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**

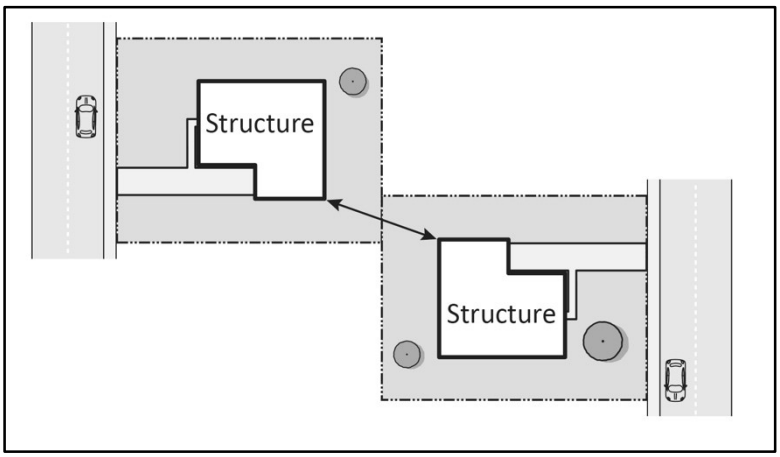
Whenever this Code requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows, unless 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 statue, and the Affordable Housing, Density Bonuses, and Incentives Chapter, any fractional number of units shall be rounded up to the next whole number.

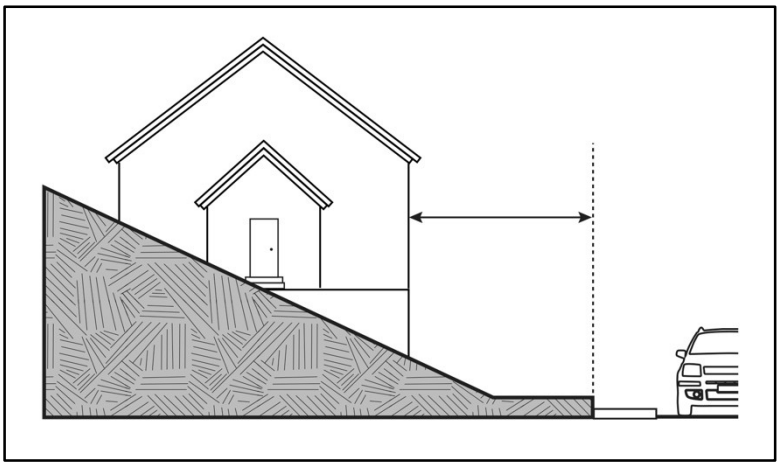
B. **Measuring Distances**

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.



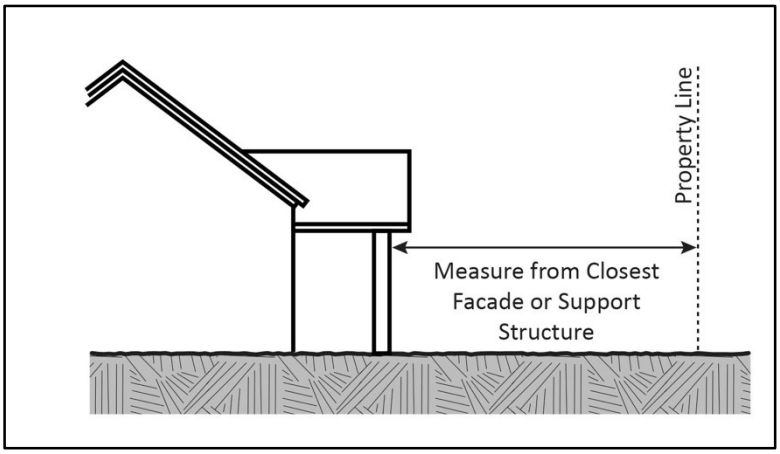
Example of measuring the shortest distance, in this case between two buildings.

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.



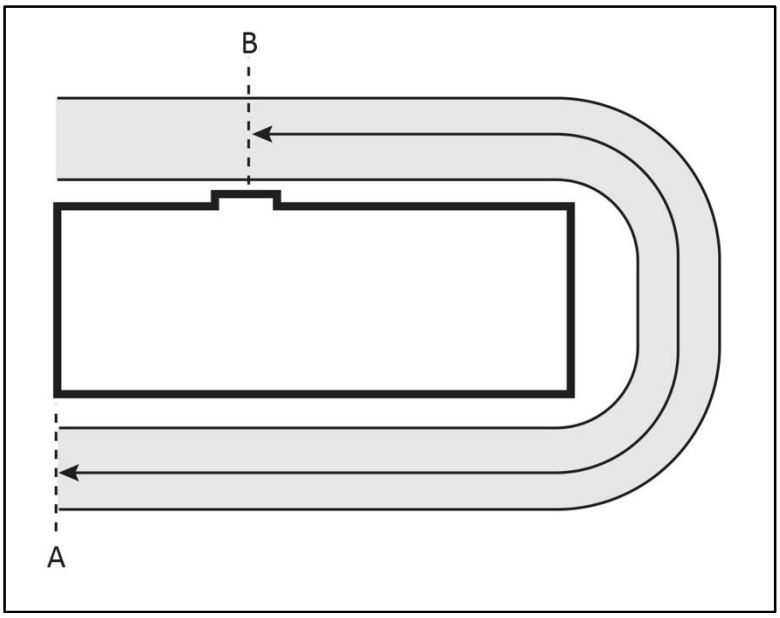
Setbacks and other dimensions are measured horizontally, even on sloping sites.

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.



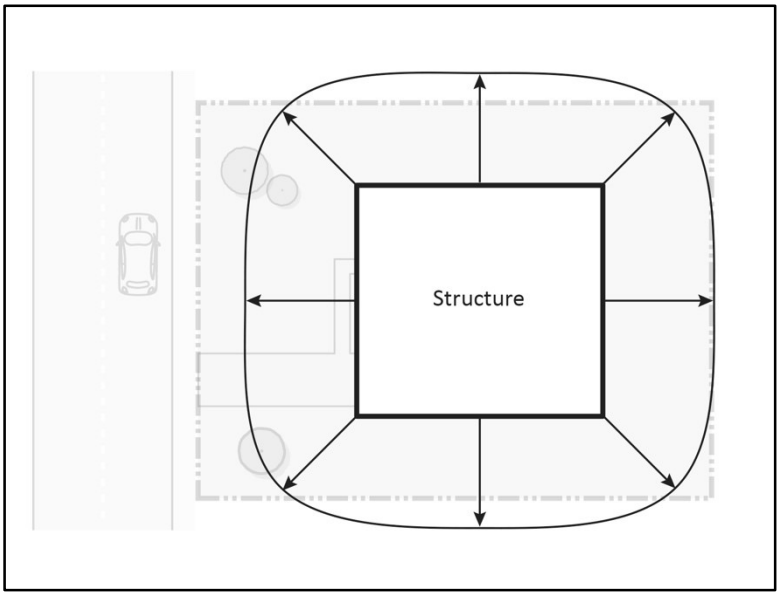
Setbacks are measured to the support element of the structure.

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)

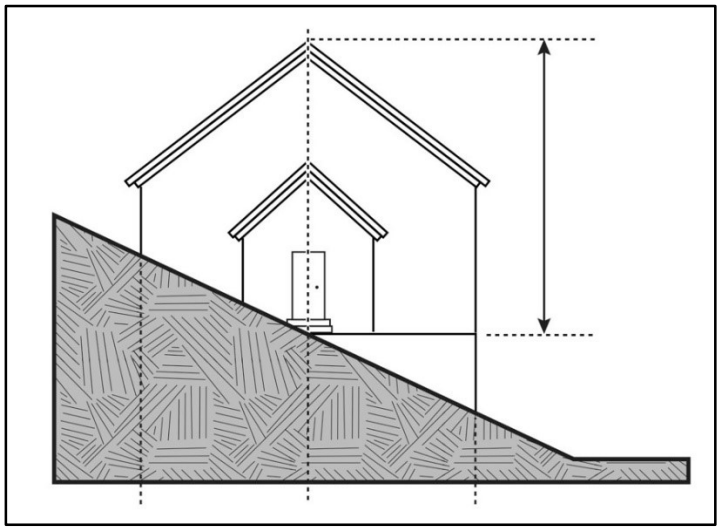
5. Measuring Radius. When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.



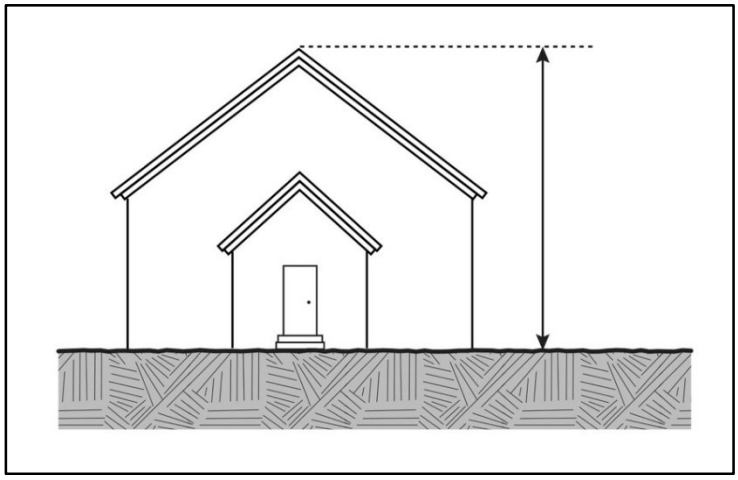
Example of measuring required minimum distance.

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.



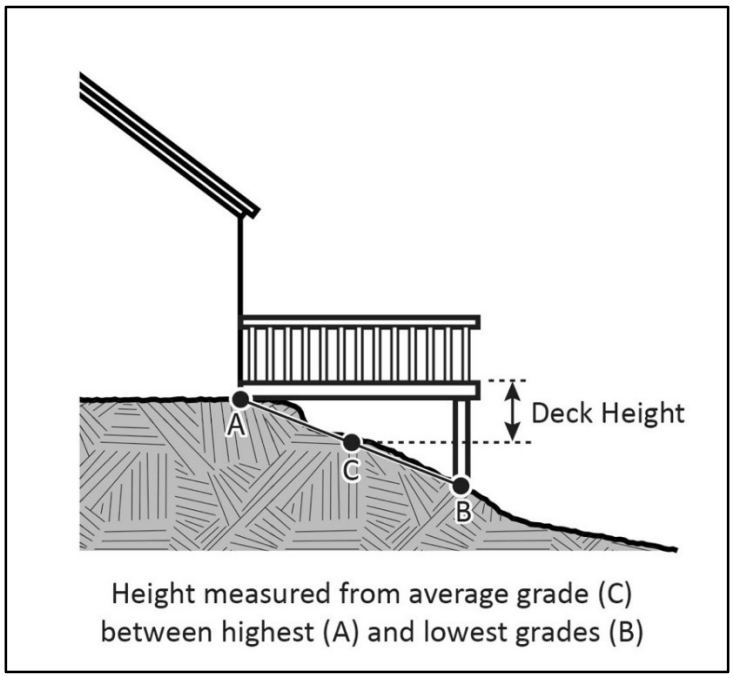
On a sloping site, building height is measured from the average of the high and low points on the ground to the top of the structure.



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.

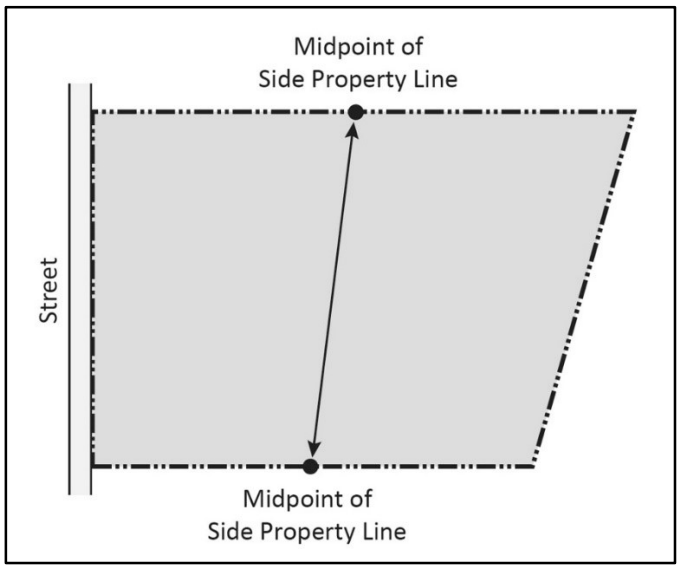
3. Measuring the Height of Decks. Deck height is determined by measuring from average level of the ground below the deck to the top of the floor of the deck directly above the point measured.



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

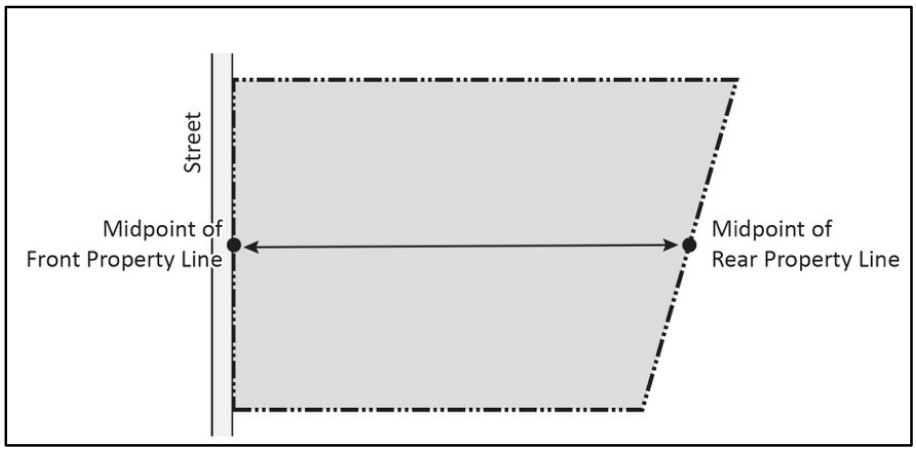
D. **Measuring Lot Width and Depth**

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**

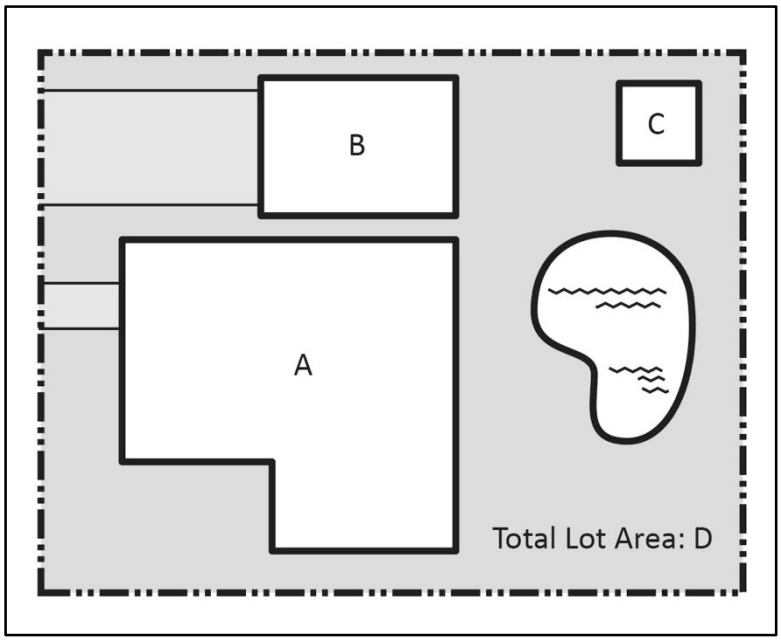
The gross floor area of a building is the sum of the areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls.

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.

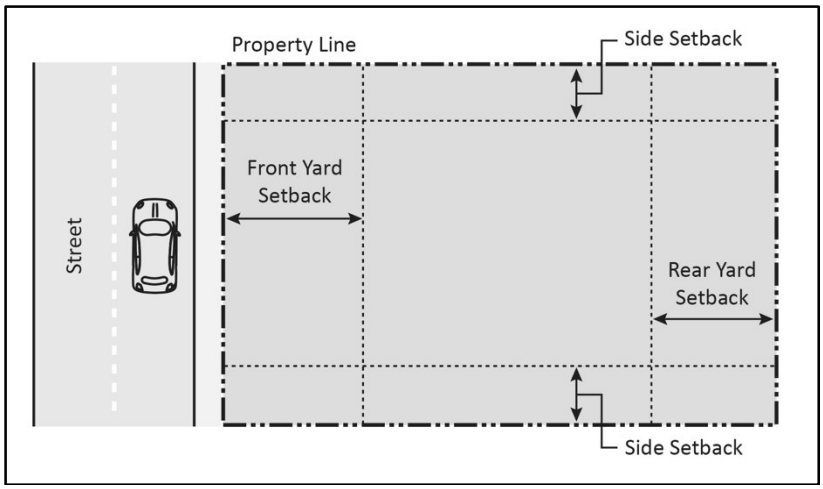
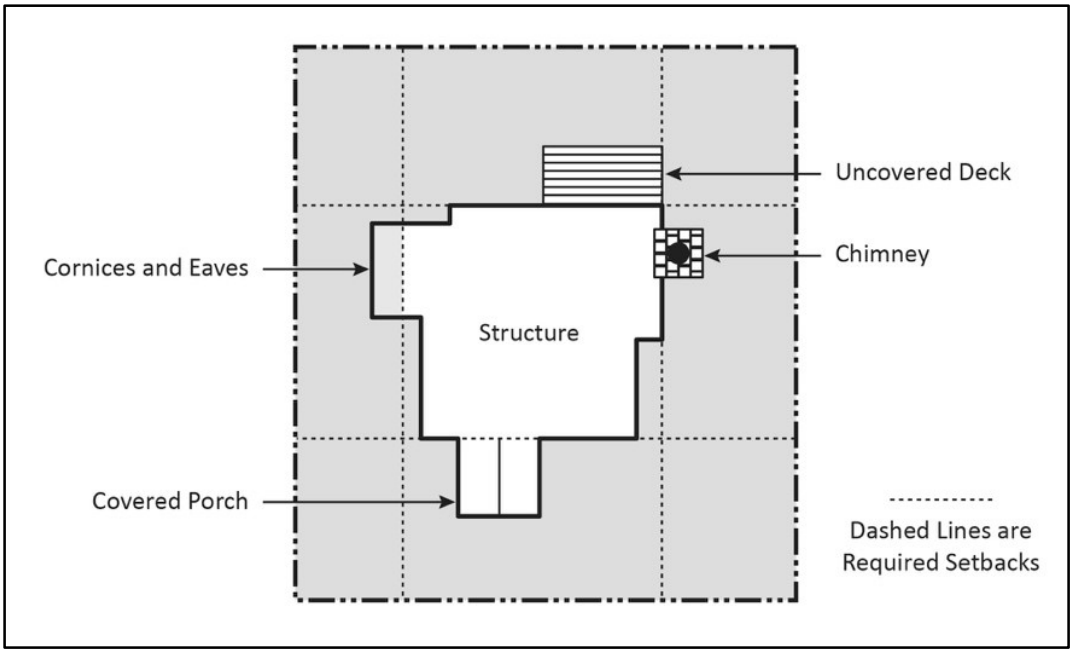


Illustration of the locations of setback lines. On a parcel or lot with curved lot line(s), the corresponding setback lines will also be curved.

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.

Table 25.07-A				
Allowed Encroachments into Required Setbacks				
Projection	**Required Front or Required Street Side Yard**	**Required Interior Side Yard**	**Required Rear Yard**	**Limitations**
All Projections	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.			
Cornices, Canopies, Eaves, and similar architectural features (chimneys and bay windows)	3 feet	3 feet	3 feet	
Fire escapes	4.5 feet	4.5 feet	4.5 feet	
Uncovered deck	4.5 feet	4.5 feet	4.5 feet	
Uncovered patio	4.5 feet	4.5 feet	4.5 feet	
An uncovered stair and landing which does not extend above a ground floor entrance except for the railing	May not encroach	3 feet	6 feet	No such stair and landing shall extend beyond any official plan line or future width line.
Covered porches and patios	5 feet	3 feet	10 feet	Must be unenclosed on three sides except for required vertical supports, insect screening, and kickboards not

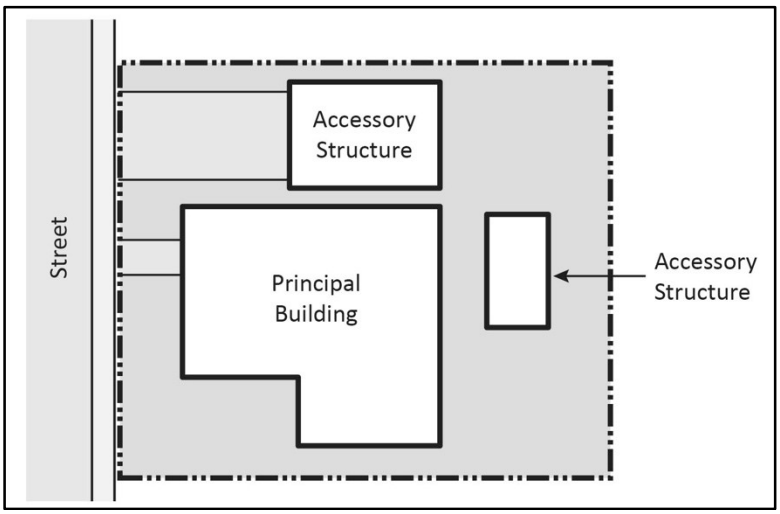
				exceeding one foot in height.
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Reasonable Accommodation provisions in Chapter 25.02.			

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: • Contains conditioned space, or • Exceeds 12 feet in height, or • Greater than 120 square feet	5 feet behind the street-facing façade of the main structure	5 feet	10 feet	
At least one of the following apply: • Does not contain conditioned space, or • Less than 12 feet in height, or • Smaller than 120 square feet	Same as the main structure	3 feet	3 feet	May not be located closer to the street than the main structure

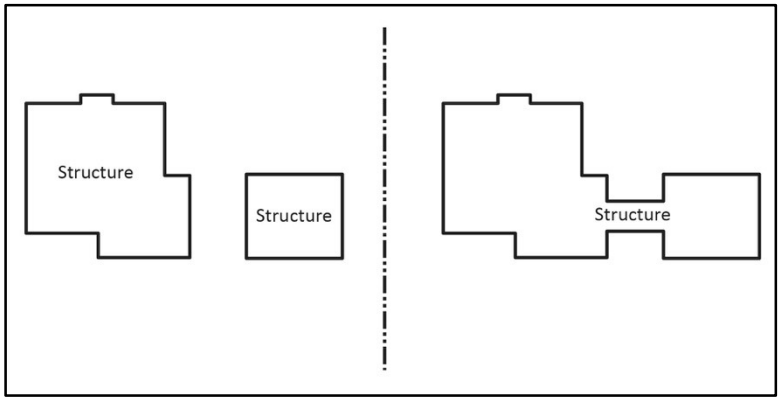
2. Setbacks for Accessory Dwelling Units are addressed in Chapter 25.08.002 of this Title.

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.)

E. **Breezeway**

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."

F. **Dwellings**

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."

G. **Deed Restriction**

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.

25.07.007 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.

Accessory Structure Setbacks (feet)				
Zoning District	***Front***	***Side***	***Rear***	***Dwelling***
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. No detached accessory building shall exceed one story or 20 feet in height. Accessory structures less than 120 square feet shall be limited to no more than 10 feet in height.

4. No more than two detached accessory buildings 120 square feet or greater in size shall be permitted on one lot. No more than three accessory buildings less than 120 square feet in size shall be placed on a lot.

5. 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.

6. 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.

7. 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.

8. 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 agriculture, 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.

Accessory Structure Setbacks (feet)				
Zoning District	***Front***	***Side***	***Rear***	***Dwelling***
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. An agricultural building may exceed 5,000 square feet with an Administrative Use Permit and Development Plan Review.

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.

Table 25.07-B		
Allowed Projections Above Height Limits		
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 screed 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.

Table 25.07-C	
Required Parking	
Residential Uses	***Off-Street Parking Spaces Required***
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	• One per one-bedroom unit. • One and a half per two-bedroom unit. • Two per unit with three or more bedrooms. • One guest space per every four units. One space for each unit shall be covered with a garage or carport.
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.

Recreational Uses	***Off-Street Parking Spaces Required***
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

Institutional Uses	***Off-Street Parking Required***
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

Professional Office Uses	***Off-Street Parking Requirements***
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
Retail and Commercial Uses	***Off-Street Parking Requirements***
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

	waiting spaces for each exterior service window See Chapter 25.08 for standards related to vehicle stacking at drive-through restaurants
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

Type of Industrial Use	***Off-Street Parking Required***
Manufacturing and General Industrial Uses	One space per 500 square feet of gross floor area for projects up to 10,000 square feet. One space per 1,000 square feet of gross floor area for projects over 10,000 square feet.
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.

Table 25.07-D	
Shared Parking Reductions	
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 Recorders 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.

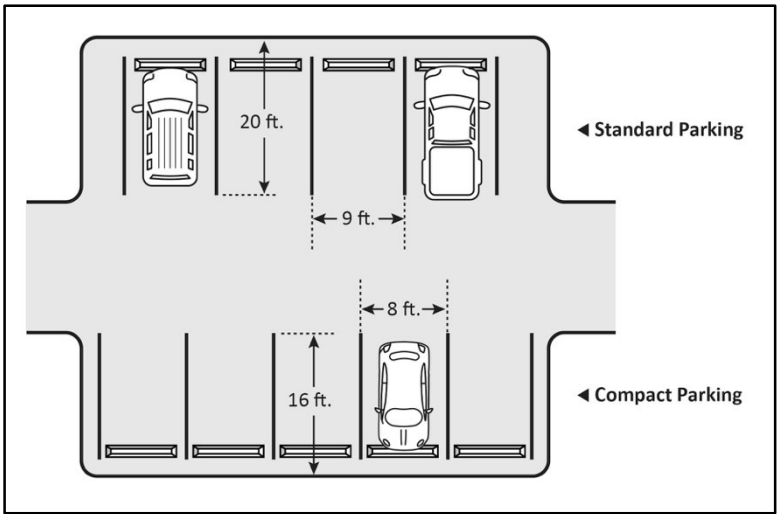
    d. Driveway Width. The minimum width of a driveway is as follows:

        i. *One-way Driveways.* One-way driveways shall be a minimum of 10 feet in width.

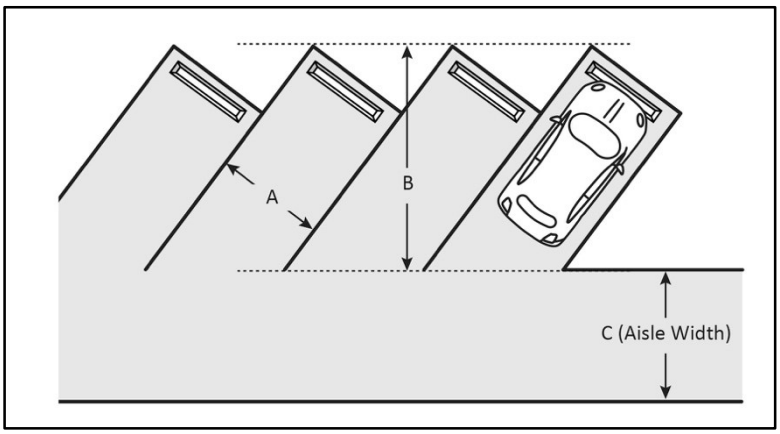
        ii. *Two-way Driveways.* Two-way driveways shall be a minimum of 20 feet in width, or as specified in this section.

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.

Table 25.07-F		
Aisle Dimensions for Maneuvering of Vehicles		
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

Table 25.07-G		
Angled Parking Space Dimensions		
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 twenty-five (25) 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 twenty-five (25) 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:

Table 25.07-H	
Percentage of Total Parking Area Required to be Shaded	
Number of Parking Spaces	Percentage of Parking Area to Be Shaded
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:

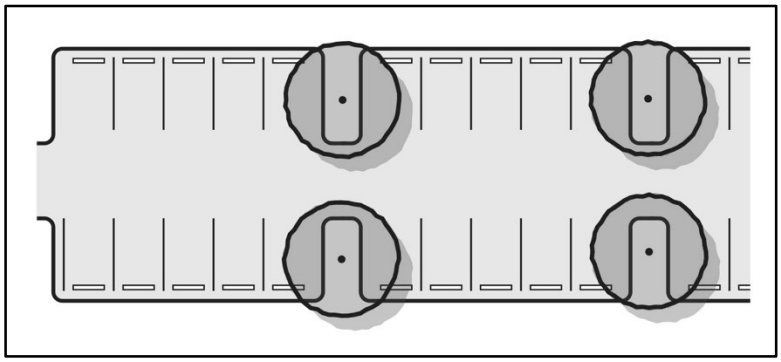
1. General landscaping provisions

   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 twenty-five (25) 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:

Table 25.07-I			
Minimum Percentage of Total Interior Parking Area to be Landscaped			
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 by 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.

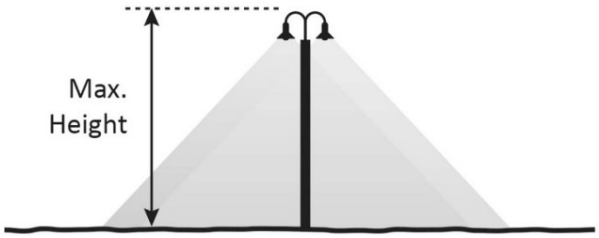
4. **Maximum height of freestanding outdoor light fixtures**. The maximum height of freestanding outdoor light fixtures and related structures is limited as follows:

   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

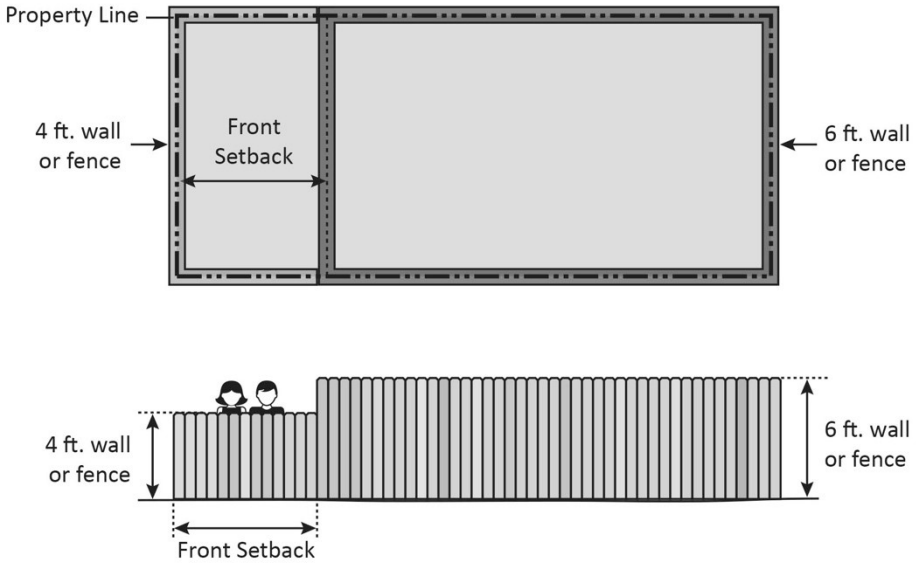
A. **Height Limits and Locations**

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.

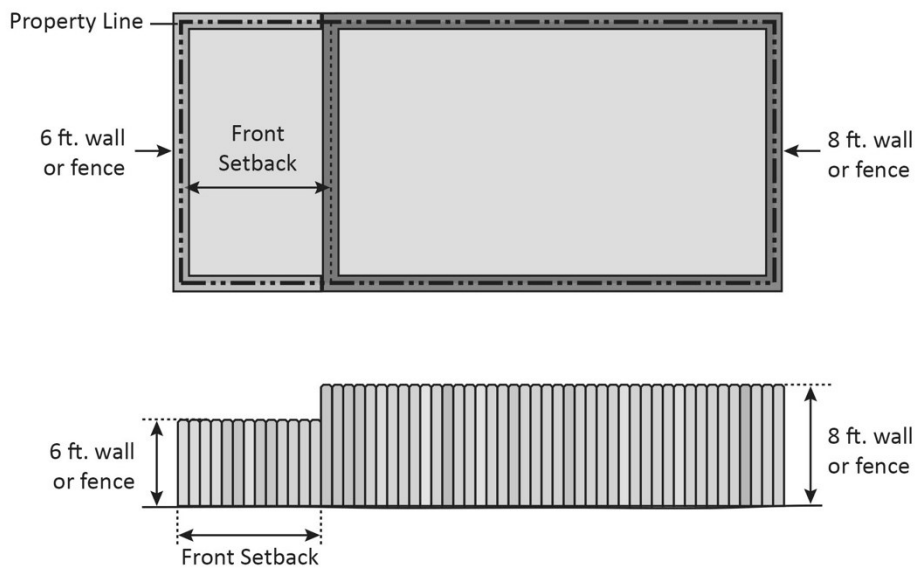
Table 25.07-J	
Maximum Height of Fences, Walls, and Screening in Required Yard Area for Residential Zones	
Location of Fence/Wall/Screen	**Maximum Height**
Required front yard	4 feet
All other locations on a residential lot or parcel except at intersections (see below)	6 feet
At intersections of streets, 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.

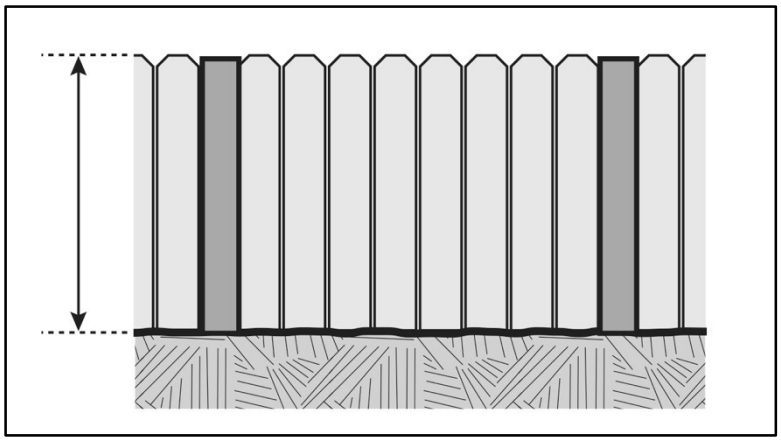
Maximum height may be increased by the designated approving authority as part of Development Review.

Table 25.07-K	
Maximum Height of Fences, Walls, and Screening in Required Yard Area for Commercial and Industrial Zones	
Location of Fence/Wall/Screen	**Maximum Height**
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**

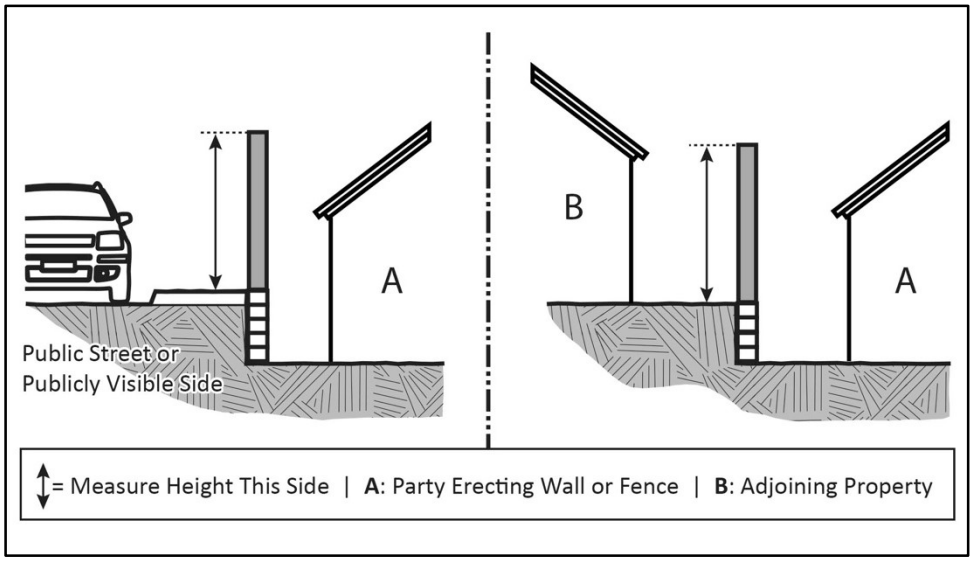
1. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence.



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.

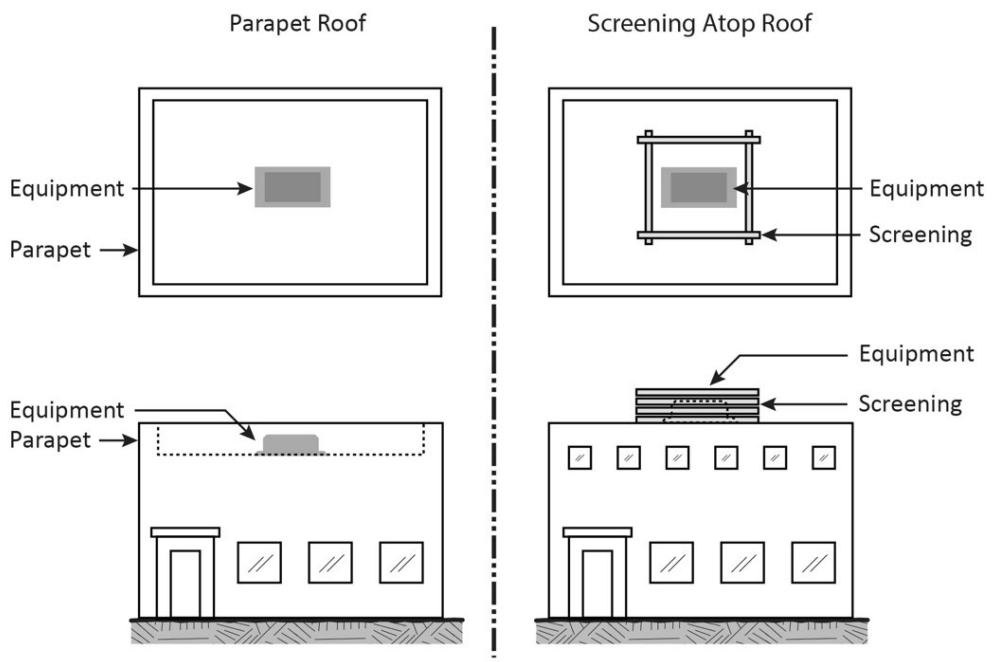
   f. Screening of mechanical equipment. Mechanical equipment shall be screened as follows:

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

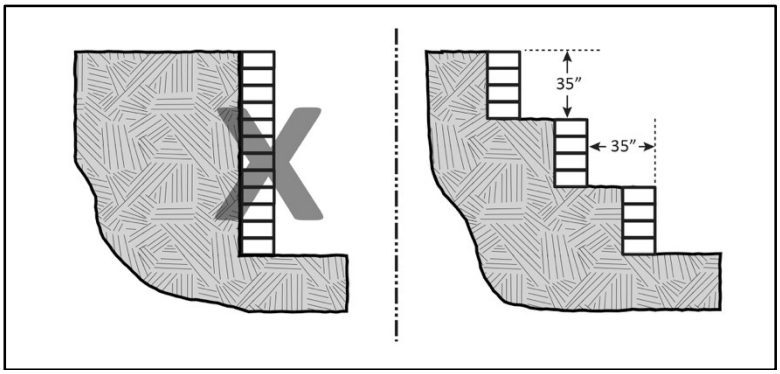
evergreen trees planted thirty (30) feet on center. The wall shall be covered with either graffiti-resistant paint or coating or with vines or other landscaping. The design of the landscaping (e.g., irrigation, planting) shall be consistent with the standards of the Landscaping section.

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 is 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 25.01.008 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.

Protection of Woodlands is addressed in Chapter 19.33 of the County Code.

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. A tree removal permit is required to trench, grade or fill within the dripline of any tree or destroy, kill, remove, or seriously harm, any tree, as defined, on all property, public or private, in the R1 and RM zones.
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 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.