Plan (ALUCP), adopted by the San Benito County Airport Land Use Commission (ALUC).

**C. Definitions**

The following terms are used in this section. For definitions, see the Glossary in Chapter 25.09 of this Code. For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning

1. Frazier Lake Airpark Combining District boundary
2. ALUC
3. ALUCP
4. FAR Part 77
5. Roof Elements

**D. FLA Combining Zone Permitted Uses**

FLA Combining District land use and permit requirements that are supplemental to the base zoning district requirements Where the standards are in conflict, the more restrictive shall prevail.



<p><b>Table 25.04-A</b></p> <p><b>FLA Combining District Permitted Uses</b></p>						
<p>Land Use</p> <p>Note (2)</p>	<p>Airport Safety Zones (1)</p>					
	<p>Runway Protection Zone (3)</p>	<p>Inner Safety Zone (4)</p>	<p>Turning Safety Zone (5)</p>	<p>Outer Safety Zone (4)</p>	<p>Side Safety Zone (4)</p>	<p>Traffic Pattern Zone (6)</p>
Auditoriums, Meeting Halls, Religious assembly, Outdoor assembly facilities	NP	NP	NP	NP	NP	P
Small Day Care (6 or fewer)	NP	NP	NP	P	P	P
Large Day Care	NP	NP	NP	NP	NP	NP
Educational Institutions operated by a non-profit or government agency	NP	NP	NP	NP	NP	P
Hospital, Nursing Home	NP	NP	NP	NP	NP	P
Residential	NP	NP	APR	APR	APR	P
Commercial uses	NP	P (4)	P (5)	P (6)	P (5)	P(7)
Industrial uses with structures	NP	APR (4)	APR (5)	APR (6)	APR (5)	P (7)
Industrial uses without structures	NP	APR	APR	APR	APR	P
Above Ground Fuel Storage in conjunction with agriculture	NP	NP	NP	NP	NP	APR
Telecommunication towers	NP	NP	NP	NP	NP	P
Governmental enterprises and/or private enterprise performing governmental	NP	P (4)	P (5)	P (6)	P (5)	P

functions (federal, state, and local)						
Library, or museum operated by a non-profit or governmental entity	NP	P (4)	P (5)	P (6)	P (5)	P
Park, playground or recreational community center	NP	P (4)	P (5)	P (6)	P (5)	P
Private club, fraternity house, sorority house, union hall, senior citizen center	NP	P (4)	P (5)	P (6)	P (5)	P
Scientific or educational research center, public utility facility	NP	P (4)	P (5)	P (6)	P (5)	P
P	Permitted use					
APR	Administrative Permit required					
NP	Not permitted					

1. Airport Safety Zones are specified in the ALUCP and shown on the County GIS system.
2. The permit requirements in this table are supplemental to the requirements in the base zoning district. All land uses listed and not specifically listed in this table must comply with requirements of the base zoning district and supplemental standards for building height, population density and land use in this chapter.
3. Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be zero persons per acre but an exception may be granted for agricultural activities, roads and transient automobile parking.
4. Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 20 persons per acre.
5. Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 60 persons per acre.
6. Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 85 persons per acre.

7. Where population is concentrated on a portion of a property or an assembly use is proposed, the population density shall not exceed the threshold for the maximum number of persons per single acre in this table.

**E. Referral To ALUC**

All discretionary development permit applications must also be submitted to the ALUC for determination that the proposed development is consistent with the Frazier Lake ALUCP.

**F. Avigation Easement Required**

All discretionary development permit applications must include the requirement that an avigation easement be recorded on the property's deed by the land-owner for the benefit of the County of San Benito per ALUCP, Appendix A, Exhibit 1.

**G. Supplemental Information Form Required**

A Supplemental Information Form prepared by the applicant or the County of San Benito shall be submitted with any discretionary development permit application, building permit or change of use on property located in the FLA Combining Zone, The Director shall have the authority to waive the requirement where it can be determined with certainty that there is no conflict with the standards listed in this section.

The Supplemental Information Form shall include the following information:

1. The site address and APN number(s).
2. The property owner's name and contact information. The project applicant's name and contact information if different from that of the property owner.
3. A detailed description of the proposed project.
4. A map showing the location of the proposed project in relation to the FLA Combining District. (Utilization of the San Benito County GIS system is recommended for these maps.)
5. A map drawn to scale, showing the location of the proposed project in relation the Airport Safety Zones referenced in Section E and described more fully in the ALUCP and shown on the County GIS system.
6. A map drawn to scale, showing the location of the proposed project in relation the Frazier Lake Airpark Noise Contours Map, as shown in the ALUCP and on the County GIS system.
7. Include the maximum number of persons per acre that could result from the proposed activity, as instructed on the Supplemental Information Form. A supplemental calculation of the proposed density per acre shall be required for assembly uses or

where population is concentrated on a portion of a property or as determined by the Director.

8. Building Height is defined as the height of the land above mean sea level (MSL) plus the maximum height of the building including associated roof elements. All applications for new construction or that will increase the height of an existing structure (including roof elements) shall include the project's maximum Building Height and must be less than associated FAA Part 77 Surfaces established in the ALUCP and shown in the County GIS system.

#### **H. Standards For The FLA Combining District**

1. Air Emissions. No approved land use shall generate or cause any visible dust, gasses, heat, odor, or smoke to be emitted into the atmosphere that would disturb aircraft, and the operation of motor vehicles on the site, or would violate the requirements of the Monterey Bay Area Unified Air Pollution Control District.
2. Electronic Interference. No structure or use on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between the aircraft and a ground station.
3. Glare. No glare-producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using Frazier Lake Airpark.
4. Ground Vibration. No approved land use shall generate ground vibration perceptible without instruments at any point along or outside of the property line of the use, except for motor vehicle operations.
5. Height. Structures including roof elements, that exceed the FAR Part 77 elevation shall be prohibited.
6. Lighting. There shall be no illumination that produces a flashing or blinking effect that would interfere with aircraft or a pilot's ability to identify airport lights, nor any lighting projecting upward that would interfere with aircraft or a pilot's ability to identify airport lights.
7. Maximum Density Per Gross Acre or Single Acre. A discretionary permit or building permit shall not be issued for new construction or alterations to a structure or a land use established in the FLA Combining District where population density exceeds that maximum allowed per this section.
8. Noise. Office buildings, motels, hotels and schools shall be designed to include noise attenuation measures to maintain an interior noise level not to exceed 55 dB CNEL.

## **25.04.006 - Hollister Municipal Airport Combining Zone**

### **A. Intent**

The intent of the Hollister Municipal Airport (HMA) Combining Zone is to establish additional regulations applicable in the vicinity of Hollister Municipal Airport protect people and property on the ground, minimize injury to aircraft occupants and prevent creation of hazards to aircraft using the airport.

### **B. Areas Subject the HMA Combining Zone**

The HMA Combining District shall be applied to every parcel within the Airport Influence Area, as defined in the Hollister Municipal Airport Land Use Compatibility Plan (ALUCP), adopted by the San Benito County Airport Land Use Commission (ALUC).

### **C. Definitions**

The following terms are used in this section. For definitions, see the Glossary in Chapter 25.09 of this Code. For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. ALUC
2. ALUCP
3. FAR Part 77
4. Roof Elements

### **D. HMA Combining Zone Permitted Uses**

HMA Combining District land use and permit requirements that are supplemental to the base zoning district requirements. Where the standards are in conflict, the more restrictive shall prevail.

Table 25.04-B

HMA Combining District Permitted Uses

Land Use(1)	Runway Protection Zone 1 (2)	Inner Approach/Departure Zone 1 (3)	Inner Turning Zone 3 (3)	Outer Approach/Departure Zone 4(4)	Side Line Zone 5 (4)	Traffic Pattern Zone 6 (5)
<b>Public—Semipublic Uses</b>						
Assembly Uses: (6)						
Auditorium	NP	NP	CUP	CUP	CUP	NP
Meeting Hall	NP	NP	CUP	CUP	CUP	CUP
Religious Assembly	NP	NP	CUP	CUP	CUP	CUP
Stadium	NP	NP	CUP	CUP	CUP	NP
Theater	NP	NP	CUP	CUP	CUP	CUP
Day Care: (6)						
Small DayCare	NP	NP	NP	NP	CUP	P
Large Day Care	NP	NP	NP	NP	CUP	APR
Schools (with the exception of aviation-related schools)	NP	NP	NP	NP	NP	CUP avoid
Hospital, Nursing Home	NP	NP	NP	NP	NP	NP
<b>Residential Land Uses</b>						
Residential	NP	NP	NP	NP	NP	P
Caretaker	NP	CUP	CUP	P	P	P
<b>Commercial Uses</b>						
Auto Parking	APR	APR	APR	APR	APR	P
Office Building:						
One Story	NP	P	P	P	P	P P APR

Two Story Three Story	NP NP	NP NP	P APR	CUP CUP	P APR	
Restaurant: Deli Restaurant Drive-through	NP NP NP	APR APR NP	APR APR CUP	APR APR CUP	APR APR CUP	P P P
Shopping Center	NP	NP	CUP	CUP	APR	APR
Other Commercial Uses	NP	P(3)	P(4)	P(4)	P(5)	P(5)
<b>Industrial Uses</b>						
Agriculture	P	P	P	P	P	P
Auto Parking	APR	APR	APR	APR	APR	APR
Other Industrial Uses With Structures	NP	P(2)	P(3)	P(3)	P(4)	P(5)
Fuel Storage	NP	NP	NP	CUP	CUP	CUP
Hazardous Uses	NP	NP	NP	CUP	CUP	CUP
No Structure	CUP	AP	AP	AP	AP	AP
Silos	NP	NP	NP	NP	NP	NP
Telecommunication Towers	NP	NP	NP	NP	NP	CUP

Notes:

P - Permitted use in zoning district. Prior to establishing the use, it is the responsibility of the building owner, or lessee to secure any permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.

AP - Administrative Permit required. Permit is issued at Development Services Department.

APR - Administrative Permit Review required. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.

CUP - Conditional Use Permit.

NP - Not permitted.

1. The permit requirements in this table are supplemental to the requirements in the base zoning district. All land uses listed and not specifically listed on this table must comply with requirements of the base zoning district and supplemental standards for building height, population density and land use in this chapter.
- (2) Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be zero persons per acre but an exception may be granted for agricultural activities, roads and automobile parking.
- (3) Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 25 to 40 persons per acre.
- (4) Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 60 to 80 persons per acre.
- (5) Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 150 persons per acre.
- (6) Where population is concentrated on a portion of a property or an assembly use is proposed, the population density shall not exceed the threshold for the maximum number of persons per single acre in this table.

#### **E. HMA Combining Zone Submittal Requirements**

A supplemental application on a form prepared by the city of Hollister shall be submitted with any application for a discretionary permit, building permit or change of use on property located in the Airport Safety Overlay Zone. The Director shall have the authority to waive the requirement where it can be determined with certainty that there is no question that the alterations to the property conflict with the standards listed below (e.g., wall sign, low intensity use). The supplemental application form shall be used to verify that the proposed building permit or change of use on the property complies the following standards to protect persons, property and aircraft in the Airport Safety Overlay Zone:

##### **a. Application Submittal Requirements.**

###### **i. Type of land use.**

- ii. List the type of airport safety zone(s) that overlies the property (Zone 1—Runway Protection; Zone 2—Inner Approach/Departure; Zone 3—Inner Turning Zone; Zone 4—Outer Approach/Departure; Zone 5—Sideline; Zone 6—Traffic Pattern) from the city of Hollister Geographic Information System Airport Overlay Zone Map. If multiple airport safety zones overlay the property, the safety zones shall be plotted to scale on the site plan.



- iii. The maximum number of persons per acre that could result from the activity proposed on calculated on a form prepared by the city of Hollister. The city of Hollister will prepare forms that use the most current edition of the Caltrans, California Airport Land Use Planning Handbook. A supplemental calculation of the density per proposed density per acre shall be required for assembly uses or where population is concentrated on a portion of property or as determined by the Director.
- iv. Building height. All applications for new construction or that will increase the height of a structure shall include the FAR Part 77 elevation for the subject property based on the FAR Part 77 Surfaces established in the most recently adopted Comprehensive Land Use Plan for the Hollister Municipal Airport, the elevation of the ground and the building height of the proposed structure.

#### **F. Standards for the HMA Combining Zone**

- 1. Air Emissions. No approved land use shall generate or cause any visible dust, gasses, heat, odor, or smoke to be emitted into the atmosphere that would disturb aircraft, and the operation of motor vehicles on the site, or would violate the requirements of the Monterey Bay Area Unified Air Pollution Control District.
- 2. Electronic Interference. No structure or use on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between the aircraft and a ground station.
- 3. Glare. No glare-producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using the Hollister Municipal Airport.
- 4. Ground Vibration. No approved land use shall generate ground vibration perceptible without instruments at any point along or outside of the property line of the use, except for motor vehicle operations.
- 5. Height. Structures that exceed the FAR elevation shall be prohibited.
- 6. Lighting. There shall be no illumination that produces a flashing or blinking effect that would interfere with aircraft or a pilot's ability to identify Airport lights, nor any lighting projecting upward that would interfere with aircraft or a pilot's ability to identify Airport lights.
- 7. Maximum Density Per Gross Acre or Single Acre. A discretionary permit or building permit shall not be issued for new construction or alterations to a building or a land use established in an airport safety overlay zone where the population density exceeds that maximum allowed per the standards in this section.
- 8. Noise. Office buildings, motels, hotels and schools shall be designed to include noise attenuation measures to maintain an interior noise level not to exceed 55 dB CNEL.

**G. Findings for Conditional Use Permits in the HMA Combining Zone**

1. The development proposal incorporates risk reduction factors to minimize harm to occupants of a building from an aircraft such as:
  - a. Concrete walls
  - b. Limited numbers and size of windows
  - c. Upgraded roof strength
  - d. No skylights
  - e. Enhanced fire sprinkler system
  - f. Single story height or increased number of emergency exits
2. The population per acre or concentration of people on the property does not exceed the thresholds for population density established in this section.
3. The development has been designed to orient buildings and open areas in relation to surrounding land uses to provide a continuous open area.

## **25.05: Planned Unit Developments**

### **25.05.001 Planned Unit Development Requirements**

#### **A. Planned Unit as a Combining District**

The PUD district shall act as a combining district primarily for, but not limited to, use with the Single Family Residential (R1) or Residential Mixed (RM) District as the base zoning district. The following regulations shall modify the regulations of the base zone with which the PUD district is combined. Except as modified herein, the base zone regulations apply.

#### **B. Purpose**

The purposes of a PUD district are as follows:

1. To further the public health, safety and general welfare in a time of increasing urbanization and of growing demand for housing of a variety of types and design;
2. To encourage innovations in residential and mixed-use development so that the growing demands for housing may be met by a greater variety in type, design and layout of dwellings and by the more efficient use of open space ancillary to the dwellings;
3. To create greater opportunities for better housing, more housing options, increased diversity of housing, commercial activities and recreation;
4. To encourage more efficient use of land, public services and to safeguard open space;
5. To provide an alternative procedure which can relate the type, design and layout of residential and mixed-use development to the particular site and the particular demand for housing at the time of development in a manner consistent with the preservation of the property values within established residential areas; and
6. To provide an alternative procedure under which a developer of real property may elect to proceed to develop his or her property by transfer of permitted dwelling units to contiguous or noncontiguous locations which are appropriate to carry out the purposes of this section.

**C. Planned Developments Shown on Zoning Map**

A PUD District Zone shall be noted on the County's Zoning Map.

**25.05.002 Definitions**

The following terms are used in this section. For definitions, see the Glossary in Chapter 25.09 of this Title.

- A. Approved Entity
- B. Common Improvements
- C. Common Open Space
- D. Homeowner Association
- E. Live Work Development
- F. Mixed Use Development
- G. Owner
- H. Planned Unit Development
- I. Residential Area to be Developed

**25.05.003 Standards for PUD Projects**

The minimum size for the proposed PUD project shall be one acre in size or two dwelling units, unless approved by the Board of Supervisors.

- A. Standards for lot size, lot coverage, setbacks, access, streets, parking spaces, open space and building ratios shall be determined pursuant to resolution of the County Planning Commission.
- B. Where public sewer and public water supplies are available, mixed residential development types shall be provided with an average parcel size and a density consistent with the General Plan.
- C. A recreational amenity shall be provided in a PUD consistent with the Natural and Cultural Resources element of the General Plan, which requires a ratio of five acres of parkland per 1,000 persons. The Planning Commission may allow the applicant to substitute the recreational amenity with contribution to a regional park account under the supervision of the Parks and Recreation Commission. The funding shall be consistent with § 23.15.008(D)(2).

## 25.05.004 Permitted Uses

The following uses may be permitted in an area containing a PUD combining district designation:

- A. Any use permitted in the underlying zone classification
- B. Two-family dwellings, single-family dwellings
- C. Multiple- (three or more) family dwellings, recreation uses
- D. Buildings and accessory uses to those listed in this section
- E. Mix of neighborhood commercial uses with residential uses
- F. Live-Work

## 25.05.005 Design Criteria

Design criteria for the PUD district shall be as follows:

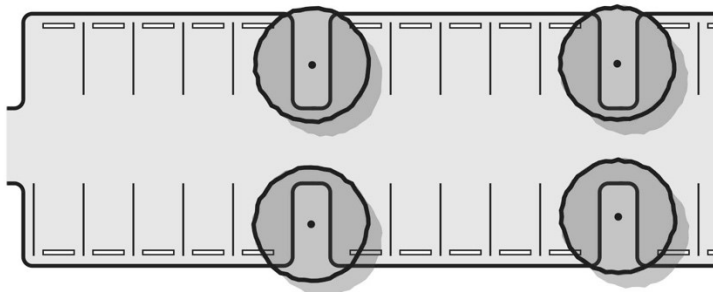
- A. **Building.** Building design should reflect the following factors:
  - 1. Harmonious variations in materials, textures and colors shall complement and supplement the natural beauty and pleasant environment of the site and the individual unit.
  - 2. Each building site should have ready access to common areas and facilities.
- B. **Street design.** Street design should reflect the following factors:
  - 1. Dwelling areas shall only have limited access to major traffic arteries.
  - 2. Discourage use of cul-de-sacs Demonstrate multi-modal connectivity and provide interconnectedness that enhances the neighborhood character.
  - 3. Minimizes visual impacts in hillside areas.
  - 4. Rights of way shall be no less than fifty six (56) feet with road widths of thirty six (36) feet from curb to curb unless narrower widths are allowed for street type or district in which the planned unit development is combined.
  - 5. Build complete streets with sidewalks, street trees, pedestrian and bicycle access and facilities.



*A typical “complete street” that provides for vehicles, pedestrians, and cyclists.*

C. **Parking.** Parking shall reflect the following factors.

1. Occupant and guest car parking should be located so home sites are conveniently served.
2. Parking areas should be designed so that on the average not more than five spaces shall adjoin each other without intervening landscaped areas, as shown below.



- D. **Walks.** Walks should be designed so as to provide convenient access to recreation, service, parking and other common areas.
- E. **Setbacks.** Front, side and rear setback requirements for structures shall be those of the district with which the PUD is combined.
- F. **Open Space Areas.** Open space areas should be situated in such a manner as to avoid the crowding together of building uses and parking areas.

## 25.05.006 Legal Requirements

A PUD is not required to have areas of common ownership. In a planned unit development that does contain areas of common ownership, the subdivision plat, dedication, covenants and other recorded legal agreements must do all of the following:

- A. Legally create an automatic membership in a non-profit homeowner's association or another approved entity for the purpose of maintaining common improvements for which title is held by the homeowner's association or approved entity which is legally obligated to provide designated services to the owners of the lots created by the PUD.
- B. Place title to the common improvement areas in the homeowner's association or other approved entity, which gives each owner of the lots created by the PUD the right to use and enjoyment of the common improvements.
- C. Appropriately and permanently govern the use of common open space and improvements
- D. Give each owner of the lots created by the PUD the right to use and enjoyment of the common improvements subject to division (F) of this section.
- E. Give the homeowner's association or other approved entity responsibility for operation and maintenance of the common property.
- F. Place association charges on each lot created by the PUD so that sufficient funds are assured for maintenance and operation of common improvements and which charges shall be a lien on the property and provide adequate safeguards for the owners of lots created by the PUD against undesirable high charges. Where title to common open space is held by an approved entity other than the homeowner's association, each owner of lots created by the PUD may elect to use and enjoy such common property subject to the charges levied by the approved entity responsible for the ownership, maintenance and operation of the common property.
- G. Where any of the foregoing are not applicable, the developer may substitute alternative proposals. Property not contiguous to property where the residential component is located may be allowed to be described as a separate parcel for purposes of sale, lease or financing but the owner shall grant and cause to be recorded a permanent open space easement in favor of the county regarding such separate parcel. Under this circumstance, the recorded map shall include a statement that the density from a non- contiguous parcel was used and describe its location. The permanent open space easement on the non- contiguous parcel shall state that the subject parcel shall be restricted from further subdivision and shall state any other restriction imposed as a condition of project approval. All legal documents required under this section must be approved as to legal form by the County Counsel. All deed restrictions and association rules and regulations shall be enforceable by the county as well as by the homeowner's association or other approved entity.

- H. The owner of open space may enter into various agreements or leases related to the open space in furtherance of the objectives of the PUD as specified in this title.

### **25.05.007 Phased Development**

- A. If the sequence of the construction of various portions of the development is to occur in stages, then the open spaces and the recreational facilities proposed for the entire development shall be developed in proportion to the number of dwelling units constructed.
- B. The open space that is created by a PUD zone change and a recorded map may be subdivided in order to encourage the designation of more open space or to facilitate the utilization of the open space.
- C. The open space of a PUD shall not be subdivided to create residential lots.
- D. At no time during the construction of the PUD project shall the number of constructed dwelling units per acres of developed land exceed the overall density per acre established in the PUD.

### **25.05.008 Procedure for Approval**

- A. A PUD shall be adopted by ordinance by the Board of Supervisors.
- B. The procedure for obtaining approval of a PUD shall be in part governed by the provisions for zone changes.
- C. In addition to the procedures set forth relating to the zone changes, the applicant shall furnish at the time of submitting the zone change petition, the following information:
  - 1. The types of residences and commercial development to be constructed;
  - 2. Proposed phasing of construction is applicable;
  - 3. Location and proposed uses of open space;
  - 4. Legal requirements and documents required by § 25.05.006;
  - 5. Location and layout of parking areas; and
  - 6. Location of all existing vegetation and geological features to be retained.
  - 7. Confirmation of the intended base zoning district.
- D. In granting or denying the PUD request, the Board of Supervisors shall make the required findings on the following:



1. The proposed PUD is consistent with the General Plan, including the density and intensity limitations that apply;
  2. The subject site is physically suitable for the type and intensity of the land use being proposed;
  3. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
  4. The proposed PUD will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
  5. The proposed PUD is demonstratively superior to the development that could occur under the standards applicable to the underlying base zone, and will achieve superior community design, environmental preservation and/or substantial public benefit.
- E. In approving a PUD, the Board of Supervisors may impose reasonable conditions deemed necessary to:
1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the County has adopted;
  2. Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located;
  3. Achieve the findings listed above; or
  4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.
- F. The applicant shall submit written verification that all conditions are accepted within 15 days of the approval of the planned unit development. Failure to accept the conditions shall void the approval of the planned unit development.
- G. In the event that approval is granted, the Board of Supervisors shall specify the drawings, specifications and form of performance bond that shall accompany the approval.
- H. If the tentative map for the planned unit development has expired and cannot be renewed, the PUD combining district shall be deemed expired no longer in effect and revert to only the base zoning district for the area shall be applicable.

## **25.06: Specific Plans**

### **25.06.001 Specific Plan Requirements**

#### **A. Purpose**

Specific Plans implement the San Benito County General Plan by providing detailed land use regulations, development standards, infrastructure plans, financing plans, and other items as required or permitted by Sections 65450 through 65457 of the California Government Code.

A Specific Plan is designed to provide for flexible and innovative use of land regulations to promote development and provide a variety of commercial, housing and other development types, and effective and safe methods of pedestrian and vehicular circulation.

A Specific Plan provides for the adoption of project-specific standards which better implement the General Plan than standard zoning district standards.

#### **B. Procedures for Approval of Specific Plans**

Procedures for the initiation and approval or amendment of Specific Plans are provided in Title 19 of the San Benito County Code.

#### **C. Applicability**

The Specific Plan zone will apply to all properties lying within the bounds of a Specific Plan that has been adopted by resolution or ordinance of the Board of Supervisors. Once adopted, a Specific Plan shall govern all use and development of properties within the bounds of that Specific Plan. The following provisions shall apply for all Specific Plans in San Benito County.

1. Where a Specific Plan is silent regarding development standards, the provisions of this Title shall govern. The Director shall have the authority to determine which provisions of this Title apply where a Specific Plan is silent.
2. When a use is not specifically listed as permitted in the Specific Plan, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the Specific Plan as permitted or not found to be substantially like a permitted use are prohibited.

3. No discretionary entitlement applications or other permits may be approved, adopted, or amended within an area covered by a Specific Plan, unless found to be consistent with the adopted Specific Plan.

### **25.06.002 Adopted Specific Plans**

The following is a list of the adopted Specific Plans. Each Specific Plan should be consulted for detailed information on land uses, development regulations, etc.

- A. Santana Ranch Specific Plan
- B. Fairview Corners Specific Plan
- C. San Juan Oaks Specific Plan

## **25.07: General Development and Design Standards**

### **25.07.001 Introduction**

This chapter provides standards to ensure that development is safe and functional, as well as visually consistent with other development within San Benito County.

### **25.07.002 Residential Architectural and Design Standards**

#### **A. Purpose**

Site design and architectural standards are established consistent with General Plan policy to promote quality design of new residential structures and additions. San Benito County recognizes that quality design promotes longer life of structures, improves the appearance and maintenance of neighborhoods, and increases value in the housing stock countywide.

#### **B. Applicability**

The site design and architectural standards set forth in this Chapter shall apply to all new residential structures, additions to residential structures, and accessory structures (including garages) which require development review per this Code in the following zones: R1, PUD, RM, and C-2.

#### **C. Architectural Styles**

“Architectural style” as used in this section refers to a set of features that make a building or other structure notable and historically identifiable. Architectural style may include such elements as form, method of construction, building materials, and regional character.

All references to “architectural style” refer to widely accepted definitions used in the architectural profession. Where there is disagreement about the particulars of a given style, the Director shall make the final determination.

#### **D. Standards for All Residential Zones**

##### **1. Architecture**

- a. For any new structure or addition, all façades visible from a public right-of-way shall incorporate features that eliminate blank, unarticulated walls; add visual interest;

avoid clutter; and display a distinctive architectural style. Varied modulation for exterior façade surfaces is encouraged.

- b. Additions to residential structures and new accessory structures shall be designed and constructed to match the architectural style and building form of the structure to which they are added, including similar or complementary bulk, color, roof design, and other key architectural features. It is permitted for new structures or additions to be of a higher quality of design and/or materials compared to existing structures.
- c. Rooflines and roofing materials shall be compatible with the architectural style of the residential structure. Varying, uncoordinated rooflines and roofing materials shall be avoided.



*Varying rooflines consistent with the architectural style are required.*

- d. Window and door design and placement shall be consistent with the overall architectural style of the structure and consistent with all windows/doors visible from the public right-of-way.
- e. Materials and finishes shall be of a consistent theme, shall match the architectural style of the residential structure, and shall be consistently applied to all façades.
- f. Roof-mounted mechanical equipment, where permitted, shall be screened from view from public rights of-way and adjacent properties using materials that are architecturally compatible with the structure they serve.
- g. Accessory structures and additions to residential structures shall be designed and constructed to match the architectural style and building form of the structure or structures to which they are added.

## 2. Equipment Screening.

- a. Mechanical equipment on the ground shall be screened from view from adjacent properties and the public right-of-way with an enclosure designed as part of the building, a separate enclosure compatible with the building, or by landscaping.
- b. Water heaters, electrical boxes, gas meters, landscape irrigation equipment, and similar utility boxes shall be painted to match the structure or be appropriately screened from view or shall be integrated into the floor plan of the structure.



*Screening of equipment (in this case, gas meters) is required.*

- c. Where feasible, appurtenant equipment, plumbing, and related solar energy fixtures shall be installed in the attic, or if infeasible, flush mounted or ground mounted. Appurtenant equipment, plumbing, and related solar energy fixtures shall comply with the setback requirements of this Code and shall be screened from public view.
3. Landscaping. Landscaping shall be provided consistent with the requirements of the Landscaping standards in Chapter 25.07.011.
  4. Scale and Massing. A combination of second- and upper-story balconies, decks, window fenestrations, and similar features shall be used on front and street side façades to provide articulation and further reduce massing effects and shall also be compatible with the overall architectural and mass/scale balance of the original structure, as well as the character of mass/scale in the immediate neighborhood.



*Example of the use of a variety of architectural features to reduce the “mass” of a single family home.*

5. Site Design and Structure Orientation.

- a. Front entries shall be clearly identifiable and generally oriented toward the street.
- b. Driveways shall be placed in a manner that avoids conflict with pedestrian access from the sidewalk.

**E. Standards for Single-Family and Two-Family (Duplex) Structures**

1. Architecture.

- a. Design of structures shall be consistent with local and regional architectural styles.
- b. Exterior materials and finishes shall be appropriate to the architectural style of the structure.
- c. The overall style of single-family and two-family structures shall be consistent on all sides of the building as well as among all portions of the roof. Particular attention should be taken that building elevations and roof elements visible from streets and other public or quasi-public spaces are stylistically consistent.

2. Scale and mass.

- a. The bulk and mass of new single-family residential structures or additions shall be compatible to the scale of existing structures in the immediate neighborhood.
- b. Garages shall be designed or located in a manner that minimizes the prominence of the garage within the front façade.





*Example of a garage recessed from the front of the home.*

## **F. Standards for Multi-Family Structures**

### **1. Architecture.**

- a. Design of structures shall be consistent with local and regional architectural styles.
- b. The overall style of multi-family structures shall be consistent on all sides of the building as well as among all portions of the roof. Particular attention shall be taken that building elevations and roof elements visible from streets and other public or quasi-public spaces are stylistically consistent.
- c. Balconies, where provided, shall utilize railing or similar materials that are compatible with the overall architectural style of the development.

### **2. Service Facilities and Equipment Screening.**

- a. Architectural screening of trash and storage enclosures shall be constructed of materials and finishes compatible with the adjacent building and shall be designed and placed to complement the style of development.
- b. Accessory structures such as community rooms, pool houses, gazebos, maintenance equipment sheds shall include architectural design that complements primary structures. See development standards for accessory structures.
- c. Storage areas shall be completely screened from ground level view using appropriate materials and shall be designed for maximum security.



- d. Storage areas shall be accessible to residents at all times. Storage areas within multi-family residential developments shall be conveniently located to the dwellings that they are intended to serve.
  - e. Recyclable materials and green waste storage areas shall be conveniently located adjacent to solid waste disposal areas, or near one another, or combined. They may only be located inside a specially designated structure, on the outside of a structure in an approved fence or wall enclosure, a designated interior court or yard area with appropriate access, or in rear or interior side yards. Exterior storage areas shall not be located in a required front yard, street side yard, parking space, landscaped area, or open space areas.
  - f. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel with at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector.
3. Circulation and access.
- a. Common parking areas shall be located on the site to minimize their visibility from public rights-of-way and to be easily accessible to all residents of the development. See parking design standards in Chapter 25.07.010.
  - b. Interior pedestrian paths shall be provided to individual units and to link units to common open space areas and parking areas.
  - c. Pedestrian and vehicular entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.
  - d. The parking area shall be designed in a manner which links it to the building and street sidewalk system, as an extension of the pedestrian environment. This can be accomplished by using design features such as walkways with enhanced paving, trellis structures for shade and/or landscaping treatment.
  - e. Carports shall be architecturally consistent with the style of the residence.
  - f. Non-motorized transportation shall be accommodated by providing bicycle storage, seating areas, and transit stop, if required. Vehicular traffic shall be adequately separated from bicycle and pedestrian circulation.
4. Landscaping.
- a. Landscaping shall be provided consistent with the requirements of the Landscaping Section in Chapter 25.07.011
  - b. Parking shall be screened from streets through combined use of berming, walls, and landscaping.

- c. Common open space areas shall be landscaped appropriate to their function.
- 5. Scale and Massing.
  - a. The bulk and mass of new multi-family structures and additions shall be sensitive to the scale of buildings in the immediate neighborhood.
  - b. Multi-family residential structures must incorporate architectural design details and elements which provide visual character and interest, avoiding flat planar walls and “box”-like appearances through the use of courtyards, balconies, offset planes and levels, deeply recessed or projecting windows, sloping roofs, and landscaped yards.
- 6. Site design and structure orientation.
  - a. The main entry to the multi-family development shall be clearly delineated and identifiable, and easily accessible for pedestrians from the public street.
  - b. Entrances to individual residential units shall be accessible from the street or from common open space areas within the development.
  - c. Windows, balconies, and similar openings shall be oriented to preserve privacy of individual units within the development.
  - d. Loading and refuse/recycling collection areas shall be located to provide easy access to collection vehicles and to minimize noise impacts on residents.

### **25.07.003 Non-Residential Architectural and Design Standards**

#### **A. Purpose**

Site design and architectural standards are established consistent with General Plan policy to promote quality design of new commercial, industrial, and similar nonresidential uses. San Benito County recognizes that quality design promotes longer life of structures, improves the appearance and maintenance of business districts and communities, and increases value of properties countywide.

#### **B. Applicability**

The site design and architectural standards set forth in this Chapter shall apply to all new non-residential structures, additions to structures, and accessory structures (including garages) in the following zones: C1, C2, BP, M1, M2, RRP, and PQP.

### **C. Architectural Styles**

“Architectural style” as used in this section refers to a set of features that make a building or other structure notable and historically identifiable. Architectural style may include such elements as form, method of construction, building materials, and regional character.

All references to “architectural style” refer to widely accepted definitions used in the architectural profession. Where there is disagreement about the particulars of a given style, the Director shall make the final determination.

### **D. Standards for All Non-Residential Zones**

#### **1. Architecture.**

- a. A unified architectural and design theme shall be applied to all structures within a development.
- b. Quality and definable treatment shall be applied to all façades exposed to public view. Blank end walls shall be avoided. Treatments shall include architectural features, landscaping, or art elements that tie into the overall design theme.
- c. Structures shall be designed to avoid long, monotonous, non-articulated façades. Techniques such as staggered building planes, variation of façades, recessed entries, and use of relief features shall be used to create variety and interest.
- d. Roof lines and materials shall be compatible with the architectural style of the structures. Special consideration to color and material shall be given to the design and treatment of roofs because of their potential visual impact.
- e. Roof flashing, rain gutters, down spouts, vents, and other roof protrusions shall be screened from view or finished to match adjacent materials and/or colors of the parent structure.
- f. Additions to structures shall be designed to match the roofline, style, and colors of the original structure. Where the original structure has limited design quality, the addition shall work to enhance the overall appearance of the site.
- g. All lighting and illumination fixtures shall complement architectural style of project. See outdoor lighting standards in Chapter 25.07.

#### **2. Loading Access.**

- a. Loading and service areas shall not be visible from street frontages or along at-grade highway corridors. Loading dock and service areas must be located on interior building side or rear yards and concealed from public view.

- b. Loading areas shall be designed and located to avoid conflicts with interior pedestrian and vehicular circulation.
- 3. Scale and Massing.
  - a. Nonresidential structures adjacent to residential uses shall incorporate sensitive transitions in scale and massing. For example, structure mass shall be broken down using height step-backs, articulated sub-volumes, and horizontal and vertical façade articulation.
  - b. Long linear walls shall be staggered horizontally to provide interest and break long lines.
  - c. Building forms shall be designed to create and define visually attractive exterior and functional spaces.
  - d. Random or irregular building relationships shall be avoided.
  - e. Building massing, height, and bulk shall be comparable to that of nearby surrounding development.
- 4. Service Facilities and Equipment Screening.
  - a. All mechanical equipment shall be fully screened. Roof-mounted equipment shall be screened utilizing roof lines, parapets, or other similar methods. Equipment located on the ground must be fully screened with materials that are architecturally compatible with the structures they serve.
  - b. Mechanical screens and penthouses shall be integrated with the building façade whenever possible and constructed of architecturally compatible materials, unless such integration is precluded by applicable codes or requirements. Screens should be continuous and solid.
  - c. Utility connections, gas storage tanks, storage and maintenance equipment, and telephone junction boxes shall be screened from public view with the use of fencing or walls, berming, and/or landscaping.
  - d. Trash and recyclable materials collection bins shall be located within a trash enclosure, per chapter 8 of this Title. The enclosure shall be finished using materials compatible with the surrounding architecture and shall be softened with landscaping. Gates shall be solid metal painted to match adjacent buildings.
  - e. Utility rooms, switchgears, and other similar utility equipment shall be within the building that it serves or in other decorative/architecturally designed structure.

- f. Where feasible, appurtenant equipment, plumbing, and related solar energy fixtures shall be installed in the attic, or if infeasible, flush mounted or ground mounted.
5. Walls and fences.
- a. Wall and fencing materials and patterns shall be compatible with the style and themes of the primary structure.
  - b. Where walls are erected in locations visible from a public right-of-way, the use of full dimension caps, pilasters, and changes in wall surfaces (staggering) shall be applied.



*Pilasters of stacked stone used with a wooden fence.*

#### **E. Commercial Site Design and Architectural Standards**

1. Access and circulation.
  - a. Any commercial structure located at a corner intersection shall incorporate architectural features that enhance pedestrian movement. These features may include building cut-offs, walk-through covered arcades, water features and trellis structures.
  - b. Circulation shall be designed for both vehicle and pedestrian use. Pedestrian access from the street and the parking lot to the main door of the businesses they serve shall be designed to avoid conflict with vehicular traffic. Pedestrian paths shall be clearly delineated with pavement materials and/or markings and signage.
2. Architectural Style. A unified and/or complementary architectural style shall be applied to all structures within a commercial center and to signage in the center.

3. Scale and massing.

- a. The scale and massing of commercial structures shall achieve a street-level environment accommodating to pedestrians.
- b. Height shall be determined as set forth in Height Measurement in Chapter 25.07. However, the underlying theme of the massing should be to maintain a human scale.
- c. Structures shall be designed to avoid long, monotonous, plain façades. Techniques such as staggered building planes, variation of façades, recessed entries, and the use of arcades shall be used to create variety and interest.

4. Site Design.

- a. The entry area and pedestrian paths should be distinguished through the use of complementary and passive design features, such as changes in paving texture and color, lighting features, planters, etc.
- b. Storefronts shall be oriented to the major street frontage, and/or interior parking lot, as appropriate. While side or rear entries may be desirable for secondary access, the predominant, major building entry shall be oriented toward the major street.
- c. Buildings shall be oriented as close to the street as possible, with parking toward the rear of the site, to the greatest extent possible. Where parking must be oriented toward a public right-of-way, the parking shall be screened with berming, landscaping, or other methods.

**F. Industrial Site Design and Architectural Standards**

1. Access and Circulation.

- a. Circulation shall be designed for both vehicle and pedestrian use. Pedestrian access from the parking lot to the main door of the business shall be designed to avoid conflict with vehicular traffic.
- b. See loading standards and requirements in the Parking section of Chapter 25.07.

2. Service facilities and equipment screening. Buildings, walls, and landscaping shall be arranged to screen less visually aesthetic components necessary for industrial development, including loading and service bays, storage areas, trash enclosures, mechanical equipment, and noise and odor producing functions. Service areas shall be located at the sides and/or rear of main buildings, and screened from public view with compatible architectural features and walls, and/or dense landscaping.

## 25.07.004 General Rules of Measurement

For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection.

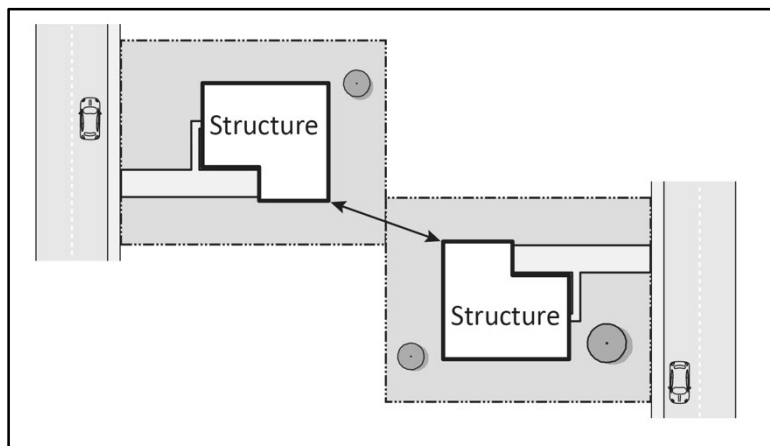
### A. Fractions

Whenever this Code requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows, unless the County Code provides for a different rounding system:

1. General Rounding. Fractions exceeding one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions equal to or less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
2. Exception for State Affordable Housing Density Bonus. The calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute, and the Affordable Housing, Density Bonuses, and Incentives Chapter, any fractional number of units shall be rounded up to the next whole number.

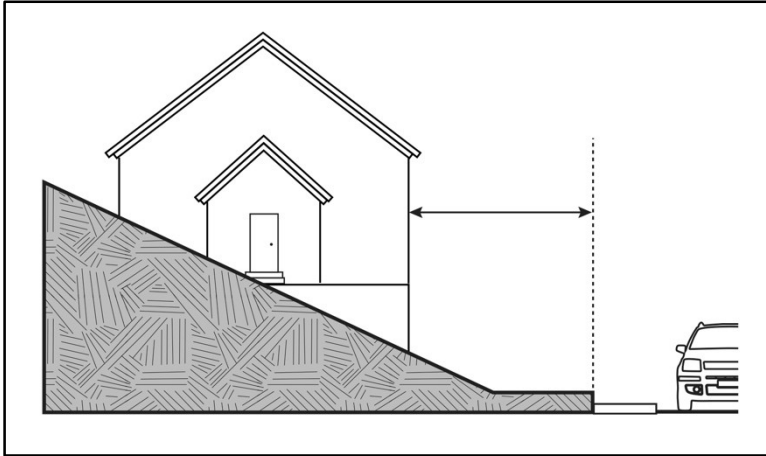
### B. Measuring Distances

1. Measurements Are Shortest Distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.



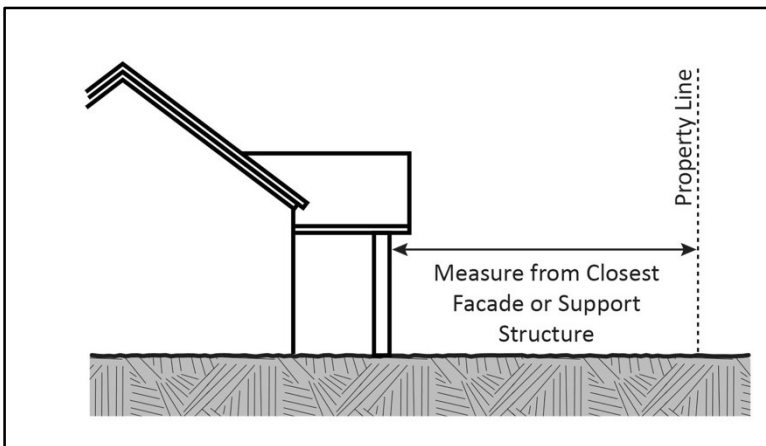
*Example of measuring the shortest distance, in this case between two buildings.*

2. Distances Are Measured Horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.



*Setbacks and other dimensions are measured horizontally, even on sloping sites.*

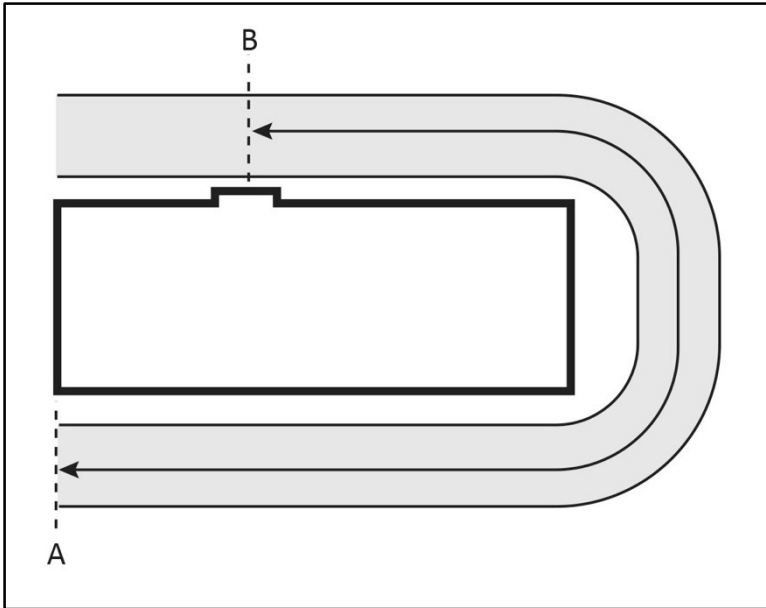
3. Measurements Involving a Structure. Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.



*Setbacks are measured to the support element of the structure.*

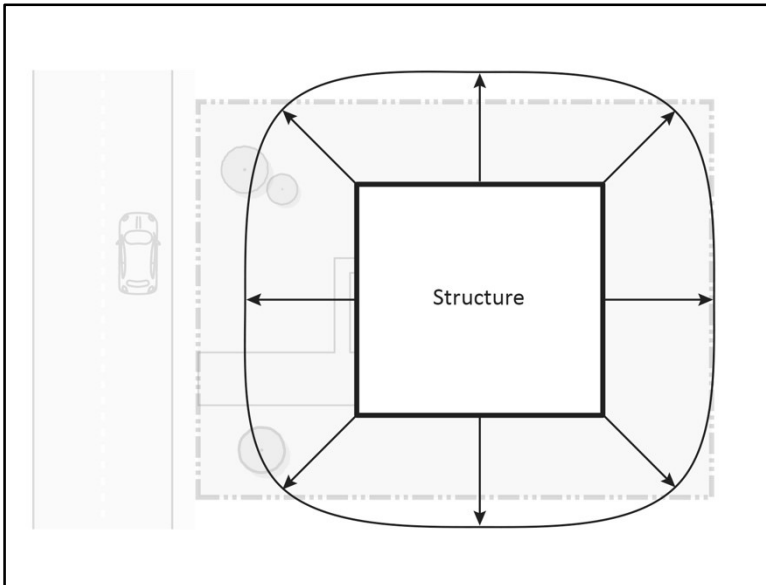
4. Measurement of Vehicle Stacking or Travel Areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.





*Required vehicle stacking is measured from the beginning of the drive aisle (A) to the pickup window (B)*

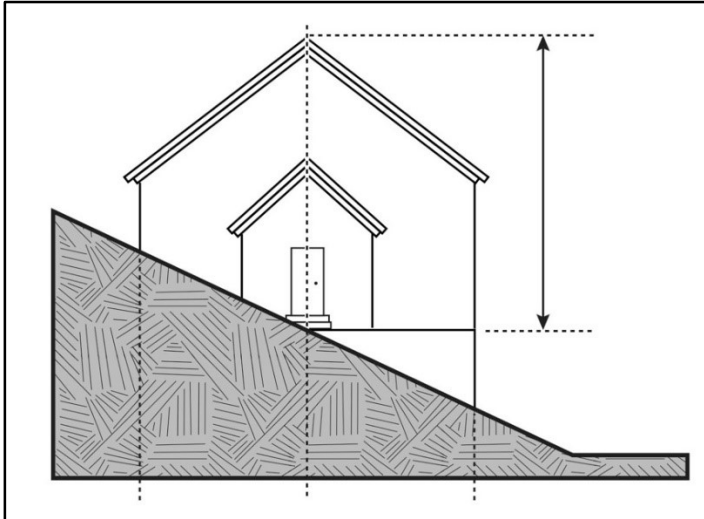
5. Measuring Radius. When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.



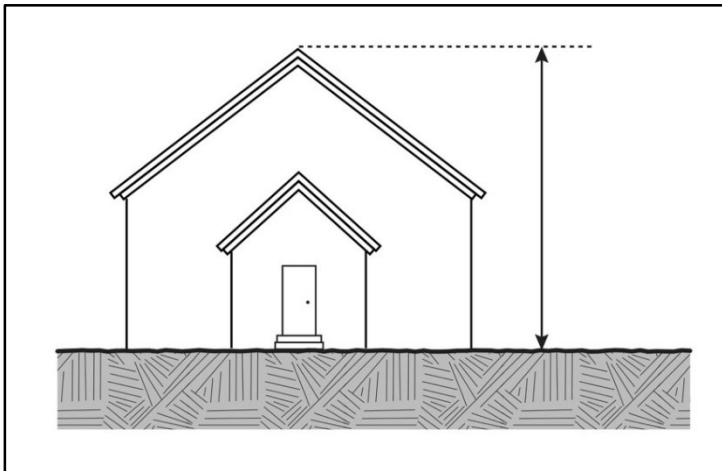
*Example of measuring required minimum distance.*

### C. Measuring Height

1. Measuring Building Height. Building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls touches finished grade, to the highest point on the roof.



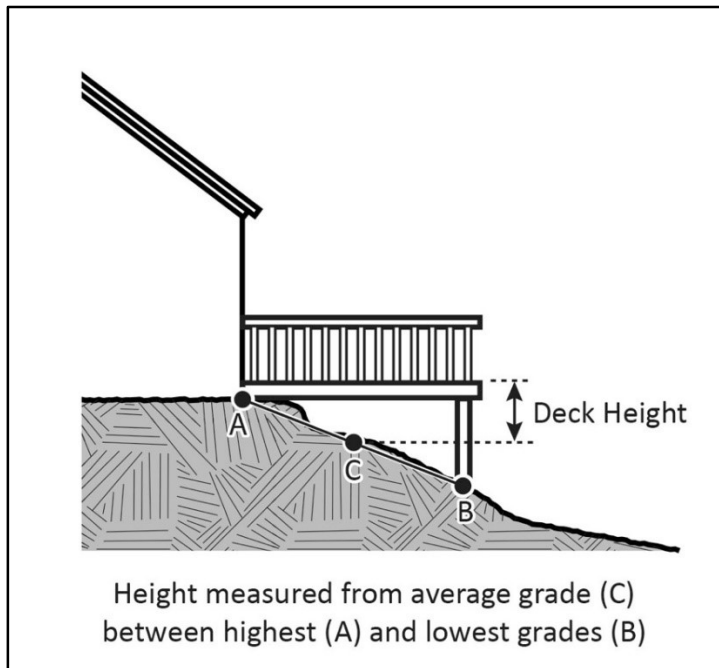
*On a sloping site, building height is measured from the average of the high and low points on the ground to the top of the structure.*



*On a flat site, building height is measured from ground level to the highest point of the structure.*

2. Measuring Height of Fences or Walls. See section 25.07.009 for rules on measuring the heights of walls and fences.

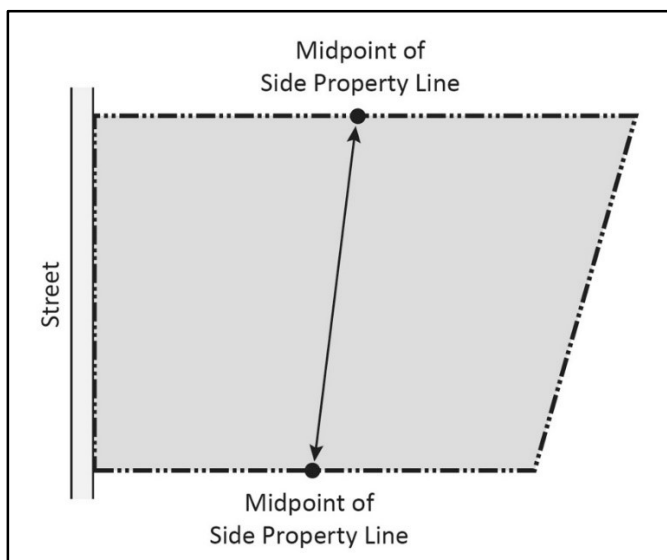
3. Measuring the Height of Decks. Deck height is determined by measuring from average level of the ground below the deck to the top of the floor of the deck directly above the point measured.



*Measuring deck height. On a very flat site, A B and C will be the same height.*

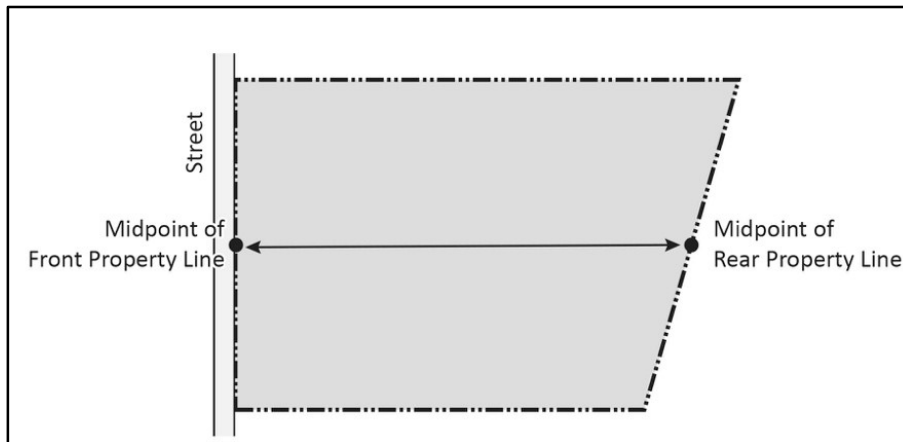
#### D. Measuring Lot Width and Depth

1. Lot Width. Lot width is the horizontal distance between the midpoints of the side lot lines.



*Measuring lot width.*

2. **Lot Depth.** Lot depth is measured along a straight line down from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.



*Measuring lot depth.*

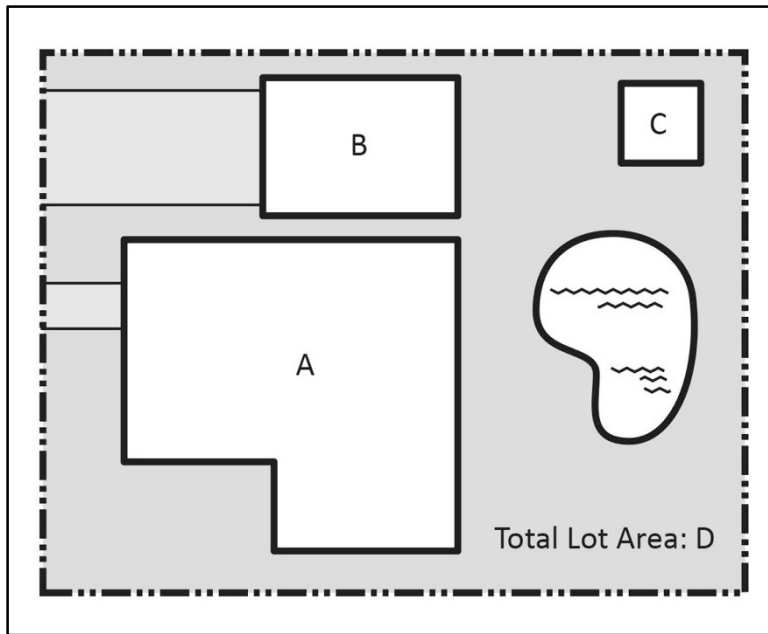
#### **E. Determining Gross Floor Area of Structures**

The gross floor area of a building is the sum of the areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls.

1. **Floor Area in Residential Zones (R1, RR and RM).** The gross floor area for structures in residential zones shall be measured as the total floor area of all the floors of a building from the outside walls. The gross floor area shall include: the residential floor area of any building(s) located on the lot including the main dwelling, detached accessory structures, accessory dwelling units, garage or carport, except non-enclosed covered structures such as covered patios or porches, decks, and balconies.
2. **Floor Area in Non-Residential Zones.** The gross floor area shall include the total floor area of all the floors of a building measured from the outside walls, including vents; shafts; covered courts; elevators; stairways; mechanical, electrical, and communications equipment; and similar facilities.

#### **F. Measuring Lot Coverage (Area Covered by Structures)**

Lot coverage is the ratio of the total gross floor area of all structures, except for excluded structures, to the total lot area, typically expressed as a percentage.



*Lot coverage is the sum of the area of all structures (A + B + C) divided by the total area of the lot or parcel (D). Features such as swimming pools are not included in lot coverage.*

The following structures shall be excluded from the calculation of lot coverage:

1. Unenclosed and unroofed decks, uncovered patio slab, covered or uncovered porches, covered or uncovered landings, and covered or uncovered balconies;
2. Sidewalks, driveways, and other paved areas not covered by a roof;
3. Eaves and roof overhangs projecting up to three feet from a wall;
4. Structures that have roofs that are at least 50 percent open to the sky through uniformly distributed openings;



*Example of a structure with an “open” roof.*

5. Uncovered swimming pools and hot tubs.

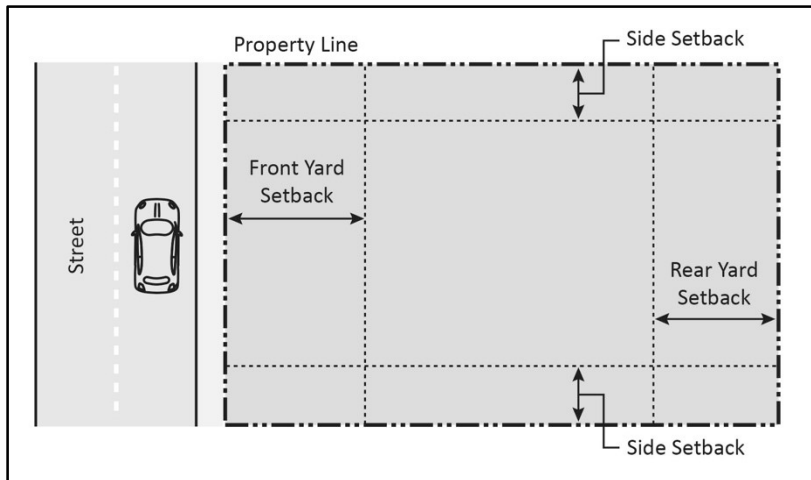
#### **G. Determining Lot Lines**

The following shall be used to determine the locations of front, side, and rear lot lines.

1. **Front Lot Line.** The narrowest boundary line separating a lot from a public or private street; in the case of a lot having no street frontage, the same will mean the narrowest boundary line parallel and closest to the nearest street or highway, as determined by the director.
2. **Rear Lot Line.** A lot line which is most distant from the front lot line.
3. **Side Lot Line.** Any lot boundary line which is not a front or rear lot line.
4. If access to a public roadway is provided via an easement, the front lot line shall be the line to which the easement is connected.

#### **H. Determining Setbacks (Yards)**

A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line.

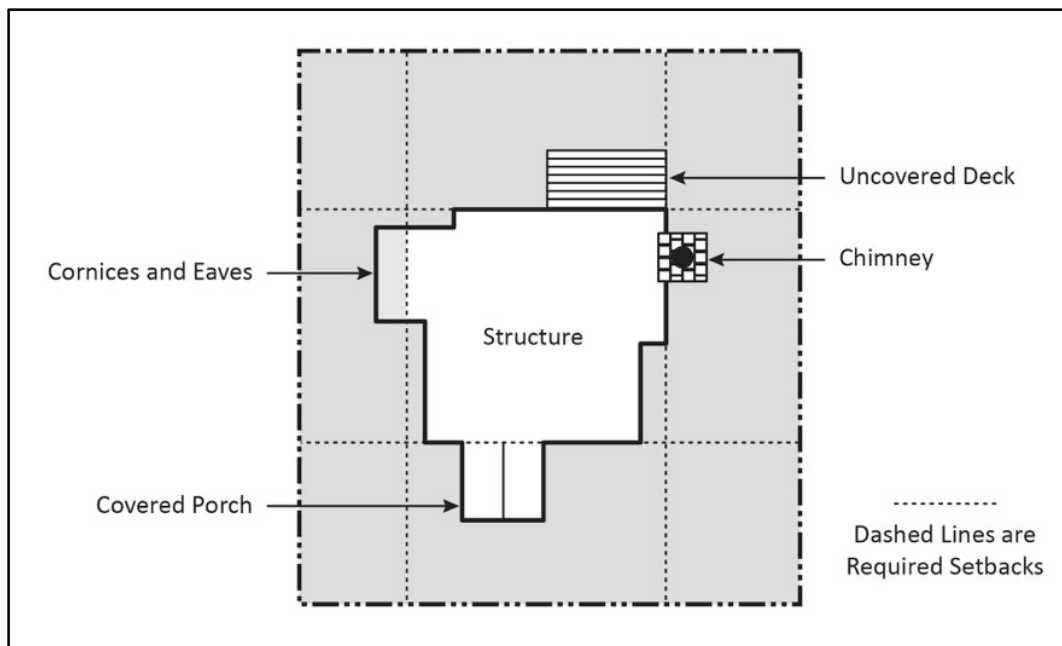


*Illustration of the locations of setback lines. On a parcel or lot with curved lot line(s), the corresponding setback lines will also be curved.*

## 25.07.005 Encroachments into Required Setbacks

### A. Building Projections

Building projections may encroach into required setbacks according to the standards of Table 25.07.01, Allowed Encroachments into Required Setbacks, subject to all applicable requirements of the Building Code. The “Limitations” column states any dimensional, area, or other limitations that apply to such projections.



*Examples of building features that can encroach into required setback areas.*

<b>Table 25.07-A</b>				
<b>Allowed Encroachments into Required Setbacks</b>				
<b>Projection</b>	<b>Required Front or Required Street Side Yard</b>	<b>Required Interior Side Yard</b>	<b>Required Rear Yard</b>	<b>Limitations</b>
<b>All Projections</b>	No projection may extend closer than three feet to any lot line or into a public utility easement. Where any allowance of this Title conflicts with applicable building codes, the more restrictive standard shall apply.			
<b>Cornices, Canopies, Eaves, and similar architectural features (chimneys and bay windows)</b>	3 feet	3 feet	3 feet	
<b>Fire escapes</b>	4.5 feet	4.5 feet	4.5 feet	
<b>Uncovered deck</b>	4.5 feet	4.5 feet	4.5 feet	
<b>Uncovered patio</b>	4.5 feet	4.5 feet	4.5 feet	
<b>An uncovered stair and landing which does not extend above a ground floor entrance except for the railing</b>	May not encroach	3 feet	6 feet	No such stair and landing shall extend beyond any official plan line or future width line.
<b>Covered porches and patios</b>	5 feet	3 feet	10 feet	Must be unenclosed on three sides except for required vertical supports, insect screening, and kickboards not



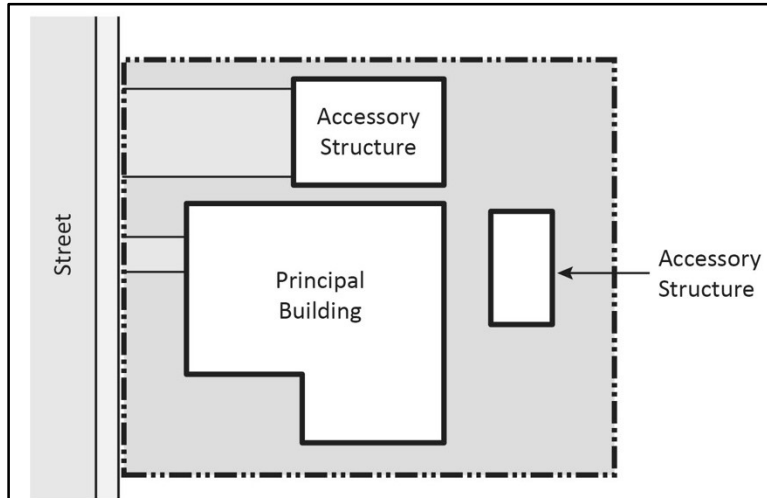
				exceeding one foot in height.
<b>Ramps and similar structures that provide access for persons with disabilities</b>	Reasonable accommodation will be made, consistent with the Reasonable Accommodation provisions in Chapter 25.02.			

## 25.07.006 General Standards for Accessory Structures

### A. Accessory Structure Definition

An accessory structure is a structure that is physically detached from, and secondary and incidental in terms of use to the primary structure. An accessory structure may be larger than the primary structure; for instance, a barn (accessory structure) larger than the house (primary structure).

“Accessory structure” does not include water storage tanks (subject to fire department needs), propane tanks, and other similar infrastructure.



*Typical accessory structures are shown in the example above.*

### B. Applicability

The provisions of this Section apply to all structures, including but not limited to garages, carports, sheds, barns, workshops, gazebos, and covered patios which are detached from the main building on the site.

### C. Setbacks

1. Accessory structures shall meet the following setbacks, except setbacks for accessory structures in Residential and Agricultural zones, which are defined in sections 25.07.007 and 25.07.008:

Type and Size of Accessory Structure	Front Setback	Side Setback	Rear Setback	Notes
At least one of the following apply: <ul style="list-style-type: none"><li>• Contains conditioned space, or</li><li>• Exceeds 12 feet in height, or</li><li>• Greater than 120 square feet</li></ul>	5 feet behind the street-facing façade of the main structure	5 feet	10 feet	
At least one of the following apply: <ul style="list-style-type: none"><li>• Does not contain conditioned space, or</li><li>• Less than 12 feet in height, or</li><li>• Smaller than 120 square feet</li></ul>	Same as the main structure	3 feet	3 feet	May not be located closer to the street than the main structure

2. Setbacks for Accessory Dwelling Units are addressed in Chapter 25.08.002 of this Title.

### D. Plumbing

Accessory structures may have plumbing for a washer, dryer, toilet, shower, wet bar, efficiency kitchen, and/or utility sink, except for Accessory Dwelling Units, which shall have all plumbing required for a dwelling unit. (For standards applying to Accessory Dwelling Units, see Chapter 25.08.)

## 25.07.007 Development Standards for Accessory Structures in Residential Zones

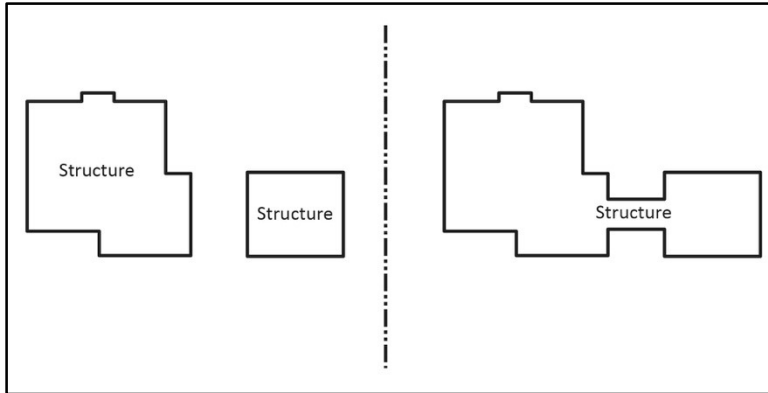
### A. General Accessory Structure Standards in Residential Zones

The following standards apply to general accessory structures in the RR, R1 and RM zones. For standards applying to Accessory Dwelling Units, see Chapter 25.08.002.

1. No single accessory structure shall occupy more than 30% of the required rear yard. The total of all accessory structures shall not exceed 40% of the required rear yard.
2. The following setbacks shall apply to accessory structures in local responsibility areas (LRA fire designations), and also apply in state responsibility areas (SRA) only if a 30-foot vegetation clearance easement is obtained on the neighboring property.

<b><i>Accessory Structure Setbacks (feet)</i></b>				
<b><i>Zoning District</i></b>	<b><i>Front</i></b>	<b><i>Side</i></b>	<b><i>Rear</i></b>	<b><i>Dwelling</i></b>
RR, R1, RM Uses	Same as for the primary structure	3	5	5
Structures for Animals*	Same as for the primary structure	10	10	10/25**
* Barns, stables, riding arenas or farm outbuildings.				
** Ten feet shall be maintained from any dwelling on the subject lot and 25 feet shall be maintained from any dwellings on adjacent lots.				

3. A breezeway may be used to combine a primary structure and an accessory structure into a single primary structure. The combined structure shall be subject to all development standards for the primary structure.



*When a breezeway is constructed, the formerly separate structures (left) are now considered one structure (right). See the Glossary in Chapter 25.09 for a definition of “Breezeway.”*

4. No detached accessory building shall exceed one story or 20 feet in height.
5. No more than two detached accessory buildings shall be permitted on one lot.
6. Detached garages, pool houses, guesthouses, workshops and other recreational buildings may have an accessory structure setback, however, the detached building shall not be subsequently attached to any residential structure or converted to a dwelling.
7. Except for Accessory Dwelling Units, an accessory building may be no more than 1,000 square feet in gross floor area, unless an Administrative Use Permit is approved to allow a larger size.
8. Where the primary use of the lot is a viable agricultural operation run by an agriculturalist, agricultural buildings and facilities shall be deemed to be permitted accessory structures and may be allowed to be located up to the front yard setback whether or not a dwelling unit exists on the site.
9. In the R1 and R-M Zones, accessory structures shall be located in the rear half of the lot, unless it is not possible to place the structure in the rear half of the lot, in which case the structure shall be subject to Minor Development Plan Review.

## **25.07.008 Development Standards for Accessory Buildings in Agricultural Zones**

### **A. General Accessory Structure Standards in Agricultural Zones**

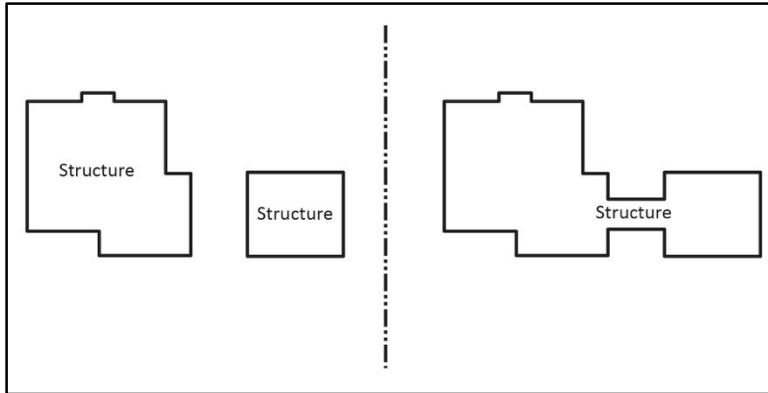
The following standards apply to general accessory structures in the AR, AP, R, and RT zones. For standards applying to Accessory Dwelling Units, see Chapter 25.08.002.

In any agricultural zone, detached accessory structures shall not be located between the main dwelling on the lot and the roadway frontage, except as provided in this section, and shall be subject to the following limitations:

1. Where the primary use of the lot is a viable agricultural operation run by an agriculturalist, agricultural buildings and facilities shall be deemed to be permitted accessory structures and may be allowed to be located up to the front yard setback whether or not a dwelling unit exists on the site.

<b><i>Accessory Structure Setbacks (feet)</i></b>				
<b><i>Zoning District</i></b>	<b><i>Front</i></b>	<b><i>Side</i></b>	<b><i>Rear</i></b>	<b><i>Dwelling</i></b>
RT, R, AP, AR Uses*	Same as for the primary structure	Same as for the primary structure	Same as for the primary structure	See district
Structures for animals**	40	40	40	20/75***
* See applicable zoning district for main and front structure setbacks.				
** Barns, stables, riding arenas or farm outbuildings.				
*** Twenty feet shall be maintained from any dwelling on the subject lot and 75 feet shall be maintained from any dwellings on adjacent lots.				

2. Except for guesthouses or Accessory Dwelling Units, accessory buildings shall not be used for dwelling purposes. Kitchen facilities shall not be allowed in an accessory building or guesthouse, except for Accessory Dwelling Units. See the Glossary of this Zoning Code for a definition of “kitchen.”
3. A breezeway may be used to combine a primary structure and an accessory structure into a single primary structure. The combined structure shall be subject to all development standards for the primary structure.



*When a breezeway is constructed, the formerly separate structures (left) are now considered one structure (right). See the Glossary in Chapter 25.09 for a definition of “Breezeway.”*

4. An agricultural building may be no more than 3,600 square feet, unless approved via an Administrative Use Permit.
5. Where an attached or detached accessory structure is designed, arranged, or may be occupied for use as a residence or business, (i.e., contains more than one room, bath, and/or wet bar), a deed restriction must be recorded that states that the building shall not be subsequently altered or used as a dwelling unit or business without obtaining county approval.

## **25.07.009 Height Exceptions**

### **A. Allowed Projections**

The structures listed in Table 25.07-B, Allowed Projections Above Height Limits, may exceed the maximum permitted building height in the RD zone, subject to the limitations stated and further provided that no portion of a structure more than the building height limit may contain habitable area. Additional height above the limits of Table 25.07-B may be approved with a Conditional Use Permit, pursuant to the provisions of Chapter 25.02.003.

<b>Table 25.07-B</b>		
<b>Allowed Projections Above Height Limits</b>		
Structures Allowed Above the Height Limit	Maximum Vertical Projection Above the Height Limit	Maximum Coverage and Locational Limitation
Barns	10 feet	None.
Skylights	1 foot	None.
Chimneys	8 feet	None.
Decorative features including spires, bell towers, cupolas, etc. Rooftop open space features including sun decks, sunshade and windscreens, trellises, and landscaping	10 feet	Limited to a total of 20% of roof area, inclusive of all structures.  Must be set back from the exterior wall one foot for every foot of projection above the height limit.
Elevator and stair towers (for multi-unit residential and non-residential buildings only)	16 feet	Limited to a total of 10% of roof area  Must be set back from the exterior wall one foot for every foot of projection above the height limit.
Mechanical equipment	5 feet	Must be set back from the exterior wall one foot for every foot of projection above the height limit and screened from view from adjacent at-grade public streets.
Fire escapes, catwalks, and open railings required by law	No restriction	None.
Telecommunications facilities, antennas, microwave equipment, and radio towers	Subject to the provisions of Section 7.11 of the County Code, Wireless Communication Facilities Standards.	

## B. Exempt Structures

The following structures are exempt from limits on projections above height limits in all zones except R1 and RM: Windmills, barns, silos, grain elevators, oil derricks, mechanical devices, radio, communication and television antenna, spires and bell towers, and other similar structures.

In the R1 and RM zones, these structures may exceed the height limit for the zone with an Administrative Use Permit.

## 25.07.010 Parking

### A. Intent

It is the intent of this chapter to require off-street parking and loading spaces on each parcel for all land uses within the county sufficient in number to accommodate all vehicles of residents, employees, customers, clients and others which may congregate at any point in time in order to reduce on-street parking and improve traffic and pedestrian safety.

### B. Applicability

On-site parking and loading shall be provided in accordance with this Chapter at the time any main building or structure is constructed, or any new land use is established.

### C. Parking Space Requirements

Each land use shall provide at least the number of parking spaces stated in Table 25.07-C below, Required Number of Parking Spaces. The parking requirement for any use not listed in Table 25.07-C shall be determined by the Director based upon the requirements for the most similar comparable use, the characteristics of the proposed use, and any other relevant data regarding parking demand.

The Planning Commission may require additional parking spaces and parking lot areas for any use to provide parking area adequate with the intent of this chapter. The Planning Commission may make additional requirements in connection with off-street parking areas.

<b>Table 25.07-C</b>	
<b>Required Parking</b>	
<b><i>Residential Uses</i></b>	<b><i>Off-Street Parking Spaces Required</i></b>
Single- and two-family dwellings (See section 25.08.002 for parking	Two stalls per dwelling unit, one of which shall be a covered carport or garage



standards for Accessory Dwelling Units)	
Multi-family dwellings	<ul style="list-style-type: none"> <li>• One per one-bedroom unit.</li> <li>• One and a half per two-bedroom unit.</li> <li>• Two per unit with three or more bedrooms.</li> <li>• One guest space per every four units.</li> </ul> <p>One space for each unit shall be covered with a garage or carport.</p>
Caretaker Units	One per unit
Group Residential	One per employee, plus 1 per bedroom or 1 per every two beds, whichever is greater
Residential Care Facilities, Small	None beyond the parking required for the residential housing type.
Residential Care Facilities, Large	One per every three beds.
Residential Facility, Assisted Living	One per every 3 beds.
Supportive Housing	None beyond the parking required for the residential housing type.
Transitional Housing	None beyond the parking required for the residential housing type.

<b><i>Recreational Uses</i></b>	<b><i>Off-Street Parking Spaces Required</i></b>
Places of public assembly with fixed seats. This category includes: auditoriums, exhibit halls, dance halls, places of worship, and other buildings used for public assembly.	One stall for every four seats or one stall for each seven lineal feet of bench or pew seating
Places of public assembly without fixed seats. This category includes: auditoriums, exhibit halls, dance halls, places of worship, and other buildings used for public assembly.	One stall per 100 square feet of assembly area
Bowling centers	Six stalls per lane, plus one stall for each shift employee
Billiard and card rooms	Two stalls per table or one-half stall for each seat, whichever is greater
Golf, driving and shooting ranges	One and one-half stalls per station
Commercial swimming pools	One stall per 100 square feet of pool area (total of water and adjacent deck area)
Skating rinks and commercial recreational areas (e.g., water slides)	One stall for each 100 square feet of skating or recreational area, plus one stall for each shift employee
Tennis, handball and racket courts	Two stalls per court, plus one stall for each shift employee

<b><i>Institutional Uses</i></b>	<b><i>Off-Street Parking Required</i></b>
Hospitals	One stall for each three beds, plus one stall per staff doctor, plus one stall for each three staff members
Convalescent homes and nursing homes	See "Residential Facility, Assisted Living"
Day care and nursery schools	1 per 500 square feet of floor area
Mortuaries with chapels	One stall for every four seats or one space for each

	seven lineal feet of bench or pew.
Public, parochial and private elementary schools	One space for each employee, plus one space for each ten students of planned capacity or one stall for each four auditorium seats, whichever is greater, plus bus loading area
Colleges, art, craft, music and dancing schools, business, professional and trade schools	One stall for each employee, plus one and space for each four students of planned capacity or one stall for each four auditorium seats, whichever is greater

<b><i>Professional Office Uses</i></b>	<b><i>Off-Street Parking Requirements</i></b>
Medical, dental, optometry or chiropractic offices and clinics	One stall per 150 gross square feet of floor area, plus one stall per doctor
Research facilities	One stall per employee, plus one stall per 500 gross square feet.
Banks, lending agencies, financial institutions, governmental institutions, and public utility offices (including those with drive-up facilities)	One stall per 300 square feet of gross floor area
All other professional offices	One stall per 300 square feet of gross floor area
<b><i>Retail and Commercial Uses</i></b>	<b><i>Off-Street Parking Requirements</i></b>
General retail sales, repair and services	One stall per 250 square feet of gross floor area
Retail sales of large appliances, automobiles, furniture or other similar bulky merchandise	One stall per 400 square feet of gross floor area
Restaurants, bars, taverns, lunchrooms, nightclubs and cocktail lounges	One stall for every three seats or one stall per 100 square feet of floor area devoted to dining, whichever is greater, plus one stall for each shift employee
Restaurants and other retail establishments with takeout service, or walk-up window and roadside stands	One stall for every three seats or 100 square feet of dining area, whichever is greater, plus one stall for each shift employee, plus eight stalls or eight auto

	<p>waiting spaces for each exterior service window</p> <p>See Chapter 25.08 for standards related to vehicle stacking at drive-through restaurants</p>
Barber and beauty shops	One stall per 100 square feet of gross floor area
Uncovered retail sales are for landscaping nurseries, vehicles and construction materials	One stall for each 4,000 square feet of gross display area, plus one stall per employee, but not less than four stalls
Service stations and vehicle repair garages	One stall per 400 square feet of gross floor area, plus one stall per employee, but not less than three stalls total (service bays shall not be counted as part of the required parking)
Hotels and motels	One stall for each guestroom, plus one stall for each shift employee
Bus stations, train depots and other transportation depots	One stall for each employee, plus user parking as determined by the Planning Director
Undefined commercial uses	One stall per 250 square feet of gross floor area, subject to additional spaces depending on the eventual uses

<b><i>Type of Industrial Use</i></b>	<b><i>Off-Street Parking Required</i></b>
Manufacturing and General Industrial Uses	<p>One space per 500 square feet of gross floor area for projects up to 10,000 square feet.</p> <p>One space per 1,000 square feet of gross floor area for projects over 10,000 square feet.</p>
Office area within a manufacturing or industrial building	Park per the standard for “All professional offices”
Recycling Collection facility	Six (6) vehicles or the anticipated peak customer demand load, whichever is greater, plus one (1) additional parking space for each commercial vehicle operated by the facility

Self-storage facility	One space per 50 units or spaces, plus two spaces for the manager's unit.
Warehousing and Fulfillment Centers	One space per 2,000 square feet of warehouse space, plus parking for office per the standard for "All professional offices"

#### **D. Calculation of Required Spaces**

##### **1. Calculation of Parking**

If the calculation for required parking results in a fraction of one-half or more of a parking space, one parking space shall be provided. When less than one-half of a space is calculated, no parking space is required.

##### **2. Parking Ratios**

a. Floor Area. Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.

b. Employees. Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.

##### **3. Sites with Multiple Uses**

If more than one use is located on a site, the number of required parking and loading spaces shall be equal to the sum of the requirements calculated separately for each use. A reduction may be approved at the discretion of the Director, and include a statement on the plan.

#### **E. Reduced Parking Requirements Specified and Enforcement**

The review authority may reduce the number of parking spaces required through the granting of a use permit if at least one of the following findings can be made in addition to the standard findings for approval of a conditional use permit:

1. Quantitative information provided by the applicant or staff verifies the need for fewer spaces (e.g., sales receipts, documentation of customer frequency, information on parking standards required for the proposed land use by other agencies, etc.);
2. Design features are included in the project that would reduce the need for parking, such as bus stops, increased bicycle parking, designated spaces for ride sharing or taxi services, etc.

3. The use or project design creates an integrated whole wherein the parking reduction will not adversely affect other businesses or uses on the same property or within the boundaries of the project; or

#### **F. Bicycle Parking**

Parking lots with twenty (20) or more spaces shall provide one (one) bicycle parking space for each ten (10) parking spaces, either as a bicycle rack designed to enable bicycles to be locked to the rack or in a secured enclosed location.

#### **G. Shared Parking**

Every use shall provide the required parking on the same parcel except the owners of adjoining properties may provide parking spaces in common if the parking area is secured by easement or other sufficient legal document and provided the total number of parking spaces provided is equal to the sum of the individual needs, except as provided in this title.

#### **H. Off-Site Parking**

1. Off-site parking for non-residential uses may be allowed upon application to the Planning Commission for a use permit or as part of the development project application. Off-site parking for residential uses would require demonstrating that there are practical difficulties or public health or safety issues and also is subject to obtaining a use permit. The parking shall be located in the same zoning district as the use, where possible. All off-site parking spaces shall be on an adjacent parcel within 500 feet of the use or at the discretion of staff, shall have pedestrian access between the parking and use, and the use shall provide a minimum amount of on-site parking in Table 25.07-D, below.

<b>Table 25.07-D</b>	
<b>Shared Parking Reductions</b>	
Shared Parking Between Uses	Minimum Amount of Required Parking
Retail	60%
Hotel/motel	75%
Restaurant	50%
Entertainment/recreational	40%
Industrial, office	40%

2. The easement shall ensure that no other parking can share the spaces or reserve them for 24 hours or more without prior permission by the Director (or Planning Commission if a hearing is requested by the applicant). Permission may only be granted upon demonstration that the use will not interfere with the parking for the initial use and that there are adequate means of maintaining the off-site parking lot.

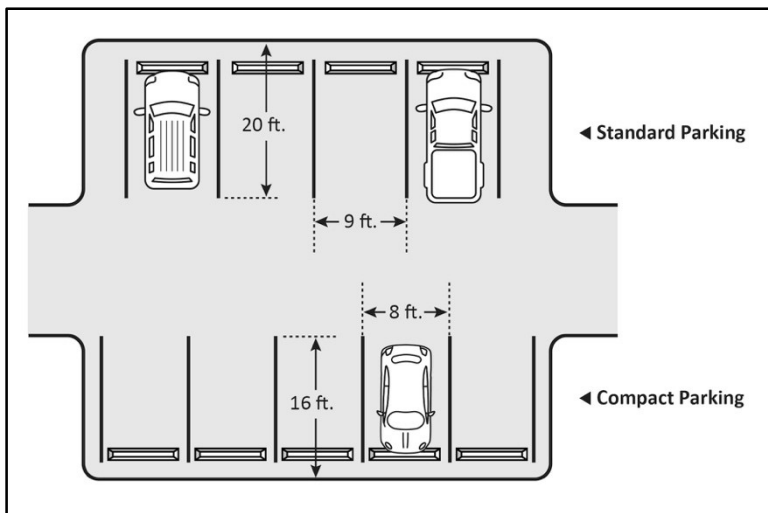
## **I. Parking Design Standards**

### **1. Parking Access**

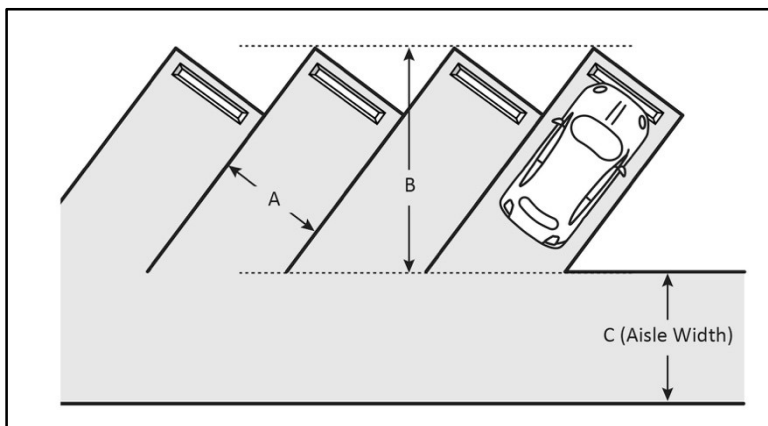
- a. **Shared Access.** Non-residential projects are encouraged to provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Director shall be recorded in the San Benito County's Records Office, in a form satisfactory to the County Attorney.
- b. **Forward Entry.** Parking facilities of four or more spaces shall be provided with suitable maneuvering room so that all vehicles accessing the facility may enter an abutting street in a forward direction.
- c. **Driveway Length.** Driveways providing direct access from a public street to a parking facility, garage, or carport shall be at least 20 feet in depth.
- d. **Driveway Width.** The minimum width of a driveway is as follows:
  - i. *One-way Driveways.* One-way driveways shall be a minimum of 10 feet in width.
  - ii. *Two-way Driveways.* Two-way driveways shall be a minimum of 20 feet in width, or as specified in this section.

2. **Size and Dimensions of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum size and dimensions established in Table 25.07-E, Parking Space Minimum Dimensions for 90-Degree Spaces. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces.

Table 25.07-E		
Parking Space Minimum Dimensions for 90-Degree Spaces		
Type of Parking Space	Width (feet)	Length (feet)
Standard	9	20
Compact	8	16
Parallel	9	22
ADA Accessible	Compliant with the California Building Code	



*Measuring parking space dimensions in a 90-degree configuration.*



*Measuring parking space dimensions for angled parking spaces.*



Maneuvering aisles shall meet the minimum size and dimensions established in Table 25.07-F, Aisle Dimensions for Maneuvering Vehicles.

<b>Table 25.07-F</b>		
<b>Aisle Dimensions for Maneuvering of Vehicles</b>		
Angle of Parking	Aisle Width (feet)	
	One-Way	Two-Way
Parallel	12	25
0-30 Degrees	12	25
31-45 Degrees	14	25
46-60 Degrees	16	25
61-90 Degrees	25	25

<b>Table 25.07-G</b>		
<b>Angled Parking Space Dimensions</b>		
Type of Parking Space	Stall Width (feet)	Stall Length (feet)
30 Degrees	9	18
45 Degrees	9	20
60 Degrees	9	21

### 3. Electric Vehicle Charging Stations.

- a. Where Allowed. Electric vehicle charging stations may be provided in any area designed for the parking or loading of vehicles.
- b. Electric vehicle ready charging infrastructure shall be provided in multi-family housing developments and non-residential developments according to the standards outlined by CALGreen (Title 24, Part 11).
- c. Counted as Regular Parking Spaces. Parking spaces with electric vehicle charging shall be counted as a standard parking space for the purposes of providing required parking per this Code.

4. Striping and Marking.
  - a. Space Outline. All parking spaces shall be clearly outlined with double striping three inches in width, in durable white paint designed for that purpose.
  - b. Maneuvering Areas. All aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe movement.
  - c. Compact Spaces. All compact spaces shall be clearly marked as such.
5. Bumpers, Curbs, and Wheel Stops. A permanent curb, bumper, wheel stop, or similar device at least six inches high and thick shall be installed to protect buildings and landscaping from vehicular damage. If such protection is provided by a wheel stop, the stopping edge shall be placed no closer than two feet from the edges of the required sidewalks, planter, or landscaped areas and from any building. The two feet beyond the wheel stop may be paved, landscaped with ground cover, or used as additional sidewalk width. No walkway used for a wheel stop may be less than seven feet wide.
6. Perimeter Curbing. Parking areas designed to accommodate 10 or more vehicles shall provide a six-inch wide and six-inch high concrete curb along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
7. Back-Up Design Requirement. All off-street parking for all uses, except single-family and duplex residential uses, shall be designed such that vehicles need not back out of the parking area into a public street. Utilizing a public alley for back-up space is acceptable.
8. Surfacing of Parking Areas
  - a. Urban area standard. All parking areas within one mile of any LAFCO-adopted City Sphere of Influence shall be surfaced with Portland cement concrete, asphaltic concrete, brick or cobblestones placed upon a base of crushed rock built to a thickness to meet the County Engineer's approval, except for parking stalls adjacent to an alley for single family residential uses, which may be paved with crushed rock to a thickness to meet the County Engineer's approval. Parking areas in urban-density development projects shall meet this standard unless specific standards are adopted for the development.
  - b. Community/rural standard. Commercial, industrial, multiple-residential uses and uses requiring discretionary permits in the communities of Tres Pinos, Dunneville and Aromas shall provide parking areas with an all-weather surface that does not generate visible dust. Parking areas located outside the urban area standard area and the communities stated in this section shall be paved unless in an agricultural district (as either the base zone or the actual district).

c. Applications. For the above standards, the following apply:

- i. Proper drainage must be provided to collect a 100-year storm event runoff and meter the flow out at the ten-year pre-development level for the new parking provided.
- ii. All activities or encroachments in the county or state right-of-way shall obtain an encroachment permit and are required to be paved to county or state standards.
- iii. For non-paved parking, a minimum surface of compacted CALTRANS grade aggregate base (or compacted decomposed granite with surface treatment) shall be provided built to a thickness to meet the County Engineer's approval.
- iv. Surface treatments used to control dust shall be approved by the Public Works Department.
- v. Parking areas where over 10% of the vehicles using the area have a gross vehicle weight over 10,000 pounds shall provide paving.
- vi. The parking areas shall be maintained in a manner where they do not generate visible dust, do not create erosion or hazards, and do not adversely affect neighboring parcels or environmentally sensitive areas.
- vii. General plan noise limits shall be met at the property line. Where the property line bounds two different zoning districts, the limits of the most restrictive district shall apply.

9. Entrance and Exit Visibility Requirements. Each exit and entrance to a parking lot shall be constructed and maintained such that any vehicle entering or leaving the parking lot shall be clearly visible for a distance of at least ten feet to any person on a walk or footpath intersected by such exit or entrance.

#### **J. Truck Loading and Unloading Space**

All retail and wholesale stores, warehouses, supply houses, buildings devoted to manufacturing trade, hotels, hospitals or other buildings where large amounts of goods are received or shipped, shall provide loading and unloading space adequate to handle the volume and frequency of truck traffic to the building or shopping center. The number and minimum dimensions of loading spaces shall be at the discretion of the Planning Director.

#### **K. Additional Requirements**

The Planning Commission may make such additional requirements in connection with off-street parking areas as will protect the character of other property in the neighborhood. This may include, but not be limited to, adequate screening of the lot by a fence or wall, landscaping, provision for suitable surfacing and lighting.

## **25.07.011 Landscaping**

### **A. Application Requirements**

A landscaping plan, landscaping grading plan, irrigation plan, and shading plan shall be required for all development review (Minor and Major), Conditional Use Permits, surface mining permits, subdivisions, and any other permit when the Planning Director deems it necessary. The landscaping plan, landscaping grading plan, irrigation plan, and shading plan shall be submitted under one application consistent with the provisions of Chapter 25.02.001 of this Code.

1. The landscaping plan, landscaping grading plan, irrigation plan, and shading plan may be submitted on four separate exhibits or may be combined on one to three exhibits, provided that the information required to be displayed for each plan is legible and clearly discernible.
2. No less than the number of copies as determined by the Planning Director of the landscaping plan, landscaping grading plan, irrigation plan, and shading plan shall be submitted for approval by the Director.
3. All landscaping shall comply with state water-efficient landscaping requirements.
4. All plans shall show the following information:
  - a. The first sheet of a multiple sheet set shall contain a title block with the name and address of the project, sheet number, and numbers of sheets and a revision block to indicate date and type of revisions;
  - b. Each sheet shall show the required technical data, including scale of drawing, north arrow, date drawn, and dates of revisions (if applicable), all property lines and project limits, if other than property limits, all easements, fences, walls, curbs, roads, walks, structures, mounds, swales, manholes, banks, and all plant and landscaping materials, grading, irrigation and other exterior elements proposed. A legend shall also be included for each symbol used.

### **B. Landscaping Plan Requirements**

1. Trees that are native to the area, and/or suitable for the local climate as determined by the Planning Director, should be used.
2. The location of all existing landscaping materials and where proposed landscaping material is to be placed shall be shown. Existing trees shall be preserved whenever it is practical to do so and shall be shown on the landscaping plan.
3. The quantities, sizes, and locations of all trees, shrubs and ground cover, hydroseed and wildflower mixtures, drainage systems, etc., shall be indicated. Trees shall be a minimum

twenty-four (24) box size. Shrubs shall be a minimum five (5) gallon size; however, the use of smaller plants may be approved as part of Development Plan Review.

#### **C. Grading Plan Requirements**

The grading plan shall include:

1. Existing and proposed contours at a suitable scale for clarity and readability.
2. Cross-sections of cuts, fills, building pads and driveways.
3. Tops and toes of proposed cut and fill slopes.
4. Property lines.
5. Existing and proposed buildings, including buildings proposed to be demolished.
6. Existing trees, including trees proposed to be removed.
7. The drainage of all planting areas and the heights of mounds. Mounds shall not exceed three-to-one (3:1) slope, and no mound over thirty (30) inches high shall be placed within ten (10) feet of any street and/or alley intersections.
8. An adequate erosion control plan.

#### **D. Irrigation Plan Requirements**

An irrigation plan shall show the following:

1. Locations of all irrigation components, such as sprinkler heads, valves, pipes, backflow prevention devices and water taps, drip irrigation, automatic controllers, and quick couplers.
2. Proposed radius or diameter of throw (sprinkler coverage) at a stated pressure (pounds per square inch, or psi) for each sprinkler head and drip irrigation specifications.
3. Worst case irrigation system pressure loss calculations.
4. Static water pressure psi, available gallons per hour (gph), water pressure zone, agency reading locations, and source of information for each one.
5. Required water budget calculations based on the Water Efficient Landscape ordinance requirements.

## E. Shading Requirements

1. Parking area landscaping shall include shade trees sufficient to provide for adequate shade canopies within fifteen (15) years of age as follows:

<b>Table 25.07-H</b>	
<b>Percentage of Total Parking Area Required to be Shaded</b>	
<b>Number of Parking Spaces</b>	<b>Percentage of Parking Area to Be Shaded</b>
05-24 spaces	30% minimum
25-49 spaces	40% minimum
50 or more spaces	50% minimum

Note: Parking area to be shaded is uncovered parking spaces. Driveways, drive aisles, and spaces shaded by structures (solar panels, building overhangs, etc.) are excluded.

2. Trees shall be a minimum twenty-four (24) box size at planting.
3. Trees shall be planted and maintained throughout the parking area to ensure that the percentage of the parking area that is shaded is no less than the minimum amount required by Table 25.07-H Percentage of Total Parking Area Required to be Shaded, above. The parking area shading plan shall be developed in compliance with a landscaping plan. Each planting area shall be of adequate size for the landscaping approved and shall have adequate irrigation for that landscaping.

## F. Landscaping Design Standards

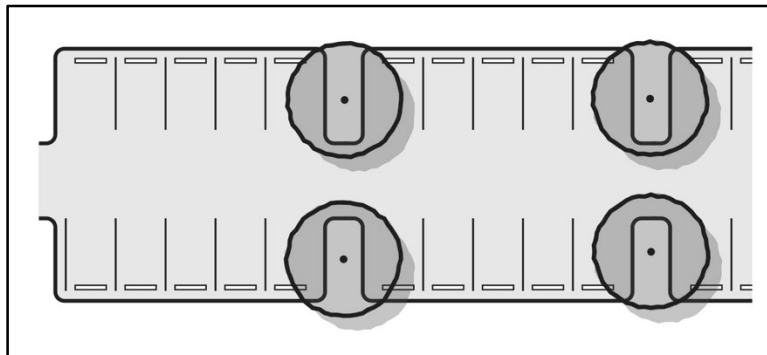
Landscaping shall be incorporated into the design of all off-street parking areas, including covered and decked, as follows:

### 1. General landscaping provisions

#### a. These provisions apply to:

- i. Landscaping throughout and immediately surrounding parking areas; and,
- ii. Additional landscaping as required by this Zoning Code.

#### b. Landscaped areas shall be distributed throughout the entire off-street parking area as evenly as is approved in the design of the parking facility. Landscape planters shall be located at least every fifth parking space, as shown below.



- c. Nothing in this section shall preclude the installation of additional landscaping and the planting of additional trees so long as such planting is consistent with visibility regulations;
- d. Any open areas in the interior shall be landscaped with appropriate plant materials and maintained in good condition as provided in this code;
- e. All landscaped areas shall be designed so that plant materials are protected from vehicle damage, encroachment or overhang;
- f. All trees shall be double-staked and secured with a rubber or plastic strip, or other commercial tie material. Wire ties and twist-a-brace shall not be used;
- g. No trees shall be planted within (10) ten feet of driveways, alleys and/or street intersections;
- h. All landscaping shall be within planters bounded by a curb at least (6) six inches high;

- i. A (6) six-inch-high curb with a (12) twelve-inch-wide concrete walkway shall be constructed along planters on end stalls adjacent to vehicle parking spaces;
- j. In urban areas, all parking areas shall be screened from view along the entire perimeter of the parking lot by the construction of either a three (3)-foot-high and (3) three -foot-wide earthen berm, or a (5) five -foot-wide planter with shrubbery that can be maintained at a height of (3) three feet. When the parking area is adjacent to a public road right-of-way, the berm or planter shall be (5) five feet in width.
- k. In addition to the perimeter landscaping required by this code, parking areas of (5) five spaces or more shall be required to provide additional landscaped areas within the parking area. A minimum percentage of the total parking area shall be landscaped as follows:

<b>Table 25.07-I</b>			
<b>Minimum Percentage of Total Interior Parking Area to be Landscaped</b>			
Parking Spaces Required	5-24 Spaces	25-49 Spaces	50+ Spaces
Percentage to Be Landscaped	5.0%	7.5%	10.0%
Percentage to Be Landscaped – Along State and County Scenic Highways	6.0%	8.5%	11.0%

#### **G. Walkways**

At the discretion of the appropriate authority, a barrier-free, four (4)-foot-wide paved walkway may be provided through the required planter at street and driveway intersections to provide unencumbered access for persons with disabilities from the sidewalk to the parking lot. No planting area shall be bisected by a handicap walk making it less than five (5) feet wide.

1. Such a walkway shall be located so as to facilitate the most direct movement of persons using sidewalk curb ramps, if provided;
2. Bus shelters may be located within this planter if approved by the Planning Director. Such shelters shall not be placed so as to reduce the number of trees which are otherwise required by this code.
3. General plant materials provisions



- a. Existing mature trees on the site shall be preserved whenever it is practical to do so;
- b. All plant materials shall be maintained free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases. Plant materials showing such damage shall be replaced by the same or similar species;
- c. Planting areas shall be kept free from weeds, debris, and undesirable materials which may be detrimental to public safety, drainage, or site appearance;
- d. Drought tolerant species and California native species are to be used to the maximum extent possible over non-drought tolerant and nonnative species.
  - i. The quantity and extent of drought-tolerant species shall be dependent on the climatic zone of the project;
  - ii. Landscaping may include natural features such as rock and stone, non-drought tolerant plants, and structural features such as fountains, reflecting pools, art work, screens, walls, and fences.
- e. Plant materials shall be grouped together in regard to water and soil requirements. In order to conserve water, alternative types of low volume irrigation concepts may be used, including, but not limited to, drip, rotary spray (in areas fifteen (15) feet wide or larger), mini-spray, bubbler, and low volume sprays.

#### 4. General irrigation provisions

- a. An automatic irrigation system for all planted areas shall be required.
- b. The layout of the system should consider meter water pressure, pipe size and length, dripping and type of heads.
- c. Sprinkler spacing shall not exceed the manufacturer's recommended spacing or, if no spacing is recommended, spacing shall not exceed 60 percent of the diameter of throw (sprinkler coverage). Head-to-head spray coverage is required.
- d. Sprinklers in hazardous locations shall be flush mounted on high pop models only.
- e. Backflow prevention devices for sprinklers shall comply with the latest edition of the Building Code, as adopted by the County.

#### **H. Request for Modification from Landscaping Standards**

The Planning Director may, without notice or hearing, permit modifications to the landscaping requirements where topographic or other physical conditions make it impractical to require strict compliance with these requirements.

## **I. Enforcement of Landscaping Design Standards**

1. Prior to the issuance of a final building occupancy certificate, all required landscape planting and irrigation shall have been installed and be in a condition acceptable to the Planning Director.
  - a. The plants shall be healthy and free of weeds, disease or pests;
  - b. The irrigation system shall be properly constructed and in good working order.
2. At the discretion of the Director, the County can require financial security, per year, to ensure the maintenance of landscape.

## **25.07.012 Outdoor Lighting**

### **A. Applicability**

1. Unless otherwise exempt by Section B Exempt Lighting, all outdoor lighting fixtures for new multifamily residential, commercial, industrial, mixed use, and public/quasi-public uses require Development Review approval by the designated approving authority pursuant to Chapter 25.02.001 Development Review. Such approval shall be granted in conjunction with required land use and development permits for a project.
2. Any retrofit or amendment to an existing site and/or building lighting that would have a measurable impact on abutting property or views from street right-of-way as determined by the Planning Director shall require Minor Development Review approval.
3. All outdoor lighting shall comply with the standards in Chapter 19.31 of the County Code. Where the standards in this section and Chapter 19.31 conflict, the more restrictive standard shall apply.

### **B. Exempt Lighting**

The following items shall be exempt from Minor Development Review requirements:

1. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas fixtures.
2. Temporary lights used for holiday decorations.
3. Lighting for temporary uses and special events permitted consistent with Chapter 25.02.004.

### C. Prohibited Lighting

The following types of lighting are prohibited, except when specifically approved through Development Review:

1. Neon or similar tubing or band lighting along buildings and/or structures as articulation, except as approved through Development Review.



*Neon or similar lighting as an architectural feature is prohibited unless specifically approved through a Development Review approval.*

2. Search lights, laser source lights, or any similar high-intensity light, except for emergency use by police or fire personnel at their discretion, or for lighting approved by the County for a temporary event or other purpose.
3. Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel.
4. Illumination of entire buildings, except for public, civic, and religious buildings.
5. Roof-mounted lighting except for security purposes.
6. Moving, flashing, or animated lighting.

### D. General Lighting Standards

The following standards shall apply to all outdoor lighting.

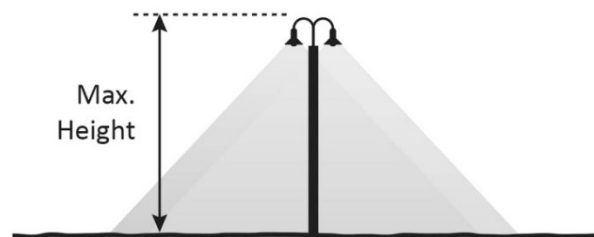
1. **Maintenance.** Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.
2. **Shielding.** Except as otherwise exempt, all outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties. Each fixture

shall be directed downward and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the site (see Figure 5.5-1 Shielding and Maximum Height of Freestanding Outdoor Light Fixtures, below).

3. **Level of illumination.** Outdoor lighting shall be designed to illuminate as needed for safety and security and to avoid the spillover of light onto adjacent properties.

Illumination standards in Residential, Commercial, and Industrial zones are as follows:

- a. Parking lots, driveways, trash enclosures/areas and group mailboxes shall be illuminated with a minimum maintained one (1) foot-candle of light and an average not to exceed four (4) foot-candles of light.
  - b. Pedestrian walkways in commercial and industrial zones shall be illuminated with a minimum maintained one-half (1/2) foot-candle of light and an average not to exceed two (2) foot-candles of light.
  - c. Athletic facilities may exceed the specified levels of illumination as needed. Measures shall be taken to minimize glare off-site.
4. **Maximum height of freestanding outdoor light fixtures.** The maximum height of freestanding outdoor light fixtures and related structures is limited as follows:
    - a. Eighteen (18) feet when abutting or within twenty-five (25) feet of residential zoning district.
    - b. No height limit for lights on public property when used to illuminate athletic fields.
    - c. Twenty-five (25) feet for all other lights.
    - d. Height shall be measured from the finish grade, inclusive of the pedestal, to the top of the fixture.



*Measuring the height of a lighting fixture.*

5. **Energy-efficient fixtures required.** Outdoor lighting shall utilize energy-efficient fixtures and lamps as required by the Building Code and the Green Code. Wherever feasible, solar powered fixtures shall be used.

6. **Accent lighting.** Architectural features may be illuminated by up lighting provided that the lamps are low intensity to produce a subtle lighting effect and no glare or light trespass is produced. In the Hollister Municipal Airport Influence Area, up lighting is not permitted.
7. **Signs.** Lighting of signs shall be in compliance with the Signs section of this code.
8. **Sports fields/outdoor activity areas.** Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that the light falls within the primary playing area and no significant off-site light trespass is produced. Lights shall be turned off within one (1) hour after the end of the event, and no later than 11:00 p.m.
9. **Alternative designs, materials, and installations.** The designated approving authority may grant approval of alternatives to this section as part of a Development Review process.

#### **E. Outdoor Lighting Plans Required**

1. **When required.** A preliminary outdoor lighting plan shall be submitted as part of each planning permit application, and a final plan shall be submitted as part of an application for a building permit for a new structure or an addition of 25 percent of the gross floor area, seating capacity, or parking spaces. A final outdoor lighting plan is required for all new outdoor lighting installations on commercial, mixed-use, multiunit residential, industrial, and institutional properties. The Director may request outdoor lighting plans from applicants for other types of projects due to location, size, or proposed use, as necessary.
2. **Plan content.** At a minimum, an outdoor lighting plan shall include the following:
  - a. Manufacturer specifications sheets, cut sheets, and other manufacturer-provided information for all proposed outdoor light fixtures to show fixture diagrams and outdoor light output levels;
  - b. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures;
  - c. If building elevations are proposed for illumination, drawings of all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illumination level of the elevations, and the aiming point for any remote light fixture;
  - d. Photometric data showing foot-candle readings every ten (10) feet within the property or site and ten (10) feet beyond the property lines.

## 25.07.013 Fences, Walls, and Screening

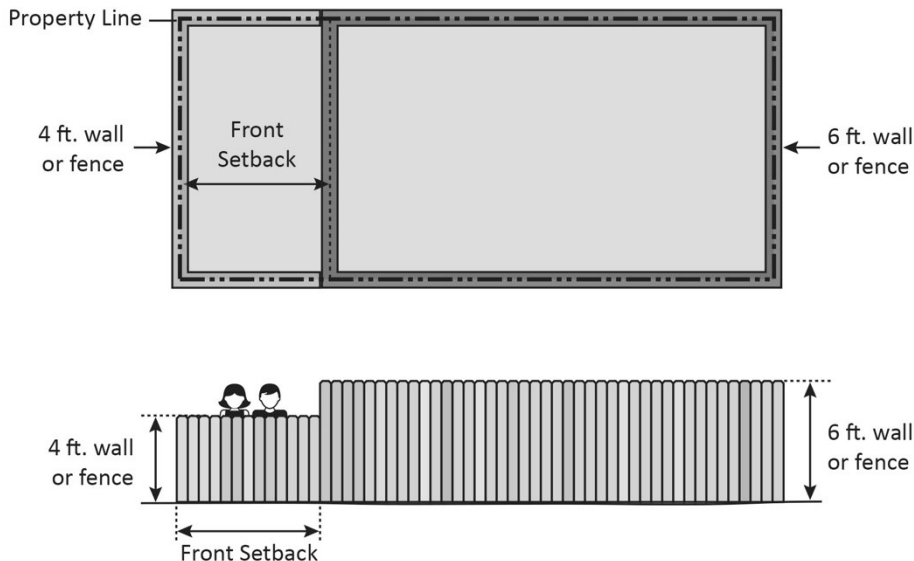
### A. Height Limits and Locations

For Residential zones, each fence, wall, and screen (including landscaping use as a screen) shall comply with height limits and locations shown in Table 25.07-J and the figure below.

Maximum height may be increased by the designated approving authority as part of Development Review.

Fences, walls, and screening are not required between land uses unless otherwise specified in this Code. Fences, walls, and screening must also be located outside of any public utility easement except as authorized by the applicable utility agency.

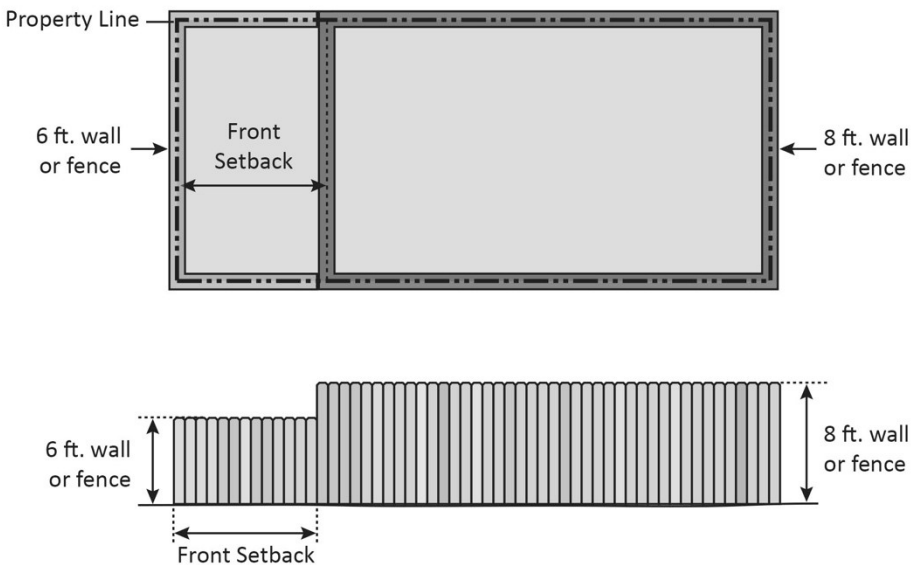
<b>Table 25.07-J</b>	
<b>Maximum Height of Fences, Walls, and Screening in Required Yard Area for Residential Zones</b>	
<b>Location of Fence/Wall/Screen</b>	<b>Maximum Height</b>
Required front yard	4 feet
All other locations on a residential lot or parcel except at intersections (see below)	6 feet
At intersections of streets, alleys, and driveways within the clear visibility area	See Chapter 23.33 for required dimensions of clear visibility area



For Commercial and Industrial zones, each fence, wall, and screen (including landscaping use as a screen) shall comply with height limits and locations shown in Table 25.07-K and the figure below.

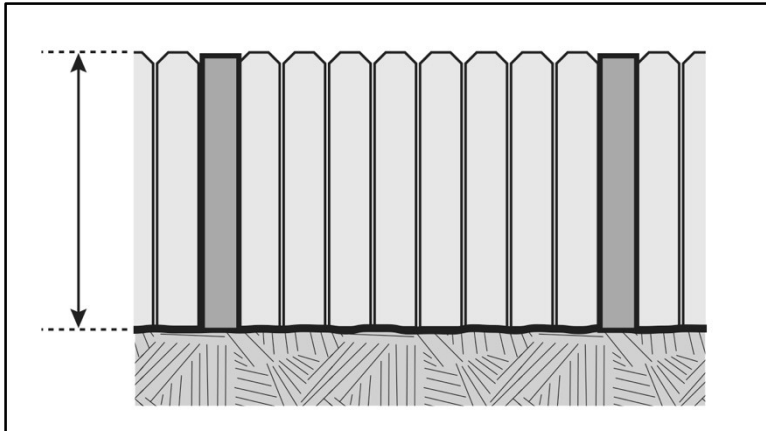
Maximum height may be increased by the designated approving authority as part of Development Review.

<b>Table 25.07-K</b>	
<b>Maximum Height of Fences, Walls, and Screening in Required Yard Area for Commercial and Industrial Zones</b>	
<b>Location of Fence/Wall/Screen</b>	<b>Maximum Height</b>
Required front yard	6 feet
All other locations on a lot or parcel except at intersections (see below)	8 feet
At intersections of streets, alleys, and driveways within the clear visibility area	Dimensions of clear visibility area and maximum height determined by Public Works



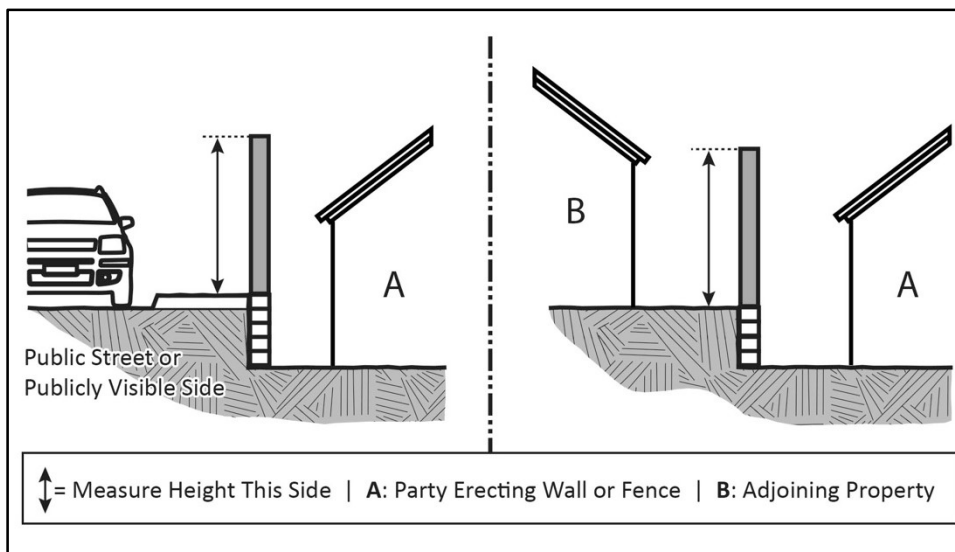
## B. Height Measurement

1. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence.



*Fence height is measured to the top edge of the fence.*

2. The height of fencing placed atop a wall shall be measured from the base of the wall, except as provided in 3, below.
3. The height of a fence or wall shall be measured on the side facing a public right of way or the lot or parcel adjacent to the lot or parcel of the person(s) erecting the fence or wall, as shown in the figure below.



*Fence height is measured from the side visible to the public (in the examples above, from the adjacent street)*

### C. Prohibited Materials

The following fence materials are prohibited in all Residential, Commercial, and Industrial zones unless approved through a Development Review or Conditional Use Permit process for security needs (i.e., an industrial user) or where required by the County or state or federal law or regulation.



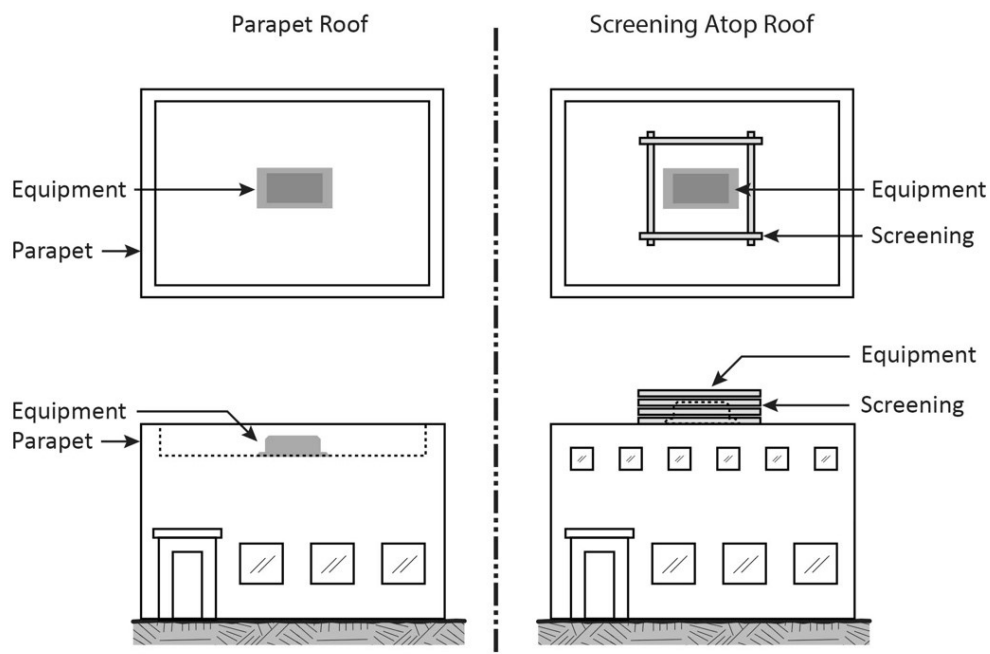
1. Barbed wire or electrified fence. Barbed wire and electrified fencing are permitted in Agricultural zones.
2. Razor or concertina wire in conjunction with a fence or wall, or by itself.
3. Chain link fencing in a required front yard or street side yard.

#### **D. Special Fencing and Screening Requirements**

This section establishes screening standards and special provisions for walls and fencing.

1. Screening
  - a. Screening between different land uses. The County encourages the integration and connection of compatible uses. To that end, contiguous barriers in the form of solid fences and walls, including soundwalls, should only be used between land uses when residential uses are located next to industrial uses or when necessary, as determined by the designated approving authority. When used, the screening shall meet the following standards:
  - b. The screen shall consist of a solid decorative wall of masonry or similar durable material or, in lieu of decorative masonry, the wall shall be covered with plant materials (e.g., ivy) or shall be blocked from view by landscape materials. The wall shall be a minimum of six feet in height, shall be architecturally treated on both sides, and shall comply with the height limitations listed in this section;
  - c. The decorative wall is subject to Minor Development Review approval;
  - d. A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall, except that a minimum of six feet of landscaping (with trees) shall be provided between a parking lot and a screening wall;
  - e. The designated approving authority may waive, or approve a substitute for, the requirements above if it is determined that:
    - i. The relationship of the proposed uses makes screening unnecessary or undesirable;
    - ii. The intent of this section is successfully met by alternative screening methods; and/or
    - iii. Physical characteristics and/or constraints on the site make required screening infeasible or unnecessary.
  - f. Screening of mechanical equipment. Mechanical equipment shall be screened as follows:

- i. All exterior mechanical equipment shall be screened from view on all sides;
  - ii. Screening on top of the equipment may be required by the designated approving authority if necessary, to protect views from a neighboring residential zone;
  - iii. Solar arrays subject to ministerial permits are exempt from this requirement.
- g. Screening of roof-mounted equipment. Roof-mounted mechanical equipment shall be screened in compliance with the following standards to ensure that roof-mounted equipment is not visible from an adjoining parcel or public roadway (see the illustration below):



- i. Screening materials may be solid concrete, wood, or other opaque material and shall effectively screen the mechanical equipment so that it is not visible from a public street;
  - ii. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural styles;
  - iii. Mechanical equipment must be screened from the perspective of the adjacent public streets, right-of-way and/or sidewalk.
- h. Screening of ground-mounted commercial antennas. Ground-mounted commercial antennas shall be screened with a fence, wall, or dense landscaping so that the antennas are less visible from the public right-of-way and to minimize the visual

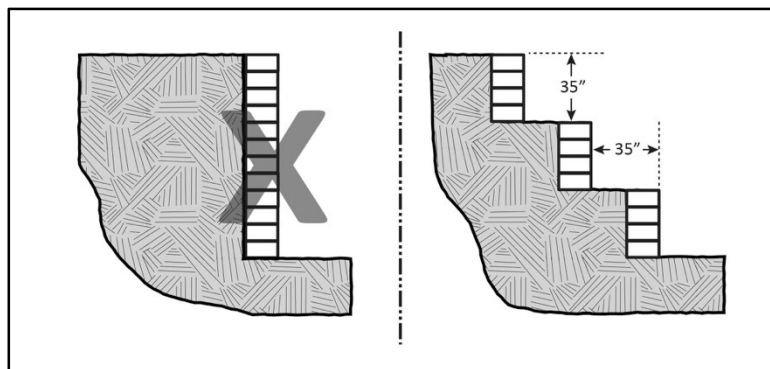
impact on abutting properties.

Building-mounted antennas shall be screened as follows:

- i. Wall-mounted equipment shall be flush-mounted and painted or finished to match the building, with concealed cables;
  - ii. Roof-mounted equipment shall be screened from view of public rights-of-way by locating the antenna below the roofline, parapet wall, or other roof screen and by locating the antenna as far away as physically feasible and aesthetically desirable from the edge of the building;
  - iii. Antennas shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area or building.
- i. Screening of commercial loading docks and refuse areas. Loading docks and refuse storage areas shall be screened from public view and adjoining public streets and rights-of-way and residentially zoned areas. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style. Exceptions may be permitted through Development Review for sites with unique characteristics (e.g., shallow lot depth, adjacency to single-family unit).
- j. Screening of trash enclosures/recycle containers. Trash receptacles (including recycling and green waste containers) shall not be stored within a required front or street side yard and shall be screened from view of the public right-of-way by a solid fence not less than four (4) feet in height. Exceptions to fence height standards may be granted by the designated approving authority to ensure proper placement and screening of trash receptacles.
- k. Outdoor equipment, storage, and work areas. Outdoor storage areas for materials other than plants shall be enclosed and screened from view from the public right-of-way and abutting property by a solid fence or wall a minimum of six (6) feet in height. All gates provided for ingress and egress in any required fence or wall shall be at least six feet in height and shall be of view-obstructing construction.
- l. Screening for special uses. The following uses shall be screened from abutting properties and the public right-of-way as provided below:
  - i. Automobile dismantling. Outdoor storage areas for automobile dismantling uses shall be screened from public view by a masonry wall no less than six feet tall and no more than fourteen (14) feet tall. Materials and goods stored in the yard area may not be stacked above the height of the enclosing wall. Those portions of walls fronting onto public rights-of-way shall be buffered by a minimum ten-foot-wide landscape area that includes a ground cover and

evergreen trees planted thirty (30) feet on center. The wall shall be covered with either graffiti-resistant paint or coating or with vines or other landscaping. The design of the landscaping (e.g., irrigation, planting) shall be consistent with the standards of the Landscaping section.

- ii. Junk tire facility. Junk tires shall be stored behind a visual screen fence no higher than eight feet tall and shall not be stacked higher than the top of the fence. Fences shall be required between a licensed junk tire facility and any adjoining parcel which has a more restrictive land use zoning designation.
- iii. Potable water storage facility. Potable water storage facilities shall be enclosed by a (6) six-foot-tall solid masonry wall and buffered from the public right-of-way by a minimum ten-foot-wide landscape planter that includes ground cover and evergreen trees planted (30) thirty feet on center. The masonry wall shall be covered in either graffiti-resistant paint or coating or with vines or other landscaping. The design of the landscaping (e.g., irrigation, planting) shall be consistent with the standards of Section 5.4 Landscaping, General Provisions.
- iv. Service stations. Service stations shall be screened from abutting residential zoning districts and uses by a solid (6) six-foot masonry wall along the property line between the service station and the abutting property, except that within the first (25) twenty-five feet from the street right-of-way line said wall shall not exceed (2.5) two and one-half feet in height.
- m. Retaining walls. An embankment to be retained that is over (48) forty-eight inches in height shall be benched so at the low side no individual retaining wall exceeds a height of (36) thirty-six inches above the finished grade and each bench has a minimum depth of (36) thirty-six inches.



*Retaining walls more than 48 inches high shall be stepped as shown above.*

- n. Swimming pools, spas, and similar features. Swimming pools/spas and other similar water features shall be fenced in compliance with the adopted Building Code.

- o. Temporary fencing. Temporary fencing may be required by the designated approving authority where necessary to protect trees or other sensitive features and the general public from construction activities during site preparation and construction. Temporary fencing shall be removed after (90) ninety days once construction is complete.
- p. Temporary security fencing. Temporary security fencing (including chain link) with a maximum height of (6) six feet may be installed around the property lines of vacant property with approval from the County.

## **25.07.014 Refuse and Recycling Areas**

### **A. General Requirements.**

- 1. In accordance with the California Solid Waste Reuse and Recycling Access Act of 1991 (Public Resources Code Sections 42900 through 42911), any project for which an application for a building permit is submitted after the effective date of this ordinance, shall include adequate, accessible areas for collecting and loading refuse and recyclable materials. These regulations apply to refuse and recycling areas not accessible to the public, and which are used exclusively by the tenants/owners of the development site.
- 2. In accordance with the California Waste Management Act of 1989 (Public Resources Code Sections 40050 through 40063) and San Benito County Municipal Code section 15.01.020, areas for recycling shall be adequate in capacity, number, and distribution to serve the development where the project occurs. These areas shall be located within, or as close as possible to, planned or existing exterior collection areas/enclosures.

### **B. Applicability.** The provisions of this Section apply to all development except the following:

- 1. Any project for which a building permit is not required from the San Benito County Planning Department;
- 2. All permits not related to the interior improvement of a building excluding new structures; and

### **C. Size and Location.** Refuse, including organic waste and fats, oils, and grease, and recycling collection areas shall be sized and located as provided below. Additional storage area and alternative designs may be required based on the types and quantities of materials to be generated by the proposed land use and the mode of collection. Additional design requirements may be applied for the purposes of preventing stormwater pollution discharges.

- 1. Size and Number. Refuse collection areas shall be adequate in capacity, number, and distribution to accommodate all trash, garbage, recyclables, and any other waste until such items are picked up by the County or its contracted collector.

2. Location.

- a. Refuse areas shall be located outside required yard and setback, parking or landscaped areas, or any other area required to be constructed or maintained unencumbered according to fire codes and other applicable building and public safety laws.
- b. Enclosures shall be located a minimum of (10) ten feet from any structure, (25) twenty-five feet from any public street, (15) fifteen feet from the edge of pavement of a private street and, in commercial areas, (25) twenty-five feet from any residential zoned property line. Placement of enclosures within these areas may be approved as part of a Development Review.
- c. Collection areas shall be no more than two hundred and fifty (250) feet from each living unit within a residential development.

**D. Security and Function Design Measures.**

- 1. Enclosure Required. Exterior collection areas must be within an enclosure that meets the following standards.
  - a. Minimum Height. (5) Five feet.
  - b. Design. The enclosure shall be designed to architecturally integrate with the adjacent building structure(s).
  - c. Exterior collection areas must be within an enclosure constructed of solid concrete or masonry wall.
  - d. Concrete curbs, bollard, or wheel stops shall be installed or constructed inside the enclosure to prevent bins from damaging the enclosure.
- 2. Enclosure Gates. The primary collection access point must be screened with a gate a minimum of five feet in height, made of steel or approved equivalent and detached from masonry, which is locked continuously except on collection days.
  - a. Enclosure gates must have a (4) four-inch clearance off the finished pad or apron and surrounding curbs.
  - b. Gates in the opened position shall not infringe on the traffic aisles and open to at least 135 degrees when secured open.
  - c. Hardware should be of enough strength to accommodate repetitive swinging.
  - d. Gated opening for ingress/egress of bins must be a minimum of (16) sixteen feet wide with no posts in the middle, place gate posts outside this span to avoid reducing the span.

- e. Gates must always remain closed except when being serviced by waste hauler.
  - f. Gate doors shall be provided a means to secure the doors both opened and closed, e.g. cane bolt w/sleeve and slide latch between doors and sleeve in pavement. The bolts should be a minimum ½ inch diameter and the sleeves for both should be a minimum of (1) one inch or double the size of the bolt to allow flexibility.
3. Protection from Bins and Vehicles. To prevent damage to the enclosure from bins or vehicles, the enclosure shall have bollards, painted to match adjacent wall (façade) color inside the enclosure, or interior concrete curbing, a minimum of six- inch-high and six-inch-deep, or wheel stops set a minimum of six inches from each wall.
  4. Covers. The refuse and recyclable materials in exterior collection areas shall be protected from the rain by a roof over the collection area or by use of covered receptacles/containers within the collection areas. Lids must always remain closed except when loading or unloading.

#### **E. Access Requirements.**

The storage area for refuse and recyclable materials must be accessible to pedestrians (both residents and/or employees) of the development site and to refuse and recycling haulers. Vehicle access requirements are as follows:

1. Driveways or travel aisles leading to exterior collection areas or enclosures shall be a minimum of sixteen feet in width and paved in accordance with this title's paving requirements.
2. Driveways or travel aisles shall provide unobstructed paved access for collection vehicles and provide a minimum of (15) fifteen feet vertical clearance. In loading areas, minimum overhead vertical clearance shall be (25) twenty five feet for loading operations.
3. A concrete apron or pad, having a minimum size of (10) ten feet wide by (20) twenty feet long, shall be constructed in front of each exterior collection area or enclosure or at the point of pick-up by the collection vehicle. The purpose of this pad is to prevent damage to the surrounding asphalt paving. The pad shall have a level surface (no slope) and shall be paved with concrete.
  - a. The Director may waive the requirement for, and/or size of, the concrete apron or pad provided the property owner can demonstrate that the existing asphalt located at the access and servicing areas of the refuse and recycling enclosure has withstood on-going, regular use without appreciable degradation. The property owner may also be required to enter into a private road agreement with the County as a condition to proving service.

#### **F. Signage.**

1. Signs shall be posted on each container for recyclable material, identifying which material shall be disposed of in that container.
2. One sign identifying each outdoor refuse and recycling area is required. Each sign shall not exceed four square feet and shall be posted on the exterior of the area adjacent to the access point. The sign shall also notify the public that unauthorized collection and/or scavenging is prohibited.

**G. Exceptions.**

The Director shall have the authority to approve exceptions, or consider modified design standards, to the requirements of this Section, for new development projects and projects involving the expansion or retrofit of an existing development. The property owner/applicant must first prove that he/she cannot meet the requirements for the refuse and recycling collections area as set forth in this Section and any other applicable Section.

1. Reasons for Exceptions. Exceptions may be approved for reasons including, but not limited to, the following:
  - a. The requirement to provide adequate space for refuse and recyclable materials storage and collection would necessitate the conversion or removal of required parking spaces or required landscaping, or would conflict with some other essential site improvement required by the County;
  - b. The nature of the proposed development justifies the provision of less recyclable materials storage and collection space than mandated by this Chapter; or
  - c. Construction of the full enclosure with the landscaping buffer would reduce the vehicular access aisle to less than acceptable width. Cost alone is not a valid reason for granting an exception.
2. Required Findings. Exceptions from any provision of this Section may be approved if the following findings can be made:
  - a. That the exception from these requirements will not be detrimental to public health, safety, or welfare nor result in a nuisance; and
  - b. That the project will provide adequate capacity, number and distribution of collection areas to serve the new or existing development.

## **25.07.015 Outdoor Storage and Display**

**A. Applicability**

Outdoor activities in Residential, Commercial, and Industrial zones shall be subject to the requirements of this section.



## B. Exempt Outdoor Activities

Outdoor activities associated with a permitted or conditionally permitted use in any Agricultural or Public/Quasi Public zone are exempt from the requirements of this section.

Per section 25.02.005 of this Code, garage and yard sales are exempt from this section.

## C. Outdoor Activities Permitted

1. Permanent outdoor display and sales. Permanent outdoor displays and sales are permitted per the allowed use tables of Chapter 25.03-F.



*Permanent outdoor sales are permitted per Chapter 25.03, but are prohibited in some zones.*

2. Temporary outdoor display and sales. Temporary outdoor display and sales shall require the issuance of a Temporary Use Permit.
3. Permanent outdoor storage. Permanent outdoor storage is permitted per the allowed use table 25.03-F.
4. Temporary outdoor storage. Temporary outdoor storage shall require the issuance of a Temporary Use Permit when it meets the requirements in section 25.02.004.
5. Storage of construction materials and equipment as part of an active construction site are exempt from the requirement for a Use Permit, provided a valid building permit or improvement permit is in effect and the materials and equipment are stored on the construction site pursuant to approved permit(s).

#### **D. Standards for Outdoor Display, Sales and Storage**

1. General development standards for all activities. The following development standards apply to all outdoor display, sales, and storage activities.
  - a. Location. Outdoor activities shall not be located within any public right-of-way (unless an Encroachment Permit has been issued), in required parking spaces, or within designed vehicle drive aisles, or within required landscape planter areas. Outdoor activities may also not disrupt or impede required pedestrian circulation paths as required by the Building Code.
  - b. Hours of operation. Except as otherwise provided, hours of active operation for outdoor activities shall be the same as those for the corresponding primary use;
  - c. Noise. Any noise generated by the outdoor activity shall be consistent with the County's Noise Ordinance, Chapter 19.39 of the County Code;
  - d. Signs. No additional business identification or advertising signs for the outdoor activity may be permitted above the maximum allowable sign area for the corresponding primary use, except when the outdoor activity is the primary use (e.g., Christmas tree lot).
  - e. Maintenance. Outdoor activity areas shall be kept free of garbage and other debris.
2. Standards for outdoor display and sales. The following development standards shall apply to all permanent and temporary outdoor display and sales activities.
  - a. Associated with the primary use. All outdoor display and sales activities shall be associated with the primary use of the property. Only those goods and services associated with the primary use may be stored, sold, or displayed. All outdoor display and sales activities that are independent of the primary use shall be considered their own primary use and regulated as such (e.g., seasonal sales as a temporary use requiring a Temporary Use Permit).
  - b. Maximum area. Unless otherwise approved in conjunction with development permits, the area used for permanent outdoor display and sales of materials shall not exceed 10 percent of the gross floor area of the corresponding commercial building. Vehicle and equipment sales and rentals (e.g., automobile, boat, RV, construction equipment, etc., provided storage and display is limited to vehicles offered for sale or rental only) are specifically exempt from this requirement, provided all other development standards are satisfied.
  - c. Time limit for temporary activities. See the provisions of Chapter 25.02.004 and 25.02.005 for Temporary Use and Temporary Event Permits for duration and permit requirements for temporary promotional sales.

3. Standards for outdoor storage. The following development standards shall apply to all permanent and temporary outdoor storage activities.
  - a. Location. Outdoor storage may not be located within any front or street side yard.
  - b. Height limitation. The height of stacked materials and goods shall be no greater than that of any building, wall, fence, or gate enclosing the storage area.
  - c. Screening. Screening of outdoor storage shall be consistent with the provisions of the Fences, Walls and Screens section of the Code.

## **25.07.016 Signs**

### **A. Purpose**

The purposes of this article are to:

1. Serve the public interests in aesthetics and safety;
2. Ensure through the regulation of signage that the integrity and nature of residential, agricultural, resource protection, public, commercial and industrial areas are protected from the indiscriminate and inappropriate proliferation of signs;
3. Ensure adequate opportunity for persons to exercise their right of free speech by display of signs;
4. Provide sufficient opportunities for identification of businesses, establishments, and residences;
5. Provide for signage which is informative in nature;
6. Protect and preserve the character of residential areas by prohibiting commercial signage in such areas, except as required by state law or applicable judicial decisions; and
7. Establish procedures to allow the continued use, maintenance and repair of nonconforming historic signs that preserve locally recognized values of community appearance or that reflect unique characteristics of development.

### **B. Definitions**

The following terms are used in this section. These terms are defined in the Glossary in Chapter 25.09 of this Title.

1. Banner
2. Beacon

3. Billboard
4. Building Marker
5. Change of Copy
6. Commercial Mascot
7. Commercial Message
8. Construction Sign
9. Director
10. Election Period
11. Establishment.
12. Flag Sign
13. Freestanding Sign
14. General Advertising
15. Marquee Sign
16. Non-Commercial Sign
17. Off-Site Sign
18. On-Site Sign
19. Pennant
20. Permit.
21. Person.
22. Portable Sign
23. Principal Building
24. Real Estate Sign
25. Setback
26. Sign

- 27. Soffit
- 28. Street Frontage
- 29. Structure Mounted Sign
- 30. Temporary Sign

**C. General Regulations**

This section applies to all signs and procedures within the regulatory scope of this article and to all provisions of this article and overrides more specific provisions to the contrary.

1. Compliance and permits. All signs within the regulatory scope of this article shall conform to the provisions of this article. No person shall erect, place, display or maintain any sign in violation of this article. A permit shall be required for any sign identified as requiring an administrative or use permit, unless the sign is expressly exempted from the permit required by a provision within this article.
2. Message neutrality. It is the County's policy and intent to regulate signs in a manner which is consistent with the speech freedoms of both the United States and California Constitutions. Notwithstanding the remaining sections in this chapter, this chapter shall in all instances be administered and enforced to be consistent with the law established by the Supreme Court in *Reed v. Town of Gilbert*, 573 U.S. 957 (2014). The RMA Director is authorized to grant administrative variances as necessary to ensure that this chapter is administered in a manner consistent with *Reed v. Town of Gilbert*. Furthermore, no enforcement of this chapter shall occur without the RMA Director's review and approval that such enforcement would not be impermissibly content based and would be consistent with federal and state constitutions and laws. The sign ordinance may be further changed as a result of the *Reed v. Town of Gilbert* case at a future date. All new signs shall be placed at owner's risk of future sign ordinance changes. This following notice shall be placed on all sign permits issued by the county:
3. Message substitution.
  - a) A non-commercial message may be substituted, in whole or in part, for any allowed commercial message or any non-commercial message, provided that the sign itself is legal without consideration of message content.
  - b) Any unused allowance for signage may be used for temporary display of any non-commercial message. When the new sign qualifies as a structure requiring a building permit pursuant to Title 21 of the San Benito County Code, a building permit must be obtained prior to construction or placement of the sign.
  - c) Substitution of any message may be made without any additional approval or permitting. The substitution right is on-going and continuous and may be utilized an

unlimited number of times.

d) This section does not:

- i. Create a right to exceed the total amount of permanent signage on a site or parcel;
  - ii. Create a right to substitute an off-site commercial message in place of an on-site commercial message, or in place of a non-commercial message;
  - iii. Affect the requirement that sign structure or mounting device be properly permitted; or
  - iv. Authorize changing the physical method of message display without any required permit.
4. Change of copy. For permanent signs that are attached to or mounted on real property, a new permit is not required for a change of copy. However, if a change of copy also includes a physical change to the structure or mounting device, then the change is subject to any applicable permit requirement as if it were a new sign. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter or other law), or the ownership of sign structures.
5. Billboards. The construction, erection or use of any and all billboards as defined herein, other than those which legally exist in the county, or for which a valid permit has been issued and has not expired, as of the date on which this provision, or when a prior version of this article containing a provision to the same effect, was adopted, is prohibited. The “change of copy” provision applies to properly permitted, legally existing billboards. To the extent consistent with state law, existing legal billboards may not be converted to a more visually intense method of image presentation, such as converting a flat static display to a moving animated or change image display. This prohibition does not prohibit or limit agreements to relocate presently existing legal billboards, as encouraged by state law including, but not limited to, Cal. Business and Professions Code § 5412.
6. Property owner’s consent. No sign may be displayed on private tangible property or other regulated land without the property owner’s consent.
7. On-site/off-site distinction. The on-site/ off-site distinction applies only to commercial messages and signs displaying commercial messages.
8. Mixed uses. For purposes of this article, wherever a parcel may be legally used for both residential and non-residential uses, all legal residential uses shall be treated as if they were located within a residential district, which would allow a residential unit of the same type (i.e., single family residence and/or multi-family residence), and all legal non-residential uses shall be treated as if they were located in a non-residential district allowing non-residential uses of the same type.

9. Temporary signs. Temporary signs on private property shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:
  - a. Term. A temporary sign permit shall allow the use of a temporary sign for a specified (100-day) one-hundred-day period.
  - b. Application. Applicant shall obtain a temporary sign permit prior to placement of signs.
  - c. Submittal. Application shall include location of sign(s), image or sketch of sign, time period for which the sign shall be in place and the signature of the applicant and owner(s) on the property or properties in which the sign(s) shall be placed.
  - d. Deposit. A security deposit for each sign shall be made available at the time of application for the temporary sign permit. The security deposit will be returned if evidence that the sign(s) have been removed the day after the 30 day time period. Should the sign(s) not be removed within the required time period, the deposit will cover costs for county staff to remove the sign(s).
  - e. Size. Temporary signs shall not exceed (32) thirty-two square feet in size.
10. All signs, banners, beacons, billboards, markers, and pennants shall comply with all applicable federal, state and local laws. No advertising displays, including but not limited to signs and billboards, may be placed or maintained in violation of state or federal law, including but not limited to the State of California's Outdoor Advertising Act. If any provision of the San Benito County Code conflicts with the State of California's Outdoor Advertising Act, state law shall prevail, except to the extent that this Chapter 25.29 lawfully sets forth a restriction or requirement equal to or greater than that imposed by state law as allowed by Cal. Business and Professions Code §§ 5230 - 5231.

#### **D. Regulations Applicable to all Signs**

1. Permit required. Permits are required as described in this article. A building permit is required for any sign that meets the definition of a structure requiring a building permit pursuant to Title 21 of the San Benito County Code.
2. Glare. When allowed, lighting of signs attached to structures shall be arranged so as not to produce a glare on other properties in the vicinity, and the source of light shall not be visible from adjacent properties or a public street.
3. General development plan. In addition to the regulation in this article, signs in commercial and industrial zoning districts are also subject to the general development plan provisions of the zoning district. A general development plan may establish a sign program that modifies size and location regulations, found in this article, for the applicable property; however, aggregate size limitations for the property shall not be modified by a general development plan. If a general development plan is not required, signs shall conform to

this article.

4. Height. Signs may be attached to a structure providing the sign does not project above the peak of the roof of the structure or above the parapet of the wall and are in conformance with all other applicable provisions of this article.
5. Mounting. Signs may be mounted below the soffit of a canopy, overhanging, or porch and may be perpendicular to the structure providing that they do not exceed 12 inches below the soffit or beam and maintain a minimum of eight feet vertical clearance along corridors or exit courts below.
6. Setback. Signs shall meet the rear and side yard setback requirements of the applicable zoning district. Front yard setback shall meet the following requirements:
  - a. Driveway and corner visibility. All signs shall be maintained in accordance with the provisions of this subsection. Signs shall not be located such that:
    - i. They interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;
    - ii. They conflict with overhead utility lines, overhead lights, or walkway lights; or
    - iii. They block pedestrian or bicycle ways.
  - b. Visibility at street corners and driveways connecting with a public street shall be maintained as an area of unrestricted visibility as follows:
    - i. For street corners. That area between three feet and ten feet above the driveway grade which lies (25) twenty-five feet from the intersection of the street rights-of-way measured along both the right-of-way lines;
    - ii. For driveways. That area between three feet and ten feet above the driveway grade which lies (15) fifteen feet from the intersection of the edge of the driveway and the property line measured along both the driveway and the property line;
    - iii. Exceptions. The Director of Planning and Building may allow exceptions to the unrestricted visibility for street corners and driveways, following a determination by the Public Works Administrator that such exceptions will not adversely affect sign distance or pose a hazard to motorist and pedestrians.

#### **E. Rules for Computation of Sign Area**

1. The area of a sign is computed by multiplying the height by the length of the sign, not including framework of the sign. The base or supporting structure of a sign shall not be considered part of the sign unless it is part of the message presentation.
2. The area of a two-sided back-to-back sign shall be computed by determining the area of



only one side.

3. The area of a two-sided or multi-faced sign, where the signs are not flat back-to-back, shall be computed by multiplying the height by the length of each sign face.
4. The area of signs which are composed of letters individually mounted or painted on a structure, without a border or frame enclosure, shall be computed from the smallest single parallelogram in which all the letters or words can be enclosed.
5. Time and temperature displays are considered part of the allowable sign display area and are subject to the same size and height rules as other aspects of a sign.
6. For establishments providing services to customers while in their vehicles, signs related to such services are allowed, but are counted in the aggregate allowed signage for the use. Drive-through establishment menu boards shall not be included in this calculation.

#### **F. Residential Zoning Sign Regulations**

1. Applicability. These regulations apply for commercial and non-commercial signs in the following zoning districts:
  - a. Single-Family Residential (R-1).
  - b. Multi-Family Residential (RM).
  - c. Planned-Unit Development (PUD).
2. Scope. In the zones subject to this section, the following sign types are allowed without permits, unless otherwise stated.
  - a. Nameplates and street address signs. These signs, when attached to or freestanding adjacent to the residential unit shall not exceed four square feet. If such sign is freestanding, then the height limit is six feet. If the sign is attached to a building, then the sign may not project above the roof line or parapet or a wall. One such sign is allowed per street frontage.
  - b. Real estate signs.
    - i. On site:
      1. The sign area will not exceed seven square feet.
      2. The height may not exceed six feet if freestanding. If attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
      3. The signs shall not be located within any road right-of-way.

4. The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.
- ii. Projects under construction.
    1. Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction. The sign may remain no later than:
      - a) The time of occupancy for the project;
      - b) At the time, a notice of completion or notice of acceptance is issued; or
      - c) In the case of new housing development when the sale closes on the last available unit.
    2. Construction signs are subject to the following standards:
      - a) There shall be no more than two temporary construction signs per lot.
      - b) The signs shall not exceed (24) twenty-four square feet in area.
      - c) The signs shall not be illuminated.
      - d) The height shall not exceed (6) six feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
      - e) The signs shall be stationary.
      - f) The signs shall not be located within or project over into any public right-of-way.
  - iii. Clustered residential signs. Apartment complexes, mobile home parks, residential condominium project and other clustered or multi-unit residential developments are permitted signs, subject to:
    1. There shall be no more than one sign per street frontage or two signs if the project has only one street frontage.
      - a) The signs shall not exceed (35) thirty-five square feet per street frontage, except stated in subsection (B)(4)(f) below.
      - b) The height shall not exceed (6) six feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.

- c) The signs shall be stationary.
  - d) The signs shall not be located within or project over or into any public right-of-way.
  - e) If the street frontage exceeds (300) three hundred feet on any street, one sign per (150) one-hundred and fifty feet of frontage shall be allowed; these signs are limited to (64) sixty-four square feet per frontage with no single sign exceeding (35) thirty-five square feet.
- iv. Appurtenant signs for non-residential uses in residential zones. Except as regulated elsewhere in Title 25, signs that are appurtenant to any allowed, non-residential use in any residential zone, not including construction signs and signs on clustered residential projects, may be displayed, subject to:
- 1. Maximum number and area. One sign up to (24) twenty-four square feet is allowed. An additional two signs (single or double-faced), with a maximum display area of up to (75) seventy-five square feet in the aggregate may be allowed subject to a sign permit in each case.
  - 2. Maximum height. The height may not exceed six feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - 3. The following signs are subject to a use permit:
    - a) Real estate/sale advertisement. Signs over (100) one hundred square feet for advertising the sale of parcels in a subdivision. Limit of two signs in each case.
    - b) Signs for non-residential uses in residential zones. Signs over (75) seventy-five square feet, and appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.

#### **G. Agricultural and Rural Zoning District Sign Regulations**

- 1. Applicability. These regulations apply for all signs in the following zoning districts:
  - a. Agricultural Rangeland (AR).
  - b. Agricultural Productive (AP).
  - c. Rural (R).
  - d. Rural Transitional (RT).

- e. Rural Residential (RR).
- 2. Scope. In the zones subject to this section, the following sign types are allowed without permits, unless otherwise stated.
- 3. Nameplates and street address signs. These signs, when attached to or freestanding adjacent to the residential unit shall not exceed four square feet. If such sign is freestanding, then the height limit is six feet. If the sign is attached to a building, then the sign may not project above the roof line or parapet or a wall. One such sign is allowed per street frontage.
- 4. Real estate signs.
  - a. On site:
    - i. The sign area will not exceed seven square feet.
    - ii. The height may not exceed six feet if freestanding. If attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
    - iii. The signs shall not be located within any road right-of-way.
    - iv. The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.
- 5. Projects under construction.
  - a. Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction. The sign may remain no later than:
    - i. The time of occupancy for the project;
    - ii. At the time, a notice of completion or notice of acceptance is issued; or
    - iii. In the case of new housing development when the sale closes on the last available unit.
  - b. Construction signs are subject to the following standards:
    - i. There shall be no more than two temporary construction signs per lot.
    - ii. The signs shall not exceed (24) twenty square feet in area.
    - iii. The signs shall not be illuminated.
    - iv. The height shall not exceed (6) six feet if freestanding, or if attached to a structure,

the sign may not be higher than the roof line or parapet of the wall.

- v. The signs shall be stationary.
  - vi. The signs shall not be located within or project over into any public right-of-way.
6. Clustered residential signs. Apartment complexes, mobile home parks, residential condominium project and other clustered or multi-unit residential developments are permitted signs, subject to:
- a. There shall be no more than one sign per street frontage or two signs if the project has only one street frontage.
  - b. The signs shall not exceed (35) thirty-five square feet per street frontage, except stated in subsection (B)(4)(f), below.
  - c. The height shall not exceed (6) six feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - d. The signs shall be stationary.
  - e. The signs shall not be located within or project over or into any public right-of-way.
  - f. If the street frontage exceeds (300) three hundred feet on any street, one sign per (150) one hundred-fifty feet of frontage shall be allowed; these signs are limited to (64) sixty-four square feet per frontage with no single sign exceeding (35) thirty-five square feet.
  - g. For non-residential uses, signs not over (20) twenty square feet and appurtenant to any permitted use except for those signs provided in sections B.1 and B.2 above.
7. The following signs are subject to a sign permit:
- a. Real estate/sale advertisement. Signs over (100) one hundred square feet for advertising the sale of or identification of products grown or legally produced on the property. Limit of two signs in each case.
  - b. Except as provided in sections B.3 and B.4 above, signs between (20) twenty and (75) seventy-five square feet appurtenant to any allowed use; provided, that the use is permitted may be divided into not more than three single-faced or double-faced signs.
8. A use permit is required for signs between (75) seventy-five and (300) three hundred square feet, appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.

## **H. Commercial and Industrial Zoning District Sign Regulations**

1. Applicability. These regulations apply to commercial and non-commercial signs in the following zoning districts:
  - a. Commercial Thoroughfare (C-1).
  - b. Neighborhood Commercial (C-2).
  - c. Business Park (BP).
  - d. Light Industrial (M-1).
  - e. Heavy Industrial (M-2).
2. Scope. In the zones subject to this section, the following sign types are allowed without permits, unless otherwise stated.
3. Nameplates and street address signs. These signs, when attached to or freestanding adjacent to the residential unit shall not exceed four square feet. If such sign is freestanding, then the height limit is six feet. If the sign is attached to a building, then the sign may not project above the roof line or parapet or a wall. One such sign is allowed per street frontage.
4. Real estate signs.
  - a. On site:
    - i. The sign area will not exceed seven square feet.
    - ii. The height may not exceed six feet if freestanding. If attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
    - iii. The signs shall not be located within any road right-of-way.
    - iv. The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.
5. Projects under construction.
  - a. Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction. The sign may remain no later than:
    - i. The time of occupancy for the project;
    - ii. At the time, a notice of completion or notice of acceptance is issued; or

- iii. In the case of new housing development, when the sale closes on the last available unit.
- b. Construction signs are subject to the following standards:
  - i. There shall be no more than two temporary construction signs per lot.
  - ii. The signs shall not exceed (24) twenty-four square feet in area.
  - iii. The signs shall not be illuminated.
  - iv. The height shall not exceed six feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - v. The signs shall be stationary.
  - vi. The signs shall not be located within or project over into any public right-of-way.
- 6. Sign area. Signs shall be permitted to have an area not to exceed one square foot for each one foot of structure frontage; provided, that any business establishment shall be allowed a sign of a minimum (50) fifty square feet and no more than (300) three hundred square feet; and further provided, that the area permitted may be divided into not more than six single-faced or double-faced signs; said formula shall apply to each street frontage.
  - a. A sign permit is required for real estate signs between seven and (32) thirty-two square feet. The height may not exceed six feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line of or parapet of the wall.
  - b. The following signs are subject to a use permit:
- 7. Real estate/sale advertisement. Signs over (100) one hundred square feet for the advertising the sale of parcels in a subdivision. Limit of two signs in each case.

**I. Signs Within a Designated Scenic Highway**

For sign regulations near designated scenic highways, see Chapter 25.08.027 of this Title.

**J. Exempt Signs**

The following signs are exempt from permit requirements, subject to the rules stated in this section:

- 1. Traffic control and safety signs, including those on roads and highways, waterways, airports, and at railroad crossings.
- 2. Signs required or authorized by federal, state or county law or authority, including but not limited to all legally required public notices, court orders, and announcements

authorized by courts and public officials.

3. Images that are painted on or attached to the surface of an automobile, truck, airplane or boat, in motion, idle or parked temporarily in a designated parking space; and that do not constitute general advertising or advertising for hire.
4. Signs that provide functional information and warning about utilities and safety matters, including but not limited to telephone access, entrance and exit, danger-high voltage, dump stations, restroom identification, brake and smog certification, smoking and dress code rules, traffic and parking directions, gasoline grades, and the like, provided that such signs do not exceed four square feet in display surface area each.
5. Signs prohibiting trespassing and hunting, provided that they do not exceed two square feet in area each.
6. Advertising signs on buses and taxis in motion, idle or parked temporarily in a designated parking space.
7. Directional, warning or identification signs not exceeding two square feet in area for petroleum drilling and extraction activities.

**K. Prohibited Signs**

The following signs are prohibited in all zoning districts:

1. Any sign or device which is an imitation of or resembles an official traffic control device or which attempts to direct the movement contrary to the rules set by traffic officials, or which hides from view any official traffic control device.
2. Advertising signs that include the words "Stop," "Look," "Listen," or any other word, phrase, symbol, lights, motion, sound, fumes, mist, or other effluent that may interfere with, mislead, or confuse the driving public.
3. Permanent structure signs which rotate, move, present moving images or the illusion thereof or flashes, scintillates, or utilizes animated illumination.
4. Devices which are inflatable or activated by wind, air, forced gas, whether free floating or tethered to the ground, and which are used for commercial advertising messages. This rule does not apply to inflatable gymnasiums used for parties, or to displays used in parties.
5. Moving or rotating signs, pennants, or banners.
6. Signs extending above roofs, and roof signs, except where specifically provided for under the provisions of this article for signs attached to structures.



7. Any other advertising device attached to a structure, fence, pole, or vehicle on display not specifically authorized by this article.

#### **L. Special Sign Regulations**

1. Electronic time and temperature signs as part of an allowed on-site sign are allowed as regulated by this article as to height and size.
2. Exit, entrance, or other on-site traffic directional signs are allowed, provided that the signs do not exceed six feet in height and contain no advertising or message other than for traffic directions. Signs may be attached to a structure providing the sign does not project above the roof of the structure.
3. Special signing required for drive-in windows for drive-in restaurants, banks or similar businesses are permitted, provided the sign copy is necessary for information, instruction, or directions and is specifically related to the special use.

#### **M. Non-Conforming Signs**

Existing signs that are rendered non-conforming by this article shall be subject as follows:

1. The enlargement, extension, reconstruction or structural alteration of a non-conforming sign may be allowed if the enlargement, extension, reconstruction or structural alteration conforms to all regulations of the district in which it is located.
2. Ordinary maintenance and repairs, including structural repairs and foundations, may be made to any sign which is non-conforming as to height or setbacks or to a sign used for a legal non-conforming use, provided:
  - a. No structural alterations are made; and
  - b. Such work does not exceed 50% of the estimated replacement cost of the structure in a one-year period. Additional maintenance and repair in a one-year period is allowable subject to the issuance of a use permit in each case.
3. No legal non-conforming sign shall be moved in whole or in part to any other location unless every portion of such sign which is moved is made to conform to all the regulations of the district in which it is located.
4. Notwithstanding the above, no sign shall be removed by the County of San Benito, or is otherwise required to be removed by virtue of this chapter, until and upon such time as the county fully complies with Cal. Business and Professions Code §§ 5412 *et seq.* Until such time, signs subject to Cal. Business and Professions Code § 5412 shall have the temporary status of a “legal non-conforming sign.”

## **N. Sign Procedures**

1. Scope. This section applies to all signs that maybe erected, maintained or displayed.
2. Purpose of permitting. All permitting and approval processes required by this article are intended to ensure compliance with this article and various safety codes, as well as to prevent the loss of time, effort, materials and investment which might otherwise be invested in an illegal sign.
3. Application for a sign permit. Any person seeking a permit or design approval for a sign shall submit to the Planning and Building Department a written application for such permit for a sign permit or a use permit, respectively. The application shall be processed according to the applicable provisions of the San Benito County Code.
4. Multiple sign applications. When an application proposes two or more signs on one parcel, the application may be granted or denied either in whole or in part, with separate decisions as to each proposed sign. When a multiple sign application is denied in whole or in part, the county's decision shall specify the grounds for each such denial.
5. Sign which is part of a large project. When approval is sought for a development that includes one or more signs, the sign aspects of the proposed development must satisfy the applicable provisions of this article.
6. Appropriate authority. The Director of Planning and Building is authorized and assigned the responsibility for administering all provisions of this article.
7. Right to permit or to display. When any sign permit application complies fully with all applicable provisions of this article, and all other applicable laws, rules and regulation, the permit shall be approved and issued, unless a change of relevant law or policy is pending. In the case of signs that are expressly exempt from the permit requirement, there is a right to erect, display and maintain such signs as are authorized by this article, subject to the applicable regulations.
8. Discretionary approvals.
  - a. When a sign is subject to a discretionary permit, discretion may not be exercised as to the message content or graphic design of the message.
  - b. Factors to be considered in sign decisions shall include location of buildings, topography, vegetation, sign structures, speed of travel on adjacent roadways, sight visibility, visibility to access ramps, scale and mass of the sign, and the effective utility of the sign. In applying these factors, the county shall not act as an art jury as to the graphic design on the display face of the sign.
9. Safety codes. When a sign qualifies as a structure requiring a building permit pursuant to Title 21 of the San Benito County Code, a building permit shall also be required.

10. Application costs. The following costs shall be applied to signs requiring a permit:

- a. Temporary signs. These signs shall be subject to an application and deposit fee. The deposit amount can be collected once evidence of the temporary sign(s) have been removed by the date indicated on the application. If the sign(s) have not been removed by the date indicated on the application, then the deposit covers the cost of removal of the sign by county staff.
- b. Sign permits. A deposit shall be provided upon submittal of the application. Any reimbursement of the deposit shall be made at issuance of the notice of decision. Planning staff's hourly rate is provided in Ordinance 833, adopted on January 6, 2009 by the San Benito County Board of Supervisors.
- c. Use permits. A sign requiring a use permit application shall be subject to the fee indicated in Ordinance 833, adopted on January 6, 2009 by the San Benito County Board of Supervisors.

#### **O. Appeals and Administration**

1. Appeal. Sign permits or use permit decisions rendered under this article may be appealed pursuant to Chapter 25.01.006 of this Code.
2. Administrative interpretations.
  - a. All interpretations of this article are to be exercised in light of the county's message neutrality and message substitution regulations stated in this section.
  - b. Where a particular type of sign is proposed in a permit application, and the type of sign is neither expressly allowed nor prohibited by this article, or whenever a sign is not a structure as defined, pursuant to Title 21 of the San Benito County Code, the Director of Planning and Building shall approve, conditionally approve or disapprove the application based on the most similar type, using physical and structural similarity, that is expressly regulated by this article, in light of the purposes of this article.
  - c. Status quo. During the pending period of any review or appeal, the status quo of the subject sign(s) shall be maintained. This does not apply whenever a sign, by virtue of its physical conditions, constitutes a significant immediate threat to public safety.
  - d. Judicial review. Following a final decision by the county, including all appeals, any concerned person may seek judicial review of the final decision on a sign permit application pursuant to Cal. Code of Civil Procedure § 1094.5, in conjunction with § 1094.6 or § 1094.8 as applicable.
  - e. Non-communicative aspects of signs. All rules and regulations concerning the non-communicative aspects of signs, including, but not limited to, location, size, allowable enforceable independently of any permit or approval process.

- f. Signage rights and duties. The legal rights and duties relating to permanent signs are attached to and travel with the land and are not personal in nature. This provision does not affect a sign owner's right to remove a sign from one location and apply for a permit to mount it in another location subject to the rules applicable in the new location.

**P. Enforcement**

The provisions of this article shall be enforced, pursuant to Chapter 1.03 of the San Benito County Code or other applicable provisions of state law.

**Q. Severability**

If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this article.

## **25.07.017 Hillside/Ridgeline**

**A. Intent and Purpose**

The purpose of this article is to encourage design excellence and high quality projects that will: maintain existing rural character, conserve landforms and natural landscape, preserve wildlife habitats, protect/preserve viewsheds, ensure that developments are designed to fit with the characteristics and constraints of the site, and to protect life and property from sites that are constrained by slope stability, landslide hazard, fire hazard, and fault zones.

The Board of Supervisors recognizes that the hillsides and ridgelines within the County of San Benito are a unique resource. Therefore, the Board of Supervisors, through the provisions herein contained, desires, and intends to preserve and protect the ridgeline and hillside areas by regulating development that would degrade these areas.

**B. Applicability**

Except as otherwise provided herein, the provisions of this article shall apply to all proposed new residential land uses, buildings, structures, or building additions which require a building permit and which are located on slopes greater than 15% or meet all of the following criteria:

1. Located along the viewshed corridors of Highway 101, Highway 156, Highway 25 north of Panoche Road, and Fairview Road; and
2. Located at an elevation of (200) two hundred feet or higher above the identified viewshed corridor; and
3. Located in a place that is visible from the nearest point along said viewshed corridor and one and one-half miles in either direction along the viewshed corridor.

This article does not apply to any agricultural use permitted by right in any agricultural zone district or to any land within the boundaries of the adopted Santana Ranch Specific Plan, as approved by the Board of Supervisors on November 2, 2010, or the adopted Fairview Corners Specific Plan, as approved by the Board of Supervisors on November 6, 2012, said areas having been classified as Areas of Special Study prior to the effective date of the ordinance codified in this title.

**C. Development Prohibited on Steep Slopes and Near Ridgelines**

1. Residential and urban development on hillsides with 30 percent or greater slope is prohibited.
2. Development within (100) one hundred vertical feet of any ridgeline is prohibited unless there are no site development alternatives.

**D. Hillside/Ridgeline Design Review Required**

1. For all proposed new residential land uses, developments, buildings, structures, or building additions located in the subject to this section, the property owner shall submit to the County Planning Department a request for design review approval for each structure(s).
2. In order for the Planning Department and Planning Commission to make a determination on each proposed structure, staff or the Planning Commission may require the applicants to submit information for review including but not limited to: story pole analysis, landscaping plans, color palettes, grading plans, elevations and photo representations of the proposed structure.



*"Story poles" are used to show the general outlines of a proposed structure.*

3. All design review applications in the area subject to this section shall be reviewed and approved by the Planning Commission, with notice to neighboring property owners.

#### **E. Hillside/Ridgeline Design Criteria**

Approval or denial of a design review application shall be based upon the general findings for design review approval in Chapter 25.02.001 of this Title and the following criteria:

1. The location of structure(s) reasonably balances the need for grading, visual impact of such structures and the views from such structures;
2. Adequate landscaping is installed necessary to assist in mitigating the visual impact of structures;
3. Colors proposed for structures are consistent with the requirements of these conditions;
4. The height of structures balance visual impacts, architectural design, and ensure that structures are consistent with any proposed mitigation measures set forth in the environmental document.
5. The above criteria shall be reasonably interpreted to balance the interests of the community and property owner, and should be interpreted without imposing arbitrary limits on height, size or other design characteristics, but rather to ensure that each lot is developed in accordance with its unique location, topography, and vegetation, and to incorporate reasonable hillside mitigation measures, such as landscaping, building material(s) and color palettes and which ensure the property owner(s) of the reasonable use and enjoyment of their property.

#### **F. Definitions**

The following are hillside-related terms, defined in the Glossary in Chapter 25.09 of this Title.

1. Access Road
2. Accessory Structure
3. Average Slope
4. Balance
5. Constraint
6. Contour
7. Contour Grading
8. Cut

9. Cut and Fill
10. Cut-Off Standards
11. Decision Making Body
12. Density
13. Director
14. Driveway
15. Emergency Access
16. Erosion
17. Export
18. Fill
19. Finish Grade
20. Floor Area, Gross
21. Floor Area Ratio (FAR)
22. Grading
23. Hardscape
24. Hillside Lot
25. Intensity of Development
26. LRDA (Least Restricted Development Area)
27. Manmade Slope
28. Minimal Grading
29. Natural Slope
30. Net Lot Area
31. Pad
32. Remodel

- 33. Ridgeline
- 34. Riparian Corridor
- 35. Scar
- 36. Site Analysis
- 37. Slope
- 38. Slope Density Formula
- 39. Slope Transition
- 40. Viewing Area

**G. Conflicting Regulations**

In the event of conflict between the provisions of these hillside development regulations and any other regulations applicable to the same property and proposed use thereof, the more restrictive provisions shall govern.

**H. Violations and Enforcement**

It shall be unlawful to construct or remodel any building located within a sensitive viewshed area in violation of these hillside development regulations. Any construction or remodel contrary to the provisions of these hillside development regulations is unlawful and a public nuisance and shall be abated, eliminated, and enjoined as provided in Chapter 1.03 (Code Enforcement) of the County Code.

**I. Appeal**

Any person aggrieved by any decision of the Director of Planning may appeal said decision as provided for in section 25.01.008 of this Code.

**25.07.018 Tree Protection**

**A. Purpose and Intent and Findings**

The purpose of this section is to protect trees, which in the judgment of the County provide numerous aesthetic, economic, and functional benefits.

**B. Definitions**

The following terms used in this section are defined in the Glossary in Chapter 25.09 of this Title.



1. DBH
2. Destroy or Destruction.
3. Developed
4. Drip Line.
5. Person.
6. Protected Zone.
7. Removal/Remove.
8. Serious Harm.
9. Tree.
10. Trees of Special Protection.
11. Yard

**C. Permit Required; Application Requirements**

1. No person shall trench, grade or fill within the dripline of any tree or destroy, kill, remove, or seriously harm, any tree, as defined, in the designated "protected zone" (e.g. R1 and RM zones) of the unincorporated area of San Benito County, on any property, whether public or private, without a permit.
2. All tree removal permits shall remain valid for one year from the date of permit issuance. An additional one-year extension shall be granted upon receipt of a written request from the permit applicant.
3. The application shall contain the number, species, size and location of protected tree(s) to be affected and a brief statement of the reason for action as well as any other pertinent information the Director may require.

**D. Approval Authority**

1. The Planning Director may approve or deny applications for tree removal permits.
2. When a permit application requests the removal of three or more trees or when the permit application is associated with a project that will be heard by the Planning Commission, the Planning Director may schedule, with the consent of the Chair of the Planning Commission, the permit request to be heard directly by the Planning Commission.

3. Approval or denial shall be based on the factors established in this section. Decisions shall include a written statement of the reasons for approval or denial.

**E. Review, Determination and Findings**

1. The Director may approve the removal of one tree per parcel every five years without making the findings set forth in sections 2 or 3, below, except for any "trees of special protection" as defined in this article.
2. Except as provided in 1, above, the approving authority shall take into account the following factors in determining what action to take upon the permit application:
  - a) The condition of the tree with respect to disease or damage, imminent danger to human life or safety, imminent danger to property, proximity to existing or proposed structures, and interference with utility services where the problem cannot be corrected by pruning.
  - b) The potential impact the removed tree or trees may have upon adjacent trees (i.e. increased windthrow). Where appropriate, removal may necessitate an assessment of potential impacts upon adjacent trees by a certified arborist or forester, along with the development of mitigations to lessen such impacts.
  - c) The required action is necessary to allow reasonable economic or other enjoyment of the property.
  - d) The topography of the land and the effect of the proposed tree removal upon erosion, soil retention, and the diversion or increased flow of sediment.
  - e) The number, species, size, and location of existing trees in the area, and the effect the proposed removal would have upon shade, privacy impact, scenic beauty, and property values of the area.
  - f) The historical significance or value of the tree to the community, including but not limited to factors such as its service as part of a windbreak system, its assistance in drainage or in the avoidance of soil erosion, its service as a component of a wildlife habitat, or its role in maintaining the existing urban forest.
  - g) The type of tree to be removed.
  - h) The tree has caused sewer/sidewalk or other property damage.
  - i) Whether removal of the tree is necessary to take reasonable advantage of views.
  - j) The acceptance of mitigation measures, such as whether the tree will be replaced by planting a replacement tree.

## F. Exemptions

This article shall not apply to any of the following:

1. Vegetation that does not meet the definition of "tree"
2. Trees which are not in the "protected zone."
3. Trees damaged by thunderstorms, windstorms, floods, earthquakes, fires or other natural disasters and determined to be dangerous by a peace officer, fireman, civil defense official or code enforcement officer in their official capacity.
4. Trees whose removal is determined necessary by Fire Department personnel actively engaged in fighting a fire.
5. Trees planted, grown and/or held for sale as part of a licensed nursery business;
6. Trees which require maintenance or removal action for the protection of existing electrical power or communication lines or other property of a public utility, as determined by the Public Utility, its employees, or designee(s).
7. Trees determined to be an imminent threat to public health, safety, or welfare, or to property, as determined in writing by the Director of Planning and Building Services or the Public Works Director or their designees.
8. Trees located within existing or proposed public rights-of-way where their removal or relocation is necessary to obtain adequate line-of-sight distances, or removal would benefit roadway usage (i.e. road widening, sidewalk installation, and the like) as determined by the Director of Public Works or his or her designee.
9. Trees removed pursuant to a permit issued by a state or federal regulatory agency, including but not limited to the California Department of Fish and Wildlife, such as when work is being performed in a waterway to prevent floodway restriction.
10. Trees whose removal is determined necessary by a Certified Arborist because the tree is diseased or has received insufficient water to the degree that it is reasonably unlikely that the tree can be fully restored to a condition of good health. The report of the Certified Arborist must be provided to the County. The County may request the opinion of a second arborist. If the applicant refuses to allow the County Arborist to examine the tree, then the applicant may not utilize this exemption.
11. Trees which are removed as part of a development project that has been considered under CEQA, and (a) the project considered the removal of designated trees, or (b) the removal of trees is contained in a landscape plan submitted in compliance with a condition of approval for the approved project.

12. Any tree whose trunk is fully located within the boundaries of fully fenced rear yard or side yard on a developed residential parcel. This exemption does not apply to those "trees of special protection."

#### **G. Penalty for Violations**

1. Violations Are an Infraction. Any person violating any provisions of this article is guilty of an infraction and, upon conviction thereof, shall be punished as provided in Chapter 1.03 of this Code and/or state law. Each breach of this article shall constitute a separate violation punishable as set forth below. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

#### **H. Enforcement**

1. Violations are an Infraction. Any person violating any provisions of this article is guilty of an infraction and, upon conviction thereof, shall be punished in Chapter 1.03 of this Code and/or state law. Each breach of this article shall constitute a separate violation punishable as set forth below. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
2. Repair/Replacement. Any person who causes a tree to be destroyed, removed, seriously harmed, or killed, in violation of this article shall repair or replace any such tree at the violator's sole cost and expense, and as directed by the county.
3. The Director of Public Works and the Planning Director have the joint responsible for enforcement of this article.
4. The Code Enforcement Officer, and/or any peace officer, shall be empowered to enforce the provisions of this article and shall be authorized to issue citations to violators.

#### **I. Fees**

Any person requesting a permit issued pursuant to this article shall pay an application fee as established by the County.

## 25.08: Standards for Specific Uses and Areas

### 25.08.001 Introduction

This Chapter establishes development standards specific to a variety of uses and for specific areas which require the application of special development standards. These are in addition to the basic development standards for all uses in the various zones and are intended to replace the basic standards for these specific uses.

### 25.08.002 Accessory Dwelling Units and Innovative Housing

#### A. Purpose and Intent

This section establishes regulations and a ministerial review process for Accessory Dwelling Units. Accessory Dwelling Units are intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.



*Example of an Accessory Dwelling Unit, in this case detached from the primary dwelling.*

## **B. Applicability**

This section applies to all Accessory Dwelling Units, including Junior Accessory Dwelling Units, as defined. Accessory dwelling units are permitted by right in any zoning district which permits single-family or multi-family homes.

## **C. Relationship to General Plan and Zoning**

Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit which conforms with the requirements of this Chapter shall be deemed to be consistent with the General Plan designation and zoning for the parcel, regardless of any limitations on residential density imposed by the General Plan or zoning.

Accessory Dwelling Units shall not be counted when determining residential density for conformance with General Plan or Zoning.

## **D. Permits and Approval**

1. Ministerial Action. Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is a ministerial action and subject to compliance with the standards in this Section and all other applicable codes.
2. Building Permit. All Accessory Dwelling Unit or Junior Accessory Dwelling Units shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally. No other Planning-related permit is required.
3. Issuance of Permit. The County shall issue a building permit within (60) sixty calendar days from the date on which the County received a completed application, unless either.
  - a. The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or
  - b. The application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted with an application to create a new single family dwelling unit on the parcel. The County may delay acting on the Accessory Dwelling Unit application until such time as the new single family dwelling unit is approved.

## **E. ADU Terms and Definitions**

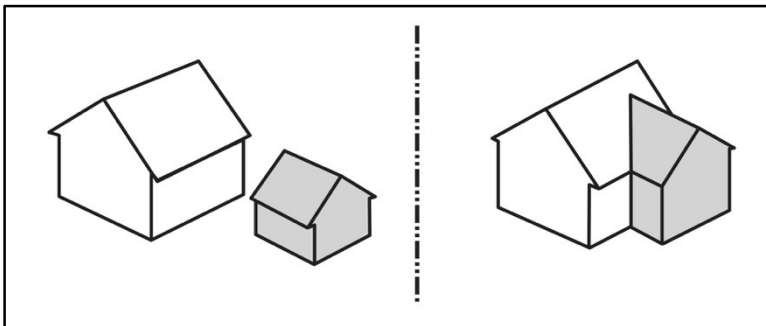
The following terms are used in this section. For definitions, see the Glossary in Chapter 25.09.

1. Accessory Dwelling Unit.
2. Accessory Structure.

3. Car Share.
4. Efficiency Kitchen.
5. Efficiency Unit.
6. Independent Living Facility.
7. Living Area.
8. Passageway.
9. Primary Dwelling.
10. Public Transit.
11. Single-unit, Two-unit, and Multi-unit.
12. Tandem Parking.

**F. Types of Accessory Dwelling Units**

1. Accessory Dwelling Units, Attached and Detached



*Accessory Dwelling Units can be detached from (left) or attached to (right) the primary unit.*

- a. Attached. An Accessory Dwelling Unit that is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or ceiling. An Attached Accessory Dwelling Unit can be created by converting a portion of an existing primary dwelling, by constructing a new primary dwelling which includes an Accessory Dwelling Unit, or by constructing an addition to an existing primary dwelling.



*Example of an Accessory Dwelling Unit (right side) attached to the primary dwelling.*

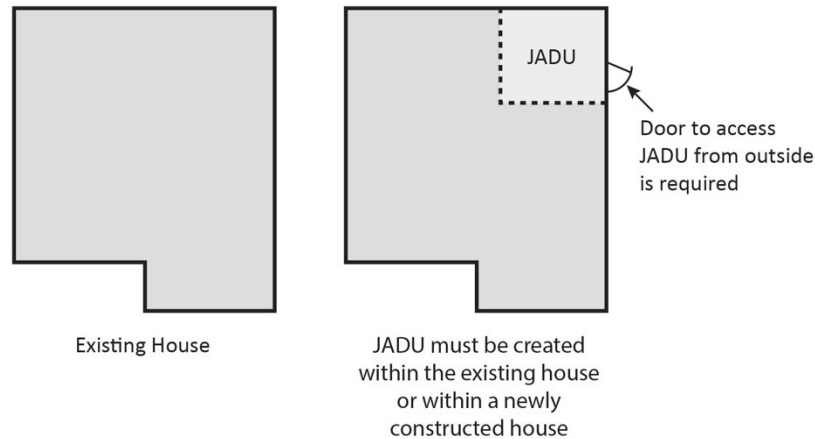
- b. Detached. An Accessory Dwelling Unit that is physically detached or separated from the primary dwelling. Detached includes a second-story addition above an existing detached structure. A Detached Accessory Dwelling Unit can be new construction or the conversion or expansion of an existing structure.



*Example of an Accessory Dwelling Unit detached from the primary dwelling.*

- 2. Junior Accessory Dwelling Unit. An attached Accessory Dwelling Unit that is a unit that meets specific criteria as specified below.
  - a. Maximum of 500 square feet in size.
  - b. Contained entirely within the existing footprint or area a single-unit primary dwelling (see illustration below).





- c. Has a separate entrance from the main entrance to the primary dwelling.
- d. Has a bathroom that is either in the Junior ADU or in the primary dwelling.
- e. Includes an efficiency kitchen.

**G. Number of Accessory Dwelling Units on Lots or Parcels Which Allow Single-Family Homes**

The following number of Accessory Dwelling Units apply in all zoning districts that allow single family homes as a permitted use:

- 1. One attached or detached Accessory Dwelling Unit shall be allowed on a parcel with one primary dwelling unit.
- 2. One Junior Accessory Dwelling Unit shall be allowed on a parcel with primary dwelling.
- 3. Up to one attached or detached Accessory Dwelling Unit and one Junior Accessory Dwelling Unit shall be allowed on a single parcel.

**H. Number of Accessory Dwelling Units on Lots or Parcels Which Allow Multi-Family Homes**

The following number of Accessory Dwelling Units apply in all zoning districts that allow multi-family homes as a permitted use:

- 1. Attached Accessory Dwelling Units.
  - a. At least (1) one attached or up to (25) twenty-five percent of the number of the existing multi-family units shall be allowed as Attached Accessory Dwelling Units in an existing multi-family development.
  - b. Attached Accessory Dwelling Units in a multi-family development may be created only through the conversion of parts 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.

2. Detached Accessory Dwelling Units. Up to (2) two detached Accessory Dwelling Units shall be allowed on a parcel with one or more multi-family structures, subject to compliance with the development standards for Detached Accessory Dwelling Units in this Chapter.

#### **I. Development Standards for Attached and Detached Accessory Dwelling Units**

##### **1. Attached Accessory Dwelling Units**

- a. Location. Shall be located on the same lot or parcel as a primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling (above or below the primary dwelling unit).
- b. Size. The total floor area of an Attached Accessory Dwelling Unit shall not exceed 1,500 square feet or 50% of the size of the primary dwelling unit, whichever is less. This limit does not include up to (150) one hundred-fifty square feet of area added to the primary dwelling for the sole purpose of providing access to the Accessory Dwelling Unit.
- c. Setbacks.
  - i) Front yard setback: Per the zoning district standard for the primary dwelling.
  - ii) Side yard: Four (4) feet.
  - iii) Rear yard: Four (4) feet.
- d. Height. Per the zoning district standard for the primary dwelling.
- e. Access. An attached Accessory Dwelling Unit shall have direct exterior access separate from the main entrance to the primary dwelling.
- f. Design. Accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.
- g. See subsection K, below, for parking requirements.

##### **2. Detached Accessory Dwelling Unit Development Standards**

- a. Location. Shall be located on the same lot or parcel as a primary dwelling unit.
- b. Size. No minimum size, except as needed to conform with the requirements for an Efficiency Unit as defined in the Building Code. A Detached Accessory Dwelling Unit shall not exceed 1,500 square feet in size.

c. Setbacks.

- i) Front yard setback: Per the zoning district standard for the primary dwelling.
- ii) Side yard: (4) Four feet.
- iii) Rear yard: (4) Four feet.

d. Height. 16 feet for new structures built specifically as an Accessory Dwelling Unit. Existing structures taller than (16) sixteen feet can be converted to an Accessory Dwelling Unit consistent with the requirements of this Chapter 25.08.002.

3. Junior Accessory Dwelling Unit Development Standards

- a. Location. Shall be located on the same lot or parcel as a primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling. The Junior Accessory Dwelling Unit may be located above or below the primary dwelling unit.
- b. Size. Maximum of (500) five hundred square feet of living area. Up to (150) one hundred fifty square feet of building space may be added to the primary dwelling for the sole purpose of providing access to the Accessory Dwelling Unit; this shall not count toward the maximum area for the Junior Accessory Dwelling Unit.
- c. Setbacks. If the primary dwelling unit is expanded to create the Junior Accessory Dwelling Unit, the addition shall maintain setbacks of four feet from side and rear yards or the same setback as the existing structure, whichever is less. Front setback shall be the same as the existing structure or per the zoning district for the primary structure, whichever is less. Larger setbacks shall apply if required by Fire or Building codes on a case-by-case basis.
- d. Access. A Junior Accessory Dwelling Unit shall have direct exterior access separate from the main entrance to the primary dwelling.
- e. Kitchen. Each Junior Accessory Dwelling Unit shall include an efficiency kitchen.
- f. Utilities.
  - i) Whether built as part of a new dwelling or converted from space in an existing dwelling, a Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or County charges for utilities, including water, sewer, or power service, or impact fees.
  - ii) No new or separate utility connection between the Junior Accessory Dwelling Unit and the utility shall be required, although the property owner may voluntarily install a submeter for the Junior Accessory Dwelling Unit.

- iii) Any utility charges or fees shall be consistent with state law.
- g. Parking. No additional off-street parking is required for the Junior Accessory Dwelling Unit.
- h. Owner Occupancy Requirements for Junior ADUs.
  - i) A person with legal or equitable title to the primary dwelling shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence.
  - ii) The owner occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or non-profit housing organization.
  - iii) Prior to issuance of a Building Permit for a Junior Accessory Dwelling Unit, a deed restriction shall be recorded in the chain of title of the primary single-unit property. The form of the deed restriction shall be approved by the County and shall provide that the Junior Accessory Dwelling Units shall not be sold separately from the primary dwelling.
  - iv) The deed restriction shall run with the land and shall be enforced against future property owners.

## **J. Impact Fees**

### **1. Impact Fee Requirements**

- a. No County-imposed impact fees shall be charged for an Accessory Dwelling Unit that is less than (750) seven hundred fifty square feet in size.
- b. For Accessory Dwelling Units (750) seven hundred fifty square feet or larger, County-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling (e.g., the floor area of the Accessory Dwelling Unit, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling). See the example below:

- 750 square foot ADU
- 2,250 square foot primary dwelling

$750/2,250 = 0.33$  ADU pays 0.33 (33%) of the fees that would be charged for the primary dwelling

- c. For the purposes of this Subsection, impact fees do not include any connection fee or capacity charge for water or sewer service or charges for garbage or recycling service.
- d. Fees imposed by any agency or special district other than the County shall be collected in accordance with the agency's or district's fee schedule.

**K. ADU Required Parking**

**1. Number of Parking Spaces.**

- a. One off-street parking space, covered or uncovered, is required for each Attached and Detached Accessory Dwelling Unit.
- b. No off-street parking is required for an Attached or Detached Accessory Dwelling Unit if one or more of the following applies:
  - i) The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, including transit stations and bus stations.
  - ii) When on-street parking permits are required by the County but not offered to the occupant of the Accessory Dwelling Unit.
  - iii) The Accessory Dwelling Unit is part of the proposed or existing primary residence.
  - iv) The Accessory Dwelling Unit is the conversion of an existing accessory structure.
  - v) When there is a car share vehicle located within one block of the Accessory Dwelling Unit.
- c. No off-street parking is required for a Junior Accessory Dwelling Unit.
- d. Required off-street parking for an Accessory Dwelling Unit space may be provided as tandem parking, including on a paved driveway.

- 2. Parking lost when a garage, carport, or covered parking structure is demolished to allow for the construction of an Accessory Dwelling Unit or for the conversion of a structure to an Accessory Dwelling Unit shall not be required to be replaced.

**25.08.003 Cottage Food Operations**

**A. Purpose and Applicability**

The provisions in this Subsection shall apply to cottage food operations, as defined by

current State law, in compliance with Chapter 25.03 Zoning Map and Zoning Districts and the following standards. These standards shall apply in addition to requirements imposed by the San Benito County Department of Public Health and other regulatory agencies.

**B. Standards**

All cottage food operations shall comply with the standards and provisions in the Home Occupations section, as well as regulatory standards established by State law (Government Code Section 51035 et seq. and Health and Safety Code Section 114365 et seq.) and the San Benito County Department of Public Health.

**25.08.004 Home Occupations and Rural Home Enterprise**

*INSERT AFTER BOARD OF SUPERVISORS APPROVAL*

**25.08.005 Multi-Family Objective Design Standards**

**A. Purpose**

Pursuant to state law, San Benito County is required to review qualifying affordable multi-family projects using a streamlined ministerial review process. This Chapter meets the requirements of state law by establishing a process for reviewing affordable multi-family residential projects with objective design and development standards. This will ensure that all housing built pursuant to this Chapter meets the County's standards for quality design.

**B. Applicability**

**1. Eligibility**

This Chapter applies to multi-family housing projects which meet the eligibility criteria found in California Government Code Section 65913.4.

**2. Verification of Eligibility**

Applicants applying for Streamlined Review of Multi-Family Housing must provide supporting documentation to demonstrate eligibility.

**3. These standards also apply to projects not requesting streamlined reviews or combined with other permitting such as subdivision maps or conditional use permit.**

**C. Process**

**1. Application Required**

All applications for Streamlined Review of Multi-Family Housing shall be accompanied by materials as required by the Planning Director to verify compliance with the requirements of this section.

2. Timing

All applications shall be either approved or denied by the County within the following timelines:

- a. Projects with (150) one hundred fifty or fewer housing units shall be approved within (60) sixty calendar days of application submittal.
- b. Projects with more than one hundred fifty (150) housing units shall be approved within (90) ninety calendar days of application submittal.

3. Approval Authority

Applications for Streamlined Review of Multi-Family Housing shall be reviewed and approved by the Planning Director.

4. Approval Required for Conforming Projects and Required Findings

The Planning Director shall approve an application for Streamlined Review of Multi-Family Housing if the proposal meets the eligibility criteria for a streamlined review process and conforms with all of the Objective Design Standards contained in this Chapter. Proof of availability of municipal water and sewer service is also required for approval.

The Planning Director shall transmit notice of his/her decision to approve or deny an application for Streamlined Review of Multi-Family Housing to the Planning Commission within one calendar day of the date of decision.

If an application for Streamlined Review of Multi-Family Housing is denied, the County shall notify the applicant in writing of the reason(s) for the denial, including any eligibility criteria or design standards that are not satisfied.

5. No Hearing Required

No public hearing shall be required prior to a decision to approve or deny an application for Streamlined Review of Multi-Family Housing.

## 6. Appeals

The decision of the Planning Director to approve or deny an application for Streamlined Review of Multi-Family Housing may be appealed per the provisions of Chapter 25.01.008. The Commission's review of an appeal shall be limited to determining whether the project meets the required findings for approval contained in this Chapter.

## 7. Expiration of Approvals

An approval for Streamlined Review of Multi-Family Housing pursuant to this Chapter shall expire pursuant to Government Code Section 65913. A one-year time extension may be granted pursuant to state law if the applicant provides reasonable documentation to prove there has been significant progress toward getting the project construction-ready, such as filing a building permit application.

## 8. Amendments

An applicant may request an amendment to an approved Streamlined Review of Multi-Family Housing. Amended projects shall demonstrated continued conformance with the eligibility requirements and development standards in this Chapter.

## D. Site Planning

The following standards apply to the siting of buildings within the multi-family project.

### 1. Neighborhood Compatibility

- a. Residential projects located across the street from single-family neighborhoods shall orient the following features toward the street: individual entries, patio areas and landscaping facing single-family homes.
- b. Where new multi-family development is built adjacent to or across a street from existing residential development, the façade facing the existing low-density residential development shall be designed to provide architectural relief and interest, and in similar massing and scale of adjacent neighbors.
- c. Windows shall be offset by ten feet to avoid direct sightlines into and from existing homes on the same level. Balconies shall be positioned so they avoid direct views into neighboring properties.

### 2. Pedestrian Circulation. On-site pedestrian circulation and access within a multi-family project shall be provided according to the following standards:

- a. Pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.



- b. An on-site walkway shall connect the primary building entry or entries to a public sidewalk along each street right-of-way.
- c. Walkways shall be a minimum of five feet wide and paved with concrete.

#### **E. Open Space**

The following standards apply to the design of open space features within the multi-family project.

1. Common Open Space. Common open space is required for all multifamily projects with more than (10) ten units seeking approval through the objective standards process as shown below:
  - a. Common open space shall be provided at a rate of (100) one hundred square feet of open space per dwelling unit. Required front, side, and rear setbacks shall not be counted toward meeting open space requirements.
  - b. Common open space is open space used commonly by residents of a building, having a minimum dimension of fifteen feet in any direction and a minimum area of three hundred square feet.
  - c. Common open space may be comprised of the following: patios, turfed areas, community gardens, pools, common pedestrian walkways serving the entire development, tot-lots, and recreation areas accessible to building residents and their visitors.
  - d. Common open space shall not include driveways, pedestrian access to units from common pedestrian walkways, parking areas or required front, side or rear setback areas.
  - e. A minimum of 60% of the common open space shall be provided as a landscaped turf area or garden.
2. Private Open Space. Private open space is required for all multifamily projects seeking approval through the objective standards process. The following requirements shall apply:
  - a. Private open space areas at ground level, such as patios, shall have a minimum of (120) one hundred twenty square feet of private outdoor space directly adjacent to the unit.
  - b. Private open space above ground level, such as balconies, shall have a minimum of (60) sixty square feet of area with no dimension less than (6) six feet.
  - c. Private outdoor space shall be delineated by a wall, fence, or hedge.

- d. Private open space is usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Examples include patios, screened decks, or balconies.
  - e. Accent elements shall be used to demarcate pedestrian entrances to a multi-family development and common open space areas on the interior of a project site. Accent elements shall include the following: wood trellises, arches, arbors, columns, or low monument features.
  - f. Storage space shall be provided for each unit.
3. Private Storage Space for Personal Property. Each unit shall have at least (25) twenty-five square feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of (4) four feet.

#### **F. Landscaping**

The following standards apply to the design of landscaping and lighting within the multi-family project.

1. Landscaping around the building perimeter is required.
2. Within the landscaped area between the right-of-way and buildings, trees shall be planted at a rate of one for each twenty feet of landscaped area. Trees shall be located between (4) four and (10) ten feet from the back of the sidewalk. The landscaped area shall also include shrubs, ground covers, and other natural growth, or stormwater quality features and drainage treatments.
3. All planting areas, plant materials, and irrigation shall conform with the County's water-efficient landscaping regulations.
4. Parking lot landscaping.
  - a. Parking areas, covered and uncovered, must be screened from view from public roadways with landscaping. Landscaped screening is defined as a natural or man-made feature which separates land uses. Landscape screening may be accomplished through the following: landscaping (groundcover, plantings, and trees), a planted earth berm (no greater than two feet in height), hedge, wall, or some combination of the above.
  - b. A perimeter landscaped strip at least ten feet wide shall be provided for any parking area adjacent to a public street or to the side or rear property line. The perimeter landscaped strip may be located within a required setback area.

- c. Trees shall be planted and maintained in all parking lots at a minimum ratio of one tree for every six parking spaces. Trees shall be evenly distributed throughout the entire parking area.
- d. Decorative or enhanced paving shall be used to indicate crosswalks and project entries.

#### **G. Lighting**

- 1. All entryways, pathways, public areas, and parking lots shall be illuminated per County standards.
- 2. High-efficiency, warm white light shall be used.
- 3. Lighting shall be arranged to reflect or direct light away from adjacent residential properties.

#### **H. Architectural Design**

- 1. Façade Detailing and Materials
  - a. Building facades shall reflect the characteristics of an identifiable architectural styles, such as: Craftsman, Mediterranean, Monterey Craftsman, Monterey Colonial, Ranch, Spanish Colonial Revival, Spanish Mission, and Victorian.
  - b. All visible building facades visible from the public right-of-way and adjacent properties shall incorporate one or more of the following details: window and door trim, window recesses, cornices, changes in materials or other design elements. All building facades shall be designed with the same level of detailing and quality of materials.
  - c. Window trim shall be a minimum of two inches in width and one inch in depth. In lieu of exterior window trim, windows may be recessed from a wall plane by a minimum of three inches.
  - d. A unified palette (color, texture, sheen) of materials shall be used on all sides of buildings. Every building shall have at least two complementary colors.
  - e. At least (2) two materials shall be used on any building frontage, in addition to glazing and railings. One material must comprise at least 20% of the building facade.
  - f. Allowed materials shall include stone, brick, stucco, painted wood, and vinyl siding. The following materials are prohibited: concrete block (unless covered by stucco), T111 plywood, metal, and other materials which have the same appearance.
  - g. Natural materials such as stone, river rock, or slate, which are intended to be seen in their natural state, shall not be painted.

- h. Wood shingles are prohibited as roofing material.
- i. Carports, detached garages, and accessory structures shall use similar materials, colors, and details equivalent to the principal buildings of a development.
- j. All multi-family tenant parking spaces shall be covered. Guest spaces may be uncovered or covered.

## 2. Massing and Articulation

- a. Upper stories shall not project more than (24) twenty-four inches beyond the ground floor footprint, except for bay windows or balconies.
- b. The massing of upper stories, particularly those over a garage, shall be modulated by stepping back massing elements a minimum of (2) two feet from the ground floor facade, and/or through the use of protruding bay windows.
- c. Garage doors shall be recessed a minimum of (9) nine inches from the plane of the building façade.
- d. A minimum one-foot offset is required for any wall plane that exceeds (30) thirty feet in length.
- e. Buildings over two stories tall shall have massing breaks at least every (100) one hundred feet along any street frontage adjacent to a public park, publicly accessible outdoor space, or designated open space. Breaks in massing may be provided through the use of varying setbacks and/or building entries. Massing breaks shall be a minimum of (2) two feet deep and (4) four feet wide and extend the full height of the building. Building entrances, front porches, and similar architectural features may count towards meeting this requirement.
- f. Variation of roof forms shall be used on buildings of over (50) fifty feet in length along the street frontage. This can be accomplished through the use of cornices, reveals, clerestory windows, and differences in roof height and/or form.
- g. A minimum of (2) two architectural features shall be incorporated into each building, including: balconies, dormers, bay windows, patios, individualized entries, and accent materials.

## I. Accessory Features

The following standards apply to the design of accessory features within the multi-family project.

## 1. Walls and Fences

- a. All wall and fence designs shall integrate materials and detailing that are used on the primary buildings (e.g. pilasters, stonework, wrought iron, or colors).
- b. Walls shall be constructed of decorative masonry, including CMU walls, split-face walls, or material of similar appearance, maintenance, and structural durability. Precision block is prohibited unless coated in stucco or a similar surface treatment.
- c. Fences may be constructed of metal (wrought iron or tubular steel), wood, or vinyl. Chain link or similar fencing is prohibited per Chapter 25.07.013 of this Title.
- d. Fences and walls located along the side or rear property lines which are not along street frontages shall be solid fences or walls. Open fences, which feature wrought iron/tubular steel, may be permitted to capture scenic views offered by a property line that adjoins a permanent open space area, and where the yard does not require screening.
- e. Fencing between private yards and common open spaces shall be a minimum of four feet in height.
- f. Where screening is necessary as part of the site design, block walls may be constructed within the front yard setback and along the street frontage, but must be decorative masonry, have a decorative cap, and feature a landscape setback.
- g. Exterior trash, refuse storage, utility boxes, and electric and gas meters shall be screened from the public right of way with landscaping, fences, or walls.

## 2. Refuse Containers

- a. Developments with four or fewer units may be designed so that units are provided with individual refuse containers. Refuse containers must be provided with a location to be stored which is out of view from pedestrian walkways and internal and external roadways.
- b. In developments with five units or more, shared refuse containers shall be provided, which shall be located within an enclosure or building. The applicant shall provide the County with information from the refuse pickup provider verifying the size and number of dumpsters required by the projects.
- c. Refuse enclosures shall be a minimum of six feet tall and an adequate size to accommodate the needed refuse and recycling containers.
- d. Refuse enclosures and gates shall be designed and made with durable materials to withstand heavy use. Wheel stops or curbs shall be installed to prevent dumpsters from banging into the walls of the enclosure.

- e. Lighting shall be provided at refuse enclosures for night-time security and use.
- f. Refuse enclosures shall be located so that they are convenient and close to the units they serve.
- g. The entrance of refuse enclosures shall not be visible from public rights of way.

### 3. Monument Signage

- a. One monument sign may be permitted on a site provided that the site has a minimum street frontage of (75) seventy-five feet in length. On corner lots, one additional monument sign may be established provided that each street frontage is at least seventy-five feet in length.
- b. The total sign area of a monument or pylon sign shall not exceed (80) eighty square feet, with a maximum of (40) forty square feet per individual sign face.
- c. The maximum height of a monument sign shall not exceed six feet measured from finish grade level to the uppermost edge of the sign cabinet.
- d. Monument signs shall be located at a distance of at least five feet from the property line. This setback distance shall be measured from the property line to the leading edge of the monument sign.
- e. All monument signs shall be architecturally compatible with the building(s) on the site on which the monument sign is to be located.

## 25.08.006 Mobile Homes and Mobile Home Parks

### A. Intent

For the purposes of this code, the terms "mobile home" shall be synonymous with the term "manufactured housing." Provisions allow mobile homes to be installed on foundations in compliance with Government Code Section 65852.3, as amended, and continue to allow the installation of mobile homes not on foundations in certain zone classifications. This code is intended to supplement the provisions of this code relating to mobile homes but shall take precedence over any portion of this code that is inconsistent with this section.

### B. Findings

Pursuant to Section 65852.3 of the Government Code, all lots zoned to permit the construction of conventional single-family dwellings are compatible for the installation of a mobile home on a foundation system that complies with state of California standards.

**C. Mobile Homes on Foundations**

A mobile home may be installed on a foundation on any lot that is zoned to permit the construction of a conventional single-family dwelling; subject to development standards of that zone.

**D. Mobile homes Not on Permanent Foundations**

All specific mobile home provisions in the various zone classifications refer to mobile homes not on a permanent foundation system and shall continue in effect irrespective of the fact that certain zones may then provide for mobile homes both on permanent and on a foundation system designed in accordance with state of California standards. For purposes of permit issuance, the mobile home on a foundation is allowed whenever a conventional single-family dwelling is allowed, subject to the requirements of this article. The mobile home not on a foundation is allowed whenever it is specifically so provided in the various zone classifications subject to any requirements set forth therein. When a mobile home is not in conformance with the development standards of the zone classification in which it is located, that mobile home constitutes a nonconforming use, and as such cannot be altered except to comply with the requirements of this article.

**E. Mobile Home Parks in Residential Zones**

1. Standards. Mobile home parks shall comply with the following requirements:

- a. Unit size. Each mobile home unit shall have a interior area of at least seven hundred fifty (750) square feet, excluding patios, porches, garages, and similar structures;
- b. Opaque skirt. The area between the ground level and floor level and the unit shall be screened by an opaque skirt;
- c. Density. The average density of the mobile home park shall be in conformance with the density of the underlying zone classifications, provided that a density bonus of (25) twenty-five percent of the density permitted by the underlying zoning may be allowed if it is determined that the higher density is compatible with the area in which the development is proposed to be located;
- d. Minimum size space. Notwithstanding subsection c. above, the minimum size of each space shall be (3,600) three thousand six hundred square feet, provided that a minimum space size of (2,500) two thousand five hundred square feet may be permitted when deemed compatible with the surrounding development. Each space shall have a minimum width of thirty (30) feet;
- e. Wall. A masonry wall (6) six feet in height shall be erected along the perimeter of the mobile home park.

**F. Mobile Homes in Non-Residential Zones**

1. Standards. A mobile home that is permitted in a non- residential zone shall comply with the following requirements:
  - a. The mobile home must be kept mobile and licensed pursuant to state law;
  - b. The mobile home may only be used by a caretaker or security officer's unit; and
  - c. No more than one mobile home per parcel is permitted.

**G. Recreation and Open Space**

Open space or recreation facilities are not required for mobile home parks approved in residential zones.

**25.08.007 Congregate Care Residential Facilities**

**A. Intent**

Alternative housing opportunities for those persons capable of independent living who do not need the level of care provided at convalescent facilities may be provided, subject to the provisions of this section. This article will provide needed housing for those persons who have been identified as impacted groups by the County General Plan. This section provides a standard for distinguishing between congregate care residential facilities and other multi-family uses.

**B. Development Standards**

The following standards of development shall apply for congregate care residential facilities.

1. Density. The allowable density for a project shall not exceed the density permitted by the underlying zoning classification or the applicable General Plan land use category, whichever is less.
2. Location. The project shall be located in accordance with all applicable developmental and locational guidelines under the General Plan and shall be located in those areas which offer appropriate services for the residents of these facilities, including necessary medical, transportation, shopping, recreational, and nutritional programs.
3. Elevators. No building shall be constructed that exceeds one story in height unless it contains elevators for the use of the occupants. Elevators shall be spaced in a manner which will minimize the walking distance from the elevators to the residential units.



4. Dwelling units.
  - a. The net livable area for each unit shall not be less than (400) four hundred square feet for a studio unit, (550) five hundred fifty square feet for a one-bedroom unit, and (700) seven hundred square feet for a two-bedroom unit;
  - b. Not less than 4 percent of the residential units shall be accessible for the handicapped, and all other units shall be adaptable for the handicapped. The handicap units shall be distributed equally throughout the project. All handicap units shall meet the standards set forth in Title 24, Part II of the California Administrative Code;
  - c. Kitchenettes may be permitted provided that they are sized to meet the immediate needs of the occupants of the unit;
  - d. No more than (30) thirty percent of the units shall be studio units.
5. Hallways and walkways. Hallways should be kept to a minimum length to avoid the appearance of an oversized home or an institution. Paved pedestrian walkways (5) five feet in width shall be installed between the dwelling units and the recreational areas of the project. All hallways and pedestrian walkways shall be maintained with a minimum of (5) five feet of unobstructed width and adequate vertical clearance to provide unobstructed walking capability. Not less than one accessible route for handicapped persons to all on-site facilities shall be provided. Hallways shall be designed to accommodate the use of walkers, canes, or other mechanical assistance.
6. Open space and recreation facilities. Not less than (40) forty percent of the net area of the project shall be used for open space, recreational facilities, or a combination thereof. Not less than (25) twenty-five percent of the required open space area shall be used for active recreational facilities, such as pool, spa, tennis, and gardening by residents. Recreational, public assembly, and similar buildings may be permitted within the project if they are intended for the primary use of persons residing within the project and are located so as not to be detrimental to adjacent properties.
7. Yard setbacks. Building setbacks from a project's exterior streets and boundary lines shall be the same as those prescribed by the zone in which the project is located; however, in no case shall such building setbacks for any project be less than those prescribed in the zoning district it is in. The minimum building setback for interior drives and parking areas shall be (10) ten feet.
8. Building height. The height of buildings shall not exceed that which is permitted in the zone in which the project is located. The maximum permitted height limits must be reduced if it is determined to be necessary for a planned development to achieve compatibility with the area in which the development is located.

9. Trash areas. Adequate enclosed trash pickup areas, convenient to the residents which they are intended to serve, shall be provided in the project. Trash areas will be screened by a (6) six-foot-high decorative block wall.
10. Parking. The number of required automobile storage spaces shall be determined at the time of the approval of the project; however, notwithstanding any provision of this code to the contrary, a (20) twenty percent reduction in the total number of required vehicle parking spaces for residential purposes may be allowed if appropriate, and an additional 5 percent reduction may be allowed if the applicant proposes alternative senior citizen transportation programs; however, in no case shall the reduction of parking spaces exceed 25 percent of the total spaces required. Public street parking and tandem parking shall not be counted in this requirement. All required parking spaces shall be located entirely within the development, accessible to the units which they serve, and no parking space shall be located more than one hundred fifty (150) feet from the unit it is designed to serve. Parking requirements for other facilities within the development may not be reduced. Not less than (10) ten percent of the required parking spaces shall be designed and designated for use by handicapped persons; however, there shall be at least one designed and designated handicapped parking space provided for each handicapped resident. Handicapped parking spaces shall be distributed evenly throughout the parking areas.
11. Access. The number and location of vehicular access openings into a project shall be as specified by the Public Works department.
12. Supportive services. Services that support the residents shall be provided. At a minimum, the following services shall be provided.
  - a. Laundry facilities. One washing machine and dryer shall be provided for every twenty (20) rooms;
  - b. Housekeeping and linen service. At a minimum, weekly service shall be provided;
  - c. Communications. A "panic button," intercom, or other similar device shall be provided in each room for communication with the central office/security desk;
  - d. Central dining. A central dining room shall be provided. The size of the room shall be sufficient to accommodate the residents. The minimum room size shall be the product of the proposed maximum number of residents in the facility multiplied by five (5) square feet per resident; however, in no instance shall the central dining room be less than three hundred fifty (350) square feet;
  - e. Miscellaneous facilities. The following services are permitted within a congregate care residential facility provided they do not exceed (5) five percent of the total square footage of the area in the building:

- i. Barber and beauty services;
  - ii. Religious facilities;
  - iii. Commercial uses that are compatible with the proposed use and provide a service to the residents. Such uses may be open to the general public.
- 13. Public transit access. Public transit shall be addressed in the project's design.
- 14. Airport Influence Area. Proposed facilities shall not be located within the Airport Influence Area, as depicted on the maps included in the most recently adopted version of the Hollister Municipal Airport Land Use Compatibility Plan.

## **25.08.008 Day Care Centers**

### **A. Purpose and Applicability**

This Subsection establishes standards for the location, development, and operations for new Day Care Centers, as defined in Chapter 25.09, where allowed in compliance with the use tables in Chapter 25.03. This section provides standards for the location, development, and operation of general day care facilities in compliance with State law. These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies (e.g., Fire Department).

### **B. Standards**

All general day care facilities shall comply with all of the following:

1. Licensing. The operator of a general day care facility shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 6 (Adult Day Care Facilities).
2. General Day Care Facilities Review Standards. An application for a general day care facility shall be reviewed by the responsible Review Authority for compliance with the provisions of Health and Safety Code Section 1597.46(a)(3) and this Subsection. The application may be approved only if the general day care facility complies with applicable sections of the Health and Safety Code, this Subsection, all applicable County ordinances, and any regulations adopted by the State Fire Marshal.
3. Location. Day Care Centers are permitted per the use tables in Chapter 25.03 of this Title.
4. Fences or Walls Required. Fences or walls shall provide for safety with controlled points of entry.
5. Drop-off/Pick-up Areas. Any general day care facility located on a through street classified as a collector or arterial street shall provide a drop-off and pick-up area that

does not require backing into the street.

### **25.08.009 Day Care, Limited – Small Family (8 or fewer children)**

All small family child day care homes shall comply with the applicable provisions of State of California Health and Safety Code Chapter 3.6, Sections 1597.44 and 1597.45. Such facilities are exempt from County review and approval.

### **25.08.010 Day Care, Limited – Large Family (Up to 14 Children)**

All large family child day care homes shall comply with the applicable provisions of State of California Health and Safety Code Chapter 3.6, Sections 1597.45 and 1597.46. Such facilities are exempt from County review and approval.

### **25.08.011 Drive-Through and Drive-In Facilities**

#### **A. Purpose and Applicability**

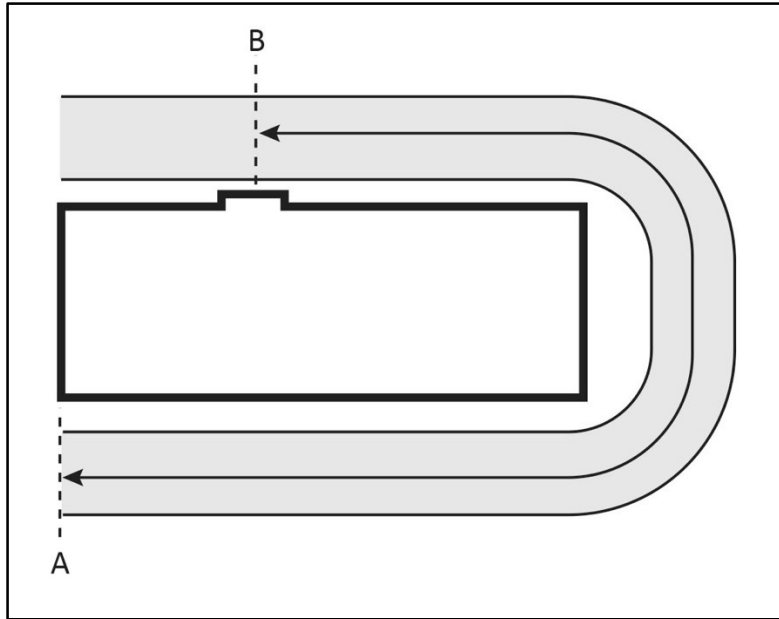
This Subsection provides standards for drive-through and drive-in facilities, as defined in the Glossary and where allowed in compliance with applicable zoning districts. Drive-throughs and drive-in businesses shall be subject to all of the regulations applicable to a permitted use in the zone in which such drive-through or drive-in business is located. However, whenever the regulations of this Subsection are more restrictive or impose higher standards or requirements, the requirements of this Subsection shall control.

#### **B. Standards**

Drive-through and drive-in facilities shall comply with all of the following.

1. Required Findings. The Planning Commission shall make the following findings in addition to other required findings of the Conditional Use Permit for a drive-through or drive-in business, in addition to standard findings required for issuance of a Conditional Use Permit:
  - a. The proposed use complies with all requirements set forth for the issuance of the required planning entitlement;
  - b. The proposed use will not substantially increase vehicular traffic on any street in a residential zone;
  - c. The proposed use will not lessen the suitability of any nearby commercially zoned property for commercial use by interfering with pedestrian traffic;
  - d. The proposed use will not create increased traffic hazards to pedestrians when located near a school, place of worship, auditorium, theater or other place of assembly; and

- e. Adequate conditions have been applied through the required planning entitlement to prevent adverse impacts on surrounding properties with respect to noise, trespass, and litter control.
- 2. Circulation Plan. A pedestrian and vehicular circulation plan shall be submitted along with any required application submittal items. Such a plan shall indicate how pedestrian and vehicular traffic will be separated to provide for pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or use drive-in facilities in a manner that will not impede traffic flow on any public right-of-way.
- 3. Setbacks. Additional setback requirements may be applied by the responsible Review Authority were deemed necessary for the safety, welfare, and protection of adjacent properties.
- 4. Location of Drive Aisles. Drive-through aisles shall be inwardly focused within the site and located away from adjoining streets, wherever feasible.
- 5. Pedestrian Walkways. Pedestrian walkways (including ADA access areas) shall not intersect the drive-through access aisles unless they have clear visibility and are emphasized by enhanced paving or markings.
- 6. No Reduction in Off-street Parking. Parking for drive-through and drive-in uses shall be provided as required by this Title.
- 7. Waiting and Queuing Vehicles.
  - a. Drive-through access aisles shall be located entirely within the property and shall be at least 175 feet in length, measured starting at the pickup window. More stacking may be required, depending on the need of the specific business as verified by a stacking study performed by a qualified expert.



*Drive aisle length is measured from the start of the drive aisle (A) to the pickup window (B)..*

- b. Drive-through lanes shall be designed to avoid the blocking of vehicle traffic, parking stalls and pedestrian access.
  - c. No drive-through queuing is required for a drive-in business, but access to the pickup window shall be designed to avoid the blocking of vehicle access, parking stalls and pedestrian access.
8. Menu and Preview Boards.
- a. Approval of a menu and preview board shall be subject to the approval of a Sign Permit pursuant to the provisions found in Chapter 25.07.016 before installation of any signs on the subject site.
  - b. As practical, visibility of outdoor menu and preview boards shall be minimized from any adjoining street(s). Additional landscape areas or shrub plantings may be required to provide proper screening.
9. Noise. Amplification equipment (speakers at menu boards, piped music, etc.) shall be located so as not to adversely impact adjoining uses and shall be operated in compliance with Article IV, Chapter 6 (Noise Regulations).
10. Wall and Landscape Buffer Required When Adjoining Residential Uses. A minimum six-foot-high solid decorative masonry wall shall be constructed on each property line that adjoins a parcel zoned for and/or developed with a residential use, and a minimum six-foot-high solid masonry wall shall be constructed on interior property lines for all zones. The design of the wall and the proposed construction materials shall be subject to review

and approval through the Site Plan Review process. A minimum five-foot-deep landscaping strip shall be provided between the wall and any driveway.

11. Lighting. All exterior lighting shall be arranged and shielded to prevent any glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property; and in accordance with the provisions of the Lighting section of the San Benito County Code.
12. Deliveries. Delivery hours may be regulated through the Conditional Use Permit for the drive-through or drive-in use.

## **25.08.012 Kennels and Pet Shops**

### **A. Use Permit Required**

Administrative Use Permits or Conditional Use Permits are required for kennels per the use tables in Chapter 25.03 of this Code.

### **B. Animal Keeping Exempt from Use Permit Requirement**

The following are exempt from the requirement to obtain an Administrative Use Permit, but are subject to the animal keeping regulations in Chapter 13 of the County Code:

1. Veterinary hospitals
2. Public pounds
3. Public or private foster and adoption services or organizations

The following are exempt from the requirement to obtain a Conditional Use Permit:

1. The keeping of (5) five or fewer adult dogs
2. The keeping of (12) twelve or fewer puppies
3. The keeping of (9) nine or fewer adult cats
4. The keeping of (12) twelve or fewer kittens
5. Veterinary hospitals
6. Public pounds

**C. Setback Standards**

Setbacks shall be established for each individual facility use through the Use Permit.

**D. Limit on Number of Dogs for Hobby Kennel**

A hobby kennel may house up to (8) eight adult dogs and (12) twelve puppies.

**25.08.013 Animal Keeping and Number of Small Farm Animals, Small Livestock, and Dog and Cats**

**A. General Animal Care Standards**

See Chapters 13.02 and 13.03 of the County Code for standards related to the keeping of animals and the operations of kennels and pet shops.

**B. Limits on Animals: Small Farm Animals**

The following limits apply to the number of Small Farm Animals.

1. "Keeping of Small Farm Animals" is listed to the keeping of not more than a total of (12) twelve Small Farm Animals in any combination of the following: chicken hens; pigeons or similar fowl; crowing fowl; rabbits or similar animals; ducks; geese; turkeys; goats; sheep or other livestock.

**C. Limits on Animals: Small Livestock**

1. Not more than a total of (12) twelve small livestock in any combination.
2. No more than (1) one small livestock per acre shall be allowed.

**D. Limits on Animals: Cats and Dogs**

1. See "Hobby Kennels" and "Kennels" for limits.

**25.08.014 Recycling Facilities**

**A. Intent**

The following provisions provide minimum development standards for recycling facilities in San Benito County. These standards are designed to provide appropriate development of recycling facilities pursuant to the 1986 California Beverage Container Recycling and Litter Reduction Act (Public Resources Code Section 14500 et. Seq.).



## **B. Permitted Zoning**

1. State-certified reverse vending machines and mobile recycling units shall be permitted in any commercial or industrial zone, provided that the use is located within a convenience zone designated by the State of California Department of Conservation.
2. Recycling collection facilities shall be permitted per the use tables in Chapter 25.03.

## **C. Development Standards for Reverse Vending Machines**

1. Location. Reverse vending machines shall be established in conjunction with supermarkets or other commercial or industrial uses which are subject to approved development review or Conditional Use Permits, and shall be located within (30) thirty feet of the entrance to the commercial or industrial structure, without obstructing pedestrian or vehicular traffic, or occupying parking spaces required by the primary use;
2. Parking. No additional parking spaces for access or use shall be required for reverse vending machines;
3. Size. Reverse vending machines shall occupy no more than (50) fifty square feet of floor area per machine, and shall be no more than (8) eight feet in height;
4. Design. Reverse vending machines shall be constructed and maintained with durable waterproof and rustproof material, and shall be clearly marked to identify material to be deposited, operating instructions, and the identity and the telephone number of the operator or responsible person to contact in the event of machine malfunction or if the machine is inoperative;
5. Signs. Signs shall have maximum surface area of (4) four square feet;
6. Maintenance. Units shall be maintained in a clean, litter-free condition, and shall be sufficiently illuminated to ensure safe operations;
7. Operating hours. Reverse vending machines shall have the same operating hours as the primary use or other typical uses in the zone.

## **D. Recycling Collection Facilities**

1. Standards that apply to all zones:
  - a. Collection facilities shall be set back at least (150) one hundred feet from property in a residential zoning district or designated for residential use by the General Plan;
  - b. Containers provided for after hours donation shall be set back at least (50) fifty feet from any property zoned or occupied for residential use and shall be constructed of sturdy and durable materials.

2. Standards that apply to the Commercial Zones:

- a. In the C-1 and C-2 Zones, the collection facility area shall at least be enclosed by an opaque block wall or solid wood fence at least (6) six feet in height and landscaped on all street frontages.

- b. Standards that apply to the Manufacturing/Industrial Zones:

- i. In the M-2 zone, collection facilities shall comply with the setback, landscape, and structural requirements of the zone in which the project is located.

- c. Storage of Materials:

- i. All exterior storage of materials shall be in sturdy weatherproof and rustproof containers which are covered, baled, or palletized, and which are secured and maintained in good condition;
  - ii. Storage for flammable materials shall be in nonflammable containers;
  - iii. Storage for the recycling of oil shall be in containers approved by the County Health Department.

- d. Parking. Parking shall be provided per Chapter 25.07.010 of this Code.

- e. Noise. The facility shall not exceed noise levels of 65 dBA as measured at the exterior property line of residentially zoned property. In no event shall the noise level exceed 75 dBA.

- f. Hours of operation. If the facility is located within five hundred (500) feet of property zoned or designated for residential use pursuant to the General Plan, it shall not operate between the hours of 7:00 p.m. and 7:00 a.m.

- g. Signs. All on-site signs shall be in conformance with the standards set forth in this code, and shall clearly identify the responsible operating parties and their telephone numbers.

- h. Power-driven machinery. The use of power-driven machinery shall be limited to state-approved reverse vending machines. In addition:

- i. Machinery, which is necessary for the temporary storage, efficient transfer, or securing of recyclable materials may be permitted with the approval of development review;
  - ii. Additional development requirements. Additional development standards may be required as conditions of approval.

## **E. Recycling Processing Facilities**

1. Setbacks, landscaping and structural requirements shall comply with the development standards of the underlying zone.
2. Storage of materials
  - a. All outside storage of materials shall be in sturdy weatherproof and rustproof containers which are covered, baled, or palletized; and which are secured and maintained in good condition;
  - b. Storage for flammable materials shall be in nonflammable containers;
  - c. Storage for the recycling of oil shall be in containers approved by the County Health Department;
  - d. Storage or placement of recyclable materials outside of containers or mobile/recycling unit when attendant is not present is prohibited;
  - e. Containers shall be clearly marked to indicate the type of material accepted for collection.
  - f. Parking. Parking shall be provided on site for the peak load circulation and parking of customers. If the facility is to service the public, parking spaces shall be provided for a minimum of ten customers, or the peak customer demand load, whichever is greater.
  - g. Noise. The facility shall not exceed noise levels of 65 dBA as measured at the exterior property line of residentially zoned property. In no event shall the noise level exceed (75) seventy-five dBA.
  - h. Hours of operation. The facility shall identify the operator and the hours of operation. If the facility is located within (500) five hundred feet of property zoned or planned for residential use pursuant to the San Benito County General Plan, it shall not operate between the hours of 7:00 p.m. and 7:00 a.m.
  - i. Signs. All on-site signs shall be in conformance with the standards set forth in the Signs chapter of this code and shall clearly identify the responsible operating parties and their telephone numbers.
  - j. Site condition. The site shall be maintained in a safe and litter-free condition on a daily basis.
  - k. Additional development requirements. Additional development standards may be required as conditions of approval.

## **25.08.015 Mini-Storage Facilities**

### **A. Intent**

The following provisions provide minimum development standards for mini-storage facilities. These standards are designed to provide for the appropriate development of mini-storage facilities and to protect the health, safety, and welfare of County residents using such facilities or who live or conduct business adjacent to such facilities.

### **B. Permitted Zoning**

Mini-storage facilities shall be allowed per Chapter 25.03 of this Code.

### **C. Permitted Uses**

Mini-storage facilities shall be designed and operated for the storage of goods in individual compartments or rooms, which are available for use by the public on a rental or lease basis. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, compounding, office functions, other business or service uses, or human habitation.

### **D. Development Standards**

1. Storage spaces. Individual storage spaces shall have a maximum gross floor area of (500) five hundred square feet.
2. Walls. A (6) six-foot-high decorative masonry wall combined with an earthen berm or landscaping to provide an (8) eight-foot-high screen shall be provided around the entire mini-warehouse land use, unless otherwise approved. The rear and sides of mini-warehouse buildings may be used in place of portions of the required wall where no individual storage units are accessible from the building sides. The exterior side of all perimeter masonry walls and building sides (if used in place of portions of the walls), shall be coated with a protective coating that will facilitate the removal of graffiti.
3. Lighting
  - a. All lighting shall be indirect, hooded, and positioned so as not to reflect onto adjoining property or public streets;
  - b. Lighting fixtures may be installed in each individual storage space, provided that the fixtures shall not include or be adaptable to provide electrical service outlets;
  - c. Light fixtures shall be controlled by time switches located in the respective individual storage unit with a maximum of thirty (30) minute time limit per activation.
4. Fire Safety. Fire suppression systems, extinguishers, etc., shall be provided per the Fire Code.

5. Alarms and Security.

- a. Each mini-storage facility shall include an alarm system and security cameras and recording equipment as approved by the County Sheriff.
- b. Emergency phone numbers, including police, fire, and the operator's, shall be posted in locations visible from outside and inside the facility.

6. Gates. All gates shall be decorative wrought iron, chain link, other metal type, or wood. All metal type or wood gates must be painted in a color which coordinates with the rest of the mini-warehouse development. All gates shall be subject to review and approval to ensure adequate emergency access.

7. Landscaping. All street setbacks and walls serving as buffers between the use and residentially zoned property shall be landscaped. This landscaping shall include shrubs, trees, vines, or a combination thereof which act to soften the visual effect of the walls. This landscaping shall be in addition to and coordinated with the landscaping required for parking areas.

8. Setbacks

- a. No mini-storage building, structure or wall shall be located closer than twenty (20) feet from any street right-of-way;
- b. No building shall be located closer than (20) twenty feet from any residential zoned property. Walls shall be located so as to provide a buffer between the residential zone and the mini-warehouse zone;
- c. All open areas, including interior setbacks, may be used for driveways, parking, outdoor storage or landscaping.

8. Caretaker's residence. One caretaker's residence may be included within the site plan for a mini storage facility. Where a caretaker's residence is proposed, a minimum of (2) two parking spaces shall be provided for the caretaker's residence in addition to those required for the mini-warehouse land use.

9. Prohibited materials. The following materials shall not be stored in mini-storage facilities:

- a. Flammable or explosive matter or material;
- b. Matter or material which creates obnoxious dust, odor, or fumes;
- c. Hazardous or extremely hazardous waste, as defined by applicable provisions of the Hazardous Waste Control Law (Health and Safety Code Section 25100, et seq.);

- d. Any other prohibited materials per state or federal law.

10. Prohibited facilities.

- a. No water, sanitary facilities, or electricity, with the exception of lighting fixtures, shall be provided in individual storage spaces;
- b. Prefabricated shipping containers shall not be used as mini-storage facilities.

11. Additional development requirements. Additional development standards may be required as conditions of approval.

## **25.08.016 Renewable Energy Facilities**

### **A. Commercial Solar Energy Systems**

Commercial solar energy systems designed to generate power for off-site use or for sale to an electric utility shall be located, developed, and operated in compliance with the following standards:

1. Height, Ground-Mounted Solar Energy Systems. The maximum height of a ground mounted solar energy collector system is (25) twenty-five feet or the maximum height allowed in the base zone, whichever is less.
2. Required Setback. Solar energy systems less than six feet in height may be installed within a required side and rear setback, but no closer than three feet to any property line. All other solar energy systems shall meet the required setback of the base zone.

### **B. Wind Energy Systems, Commercial and Private Non-Commercial**

1. Application. In addition to typically required information, an application for a wind energy facility (WEF) shall include the following:
  - a. Direction of prevailing winds across the project site;
  - b. Manufacturer and model designation, rated kilowatt capacity, overall machine height, total blade diameter, rated maximum rotor rotations per minute, and other manufacture's data sufficient to determine compliance with this section;
  - c. Location and type of security fencing and/or screening; and
  - d. Proof of liability insurance
2. General Requirements for all Wind Energy Facilities.
  - a. Development standards. Any type of WEF shall comply with the development standards for the zone in which it is located unless otherwise specified in this section.

- b. Height measurement. The height of any windmill or similar item shall be measured to the top, including any blade when at its highest point.
  - c. Setback measurement. Setbacks shall be measured to the outer edge of a WEF, including any blade when at its maximum horizontal extension.
  - d. Setbacks. Any WEF shall maintain the same minimum setbacks required for a primary structure within the applicable zone.
  - e. Colors and materials. Any WEF shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts.
  - f. Advertising and graphics. No advertising, display, or graphic is permitted on any WECS. A manufacturer's identification label and/or any government required identification or safety labels or signs may be affixed to a facility or site in a discrete manner as feasible.
  - g. Undergrounding required. All wiring or any associated and ancillary equipment, batteries, devices, structures, or support(s) for any WEF, shall be placed underground to the maximum extent feasible.
  - h. Noise. WEFs shall comply with the Noise provisions of the County Code.
  - i. Security and safety. WEFs shall be secured from access to the general public by fencing or other deterring device or means as the County may approve or require so the WECS is not an attractive nuisance. WEFs shall either have tower climbing apparatus located not closer than (12) twelve feet to the ground or be un-climbable by design for the first (12) twelve feet.
  - j. Proof of liability insurance. The owner of any WEF shall provide, as part of the permit application submittal, proof of liability insurance that specifically addresses the installation, use, and maintenance of the facility to the satisfaction of the County.
  - k. Effects of development on productivity. The County shall not be liable if subsequent development in the County impairs the productivity of any WEF.
  - l. Inoperative facility removal required. Any WEF that is not operated for a continuous period of six months shall be considered abandoned. A WEF and all equipment associated with an approved WECS shall be removed within six months of the discontinuance of the use and the site shall be restored to its original pre-construction condition, subject to the approval of the Director.
3. Private, Non-Commercial Wind Energy Systems. A private, non-commercial WEF shall be subject to the following standards.

- a. Location. A private, non-commercial WEF shall be located in the rear portion of the property (i.e., between the primary structure and rear property line). This provision may be modified by the County if strict compliance would result in no or poor productivity, as established by evidence provided by the applicant.
- b. Screening. If determined necessary by the County, a private, non-commercial WEF shall be separated from adjoining properties by at least a (6) six-foot high solid fence or wall, or by trees and landscaping of equal minimum height.
- c. Net-metering. A private, non-commercial WEF may be net-metered.

### **25.08.017 Surface Mining and Reclamation**

See Chapter 19.13 of the County Code for standards and regulations related to Surface Mining and Reclamation.

### **25.08.018 Fire Safety Standards**

#### **A. Application**

The provisions of this article shall apply when new development is approved by a local jurisdiction.

#### **B. Fire Systems Required**

Water systems for fire protection shall be available on-site:

- a. Prior to the completion of road construction, where a community water system is approved, or
- b. Prior to issuance of a building permit, where an individual system is approved.

#### **C. Exceptions and Appeals**

Exceptions and appeals for any provision of this article are allowed as defined in Cal. Public Resources Code §§ 4290 *et seq.* and the variance procedure as outlined in this title. The exception or appeal procedure must be finalized prior to filing for a variance with the county.

#### **D. Conditions**

To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access and utilization of the defensible space provided for in these standards during a wildfire, provisions for annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval.



## **E. Road and Safety Standards**

1. Road width. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements.
2. Roadway surface. The surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances and be capable of supporting 40,000 and an HS-20 and alternate load. A minimum (6) six -inch aggregate base shall be used as a minimum standard where paving is not required.
3. Roadway grades. The grade for all roads, streets, private lanes, and driveways shall generally not exceed 15%. Exceptions may be may be allowed by the local fire protection agency.
4. Roadway radius
  - a. No roadway shall have a horizontal inside radius of curvature of less than (50) fifty feet and additional surface width of four feet shall be added to curves of (50) fifty to (100) one hundred feet radius; two feet to those from (100) one hundred to (200) two hundred feet.
  - b. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall be not less than (100) one hundred feet.
5. Roadway turnarounds. Turnarounds are required on driveways and dead-end roads as specified in this article. The minimum turning radius for a turnaround shall be (40) forty feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of (60) sixty feet in length. A hammerhead/T at the end of a road shall only be allowed where the road terminus is considered temporary.
6. Roadway turnouts. Turnouts shall be a minimum of ten feet wide and (30) thirty feet long with a minimum (25) twenty-five-foot taper on each end.
7. Roadway structures.
  - a. All driveway, road, street and private lane roadway structures shall be constructed to carry at least the HS20 and "alternate" load and provide (15) fifteen feet minimum vertical clearance.
  - b. Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single lane conditions, shall reflect the capability of each bridge.

- c. A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

8. One-way roads.

- a. One-way roads are considered “fire apparatus access roads” as defined in Section 202 of the California Fire Code.
- b. All one-way roads shall be constructed to provide a minimum of one ten-foot traffic lane. The local jurisdiction may approve one-way roads.
- c. All one-way roads shall connect to a two-lane roadway at both ends, and shall provide access to an area currently zoned for no more than ten dwelling units. In no case shall it exceed 2,640 feet in length.
- d. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

9. Dead-end public or private roads.

- a. Dead-end public or private roads are “fire apparatus access roads” as defined in Section 202 of the California Fire Code.
- b. The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths (in feet), except as provided below:

Table 25.08-A				
<i>Fire Hazard Category</i>				
<i>Zoning District</i>	<i>LRA</i>	<i>Mod.</i>	<i>High</i>	<i>Very High</i>
RM, R1, RR, C, M	800	800	800	600
RT	1,320	1,000	800	600
R, AP	2,640	1,000	800	600
AR	5,280	1,000	800	600

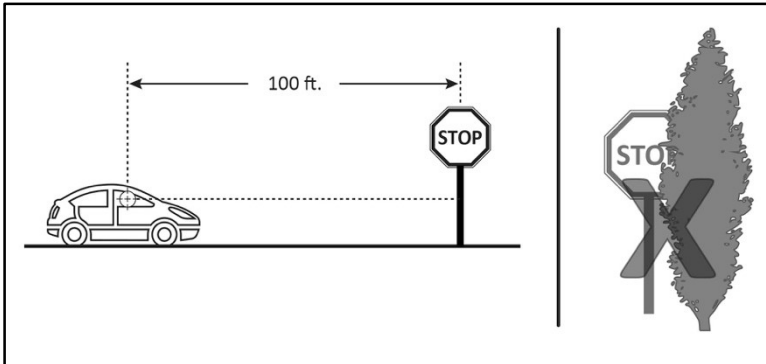
- c. All lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits,

the shortest allowable length shall apply. The lengths specified in the LRA shall not be exceeded. However, the further restrictions in the categories of moderate, high and very high, may be exceeded up to the LRA lengths if mitigations satisfactory to CDF are provided. Mitigations that may be considered include, but are not limited to, NFPA-approved structure fire sprinkler systems, open-ended cul-de-sac design, fire-resistant construction materials (roof and structure) and secondary emergency access to standards set in this section.

- i. Where parcels are zoned five acres or larger, turnarounds shall be provided at a maximum of 1,320 intervals.
  - ii. Each dead-end road shall have a turnaround constructed at its terminus.
10. Driveways. All driveways shall provide a minimum ten-foot traffic lane and unobstructed vertical clearance of (15) fifteen feet along its entire length.
- a. Driveways are “fire apparatus access roads” as defined in Section 202 of the California Fire Code.
  - b. Driveways exceed (150) one hundred fifty feet in length, but less than (800) eight hundred feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds (800) eight hundred feet, turnouts shall be provided no more than (400) four hundred feet apart.
  - c. A turnaround shall be provided at all building sites on driveways over (300) three hundred feet in length and shall be within (50) fifty feet of the building.
11. Roadside vegetation. Roadside vegetation contributing to significant risk shall be removed for a distance of ten feet on each side of the traveled section, where required by the fire protection agency. In order to protect escape routes from radiant heat caused by wildfires, native vegetation should be thinned and dead material removed on each side of roads or highways. This may reduce radiant heat from a wildfire to an acceptable level.
12. Gate entrances
- a. Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate.
  - b. All gates providing access from a road to a driveway shall be located at least (30) thirty feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.
  - c. Where a one-way road with a single traffic lane provides access to a gated entrance, a (40) forty-foot turning radius shall be used.
  - d. A lock or other device that allows emergency vehicles unlimited access shall be

installed on all gates, including electronic gates.

13. Size of letters, numbers and symbols for street and road signs. Size of letters, numbers, and symbols for street and road signs shall be a minimum three-inch height, three-eighths inch stroke, reflectorized and contrast with the background color of the sign.
14. Visibility and legibility of street and road signs. Street and road signs shall be visible and legible from both directions of vehicular travel for a distance of at least (100) one hundred feet.



*Required street and road visibility.*

15. Height of street and road signs. Height of street and road signs shall be uniform county wide, and meet the visibility and legibility standards of this article.
16. Names and numbers on street and road signs. Newly constructed or approved public and private roads and streets must be identified by a name or number through a consistent county-wide system that provides for sequenced or patterned numbering and/or non-duplicating naming. All signs shall be mounted and oriented in a uniform manner. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering.
17. Intersecting roads, streets and private lanes. Signs required by this article identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads; streets, and/or private lanes.
18. Signs identifying traffic access limitations. A sign identifying traffic access of flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road, or single lane conditions, shall be placed:
  - a. At the intersection preceding the traffic access limitation; and
  - b. No more than (100) one hundred feet before the traffic access limitation.
19. Installation of road, street and private lane signs. Road, street, and private lane signs

required by this article shall be installed prior to final acceptance by the local jurisdiction of road improvements.

20. Addresses for buildings. All buildings shall be issued an address by the local jurisdiction that conforms to that jurisdiction's overall address system. Accessory buildings will not be required to have a separate address; however, each dwelling unit within a building shall be separately identified.

21. Size of letters, numbers and symbols for addresses. Size of letters, numbers and symbols for addresses shall be a minimum three-inch letter height, three-eighths inch stroke, reflectorized, contrasting with a background color of the sign.

22. Installation, location and visibility of addresses.

- a. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.
- b. Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.
- c. Where multiple addresses are required at a single driveway, they shall be mounted on a single post.
- d. Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

23. General water standards.

- a. Intent. Emergency water for wildfire protection shall be available and accessible in quantities and location specified in these regulations, in order to attack a wildfire or defend property from a wildfire. The emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man-made containment structure, as long as the specified quantity is immediately available.
- b. General standards.
  - i. Water systems that meet or exceed the standards specified in Public Utilities Commission of California (PUC) revised General Order #103, adopted June 12, 1956 (corrected September 7, 1983, Decision 8309-001), Section VIII Fire Protection Standards and other applicable sections relating to fire protection water delivery systems, static water systems equaling or exceeding the National Fire Protection Association (NFPA) Standard 1231, "Standard on Water Supplies

for Suburban and Rural Fire Fighting”, 1989 Edition, or mobile water systems that meet the Insurance Services Office (ISO) Rural Class 8, 2nd Edition 3-80, standard shall be accepted as meeting the requirements of this article. These documents are available at CDF Ranger Unit Headquarters.

- ii. Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency. Where freeze protection is required by local jurisdictions, the protection measures shall be provided.

#### 24. Hydrant/fire valve

- a. The hydrant or fire valve shall be 118 inches above grade, eight feet from flammable vegetation, no closer than four feet nor farther than (12) twelve feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be located at a turnout or turnaround, along the driveway to that building or along the road that intersects with that driveway.
- b. San Benito County has adopted two types of fire hydrants for use in its protection area. The “county standard” hydrant is compatible with Sunnyslope County Water District and the City of Hollister. The “wharf” hydrant may be used only on private water systems (i.e., single-family dwellings, on previously established lots), subdivision of more than one acre lots, minor subdivisions and areas served by the San Benito County Water District. Planned unit developments will require the use of “county standard” hydrants.
  - i. “County standard” hydrant specifications. All hydrants shall meet AWWA C502 standards and shall have a six-inch inlet with one four and one-half inch outlet and two- and one-half-inch outlets.
  - ii. “Wharf hydrant” specifications. Four-inch inlet, tapered IPT female with one two and one-half inch NSHT male outlet, cap and chain with pentagon stem nut.
  - iii. Installations. Installation will be done using standard construction practices. Thrust blocks will be used at all pressure points. The minimum bedding will require six inches of jetted sand backfill.
  - iv. Identified. Each hydrant/fire valve or access to water shall be identified by a reflectorized blue marker, with a minimum dimension of three inches.

#### 25. Signing of water sources. Each hydrant/fire valve or access to water shall be identified as follows:

- a. If located along a driveway, a reflectorized blue marker, with a minimum dimension of three inches shall be located on the driveway address sign and mounted on a fire-retardant post; or

b. If located along a street or road:

- i. A reflectorized blue marker, with a minimum dimension of three inches, shall be mounted on a fire-retardant post. The signpost shall be within three feet of the hydrant/fire valve, with the sign no less than three feet nor greater than five feet above ground, in a horizontal position and visible from the driveway; or
- ii. As specified in the State Fire Marshal's *Guidelines for Fire Hydrant Markings Along State Highways and Freeways*, May 1988.

26. Setback for structure defensible space. All parcels one acre and larger shall provide a minimum (30) thirty-foot setback for buildings and accessory buildings from all property lines and/or the center of a road. As an alternative, recorded evidence of a vegetation clearance easement of at least 30 feet width can be submitted for reduced setbacks.

27. Disposal of flammable vegetation and fuels. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

28. Greenbelts. Subdivisions and other developments that propose greenbelts as a part of the development plan, shall locate the greenbelts strategically, as a separation between wildland fuels and structures. The locations shall be as approved by the inspection authority.

#### **D. Fire Protection Supply for Water Systems**

1. *Systems.* In addition to the requirements for domestic water, development projects shall be required to provide water systems for fire protection demands. Additional flow will be required for high and very high fire hazard zones. An additional (250) two hundred fifty gpm shall be provided for systems where the CC&Rs do not require Class A roof material, as defined by the Uniform Building Code, on inhabited structures.

RURAL: Single-family dwellings on more than one acre; recreational vehicle parks

500 GPM fire flow at minimum 20 psi

660 feet hydrant spacing

330 feet maximum distance from building envelopes

4-inch mains and valves (one to four lots)

6-inch mains and valves (five or more lots)

4-inch riser with a single “county standard” hydrant or wharf hydrant for existing lots

RESIDENTIAL: Single-family dwellings on one acre or less

500 GPM fire flow at minimum 20 psi

660 feet hydrant spacing

330 feet maximum distance from building envelopes

6-inch mains and valves

4-inch riser with a single “county standard” hydrant or wharf hydrant for existing lots

6-inch riser with a “county standard” hydrant (five or more lots)

RESIDENTIAL: Two single-family dwellings per acre

750 GPM fire flow at minimum 20 psi

660 feet hydrant spacing

330 feet maximum distance from building envelopes

County standard hydrant

RESIDENTIAL: (3) Three or more single-family dwellings per acre; mobile home parks

1,000 GPM fire flow at minimum 20 psi

300 feet hydrant spacing

330 feet maximum distance from building envelopes

County standard hydrant

MULTIPLE RESIDENTIAL: Duplex, neighborhood business of one story

1,500 GPM fire flow at minimum 20 psi

330 feet hydrant spacing

County standard hydrant

MULTIPLE RESIDENTIAL: Triplex, apartment, one- and two-story; light commercial or light industrial; schools

2,000 GPM fire flow at minimum 20 psi



300 feet hydrant spacing

County standard hydrant

MULTIPLE RESIDENTIAL: Three stories or higher; heavy commercial or industrial.

2,500 GPM fire flow at minimum

20 psi 300 feet hydrant spacing

County standard hydrant

#### **E. Water storage capacities**

Water storage capacities must be able to provide the above fire flow for a two-hour duration, or meet the following exceptions:

1. Separately developed dwellings with an individual private water supply will provide a minimum of five thousand gallons supply of water each dedicated for fire suppression, or as calculated by the following formula, whichever is greater (NFPA Standard 1231):

##### Single structure without exposure hazards

Total cu. ft. of struc./Occupancy Hazard Class x Construction Class #

##### Single structure with exposure hazards

Total cu. ft. of struc./Occupancy Hazard Class x Construction Class # x 1.5

2. Lakes, ponds, swimming pools, streams or other water sources may be used for fire protection resources as long as provisions are made for access to the supply either by plumbing or fire engine access within (16) sixteen feet for drafting purposes and the capacities equal the requirements above.
3. When the property division is a total of four lots or less and the topography, zoning and other conditions preclude its redivision or addition of more parcels on the system, the source may not be less than the required minimum storage of 20,000 gallons.
4. The use of San Felipe water for fire protection is permissible in lieu of other systems and storage if permitted by San Benito County Water District. If the system is not located at an accessible location, the line must be extended to a location that meets the (rural: single-family dwelling) guidelines above. Improvement plans must be approved by the San Benito County Water District and the County Fire Department.
5. Residential sprinklers will reduce the needed water storage capacities by 50%.

6. Fire protection water systems operated by water companies under regulations of the Public Utilities Commission shall comply with the standards of PUC General Order #103 or Title 22 as applicable.

### **25.08.019 Wireless Telecommunication Facilities**

See Title 7 of the County Code for Wireless Telecommunication Facility regulations.

### **25.08.020 Unmanned Aircraft Systems Shipping/Delivery Services**

#### **A. Intent**

The purpose of the following provisions is to establish regulations for the operation of any unmanned aircraft system (UAS) within the boundaries of the County of San Benito, with the intent of preserving the health, safety, welfare, and privacy of residents, businesses, and visitors.

#### **B. Permitted Zoning for take-off and landing facilities of UAS**

Facilities for the takeoff and landing of unmanned aircraft are permitted subject to the approval of a Conditional Use Permit within the Commercial Thoroughfare (C-1) zone in accordance with Chapter 25.03 of this code.

1. The zoning requirement for UAS takeoff and landing facilities shall not apply to the non-commercial use of UAS, or to publicly owned and operated UAS.
2. Any structures proposed for construction in connection with the establishment of facilities for the takeoff and landing of UAS, will be subject to Development Plan Review pursuant to the requirement of Chapter 25.02.001 of this code.

#### **C. Compliance with All Applicable Regulations**

The takeoff, landing, and operation of all UAS must comply the Code of Federal Regulations defined in Title 14 C.F.R. Part 101 and Title 14 C.F.R. Part 107, as well as any UAS regulations administered by any State Department of the State of California.

### **25.08.021 Public Uses**

This title shall not limit or interfere with the temporary use of any property as a public voting place, or with the construction, installation or operation by any public agency or private corporation of any power or communication transmission and distributing line, or transportation line or conduit, or of any incidental appurtenances to any of the above.

## **25.08.022 Agricultural Employee (Farmworker) Housing**

### **A. Applicability**

Agricultural Employee (Farmworker) Housing Projects that provide housing for at least five farmworkers and are proposed pursuant to §17021.6 of the Employee Housing Act are referred to as “EHA Projects”. Eligible project types include Employer-Provided Farmworker Housing or Rural Farmworker Housing projects, of up to twelve dwelling units or up to 36 beds in group quarters (dormitory-style housing); or a Small Project that provides housing for at least five farmworkers. EHA Projects may be for seasonal or temporary Residency. EHA Projects shall not include any proposed land division (i.e., parcel map, subdivision map or condominium map) for the purposes of creating a separate parcel for the EHA Project or EHA units.

### **B. Agricultural Employee Project Types**

Agricultural Employee (Farmworker) Housing Projects provide housing for 5 or more Farmworkers (“EHA Projects”). EHA Projects include the following project types:

1. Employer-Provided Farmworker Housing Project
  - a. 5 to 36 beds in group quarters designed for single adult farmworkers, or
  - b. 5 to 12 dwelling units, mobile home/RV spaces, each designed for occupancy by at least one farmworker and his/her household
2. Rural Farmworker Housing Project
  - a. 5 to 36 beds or 5 to 12 units for Seasonal or Temporary Occupancy, or
  - b. Up to 12 mobile homes, manufactures homes, travel trailers, RVs for permanent occupancy
3. Small Farmworker Housing Project
  - a. 1 to 4 dwelling units or mobile homes housing at least 5 farmworkers and licensed by the Enforcement Agency

### **C. Required Permits and Approvals**

1. Site Development Permit. In the AR and AP Zone districts, EHA Projects proposed are considered an agricultural use. Conditions of approval may be imposed by the Director to ensure compliance with the standards of this section, and the County, and with the Employee Housing Act.
2. Water and Sanitation Permits. EHA Projects not connected to community sewer or water

shall obtain required County permits for proposed well water and/or septic systems. EHA Projects on well water that meet the definition of Public Drinking Water System shall comply with State water Resources Control Board Standards.

3. Building Permits. EHA Projects shall obtain building permits or other required permits, depending on type of housing accommodations proposed for the project. For EHA Projects consisting of two to four mobile or manufactured homes (not on a permanent foundation system) or recreational vehicles, or spaces for two to four mobile homes or recreational vehicles (a “trailer park”), HCD is the permitting agency. For EHA Projects of five to twelve spaces, mobile homes, or recreational vehicles, the County is the permitting agency.
4. Recorded Covenant. The site development permit shall include a condition of approval for the property owner to record a farmworker housing covenant with the County to provide constructive notice of and ensure owner’s compliance with the requirements of this section of the San Benito County Code, the Employee Housing Act, and their License.
5. License. EHA Projects shall obtain and maintain a License to operate the proposed farmworker housing from the Enforcement Agency pursuant to §17030-17039 of the Act. The Enforcement Agency in the County is the Department of Environmental Health.
  - a. Applicants shall apply for the License at least 45 days before initial occupancy, after the Site Development Permit and any required building or other ministerial permits have been obtained for the project. The application form is available from the Enforcement Agency and requires applicant to provide all information listed in §17032 of the Employee Housing Act.
  - b. Applicant shall submit a letter requesting a modification to the License whenever there is a change in any of the information provided on the License application form, such as a reduction or increase in the number of units or beds occupied by farmworkers, or any other information on the form.
  - c. Licenses are issued for a one-year period and subject to annual monitoring by the Enforcement Agency. Applicant shall submit a letter each year requesting an annual renewal of the License for as long as the housing continues to be operated as employee housing.
  - d. Any operator of an EHA Project that fails to obtain or maintain the required License for the project shall be subject to the penalties of §17037 of the Employee Housing Act, including in some cases a requirement to pay double or ten times the applicable licensing fees.
  - e. Certificate of Non-operation. If the EHA Project ceases to be occupied by farmworkers, the operator shall submit a letter certifying non-operation to the Enforcement Agency within (30) thirty days, noting the date on which the housing

ceased to be occupied, consistent with §17037.5 of the Employee Housing Act. The Certification of Non-Operation shall be submitted to the Enforcement Agency annually for two years following discontinuation of the use of any area or structure on the property identified in operator's License as farmworker housing. The Certification shall attest under penalty of perjury that the farmworker housing has been destroyed, or is no longer owned and operated, or has not been and shall not be occupied by five or more employees during the calendar year. Operator shall send a copy of the Certification of Non-operation to the County Planning Department concurrently with delivery to the Enforcement Agency.

- f. Environmental Review. EHA Projects are subject to environmental review ("CEQA"). The Public Resources Code provides some exemptions to CEQA that may apply to certain types of farmworker housing defined herein.

#### **D. Development Standards and Criteria**

EHA Projects shall comply with development standards of the zone districts in which they are located, as well as the additional standards and criteria provided below. In the event of any conflict between Chapter 25.03 and the standards and criteria provided in this section, those in this section shall prevail.

1. Density limitations. EHA Projects proposed in agricultural zones are considered an agricultural use pursuant to the Act and as such are not subject to the residential density limitations set forth in the General Plan or Zoning Code.
2. Unit Size. The maximum habitable floor area for a dwelling unit intended for occupancy by a single farmworker household (individual farmworker or farmworker family) in an EHA Project shall not exceed the following, measured in square feet (SF) as shown below.

#### **Maximum Habitable Floor Area**

<b>Unit Size</b>	<b>Maximum Habitable Floor Area</b>
Studio or 1 bedroom	640 SF
2 bedrooms	800 SF
3 bedrooms	1,200 SF
4 or more bedrooms	1,400 SF

3. Group Quarters. Structures designed as group quarters or dormitories shall provide at least (50) fifty square feet of habitable area per bed (per occupant) within the dormitory structure.

4. Height. Structures shall be limited to a height of (28) twenty-eight feet.
5. Parking. EHA Projects shall comply with the parking standards in the Chapter 25.07.010, except that the minimum number of spaces per unit or per bed in an EHA Project shall be as set forth below.

**Minimum Parking Spaces Required**

<b>Unit Size</b>	<b>Minimum Parking Spaces Required</b>
Studio or 1 bedroom	1
2 or 3 bedrooms	2
4 or more bedrooms	2.5
Group Quarters	0.5 per bed

6. Parking Exceptions. The Director may approve a reduction in required parking spaces without a variance, if the applicant provides evidence to the Director's satisfaction that fewer parking spaces than otherwise required by this section will be adequate for EHA Project, such as where transit service or alternative transportation is available or is provided by the operator.
  - a. Alternate surfacing materials (e.g., base rock or gravel) may be allowed for parking areas and/or accessways to the EHA, if the Director finds that the alternate surfacing materials will help to preserve agricultural land, and the surfacing will be installed and maintained in a manner that will prevent erosion and will provide adequate drainage, and such alternate is acceptable to other involved reviewing agencies.
7. Siting. EHA Projects shall be sited to avoid, to the extent feasible, placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with agricultural operations on the site or adjacent properties.
8. Minimize disturbance. To the extent feasible, EHA Projects shall be sited on the least viable portion of the parcel or in such a way as to disturb the least amount of productive farmland. Depending on site conditions, this may be achieved by siting the EHA Project near existing development on the site, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the EHA Project.
9. Buffers. To the extent feasible, housing accommodations shall be sited at least (50) fifty feet from any active agricultural operations, including areas subject to machine

cultivation or pesticide application. If such distances are not feasible, buffering techniques, such as fencing, screening with vegetation, or other techniques may be used to provide a buffer between farmworker housing and farming operations, subject to Department approval. Housing accommodations shall not be located within (75) seventy-five feet of any livestock barns, pens or similar quarters of livestock or poultry, consistent with State regulations.

### **25.08.023 Single-Family Farmworker Housing**

#### **A. Intent**

Single-Family Farmworker Housing projects, at the applicant's option, may be proposed pursuant to §17021.5 of the Act, in which case they are deemed a residential use and subject to the same permitting requirements and development standards that apply to a single-family dwelling proposed in the applicable zone, rather than being deemed an agricultural use pursuant to Section A above. All Single-Family Farmworker Housing Projects that provide housing for at least five farmworkers shall obtain a License from the Enforcement Agency pursuant to the Act.

#### **B. Applicability**

A Small Farmworker Housing Project of one to four farmworker dwelling units per parcel, in addition to any primary residence and accessory dwelling unit that may exist on the site, shall be processed as follows:

1. Small Farmworker Housing Projects proposed to provide housing for at least five individual farmworkers (i.e., at least one farmworker unit will house more than one individual farmworker per unit) are considered an EHA Project and may be approved on a parcel in an agricultural zoning district, subject to all provisions of this Zoning Code and the Act, including the requirement to obtain a License.
2. Small Farmworker Projects proposed to provide housing for four or fewer individual farmworkers (at least one farmworker per proposed unit, not to exceed four farmworkers total in the project) are not an EHA Project and not subject to the Act. Such projects may be approved in agricultural zones with an Administrative Use Permit pursuant to all requirements of Section D above, except for the requirement to obtain or maintain a License. In lieu of a License, such projects shall be subject to annual monitoring by the Planning Department to verify the owner's compliance with the recorded farmworker housing covenant and project conditions of approval. If, upon monitoring or in response to a complaint, any dwelling unit in such project is determined to be non-compliant with the occupancy requirements set forth in the farmworker housing covenant, after reasonable notice and opportunity to correct the violation as set forth in County Code, the project permit may be revoked and the unit(s) subject to enforcement pursuant to San Benito County Code Chapter 25.02, possibly including abatement.

## 25.08.024 Medical Marijuana Dispensaries Prohibited

### A. Medical Marijuana Dispensaries Prohibited

The establishment, development, construction, maintenance, or operation of a marijuana dispensary is hereby prohibited, and is not a permitted use in any zoning district, even if located within an otherwise permitted use. No person shall establish, develop, construct, maintain, or operate a marijuana dispensary, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any marijuana dispensary shall be approved by the County of San Benito or any officer or employee thereof.

### B. Definitions

The following definitions are used in this section.

1. Marijuana Dispensary means any of the following:
  - a. Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where any person(s) (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)" or "person(s) with an identification card") makes available, sells, gives, distributes, or otherwise provides marijuana to any two or more other persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)" or "person(s) with an identification card") pursuant to Cal. Health and Safety Code §§ 11362.5 *et seq.* and/or §§ 31362.7 *et seq.* or otherwise; or
  - b. Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to make available, sell, give away, distribute, or otherwise provide marijuana for medicinal or other purposes. Marijuana Dispensary includes medicinal marijuana "cooperatives," "collectives," and/or "clubs."
2. Marijuana Dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by the San Benito County Code and provided that any such use complies strictly with applicable law including, but not limited to, Cal. Health and Safety Code §§ 11362.5 *et seq.* and §§ 11362.7 *et seq.* and the San Benito County Code, including, but not limited, to the Zoning Code (Title 25 of the San Benito County Code).
  - a. A clinic licensed pursuant to Cal. Health and Safety Code Chapter 1 of Division 2;
  - b. A health care facility licensed pursuant to Cal. Health and Safety Code Chapter 2 of Division 2;
  - c. A residential care facility for persons with chronic life-threatening illness licensed



pursuant to Cal. Health and Safety Code Chapter 3.01 of Division 2;

- d. A residential care facility for the elderly licensed pursuant to Cal. Health and Safety Code Chapter 3.2 of Division 2;
  - e. A residential hospice or a home health agency licensed pursuant to Cal. Health and Safety Code Chapter 8 of Division 2;
- 3. The terms "primary caregiver," "qualified patient," "person with an identification card," "cooperative," and "collective" shall be as defined in Proposition 215 (Cal. Health and Safety Code § 11362.5) and Senate Bill 420 (Cal. Health and Safety Code §§ 11362.7 *et seq.*).
  - 4. The word Marijuana shall have the same meaning as that set forth in Cal. Health and Safety Code § 11018.
  - 5. The term "medical marijuana" is marijuana used for medicinal purposes in strict accordance with Cal. Health and Safety Code §§ 11362.5 and §§ 11362.7 *et seq.*

**C. Right to Possess, Use or Cultivate Marijuana**

This section shall not affect the right to possess, use or cultivate marijuana for medicinal purposes as it is presently authorized by the laws of the State of California as set forth in the Cal. Health and Safety Code, Cal. Penal Code, or other state law, or by any federal law.

**D. Conflicting laws**

To the extent that there is any conflict between the provisions of this article and the provisions of any other county code, ordinance, resolution, or policy, the provisions of this article shall prevail.

## **25.08.025 Mineral Resource Area Development Regulations**

### **A. Intent**

The intent of these Mineral Resource Area development standards is to protect and manage natural resources that could be lost due to the encroachment of incompatible land uses, while still allowing low-intensity interim uses.

### **B. Application**

The regulations in this section apply to every parcel which is now known as the “mineral harvest area” or is classified as a MR zone as defined by the most recent mapping produced by the state Division of Mines and Geology.

Mineral harvest areas and MR zones are not shown on the Zoning Map. Maps from the Division of Mines and Geology should be consulted to determine if these designations apply to a given parcel(s).

The standards in this section supplement those of the underlying zoning district(s). Where the standards in this section and those of the base zone conflict, this section’s standards apply.

### **C. Permitted Uses**

The following are permitted uses on land to which this section applies. This list replaces the uses permitted by the underlying zoning district.

1. Agriculture
2. Horticulture
3. Grazing
4. Silviculture
5. Single-family dwelling
6. Structures or capital improvements incidental to the above
7. Uses similar to the above as determined by the Director or Planning Commission per Chapter 25.01 of this Code.

#### **D. Conditional Uses**

The following are conditional uses on land to which this section applies. This list replaces the uses conditionally permitted in the underlying zoning district.

1. Mining mineral, petroleum, rock, sand, gravel, clay and similar resources; and
2. Low-intensity recreational uses.

#### **E. Building Site Requirements**

Minimum lot size in the areas subject to this section is (40) forty acres. Previously created parcels shall be considered non-conforming and subject to the terms of this title.

#### **F. Building Setbacks and Other Requirements**

The setbacks and other requirements for structures or uses on land to which this section applies shall be established by the base zoning district except where modified by this section.

### **25.08.026 Floodplain Development Standards**

#### **A. Intent**

The intent of the Floodplain development standards is to protect structures from flood hazards by ensuring that development in floodplain areas is properly located and constructed.

Floodplain areas are those areas shown on the Flood Insurance Rate Map, published by the United States Federal Emergency Management Agency, or its successor, as adopted by the San Benito County Board of Supervisors.

The standards in this section supplement those of the underlying zoning district(s). Where the standards in this section and those of the base zone conflict, this section's standards apply.

#### **B. Areas Subject to Floodplain Development Standards**

The standards in this section apply to all areas designated as floodplain on the latest Flood Insurance Rate Maps produced by the Federal Emergency Management Agency.

Floodplain areas are not shown on the Zoning Map. The latest FEMA maps should be consulted to determine if this section applies to a given parcel(s).

#### **C. Permitted Uses**

The uses permitted in floodplain areas shall be those of the base zoning district.

**D. Conditional Uses**

Conditional uses in floodplain areas shall be those of the base zoning district.

**E. Building Site Area**

Building site area in the floodplain shall be as listed in the base zoning district.

**F. Height Limitations, Yard Areas, Parking and Landscaping**

Height limitations, yard areas, parking and landscaping in floodplain areas shall be as listed in the base zoning district.

**G. Submittal of Construction Plans; Required Flood Elevation**

1. All development shall conform with the standards of the floodplain management ordinance or its successor.
2. Each property owner or his or her agent who proposes a project for which a building permit is required in a floodplain area shall, prior to approval thereof, submit plans prepared by a civil engineer, licensed by the State of California. The plans shall establish the living area, manufacturing area or storage area of any structure for which a building permit is required at a minimum of one foot above the 100-year flood elevation. The Director may require evidence from an engineer to assist in the determination.
3. The engineer preparing the plans shall, on the building site, provide the Building Inspection Department, at a location acceptable to the Building Inspection Department, a reference to the required elevation that will enable the building department to determine that the required flood elevation is adhered to. The county Building Inspector shall require, and a developer shall provide, written certification from the responsible engineer that the required flood elevation has been met.

**H. Alternative to Required Elevation**

As an alternative to the construction of buildings one foot above the floodplain as provided herein, the site of the buildings may be raised to the required elevation or the site protected by a levee or berm constructed to the elevation necessary to afford adequate protection. The alternatives shall be subject to the terms of the county's grading and erosion control ordinance and floodplain management ordinance or its successor. In either case, plans and specifications for modifications and protection of the site prepared by a licensed civil engineer shall accompany the plans for the building, and, prior to the issuance of a building permit, the site improvement shall be completed and certified in writing by the engineer as having been constructed to prevent flooding. In addition, evidence shall be submitted by a licensed civil engineer that flood hazard is not increased off-site as a result of any development on the property.

**I. Exemption for Existing Residences**

Single-family residences and related accessory structures lawfully existing in the floodplain at the time the ordinance codified in this title becomes effective shall be allowed to remain subject to the restrictions set forth in section 25.01.012 of this Code.

**25.08.027 Scenic Highway Corridor Development Standards**

**A. Intent**

The intent of these Scenic Highway Corridor development standards is to preserve the scenic qualities of the county along scenic highways.

The standards in this section supplement those of the underlying zoning district(s). Where the standards of this section and those of the base zone conflict, this section's standards apply.

**B. Scenic Highway Corridors**

The Scenic Highway Corridor development standards shall apply to all lands meeting the following criteria:

<b><i>Designated Highway</i></b>	<b><i>Corridor Width</i></b>
All of State Highway 101	All land 400 feet on either side of the centerline of the road
A portion of State Highway 129 as designated on the county general plan map	All land 340 feet either side of the centerline of road
All of State Highway 146 as designated on the county general plan map	All land 340 feet either side of the centerline of road

The areas described above are not shown on the Zoning Map. Parcels proposed for development which area adjacent to or near any of the designated highways should be checked to determine whether this section applies.

**C. Permitted and Conditionally Permitted Uses**

The uses permitted and conditionally permitted in scenic highway corridors shall be those permitted in the base zoning district, except as provided in this section.

#### **D. Prohibited Uses**

The following uses are prohibited in a scenic highway corridor, even if permitted by the underlying zone.

1. Uncovered or unscreened storage areas excluding agricultural uses;
2. Off-premises advertising;
3. Free-standing signs except for one sign per entrance identifying the ranch, farm or homesite; and
4. Flashing or moving signs.

#### **E. Development Standards**

Building heights shall not exceed and setback requirements shall not be less than those of the base zoning district.

#### **F. Development Review Required**

All new construction in a scenic highway corridor requires Minor or Major Development Review, including development defined as exempt from Development Review in Chapter 25.02.003.

Development Review shall seek to ensure that new construction is consistent with the intent of the scenic highway designations.

#### **G. Special Sign Standards**

The following standards for signs apply in the scenic highway corridor, and replace standards which would otherwise apply in the underlying zoning district.

1. One identification sign per entrance for a ranch, farm or homesite is permitted.
2. One sign per business establishment is permitted.
3. Temporary signs advertising the sale of local agricultural commodities are permitted.

#### **H. Grading and Screening**

1. Recognizing that grading can have significant adverse impacts within scenic areas the County shall carefully review all projects involving grading within scenic corridors. The proposed project shall be relocated, modified, redesigned or, if no alternative, screened to minimize visual impacts of grading operations seen from any scenic highway. County staff shall make final contour and landscaping recommendations to minimize visual

impact of grading on the scenic corridor in accordance with the county's grading ordinance.

2. Vegetative cover and other screening devices shall be provided to hide grading scars and to blend with the natural landscape and provide erosion control.

#### **I. Landscaping**

All landscaping in the scenic highway corridor shall be compatible with local vegetation and ground forms. Indigenous plants and grasses shall be used where appropriate and possible as a means of reestablishing the natural landscape.

#### **J. Utility Lines**

County staff shall review applications and provide mitigation measures to minimize visual impact of utility lines on scenic highway corridors. All new electric and communication distribution facilities shall be placed underground whenever feasible.

### **25.08.028 Seismic Safety Development Standards**

#### **A. Intent**

The intent of these Seismic Safety development standards is to ensure that development in areas subject to seismic hazards is properly located and designed to protect life and property.

The standards in this section supplement those of the underlying zoning district(s). Where the standards of this section and those of the base zone conflict, this section's standards apply.

#### **B. Areas Subject to Seismic Safety Development Standards**

The development standards in this section shall apply to all areas designated as Alquist Priolo Special Study Zones by the State of California Department of Conservation.

These areas are not shown on the Zoning Map. The latest maps from the State of California Department of Conservation should be checked to determine whether this section applies.

#### **C. Permitted Uses**

The uses permitted, conditionally permitted, and prohibited in an Alquist Priolo Special Study Zone shall those of the base zoning district.

#### **D. Locational Standards**

The following standards apply to all new construction in an Alquist Priolo Special Study Zone:

1. Except as to structures for human occupancy excluded under the Cal. Public Resources Code §§ 2621 et seq., no building to be used for human occupancy shall be placed across an active fault trace. For purposes of this section, the area within 50 feet of an active fault trace shall be assumed to be underlain by active branches of that fault trace unless and until proven otherwise by an appropriate geological investigation and submission of a report by a geologist registered in the State of California.
2. For buildings over two stories high, buildings of an emergency nature such as hospitals, fire stations and police stations and buildings of high occupancy such as auditoriums, schools, theaters, stadiums and similar uses, the minimum required distance from a known active fault trace shall be 300 feet.
3. The Planning Commission shall have power to increase this distance where there is geologic evidence that a greater distance is required for the protection of any building or structure or for the safety of its occupants.

**E. Geologic Report Required**

1. Except as to structures for human occupancy excluded under Cal. Public Resources Code §§ 2621 et seq., applications for all uses which will result in the construction of buildings for human occupancy shall be accompanied by a geologic report directed to the potential for surface fault displacement throughout the site.
2. The report must be prepared by a geologist registered in the State of California and be in conformance with the Alquist-Priolo Special Studies Zone Act of 1972. If the use would result in an undue hazard to life or property, it shall not be approved. If doubt exists as to the hazard, approval may be withheld pending geologic and engineering studies to adequately define the zone of hazard.
3. If, on appeal, the Planning Commission or Board of Supervisors finds that no undue hazard exists, geologic and engineering studies may be waived with approval of the state geologist.
4. Requirements for geologic reports may be satisfied for single- and two-family dwellings if, in the judgment of technically qualified county personnel and the approval of the state geologist, sufficient information is available from previous studies in the same area.



## 25.09: Glossary

This section provides definitions of terms used in the Zoning Code.

For regulations, see the other sections of this Code dealing with the topic defined.

### 25.09.001 Using the Definitions

The following apply to the interpretation of words:

1. When not inconsistent with the context:
  - a. All words used in the present tense include the future tense.
  - b. All words in the singular include the plural.
  - c. Words in the plural include the singular.
2. The masculine gender includes the feminine and neutral gender.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. For words not defined, the common dictionary definition shall be used.
5. Where a definition in this Chapter conflicts with the common dictionary definition, the definition in this Chapter shall apply.

### 25.09.002 Definitions

**Abattoir.** A facility used for the slaughter of animals and the processing and/or packaging of meat for sale. Also known as a “slaughterhouse.”

**Access Road.** A vehicular access roadway greater than or equal to 18 feet in width and serving two or more single-family dwellings.

**Accessory Dwelling Unit.** An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. See also, “Junior Accessory Dwelling Unit”.

**Accessory Structure.** A structure that is physically detached from, and secondary and incidental in terms of use to the primary structure. An accessory structure may be larger than the primary structure; for instance, a barn (accessory structure) larger than the house (primary structure).

**Accessory Use.** A use which is subordinate or incidental to the principal use on the same lot and serving a purpose customarily incidental to the principal use such as a parking garage and storage building.

**Acreage, Gross.** The entire acreage of a parcel or lot, including any proposed public roadways and all other areas which may be ultimately excluded from development. See also, "Acreage, Net".

**Acreage, Net.** The acreage of a parcel or lot, excluding areas to be dedicated for public purposes or other reasons. See also, "Acreage, Gross".

**Adult Animal.** Any animal attaining an age when one of the following applies:

1. It attains 90% of the size, measured by height and/or weight, of an average adult of the species;
2. It no longer requires its mother's care; or
3. It attains the age when an average adult of the species is able to breed

**Adult Cat.** A domestic cat (*Felis catus*) that has reached the age of four months

**Adult Dog.** A dog that has reached the age of four months. See also "Dog"

**Agricultural Employee Housing.** Residential housing whose occupancy is restricted to persons who are employed in, raising or harvesting any agricultural commodities. All occupants of the housing unit(s) must be agricultural employees. The housing shall be provided by someone other than an agricultural employer, as defined in Section 1140.4 of the State of California Labor Code. Agricultural employee housing is not a business run for profit; it does not differ in any way from a traditional dwelling.

**Agricultural Employer.** An employer engaged in agricultural operations who employ employees, as defined in Labor Code Section 1140.4(c).

**Agricultural Processing.** The washing, sorting, packaging, and shelling of harvested agricultural products, in a covered and/or enclosed structure, for shipment or sale. Also includes the production of wine, including crushing of grapes, fermenting, storing, and bottling of wine produced on site. See also "Cannery" and "Winery"

**Agricultural Products.** Any product produced by a commercial agricultural operation, either in its raw form (e.g., whole eggs) or processed to make it ready for wholesale or retail sale (e.g., packaged broccoli). Does not include products which require heating, cooking or baking. Also includes the production of eggs. See also "Commercial Agriculture"

**Agricultural Storage.** The storage of harvested or processed agricultural products in a covered and/or enclosed structure.

**Airport.** A place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargo and passengers, make repairs and take in fuel. See also “Unmanned Aerial Vehicle Takeoff and Landing Facility”



*Aerial view of Hollister Municipal Airport.*

**Alley.** A passage or way open to public travel, affording secondary means of vehicular access to abutting lots, and not intended for general traffic circulation.

**ALUC.** Airport Land Use Commission of San Benito County

**ALUCP.** The most recently adopted Airport Land Use Compatibility Plan for Frazier Lake Airpark, as adopted by the San Benito County Airport Land Use Commission.

**Animal.** Birds, fishes, reptiles and all non-human mammals.

**Animal Control Officer.** The Chief Animal Control Officer or his or her agents and/or deputies.

**Animal Shelter.** A premise selected by the Chief Animal Control Officer with the approval of the Board of Supervisors for the care, confinement, isolation or detention of animals.

**Approach Safety Zone.** The inner edge of this zone coincides with the outer edge of the clear zone and is 450 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the end of the runway. Its centerline is the continuation of the centerline of the runway.

**Approved Entity.** A public or private entity assuming responsibility and ownership of facilities and infrastructure intended in whole or in part to serve the planned unit development and with certain guarantees of providing services to the owners of the lots created by the planned unit development.

**Area of Special Flood Hazard.** Land in the floodplain subject to a 1% or greater chance of flooding in any given year.

**Assembly Uses.** Facilities designed for the gathering of people for any purpose, including social events, religious worship, concerts, events, etc., either as special events or on a regular schedule.

**Automobile/Vehicle Related Uses.** Uses which by design are primarily associated with the repair and refueling of motor vehicles and the provision of services, food, refreshments, etc., to drivers and passengers.

**Automobile Wrecking Yards.** See “Junkyard”

**Average Slope.** The rate of vertical change of ground surface averaged over the site and expressed in percentage or degrees. Average slope is calculated as follows:

$$\frac{S = 0.00229 IL}{A}$$

Where:

0.00229 is the conversion factor for square feet;

I = contour interval in feet;

L = combined length of all contour lines within the parcel;

A = area of parcel in gross acres.

**Balance.** The cutting and filling of a site which does not require the export or import of earth material.

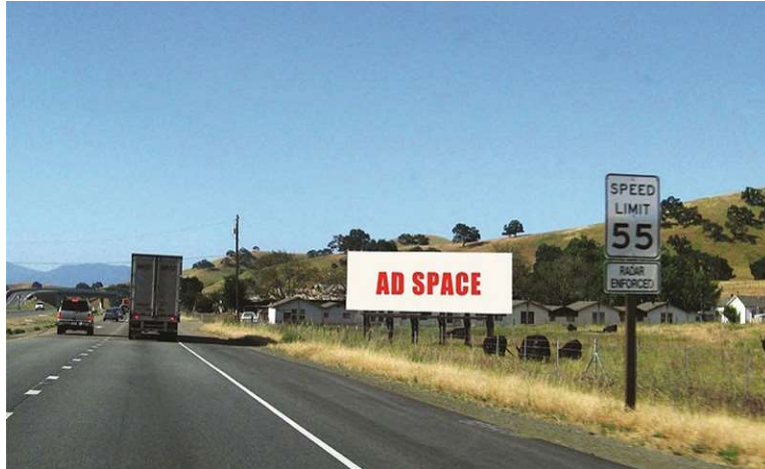
**Banner.** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

**Beacon.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

**Bed and Breakfast.** An establishment providing overnight accommodations and a morning meal by people who rent rooms in their homes to visitors.

**Billboard.** A permanent sign that meets one or more of the following criteria: 1) it is used for the display of off-site commercial messages; 2) it is used for general advertising; 3) displays space on

the sign in a routinely rented, leased or donated to advertisers other than the owner or operator of the sign; or 4) the sign structure is a principal use, as opposed to an accessory or appurtenant use, of the land. A shopping center sign is not within this definition, so long as it is used to display advertising for commercial enterprises located outside the shopping center.



*A billboard.*

**Block.** All property fronting on one side of a street between an intersection and intercepting streets or between a street and a waterway, dead-end street, major easement or right-of-way, or unsubdivided land.

**Board of Supervisors.** The Board of Supervisors of the County of San Benito, State of California.

**Boarding House.** A residence or dwelling, other than a motel or hotel, wherein two or more rooms (with or without individual or group cooking facilities), are rented to individuals under separate rental agreements or leases.

**Breezeway.** A covered passageway with a solid roof used to join two or more detached buildings or two or more parts of the same building.



*A typical breezeway.*

**Building.** See “Structure”

**Building, Accessory.** A subordinate building, the use of which is incidental to that of a main building on the same building site. These structures include, but are not limited to, sheds, and signs.

**Building Height.** The vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, ridge or parapet wall. See Chapter 25.07 for rules regarding measuring heights.

**Building, Main.** A building in which the primary use of the parcel on which it is situated, even if the main building is not the largest building on a parcel. In a residential district, the primary dwelling shall be deemed the main building on the parcel, regardless of its size.

**Building Marker.** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or is made of bronze or other permanent material.

**Building Site.** The portion of a lot or parcel intended to be occupied by a building or buildings.

**Campground.** Land or premises which is used, or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by tents, recreational vehicles or similar quarters.

**Cannabis Retailer, Microbusiness, or Dispensary.** Any facility or location, whether fixed or mobile, where cannabis is cultivated, provided, sold, made available, or otherwise distributed, as defined in Division 10 of the Business and Professions Code and Chapter 6, Article 2 and 2.5 of the Health and Safety Code.

**Cannabis-Related Industrial.** The following types of facilities are defined:

***Cannabis Indoor Commercial Cultivation Facility.*** A building or portion of a building used for a business involving the wholly indoor commercial cultivation of cannabis plants within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the “MAUCRSA”, Business and Professions Code Section 26000, et. seq).

***Cannabis Laboratory Materials Testing Facility.*** A building, or portion thereof, used for a business involving the materials testing, investigation, scientific research, or experimentation of medicinal or non-medicinal cannabis or cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the “MAUCRSA”, Business and Professions Code Section 26000, et. seq).

***Cannabis Manufacturing Facility.*** A building, or portion thereof, used for a business involving the manufacture for off-site sale of cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the “MAUCRSA”, Business and Professions Code Section 26000, et. seq).

***Wholesale Cannabis Logistics, Distribution, and Transportation Facility.*** A building, or portion thereof, used for a business involving the procurement, sale, and transport of cannabis and cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the “MAUCRSA,” Business and Professions Code Section 26000, et seq.).

**Cannery.** A factory where food is canned or bottled. See also, “Agricultural Processing” and “Winery”

**Car Share.** A program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip.

**Caretaker Unit.** A dwelling unit provided for an on-site caretaker. Permitted per Chapter 25.03 of this Code.

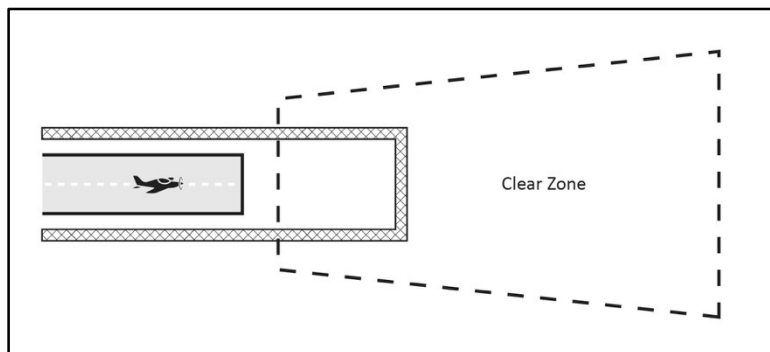
**Cat.** A domestic cat (*Felis catus*), including female and male, altered or unaltered.

**Change of Copy.** A change of a previously permitted or legal sign which affects only the display face of that sign.

**Chief Animal Control Officer.** See Title 13 of the County Code.

**Clear Zone.** A trapezoidal area of ground level which coincides with the end of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 450

feet at a horizontal distance of 1,000 feet from the primary surface. The clear zone overlaps the utility runway visual approach zone.



*Clear Zone*

**Club.** Depending on context: A building used for assembly purposes, or an association or organization dedicated to a particular interest or activity.

**Commercial Agriculture.** Commercial agriculture involves the production crops for sale as a commercial enterprise, intended for widespread distribution to wholesalers or retail outlets. Commercial agriculture includes the delivery or distribution of crops to customers located elsewhere. Commercial agriculture also includes operations typically associated with farming, including equipment, vehicle, and materials storage; and the repair of equipment and vehicles used onsite. See also, "Agricultural Processing"

**Commercial Mascot.** Live human being(s) and/or animal(s) used for the purpose of commercial advertising, such as, by way of example and not limitation, sign spinners, sign clowns, sandwich board signs over a live human body, and persons dressed to appear or suggest as a trademark or symbol of a commercial enterprise. In-person protestors and demonstrators expressing non-commercial messages are not considered commercial mascots.

**Commercial Recreation.** Establishments providing participant or spectator recreation, either indoors or outdoors, for a fee or admission charge. Illustrative examples of these uses include: batting cages, billiards and pool halls, bowling alley, country clubs, family fun centers, golf courses, and rock climbing.

**Common Improvements.** Ponds, drainage facilities, street lighting, utilities, and other infrastructure required for the orderly development of the planned unit development. The open space within the planned unit development may or may not be included in the definition of common improvements.

**Common Open Space.** Land within the site designated for a planned unit development and designated and intended in whole or in part for the use or enjoyment of residents of the planned unit development. The area may contain complementary structures and improvement as are



necessary and appropriate. Fee title to common open space may be held by the homeowner's association or by another approved entity

**Community Assembly.** A facility for public or private meetings, including community centers, union halls, meeting halls, and other membership organizations. Included in this classification is the use of functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage.

**Composting, Agricultural.** An operation where a combination of agricultural commodities and by-products such as feedstock, vegetable waste, cannery waste, soils or yard trimmings are processed to a stabilized state through controlled biological decomposition for the purpose of making compost to amend soils.

**Composting, Commercial.** An operation where a combination of materials such as feedstock, vegetable waste, cannery waste, soils or yard trimmings are processed to a stabilized state through controlled biological decomposition for the purposes of making compost for commercial sales to persons other than the composter.

**Conditional Use Permit.** A discretionary permit required for certain uses specified in this Code to provide for the review of proposed uses, with the intent of ensuring that, if approved, such use can be operated in a manner compatible with surrounding uses.

**Condominium.** As defined in California Civil Code section 1351.

**Constraints.** A factor or factors that restrict development of a site due to environmental hazards or conditions, including but not limited to wildlife habitat, slope, flooding, fire hazard, fault zone, and landslides.

**Construction Sign.** A sign displayed on the site of a construction project during the period of time that construction is diligently pursued.

**Contour.** A line drawn on a plan which connects all points of equal elevation.

**Contour Grading.** A grading concept designed to result in earth forms, which resemble natural terrain characteristics. Horizontal and vertical variations are often used for slope banks. Contour Grading does not necessarily minimize the amount of cut and fill occurring.

**Cottage Food Operation.** As defined in California Health and Safety Code section 113758.

**County.** When capitalized, refers to the governmental agency of the County of San Benito (e.g., "The County regulates land uses."). When lowercase, refers to the geographic area (e.g., "There are many beautiful areas in the county.").

**County Road.** A road which is either existing, offered for dedication, or accepted by the County.

**Court.** An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

**Crowing Fowl.** A male chicken (rooster), peafowl and guinea fowl two months of age or older.



*A "crowing fowl"*

**Custom and Artisan Manufacturing.** The production or fabrication of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment, and which may include incidental instruction or direct sales for consumers. Typical uses include ceramic studios, fabric and needleworking, leather working, metalworking, glass working, candle-making shops, woodworking, and custom jewelry manufacturers.

**Cut.** For the purposes of implementing the Hillside/Ridgeline regulations of this chapter, "cut" is the mechanical removal of earth material.

**Cut and Fill.** The excavating of earth material in one place and depositing of it as fill in an adjacent place.

**Cut-Off Standards.** A standard for light emission wherein light rays emanating from a source are shielded, reflected, or refracted at angles that direct and cut off the light at an angle less than 90 degrees. See County Ordinance No. 748 for additional lighting standards.

**Day Care Centers.** Establishments providing non-medical care for persons on a less than 24-hour

basis other than Small or Large Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

**DBH.** Diameter at breast height is the diameter of a tree measured at four and one-half feet above the ground while standing on the high side of the tree. The diameter may be calculated by use of the following formula:  $\text{Diameter} = \text{circumference} / 3.142$

**Dead-End Road.** A street with only one inlet or outlet.

**Decision Making Body.** Either the Planning Commission or the Board of Supervisors of the County of San Benito.

**Defensible Space.** The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires.

**Density.** The ratio of residential dwelling units to gross acreage, expressed as “units per acre.”

**Design Theme.** A conceptual description of the physical and visual characteristics of a development proposal, with emphasis on the aesthetic qualities.

**Destroy or Destruction.** With regard to a tree (including without limitation its root system), any physical state or condition in which a tree is killed or is so severely damaged that its death is imminent.

**Developed.** For the purposes of implementing the Tree Preservation regulations of this title, refers to a parcel containing at least one permitted residential structure.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Director.** The Director of Planning and Building of the county or his or her designee

**Distribution Center.** See “Logistics Facility”

**District.** See Chapter 25.03 of this Code

**District, Combining.** See Chapter 25.04 of this Code.

**Dog.** Any dog (canis familiars) of either sex, altered or unaltered, or any other member of the canis genus.



*A typical dog.*

**Drip Line.** A line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

**Drive-In Business.** A business where patrons park and are served in their vehicle by staff who come to the vehicle. At a drive-in restaurant, meals are consumed in the vehicle at the restaurant. Compare to “Drive-Through Facilities”

**Drive-Through Facilities.** An establishment that sells products or provides services to occupants in vehicles at which staff remain inside the building and orders are fulfilled at a window. The product is then consumed or used elsewhere. Examples include drive-through restaurants, banks, dry cleaners, and pharmacies. Includes “drive-in” restaurants.



*Typical drive-through business, in this case a restaurant*

**Driveway.** A vehicular access road less than 18 feet wide and serving not more than two single-family dwellings. For the purposes of implementing the Fire Safety standards of this Code, a driveway is a “Fire Apparatus Access Road” as defined in Section 202 of the California Fire Code.

**Dwelling Types.** Various types of dwelling units are defined below:

**Dwelling, Duplex.** A residential building containing two dwelling units under one roof where both units are on the same lot.



*A duplex. A halfplex is physically the same, but is split by a property line to place each unit on its own lot.*

**Dwelling, Halfplex.** A residential building containing two dwelling units under one roof where each unit is on its own lot.

**Dwelling, Multi-Family.** Three or more attached or detached dwelling units on a single lot. Types of multi-unit residential include townhouses and multiple detached residential units. See also, “Dwelling, Single-Family” and “Dwelling, Duplex”





*Examples of multi-family dwellings include triplexes (above) and apartments (below).*



**Dwelling, Single-Family.** A dwelling unit that is designed for occupancy by one household. “Single-Family Dwelling” includes manufactured housing units. See also “Dwelling Unit,” “Manufactured Housing Unit,” “Dwelling, Duplex” and “Dwelling, Multi-Family”

**Dwelling, Two-Family.** A building designed for occupancy by two families living independently of each other, either in a “duplex” or “halfplex” configuration.

**Dwelling, Triplex.** A residential building containing three dwelling units under one roof.

**Dwelling Unit.** One or more rooms in a building designed for or used as a residence and constituting a separate and independent housekeeping unit, with a single kitchen and internal circulation to all living areas. Does not include a lodging or boardinghouse, a fraternity or sorority house, club, or hotel/motel.

**Dwelling Unit, Accessory.** See Chapter 25.08 of this Code.

**Efficiency Kitchen.** For the purposes of implement the Junior Accessory Dwelling Unit regulations of this Code, an efficiency kitchen includes both of the following:

- a. An appliance for cooking or heating food.
- b. A food preparation counter and storage cabinets of reasonable size in relation to the size of the Junior ADU in which they are located.



*Typical efficiency kitchen, shown with an optional sink and refrigerator.*

**Efficiency Unit.** As defined in the Building Code

**Election Period.** The period of time that commences 60 days before any primary, general, or special election, and ends ten days after such election has been held.

**Emergency Access.** An approved secondary access roadway for the exclusive use of emergency vehicles (e.g., sheriff, fire, ambulance).

**Emergency Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

**Employee Housing.** Housing for at least five employees as defined in Section 17008 of the Employee Housing Act.

**Employer-Provided Farmworker Housing.** Housing accommodations described in Section 17008(a) of the Employee Housing Act for five or more farmworkers by their employer and

maintained in connection with any work or place where work is being performed, whether or not rent is involved.

**Erosion.** The process by which the soil and rock components of the earth's crust are worn away and removed from one place to another by natural forces such as wind and water.

**Establishment.** For the purposes of the regulation of signs, "establishment" is a non-residential use of real property, which involves structures that would be subject to a building permit if constructed anew and the routine presence of live human beings for at least 24 hours per week.

**Export.** For the purposes of implementing the Hillside/Ridgeline regulations of this Title, refers to excess earth material that is removed from a grading project and deposited off site.

**Family.** One or more persons living together in a dwelling unit.

**Family Day Care.** A day care facility in a residential home where residents of the dwelling provide care and supervision for children under the age of 18 for periods of less than 24 hours a day.

**Small.** Generally, a facility that provides care for eight or fewer children, as defined in California Health and Safety Code section 1597.44.

**Large.** Generally, a facility that provides care for up to 14 children, as defined in California Health and Safety Code section 1597.465.

**FAR Part 77.** Federal Aviation Regulations, 14 CFR Part 77, Subpart C.

**Farmworker Housing.** A housing accommodation developed for and/or provided to farmworkers and shall consist of any living quarters, dwelling, boarding house, or other housing accommodation maintained in one or more buildings and on one or more sites. Farmworker housing shall consist of either a farmworker dwelling unit or a farmworker housing complex.

**Feed Lot.** Any premises on which cattle are held or maintained for the purpose of feeding and fattening for market, and where cattle are concentrated and fed in a central location.

**Fill.** A deposit of earth material placed by artificial means.

**Finish Grade.** The final elevation of the ground surface after development which is in conformance with the approved plan.

**Flag Sign.** Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

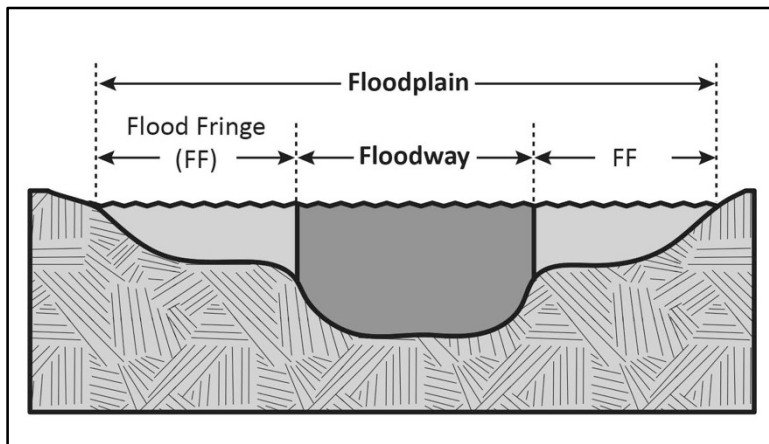


1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff or surface waters from any source.

**Flood Hazard Boundary Map (FHBM).** Official map of a community issued by FEMA, where the boundaries of the flood, mudflow and related erosion areas having special hazards have been designated.

**Floodplain.** Level land which is subject to flooding, usually from a nearby or adjacent stream or river, but across which water is not actively flowing. See also “Floodway”

**Floodway.** An area of land which during a flooding event carries flowing water. See also “Floodplain”



*Floodplain and floodway.*

**Floodway Fringe.** The area between the outer edge of a floodplain and the edge of the floodway.

**Floor Area, Gross.** The sum of all enclosed or covered areas of a building measured to the exterior faces of the enclosing walls, columns or posts, but excluding areas permanently open to the sky and exterior areas under roof eaves, trellises or cantilevered overhangs.

**Floor-Area Ratio.** The ratio of the total gross floor area of all buildings on a lot to the area of the parcel on which the building(s) are located.

**Foot-Candle.** A measure of the amount of light falling on a surface. A higher foot-candle rating indicates more light.

**Foundation.** The lowest part of building or structure that is in direct contact with the soil and which transfers loads from the structure to the soil.

**Frazier Lake Airpark Combining District Boundary.** The boundary of the Frazier Lake Airpark

(FLA) Combining District is defined as the boundary of the Airport Influence Area, established in the Frazier Lake Airpark Airport Land Use Compatibility Plan (ALUCP). The Airport Influence Area is defined as the area bounded by Lovers Lane to Shore Road, west along Shore Road and extended to the railroad tracks, then northwest along the railroad tracks to the Pajaro River, then north along the Pajaro River to Miller's Canal, then northeast along Miller's Canal to the San Benito County line, then east along the county line to Lovers Lane then south to Shore Road.

**Freestanding Sign.** A sign that is self-supporting, permanently in a fixed location and not attached to a building. "Portable sign" is not included in this definition.

**Front Wall.** The wall of a building or other structure nearest the front lot line.

**Garage, Private.** A building for the noncommercial storage of private motor vehicles as an incidental use to a residence.

**Garage, Public.** Any premises used for the commercial storage of motor vehicles.

**General Advertising.** The business of promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising

**Grading.** To bring an existing surface to a designed form by excavating, filling, or smoothing operation. See County Code, Chapter 19.17 (Grading, Drainage and Erosion Control) for additional grading requirements.

**Gross Area.** The entire area of a parcel or lot, including any proposed public roadways and all other areas which may be ultimately excluded from development. See also, "Net Area".

**Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent on a weekly or longer basis. Group residential includes rooming and boarding houses, dormitories and other types of organizational housing, private residential clubs, and extended stay hotels intended for long-term occupancy (30 days or more) but excludes Hotels and Motels, and Residential Care Facilities.

**Guest House.** A detached accessory residential structure on a property without a kitchen or cooking facilities. A guest house is not considered an Accessory Dwelling Unit. See also "Accessory Dwelling Unit".

**Habitable Floor Area.** Space in a structure for living, sleeping, eating or cooking, defined by the outer walls of a structure, but not including a garage or closets.

**Hardscape.** All artificially produced impervious surfaces such as concrete, asphalt, pools, sport courts, and wooden decks.

**Hardware Store.** A retail store which offers hardware, plumbing, electrical, and related goods to the general public, generally in a store of 25,000 square feet or less. See also “Home Improvement Store”

**Hazard to Air Navigation.** An obstruction determined by the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**Heavy Industry.** Industrial uses which take place entirely within an enclosed building, and which are generally characterized by one or more exterior indications (visible emissions, noise, dust, odors, etc.) of the activity taking place inside. See also, “Light Industry”

**Height of Building.** Generally, the vertical distance from the average base elevation to the highest point of the structure. See Chapter 25.07 for standards on measurement of building height.

**Hillside Lot.** A parcel of land with a slope of 15% or greater within the building area or building envelope.

**Hobby or Hobby/Personal.** An activity which is undertaken or pursued for pleasure or relaxation and not as a business or for financial gain. A commercial operation which operates at a financial loss is not a hobby.

**Hobby Kennel.** A kennel, where a limited number of dogs are maintained on a noncommercial basis for the personal use and pleasure of the owner. See Chapter 25.08 for regulations regarding the number of animals which may be kept in a hobby kennel.

**Home Improvement Store.** A retail store which offers a variety of goods related to improvement, including lumber, hardware, plumbing, electrical, appliances, etc., for sale to the general public. Generally large in size (approximately 75,000 square feet or larger). See also “Hardware Store”

**Homeowner Association.** An incorporated homeowner association, assuming responsibility and ownership of facilities and infrastructure intended, in whole or in part, to serve the planned unit development.

**Hotel.** A commercial establishment offering lodging to travelers and which has rooms which open to an interior hallway or lobby. May include a restaurant and/or meeting rooms. See also “Motel”

**Hotel, Resort.** A hotel which contains luxury facilities with full-service accommodations and amenities.

**Household.** See “Family”.

**House Trailer.** A prefabricated structure, built in a factory on a permanently attached chassis.

**Human Scale.** Refers to buildings scaled to human physical capabilities with steps, doorways, railings, work surfaces, seating, shelves, fixtures, walking distances, and other features that fit well to the average person.

**Hybrid Animal.** Any animal which is the offspring of two different species of animals, such as a mule (the offspring of a male donkey and a female horse).



*A mule, an example of a hybrid animal.*

**Incidental or Incidental Use.** A use of land or a building which is subordinate to the primary use, generally based on the area of land or building devoted to the use. An incidental use will generally comprise less than 25% of the total building or site area, although the Director may make a different determination per Chapter 25.01 of this Code. (See also “Primary Use”)

**Independent Living Facility.** A residential dwelling unit having permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Intensity of Development.** The amount of development that may be placed on a site as governed by building square footage and envelope criteria, such as floor area ratio, setbacks, height, lot coverage, and the like. Also see Slope Density Formula.

**Junior Accessory Dwelling Unit.** See Chapter 25.08 of this Code. See also, “Accessory Dwelling Unit”

**Junkyard.** Any outdoor area of more than 200 square feet in area where junk, waste, discarded or salvaged materials are stored or handled. Includes automobile wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and

structural steel materials and equipment.

**Kennel.** Any lot, building, structure, enclosure or premises whereon or wherein more than five adult dogs, 12 puppies under the age of four months, nine adult cats, 12 kittens under the age of four months, or any combination of dogs and cats totaling more than five adult dogs and cats and 12 puppies and kittens under the age of four months, or any number of hybrid animals, are kept or maintained for any purpose whatsoever. This definition shall apply to all types of kennels including, without limitation, boarding kennels and commercial kennels. This definition does not include a duly licensed veterinary hospital, a hobby kennel, or a public pound.

**Kennel House.** Any separate structure within a primary enclosure, which is used as sleeping quarters for the animal or animals kept within the primary enclosure.

**Kennel, Primary Structure.** Any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage or a compartment, exclusive of any kennel house.

**Kitchen.** A room or other space within a building designed and constructed for the cooking and/or preparation of food and containing 1) a stove or cooktop using natural gas or 220-volt electricity and 2) a ventilated hood over the stove or cooktop. See also “Dwelling Unit”

**Legal Lot of Record.** A lot or parcel which complies with the requirements of the Subdivision Map Act. Includes: A lot shown on a Final Map, a lot or parcel shown on a Record of Survey approved by the Board of Supervisors or Planning Commission, a parcel shown on a Parcel Map or Certificate of Compliance recorded in lieu of a Parcel Map, a recorded Certificate of Compliance, a parcel shown on an approved Division of Land Plat, a parcel shown on a Lot legalization Plat used as evidence of legal parcel prior to a Certificate of Compliance, a parcel shown on an approved Boundary Adjustment Plat, a parcel described in a Grant Deed or other bona fide conveyance document recorded prior to February 1, 1972, or a parcel which is completely surrounded by lots already determined to have been legally created.

**Light Industry.** Industrial uses which take place entirely within an enclosed building, with no indication (visible emissions, noise, dust, odors, etc.) of the activity taking place inside. See also, “Heavy Industry”

**Live Work Development.** A particular type of mixed-use development that includes live-work floor plans for residents who desire office, commercial, or studio space adjacent to their living space.



*An artist's live-work space.*

**Livestock, Large.** A horse, ass, burro, donkey, mule, equine creature, cow, bull, steer, heifer, ox, bovine creature, llama, vicuna, sheep, ovine creature, goat, caprine creature, hog, pot-bellied pig, or swine creature. *See also, "Pet," "Poultry" and "Livestock, Small"*

**Livestock, Small.** A farm animal larger than ten pounds but smaller than a Large Livestock. *See also "Small Farm Animal"*

**Livestock Farm or Ranch.** The raising and growing of livestock as a commercial enterprise, intended for widespread distribution to wholesalers or retail outlets. Livestock Farm or Ranch includes the delivery or distribution of animals to customers located elsewhere. Also includes operations typically associated with farming or ranching, including equipment, vehicle, and materials storage; and the repair of equipment and vehicles used onsite. *See also, "Commercial Agriculture"*

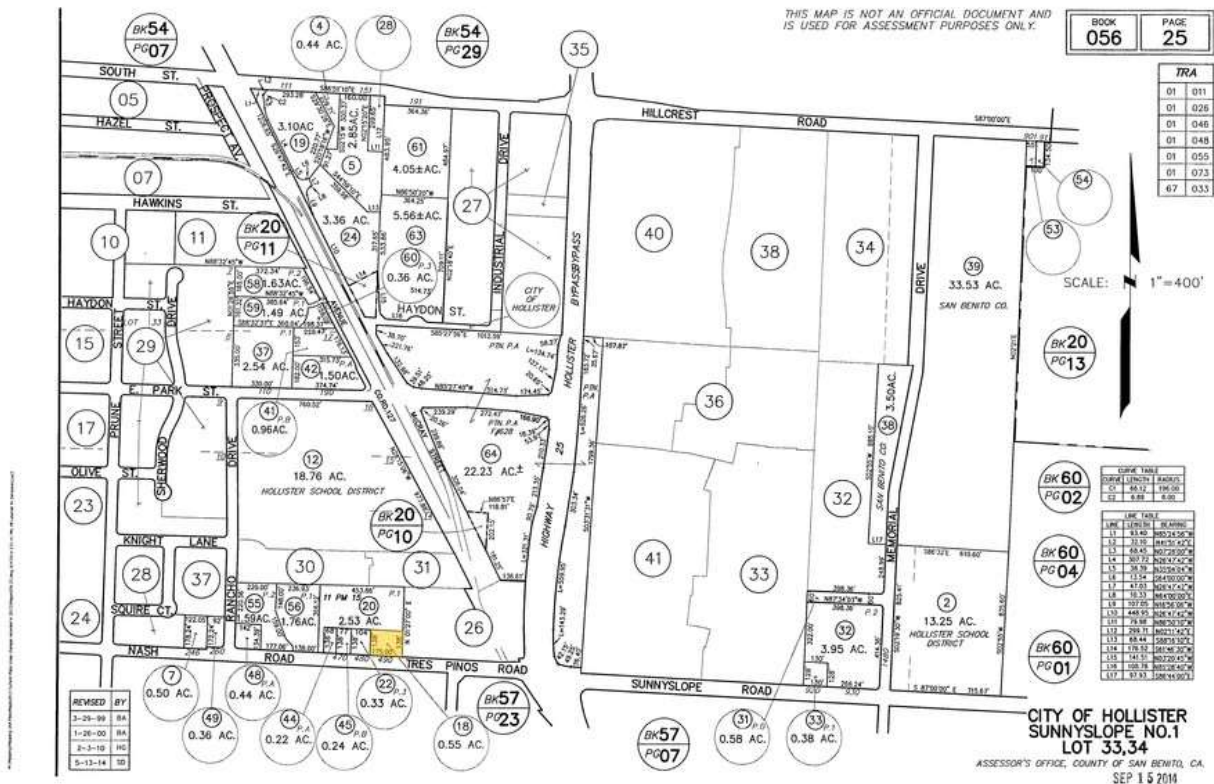
**Living Area.** The interior habitable area of a dwelling unit. Equivalent to "conditioned space" as defined in the Building Code.

**Logistics.** A use characterized by the short-term storage of goods before they are sent to either a retail store or directly to the end user. Logistics uses typically take place in large buildings.



A typical logistics facility.

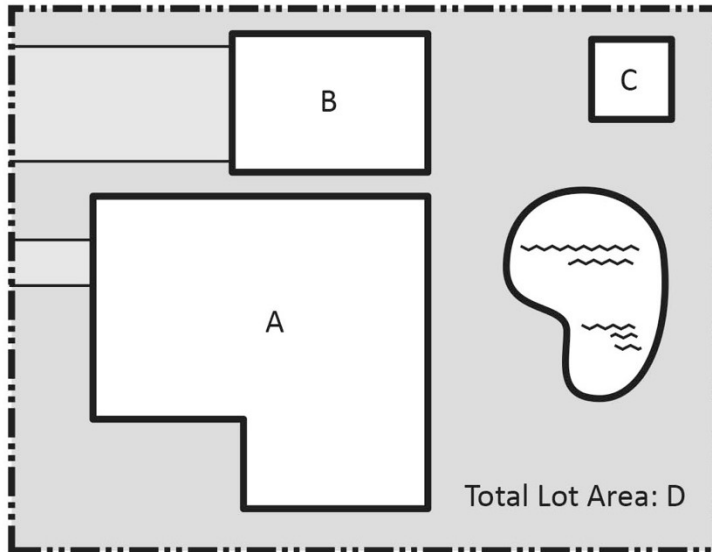
**Lot.** A parcel of land established or to be established by subdivision as provided in the Subdivision Ordinance of the County of San Benito; or a parcel of land established under the applicable federal or state law and local ordinance at the time it was created as set forth in the state's Subdivision Map Act.



Lots are shown on an Assessor's Parcel Map for an area in San Benito County.

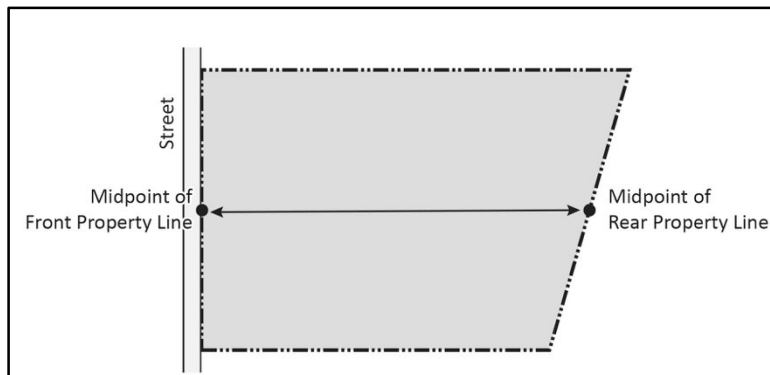


**Lot Coverage.** Any area covered by a building, not including eaves of 30 inches or less. Does not include paved driveways, sidewalks, paths and patios, and uncovered pools or spas.



*Lot coverage is the sum of the area of all buildings (A + B + C) divided by the total area of the lot or parcel (D).*

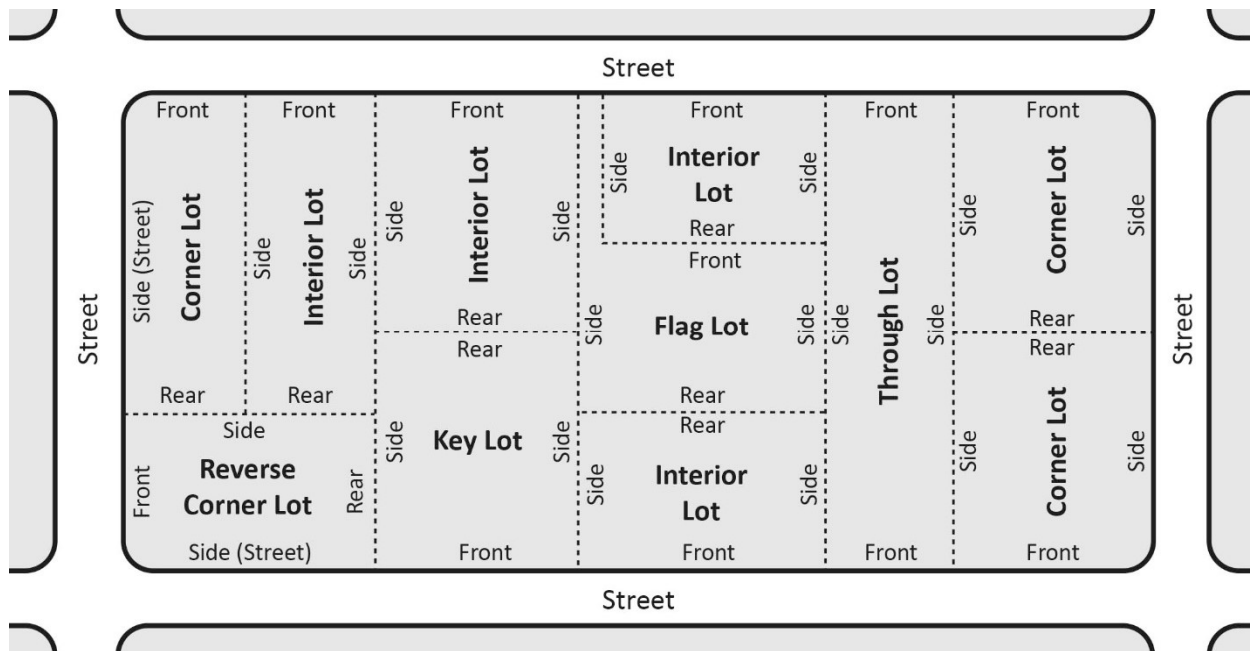
**Lot Depth.** The average distance from the front line of the lot to its rear line measured in the general direction of the side lines of the lot.



*Measuring lot depth.*

**Lot Line Adjustment.** An adjustment of the boundary lines between existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel and where no new parcel is created.





*Illustration of Lot Types*

**Lot Types.** The following are types of lots, as illustrated above.

**Lot, Corner.** A parcel of land which is bounded on two or more adjacent sides by street frontage.

**Lot, Flag.** An interior lot connected to the street by a narrow portion.

**Lot, Interior.** A lot bounded on one side by a street line and on all other sides by adjacent lots.

**Lot, Key.** An interior lot adjoining the rear lot line of a reversed corner lot.

**Lot, Reverse Corner.** A corner lot in which the rear property line abuts the front yard area of an adjoining interior lot.

**Lot, Through.** A lot having frontage on two parallel or approximately parallel streets.

**Lot Width.** See section 25.07.004

**LRDA (Least Restricted Development Area).** Least restricted areas on a property where development would have a minimal impact on the natural landscape and environment.

**Manmade Slope.** A manufactured slope consisting wholly or partially of either cut or filled material.

**Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis, and designed for use with or without a permanent foundation when

connected to the required utilities.

**Marquee Sign.** A permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from the weather; and has a sign at its front or side displaying details of the use within the building.

**Minimal Grading.** A grading concept designed to minimize excavation and filling. Allows the movement of earth for projects such as individual building foundations, driveways, local roads, and utility excavation. The concept is associated with roads conforming closely to natural contours and with buildings being built on natural terrain.

**Mixed Use Development.** Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building (vertical) or on a single site (horizontal) in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

**Mobile Home.** A vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property or its structure, and for being drawn by a motor vehicle.

**Mobile Home Park.** A parcel or parcels of land which has been planned and improved for the placement of mobile homes for non-transient use.

**Motel.** A commercial establishment offering lodging to travelers and which has rooms which open to the outdoors. May include a restaurant or meeting rooms.

**Multi-Family Dwelling.** See "Dwelling, Multi-Family"

**Natural Slope.** A slope that is not manmade. A Natural Slope shall retain natural vegetation.

**Net Lot Area.** The area of a lot exclusive of rights-of-way or ingress-egress easements for public or private uses.

**Net Metering.** Net-metering is a service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electrical utility to the electric consumer during the applicable billing period. Net-metering does not allow the sale of power back to the electric company or into the wholesale electricity market.

**Non-Commercial Sign.** A sign that does not identify, advertise or attract attention to a business, product or service, or propose an economic transaction. Typical examples including signs whose message addresses a topic of public concern or controversy including, but not limited to: politics, religion, philosophy, science, art or social commentary.

**Non-Conforming Building.** A building, structure or portion thereof, which does not conform to the regulations of this title for the district in which it is situated (e.g, setbacks or height limit), but which complied with the applicable regulations in place at the time it was constructed.

**Non-Conforming Site.** A site which does not conform with the regulations of this title for the district in which it is situated (e.g., parking or landscaping), but which complied with the applicable regulations in place at the time it was constructed.

**Non-Conforming Use.** A use that does not conform to the regulations for the district in which it is situated but which complied with the applicable regulations at the time it was established.

**Off-Site Sign.** A sign that identifies, advertises, or attracts attention to a business, product service, event or activity sold, existing or offered elsewhere than upon the same lot or parcel where the sign is displayed. The off-site distinction applies only to commercial messages.

**On-Site Sign.** A sign that identifies, advertises, or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same lot where the sign is displayed. However, signs relating to tenants or establishments located within a multi-tenant non-residential development are all considered on-site anywhere within the development. The on-site distinction applies only to commercial messages.

**Outdoor Activity.** Any activity which takes place outside of an enclosed building, including activity under a roof but not enclosed by walls.

**Outdoor Storage.** The storage of anything outdoors not under a permanent roof.

**Overflight Zone.** Defined as:

- a. The overflight zone is established by swinging arcs of 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.
- b. The overflight zone does not include the approach and transitional zones.

**Own.** To be the legal owner, keeper, harborer, possessor; to have the care, charge, custody or control of an animal; or to be registered as the owner on a license or other legal document.

**Owner.** For the purposes of implementing the Planned Development section of this Title, refers to the legal or beneficial owner or owners of all the land proposed to be included in the PUD. The holder of an option or contract to purchase, lessee having a remaining term of not less than 20 years, or other person having an enforceable proprietary interest in such land shall be deemed to be the owner for the purposes of these provisions.

**Pad.** A level area created by grading to accommodate development.

**Parcel.** Same as “Lot”

**Parking Area.** An off street area for the parking of motor vehicles, including areas required to provide ingress to and egress from the parking area.

**Passageway.** A pathway that extends from a street or alley to one entrance of the accessory dwelling unit.

**Pennant.** Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series.

**Permit.** For the purposes of implementing the Sign regulations of this Title, “Permit” is a written authorization to erect or display a sign that is subject to such authorization by this article. Permits authorized by this article do not include those permits issued by the Planning and Building Department under the authority of Title 21 of the San Benito County Code.

**Person.** Any individual, partnership, corporation, limited liability company, trust or association. For the purpose of implementing the Tree Preservation regulations of this section, also includes a governmental agency.

**Personal Services.** Services provided to an individual that relate to everyday living, not including medical or veterinary services. Examples include: Barber and beauty shops, retail dry cleaning stores with limited equipment, small electronics (such as smartphone) repair, shoe repair, tailors, nail salons, and non-medical professional offices (lawyer, accountant, etc.).

**Personal Storage.** Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

**Pet.** A small animal kept for amusement or companionship, e.g., cats, dogs, hamsters, pot-bellied pigs, small birds and non-poisonous reptiles and fish. This definition specifically excludes any large animal or animal commonly defined as livestock. See also “Small Farm Animal”

**Pet Clinic.** Any lot, building, structure, enclosure or premises whereon or wherein is carried on a business for the medical care and treatment (including surgery) of pets. This definition does not include a kennel, the buying and selling or bartering of animals, the medical treatment of large animals or livestock, the business or activities of a pet shop, or to premises operated by any rescue organization, any public pound or any animal shelter.

**Pet Shop.** Any lot, building, structure, enclosure or premises whereon or wherein is carried on a business of buying and selling or bartering animals. This definition does not include any commercial kennel, any hobby kennel, the buying or selling of livestock, the business or activities of a duly licensed veterinary hospital, or to premises operated by the Society for the Prevention

of Cruelty to Animals, any privately operated rescue organization, any public pound or any animal shelter.

**Pickup Window.** At a drive-through or drive-in business, the window through which staff provides product to customers.



*Pickup window at a drive-through restaurant*

**Places of Worship.** Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Associated uses (i.e., day care centers or full-time or part-time schools) may be allowed as incidental uses to the primary use. See also “Assembly Uses”

**Planned Unit Development.** An area of land controlled by an owner to be developed with a number or mix of dwelling units or mixed-use development the plan for which may not correspond to lot size, bulk or type of dwelling, density, lot coverage, street widths, setbacks, and/or required open space to the regulations established in any one residential district created from time to time under the provisions of this title.

**Planning Commission.** The Planning Commission of the County of San Benito.

**Plot.** Same as “Lot”

**Portable Sign.** A sign that is not permanently in a fixed location and not attached to the ground or a building. Personal apparel, appearance, commercial mascots, hand-held signs and signs on automobiles are not within this definition.

**Poultry.** Chickens, ducks, geese, pigeons, pheasants, peafowl, turkeys, guinea fowl and similar birds raised for eggs, meat, or other products.

**Primary or Primary Use.** The principal or predominant use of land or a structure, generally based on the area of land or building devoted to the use. A primary use will generally comprise at least 75% of the total area used, although the Director may make a different determination per Chapter 25.01 of this Code. (See also “Incidental Use”)

**Primary Dwelling.** An existing or proposed single family home on a lot with an accessory dwelling unit.

**Primary Surface.** Defined as:

- a. 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.
- b. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Principal Building.** The building in which is conducted the principal use of the parcel on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered Principal Buildings.

**Professional Office.** An establishment for professional, executive and administrative offices, including those of accountants, lawyers, doctors, dentists, architects, engineers, drafting offices, insurance agents, real estate agents and other occupations which are of similar character. See also “Personal Services”

**Protected Zone.** For the purpose of implementing the Tree Preservation regulations of this Title, refers to all lands zoned Single Family Residential (R-I) or Residential Multiple District (RM).

**Public Sewer.** A sewer disposal system regulated by the Water Quality Control Board and operated by a mutual sewer system, corporation, public agency or public utility.

**Public Transit.** A location, including but not limited to a bus stop or train station, where the public may access buses, trains, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

**Public Water.** A water system regulated by the Water Quality Control Board and operated by a mutual water system, corporation, public agency or public utility.

**Real Estate Sign.** A sign that advertises a real property, building or tenant space for sale, exchange, lease or other economic transaction. All signs within the scope of Cal. Civil Code § 713 are within this definition. This definition does not include signs concerning transient occupancy,

such as vacancy signs at hotels and motels.

**Remodel.** An improvement or alteration to the exterior or interior of a building that requires a building permit.

**Removal/Remove.** Removal or remove means the uprooting, cutting or severing of the main trunk, or major branches of a tree or any act which causes, or may be reasonably expected to cause a tree to die, including but not limited to the following: inflicting damage upon the a tree or a root system of a tree by machinery, storage of materials, soil compaction or other means; substantially changing the grade above the root system or trunk of the tree; or excessively or severely pruning or root pruning.

**Residential Area to be Developed.** For the purpose of implementing the Planned Development section of this Title, refers to the area of land to be developed for residential lots and associated recreation and subdivision improvements.

**Residential Zones.** Includes the following zones: Rural Residential (RR) Single Family Residential (R1) and Residential Multiple (RM).

**Ridgeline.** A line connecting the highest points along a ridge and separating drainage basins above a 15% slope.

**Riparian Corridor.** An area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

**Roadside Stand.** A permanent or temporary building, often small in size, placed for the purpose of selling produce and agricultural products.



*A roadside stand*

**Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the County's Zoning and Land Use laws, rules, policies, practices and/or procedures under provisions of Federal or California Law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

**Recreational Trailer Park.** Any area or tract of land where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

**Recreational Vehicles.** See § 25.25.002 of this title.

**Renewable Energy.** Energy produced from geothermal, solar, or wind energy. Does not include energy created from the burning of any type of fuel.

**Renewable Energy Generation Facility, Commercial Scale.** A facility which generates electricity from geothermal, solar, or wind energy primarily for offsite users or utilities.

**Renewable Energy Generation Facilities, Private Non-Commercial.** A facility which generates electricity from geothermal, solar, or wind energy primarily for use on-site.

**Residential Care Facilities.** A facility licensed by the state of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes those both for and not-for-profit institutions but excludes Supportive Housing and Transitional Housing.

***Small.*** A facility that is licensed by the state of California to provide care for six or fewer persons.

***Large.*** A facility that is licensed by the state of California to provide care for more than six persons.

**Residential Facility, Assisted Living.** A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, with or without kitchen facility, and common areas and facilities. The residents in these facilities require varying levels of assistance.

**Retail Sales, Large Scale.** The sale of retail goods to the general public in stores of 50,000 square feet or more. See also, "Retail Sales, Small Scale"

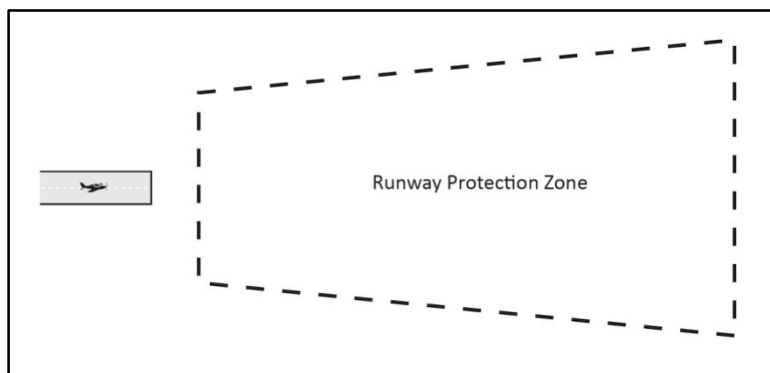


**Retail Sales, Small Scale.** The sale of retail goods to the general public in stores of less than square feet. See also, “Personal Services”

**Roof Elements.** Any item attached to a building extending above the maximum elevation of the roof, such as antennae, air conditioning equipment, vents, facades, decorative elements, etc.

**Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**Runway Protection Zone.** A trapezoidal area at ground level which coincides with the end of the primary surface and is 250 feet wide. The runway protection zone expands outward uniformly to a width of 450 feet at a horizontal distance of 1,000 feet from the primary surface. The runway protection zone underlies the utility runway visual approach slope.



*Runway Protection Zone*

**Rural Farmworker Housing.** Housing accommodations as described in Section 17008(b) of the Employee Housing Act which includes housing located in an agricultural zone, and in a rural area as defined in CA Health and Safety Code Section 50101; provided by someone other than an agricultural employer; and provided for five or more farmworkers of any agricultural employer(s) for any of the following purposes:

- (1) Temporary or seasonal occupancy.
- (2) Permanent occupancy, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.
- (3) Permanent occupancy, if the housing accommodation consists of one or more existing, conventionally built (i.e., subject to State Housing Code – Health and Safety Code Sections 17910-17998.3, also known as “stick-built”) structure(s) on the site that are at least 30 years old, and at least 51 percent of the dwelling units or 51 percent of the beds in group quarters in the existing structure(s), are occupied by farmworkers.

**Scar.** A visible cut in a hillside with a slope greater than 1:1/2:1 in which all topsoil has been

removed and vegetation will be unable to establish itself after a significant period of time (five years).

**Seasonal Occupancy or Seasonal Employee Housing.** Farmworker housing which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year, as further defined in Section 17010(b) of the Act.

**Senior Citizen.** An individual 55 years or older.

**Serious Harm.** With regard to a tree, any act or activity that causes damage to a tree (including without limitation its root system), thereby leaving the tree in a physical state that, in the judgment of any Certified Arborist retained by the county; (i) makes the death of the tree reasonably eminent; (ii) significantly shortens the normal life expectancy of the tree; or (iii) makes it impossible or reasonably unlikely that the Tree can be fully restored to a condition of good health and/or normal appearance within 30 calendar days of such harm having been inflicted.

**Setback or Setback Line.** A line defined in this Code to govern the placement of buildings or structures with respect to property lines, streets, access easements, rights-of-way, or alleys.

**Shall.** Shall is mandatory and indicates a standard, requirement, etc., which must be met.

**Short-Term Rental.** A use in which a dwelling, or portion thereof, is rented for tourist or transient purposes for compensation for a period of less than twenty-eight (28) consecutive calendar days, and the renter is given exclusive use of the dwelling. The definition shall include any arrangement in which the rental period is less than twenty-eight consecutive days or can be reduced below 28 consecutive days, or in which the dwelling is rented multiple times within 28 consecutive days.

**Sign.** Any device, fixture, placard or structure, including its component parts, which by display of a visual image communicates a message or information regarding an object, product, place, activity, opinion, idea, person, institution, organization or place of business, or which identifies or promotes the interests of any person, and which is visible from any street, road, highway, right-of-way or public parking area. Notwithstanding the generality of the foregoing, the following are not within the definition of Sign for the purposes of this article:

1. Architectural features including decorative or ornamental elements of buildings, not including letters, trademarks or moving parts.
2. Automatic teller machines (ATMs).
3. Cornerstones, foundation stones, and similar permanent indicators of date of construction, dedication or installation.
4. Cultural and holiday decorations of a noncommercial nature, mounted on private residential property that pertain to cultural and religious observances.
5. Fireworks.

6. Grave markers. Including gravestones, insignia on tombs, mausoleums and other insignia of the deceased, which are part of a burial internments, mausoleum or memorial site.
7. Hot air balloons that carry persons and do not display general advertising images.
8. Interior signs not visible from the public right-of-way.
9. Manufacturer's marks on tangible products, such as trademarks and logos, which identify the make, seller, provider or product and that customarily, remain attached to the product or its packaging after sale.
10. News racks including any self-service or coin-operated box, container, storage unit, fixture or other dispenser placed, installed or maintained for display and sale or other distribution of one or more newspapers, periodicals or other publications.
11. Non-commercial symbols integrated into architecture, such as symbols of non-commercial organizations or concepts including, but not limited to: religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal. By way of example and not limitation, such symbols include church bells, stained glass windows, carved doors, artistic sanctuary.
12. Party jumps, including inflatable gymnasium devices, commonly used at birthday parties.
13. Personal appearance items or devices of personal apparel, decoration or appearance, including apparel, tattoos, makeup, masks and costumes, but not including hand-held commercial signs or commercial mascots.
14. Shopping carts, golf carts, personal scooters, and similar small personal transportation devices, when not used for the display of general advertising. Any vehicle which may legally traverse by its own power on any state road or federal highway is not within this definition.
15. Special event signage temporarily used in conjunction with special events, parades, demonstrations, protests and street closures.
16. Vending machines.
17. Visual images on trains or duly licensed public mass transit vehicles which legally pass through the county.

**Single-Family Dwelling.** A dwelling unit that is designed for occupancy by one household. *See also, "Multiple Family Dwelling"*

**Single-Family Farmworker Housing.** Housing accommodations occupied by no more than six farmworkers for which the owner/operator has obtained or seeks a License pursuant to Section 17021.5 of the Employee Housing Act, which allows such projects to be deemed a single-family

dwelling and a residential use of the property.

**Single-unit, Two-unit, and Multi-unit.** For the purposes of the Accessory Dwelling Unit regulations in this Title, means the same, respectively, as single-family, duplex, and multi-family residential units.

**Site Analysis.** A process where a homeowner meets with staff before development plans have progressed substantially to discuss potential site constraints, conceptual plans, design considerations, neighborhood compatibility, and general standards and guidelines in designing a home.

**Slope.** A mathematical expression of an inclined ground surface, the inclination of which is expressed as a ratio of vertical distance (rise), or change in elevation, to the horizontal distance (run). The percent of any given slope is determined by dividing the rise by the run, multiplied by 100.

**Slope Density Formula.** The size of lots allowed in a new subdivision based on a formula that increases the minimum lot size allowed as the slope of the site increases. Also see Intensity Of Development.

**Slope Transition.** The area where a slope bank meets the natural terrain or a level graded area either vertically or horizontally.

**Small Farm Animals.** Any animal weighing ten pounds or less commonly kept on a farm, including poultry, rabbits, etc. See also “Livestock, Small” and “Poultry”

**Small Animal Keeping.** The raising or keeping, or both, of small animals. *See Chapter 25.08 for limits on the number of animals which may be raised or kept.”*

**Small Livestock.** See “Livestock, Small”

**Small Livestock Farming.** The raising or keeping, or both, of small farm animals and small livestock.

**Soffit.** The exposed undersurface of any exterior overhanging section of a roof eave.

**Stable, Commercial.** An accessory structure attached to, or detached from, the main building, occupied by one or more large livestock animals, where compensation is paid for the keeping of five or more animals, whether the compensation be direct or indirect. Also includes a structure occupied by five or more animals which are used for giving lessons for either the care of, or riding of, animals, which lessons are offered for compensation.

**Stable, Private.** An accessory structure, attached to or detached from the main building, occupied by one or more large livestock animals primarily for the use of the property owner and/or

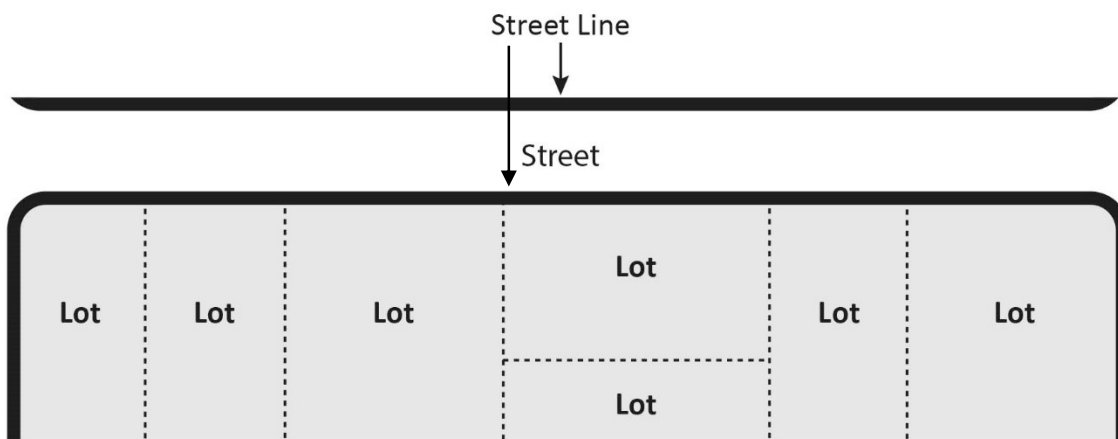
residents. Compensation may be paid for the keeping of no more than four animals.

**Start of Construction.** The first placement of permanent construction of a primary structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Construction is not considered to be started by land preparation, such as clearing, grading, and filling, or by the installation of streets and/or walkways, or by excavation for a basement, footings, piers, or foundations, or the erection of temporary forms. Construction is also not considered to be started by the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

**Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it then the space between the floor and the ceiling next above it.

**Street Frontage.** The property line of a parcel abutting the right-of-way to which such parcel has a legal right of access.

**Street Line.** The boundary between a street and abutting property.



*Street line highlighted*

**Street, Public.** A street or roadway which has been dedicated to and accepted by the County of San Benito, the State of California, or another city.

**Structural Alteration.** Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**Structural Walls.** Any bearing wall of a building.

**Structure.** Anything constructed or erected in a fixed location on the ground. A “structure” includes items which may not require a building permit, such as small prefabricated sheds.

“Structure” does not include items which are clearly intended to be easily moved, such as a portable BBQ. “Structure” does not include the following: flagpoles, in-ground swimming pools; walls; driveways, sidewalks, parking spaces, and patios and other uncovered paved areas.

**Structure Mounted Sign.** A sign that is permanently in a fixed location on a building. “Portable sign” is not included in this definition.

**Structure, Outdoor Advertising.** Any structure of any kind or character, erected or maintained for outdoor advertising sign purposes.

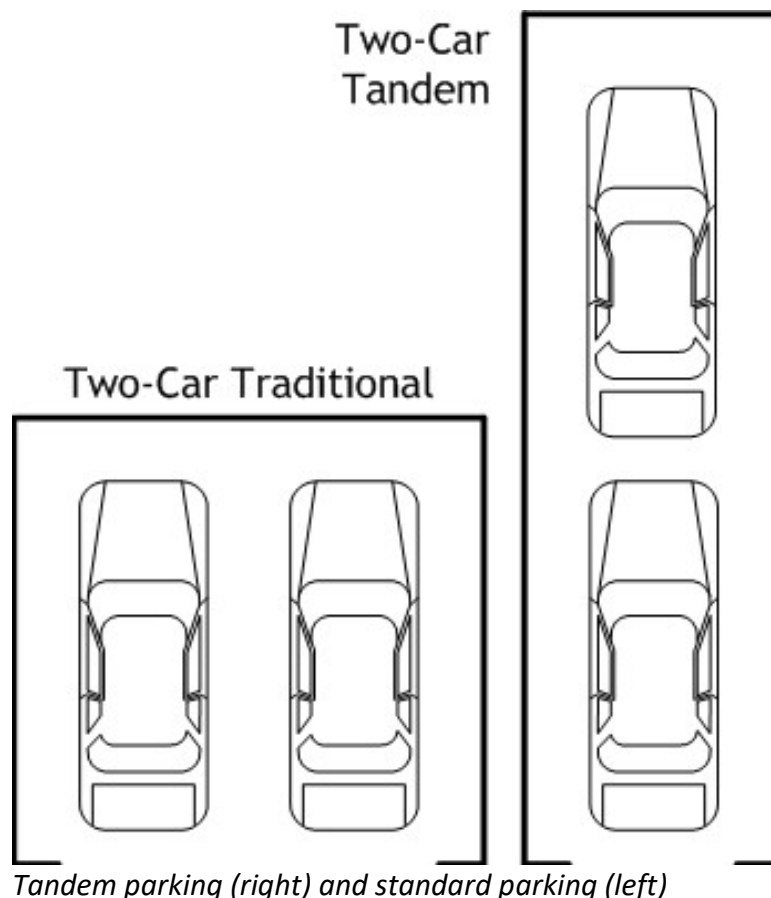
**Substantial Improvement.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value either:

1. Before the improvement or repair started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether that alteration affects the external dimensions of the structure.

**Supportive Housing.** Dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

**Swimming Pool.** Any tank or pool created artificially and designed for the purpose of containing a body of water offering the possibility of use for swimming, bathing or total body immersion and any portion which exceeds 24 inches in depth and which pool or tank is not readily portable in design or construction.

**Tandem Parking.** Two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.



*Tandem parking (right) and standard parking (left)*

**Target Population.** As defined in Government Code Section 65582, Target Population means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services. It may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

**Temporary Occupancy or Temporary Employee Housing.** Farmworker housing which is not operated on the same site annually, and which is established for one operation and then removed, as further defined in Section 17010(a) of the Employee Housing Act.

**Temporary Sign.** Any sign not installed for more than 30 days and not permanently mounted.

**Townhouse.** A dwelling unit that for one household which located on a separate lot from any other unit (except a second dwelling unit, where permitted), and is attached through common walls to one or more dwellings on abutting lots. See also “Condominium”.

**Trailer.** A vehicle designed and used for human habitation and with its wheels in place.

**Transitional Housing.** Housing that has a predetermined end point in time and operated under a program that requires the termination of assistance, in order to provide another eligible program recipient to the service (per Govt. Code Section 1954.12). The program length is typically no less than six months.

**Tree.** For the purpose of implementing the Tree Preservation regulations in this Title, “tree” shall mean any living tree having at least one trunk of eight inches or more in diameter measured four and one-half feet above the ground, or a multi-trunked tree having an aggregate diameter of ten inches or more, measured four and one-half feet above the ground (dbh). “Tree” does not include the following fruit and nut trees: Almonds, Apples, Apricots, Avocados, Cherries, Chestnuts, Mandarins, Nectarines, Olives, Oranges, Peaches, Pears, Pecans, Persimmons, Pistachios, Plums, or English Walnuts. This exception shall only apply to trees varieties which are cultivated for edible fruit production. Decorative, ornamental, landscaping or flowering varieties of the above trees are not exempt.

**Trees of Special Protection.** Shall include any of the following:

- a) Heritage Trees. Any tree, regardless of species, which has a trunk diameter of 36 inches or greater measured four and one-half feet above the ground;
- b) A tree shown to be preserved on an approved Development Plan or specifically required by the Planning Commission to be retained as a condition of approval of an entitlement;
- c) A tree required to be planted as mitigation or replacement for the removal of a protected tree; and/or
- d) A Landmark Tree. Any tree or grove of trees, or type of tree, designated by resolution of the Board of Supervisors to be of historical or cultural value, an outstanding specimen, an unusual or native species and/or of significant community benefit.

**Triplex Dwelling.** See “Dwelling, Triplex”

**Two-Family Dwelling.** See “Dwelling, Two-Family”

**Unmanned Aircraft System.** An aircraft without a pilot or passengers on board, operated remotely. Commonly known as a “drone.”

**Unmanned Aerial Vehicle Takeoff and Landing Facility.** A facility designed for the takeoff and landing of unmanned aircraft, such as drones used for package deliveries.





*Unmanned aircraft carrying a package.*

**Use.** The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is, or may be occupied or maintained.

**Use, Accessory.** A use accessory to and customarily a part of the permitted use, which use is clearly incidental and secondary to the permitted use and which does not change the character thereof.

**Use, Principal.** The main use of land and buildings and the main purpose for which land and buildings exist. The principle use of property may occupy less than a majority of either the land area, the area of structures, or both.

**Utility Runway.** A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

**Utility Runway Visual Approach Zone.** The inner edge of this approach zone coincides with the end of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**Variance.** The procedure whereby the strict application of the provisions of this title relating to height, area, yard requirements or other requirements of this title may be modified in a particular instance. See Chapter 25.02

**Veterinary Hospital.** A facility for the medical care and treatment (including surgery) of large animals, not commonly kept as house pets, including livestock, hybrid or wild animals. Veterinary Hospitals may include the treatment of pets and boarding kennels only as uses that are accessory to the treatment and care of large animals.

**Viewing Area.** Any public road/highway that adjoins the property line of the lot being developed.

**Visual Runway.** A runway intended solely for the operation of aircraft using visual approach procedures.

**Warehousing, Storage, and Wholesaling and Distribution.** Indoor storage and/or sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. This use includes cold storage, freight moving and storage, warehouses, and wholesalers. Wholesalers are primarily engaged in business-to-business sales but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise and are not designed to solicit walk-in traffic. See also “Personal Storage”

**Wild Animal.** Any animal which is not normally domesticated in the United States including, but not limited to, any lion, tiger, bear, non-human primate (monkey, chimpanzee and the like), wolf, cougar, ocelot, wildcat, skunk, raccoon, ferret, venomous reptile, boa, python, anaconda, members of the order Crocodilian, or other such animal (ferae naturae), regardless of its actual or asserted state of docility, tameness or domesticity.

**Winery.** A facility for the fermenting and processing of grape juice into wine or the refermenting of still wine into sparkling wine. Includes:

- The storage and aging of wine and the bottling of wine.
- Tasting of wine produced onsite and providing food either free or for sale
- The use of the facility for events (weddings, parties, etc.)

See also, “Agricultural Processing”

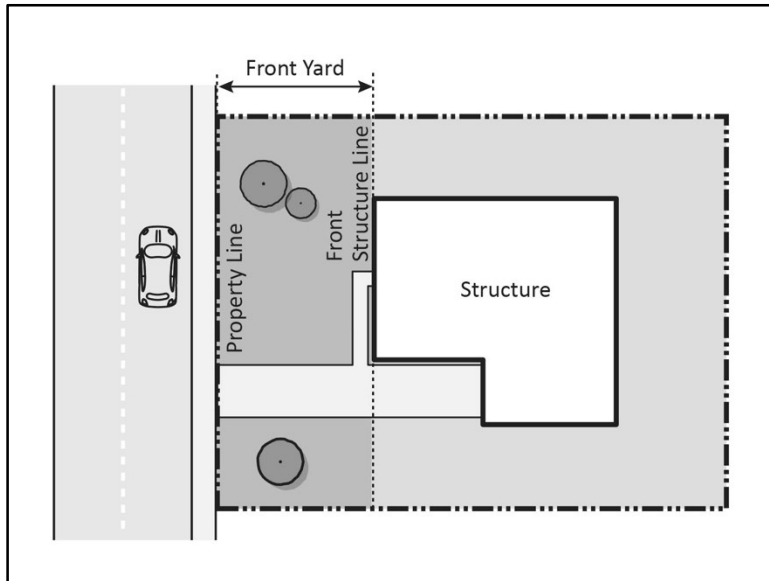
**Yard.** An open space other than a court on the same building site with a building, which open space is unoccupied and unobstructed from the ground upward, not including any portion of any street, road or alley, access easement or road right-of-way.

**Yard.** For the purpose of implementing the Tree Preservation regulations of this chapter, the following definitions apply:

- a) Backyard. Shall be defined as the open space area on the same lot as a dwelling, located between the furthest rear portion of a primary dwelling and extending to the rear property line. For purposes of this chapter, Backyard does not infer "Rear Yard" as defined by San Benito County Code, Title 25.
- b) Side-Yard. Shall be defined as the yard area located on each side of the primary dwelling on a parcel, beginning at the furthest front portion of a primary dwelling,

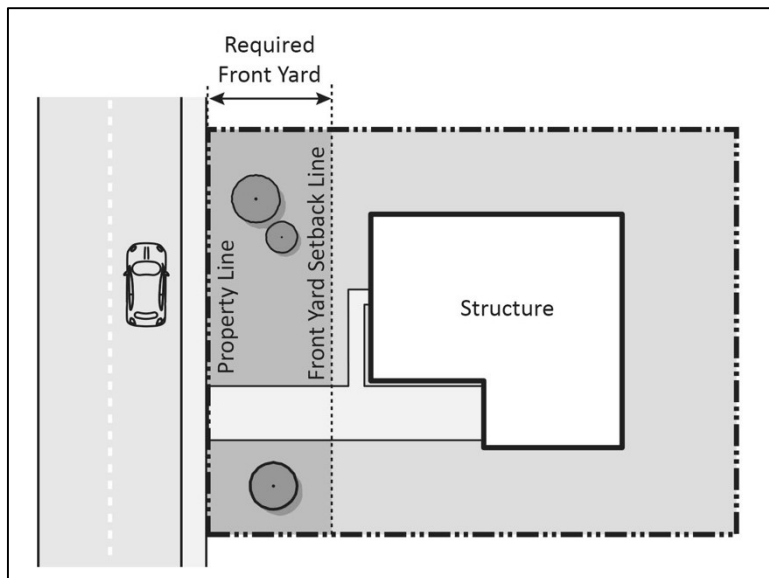
extending to the furthest rear portion of a primary dwelling and bounded by the nearest side property line. For purposes of this chapter, Side-yard does not infer "Side Yard" as defined by San Benito County Code, Title 25.

**Yard, Front.** The area between the primary structure and the front lot line.



*Front yard is the area between the primary structure and the front lot line.*

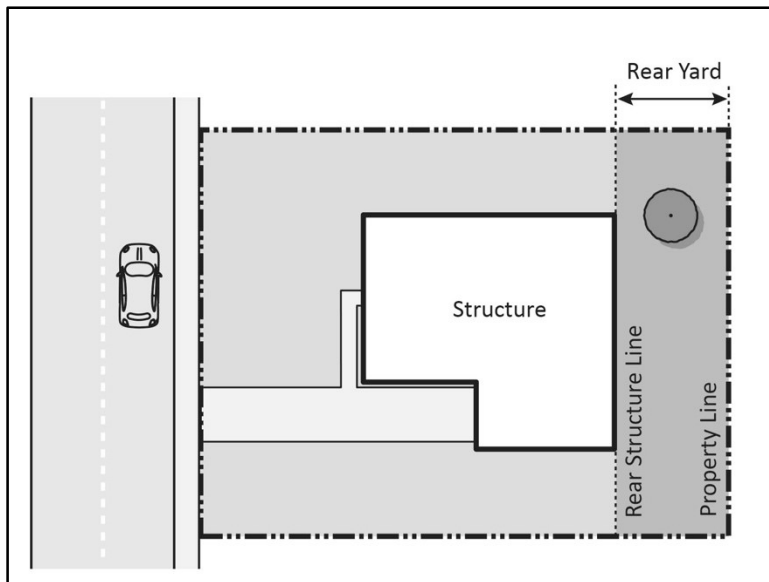
**Yard, Required Front.** The area between the front lot line and the front setback line.



*Required front yard is established by the front setback line.*

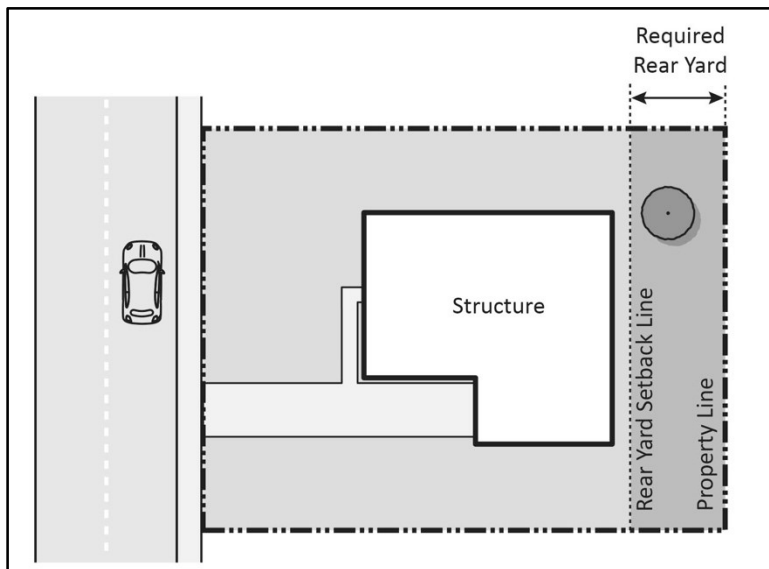
**Yard, Required.** The area between a lot line and the setback line corresponding to that line.

**Yard, Rear.** The area between the rear of the primary building on a lot and the rear property line.



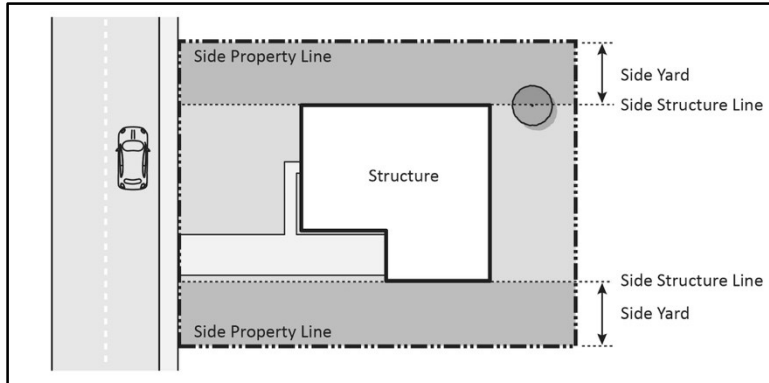
*Rear yard is the area between the primary structure and the rear property line.*

**Yard, Rear, Required.** The area between the rear lot line and the rear property line.



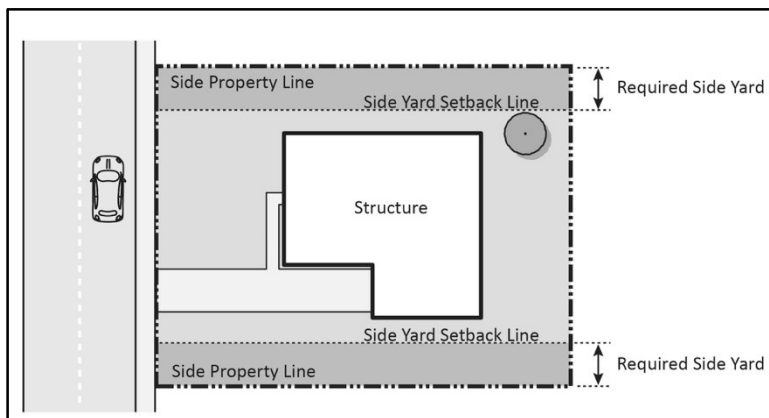
*Required rear yard is defined by the rear setback line.*

**Yard, Side.** The area between the primary structure and each side lot line.



*Side yard is the area between the primary structure and the side lot line.*

**Yard, Side, Required.** A yard along each sideline of the lot to a width required by the district in which the lot is situated and extending from the front yard setback line to the rear yard setback line.



*Required side yard is established by the side setback line.*