25.08: Standards for Specific Uses and Areas

25.08.001 Introduction

This Chapter establishes development standards specific to a variety of uses and for specific areas which require the application of special development standards. These are in addition to the basic development standards for all uses in the various zones and are intended to replace the basic standards for these specific uses.

25.08.002 Accessory Dwelling Units and Innovative Housing

A. **Purpose and Intent**

This section establishes regulations and a ministerial review process for Accessory Dwelling Units. Accessory Dwelling Units are intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

Example of an Accessory Dwelling Unit, in this case detached from the primary dwelling.

B. **Applicability**

This section applies to all Accessory Dwelling Units, including Junior Accessory Dwelling Units, as defined. Accessory dwelling units are permitted by right in any zoning district which permits single-family or multi-family homes.

C. **Relationship to General Plan and Zoning**

Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit which conforms with the requirements of this Chapter shall be deemed to be consistent with the General Plan designation and zoning for the parcel, regardless of any limitations on residential density imposed by the General Plan or zoning.

Accessory Dwelling Units shall not be counted when determining residential density for conformance with General Plan or Zoning.

D. **Permits and Approval**

1. Ministerial Action. Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is a ministerial action and subject to compliance with the standards in this Section and all other applicable codes.

2. Building Permit. All Accessory Dwelling Unit or Junior Accessory Dwelling Units shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally. No other Planning-related permit is required.

3. Issuance of Permit. The County shall issue a building permit within (60) sixty calendar days from the date on which the County received a completed application, unless either.

    a. The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or

    b. The application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted with an application to create a new single-family dwelling unit on the parcel. The County may delay acting on the Accessory Dwelling Unit application until such time as the new single family dwelling unit is approved.

E. **ADU Terms and Definitions**

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

1. Accessory Dwelling Unit.

2. Accessory Structure.

3. Car Share.

4. Efficiency Kitchen.

5. Efficiency Unit.

6. Independent Living Facility.

7. Living Area.

8. Passageway.

9. Primary Dwelling.

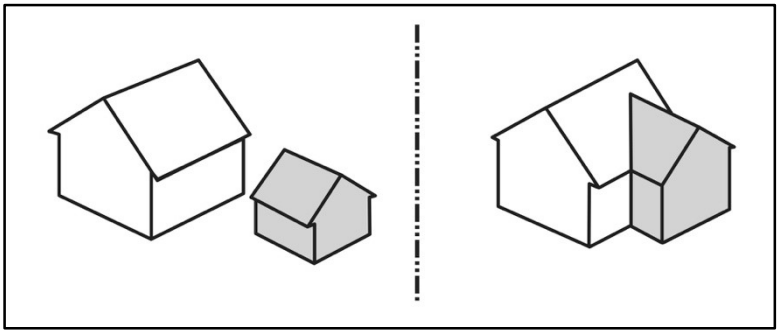
10. Public Transit.

11. Single-unit, Two-unit, and Multi-unit.

12. Tandem Parking.

F. **Types of Accessory Dwelling Units**

1. Accessory Dwelling Units, Attached and Detached



Accessory Dwelling Units can be detached from (left) or attached to (right) the primary unit.

a. Attached. An Accessory Dwelling Unit that is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or ceiling. An Attached Accessory Dwelling Unit can be created by converting a portion of an existing primary dwelling, by constructing a new primary dwelling which includes an Accessory Dwelling Unit, or by constructing an addition to an existing primary dwelling.

Example of an Accessory Dwelling Unit (right side) attached to the primary dwelling.

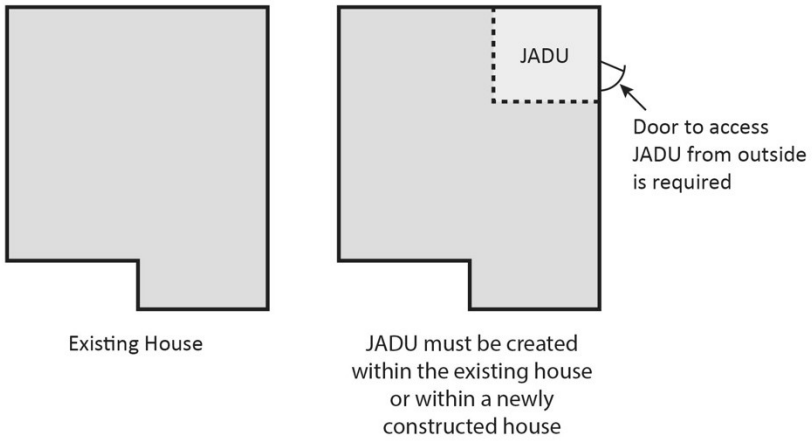
b. Detached. An Accessory Dwelling Unit that is physically detached or separated from the primary dwelling. Detached includes a second-story addition above an existing detached structure. A Detached Accessory Dwelling Unit can be new construction or the conversion or expansion of an existing structure. Tiny homes, as defined in 25.08.029, may be used as Detached Accessory Dwelling Units.

Example of an Accessory Dwelling Unit detached from the primary dwelling.

2. Junior Accessory Dwelling Unit. An attached Accessory Dwelling Unit that is a unit that meets specific criteria as specified below.

   a. Maximum of 500 square feet in size.

b. Contained entirely within the existing footprint or area a single-unit primary dwelling (see illustration below).



c. Has a separate entrance from the main entrance to the primary dwelling.

d. Has a bathroom that is either in the Junior ADU or in the primary dwelling.

e. Includes an efficiency kitchen.

G. **Number of Accessory Dwelling Units on Lots or Parcels Which Allow Single-Family Homes**

The following number of Accessory Dwelling Units apply in all zoning districts that allow single family homes as a permitted use:

1. One attached or detached Accessory Dwelling Unit shall be allowed on a parcel with one primary dwelling unit.

2. One Junior Accessory Dwelling Unit shall be allowed on a parcel with primary dwelling.

3. Up to one attached or detached Accessory Dwelling Unit and one Junior Accessory Dwelling Unit shall be allowed on a single parcel.

H. **Number of Accessory Dwelling Units on Lots or Parcels Which Allow Multi-Family Homes**

The following number of Accessory Dwelling Units apply in all zoning districts that allow multi-family homes as a permitted use:

1. Attached Accessory Dwelling Units.

a. At least (1) one attached or up to (25) twenty-five percent of the number of the existing multi-family units shall be allowed as Attached Accessory Dwelling Units in an existing multi-family development.

b. Attached Accessory Dwelling Units in a multi-family development may be created only through the conversion of parts of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

2. Detached Accessory Dwelling Units. Up to (2) two detached Accessory Dwelling Units shall be allowed on a parcel with one or more multi-family structures, subject to compliance with the development standards for Detached Accessory Dwelling Units in this Chapter.

I. **Development Standards for Attached and Detached Accessory Dwelling Units**

1. Attached Accessory Dwelling Units

   a. Location. Shall be located on the same lot or parcel as a primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling (above or below the primary dwelling unit).

   b. Size. The total floor area of an Attached Accessory Dwelling Unit shall not exceed 1,500 square feet or 50% of the size of the primary dwelling unit, whichever is less. This limit does not include up to (150) one hundred-fifty square feet of area added to the primary dwelling for the sole purpose of providing access to the Accessory Dwelling Unit.

   c. Setbacks.

      i) Front yard setback: Per the zoning district standard for the primary dwelling.

      ii) Side yard: Four (4) feet.

      iii) Rear yard: Four (4) feet.

   d. Height. Per the zoning district standard for the primary dwelling.

   e. Access. An attached Accessory Dwelling Unit shall have direct exterior access separate from the main entrance to the primary dwelling.

   f. Design. Accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit. Accessory Dwelling Units built using County-approved designs may differ in architectural style and materials.

   g. See subsection K, below, for parking requirements.

   h. Environmental Health clearance is required for water and wastewater systems serving the Accessory Dwelling Unit.

2. Detached Accessory Dwelling Unit Development Standards

a. Location. Shall be located on the same lot or parcel as a primary dwelling unit.

b. Size. No minimum size, except as needed to conform with the requirements for an Efficiency Unit as defined in the Building Code. A Detached Accessory Dwelling Unit shall not exceed 1,500 square feet in size.

c. Setbacks.

   i) Front yard setback: Per the zoning district standard for the primary dwelling.

   ii) Side yard: (4) Four feet.

   iii) Rear yard: (4) Four feet.

d. Height. 25 feet for new structures built specifically as an Accessory Dwelling Unit. Existing structures can be converted to an Accessory Dwelling Unit consistent with the requirements of this Chapter 25.08.002.

e. Design. Accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit. Accessory Dwelling Units built using County-approved designs may differ in architectural style and materials.

f. See subsection K, below, for parking requirements.

g. Environmental Health clearance is required for water and wastewater systems serving the Accessory Dwelling Unit.

3. Junior Accessory Dwelling Unit Development Standards

   a. Location. Shall be located on the same lot or parcel as a primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling. The Junior Accessory Dwelling Unit may be located above or below the primary dwelling unit.

   b. Size. Maximum of (500) five hundred square feet of living area. Up to (150) one hundred fifty square feet of building space may be added to the primary dwelling for the sole purpose of providing access to the Accessory Dwelling Unit; this shall not count toward the maximum area for the Junior Accessory Dwelling Unit.

   c. Setbacks. If the primary dwelling unit is expanded to create the Junior Accessory Dwelling Unit, the addition shall maintain setbacks of four feet from side and rear yards or the same setback as the existing structure, whichever is less. Front setback shall be the same as the existing structure or per the zoning district for the primary structure, whichever is less. Larger setbacks shall apply if required by Fire or Building codes on a case-by-case basis.

d. Access. A Junior Accessory Dwelling Unit shall have direct exterior access separate from the main entrance to the primary dwelling.

e. Kitchen. Each Junior Accessory Dwelling Unit shall include an efficiency kitchen.

f. Utilities.

i) Whether built as part of a new dwelling or converted from space in an existing dwelling, a Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or County charges for utilities, including water, sewer, or power service, or impact fees.

ii) No new or separate utility connection between the Junior Accessory Dwelling Unit and the utility shall be required, although the property owner may voluntarily install a submeter for the Junior Accessory Dwelling Unit.

iii) Any utility charges or fees shall be consistent with state law.

g. Parking. No additional off-street parking is required for the Junior Accessory Dwelling Unit.

h. Environmental Health clearance is required for water and wastewater systems serving the Accessory Dwelling Unit.

i. Owner Occupancy Requirements for Junior ADUs.

i) A person with legal or equitable title to the primary dwelling shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence.

ii) The owner occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or non-profit housing organization.

iii) Prior to issuance of a Building Permit for a Junior Accessory Dwelling Unit, a deed restriction shall be recorded in the chain of title of the primary single-unit property. The form of the deed restriction shall be approved by the County and shall provide that the Junior Accessory Dwelling Units shall not be sold separately from the primary dwelling.

iv) The deed restriction shall run with the land and shall be enforced against future property owners.

J. **Impact Fees**

1. Impact Fee Requirements

a. No County-imposed impact fees shall be charged for an Accessory Dwelling Unit that is less than (750) seven hundred fifty square feet in size.

b. For Accessory Dwelling Units (750) seven hundred fifty square feet or larger, County-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling (e.g., the floor area of the Accessory Dwelling Unit, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling). See the example below:

- 750 square foot ADU
- 2,250 square foot primary dwelling

750/2,250 = 0.33 ADU pays 0.33 (33%) of the fees that would be charged for the primary dwelling

c. For the purposes of this Subsection, impact fees do not include any connection fee or capacity charge for water or sewer service or charges for garbage or recycling service.

d. Fees imposed by any agency or special district other than the County shall be collected in accordance with the agency's or district's fee schedule.

K. **ADU Required Parking**

1. Number of Parking Spaces.

a. One off-street parking space, covered or uncovered, is required for each Attached and Detached Accessory Dwelling Unit.

b. No off-street parking is required for an Attached or Detached Accessory Dwelling Unit if one or more of the following applies:

i) The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, including transit stations and bus stations.

ii) When on-street parking permits are required by the County but not offered to the occupant of the Accessory Dwelling Unit.

iii) The Accessory Dwelling Unit is part of the proposed or existing primary residence.

iv) The Accessory Dwelling Unit is the conversion of an existing accessory structure.

v) When there is a car share vehicle located within one block of the Accessory Dwelling Unit.

c. No off-street parking is required for a Junior Accessory Dwelling Unit.

d. Required off-street parking for an Accessory Dwelling Unit space may be provided as tandem parking, including on a paved driveway.

2. Parking lost when a garage, carport, or covered parking structure is demolished to allow for the construction of an Accessory Dwelling Unit or for the conversion of a structure to an Accessory Dwelling Unit shall not be required to be replaced.

25.08.003 Cottage Food Operations

A. **Purpose and Applicability**

The provisions in this Subsection shall apply to cottage food operations, as defined by current State law, in compliance with Chapter 25.03 Zoning Map and Zoning Districts and the following standards. These standards shall apply in addition to requirements imposed by the San Benito County Department of Public Health and other regulatory agencies.

B. **Standards**

All cottage food operations shall comply with the standards and provisions in the Home Occupations section, as well as regulatory standards established by State law (Government Code Section 51035 et seq. and Health and Safety Code Section 114365 et seq.) and the San Benito County Department of Public Health.

25.08.004 Home Occupations and Rural Home Enterprise

A. **Home Occupations Defined**

A Home Occupation is defined as the operation of a business in a dwelling by an occupant as an accessory use. For the purpose of this title a Cottage Food Operation will be considered a Home Occupation but will have additional requirements as regulated by the State law and San Benito County Department of Public Health.

B. **Permitted Zoning Districts for Home Occupations**

A home occupation is allowed in the following zoning districts: AR, AP, R, RR, R-1, and RM, including where these zones are overlaid by a Combining Zone, unless the standards of the Combining Zone would not permit the use.

C. **No Permit Required for Home Occupation**

No permit is required for a Home Occupation.

D. **Home Occupation Regulations**

The following regulations apply to all Home Occupations:

1. A Home Occupation must be operated entirely inside of the primary dwelling unit or an accessory dwelling unit. Any dwelling which is used for a home occupation must be the primary residence of the person operating the business.
2. No persons who are not residents of the primary dwelling or accessory dwelling unit may work onsite as part of the Home Occupation. Any number of on-site residents may work as part of a Home Occupation.

3. Any number of Home Occupations may be operated at a single location, provided that the requirements of this section are followed.

4. A home occupation shall be limited to only one client or customer visits to the site shall normally be limited to not more than three (3) per day, and (10) per week.

5. Home Occupations shall not include any of the following:
    i. Employment of any person not a resident of the dwelling unit.
    ii. Generation of pedestrian or vehicular traffic beyond that normal to the district.
    iii. Storage of materials or supplies outdoors.
    iv. Show windows, window displays or on-site advertising to attract customers, clients or the general public to the premises.
    v. Any construction feature or alteration not of a residential character.
    vi. Any operational characteristic or effect, including color, lighting, noise, vibration, electrical disturbance, smoke or odor discernable at the exterior boundaries of the building site which would identify the premises as serving a non-residential purpose.
    vii. Storage or use of flammable or toxic substances or other materials deemed hazardous, beyond that normal to a residential or agricultural district.

E. **Permitted Home Occupations**

Any business not specifically prohibited may be operated as a Home Occupation, so long as all of the limitations in this section are complied with.

F. **Prohibited Home Occupations**

The following uses shall not be operated as a Home Occupation:

1. Animal hospital or animal clinic.
2. Clinic, hospital or facility for the care or treatment of human ills, including medical and non-medical treatments.

3. Vehicle repair.
4. The sale of vehicles by a Dealer as defined in section 285 of the California Vehicle Code.
5. Day Care Center.
6. Massage parlors, saunas, Turkish baths or similar uses.
7. Uses listed as permitted or conditionally permitted in the zoning district in which the home occupation is located shall be regulated as provided in that chapter.
8. Any Home Occupation working outside the regulations set forth in this code will be subject to code enforcement procedures as outline under Title 1: General Provisions; Code Enforcement.

G. **Home Occupation Signs**

1. A Home Occupation may display one non-illuminated, single-faced sign for the purposes of advertisement not more than three square feet in area, displaying the name of the person conducting the Home Occupation or rural home enterprise use and/or the street address of the property shall be allowed.
2. The sign must be located either flat against the front wall of the dwelling or not closer than 20 feet from the parallel of the front street property line.
3. One sign is permitted at one address, regardless of the number of Home Occupations operating at the address.'

H. **Business License Tax**

All Businesses are subject to Title 5 Article IV Business License Tax.

I. **Cottage Food Operations**

All cottage food operations shall comply with the standards and provisions in the Home Occupations section, as well as regulatory standards established by State law (Government Code Section 51035 et seq. and Health and Safety Code Section 114365 et seq.) and the San Benito County Department of Public Health.

J. **Rural Home Enterprise Defined**

A Rural Home Enterprise is defined as the operation of a business in a dwelling or accessory structure by an occupant and a limited number of non-resident employees as an accessory use.

Permitted Zoning Districts for Rural Home Enterprises

Rural Home Enterprises are allowed in in the AR, AP and R zones, including where these zones are overlaid by a Combining Zone, unless the standards of the Combining Zone would not permit the use.

Permit Required for Rural Home Enterprise
A Rural Home Enterprise requires the issuance of an Administrative Use Permit.
As provided in this section, a Conditional Use Permit may be used to allow certain expansions in the operations of a Rural Home Enterprise.

K. **Rural Home Enterprise Regulations**

The following regulations apply to all Rural Home Enterprises. Additional limitations may be imposed as part of an Administrative Use Permit or Conditional Use Permit for the Rural Home Enterprise.

1. A Rural Home Enterprise must be operated entirely inside of the primary dwelling unit or accessory dwelling unit or entirely within one (1) accessory structure.
2. A Rural Home Enterprise may be operated on any parcel in the allowed zoning districts. No minimum parcel size is required.
3. Up to five (5) non-residents may work onsite as part of a Rural Home Enterprise, unless additional non-resident onsite employees are permitted via a Conditional Use Permit.
4. Any number of on-site residents who may work as part of a Rural Home Enterprise.
5. A maximum of one (1) Rural Home Enterprise may be operated at a single location.
6. A Rural Home Enterprise may be operated at the same location as one or more Home Occupations.
7. Businesses must operate between 8 am and 7 pm weekdays, unless different hours and days of operation are approved through a Conditional Use Permit.

L. **Rural Home Enterprises shall not include any of the following:**

1. Employment on the premises of more than five (5) persons other than members of the family occupying the dwelling unit, unless permitted via a Conditional Use Permit.
2. Generation of pedestrian or vehicular traffic which would negatively affect the surrounding properties.
3. Storage of materials or supplies outdoors.
4. Show windows, window displays or on-site advertising to attract customers, clients or the general public to the premises;
5. Any operational characteristic or effect, including color, lighting, noise, vibration, electrical disturbance, smoke or odor discernable at the exterior boundaries of the building site which would identify the premises as serving a nonresidential purpose.
6. The sale of products on the premises not related to the Rural Home Enterprise;

7. The storage or use of flammable or toxic substances or other materials deemed hazardous, beyond that normal to a residential or agricultural district.

M. **Permitted Rural Home Enterprises**

Any business not specifically prohibited may be operated as a Home Occupation, so long as all of the limitations in this section are complied with. Uses listed as permitted or conditionally permitted in the zoning district shall be regulated as provided in that chapter.

N. **Prohibited Rural Home Enterprises**

The following uses may not be operated as a Rural Home Enterprise:
The sale of vehicles by a Dealer as defined in section 285 of the California Vehicle Code.

O. **Rural Home Enterprise Permit Filing Requirements**

An application for an Administrative Use Permit or Conditional Use Permit shall be filed as provided in this Code.

P. **Rural Home Enterprise Permit Review and Findings**

An Administrative Use Permit or Conditional Use Permit for a Rural Home Enterprise shall be reviewed, and findings made as provided in this Code, including the following findings:

1. That the proposed use, if it complies with all conditions upon which approval is made contingent, is in conformance with the "Home Occupations" and "Rural Home Enterprises" regulations of this Code.

2. Conditions of approval may be imposed to ensure that all required findings for approval can be made and the use will operate as provided in this section.

Q. **Business License Tax**

All Business' are subject to Title 5 Article IV Business License Tax.

R. **Permit Modification or Revocation**

An Administrative Use Permit or Conditional Use Permit for a Rural Home Enterprise can be modified or revoked per the procedures set forth in this Code. Any Rural Home Enterprise working outside the regulations set forth in this code will be subject to code enforcement procedures under Title 1: General Provisions; Code Enforcement.

25.08.005 Multi-Family Objective Design Standards

A. **Purpose**

Pursuant to state law, San Benito County is required to review qualifying affordable multi-family projects using a streamlined ministerial review process. This Chapter meets the requirements of state law by establishing a process for reviewing affordable multi-family residential projects with objective design and development standards. This will ensure that all housing built pursuant to this Chapter meets the County's standards for quality design.

B. **Applicability**

1. Eligibility

   This Chapter applies to multi-family housing projects which meet the eligibility criteria found in California Government Code Section 65913.4.

2. Verification of Eligibility

   Applicants applying for Streamlined Review of Multi-Family Housing must provide supporting documentation to demonstrate eligibility.

3. These standards also apply to projects not requesting streamlined reviews or combined with other permitting such as subdivision maps or Conditional Use Permit.

C. **Process**

1. Application Required

   All applications for Streamlined Review of Multi-Family Housing shall be accompanied by materials as required by the Planning Director to verify compliance with the requirements of this section.

2. Timing

   All applications shall be either approved or denied by the County within the following timelines:

   a. Projects with (150) one hundred fifty or fewer housing units shall be approved within (60) sixty calendar days of application submittal.

   b. Projects with more than one hundred fifty (150) housing units shall be approved within (90) ninety calendar days of application submittal.

3. Approval Authority

   Applications for Streamlined Review of Multi-Family Housing shall be reviewed and approved by the Planning Director.

4. Approval Required for Conforming Projects and Required Findings

   The Planning Director shall approve an application for Streamlined Review of Multi-Family Housing if the proposal meets the eligibility criteria for a streamlined review process and conforms with all of the Objective Design Standards contained in this Chapter. Proof of availability of municipal water and sewer service is also required for approval.

   The Planning Director shall transmit notice of his/her decision to approve or deny an application for Streamlined Review of Multi-Family Housing to the Planning Commission within one calendar day of the date of decision.

   If an application for Streamlined Review of Multi-Family Housing is denied, the County shall notify the applicant in writing of the reason(s) for the denial, including any eligibility criteria or design standards that are not satisfied.

5. No Hearing Required

   No public hearing shall be required prior to a decision to approve or deny an application for Streamlined Review of Multi-Family Housing.

6. Appeals

   The decision of the Planning Director to approve or deny an application for Streamlined Review of Multi-Family Housing may be appealed per the provisions of Chapter 25.01.008. The Commission's review of an appeal shall be limited to determining whether the project meets the required findings for approval contained in this Chapter.

7. Expiration of Approvals

   An approval for Streamlined Review of Multi-Family Housing pursuant to this Chapter shall expire pursuant to Government Code Section 65913. A one-year time extension may be granted pursuant to state law if the applicant provides reasonable documentation to prove there has been significant progress toward getting the project construction-ready, such as filing a building permit application.

8. Amendments

   An applicant may request an amendment to an approved Streamlined Review of Multi-Family Housing. Amended projects shall demonstrated continued conformance with the eligibility requirements and development standards in this Chapter.

D. **Site Planning**

The following standards apply to the siting of buildings within the multi-family project.

1. Neighborhood Compatibility

    a. Residential projects located across the street from single-family neighborhoods shall orient the following features toward the street: individual entries, patio areas and landscaping facing single-family homes.

    b. Where new multi-family development is built adjacent to or across a street from existing residential development, the façade facing the existing low-density residential development shall be designed to provide architectural relief and interest, and in similar massing and scale of adjacent neighbors.

    c. Windows shall be offset by ten feet to avoid direct sightlines into and from existing homes on the same level. Balconies shall be positioned so they avoid direct views into neighboring properties.

2. Pedestrian Circulation. On-site pedestrian circulation and access within a multi-family project shall be provided according to the following standards:

    a. Pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

    b. An on-site walkway shall connect the primary building entry or entries to a public sidewalk along each street right-of-way.

    c. Walkways shall be a minimum of five feet wide and paved with concrete.

E. **Open Space**

The following standards apply to the design of open space features within the multi-family project.

1. Common Open Space. Common open space is required for all multifamily projects with more than (10) ten units seeking approval through the objective standards process as shown below:

    a. Common open space shall be provided at a rate of (100) one hundred square feet of open space per dwelling unit. Required front, side, and rear setbacks shall not be counted toward meeting open space requirements.

b. Common open space is open space used commonly by residents of a building, having a minimum dimension of fifteen feet in any direction and a minimum area of three hundred square feet.

c. Common open space may be comprised of the following: patios, turfed areas, community gardens, pools, common pedestrian walkways serving the entire development, tot-lots, and recreation areas accessible to building residents and their visitors.

d. Common open space shall not include driveways, pedestrian access to units from common pedestrian walkways, parking areas or required front, side or rear setback areas.

e. A minimum of 60% of the common open space shall be provided as a landscaped turf area or garden.

2. Private Open Space. Private open space is required for all multifamily projects seeking approval through the objective standards process. The following requirements shall apply:

   a. Private open space areas at ground level, such as patios, shall have a minimum of (120) one hundred twenty square feet of private outdoor space directly adjacent to the unit.

   b. Private open space above ground level, such as balconies, shall have a minimum of (60) sixty square feet of area with no dimension less than (6) six feet.

   c. Private outdoor space shall be delineated by a wall, fence, or hedge.

   d. Private open space is usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Examples include patios, screened decks, or balconies.

   e. Accent elements shall be used to demarcate pedestrian entrances to a multi-family development and common open space areas on the interior of a project site. Accent elements shall include the following: wood trellises, arches, arbors, columns, or low monument features.

   f. Storage space shall be provided for each unit.

3. Private Storage Space for Personal Property. Each unit shall have at least (25) twenty-five square feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of (4) four feet.

F. **Landscaping**

The following standards apply to the design of landscaping and lighting within the multi-family project.

1. Landscaping around the building perimeter is required.

2. Within the landscaped area between the right-of-way and buildings, trees shall be planted at a rate of one for each twenty feet of landscaped area. Trees shall be located between (4) four and (10) ten feet from the back of the sidewalk. The landscaped area shall also include shrubs, ground covers, and other natural growth, or stormwater quality features and drainage treatments.

3. All planting areas, plant materials, and irrigation shall conform with the County's water-efficient landscaping regulations.

4. Parking lot landscaping.

    a. Parking areas, covered and uncovered, must be screened from view from public roadways with landscaping. Landscaped screening is defined as a natural or man-made feature which separates land uses. Landscape screening may be accomplished through the following: landscaping (groundcover, plantings, and trees), a planted earth berm (no greater than two feet in height), hedge, wall, or some combination of the above.

    b. A perimeter landscaped strip at least ten feet wide shall be provided for any parking area adjacent to a public street or to the side or rear property line. The perimeter landscaped strip may be located within a required setback area.

    c. Trees shall be planted and maintained in all parking lots at a minimum ratio of one tree for every six parking spaces. Trees shall be evenly distributed throughout the entire parking area.

    d. Decorative or enhanced paving shall be used to indicate crosswalks and project entries.

G. **Lighting**

1. All entryways, pathways, public areas, and parking lots shall be illuminated per County standards.

2. High-efficiency, warm white light shall be used.

3. Lighting shall be arranged to reflect or direct light away from adjacent residential properties.

H. **Architectural Design**

1. Façade Detailing and Materials

    a. Building facades shall reflect the characteristics of an identifiable architectural styles, such as: Craftsman, Mediterranean, Monterey Craftsman, Monterey Colonial, Ranch, Spanish Colonial Revival, Spanish Mission, and Victorian.

    b. All visible building facades visible from the public right-of-way and adjacent properties shall incorporate one or more of the following details: window and door trim, window recesses, cornices, changes in materials or other design elements. All building facades shall be designed with the same level of detailing and quality of materials.

    c. Window trim shall be a minimum of two inches in width and one inch in depth. In lieu of exterior window trim, windows may be recessed from a wall plane by a minimum of three inches.

    d. A unified palette (color, texture, sheen) of materials shall be used on all sides of buildings. Every building shall have at least two complementary colors.

    e. At least (2) two materials shall be used on any building frontage, in addition to glazing and railings. One material must comprise at least 20% of the building facade.

    f. Allowed materials shall include stone, brick, stucco, painted wood, and vinyl siding. The following materials are prohibited: concrete block (unless covered by stucco), T111 plywood, metal, and other materials which have the same appearance.

    g. Natural materials such as stone, river rock, or slate, which are intended to be seen in their natural state, shall not be painted.

    h. Wood shingles are prohibited as roofing material.

    i. Carports, detached garages, and accessory structures shall use similar materials, colors, and details equivalent to the principal buildings of a development.

    j. All multi-family tenant parking spaces shall be covered. Guest spaces may be uncovered or covered.

2. Massing and Articulation

    a. Upper stories shall not project more than (24) twenty-four inches beyond the ground floor footprint, except for bay windows or balconies.

    b. The massing of upper stories, particularly those over a garage, shall be modulated by stepping back massing elements a minimum of (2) two feet from the ground floor facade, and/or through the use of protruding bay windows.

c. Garage doors shall be recessed a minimum of (9) nine inches from the plane of the building façade.

d. A minimum one-foot offset is required for any wall plane that exceeds (30) thirty feet in length.

e. Buildings over two stories tall shall have massing breaks at least every (100) one hundred feet along any street frontage adjacent to a public park, publicly accessible outdoor space, or designated open space. Breaks in massing may be provided through the use of varying setbacks and/or building entries. Massing breaks shall be a minimum of (2) two feet deep and (4) four feet wide and extend the full height of the building. Building entrances, front porches, and similar architectural features may count towards meeting this requirement.

f. Variation of roof forms shall be used on buildings of over (50) fifty feet in length along the street frontage. This can be accomplished through the use of cornices, reveals, clerestory windows, and differences in roof height and/or form.

g. A minimum of (2) two architectural features shall be incorporated into each building, including: balconies, dormers, bay windows, patios, individualized entries, and accent materials.

I. **Accessory Features**

The following standards apply to the design of accessory features within the multi-family project.

1. Walls and Fences

a. All wall and fence designs shall integrate materials and detailing that are used on the primary buildings (e.g. pilasters, stonework, wrought iron, or colors).

b. Walls shall be constructed of decorative masonry, including CMU walls, split-face walls, or material of similar appearance, maintenance, and structural durability. Precision block is prohibited unless coated in stucco or a similar surface treatment.

c. Fences may be constructed of metal (wrought iron or tubular steel), wood, or vinyl. Chain link or similar fencing is prohibited per Chapter 25.07.013 of this Title.

d. Fences and walls located along the side or rear property lines which are not along street frontages shall be solid fences or walls. Open fences, which feature wrought iron/tubular steel, may be permitted to capture scenic views offered by a property line that adjoins a permanent open space area, and where the yard does not require screening.

e. Fencing between private yards and common open spaces shall be a minimum of four feet in height.

f. Where screening is necessary as part of the site design, block walls may be constructed within the front yard setback and along the street frontage, but must be decorative masonry, have a decorative cap, and feature a landscape setback.

g. Exterior trash, refuse storage, utility boxes, and electric and gas meters shall be screened from the public right of way with landscaping, fences, or walls.

2. Refuse Containers

a. Developments with four or fewer units may be designed so that units are provided with individual refuse containers. Refuse containers must be provided with a location to be stored which is out of view from pedestrian walkways and internal and external roadways.

b. In developments with five units or more, shared refuse containers shall be provided, which shall be located within an enclosure or building. The applicant shall provide the County with information from the refuse pickup provider verifying the size and number of dumpsters required by the projects.

c. Refuse enclosures shall be a minimum of six feet tall and an adequate size to accommodate the needed refuse and recycling containers.

d. Refuse enclosures and gates shall be designed and made with durable materials to withstand heavy use. Wheel stops or curbs shall be installed to prevent dumpsters from banging into the walls of the enclosure.

e. Lighting shall be provided at refuse enclosures for night-time security and use.

f. Refuse enclosures shall be located so that they are convenient and close to the units they serve.

g. The entrance of refuse enclosures shall not be visible from public rights of way.

3. Monument Signage

a. One monument sign may be permitted on a site provided that the site has a minimum street frontage of (75) seventy-five feet in length. On corner lots, one additional monument sign may be established provided that each street frontage is at least seventy-five feet in length.

b. The total sign area of a monument or pylon sign shall not exceed (80) eighty square feet, with a maximum of (40) forty square feet per individual sign face.

c. The maximum height of a monument sign shall not exceed six feet measured from finish grade level to the uppermost edge of the sign cabinet.

d. Monument signs shall be located at a distance of at least five feet from the property line. This setback distance shall be measured from the property line to the leading edge of the monument sign.

e. All monument signs shall be architecturally compatible with the building(s) on the site on which the monument sign is to be located.

25.08.006 Mobile Homes and Mobile Home Parks

A. **Intent**

For the purposes of this code, the terms "mobile home" shall be synonymous with the term "manufactured housing." Provisions allow mobile homes to be installed on foundations in compliance with Government Code Section 65852.3, as amended, and continue to allow the installation of mobile homes not on foundations in certain zone classifications. This code is intended to supplement the provisions of this code relating to mobile homes but shall take precedence over any portion of this code that is inconsistent with this section.

B. **Findings**

Pursuant to Section 65852.3 of the Government Code, all lots zoned to permit the construction of conventional single-family dwellings are compatible for the installation of a mobile home on a foundation system that complies with state of California standards.

C. **Mobile Homes on Foundations**

A mobile home may be installed on a foundation on any lot that is zoned to permit the construction of a conventional single-family dwelling; subject to development standards of that zone.

D. **Mobile homes Not on Permanent Foundations**

All specific mobile home provisions in the various zone classifications refer to mobile homes not on a permanent foundation system and shall continue in effect irrespective of the fact that certain zones may then provide for mobile homes both on permanent and on a foundation system designed in accordance with state of California standards. For purposes of permit issuance, the mobile home on a foundation is allowed whenever a conventional single-family dwelling is allowed, subject to the requirements of this article. The mobile home not on a foundation is allowed whenever it is specifically so provided in the various zone classifications subject to any requirements set forth therein. When a mobile home is not in conformance with the development standards of the zone classification in which it is located,

that mobile home constitutes a nonconforming use, and as such cannot be altered except to comply with the requirements of this article.

E. **Mobile Home Parks in Residential Zones**

1. Standards. Mobile home parks shall comply with the following requirements:

   a. Unit size. Each mobile home unit shall have a interior area of at least seven hundred fifty (750) square feet, excluding patios, porches, garages, and similar structures;

   b. Opaque skirt. The area between the ground level and floor level and the unit shall be screened by an opaque skirt;

   c. Density. The average density of the mobile home park shall be in conformance with the density of the underlying zone classifications, provided that a density bonus of (25) twenty-five percent of the density permitted by the underlying zoning may be allowed if it is determined that the higher density is compatible with the area in which the development is proposed to be located;

   d. Minimum size space. Notwithstanding subsection c. above, the minimum size of each space shall be (3,600) three thousand six hundred square feet, provided that a minimum space size of (2,500) two thousand five hundred square feet may be permitted when deemed compatible with the surrounding development. Each space shall have a minimum width of thirty (30) feet;

   e. Wall. A masonry wall (6) six feet in height shall be erected along the perimeter of the mobile home park.

F. **Mobile Homes in Non-Residential Zones**

1. Standards. A mobile home that is permitted in a non- residential zone shall comply with the following requirements:

   a. The mobile home must be kept mobile and licensed pursuant to state law;

   b. The mobile home may only be used by a caretaker or security officer's unit; and

   c. No more than one mobile home per parcel is permitted.

G. **Recreation and Open Space**

Open space or recreation facilities are not required for mobile home parks approved in residential zones.

25.08.007 Congregate Care Residential Facilities

A. **Intent**

Alternative housing opportunities for those persons capable of independent living who do not need the level of care provided at convalescent facilities may be provided, subject to the provisions of this section. This article will provide needed housing for those persons who have been identified as impacted groups by the County General Plan. This section provides a standard for distinguishing between congregate care residential facilities and other multi-family uses.

B. **Development Standar**ds

The following standards of development shall apply for congregate care residential facilities.

1. Density. The allowable density for a project shall not exceed the density permitted by the underlying zoning classification or the applicable General Plan land use category, whichever is less.

2. Location. The project shall be located in accordance with all applicable developmental and locational guidelines under the General Plan and shall be located in those areas which offer appropriate services for the residents of these facilities, including necessary medical, transportation, shopping, recreational, and nutritional programs.

3. Elevators. No building shall be constructed that exceeds one story in height unless it contains elevators for the use of the occupants. Elevators shall be spaced in a manner which will minimize the walking distance from the elevators to the residential units.

4. Dwelling units.

    a. The net livable area for each unit shall not be less than (400) four hundred square feet for a studio unit, (550) five hundred fifty square feet for a one-bedroom unit, and (700) seven hundred square feet for a two-bedroom unit;

    b. Not less than 4 percent of the residential units shall be accessible for the handicapped, and all other units shall be adaptable for the handicapped. The handicap units shall be distributed equally throughout the project. All handicap units shall meet the standards set forth in Title 24, Part II of the California Administrative Code;

    c. Kitchenettes may be permitted provided that they are sized to meet the immediate needs of the occupants of the unit;

    d. No more than (30) thirty percent of the units shall be studio units.

5. Hallways and walkways. Hallways should be kept to a minimum length to avoid the appearance of an oversized home or an institution. Paved pedestrian walkways (5) five

feet in width shall be installed between the dwelling units and the recreational areas of the project. All hallways and pedestrian walkways shall be maintained with a minimum of (5) five feet of unobstructed width and adequate vertical clearance to provide unobstructed walking capability. Not less than one accessible route for handicapped persons to all on-site facilities shall be provided. Hallways shall be designed to accommodate the use of walkers, canes, or other mechanical assistance.

6. Open space and recreation facilities. Not less than (40) forty percent of the net area of the project shall be used for open space, recreational facilities, or a combination thereof. Not less than (25) twenty-five percent of the required open space area shall be used for active recreational facilities, such as pool, spa, tennis, and gardening by residents. Recreational, public assembly, and similar buildings may be permitted within the project if they are intended for the primary use of persons residing within the project and are located so as not to be detrimental to adjacent properties.

7. Yard setbacks. Building setbacks from a project's exterior streets and boundary lines shall be the same as those prescribed by the zone in which the project is located; however, in no case shall such building setbacks for any project be less than those prescribed in the zoning district it is in. The minimum building setback for interior drives and parking areas shall be (10) ten feet.

8. Building height. The height of buildings shall not exceed that which is permitted in the zone in which the project is located. The maximum permitted height limits must be reduced if it is determined to be necessary for a planned development to achieve compatibility with the area in which the development is located.

9. Trash areas. Adequate enclosed trash pickup areas, convenient to the residents which they are intended to serve, shall be provided in the project. Trash areas will be screened by a (6) six -foot-high decorative block wall.

10. Parking. The number of required automobile storage spaces shall be determined at the time of the approval of the project; however, notwithstanding any provision of this code to the contrary, a (20) twenty percent reduction in the total number of required vehicle parking spaces for residential purposes may be allowed if appropriate, and an additional 5 percent reduction may be allowed if the applicant proposes alternative senior citizen transportation programs; however, in no case shall the reduction of parking spaces exceed 25 percent of the total spaces required. Public street parking and tandem parking shall not be counted in this requirement. All required parking spaces shall be located entirely within the development, accessible to the units which they serve, and no parking space shall be located more than one hundred fifty (150) feet from the unit it is designed to serve. Parking requirements for other facilities within the development may not be reduced. Not less than (10) ten percent of the required parking spaces shall be designed and designated for use by handicapped persons; however, there shall be at least one designed and designated handicapped parking space provided for each handicapped

resident. Handicapped parking spaces shall be distributed evenly throughout the parking areas.

11. Access. The number and location of vehicular access openings into a project shall be as specified by the Public Works department.

12. Supportive services. Services that support the residents shall be provided. At a minimum, the following services shall be provided.

    a. Laundry facilities. One washing machine and dryer shall be provided for every twenty (20) rooms;

    b. Housekeeping and linen service. At a minimum, weekly service shall be provided;

    c. Communications. A "panic button," intercom, or other similar device shall be provided in each room for communication with the central office/security desk;

    d. Central dining. A central dining room shall be provided. The size of the room shall be sufficient to accommodate the residents. The minimum room size shall be the product of the proposed maximum number of residents in the facility multiplied by five (5) square feet per resident; however, in no instance shall the central dining room be less than three hundred fifty (350) square feet;

    e. Miscellaneous facilities. The following services are permitted within a congregate care residential facility provided they do not exceed (5) five percent of the total square footage of the area in the building:

        i. Barber and beauty services;

        ii. Religious facilities;

        iii. Commercial uses that are compatible with the proposed use and provide a service to the residents. Such uses may be open to the general public.

13. Public transit access. Public transit shall be addressed in the project's design.

14. Airport Influence Area. Proposed facilities shall not be located within the Airport Influence Area, as depicted on the maps included in the most recently adopted version of the Hollister Municipal Airport Land Use Compatibility Plan.

25.08.008 Day Care Centers

A. **Purpose and Applicability**

This Subsection establishes standards for the location, development, and operations for new Day Care Centers, as defined in Chapter 25.09, where allowed in compliance with the use tables in Chapter 25.03. This section provides standards for the location, development, and operation of general day care facilities in compliance with State law. These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies (e.g., Fire Department).

B. **Standards**

All general day care facilities shall comply with all of the following:

1. Licensing. The operator of a general day care facility shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 6 (Adult Day Care Facilities).

2. General Day Care Facilities Review Standards. An application for a general day care facility shall be reviewed by the responsible Review Authority for compliance with the provisions of Health and Safety Code Section 1597.46(a)(3) and this Subsection. The application may be approved only if the general day care facility complies with applicable sections of the Health and Safety Code, this Subsection, all applicable County ordinances, and any regulations adopted by the State Fire Marshal.

3. Location. Day Care Centers are permitted per the use tables in Chapter 25.03 of this Title.

4. Fences or Walls Required. Fences or walls shall provide for safety with controlled points of entry.

5. Drop-off/Pick-up Areas. Any general day care facility located on a through street classified as a collector or arterial street shall provide a drop-off and pick-up area that does not require backing into the street.

25.08.009 Day Care, Limited – Small Family (8 or fewer children)

All small family child day care homes shall comply with the applicable provisions of State of California Health and Safety Code Chapter 3.6, Sections 1597.44 and 1597.45. Such facilities are exempt from County review and approval.

25.08.010 Day Care, Limited – Large Family (Up to 14 Children)

All large family child day care homes shall comply with the applicable provisions of State of California Health and Safety Code Chapter 3.6, Sections 1597.45 and 1597.46. Such facilities are exempt from County review and approval.

25.08.011 Drive-Through and Drive-In Facilities

A. **Purpose and Applicability**

This Subsection provides standards for drive-through and drive-in facilities, as defined in the Glossary and where allowed in compliance with applicable zoning districts. Drive-throughs and drive-in businesses shall be subject to all of the regulations applicable to a permitted use in the zone in which such drive-through or drive-in business is located. However, whenever the regulations of this Subsection are more restrictive or impose higher standards or requirements, the requirements of this Subsection shall control.

B. **Standards**

Drive-through and drive-in facilities shall comply with all of the following.

1. Required Findings. The Planning Commission shall make the following findings in addition to other required findings of the Conditional Use Permit for a drive-through or drive-in business, in addition to standard findings required for issuance of a Conditional Use Permit:

    a. The proposed use complies with all requirements set forth for the issuance of the required planning entitlement;

    b. The proposed use will not substantially increase vehicular traffic on any street in a residential zone;

    c. The proposed use will not lessen the suitability of any nearby commercially zoned property for commercial use by interfering with pedestrian traffic;

    d. The proposed use will not create increased traffic hazards to pedestrians when located near a school, place of worship, auditorium, theater or other place of assembly; and

    e. Adequate conditions have been applied through the required planning entitlement to prevent adverse impacts on surrounding properties with respect to noise, trespass, and litter control.

2. Circulation Plan. A pedestrian and vehicular circulation plan shall be submitted along with any required application submittal items. Such a plan shall indicate how pedestrian and vehicular traffic will be separated to provide for pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or use drive-in facilities in a manner that will not impede traffic flow on any public right-of-way.

3. Setbacks. Additional setback requirements may be applied by the responsible Review Authority were deemed necessary for the safety, welfare, and protection of adjacent properties.

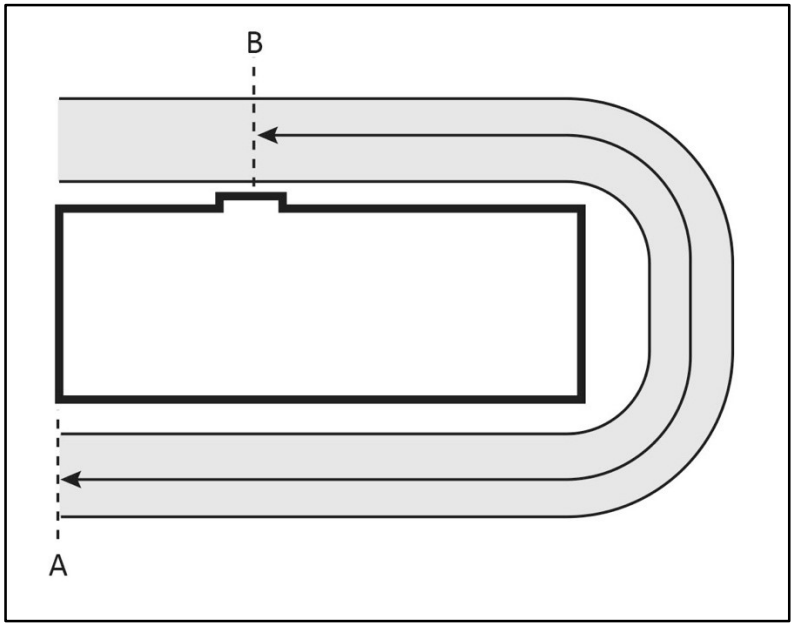
4. Location of Drive Aisles. Drive-through aisles shall be inwardly focused within the site and located away from adjoining streets, wherever feasible.

5. Pedestrian Walkways. Pedestrian walkways (including ADA access areas) shall not intersect the drive-through access aisles unless they have clear visibility and are emphasized by enhanced paving or markings.

6. No Reduction in Off-street Parking. Parking for drive-through and drive-in uses shall be provided as required by this Title.

7. Waiting and Queuing Vehicles.

   a. Drive-through access aisles shall be located entirely within the property and shall be at least 175 feet in length, measured starting at the pickup window. More stacking may be required, depending on the need of the specific business as verified by a stacking study performed by a qualified expert.



Drive aisle length is measured from the start of the drive aisle (A) to the pickup window (B)..

   b. Drive-through lanes shall be designed to avoid the blocking of vehicle traffic, parking stalls and pedestrian access.

   c. No drive-through queuing is required for a drive-in business, but access to the pickup window shall be designed to avoid the blocking of vehicle access, parking stalls and pedestrian access.

8. Menu and Preview Boards.

   a. Approval of a menu and preview board shall be subject to the approval of a Sign

Permit pursuant to the provisions found in Chapter 25.07.016 before installation of any signs on the subject site.

b. As practical, visibility of outdoor menu and preview boards shall be minimized from any adjoining street(s). Additional landscape areas or shrub plantings may be required to provide proper screening.

9. Noise. Amplification equipment (speakers at menu boards, piped music, etc.) shall be located so as not to adversely impact adjoining uses and shall be operated in compliance with Article IV, Chapter 6 (Noise Regulations).

10. Wall and Landscape Buffer Required When Adjoining Residential Uses. A minimum six-foot-high solid decorative masonry wall shall be constructed on each property line that adjoins a parcel zoned for and/or developed with a residential use, and a minimum six-foot-high solid masonry wall shall be constructed on interior property lines for all zones. The design of the wall and the proposed construction materials shall be subject to review and approval through the Site Plan Review process. A minimum five-foot-deep landscaping strip shall be provided between the wall and any driveway.

11. Lighting. All exterior lighting shall be arranged and shielded to prevent any glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property; and in accordance with the provisions of the Lighting section of the San Benito County Code.

12. Deliveries. Delivery hours may be regulated through the Conditional Use Permit for the drive-through or drive-in use.

25.08.012 Kennels and Pet Shops

A. **Use Permit Required**

Administrative Use Permits or Conditional Use Permits are required for kennels per the use tables in Chapter 25.03 of this Code.

B. **Animal Keeping Exempt from Use Permit Requirement**

The following are exempt from the requirement to obtain an Administrative Use Permit, but are subject to the animal keeping regulations in Chapter 13 of the County Code:

1. Veterinary hospitals

2. Public pounds

3. Public or private foster and adoption services or organizations

The following are exempt from the requirement to obtain a Conditional Use Permit:

1. The keeping of (5) five or fewer adult dogs
2. The keeping of (12) twelve or fewer puppies
3. The keeping of (9) nine or fewer adult cats
4. The keeping of (12) twelve or fewer kittens
5. Veterinary hospitals
6. Public pounds

C. **Setback Standards**

Setbacks shall be established for each individual facility use through the Use Permit.

D. **Limit on Number of Dogs for Hobby Kennel**

A hobby kennel may house up to (8) eight adult dogs and (12) twelve puppies.

25.08.013 Animal Keeping and Number of Small Farm Animals, Small Livestock, and Dog and Cats

A. **General Animal Care Standards**

See Chapters 13.02 and 13.03 of the County Code for standards related to the keeping of animals and the operations of kennels and pet shops.

B. **Limits on Animals: Small Farm Animals**

The following limits apply to the number of Small Farm Animals.

1. "Keeping of Small Farm Animals" is listed to the keeping of not more than a total of (12) twelve Small Farm Animals in any combination of the following: chicken hens; pigeons or similar fowl; crowing fowl; rabbits or similar animals; ducks; geese; turkeys; goats; sheep or other livestock.

C. **Limits on Animals: Small Livestock**

1. Not more than a total of (12) twelve small livestock in any combination.
2. No more than (1) one small livestock per acre shall be allowed.

D. **Limits on Animals: Cats and Dogs**

1. See "Hobby Kennels" and "Kennels" for limits.

25.08.014 Recycling Facilities

A. **Intent**

The following provisions provide minimum development standards for recycling facilities in San Benito County. These standards are designed to provide appropriate development of recycling facilities pursuant to the 1986 California Beverage Container Recycling and Litter Reduction Act (Public Resources Code Section 14500 et. Seq.).

B. **Permitted Zoning**

1. State-certified reverse vending machines and mobile recycling units shall be permitted in any commercial or industrial zone, provided that the use is located within a convenience zone designated by the State of California Department of Conservation.

2. Recycling collection facilities shall be permitted per the use tables in Chapter 25.03.

C. **Development Standards for Reverse Vending Machines**

1. Location. Reverse vending machines shall be established in conjunction with supermarkets or other commercial or industrial uses which are subject to approved development review or Conditional Use Permits, and shall be located within (30) thirty feet of the entrance to the commercial or industrial structure, without obstructing pedestrian or vehicular traffic, or occupying parking spaces required by the primary use;

2. Parking. No additional parking spaces for access or use shall be required for reverse vending machines;

3. Size. Reverse vending machines shall occupy no more than (50) fifty square feet of floor area per machine, and shall be no more than (8) eight feet in height;

4. Design. Reverse vending machines shall be constructed and maintained with durable waterproof and rustproof material, and shall be clearly marked to identify material to be deposited, operating instructions, and the identity and the telephone number of the operator or responsible person to contact in the event of machine malfunction or if the machine is inoperative;

5. Signs. Signs shall have maximum surface area of (4) four square feet;

6. Maintenance. Units shall be maintained in a clean, litter-free condition, and shall be sufficiently illuminated to ensure safe operations;

7. Operating hours. Reverse vending machines shall have the same operating hours as the primary use or other typical uses in the zone.

D. **Recycling Collection Facilities**

1. Standards that apply to all zones:

   a. Collection facilities shall be set back at least (150) one hundred feet from property in a residential zoning district or designated for residential use by the General Plan;

   b. Containers provided for after hours donation shall be set back at least (50) fifty feet from any property zoned or occupied for residential use and shall be constructed of sturdy and durable materials.

2. Standards that apply to the Commercial Zones:

   a. In the C-1 and C-2 Zones, the collection facility area shall at least be enclosed by an opaque block wall or solid wood fence at least (6) six feet in height and landscaped on all street frontages.

   b. Standards that apply to the Manufacturing/Industrial Zones:

      i. In the M-2 zone, collection facilities shall comply with the setback, landscape, and structural requirements of the zone in which the project is located.

   c. Storage of Materials:

      i. All exterior storage of materials shall be in sturdy weatherproof and rustproof containers which are covered, baled, or palletized, and which are secured and maintained in good condition;

      ii. Storage for flammable materials shall be in nonflammable containers;

      iii. Storage for the recycling of oil shall be in containers approved by the County Health Department.

   d. Parking. Parking shall be provided per Chapter 25.07.010 of this Code.

   e. Noise. The facility shall not exceed noise levels of 65 dBA as measured at the exterior property line of residentially zoned property. In no event shall the noise level exceed 75 dBA.

   f. Hours of operation. If the facility is located within five hundred (500) feet of property zoned or designated for residential use pursuant to the General Plan, it shall not operate between the hours of 7:00 p.m. and 7:00 a.m.

   g. Signs. All on-site signs shall be in conformance with the standards set forth in this code, and shall clearly identify the responsible operating parties and their telephone numbers.

h. Power-driven machinery. The use of power-driven machinery shall be limited to state-approved reverse vending machines. In addition:

i. Machinery, which is necessary for the temporary storage, efficient transfer, or securing of recyclable materials may be permitted with the approval of development review;

ii. Additional development requirements. Additional development standards may be required as conditions of approval.

E. **Recycling Processing Facilities**

1. Setbacks, landscaping and structural requirements shall comply with the development standards of the underlying zone.

2. Storage of materials

a. All outside storage of materials shall be in sturdy weatherproof and rustproof containers which are covered, baled, or palletized; and which are secured and maintained in good condition;

b. Storage for flammable materials shall be in nonflammable containers;

c. Storage for the recycling of oil shall be in containers approved by the County Health Department;

d. Storage or placement of recyclable materials outside of containers or mobile/recycling unit when attendant is not present is prohibited;

e. Containers shall be clearly marked to indicate the type of material accepted for collection.

f. Parking. Parking shall be provided on site for the peak load circulation and parking of customers. If the facility is to service the public, parking spaces shall be provided for a minimum of ten customers, or the peak customer demand load, whichever is greater.

g. Noise. The facility shall not exceed noise levels of 65 dBA as measured at the exterior property line of residentially zoned property. In no event shall the noise level exceed (75) seventy-five dBA.

h. Hours of operation. The facility shall identify the operator and the hours of operation. If the facility is located within (500) five hundred feet of property zoned or planned for residential use pursuant to the San Benito County General Plan, it shall not operate between the hours of 7:00 p.m. and 7:00 a.m.

i. Signs. All on-site signs shall be in conformance with the standards set forth in the Signs chapter of this code and shall clearly identify the responsible operating parties and their telephone numbers.

j. Site condition. The site shall be maintained in a safe and litter-free condition on a daily basis.

k. Additional development requirements. Additional development standards may be required as conditions of approval.

25.08.015 Mini-Storage Facilities

A. **Intent**

The following provisions provide minimum development standards for mini-storage facilities. These standards are designed to provide for the appropriate development of mini-storage facilities and to protect the health, safety, and welfare of County residents using such facilities or who live or conduct business adjacent to such facilities.

B. **Permitted Zoning**

Mini-storage facilities shall be allowed per Chapter 25.03 of this Code.

C. **Permitted Uses**

Mini-storage facilities shall be designed and operated for the storage of goods in individual compartments or rooms, which are available for use by the public on a rental or lease basis. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, compounding, office functions, other business or service uses, or human habitation.

D. **Development Standards**

1. Storage spaces. Individual storage spaces shall have a maximum gross floor area of (500) five hundred square feet.

2. Walls. A (6) six-foot-high decorative masonry wall combined with an earthen berm or landscaping to provide an (8) eight-foot-high screen shall be provided around the entire mini-warehouse land use, unless otherwise approved. The rear and sides of mini-warehouse buildings may be used in place of portions of the required wall where no individual storage units are accessible from the building sides. The exterior side of all perimeter masonry walls and building sides (if used in place of portions of the walls), shall be coated with a protective coating that will facilitate the removal of graffiti.

3. Lighting

a. All lighting shall be indirect, hooded, and positioned so as not to reflect onto adjoining property or public streets;

b. Lighting fixtures may be installed in each individual storage space, provided that the fixtures shall not include or be adaptable to provide electrical service outlets;

c. Light fixtures shall be controlled by time switches located in the respective individual storage unit with a maximum of thirty (30) minute time limit per activation.

4. Fire Safety. Fire suppression systems, extinguishers, etc., shall be provided per the Fire Code.

5. Alarms and Security.

   a. Each mini-storage facility shall include an alarm system and security cameras and recording equipment as approved by the County Sheriff.

   b. Emergency phone numbers, including police, fire, and the operator's, shall be posted in locations visible from outside and inside the facility.

6. Gates. All gates shall be decorative wrought iron, chain link, other metal type, or wood. All metal type or wood gates must be painted in a color which coordinates with the rest of the mini-warehouse development. All gates shall be subject to review and approval to ensure adequate emergency access.

7. Landscaping. All street setbacks and walls serving as buffers between the use and residentially zoned property shall be landscaped. This landscaping shall include shrubs, trees, vines, or a combination thereof which act to soften the visual effect of the walls. This landscaping shall be in addition to and coordinated with the landscaping required for parking areas.

8. Setbacks

   a. No mini-storage building, structure or wall shall be located closer than twenty (20) feet from any street right-of-way;

   b. No building shall be located closer than (20) twenty feet from any residential zoned property. Walls shall be located so as to provide a buffer between the residential zone and the mini-warehouse zone;

   c. All open areas, including interior setbacks, may be used for driveways, parking, outdoor storage or landscaping.

8. Caretaker's residence. One caretaker's residence may be included within the site plan for a mini storage facility. Where a caretaker's residence is proposed, a minimum of (2) two parking spaces shall be provided for the caretaker's residence in addition to those required for the mini-warehouse land use.

9. Prohibited materials. The following materials shall not be stored in mini-storage facilities:

    a. Flammable or explosive matter or material;

    b. Matter or material which creates obnoxious dust, odor, or fumes;

    c. Hazardous or extremely hazardous waste, as defined by applicable provisions of the Hazardous Waste Control Law (Health and Safety Code Section 25100, et seq.);

    d. Any other prohibited materials per state or federal law.

10. Prohibited facilities.

    a. No water, sanitary facilities, or electricity, with the exception of lighting fixtures, shall be provided in individual storage spaces;

    b. Prefabricated shipping containers shall not be used as mini-storage facilities.

11. Additional development requirements. Additional development standards may be required as conditions of approval.

25.08.016 Renewable Energy Facilities

A. **Commercial Solar Energy Systems**

Commercial solar energy systems designed to generate power for off-site use or for sale to an electric utility shall be located, developed, and operated in compliance with the following standards:

1. Height, Ground-Mounted Solar Energy Systems. The maximum height of a ground mounted solar energy collector system is (25) twenty-five feet or the maximum height allowed in the base zone, whichever is less.

2. Required Setback. Solar energy systems less than six feet in height may be installed within a required side and rear setback, but no closer than three feet to any property line. All other solar energy systems shall meet the required setback of the base zone.

B. **Wind Energy Systems, Commercial and Private Non-Commercial**

1. Application. In addition to typically required information, an application for a wind energy facility (WEF) shall include the following:

    a. Direction of prevailing winds across the project site;

    b. Manufacturer and model designation, rated kilowatt capacity, overall machine height, total blade diameter, rated maximum rotor rotations per minute, and other manufacture's data sufficient to determine compliance with this section;

    c. Location and type of security fencing and/or screening; and

    d. Proof of liability insurance

2. General Requirements for all Wind Energy Facilities.

    a. Development standards. Any type of WEF shall comply with the development standards for the zone in which it is located unless otherwise specified in this section.

    b. Height measurement. The height of any windmill or similar item shall be measured to the top, including any blade when at its highest point.

    c. Setback measurement. Setbacks shall be measured to the outer edge of a WEF, including any blade when at its maximum horizontal extension.

    d. Setbacks. Any WEF shall maintain the same minimum setbacks required for a primary structure within the applicable zone.

    e. Colors and materials. Any WEF shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts.

    f. Advertising and graphics. No advertising, display, or graphic is permitted on any WECS. A manufacturer's identification label and/or any government required identification or safety labels or signs may be affixed to a facility or site in a discrete manner as feasible.

    g. Undergrounding required. All wiring or any associated and ancillary equipment, batteries, devices, structures, or support(s) for any WEF, shall be placed underground to the maximum extent feasible.

    h. Noise. WEFs shall comply with the Noise provisions of the County Code.

    i. Security and safety. WEFs shall be secured from access to the general public by fencing or other deterring device or means as the County may approve or require so the WECS is not an attractive nuisance. WEFs shall either have tower climbing apparatus located

not closer than (12) twelve feet to the ground or be un-climbable by design for the first (12) twelve feet.

j. Proof of liability insurance. The owner of any WEF shall provide, as part of the permit application submittal, proof of liability insurance that specifically addresses the installation, use, and maintenance of the facility to the satisfaction of the County.

k. Effects of development on productivity. The County shall not be liable if subsequent development in the County impairs the productivity of any WEF.

l. Inoperative facility removal required. Any WEF that is not operated for a continuous period of six months shall be considered abandoned. A WEF and all equipment associated with an approved WECS shall be removed within six months of the discontinuance of the use and the site shall be restored to its original pre-construction condition, subject to the approval of the Director.

3. Private, Non-Commercial Wind Energy Systems. A private, non-commercial WEF shall be subject to the following standards.

a. Location. A private, non-commercial WEF shall be located in the rear portion of the property (i.e., between the primary structure and rear property line). This provision may be modified by the County if strict compliance would result in no or poor productivity, as established by evidence provided by the applicant.

b. Screening. If determined necessary by the County, a private, non-commercial WEF shall be separated from adjoining properties by at least a (6) six-foot high solid fence or wall, or by trees and landscaping of equal minimum height.

c. Net-metering. A private, non-commercial WEF may be net-metered.

25.08.017 Surface Mining and Reclamation

See Chapter 19.13 of the County Code for standards and regulations related to Surface Mining and Reclamation.

25.08.018 Fire Safety Standards

A. **Application**

The provisions of this article shall apply when new development is approved by a local jurisdiction.

B. **Fire Systems Required**

Water systems for fire protection shall be available on-site:

a. Prior to the completion of road construction, where a community water system is approved, or

b. Prior to issuance of a building permit, where an individual system is approved.

C. **Exceptions and Appeals**

Exceptions and appeals for any provision of this article are allowed as defined in Cal. Public Resources Code §§ 4290 *et seq.* and the variance procedure as outlined in this title. The exception or appeal procedure must be finalized prior to filing for a variance with the county.

D. **Conditions**

To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access and utilization of the defensible space provided for in these standards during a wildfire, provisions for annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval.

E. **Road and Safety Standards**

1. Road width. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements.

2. Roadway surface. The surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances and be capable of supporting 40,000 and an HS-20 and alternate load. A minimum (6) six -inch aggregate base shall be used as a minimum standard where paving is not required.

3. Roadway grades. The grade for all roads, streets, private lanes, and driveways shall generally not exceed 15%. Exceptions may be may be allowed by the local fire protection agency.

4. Roadway radius

   a. No roadway shall have a horizontal inside radius of curvature of less than (50) fifty feet and additional surface width of four feet shall be added to curves of (50) fifty to (100) one hundred feet radius; two feet to those from (100) one hundred to (200) two hundred feet.

   b. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall be not less than (100) one hundred feet.

5. Roadway turnarounds. Turnarounds are required on driveways and dead-end roads as specified in this article. The minimum turning radius for a turnaround shall be (40) forty feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of (60) sixty feet in length. A hammerhead/T at the end of a road shall only be allowed where the road terminus is considered temporary.

6. Roadway turnouts. Turnouts shall be a minimum of ten feet wide and (30) thirty feet long with a minimum (25) twenty-five-foot taper on each end.

7. Roadway structures.

    a. All driveway, road, street and private lane roadway structures shall be constructed to carry at least the HS20 and "alternate" load and provide (15) fifteen feet minimum vertical clearance.

    b. Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single lane conditions, shall reflect the capability of each bridge.

    c. A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

8. One-way roads.

    a. One-way roads are considered "fire apparatus access roads" as defined in Section 202 of the California Fire Code.

    b. All one-way roads shall be constructed to provide a minimum of one ten-foot traffic lane. The local jurisdiction may approve one-way roads.

    c. All one-way roads shall connect to a two-lane roadway at both ends, and shall provide access to an area currently zoned for no more than ten dwelling units. In no case shall it exceed 2,640 feet in length.

    d. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

9. Dead-end public or private roads.

    a. Dead-end public or private roads are "fire apparatus access roads" as defined in Section 202 of the California Fire Code.

    b. The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths (in feet), except as provided below:

Table 25.08-A				
Fire Hazard Category				
Zoning District	***LRA***	***Mod.***	***High***	***Very High***
RM, R1, RR, C, M	800	800	800	600
RT	1,320	1,000	800	600
R, AP	2,640	1,000	800	600
AR	5,280	1,000	800	600

c. All lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. The lengths specified in the LRA shall not be exceed. However, the further restrictions in the categories of moderate, high and very high, may be exceeded up to the LRA lengths if mitigations satisfactory to CDF are provided. Mitigations that may be considered include, but are not limited to, NFPA-approved structure fire sprinkler systems, open-ended cul-de-sac design, fire-resistant construction materials (roof and structure) and secondary emergency access to standards set in this section.

i. Where parcels are zoned five acres or larger, turnarounds shall be provided at a maximum of 1,320 intervals.

ii. Each dead-end road shall have a turnaround constructed at its terminus.

10. Driveways. All driveways shall provide a minimum ten-foot traffic lane and unobstructed vertical clearance of (15) fifteen feet along its entire length.

a. Driveways are “fire apparatus access roads” as defined in Section 202 of the California Fire Code.

b. Driveways exceed (150) one hundred fifty feet in length, but less than (800) eight hundred feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds (800) eight hundred feet, turnouts shall be provided no more than (400) four hundred feet apart.

c. A turnaround shall be provided at all building sites on driveways over (300) three hundred feet in length and shall be within (50) fifty feet of the building.

11. Roadside vegetation. Roadside vegetation contributing to significant risk shall be

removed for a distance of ten feet on each side of the traveled section, where required by the fire protection agency. In order to protect escape routes from radiant heat caused by wildfires, native vegetation should be thinned and dead material removed on each side of roads or highways. This may reduce radiant heat from a wildfire to an acceptable level.

12. Gate entrances

    a. Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate.

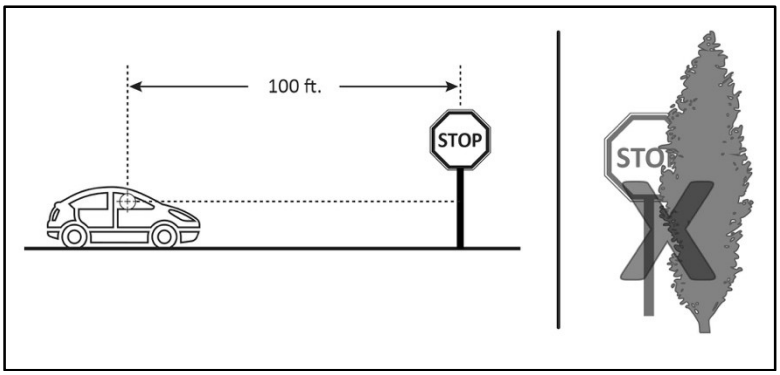
    b. All gates providing access from a road to a driveway shall be located at least (30) thirty feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.

    c. Where a one-way road with a single traffic lane provides access to a gated entrance, a (40) forty-foot turning radius shall be used.

    d. A lock or other device that allows emergency vehicles unlimited access shall be installed on all gates, including electronic gates.

13. Size of letters, numbers and symbols for street and road signs. Size of letters, numbers, and symbols for street and road signs shall be a minimum three-inch height, three-eighths inch stroke, reflectorized and contrast with the background color of the sign.

14. Visibility and legibility of street and road signs. Street and road signs shall be visible and legible from both directions of vehicular travel for a distance of at least (100) one hundred feet.



Required street and road visibility.

15. Height of street and road signs. Height of street and road signs shall be uniform county wide, and meet the visibility and legibility standards of this article.

16. Names and numbers on street and road signs. Newly constructed or approved public and private roads and streets must be identified by a name or number through a consistent county-wide system that provides for sequenced or patterned numbering and/or non-

duplicating naming. All signs shall be mounted and oriented in a uniform manner. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering.

17. Intersecting roads, streets and private lanes. Signs required by this article identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads; streets, and/or private lanes.

18. Signs identifying traffic access limitations. A sign identifying traffic access of flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road, or single lane conditions, shall be placed:

    a. At the intersection preceding the traffic access limitation; and

    b. No more than (100) one hundred feet before the traffic access limitation.

19. Installation of road, street and private lane signs. Road, street, and private lane signs required by this article shall be installed prior to final acceptance by the local jurisdiction of road improvements.

20. Addresses for buildings. All buildings shall be issued an address by the local jurisdiction that conforms to that jurisdiction's overall address system. Accessory buildings will not be required to have a separate address; however, each dwelling unit within a building shall be separately identified.

21. Size of letters, numbers and symbols for addresses. Size of letters, numbers and symbols for addresses shall be a minimum three-inch letter height, three-eighths inch stroke, reflectorized, contrasting with a background color of the sign.

22. Installation, location and visibility of addresses.

    a. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

    b. Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

    c. Where multiple addresses are required at a single driveway, they shall be mounted on a single post.

    d. Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to

that site.

23. General water standards.

    a. Intent. Emergency water for wildfire protection shall be available and accessible in quantities and location specified in these regulations, in order to attack a wildfire or defend property from a wildfire. The emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man-made containment structure, as long as the specified quantity is immediately available.

    b. General standards.

        i. Water systems that meet or exceed the standards specified in Public Utilities Commission of California (PUC) revised General Order #103, adopted June 12, 1956 (corrected September 7, 1983, Decision 8309-001), Section VIII Fire Protection Standards and other applicable sections relating to fire protection water delivery systems, static water systems equaling or exceeding the National Fire Protection Association (NFPA) Standard 1231, "Standard on Water Supplies for Suburban and Rural Fire Fighting", 1989 Edition, or mobile water systems that meet the Insurance Services Office (ISO) Rural Class 8, 2nd Edition 3-80, standard shall be accepted as meeting the requirements of this article. These documents are available at CDF Ranger Unit Headquarters.

        ii. Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency. Where freeze protection is required by local jurisdictions, the protection measures shall be provided.

24. Hydrant/fire valve

    a. The hydrant or fire valve shall be 118 inches above grade, eight feet from flammable vegetation, no closer than four feet nor farther than (12) twelve feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be located at a turnout or turnaround, along the driveway to that building or along the road that intersects with that driveway.

    b. San Benito County has adopted two types of fire hydrants for use in its protection area. The "county standard" hydrant is compatible with Sunnyslope County Water District and the City of Hollister. The "wharf" hydrant may be used only on private water systems (i.e., single-family dwellings, on previously established lots), subdivision of more than one acre lots, minor subdivisions and areas served by the San Benito County Water District. Planned unit developments will require the use of "county standard" hydrants.

        i. "County standard" hydrant specifications. All hydrants shall meet AWWA C502

standards and shall have a six-inch inlet with one four-and-one-half inch (4.5”) outlet and one two-and-one-half-inch (2.5”) outlets.

ii. “Wharf hydrant” specifications. Four-inch inlet, tapered IPT female with one two and one-half inch NSHT male outlet, cap and chain with pentagon stem nut.

iii. Installations. Installation will be done using standard construction practices. Thrust blocks will be used at all pressure points. The minimum bedding will require six inches of jetted sand backfill.

iv. Identified. Each hydrant/fire valve or access to water shall be identified by a reflectorized blue marker, with a minimum dimension of three inches.

25. Signing of water sources. Each hydrant/fire valve or access to water shall be identified as follows:

    a. If located along a driveway, a reflectorized blue marker, with a minimum dimension of three inches shall be located on the driveway address sign and mounted on a fire-retardant post; or

    b. If located along a street or road:

        i. A reflectorized blue marker, with a minimum dimension of three inches, shall be mounted on a fire-retardant post. The signpost shall be within three feet of the hydrant/fire valve, with the sign no less than three feet nor greater than five feet above ground, in a horizontal position and visible from the driveway; or

        ii. As specified in the State Fire Marshal’s *Guidelines for Fire Hydrant Markings Along State Highways and Freeways*, May 1988.

26. Setback for structure defensible space. All parcels one acre and larger shall provide a minimum (30) thirty-foot setback for buildings and accessory buildings from all property lines and/or the center of a road. As an alternative, recorded evidence of a vegetation clearance easement of at least 30 feet width can be submitted for reduced setbacks.

27. Disposal of flammable vegetation and fuels. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

28. Greenbelts. Subdivisions and other developments that propose greenbelts as a part of the development plan, shall locate the greenbelts strategically, as a separation between wildland fuels and structures. The locations shall be as approved by the inspection authority.

D. **Fire Protection Supply for Water Systems**

1. *Systems.* In addition to the requirements for domestic water, development projects shall be required to provide water systems for fire protection demands. Additional flow will be required for high and very high fire hazard zones. An additional (250) two hundred fifty gpm shall be provided for systems where the CC&Rs do not require Class A roof material, as defined by the Uniform Building Code, on inhabited structures.

   RURAL: Single-family dwellings on more than one acre; recreational vehicle parks

   500 GPM fire flow at minimum 20 psi

   660 feet hydrant spacing

   330 feet maximum distance from building envelopes

   4-inch mains and valves (one to four lots)

   6-inch mains and valves (five or more lots)

   4-inch riser with a single “county standard” hydrant or wharf hydrant for existing lots

   RESIDENTIAL: Single-family dwellings on one acre or less

   500 GPM fire flow at minimum 20 psi

   660 feet hydrant spacing

   330 feet maximum distance from building envelopes

   6-inch mains and valves

   4-inch riser with a single “county standard” hydrant or wharf hydrant for existing lots

   6-inch riser with a “county standard” hydrant (five or more lots)

   RESIDENTIAL: Two single-family dwellings per acre

   750 GPM fire flow at minimum 20 psi

   660 feet hydrant spacing

   330 feet maximum distance from building envelopes

   County standard hydrant

   RESIDENTIAL: (3) Three or more single-family dwellings per acre; mobile home parks

1,000 GPM fire flow at minimum 20 psi

300 feet hydrant spacing

330 feet maximum distance from building envelopes

County standard hydrant

MULTIPLE RESIDENTIAL: Duplex, neighborhood business of one story

1,500 GPM fire flow at minimum 20 psi

330 feet hydrant spacing

County standard hydrant

MULTIPLE RESIDENTIAL: Triplex, apartment, one- and two-story; light commercial or light industrial; schools

2,000 GPM fire flow at minimum 20 psi

300 feet hydrant spacing

County standard hydrant

MULTIPLE RESIDENTIAL: Three stories or higher; heavy commercial or industrial.

2,500 GPM fire flow at minimum

20 psi 300 feet hydrant spacing

County standard hydrant

E. **Water storage capacities**

Water storage capacities must be able to provide the above fire flow for a two-hour duration, or meet the following exceptions:

1. Separately developed dwellings with an individual private water supply will provide a minimum of five thousand gallons supply of water each dedicated for fire suppression, or as calculated by the following formula, whichever is greater (NFPA Standard 1231):

<u>Single structure without exposure hazards</u>

Total cu. ft. of structure/Occupancy Hazard Class x Construction Class #

<u>Single structure with exposure hazards</u>

Total cu. ft. of structure/Occupancy Hazard Class x Construction Class # x 1.5

2. Lakes, ponds, swimming pools, streams or other water sources may be used for fire protection resources as long as provisions are made for access to the supply either by plumbing or fire engine access within (16) sixteen feet for drafting purposes and the capacities equal the requirements above.

3. When the property division is a total of four lots or less and the topography, zoning and other conditions preclude its redivision or addition of more parcels on the system, the source may not be less than the required minimum storage of 20,000 gallons.

4. The use of San Felipe water for fire protection is permissible in lieu of other systems and storage if permitted by San Benito County Water District. If the system is not located at an accessible location, the line must be extended to a location that meets the (rural: single-family dwelling) guidelines above. Improvement plans must be approved by the San Benito County Water District and the County Fire Department.

5. Residential sprinklers will reduce the needed water storage capacities by 50%.

6. Fire protection water systems operated by water companies under regulations of the Public Utilities Commission shall comply with the standards of PUC General Order #103 or Title 22 as applicable.

25.08.019 Wireless Telecommunication Facilities

See Title 7 of the County Code for Wireless Telecommunication Facility regulations.

25.08.020 Unmanned Aircraft Systems Shipping/Delivery Services

A. **Intent**

The purpose of the following provisions is to establish regulations for the operation of any unmanned aircraft system (UAS) within the boundaries of the County of San Benito, with the intent of preserving the health, safety, welfare, and privacy of residents, businesses, and visitors.

B. **Permitted Zoning for take-off and landing facilities of UAS**

Facilities for the takeoff and landing of unmanned aircraft are permitted subject to the approval of a Conditional Use Permit within the Commercial Thoroughfare (C-1) zone in accordance with Chapter 25.03 of this code.

1. The zoning requirement for UAS takeoff and landing facilities shall not apply to the non-commercial use of UAS, or to publicly owned and operated UAS.

2. Any structures proposed for construction in connection with the establishment of facilities for the takeoff and landing of UAS, will be subject to Development Plan Review pursuant to the requirement of Chapter 25.02.001 of this code.

C. **Compliance with All Applicable Regulations**

The takeoff, landing, and operation of all UAS must comply the Code of Federal Regulations defined in Title 14 C.F.R. Part 101 and Title 14 C.F.R. Part 107, as well as any UAS regulations administered by any State Department of the State of California.

25.08.021 Public Uses

This title shall not limit or interfere with the temporary use of any property as a public voting place, or with the construction, installation or operation by any public agency or private corporation of any power or communication transmission and distributing line, or transportation line or conduit, or of any incidental appurtenances to any of the above.

25.08.022 Agricultural Employee (Farmworker) Housing

A. **Applicability**

Agricultural Employee (Farmworker) Housing Projects that provide housing for at least five farmworkers and are proposed pursuant to §17021.6 of the Employee Housing Act are referred to as "EHA Projects". Eligible project types include Employer-Provided Farmworker Housing or Rural Farmworker Housing projects, of up to twelve dwelling units or up to 36 beds in group quarters (dormitory-style housing); or a Small Project that provides housing for at least five farmworkers. EHA Projects may be for seasonal or temporary Residency. EHA Projects shall not include any proposed land division (i.e., parcel map, subdivision map or condominium map) for the purposes of creating a separate parcel for the EHA Project or EHA units.

B. **Agricultural Employee Project Types**

Agricultural Employee (Farmworker) Housing Projects provide housing for 5 or more Farmworkers ("EHA Projects"). EHA Projects include the following project types:

1. Employer-Provided Farmworker Housing Project

    a. 5 to 36 beds in group quarters designed for single adult farmworkers, or

    b. 5 to 12 dwelling units, mobile home/RV spaces, each designed for occupancy by at least one farmworker and his/her household

2. Rural Farmworker Housing Project

    a. 5 to 36 beds or 5 to 12 units for Seasonal or Temporary Occupancy, or

b. Up to 12 mobile homes, manufactures homes, travel trailers, RVs for permanent occupancy

3. Small Farmworker Housing Project

   a. 1 to 4 dwelling units or mobile homes housing at least 5 farmworkers and licensed by the Enforcement Agency

C. **Required Permits and Approvals**

1. Site Development Permit. In the AR and AP Zone districts, EHA Projects proposed are considered an agricultural use. Conditions of approval may be imposed by the Director to ensure compliance with the standards of this section, and the County, and with the Employee Housing Act.

2. Water and Sanitation Permits. EHA Projects not connected to community sewer or water shall obtain required County permits for proposed well water and/or septic systems. EHA Projects on well water that meet the definition of Public Drinking Water System shall comply with State water Resources Control Board Standards.

3. Building Permits. EHA Projects shall obtain building permits or other required permits, depending on type of housing accommodations proposed for the project. For EHA Projects consisting of two to four mobile or manufactured homes (not on a permanent foundation system) or recreational vehicles, or spaces for two to four mobile homes or recreational vehicles (a "trailer park"), HCD is the permitting agency. For EHA Projects of five to twelve spaces, mobile homes, or recreational vehicles, the County is the permitting agency.

4. Recorded Covenant. The site development permit shall include a condition of approval for the property owner to record a farmworker housing covenant with the County to provide constructive notice of and ensure owner's compliance with the requirements of this section of the San Benito County Code, the Employee Housing Act, and their License.

5. License. EHA Projects shall obtain and maintain a License to operate the proposed farmworker housing from the Enforcement Agency pursuant to §17030-17039 of the Act. The Enforcement Agency in the County is the Department of Environmental Health.

   a. Applicants shall apply for the License at least 45 days before initial occupancy, after the Site Development Permit and any required building or other ministerial permits have been obtained for the project. The application form is available from the Enforcement Agency and requires applicant to provide all information listed in §17032 of the Employee Housing Act.

   b. Applicant shall submit a letter requesting a modification to the License whenever there is a change in any of the information provided on the License application form,

such as a reduction or increase in the number of units or beds occupied by farmworkers, or any other information on the form.

c. Licenses are issued for a one-year period and subject to annual monitoring by the Enforcement Agency. Applicant shall submit a letter each year requesting an annual renewal of the License for as long as the housing continues to be operated as employee housing.

d. Any operator of an EHA Project that fails to obtain or maintain the required License for the project shall be subject to the penalties of §17037 of the Employee Housing Act, including in some cases a requirement to pay double or ten times the applicable licensing fees.

e. Certificate of Non-operation. If the EHA Project ceases to be occupied by farmworkers, the operator shall submit a letter certifying non-operation to the Enforcement Agency within (30) thirty days, noting the date on which the housing ceased to be occupied, consistent with §17037.5 of the Employee Housing Act. The Certification of Non-Operation shall be submitted to the Enforcement Agency annually for two years following discontinuation of the use of any area or structure on the property identified in operator's License as farmworker housing. The Certification shall attest under penalty of perjury that the farmworker housing has been destroyed, or is no longer owned and operated, or has not been and shall not be occupied by five or more employees during the calendar year. Operator shall send a copy of the Certification of Non-operation to the County Planning Department concurrently with delivery to the Enforcement Agency.

f. Environmental Review. EHA Projects are subject to environmental review ("CEQA"). The Public Resources Code provides some exemptions to CEQA that may apply to certain types of farmworker housing defined herein.

D. **Development Standards and Criteria**

EHA Projects shall comply with development standards of the zone districts in which they are located, as well as the additional standards and criteria provided below. In the event of any conflict between Chapter 25.03 and the standards and criteria provided in this section, those in this section shall prevail.

1. Density limitations. EHA Projects proposed in agricultural zones are considered an agricultural use pursuant to the Act and as such are not subject to the residential density limitations set forth in the General Plan or Zoning Code.

2. Unit Size. The maximum habitable floor area for a dwelling unit intended for occupancy by a single farmworker household (individual farmworker or farmworker family) in an EHA Project shall not exceed the following, measured in square feet (SF) as shown below.

Maximum Habitable Floor Area

Unit Size	Maximum Habitable Floor Area
Studio or 1 bedroom	640 SF
2 bedrooms	800 SF
3 bedrooms	1,200 SF
4 or more bedrooms	1,400 SF

3. Group Quarters. Structures designed as group quarters or dormitories shall provide at least (50) fifty square feet of habitable area per bed (per occupant) within the dormitory structure.

4. Height. Structures shall be limited to a height of (28) twenty-eight feet.

5. Parking. EHA Projects shall comply with the parking standards in the Chapter 25.07.010, except that the minimum number of spaces per unit or per bed in an EHA Project shall be as set forth below.

Minimum Parking Spaces Required

Unit Size	Minimum Parking Spaces Required
Studio or 1 bedroom	1
2 or 3 bedrooms	2
4 or more bedrooms	2.5
Group Quarters	0.5 per bed

6. Parking Exceptions. The Director may approve a reduction in required parking spaces without a variance, if the applicant provides evidence to the Director's satisfaction that fewer parking spaces than otherwise required by this section will be adequate for EHA Project, such as where transit service or alternative transportation is available or is provided by the operator.

    a. Alternate surfacing materials (e.g., base rock or gravel) may be allowed for parking areas and/or accessways to the EHA, if the Director finds that the alternate surfacing materials will help to preserve agricultural land, and the surfacing will be installed

and maintained in a manner that will prevent erosion and will provide adequate drainage, and such alternate is acceptable to other involved reviewing agencies.

7. Siting. EHA Projects shall be sited to avoid, to the extent feasible, placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with agricultural operations on the site or adjacent properties.

8. Minimize disturbance. To the extent feasible, EHA Projects shall be sited on the least viable portion of the parcel or in such a way as to disturb the least amount of productive farmland. Depending on site conditions, this may be achieved by siting the EHA Project near existing development on the site, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the EHA Project.

9. Buffers. To the extent feasible, housing accommodations shall be sited at least (50) fifty feet from any active agricultural operations, including areas subject to machine cultivation or pesticide application. If such distances are not feasible, buffering techniques, such as fencing, screening with vegetation, or other techniques may be used to provide a buffer between farmworker housing and farming operations, subject to Department approval. Housing accommodations shall not be located within (75) seventy-five feet of any livestock barns, pens or similar quarters of livestock or poultry, consistent with State regulations.

25.08.023 Single-Family Farmworker Housing

A. **Intent**

Single-Family Farmworker Housing projects, at the applicant's option, may be proposed pursuant to §17021.5 of the Act, in which case they are deemed a residential use and subject to the same permitting requirements and development standards that apply to a single-family dwelling proposed in the applicable zone, rather than being deemed an agricultural use pursuant to Section A above. All Single-Family Farmworker Housing Projects that provide housing for at least five farmworkers shall obtain a License from the Enforcement Agency pursuant to the Act.

B. **Applicability**

A Small Farmworker Housing Project of one to four farmworker dwelling units per parcel, in addition to any primary residence and accessory dwelling unit that may exist on the site, shall be processed as follows:

1. Small Farmworker Housing Projects proposed to provide housing for at least five individual farmworkers (i.e., at least one farmworker unit will house more than one individual farmworker per unit) are considered an EHA Project and may be approved on

a parcel in an agricultural zoning district, subject to all provisions of this Zoning Code and the Act, including the requirement to obtain a License.

2. Small Farmworker Projects proposed to provide housing for four or fewer individual farmworkers (at least one farmworker per proposed unit, not to exceed four farmworkers total in the project) are not an EHA Project and not subject to the Act. Such projects may be approved in agricultural zones with an Administrative Use Permit pursuant to all requirements of Section D above, except for the requirement to obtain or maintain a License. In lieu of a License, such projects shall be subject to annual monitoring by the Planning Department to verify the owner's compliance with the recorded farmworker housing covenant and project conditions of approval. If, upon monitoring or in response to a complaint, any dwelling unit in such project is determined to be non-compliant with the occupancy requirements set forth in the farmworker housing covenant, after reasonable notice and opportunity to correct the violation as set forth in County Code, the project permit may be revoked and the unit(s) subject to enforcement pursuant to San Benito County Code Chapter 25.02, possibly including abatement.

25.08.024 Medical Marijuana Dispensaries Prohibited

A. **Medical Marijuana Dispensaries Prohibited**

The establishment, development, construction, maintenance, or operation of a marijuana dispensary is hereby prohibited, and is not a permitted use in any zoning district, even if located within an otherwise permitted use. No person shall establish, develop, construct, maintain, or operate a marijuana dispensary, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any marijuana dispensary shall be approved by the County of San Benito or any officer or employee thereof.

B. **Definitions**

The following definitions are used in this section.

1. Marijuana Dispensary means any of the following:

   a. Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where any person(s) (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)" or "person(s) with an identification card") makes available, sells, gives, distributes, or otherwise provides marijuana to any two or more other persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)" or "person(s) with an identification card") pursuant to Cal. Health and Safety Code §§ 11362.5 *et seq.* and/or §§ 31362.7 *et seq.* or otherwise; or

b. Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to make available, sell, give away, distribute, or otherwise provide marijuana for medicinal or other purposes. Marijuana Dispensary includes medicinal marijuana "cooperatives," "collectives," and/or "clubs."

2. Marijuana Dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by the San Benito County Code and provided that any such use complies strictly with applicable law including, but not limited to, Cal. Health and Safety Code §§ 11362.5 *et seq.* and §§ 11362.7 *et seq.* and the San Benito County Code, including, but not limited, to the Zoning Code (Title 25 of the San Benito County Code).

   a. A clinic licensed pursuant to Cal. Health and Safety Code Chapter 1 of Division 2;

   b. A health care facility licensed pursuant to Cal. Health and Safety Code Chapter 2 of Division 2;

   c. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Cal. Health and Safety Code Chapter 3.01 of Division 2;

   d. A residential care facility for the elderly licensed pursuant to Cal. Health and Safety Code Chapter 3.2 of Division 2;

   e. A residential hospice or a home health agency licensed pursuant to Cal. Health and Safety Code Chapter 8 of Division 2;

3. The terms "primary caregiver," "qualified patient," "person with an identification card," "cooperative," and "collective" shall be as defined in Proposition 215 (Cal. Health and Safety Code § 11362.5) and Senate Bill 420 (Cal. Health and Safety Code §§ 11362.7 *et seq.*).

4. The word Marijuana shall have the same meaning as that set forth in Cal. Health and Safety Code § 11018.

5. The term "medical marijuana" is marijuana used for medicinal purposes in strict accordance with Cal. Health and Safety Code §§ 11362.5 and §§ 11362.7 *et seq.*

C. **Right to Possess, Use or Cultivate Marijuana**

This section shall not affect the right to possess, use or cultivate marijuana for medicinal purposes as it is presently authorized by the laws of the State of California as set forth in the Cal. Health and Safety Code, Cal. Penal Code, or other state law, or by any federal law.

D. Conflicting laws

To the extent that there is any conflict between the provisions of this article and the provisions of any other county code, ordinance, resolution, or policy, the provisions of this article shall prevail.

25.08.025 Mineral Resource Area Development Regulations

A. **Intent**

The intent of these Mineral Resource Area development standards is to protect and manage natural resources that could be lost due to the encroachment of incompatible land uses, while still allowing low-intensity interim uses.

B. **Application**

The regulations in this section apply to every parcel which is now known as the "mineral harvest area" or is classified as a MR zone as defined by the most recent mapping produced by the state Division of Mines and Geology.

Mineral harvest areas and MR zones are not shown on the Zoning Map. Maps from the Division of Mines and Geology should be consulted to determine if these designations apply to a given parcel(s).

The standards in this section supplement those of the underlying zoning district(s). Where the standards in this section and those of the base zone conflict, this section's standards apply.

C. **Permitted Uses**

The following are permitted uses on land to which this section applies. This list replaces the uses permitted by the underlying zoning district.

1. Agriculture
2. Horticulture
3. Grazing
4. Silviculture
5. Single-family dwelling
6. Structures or capital improvements incidental to the above
7. Uses similar to the above as determined by the Director or Planning Commission per Chapter 25.01 of this Code.

D. **Conditional Uses**

The following are conditional uses on land to which this section applies. This list replaces the uses conditionally permitted in the underlying zoning district.

1. Mining mineral, petroleum, rock, sand, gravel, clay and similar resources; and

2. Low-intensity recreational uses.

E. **Building Site Requirements**

Minimum lot size in the areas subject to this section is (40) forty acres. Previously created parcels shall be considered non-conforming and subject to the terms of this title.

F. **Building Setbacks and Other Requirements**

The setbacks and other requirements for structures or uses on land to which this section applies shall be established by the base zoning district except were modified by this section.

25.08.026 Floodplain Development Standards

A. **Intent**

The intent of the Floodplain development standards is to protect structures from flood hazards by ensuring that development in floodplain areas is properly located and constructed.

Floodplain areas are those areas shown on the Flood Insurance Rate Map, published by the United States Federal Emergency Management Agency, or its successor, as adopted by the San Benito County Board of Supervisors.

The standards in this section supplement those of the underlying zoning district(s). Where the standards in this section and those of the base zone conflict, this section's standards apply.

B. **Areas Subject to Floodplain Development Standards**

The standards in this section apply to all areas designated as floodplain on the latest Flood Insurance Rate Maps produced by the Federal Emergency Management Agency.

Floodplain areas are not shown on the Zoning Map. The latest FEMA maps should be consulted to determine if this section applies to a given parcel(s).

C. **Permitted Uses**

The uses permitted in floodplain areas shall be those of the base zoning district.

D. **Conditional Uses**

Conditional uses in floodplain areas shall be those of the base zoning district.

E. **Building Site Area**

Building site area in the floodplain shall be as listed in the base zoning district.

F. **Height Limitations, Yard Areas, Parking and Landscaping**

Height limitations, yard areas, parking and landscaping in floodplain areas shall be as listed in the base zoning district.

G. **Submittal of Construction Plans; Required Flood Elevation**

1. All development shall conform with the standards of the floodplain management ordinance or its successor.

2. Each property owner or his or her agent who proposes a project for which a building permit is required in a floodplain area shall, prior to approval thereof, submit plans prepared by a civil engineer, licensed by the State of California. The plans shall establish the living area, manufacturing area or storage area of any structure for which a building permit is required at a minimum of one foot above the 100-year flood elevation. The Director may require evidence from an engineer to assist in the determination.

3. The engineer preparing the plans shall, on the building site, provide the Building Inspection Department, at a location acceptable to the Building Inspection Department, a reference to the required elevation that will enable the building department to determine that the required flood elevation is adhered to. The county Building Inspector shall require, and a developer shall provide, written certification from the responsible engineer that the required flood elevation has been met.

H. **Alternative to Required Elevation**

As an alternative to the construction of buildings one foot above the floodplain as provided herein, the site of the buildings may be raised to the required elevation or the site protected by a levee or berm constructed to the elevation necessary to afford adequate protection. The alternatives shall be subject to the terms of the county's grading and erosion control ordinance and floodplain management ordinance or its successor. In either case, plans and specifications for modifications and protection of the site prepared by a licensed civil engineer shall accompany the plans for the building, and, prior to the issuance of a building permit, the site improvement shall be completed and certified in writing by the engineer as having been constructed to prevent flooding. In addition, evidence shall be submitted by a licensed civil engineer that flood hazard is not increased off-site as a result of any

development on the property.

I. **Exemption for Existing Residences**

Single-family residences and related accessory structures lawfully existing in the floodplain at the time the ordinance codified in this title becomes effective shall be allowed to remain subject to the restrictions set forth in section 25.01.012 of this Code.

25.08.027 Scenic Highway Corridor Development Standards

A. **Intent**

The intent of these Scenic Highway Corridor development standards is to preserve the scenic qualities of the county along scenic highways.

The standards in this section supplement those of the underlying zoning district(s). Where the standards of this section and those of the base zone conflict, this section's standards apply.

B. **Scenic Highway Corridors**

The Scenic Highway Corridor development standards shall apply to all lands meeting the following criteria:

Designated Highway	***Corridor Width***
All of State Highway 101	All land 400 feet on either side of the centerline of the road
A portion of State Highway 129 as designated on the county general plan map	All land 340 feet either side of the centerline of road
All of State Highway 146 as designated on the county general plan map	All land 340 feet either side of the centerline of road

The areas described above are not shown on the Zoning Map. Parcels proposed for development which are adjacent to or near any of the designated highways should be checked to determine whether this section applies.

C. **Permitted and Conditionally Permitted Uses**

The uses permitted and conditionally permitted in scenic highway corridors shall be those permitted in the base zoning district, except as provided in this section.

D. **Prohibited Uses**

The following uses are prohibited in a scenic highway corridor, even if permitted by the underlying zone.

1. Uncovered or unscreened storage areas excluding agricultural uses;

2. Off-premises advertising;

3. Free-standing signs except for one sign per entrance identifying the ranch, farm or homesite; and

4. Flashing or moving signs.

E. **Development Standards**

Building heights shall not exceed and setback requirements shall not be less than those of the base zoning district.

F. **Development Review Required**

All new construction in a scenic highway corridor requires Minor or Major Development Review, including development defined as exempt from Development Review in Chapter 25.02.001.

Development Review shall seek to ensure that new construction is consistent with the intent of the scenic highway designations.

G. **Special Sign Standards**

The following standards for signs apply in the scenic highway corridor, and replace standards which would otherwise apply in the underlying zoning district.

1. One identification sign per entrance for a ranch, farm or homesite is permitted.

2. One sign per business establishment is permitted.

3. Temporary signs advertising the sale of local agricultural commodities are permitted.

H. **Grading and Screening**

1. Recognizing that grading can have significant adverse impacts within scenic areas the County shall carefully review all projects involving grading within scenic corridors. The proposed project shall be relocated, modified, redesigned or, if no alternative, screened to minimize visual impacts of grading operations seen from any scenic highway. County staff shall make final contour and landscaping recommendations to minimize visual

impact of grading on the scenic corridor in accordance with the county's grading ordinance.

2. Vegetative cover and other screening devices shall be provided to hide grading scars and to blend with the natural landscape and provide erosion control.

I. **Landscaping**

All landscaping in the scenic highway corridor shall be compatible with local vegetation and ground forms. Indigenous plants and grasses shall be used where appropriate and possible as a means of reestablishing the natural landscape.

J. **Utility Lines**

County staff shall review applications and provide mitigation measures to minimize visual impact of utility lines on scenic highway corridors. All new electric and communication distribution facilities shall be placed underground whenever feasible.

25.08.028 Seismic Safety Development Standards

A. **Intent**

The intent of these Seismic Safety development standards is to ensure that development in areas subject to seismic hazards is properly located and designed to protect life and property.

The standards in this section supplement those of the underlying zoning district(s). Where the standards of this section and those of the base zone conflict, this section's standards apply.

B. **Areas Subject to Seismic Safety Development Standards**

The development standards in this section shall apply to all areas designated as Alquist Priolo Special Study Zones by the State of California Department of Conservation.

These areas are not shown on the Zoning Map. The latest maps from the State of California Department of Conservation should be checked to determine whether this section applies.

C. **Permitted Uses**

The uses permitted, conditionally permitted, and prohibited in an Alquist Priolo Special Study Zone shall those of the base zoning district.

D. **Locational Standards**

The following standards apply to all new construction in an Alquist Priolo Special Study Zone:

1. Except as to structures for human occupancy excluded under the Cal. Public Resources Code §§ 2621 et seq., no building to be used for human occupancy shall be placed across an active fault trace. For purposes of this section, the area within 50 feet of an active fault trace shall be assumed to be underlain by active branches of that fault trace unless and until proven otherwise by an appropriate geological investigation and submission of a report by a geologist registered in the State of California.

2. For buildings over two stories high, buildings of an emergency nature such as hospitals, fire stations and police stations and buildings of high occupancy such as auditoriums, schools, theaters, stadiums and similar uses, the minimum required distance from a known active fault trace shall be 300 feet.

3. The Planning Commission shall have power to increase this distance where there is geologic evidence that a greater distance is required for the protection of any building or structure or for the safety of its occupants.

E. **Geologic Report Required**

1. Except as to structures for human occupancy excluded under Cal. Public Resources Code §§ 2621 et seq., applications for all uses which will result in the construction of buildings for human occupancy shall be accompanied by a geologic report directed to the potential for surface fault displacement throughout the site.

2. The report must be prepared by a geologist registered in the State of California and be in conformance with the Alquist-Priolo Special Studies Zone Act of 1972. If the use would result in an undue hazard to life or property, it shall not be approved. If doubt exists as to the hazard, approval may be withheld pending geologic and engineering studies to adequately define the zone of hazard.

3. If, on appeal, the Planning Commission or Board of Supervisors finds that no undue hazard exists, geologic and engineering studies may be waived with approval of the state geologist.

4. Requirements for geologic reports may be satisfied for single- and two-family dwellings if, in the judgment of technically qualified county personnel and the approval of the state geologist, sufficient information is available from previous studies in the same area.

25.08.029 Tiny Homes

A. **Tiny Home Defined**

A tiny home is a small towable residential unit that is not on a permanent foundation and is towable for moving from place to place.

A typical Tiny Home, shown without required skirting.

B. **Where Permitted**

Tiny homes are permitted in all zoning districts that allow residential dwellings or ADUs, per Chapters 25.03 and 25.08 of this Code.

C. **Tiny Home Standards**

Tiny homes shall be allowed as primary residential dwelling unit or an Accessory Dwelling Unit (ADU) subject to all of the following:

1. Development Standards. A Tiny Home shall conform with the following requirements:

    a. Height. A Tiny Home shall have a maximum height of 14 feet when being towed, per California Vehicle Code section 35250. A Tiny Home may exceed 14 feet in height when the Tiny Home is placed on a lot, provided that the height limit is not exceeded when the Tiny Home is moved on public roadways.

    The overall height of a static Tiny Home shall be per the standards for the zone in which the Tiny Home is located, either as a primary dwelling unit or an Accessory Dwelling Unit.

b. Setbacks. A Tiny Home shall comply with the development standards of the zoning district in which it is located. When used as an ADU, setbacks shall comply with the standards for ADUs as shown in Section 25.08.002.

c. Minimum and Maximum Size. Minimum size: 150 gross square feet. Maximum size: 400 gross square feet.

d. Number of Tiny Homes Allowed. The number of Tiny Homes permitted on a lot or parcel as a primary dwelling unit shall be determined per the standards of the zoning district in which the Tiny Home(s) is located. Tiny Homes used as Accessory Dwelling Units shall not count toward maximum density, per the standards of this Code.

e. Parking. Tiny Homes shall be subject to the same parking requirements as other residential dwelling units or Accessory Dwelling Units.

3. Design. A Tiny Home shall maintain a residential appearance through the following design standards.

a. Skirting. The undercarriage, including wheels and axles, shall be hidden from view with a solid wood, metal or concrete apron.

A Tiny Home with skirting installed

b. Roof Pitch. Roofs shall have a minimum of a 1:12 pitch for at least 50% of the roof area.

c. Foundation or Pad. A paved parking pad shall be required, including bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Planning Director. A Tiny House may rest on the wheels, or on stands anchored to the parking pad.

d. Mechanical Equipment. Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels).

e. Materials. Materials for the exterior wall covering shall include wood, HardiePanel or equivalent material as determined by the Planning Director. Single piece composite laminates, interlocked metal sheathing, or similar materials are prohibited.

f. Windows. Windows shall be double pane glass or better, labeled for building use, and be trimmed out.

g. Utility Connections. A tiny home shall be connected to approved water and sewer utilities through dedicated pipes. A tiny home may use on- or off-grid electricity and may use Propane for heating and cooking. Generators are prohibited except when needed in emergencies. All Tiny Homes shall have a GFI shutoff breaker.

D. **Applicable Codes**

1. Tiny Homes shall meet either the provisions of ANSI 119.5 or NFPA 1192.
2. Tiny Homes shall be licensed and registered with the California Department of Motor Vehicles.

E. **Annual Fire Inspection Required**

Tiny Homes require a yearly inspection by the Fire Marshall.