

## ARTICLE 27

### SEC. 21-27 USES GENERALLY PERMITTED.

**27.1 Purpose:** All uses listed in this Article and all matters related thereto, are declared to be uses possessing characteristics of unique and special form as to make their use acceptable in one or more districts upon issuance of a zoning permit, minor or major use permit in addition to any required building, grading or health permits. (New Table A, Ord. No. 1749, 7/7/1988; Ord. No. 1820, 5/11/1989; Ord. No. 2536, 8/31/2000; Ord. No. 2594, 07/25/2002)

**27.2 Uses generally permitted with a zoning permit:** Uses listed in Table A are permitted in the zoning districts indicated upon issuance of a zoning permit in the case of the symbol “λ” pursuant to the provisions of Section 27.3 and Article 49.

#### **27.3 Conditions required of uses permitted by a zoning permit:**

(a) Accessory residence to a commercial use:

1. The accessory residence shall be constructed concurrently with, or subsequent to the construction of the commercial building and shall be an accessory use to the principal commercial building or use in terms of duration or size.
2. A combination office, accessory residence, or an accessory residence utilized as an office may be located in the front one-half of the lot, subject to the development standards of the base district. (Ord. No. 1749, 7/7/1988)
3. If detached, the accessory residence shall be located on the rear one half (1/2) of the lot and at least ten (10) feet from any commercial building or dwelling on the same lot, or any adjacent lot. If attached, the accessory residence shall be to the rear of the principal commercial building or on a second or higher floor.
4. The accessory residence must be provided with a minimum of two hundred (200) square feet of usable private open space, in the form of enclosed yard, decks, or balconies, not including any required yard area.
5. Fire and vehicular access to the accessory residence of at least twelve (12) feet in width must be provided from a street or alley of a minimum width of twenty (20) feet.
6. The accessory residence must be provided with a separate means of ingress and egress to the ground outside of the building when the accessory residence is an integral part of a business structure.
7. The accessory residence shall comply with the development standards of the zoning district and the performance standards of Article 41

Section. 27.2 Table A. Uses Generally Permitted with a Zoning Permit  
27.3(a) thru (y)

● -Zoning Permit Standards Included in Subsections

| Special Uses  | APZ | A | TPZ | RL | RR | SR | R1 | R2 | R3 | C1 | C2 | C3 | CR | CH | M1 | M2 | MP | PDR | PDC | O | W | U |
|---|-----|---|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|---|---|---|
| (a) Accessory Residence <sup>1,4,5</sup>                      |     |   |     |    |    |    |    |    | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  |     | ●   |   |   |   |
| (b) Ag.- Family Dwelling <sup>1</sup>                         | ●   | ● | ●   |    |    |    |    |    |    |    |    |    |    |    |    |    |    | ●   |     |   |   |   |
| (c) Bed and Breakfast <sup>3</sup>                            | ●   | ● |     | ●  | ●  | ●  | ●  | ●  | ●  |    |    |    | ●  | ●  |    |    |    | ●   |     |   |   |   |
| (d) Christmas Tree Sales <sup>1</sup>                         | ●   | ● | ●   | ●  | ●  |    |    |    |    | ●  | ●  | ●  |    | ●  | ●  |    |    | ●   | ●   |   |   |   |
| (e) Dam or Reservoir, Small <sup>1</sup>                      | ●   | ● | ●   | ●  | ●  | ●  |    |    |    |    |    | ●  | ●  | ●  | ●  | ●  | ●  | ●   | ●   | ● | ● |   |
| Dam or Reservoir, Medium <sup>1</sup>                         | ●   | ● | ●   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |   |   |   |
| (f) Drop-off Recycling Center <sup>1</sup>                    |     |   |     |    |    |    |    |    |    |    | ●  | ●  |    | ●  | ●  | ●  |    |     |     |   |   |   |
| (g) Farm Labor Quarters <sup>1,4</sup>                        | ●   | ● | ●   | ●  | ●  |    |    |    |    |    |    |    |    |    |    |    |    | ●   | ●   |   |   | ● |
| (h) Granny Unit <sup>1, 3, 8</sup>                            |     |   |     | ●  | ●  | ●  | ●  | ●  |    |    |    |    |    |    |    |    |    | ●   |     |   |   | ● |
| (i) Guest House <sup>1,2,4,8</sup>                            | ●   | ● | ●   | ●  | ●  | ●  | ●  |    |    |    |    |    |    |    |    |    |    | ●   |     |   |   | ● |
| (j) Home Occupation <sup>1, 6</sup>                           | ●   |   | ●   | ●  | ●  | ●  | ●  | ●  |    |    |    |    |    |    |    |    |    | ●   |     |   |   | ● |
| (k) Newspaper Distribution Center                             |     |   |     |    | ●  |    |    |    |    | ●  | ●  | ●  |    | ●  | ●  | ●  | ●  |     |     |   |   |   |
| (l) Produce Stand <sup>1,5</sup>                              | ●   | ● | ●   | ●  | ●  | ●  |    |    |    |    |    |    |    |    |    |    |    | ●   | ●   | ● |   | ● |
| (m) Residential Second Unit <sup>1</sup>                      |     |   |     | ●  | ●  | ●  | ●  | ●  |    |    |    |    |    |    |    |    |    |     | ●   |   |   | ● |
| (n) Rummage Sale, Non-Profit                                  | ●   | ● | ●   | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  |    |    |     | ●   |   |   | ● |
| (o) Special Outdoor Event, Non-Profit                         |     | ● |     | ●  | ●  | ●  |    |    |    | ●  | ●  | ●  | ●  | ●  | ●  |    |    |     | ●   |   |   |   |
| (p) Temporary Dwelling <sup>1, 3,5,8</sup>                    | ●   | ● | ●   | ●  | ●  | ●  | ●  | ●  |    |    |    |    |    |    |    |    |    | ●   |     |   |   | ● |
| (q) Temporary Office <sup>1</sup>                             |     |   |     |    |    |    |    |    |    | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  |     | ●   |   |   |   |
| (r) Temporary Construction Office <sup>1</sup>                | ●   | ● | ●   | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  |    |    | ●  | ●  | ●  | ●   | ●   | ● | ● | ● |
| (s) Temporary Sales Office <sup>1</sup>                       |     |   |     | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  |    |    | ●  | ●  | ●  | ●   | ●   | ● |   | ● |
| (t) Wind Energy Conversion Systems <sup>2</sup>               | ●   | ● | ●   | ●  | ●  | ●  |    |    |    |    |    |    |    |    | ●  | ●  | ●  | ●   | ●   |   |   | ● |
| (u) Temporary Sales From a Vehicle <sup>1</sup>               | ●   | ● |     | ●  |    |    |    |    |    | ●  | ●  | ●  |    | ●  |    |    |    |     |     |   |   | ● |
| (v) Vendor's Permit <sup>1</sup>                              |     |   |     |    |    |    |    |    |    | ●  | ●  | ●  | ●  |    | ●  |    |    |     | ●   |   |   | ● |
| (w) Wireless Communication Facilities, Temporary <sup>7</sup> | ●   | ● | ●   | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●  | ●   | ●   | ● | ● |   |
| (x) Farmers' Market <sup>8</sup>                              |     | ● |     |    |    |    |    |    |    | ●  | ●  | ●  | ●  | ●  |    |    |    |     |     |   |   |   |
| (y) Emergency Shelter <sup>9</sup>                            |     |   |     |    |    |    |    |    |    |    |    | ●  |    |    |    |    |    |     |     |   |   |   |

27-2

(1.Ord. No. 1749, 7/7/1988; 2. Ord. No. 1820, 05/11/1989; 3. Ord. No. 1897, 12/7/1989; 4. Ord. 1974, 12/20/1990; 5. Ord. No. 2128, 1/14/1993; 6. Ord. No. 2172, 08/12/1993; 7. Ord. No. 2594, 07/25/2002; 8. Ord. No. 2618, 02/27/2003; 8. Ord. No. 2947, 5/3/2011, 9. Ord. No. 3021, 12/16/2014, 10. Ord 3073, 4/19/2018, 11. Ord. No. 3077, 11/20/2018)



8. One (1) parking space shall be provided for the exclusive use of the accessory residence in addition to the parking requirements of the commercial building or use.
9. Accessory residences in the “R3”, “C1”, “C2”, “CR”, “CH” and “PDC” districts shall meet the minimum residential construction standards of the “R1” district, Section 10.20, except for foundations required in 10.20(c). Accessory residences in the “C3”, “M1” and “M2” districts shall meet the minimum construction standards of the “MH” combining district, Section 32.11, except for foundations required in Section 32.11(c). **(Ord. No. 1974, 12/20/1990; Ord. No. 2128, 1/14/1993)**

(b) Agricultural family dwelling:

1. The agricultural family dwelling shall be incidental to the principal dwelling of the full-time operator in terms of size, and shall be located a distance not to exceed two hundred (200) feet from the main dwelling. Agricultural family dwellings may be located further than two hundred (200) feet from the main dwelling upon securing a minor use permit in each case. **(Ord. No. 1749, 7/7/1988)**
2. The parcel shall contain a minimum of forty (40) acres.
3. The agricultural family dwelling and any accessory structures shall comply with the development standards of the zoning district and the performance standards of Article 41.
4. The agricultural family dwelling shall not be leased, subleased, rented, or subrented to persons not directly involved in the agricultural operation.
5. One (1) parking space shall be provided for the exclusive use of the ag-family dwelling in addition to the parking requirements of the principal dwelling.
6. The provisions of this Subsection shall not apply to single-family dwellings or mobile homes established prior to the effective date of this ordinance. **(Ord. No. 1749, 7/7/1988)**

(c) Bed and breakfast:

1. A bed and breakfast shall contain no more than two (2) guest rooms used, designed or intended to be used, let or hired out for occupancy for one (1) or more guests.
2. Additions to an existing residence for the purpose of establishing a bed and breakfast shall be limited to fifteen (15) percent of the existing floor space of the residence.

3. Existing residences, new residences and any accessory structures shall comply with the development standards of the zoning district and the performance standards of Article 41.
4. The applicant shall comply with any fire and life safety requirements imposed by the County building official according to the Uniform Building Code and Uniform Fire Code.
5. A zoning permit for a bed and breakfast shall be valid for a period not to exceed five (5) years. Continuance of the use shall require reapplication for each successive five (5) year term. Such reapplication shall be filed with the Planning Department for approval prior to the date of zoning permit expiration.
6. Residential, commercial or agricultural accessory structures shall not be used for rental occupancy.
7. No cooking facilities shall be permitted in guest rooms and food service is limited to continental breakfasts served to guests only. No commercial or "Restaurant Act Kitchen" is permitted.
8. Signs shall be limited to one (1) three (3) square foot non-illuminated or indirectly illuminated attached or free-standing sign; except in the "R1" and "R2" districts, where signs shall be limited to one (1) two (2) square foot non-Illuminated attached or free-standing sign.
9. One (1) parking space per guestroom shall be provided for the exclusive use of the guests in addition to the parking requirements of the principal residence.
10. Bed and breakfasts in the "CR" and "CH" zoning districts not located in a dwelling unit existing prior to the effective date of this Ordinance shall be subject to all the provisions of Section 27.13(b). **(Ord. No. 1897, 12/7/1989)**

(d) Christmas tree sales:

1. Christmas tree sales including any accessory structures shall comply with the development standards of the zoning district.
2. No trees or advertising signs shall be displayed within the public right-of-way. Signs shall be subject to the provisions of Article 45.
3. High intensity lights of one thousand (1,000) watts or more used for night display shall be shielded or directed at the use area. **(Ord. No. 1749, 7/7/1988)**
4. There shall be an area reserved for loading and unloading of trees. Egress

and ingress shall be clearly marked.

5. There shall be a minimum of three (3) on-site parking spaces meeting the requirements of Article 46 provided for the exclusive use of the Christmas tree sales in addition to the parking requirements of the principal use or structure.
6. A zoning permit for Christmas tree sales shall only be valid between November 15 and January 2. Lots or parcels utilized for tree sales shall be cleared of such use by the date of permit expiration. Only one (1) sales permit per parcel per year is permitted. **(Ord. No. 1749, 7/7/1988)**

(e) Dam or reservoir, small: **(Ord. No. 1749, 7/7/1988)**

1. The proposed site of the small dam or reservoir shall not be identified on any U.S. Geological Survey map as a lake, marsh, or solid or broken “blue line” stream.
2. A small dam shall not exceed six (6) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier; a small reservoir is larger than one (1) acre foot and shall not exceed five (5) acre feet.
3. All dams or reservoirs shall be accompanied by a plan approved by the U.S.D.A., Soil Conservation Service or prepared by a registered civil engineer, except as provided in Subsection 4 or 5 below.
4. Excavated or embankment ponds under one (1) acre foot in capacity or dams less than three (3) feet in height need not include engineered plans or water rights determination.
5. Excavated ponds less than five (5) acre feet when constructed totally below natural grade and off watercourses need not submit engineered plans.
6. All dams or reservoirs shall be accompanied by a 1601 or 1603 permit issued by the State Department of Fish and Game if located on a stream.
7. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit, except as provided in Subsection 4 above. The permittee shall file with the Planning Department all applicable water rights determinations or permits prior to construction of dam. **(Ord. No. 1749, 7/7/1988)**

(e cont.) Dam or reservoir, medium: **(Ord. No. 1749, 7/7/1988)**

1. The proposed site of the medium dam or reservoir shall not be identified on any U.S. Geological Survey Map as a lake, marsh, or solid or broken “blue line” stream.
2. A medium dam shall not exceed fifteen (15) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier; a medium reservoir shall not exceed fifteen (15) acre feet.
3. All applications for medium dams or reservoirs shall be accompanied by a detailed plan approved by the U.S.D.A., Soil Conservation Service or prepared by a registered civil engineer with assistance of a certified engineering geologist.
4. All applications for medium dams or reservoirs shall be accompanied by an approved 1601 or 1603 permit issued by the State Department of Fish and Game if located on a stream.
5. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit. The permittee shall file with the Planning Department a favorable water rights determination or permit prior to issuance of grading or building permits for construction of a medium dam or reservoir.

(fa) Reverse vending machine: **(Ord. No. 1749, 7/7/1988)**

1. Reverse vending machines shall be an accessory use to a commercial or industrial district use.
2. Shall be located within thirty (30) feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation.
3. Shall not occupy parking spaces required by the primary use.
4. Shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height.
5. Shall be constructed and maintained with durable waterproof and rustproof material.
6. Shall be clearly marked to identify the type of material to be deposited, operating instruction, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
7. Shall have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions.

8. Shall be maintained in a clean, litter-free condition on a daily basis.
9. Operating hours shall be at least the operating hours of the host use.
10. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
11. Reverse vending machines located within an existing commercial or industrial building do not require a zoning permit.
12. Reverse vending machines not meeting one or more of these conditions may be approved upon first securing a minor use permit in each case. **(Ord. No. 1749, 7/7/1988)**

(fb) Small recycling center: **(Ord. No. 1749, 7/7/1988)**

1. Small recycling facilities shall be an accessory use to a commercial or industrial district use and include bulk reverse vending machines and mobile recycling units.
2. Shall be no larger than five hundred (500) square feet and occupy no more than five (5) parking spaces not including space that will be periodically needed for removal of materials or exchange of containers.
3. Shall be set back at least ten (10) feet from any street line and shall not obstruct pedestrian or vehicular circulation.
4. Shall be limited to the collection in separate containers of the following: metals, glass, aluminum or bi-metal cans, plastic containers, newsprint, cardboard, paper bags, clothing and small household items.
5. Shall not collect large or bulky items such as furniture, building materials, large appliances, auto parts or similar items.
6. Shall use no power-driven processing equipment except for reverse vending machines.
7. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, shall be of a capacity sufficient to accommodate materials collected and collection schedule, and be maintained in good repair so as not to be hazardous to the public or visually offensive.
8. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present.

9. Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
10. Noise levels shall not exceed the noise levels of Section 21-41.11.
11. Attended facilities located within one hundred (100) feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.
12. Containers for the 24-hour donation of materials shall be at least one hundred (100) feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.
13. Shall not be located in any required landscape, yard or setback area; nor be so located as to obstruct traffic or reduce sight distance at any driveway or intersection.
14. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One (1) space will be provided for the attendant, if needed.
15. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use by more than three (3) spaces.
16. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
17. Appurtenant signs, in addition to those required in condition 16, shall be limited to two (2) single-faced sixteen (16) square foot non-illuminated attached signs.
18. Small recycling centers not meeting one or more of these conditions may be approved upon first securing a minor use permit in each case (**Ord. No. 1749, 7/7/1988**).

(g) Farm labor quarters:

1. One (1) mobile home or single-family dwelling meeting the minimum construction standards of Section 32.11 may be permitted for farm help employed principally on land owned by the owner of the building site for

each of the following agricultural uses conducted on the premises: **(Ord. No. 1749, 7/7/1988)**

- i. Fifty (50) dairy or purebred cows or one hundred (100) beef cattle; or
  - ii. Twenty (20) acres of grapes, apples, pears, walnuts or prunes; or
  - iii. Twenty thousand (20,000) broiler chickens, fifteen thousand (15,000) egg-laying hens, or three thousand (3,000) turkeys; or
  - iv. Fifteen (15) brood mares; or
  - v. Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse, or three (3) acres of field-grown plant materials or containers; or
  - vi. Five hundred (500) sheep or two hundred fifty (250) goats; or
  - vii. At least fifty (50) dairy goats or hogs; or
  - viii. Any other agricultural use, or combination of uses, which the Planning Director, in consultation with the Agricultural Commissioner, determines to be of the same approximate agricultural value and intensity as (i) through (vii) above.
  - ix. Farm labor quarters for agricultural uses not meeting the criteria of (i) through (viii) above may be permitted upon first securing a major use permit in each case. The Review Authority shall find in each case that:
    1. A bona-fide agricultural use operates on the site, and
    2. That the qualifying agricultural use existed prior to application for the farm labor quarters, and
    3. The owner of the property resides on the same parcel where the farm labor quarters will be located. **(Ord. No. 1749, 7/7/1988)**
2. Farm labor quarters shall comply with the development standards of the base zoning district, and combining district where applicable.
  3. Parking shall be provided as required in Article 46.
  4. Trailer coaches, mobile homes and single-family dwellings not meeting the minimum construction standards of Section 32.11 may be approved upon first securing a minor use permit in each case. The Review Authority shall review each minor use permit to insure that the proposed

quarters will be compatible with existing development through conditioning the permit, which may include conditions as to: size, screening, access, siting and construction standards for the proposed dwelling unit. **(Ord. No. 1749, 7/7/1988)**

5. Farm labor quarters are exempt from the foundation requirements of Section 21-32.11. **(Ord. No. 1974, 12/20/1990)**

(h) Granny unit:

1. A granny unit zoning permit may only be issued subsequent to or concurrently with the construction of the principal dwelling on the same parcel.
2. A granny unit shall meet the development standards of the zoning district (except as provided in Subsection 6 below) and the performance standards of Article 41.
3. The granny unit may be attached or detached from the principal dwelling, provide that all of the setbacks of the base zoning district applicable to the primary dwelling are met. **(Ord. No. 2886, 01/27/2009)**
4. A granny unit shall not be permitted on a lot in addition to a guest house, residential second unit or similar dwelling. If a granny unit has been approved on a lot, a guest house, residential second unit or similar dwelling shall not be permitted unless the granny unit is removed, or converted to another authorized use.
5. The gross floor area of the granny unit shall not exceed seven hundred and twenty (720) square feet on parcels with a net parcel size less than 40,000 square feet. On parcels of 40,000 square feet or larger net parcel size, the granny unit shall not exceed one thousand and eight (1,008) square feet. For the purpose of this Section, gross floor area shall not include garages and opened or covered porches, and net parcel size shall not include land serving as any road easement. **(Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/2003)**
6. In addition to the parking requirements of the principal residence, one (1) parking space shall be provided for the exclusive use of granny units that are 720 square feet or less in size, and two (2) parking spaces shall be provided for granny units that exceed 720 square feet. **(Ord. No. 2618, 2/27/2003)**
7. The granny unit shall contain kitchen and bathroom facilities separate from those of the principal dwelling.

(i) Guest house:

1. A guest house shall be an accessory structure consisting of a detached living quarter of permanent type of construction, located within two hundred (200) feet of the main building.
2. The guest house shall not contain provisions for kitchens. **(Ord. No. 1749, 7/7/1988)**
3. The guest house shall not be leased, subleased, rented, or subrented separately from the main dwelling.
3. The minimum gross floor area required for a guest house shall be two hundred (200) square feet, and shall not exceed a maximum of one thousand (1,000) square feet.
4. Vehicle access to the guest house shall be by way of the driveway of the main building and in no case shall a separate point of access be created to the adjoining road or highway.
5. One (1) parking space shall be provided for the exclusive use of the guest house in addition to the parking requirements of the principal residence.
6. Guest houses shall comply with the development standards of the zoning district (except as noted in Subsection 4 above) and the performance standards of Article 41.
8. A guest house shall not be permitted on a lot in addition to a granny unit, residential second unit, ag family dwelling, farm labor quarters or similar dwelling. If a guest house has been approved on a lot, a granny unit, residential second unit, ag family dwelling, farm labor quarters or similar dwelling shall not be permitted unless the guest house is removed, or converted to another authorized use. **(Ord. No. 1820, 5/11/1989)**
9. A hardship guest house with a temporary kitchen may be approved upon first securing a minor use permit in each case. Any minor use permit for a hardship guest house shall meet the following conditions **(Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/2003)**:
  - i. Kitchen facilities shall be removed upon expiration of the permit.
  - ii. The minor use permit shall be valid for a period of three (3) years or longer as determined by the Review Authority.
  - iii. The permit shall expire upon any sale or transfer of the property.
  - iv. A hardship guest house shall comply with all conditions pertaining to a guest house except condition 27.3(i)2. **(Ord. No. 1749, 7/7/1988)**

- v. A mobile home approved for use as a hardship guest house shall not be located on a permanent foundation. **(Ord. No. 1974, 12/20/1990)**
  10. The Review Authority granting a use permit for a hardship unit shall find, based on a physician's or other licensed health care professional's documentation, that a physical or mental impairment has resulted in the need for a supervised living environment for the impaired person. For a hardship guest house located in the "APZ", "A", or "TPZ" districts, physical impairment shall not include any respiratory, allergic, or other impairment incompatible with agricultural operations.  
**(Ord. No. 1749, 7/7/1988; Ord. No. 1820, 5/11/1989)**
  11. Notwithstanding Section 21-27.3(i)7., trailer coaches or mobile homes not meeting the minimum construction standards of Section 32.11 may be approved for a hardship guest house in the "A", "APZ", and "TPZ" districts upon a finding by the Review Authority that the proposed quarters will be compatible with existing development. The use permit may include conditions as to: Size, screening, access, siting and construction standards for the proposed dwelling unit.  
**(Ord. No. 1820, 5/11/1989)**
- (j) Home Occupation: **(Ord. No. 2172, 8/12/1993)**
1. The home occupation shall be strictly secondary and subordinate to the principal residential use and shall not change or detrimentally affect the residential, agricultural or rural character of the dwelling, premises, or neighborhood.
  2. In the "R1" and "R2" districts and on lots of less than one (1) acre in the "SR" district, the home occupation shall be conducted only in the dwelling or attached garage, and not in any detached garage, storage shed, or accessory building. In other districts where home occupation is allowed, the home occupation shall be conducted entirely within the dwelling or an accessory structure that is incidental in size to the principal dwelling.  
**(Ord. No. 1749, 7/7/1988)**
  3. Any structural alterations to the dwelling for the home occupation may be approved subject to the review and approval of the Planning Director, if consistent with the character of the area and the architecture of the building. **(Ord. No. 1749, 7/7/1988)**
  4. In the "R1" and "R2" districts and on lots of less than one (1) acre in the "SR" district, the home occupation shall be conducted solely by the dwelling occupant(s) and no on-site employees shall be connected with the home occupation. In other zoning districts, on-site employees shall be limited to one (1) employee per two (2) acres and a maximum of five (5) employees.

5. Pick-up and deliveries to the premises by commercial carrier are limited to ten (10) per week.
6. One (1) non-illuminated sign shall be permitted. In the “R1” and “R2” zoning districts and on lots of less than one (1) acre in the “SR” district, signs shall not exceed one (1) square foot in area, and shall be mounted flat against the wall of the dwelling or on the face of a fence. In other zoning districts where home occupation is allowed, signs shall not exceed two (2) square feet in area and may be located anywhere on the parcel.
7. A maximum of eight (8) customers, clients, students, or other persons served by the home occupation(s) shall be permitted on the premises on any one (1) day, only between the hours of 8:00 a.m. and 8:00 p.m., and for no more than one (1) hour at a time. Exceptions to these time limits may be approved through the minor use permit process. Home occupations involving visits by customers, clients, students, or other persons served by the home occupation shall only be permitted in single-family dwellings. **(Ord. No. 1749, 7/7/1988)**
8. A home occupation shall not create any radio or television interference or create noise audible at the property line.
9. There shall be no outdoor storage of materials or supplies related to the home occupations.
10. In the “R1”, “R2” and “SR” districts, other than vehicles associated with principal uses of the property, one (1) vehicle shall be permitted in connection with the home occupation not to exceed one and one-half (1-1/2) ton capacity. In other zoning districts where home occupation is allowed, a maximum of two (2) vehicles, not to exceed one and one-half (1-1/2) ton capacity each, shall be permitted. **(Ord. No. 1749, 7/7/1988)**
11. In addition to the on-site parking required for the principal residential use, on-site parking shall be provided for all vehicles connected with the home occupation. **(Ord. No. 2172, 8/12/1993)**

(k) Newspaper distribution centers:

1. Each individual newspaper publisher, distributor, or contractor proposing to establish a distribution center shall obtain a zoning permit.
2. Newspaper distribution centers for the distribution of bundled newspapers to carriers, including incidental folding, inserting, etc; shall not be located within two hundred (200) feet of any residence.
3. No new structures shall be permitted without application for a minor use permit.

4. The permittee shall supervise carriers so that the operation will not disturb the sleep of nearby residents. To this end, there shall be no outdoor music, no bright lights, no loud conversation, and no idling of vehicle motors; and the permittee shall closely monitor carriers and employees to insure strict adherence to all motor vehicle codes.
5. Access to any distribution center shall be by a paved public street.
6. The site shall be kept clear of any litter or debris.
7. The zoning permit for a newspaper distribution center shall be valid for a period of one (1) year. Application for extension of the zoning permit shall be in writing on the form provided by the Planning Department. Such application shall be made prior to the expiration of the current permit. The permit may be extended up to three (3) years per extension request. The Planning Director may require application for a use permit for extension of a zoning permit if after inspection or complaints indicate that the use may be objectionable by reason of production of emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic.

(1) Produce stand:

1. Only one (1) produce stand shall be permitted per lot.
2. A produce stand shall be permitted only if accessory to crop production on the same lot.
3. A produce stand may sell fruits, vegetables, nuts and cut flowers grown on the same lot or on other lots in the County; and may sell other agricultural products produced in the County such as eggs, honey or beeswax.
4. A produce stand may sell only those ornamental plants that are grown on the same lot as such stand is located.
5. No commodities other than those listed above may be sold from a produce stand.
6. The floor area of such stand shall not exceed four hundred (400) square feet. **(Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)**
7. The produce stand shall not be located or maintained within thirty (30) feet of any public road, street or highway. This setback area shall be kept free to provide for off-street parking.
8. The produce stand shall be of a temporary nature and shall not be constructed with a permanent foundation.

9. Signs shall be limited to two (2) single-faced sixteen (16) square foot non-illuminated signs, attached to the stand. Sign dimensions shall not exceed four (4) feet. **(Ord. No. 1749, 7/7/1988)**

(m) Residential second unit:

1. A residential second unit, attached or detached, shall meet the development standards of the zoning district and the performance standards of Article 41.
2. No more than one (1) attached or detached residential second unit shall be permitted on any one lot.
3. The residential second unit shall not exceed the density of the Lake County General Plan.
4. A residential second unit shall not be permitted on a lot in addition to a guest house, granny unit or similar dwelling. If a residential second unit has been approved on a lot, a guest house, granny unit or similar dwelling shall not be permitted unless the residential second unit is removed, or converted to another authorized use.
5. The residential second unit shall contain kitchen and bathroom facilities separate from those of the principal dwelling.
6. **REPEALED (Ord. No. 1749, 7/7/1988)**

(n) Rummage sale, non-profit:

1. A rummage sale shall be limited to the sale of second-hand goods by individuals or non-profit organizations, including garage and yard sales which are open to the public and occur more than six (6) days per calendar year but not to exceed twelve (12) days per calendar year.
2. The permittee shall supervise all participants so that the sale will not disturb nearby residents. To this end, there shall be no outdoor or amplified music, no sales open to the public before 8:00 a.m. or after 6:00 p.m., no continuous operation of gas-powered equipment, and no sales of live animals or pets.
3. The site shall be kept clear of any litter or debris and returned to its original condition, unless alternative measures have been approved by the Planning Director.
4. A rummage sale shall not be located so as to obstruct traffic or reduce sight distance at any driveway or intersection.

5. Two (2) signs shall be permitted for individuals limited to two (2) square feet in area each, non-illuminated, and in-place only during the sale; signs for non-profit organizations shall be limited to thirty-two (32) square feet in area, non-illuminated, and in-place only during the sale.
6. Applicants shall provide a parking plan which provides for sufficient numbers of parking spaces, adequate access and circulation, for review and approval by the Planning Director.
7. A rummage sale shall not reduce the number or usability of parking spaces for other uses on the site below the minimum required by the base zoning district or as required by use permit, unless such sale is conducted during a time when all other uses on the site are closed to the public.
8. The rummage sale zoning permit shall be valid for one (1) calendar year or twelve (12) days of actual sale, whichever occurs first. The permit may be extended on a year to year basis upon submittal of an application for extension. The Planning Director may require application for a use permit for extension of a zoning permit if after inspection or complaints indicate that the use may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involve the handling of explosives or dangerous materials.

(o) Special outdoor event, non-profit:

1. A special outdoor event shall include but not be limited to outdoor activities such as street dances, craft fairs, sporting events, harvest festivals, open-air plays, sidewalk or parking lot sales when sponsored by an individual(s) or non-profit organizations and not to exceed three (3) days duration. Special outdoor event shall not include events held by individual(s) or non-profit organizations which occur on land specifically designed for such events, including but not limited to sporting stadiums, race tracks, and fraternal lodge or club yard areas.
2. No more than three (3) special events per calendar year shall be permitted on the same site.
3. The permittee shall supervise all participants so that the special event will not disturb nearby residents.
4. The special event shall be limited to the hours of 7:00 a.m. to 10:00 p.m., not including all setting-up and taking-down of displays, booths, stages, sound and lighting equipment. Street dances shall be limited to approved house of operation.
5. Special events, excluding sporting events, shall not obstruct traffic or reduce sight distance at any driveway or intersection.

6. The applicant shall submit for each event the following plans for review prior to issuance of a special event zoning permit, unless waived by the Planning Director:
  - i. Project description including estimated number of participants and spectators.
  - ii. Parking and traffic control plan which provides for sufficient parking, circulation and access.
  - iii. Solid and liquid waste disposal plan which provides for adequate means for solid and liquid waste disposal and removal.
  - iv. Public safety, noise, crowd control, and emergency contingency plan(s).
7. The site shall be kept clear of any litter or debris and shall be returned to its original condition upon completion of each event unless alternative measures have been approved by the Planning Director.
8. A special event shall not reduce the number or usability of parking spaces for other uses on the lot below the minimum required by the zoning district or as required by use permit, unless such event is scheduled to occur during a time when all other uses on the site are closed to the public.
9. The permit may be extended up to three (3) years per request upon application at the Planning Department. The Planning Director may require application for a use permit for extension of a zoning permit if inspection or complaints indicate that the use may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involves the handling of explosives or dangerous materials.

(p) Temporary dwelling:

1. One (1) trailer coach, recreational vehicle, mobile home or single-family dwelling may be used as a temporary dwelling unit for a period of time not to exceed one (1) year during the construction of a dwelling unit on the same lot. In the case of a manufactured home installation, the temporary dwelling unit may be used for a period of time not to exceed three (3) months. **(Ord. No. 2128, 1/14/1993; Ord. No. 2618, 2/27/2003)**
2. Applicants for a temporary dwelling zoning permit shall, prior to issuance of a zoning permit:
  - i. Obtain a building permit for the principal dwelling unit.

- ii. Obtain building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary dwelling.
  - iii. If the principle dwelling will be constructed on site, install the foundation or waste discharge system for said dwelling. If the principal dwelling will be a manufactured home, install the waste discharge for said home. **(Ord. No. 2618, 2/27/2003)**
  - iv. Obtain a demolition permit from the County for the removal of the temporary dwelling if it is an existing mobile home on the site. If the temporary dwelling is an existing single-family dwelling, obtain a building permit for its demolition or conversion to another use. Mobile homes may not be converted to another use. **(Ord. No. 2128, 1/14/1993; Ord. No. 2618, 2/27/2003)**
3. The temporary dwelling shall be removed from the lot if it is a mobile home, or disconnected from water, waste discharge system and electrical services if it is a recreational vehicle, within forty-five (45) days of completion of the home or approval of an occupancy permit for the principal dwelling by the County, whichever is earlier, but not to exceed three (3) months in case of a manufactured home. **(Ord. No. 2618, 2/27/2003)**
4. To determine compliance with Subsection 3 above, the applicant shall obtain an inspection of the property upon completion of the principal dwelling unit, within one (1) year of the issuance of the zoning permit in the case of a principal dwelling constructed on site, or within three (3) months in the case of a manufactured home. **(Ord. No. 2618, 2/27/2003)**
5. If the principal dwelling is constructed on site, two (2) extensions of a temporary dwelling zoning permit may be issued on the same lot, each for an additional one (1) year period, upon application in writing for an extension. If the principal dwelling is a manufactured home, one (1) extension of the temporary dwelling zoning permit may be issued on the lot, for an additional three (3) month period. Application for extension shall be subject to the same procedures and requirements as the original zoning permit as specified in Subsections 1 through 4 above. **(Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/2003)**
6. Application for an extension shall be accompanied by evidence of valid building permits and evidence of substantial progress of construction, which may be photographs or an inspection report from the County. **(Ord. No. 1897, 12/7/1989; Ord. No. 2618, 2/27/2003)**
7. A temporary dwelling shall meet the performance standards of Article 41 and all development standards of the zoning district except for the minimum residential construction standards.

(q) Temporary office:

1. One (1) commercial coach-mobile home may be used as a temporary office for a period of time not to exceed one (1) year during the construction of a commercial office on the same site.
2. Applicants for a temporary office zoning permit shall, prior to issuance of a zoning permit:
  - i. Obtain a building permit for the principal structure.
  - ii. Obtain building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary office.
  - iii. Install the foundation or waste discharge system for the principal office.
3. The temporary office shall not be permanently attached to the ground and shall be of such a size that it is readily removable.
4. The temporary office shall be removed from the site within forty-five (45) days of completion of the office or commercial building, or approval of an occupancy permit for the principal structure by the County Building Department, but not to exceed one (1) year from the issuance of the zoning permit.
5. The applicant shall obtain an inspection permit for the inspection of the property upon completion of the principal structure, but no later than one (1) year after the issuance of the zoning permit to determine compliance with Subsection 4 above.
6. Two (2) extensions of a temporary office zoning permit may be issued on the same site for an additional one (1) year period upon application in writing for an extension. Applications for extension shall be subject to the same procedures and requirements as the original zoning permit as specified in Subsections 1 through 4 above. **(Ord. No. 1749, 7/7/1988)**
7. Application for an extension shall be accompanied by evidence of valid building permits and evidence of substantial progress of construction, which may be photographs or an inspection report from the County Building Department.
8. A temporary office shall meet the development standards of the zoning district but need not meet the general performance standards of Article 41.

(r) Temporary construction office:

1. One (1) commercial coach-mobile home may be used as a temporary construction office during a construction project approved pursuant to the requirements of this Chapter.
2. Applicants for a temporary construction office zoning permit shall obtain building and health permits, as applicable, for the inspection of the water supply, waste discharge system and electrical installation for the temporary construction office.
3. The temporary construction office shall not be permanently attached to the ground and shall be of such a size that it is readily removable.
4. All uses shall be conducted within the temporary construction office, and no outdoor storage or work areas shall be authorized by the temporary construction office zoning permit, except for trash storage containers.
5. Signs shall meet the requirements of Article 45.
6. The permit shall expire after either: 1) the project has been completed; or 2) the contractor has completed the contract or the contract between the County and the occupant has been terminated; or 3) three (3) years after its issuance, whichever is earlier. **(Ord. No. 1749, 7/7/1988)**
7. The temporary construction office shall be removed from the site within forty-five (45) days after the completion of the project, vacation by the occupant, termination of the contract, or expiration of the permit, whichever is earlier.

(s) Temporary sales office for an approved subdivision:

1. The sales office may be located either on one of the proposed lots of a subdivision upon approval by the Planning Commission of a tentative subdivision map or on one of the recorded lots in a subdivision of the same subdivider in the immediate vicinity.
2. The sales office shall not be permanently attached to the ground and shall be of such a size that it is readily removable unless it is within some portion of a model home, other than the garage, or unless the Planning Commission has approved its conversion to a permanent use.
3. So long as it is used as a sales office, it shall not be used for any purpose other than the sale of lots in the particular subdivision within which it is located or for the sale of lots in a subdivision of the same subdivider in the immediate vicinity.
4. The garage of a model home may be used for the sales office subject to conversion of the tract office to a garage at the expiration of the permit.

No occupancy of the model home for dwelling purposes shall be permitted until the office has been removed or a covered space is provided for the dwelling unit.

5. The permit shall expire after either: 1) initial sales have been made of all lots within the tract within which it is located or all lots in a subdivision of the same subdivider in the immediate vicinity; or 2) three (3) years after its issuance, whichever is earlier. The permit may be extended by the Planning Director upon application of the subdivider for good cause shown. **(Ord. No. 1749, 7/7/1988)**

(t) Wind energy conversion system, (WECS):

1. One (1) wind energy conversion system (WECS) shall be permitted per lot. More than one (1) WECS per lot or a WECS which cannot meet the standards of this Subsection shall require a major use permit pursuant to Section 27.14(ai).
2. The WECS shall not exceed one hundred fifty (150) feet in tower height or seven hundred six (706) square feet of rotor (30' diameter).
3. The WECS shall be set back a minimum distance of one and one-quarter (1¼) times the total height of the structure from any lot line and a minimum of ten (10) feet from any other structure on the property.
4. The minimum height of the lowest part of the blade tips shall be thirty (30) feet above the maximum building height limit of the base zoning district or thirty (30) feet above all structures or trees within a (200) foot radius. WECS which convert kinetic energy of wind into mechanical energy to pump water shall have a minimum clearance of fifteen (15) feet from the lowest extension of the blade tip to the ground.
5. Lattice or other towers capable of being climbed shall have:
  - i. Tower climbing apparatus located not closer than twelve (12) feet from the ground; or
  - ii. A locked anti-climb device installed on tower; or
  - iii. The tower shall be completely enclosed by a locked protective fence at least six (6) feet in height.
6. A WECS capable of causing radio or television interference shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause interference with radio and/or television broadcasting or reception.

7. All WECS shall meet the manufacturer's specifications which certify that the WECS are equipped with a braking system, blade pitch control and/or other mechanisms for rotor control and have both manual and automatic overspeed controls.
8. Noise emitted from any WECS shall not exceed fifty-five (55) dBA Ldn at any lot line.

(u) Temporary sales from a vehicle: (Ord. No. 1749, 7/7/1988)

1. An application for a zoning permit for temporary sales from a vehicle shall be subject to all the conditions of Section 21-27.13(ai), except conditions 5 and 17.
2. Prior to approval of the zoning permit, an application for a minor use permit for temporary sales from a vehicle shall be accepted as complete by the Planning Department.
3. The zoning permit for temporary sales from a vehicle shall be valid for a period of forty-five (45) days.
4. Only one (1) zoning permit for temporary sales from a vehicle may be issued in a calendar year to any vendor or on any single site. **(Ord. No. 1749, 7/7/1988)**

(v) Vendor's permit: (Ord. No. 1749, 7/7/1988)

1. Applications for a vendor's permit shall be accompanied by photos or renderings of sales structure(s) to be used.
2. The application shall specify all locations where sales are proposed.
3. The application shall be accompanied by an itinerant business permit, if applicable, for the proposed use issued by the Sheriff pursuant to Chapter 11 of the Lake County Code.

4. An application involving the sale of any prepared food, seafood, snack bars, pre-packaged food, approved unpacked food, or similar food item for retail sale, or distribution at no cost, shall be accompanied by a food service or food facility permit issued by the Lake County Health Department pursuant to the requirements of the California Uniform Building Code; except as waived for non-profit organizations.
  5. Up to two (2) vendors permits may be permitted per lot.
  6. Hours of operation shall be limited to the hours between 8:00 a.m. and 10:00 p.m., daily.
  7. Vendors permits may be issued for the retail sale of items such as flowers, balloons, and souvenirs; including vendors of foods such as hot dogs, sandwiches, cotton candy, snow cones, ice cream; and including newsstands.
  7. Only two (2) carts, push carts, stands, trailers, kiosks or similar sales structures not exceeding one hundred sixty (160) square feet in area shall be used in conjunction with a vendor's permit. **(Ord. No. 1749, 7/7/1988)**
- (w) Wireless Communication Facilities, Temporary: **(Ord. No. 2868, 7/10/2008)**  
Refer to Section 71.5 of the Zoning Ordinance.
- (x) Farmers' Market: **(Ord. No. 2947, 5/3/2011)**
1. A zoning permit for a farmers' market, subject to conditions two (2) through twelve (12), may be issued when one of the following conditions is satisfied as determined by the Community Development Director. Applications not meeting one of these conditions shall require a minor use permit.
    - i. The site is commercially zoned and has adequate facilities to accommodate the anticipated peak load of customers, including parking, circulation and fire suppression; or
    - ii. The site is zoned Agriculture and has an existing, permitted winery or agricultural service establishment with adequate facilities to accommodate the anticipated peak load of customers.
  2. Activities permitted are: Outdoor sales of produce, food products, plants and flowers. Non-food or non-vegetative product booths may comprise no more than 15% of the total sales area. Farmers' markets not meeting these standards may be applied for as Commercial Rummage Sales [27.13(ae)].
  3. Sales of food items shall comply with the requirements of the Health Department and Agricultural Commissioner. Certification of any farmers'

market shall be issued by the Agricultural Commissioner pursuant to the California Department of Food and Agriculture Code of Regulations. The permit holder shall ensure that all vendors have obtained any required permit.

4. All sales activities shall be located in areas that are maintained as dust-free. No sales activities or parking shall be permitted within any road or highway right-of-way.
5. The farmers' market shall be limited to one (1) day of operation per week.
6. Hours of operation shall be limited to the hours between 8:00 a.m. and 8:00 p.m., daily. Set-up and take-down of displays and booths may extend beyond these hours, but must be completed the same day.
7. The site shall be kept clear of any litter or debris and shall be returned to its original condition upon completion of each event unless alternative measures have been approved by the Community Development Director.
8. Access to the farmers' market and parking area shall be provided by a driveway or driveways consistent with County standards for distance from street corners or other driveways, and width.
9. Temporary on-site signs shall be limited to one single-sided or double-sided sign, including sandwich signs, no larger than 24 square feet per face. Temporary signs shall be allowed for the duration of the farmers' market season. Permanent on-site and off-site signs shall be allowed pursuant to Article 45 of this Code.
10. No on-site or off-site signs shall be placed within any road or highway right-of-way.
11. Trash receptacles shall be provided for disposal of trash on the site. The site shall be cleared of all trash immediately following each day of sale.
12. The farmers' market zoning permit shall be valid for two (2) years and may be extended up to two (2) years per request upon application with the Community Development Department. The Community Development Director may require application for a minor use permit for extension of a zoning permit if after inspection or complaints indicate that the use may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involves the handling of explosives or dangerous materials.

(y) Emergency Shelter: (Ord. No. 3021, 12/16/2014)

1. Purpose. The purpose of these regulations is to establish standards to ensure that the development of emergency shelters (shelters) does not

adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety and general welfare of the nearby residents and businesses. These performance standards shall apply to all shelters. A use permit is required to establish a shelter that does not meet the location, development, and/or operational standards of this section or that would provide more beds than allowed by this section.

2. Location. A shelter may be established in any “C3” Service Commercial District; provided, that the property boundaries are located more than three hundred (300) feet from any other shelter (measured from property line to property line) unless it is separated there from by a state highway.
3. Maximum Number of beds. A maximum of twenty-four beds may be provided.
4. Property Development Standards. The development shall conform to all property development standards of the C3 zoning district, as well as Sections 21-41, 21-45, 21-46.10, and 21-53.
5. Length of Stay. The maximum length of stay at the facility shall not exceed one hundred twenty days in a three-hundred-sixty-five day period.
6. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge. Hours of operation must be prominently posted on site. Clients shall be admitted to the facility between six p.m. and eight a.m. during Pacific Daylight Time and five p.m. and eight a.m. during Pacific Standard Time. All clients must vacate the facility by eight a.m. and have no guaranteed bed for the next night. Clients using optional Facilities/Services may remain onsite outside of these hours.
7. Onsite Parking. Onsite parking shall be provided in the ratio of one space for every six adult beds or one-half space per bedroom designated for family units with children. One space shall be provided for each manager/staff member. Bike rack parking shall also be provided by the facility.
8. Lighting. Adequate exterior lighting shall be provided for security purposes. The lighting shall be stationary and shielded/down lit away from adjacent properties and public right of way.
9. Required Facilities. Shelters shall provide the following facilities.
  - i. Indoor client intake/waiting area of at least one hundred square feet. If an exterior waiting area is provided, it shall not be located adjacent to the public right of way and shall be visibly separated from public view by minimum six foot tall visibly screening

mature landscaping or a minimum six foot tall decorative masonry wall. Provisions for shade and or rain protection shall be provided.

- ii. Interior and or exterior common space for clients to congregate shall be provided on the property at a ratio of not less than fifteen square feet per client, with a minimum overall area of one hundred square feet. Common space does not include intake areas.

10. Optional Facilities/Services. Shelters may provide one or more of the following types of common facilities for the exclusive use of residents:

- i. Central cooking and dining room(s) subject to compliance with county health department requirements. Only clients that have been guaranteed a bed shall be eligible for a meal.
- ii. Recreation room.
- iii. Counseling center.
- iv. Child-care facilities.
- v. Other support services intended to benefit homeless clients.

11. Shelter Management. The shelter provider or management shall demonstrate that they currently operate a shelter within the state of California or have done so within the past two years and shall comply with the following requirements:

- i. At least two facility managers and or volunteers shall be on site and one shall be awake at all times the facility is open. The manager's area shall be located near the entry to the facility. Additional support staff shall be provided as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas, as appropriate.
- ii. An operational and management plan (plan) shall be submitted for review and approval by the Community Development Director. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, said plan shall contain provisions addressing the following issues:
  - (aa) Security and safety: Addressing both on and offsite needs, including provisions to ensure the security and separation of male and female sleeping areas, as well as any family areas within the facility.

- (ab) Loitering/noise control: providing specific measures regarding operational controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on site and or when services are not provided.
  - (ac) Management of outdoor areas: including a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize disruption to nearby land uses. Smoking shall be allowed in designated areas only.
  - (ad) Staff training: with objectives to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income. At least one facility manager shall be CPR and First Aid certified.
  - (ae) Communication and outreach with objectives to maintain effective communication and response to operational issues which may arise in the neighborhood as may be identified by city staff or the general public.
  - (af) Adequate and effective screening: with the objectives of determining admittance eligibility of clients and providing first service to Lake County area residents.
  - (ag) Litter control: with the objective of providing for the regular daily removal of litter attributable to clients within the vicinity of the facility.
- (z) Adult Personal Use, Qualified Patient, and Primary Caregiver Cannabis Cultivation (Ord. 2072, 04/19/2018)

1. Definitions

- i. Adult Use: Includes personal use, possession and cultivation of cannabis by adults 21 years of age and older that occurs in compliance with Health and Safety Code Sections 11362.1 and 11362.2, as may be amended, except that nothing in this chapter shall be construed to authorize any activity that is prohibited by Health and Safety Code Sections 11362.3 through 11362.45, inclusive, or by any other state or local law.
- ii. Cannabis: All parts of the plant *Cannabis sativa* (Linnaeus), *Cannabis indica*, or *Cannabis ruderalis*, or any hybrid thereof, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every

compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

- iii. Cannabis cultivation: Any activity involving the germinating, cloning, seed production, planting, growing, and harvesting of cannabis plants and the on-site drying, curing, grading, or trimming of cannabis plants.
- iv. Cannabis indoor cultivation: The cultivation of cannabis using light deprivation and/or artificial lighting below a rate of 25 watts per square foot.
- v. Cannabis mixed-light cultivation: The cultivation of cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot.
- vi. Cannabis outdoor cultivation: Cultivation of cannabis without the use of light deprivation and/or artificial lighting in the canopy area. Supplemental low intensity lighting is permissible only to maintain immature plants as a source of propagation. For the purpose of this section, cultivation within a greenhouse without supplemental light are considered outdoor cultivation.
- vii. Day care center: Has the same meaning as in Section 1596.76 of the California Health and Safety Code.
- viii. Enforcement official: As used in this Article, shall mean the Lake County Sheriff, Community Development Director, Chief Building Official, Environmental Health Director, or any other official authorized to enforce local, state or federal laws.
- ix. Fence: means a wall or a barrier connected by boards, masonry, rails, panels, wire or any other materials approved by the Community Development Department for the purpose of enclosing space or separating parcels of land. The term “fence” does not include retaining walls, plastic, tarp, bamboo coverings, corrugated

metal, or other materials not designed or manufactured for use as a fence.

- x. Greenhouse (Cannabis): An outdoor structure, heated or unheated, constructed primarily of glass, 6 mil film, polycarbonate, or other rigid translucent material, which is devoted to the cultivation of cannabis.
- xi. Grow room: The area designated in a principal structure where the cultivation and processing of cannabis for personal, qualified patient, or primary caregiver use occurs.
- xii. Hoop-house: An unheated outdoor enclosure used for the purpose of growing and/or for protecting seedlings and plants from cold weather but not containing any mechanical or electrical systems or storage of any items. Typically a hoop-house is of semi-circular design made of, but not limited to, piping or other material covered with translucent material.
- xiii. Immature cannabis plants: A cannabis plant that is not flowering.
- xiv. Indoor: means within a fully enclosed and secure structure that complies with the California Building Standards Code (Title 24 California Code of Regulations), as adopted by the County of Lake, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as standard 2" × 4" or thicker studs overlain with 3/8" or thicker plywood or equivalent materials.
- xv. Physician's recommendation: A recommendation by a physician or surgeon that authorizes a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
- xvi. Premises: The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted.
- xvii. Primary caregiver: The same meaning as California Health and Safety Code Section 11362.7 (d).

- xviii. Qualified patient: The same meaning as California Health and Safety Code Section 11362.7 (f), and whose primary place of residence is within Lake County.
- xix. School: For the purpose of the cannabis regulations, school means any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
- xx. Youth center: The same meaning as in Section 11353.1.e.2 of the Health and Safety Code.

## 2. Enforcement

- i. A violation of any provision of this Section or any condition of a County permit is subject to the enforcement and penalties provisions of Article 61.3 Arrest and Citation Powers and 61.4 Penalties of this Chapter.
- ii. The use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this subsection; any condition dangerous to human life, unsafe, or detrimental to the public health or safety; and the existence of loud or unusual noises which are not already regulated through an approved use permit, or foul or noxious odors, not already regulated by the Lake County Air Quality Management District, which offend the peace and quiet of persons of ordinary sensibilities and which interferes with the comfortable enjoyment of life or property and affect the entire neighborhood or any considerable number of persons are declared to be a nuisance subject to the enforcement procedures of Chapter 13 of the Lake County Ordinance Code.
- iii. Persons involved in unfair, dishonest, deceptive, destructive, fraudulent and discriminatory practices by which fair and honest competition is destroyed or prevented are subject to enforcement procedures of the California Unfair Practices Act (Business and Profession Code, Division 7. General Business Regulations, Part 2 Preservation and Regulation of Competition, Chapter 4. Unfair Trade Practices).
- iv. A Zoning Permit may be revoked under the procedures set forth in section 21-60.10 Revocation of Permits.

## 3. Development Standards and Restrictions

- i. The cultivation of cannabis for non-commercial Adult, Qualified Patient, and Primary Caregiver Use is an accessory use to an

existing, legal, permitted residential structure on a legal lot of record occupied by the qualified patient, primary caregiver, or the adult using the cannabis grown on-site.

- ii. On a lot of record five (5) acres or less in size and all lots within community growth boundaries, the cultivation of cannabis shall be conducted in a detached accessory building, i.e. a shed or greenhouse, a grow room that is located in the principal structure, or a greenhouse with mixed light. Hoop-houses are not allowed. The area of the accessory building or grow room shall not exceed 100 square feet in size regardless of the number of adults, qualified patients, or primary caregivers living in the residence. For adult use cultivation, the number of accessory buildings or grow rooms is limited to one (1) regardless of the number of adults residing in the residence. For qualified patients and primary caregivers' more than one accessory building or grow room is allowed but cannot exceed the number of qualified patients.
- iii. On a lot of record greater than five acres in size outside community growth boundaries, the cultivation of cannabis shall be conducted either in a detached accessory building, i.e. a shed or greenhouse, a grow room that is located in the principal structure, a greenhouse with mixed-light, or an outdoor fenced area. For adult use cultivation, the area of the accessory building, indoor grow room or outdoor cultivation area shall not exceed 100 square feet in size regardless of the number of adults living in the residence. For qualified patients and primary caregivers' more than one accessory building, grow room, or individual outdoor cultivation area 100 square feet in size is allowed but cannot exceed the number of qualified patients. Hoop-houses are not allowed. For lots of record that are both within and outside a community growth boundary, such outdoor cultivation is only allowed on that portion outside the community growth boundary and which exceeds five acres in size.
- iv. No outdoor cultivation outside of a greenhouse shall be located within 1,000 feet of:
  - (a) any public or private school, grades 1 through 12,;
  - (b) a developed public park containing playground equipment;
  - (c) a drug or alcohol rehabilitation facility; or
  - (d) a licensed child care facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors.

The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school, park, rehabilitation facility, licensed child care facility, nursery school, or youth-oriented facility, to the closest property line of the lot of record on which the cannabis cultivation site is located.

- v. Cannabis plant limitations:
  - (a) Qualified patient and primary caregiver: No more than six (6) mature cannabis plants or twelve (12) immature cannabis plants per qualified patient may be planted, cultivated, harvested, dried, or processed at any one time.
  - (b) Personal adult use: No more than six (6) cannabis plants per residence on a lot of record may be planted, cultivated, harvested, dried, or processed at any one time regardless of the number of adults living in the residence.
- vi. Protection of minors:

Cannabis cultivation areas shall not be accessible to juveniles who are not qualified patients or primary caregivers residing on the lot of record. The entrance to a shed, grow room, greenhouse, or outdoor area shall be locked to prevent access by minors.
- vii. The processing of cannabis includes the drying of cannabis and manufacturing that only utilizes processes that are either solventless or that employ only nonflammable, nontoxic solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
- viii. The living plants and any cannabis produced by the plants in excess of 28.5 grams shall be kept within the private residence or in a locked space, and not visible by normal unaided vision from a public place.
- ix. Indoor cultivation and mixed light cultivation lighting shall not exceed 1,200 watts and shall conform to all applicable electrical codes. Outdoor cultivation areas, other than a greenhouse with mixed light shall not have any supplemental lighting.
- x. A greenhouse with mixed light shall have the ability to enclose the greenhouse at night to prevent the transmission of light beyond the greenhouse.
- xi. A grow room shall only occur within a legal structure that meets the definition of Indoor and complies with all applicable provisions

of the County's General Plan, Zoning Ordinance, and California Building Code.

xii. Single family dwelling, duplex, or triplex accessory use:

Any accessory structure, i.e. a shed or greenhouse, used for cultivation and processing of cannabis on a lot of record zoned for single family or a lot of record zoned for two or multi-family with a single residential structure, duplex, or triplex as the primary structure shall:

- (a) Be located on the same lot of record as the residence occupied by the qualified patient, primary caregiver, or the adult using the cannabis grown on-site.
- (b) Be located in an area which is fully enclosed by a fence at least six (6) feet in height. On lots greater than 5 acres where cannabis is cultivated outside of a greenhouse, the outdoor grow area shall be enclosed by an opaque (not transparent or translucent) fence. The Director may waive the requirement for an opaque fence and allow a non-opaque fence if the cultivation site cannot be seen from adjacent properties or by the public due to topography or vegetation.
- (c) Be secure against unauthorized entry and accessible only through lockable doors and/or gates.
- (d) Be equipped with an odor-control filtration and ventilation system(s) adequate to prevent cannabis plant odors from exiting the interior of the structure.
- (e) Be painted in similar colors to the primary residence.
- (f) Comply with the base zoning's setbacks.
- (g) A greenhouse shall be a prefabricated structure constructed for nursery or agricultural purposes which has a frame constructed of metal and the panels must be polycarbonate or other similar material which is no less than four (4) millimeters thick. The walls shall be opaque so that a person cannot see inside the greenhouse. Hoop-houses are prohibited.
- (h) Obtain a building permit before construction.
- (i) Not exceed 100 square feet.

- (j) Not create an odor, humidity or mold problem on the premises or on adjacent premises.
- (k) The ventilation and filtration system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Lake County Building and Safety Division prior to commencing cultivation within the allowable structure.
- (l) Cultivation within any detached accessory structure that does not meet the definition of Indoor or within a greenhouse shall be considered outdoor cultivation.
- (m) The number of accessory structures shall not exceed the number of qualified patients living in the single family, duplex, or triplex residential units. Only one accessory structure may be allowed on a lot of record with a single family, duplex, or triplex residential units for adult personal cannabis use regardless of the number of adults living in the residential units.

xiii. Apartment or manufactured home park accessory use:

- (a) Any accessory structure, i.e. a shed or greenhouse, used for cultivation of cannabis on a lot of record zoned for multi-family with an apartment building or a manufactured home park shall:
  - a. Obtain a zoning permit and building permit before construction.
  - b. Be located on the same lot of record as the residence occupied by the qualified patient, primary care giver, or the adult using the cannabis grown on-site.
  - c. Be located in an area which is fully enclosed by an opaque (not transparent or translucent) fence at least six (6) feet in height. The Director may waive the requirement for an opaque fence and allow a non-opaque fence if the cultivation site cannot be seen from adjacent properties or by the public due to topography or vegetation.
  - d. Be secure against unauthorized entry and accessible only through lockable doors. If the accessory use is

- designed as a cultivation area or grow room, each such area shall have a separate entry and lock.
- e. Be equipped with an odor-control filtration and ventilation system(s) adequate to prevent cannabis plant odors from exiting the interior of the structure.
  - f. Be painted in similar colors to the primary residence.
  - g. Comply with the base zoning setbacks.
  - h. A greenhouse shall be a prefabricated structure constructed for nursery or agricultural purposes which has a frame constructed of metal and the panels must be polycarbonate or other similar material which is no less than four (4) millimeters thick. The walls shall be opaque so that a person cannot see inside the greenhouse. Hoop-houses are prohibited.
  - i. Not exceed 100 square feet per separate cultivation area or grow room.
  - j. Not create humidity or mold problem on the premises or on adjacent premises.
- (b) The ventilation and filtration system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Lake County Building and Safety Division prior to commencing cultivation within the allowable structure.
  - (c) If a greenhouse is used, it shall have opaque walls so that a person cannot see inside the greenhouse.
  - (d) The number of rooms for the cultivation and processing of cannabis in and/or group of, accessory structures cannot exceed the total number of residential units on the lot of record.
  - (e) An adult tenant, qualified patient, or primary caregiver shall not use, rent, or lease more than one cultivation area or grow room for the cultivation of processing of cannabis at a time.
  - (f) The owner of the apartment building or manufactured home park shall maintain records of which tenant used, rented, or leased which room in the accessory structure.

- (g) Each room for the cultivation and processing of cannabis shall have an individual water and electrical usage meter.
- (h) The zoning permit shall include the requirement of an annual compliance monitoring inspection. Included in the inspection shall be an inspection of the tenant use, rental, or lease records and the water and electrical records for each grow room.
- (i) Outdoor cultivation is prohibited. Cultivation within any detached accessory structure that does not meet the definition of Indoor or within a greenhouse shall be considered outdoor cultivation.
- (j) If the premises is rented or leased, written approval shall be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant or lessee to cultivate cannabis at the site. A copy of the written approval shall be maintained by the tenant or lessee and made available for review by enforcement officials upon request. Written approvals shall be renewed annually.
- (k) Cultivation of cannabis is an accessory use to an existing residential structure occupied by the qualified patient, primary caregiver, or the adult using the cannabis grown on-site. Only residents of the mobile home park or their primary caregiver may cultivate cannabis on-site.
- (l) Protection of Minors:  
Cannabis cultivation areas shall not be accessible to juveniles who are not qualified patients or primary caregivers. The entrance to a shed, grow room, greenhouse, or outdoor area shall be locked to prevent access by minors.
- (m) The processing of cannabis to make a concentrated cannabis extract using a volatile solvent is prohibited.
- (n) Indoor cultivation shall occur only within a legal structure that meets the definition of indoor and complies with all applicable provisions of the County's General Plan, Zoning Ordinance, and California Building Code.

4. Permits required

- i. Cannabis indoor cultivation and cannabis mixed-light cultivation:
  - (a) All applicable building permits shall be obtained.

- (b) Adult, qualified patient, and primary caregiver cannabis cultivation on a single family lot does not require a zoning permit.
- (c) Any accessory structure, i.e. a shed or greenhouse, used for cultivation of cannabis on a lot of record zoned for multi-family with an apartment building or a manufactured home park requires a zoning permit.

(aa) Emergency Temporary dwelling:

1. One (1) trailer coach, recreational vehicle, mobile home or single-family dwelling may be used as an emergency temporary dwelling unit for a period of time not to exceed six months (6) during the recovery process due to a catastrophic or natural disaster.
2. Applicants for an emergency temporary dwelling zoning permit shall, prior to issuance of a zoning permit:
  - Obtain building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary dwelling.
  - Obtain a demolition permit from the County for the removal of the prior dwelling that was damaged.
3. The emergency temporary dwelling zoning permit will be redefined as a standard temporary dwelling zoning permit once a building permit for construction of an onsite dwelling has been applied for and issued.
4. An emergency temporary dwelling shall meet the performance standards of Article 41 and all development standards of the zoning district except for the minimum residential construction standards. **(Ord. No. 3077, 11/20/2018)**

(ab) Industrial HEMP

1. The parcel shall contain a minimum of one (1) acre for indoor/greenhouse cultivation and a minimum of five (5) acres for outdoor cultivation.
2. If grading is required, all grading shall comply with the standards set forth by Chapter 30 of the Lake County Code.
3. Hemp cultivation site shall be setback a minimum of 150 feet from an off-site residence.
  - i. *A waiver signed by neighboring property owners can be submitted Which may decrease the minimum setback.*
4. Hemp cultivation is prohibited within 1000 feet of Community Growth
5. Boundaries as described in the Lake County General Plan.
6. Seed production of any type shall be only grown indoors or within an engineered greenhouse with filters.

**27.4 Early Activation of Use:** Notwithstanding the provisions of Section 21-27.10 pertaining to uses generally permitted with a use permit and those uses listed as permitted subject to first obtaining either a minor or major use permit in each zoning district, the Planning Division may issue an early activation permit allowing for the immediate activation of any use requiring a minor use permit or major use permit, subject to the following conditions (**Ord. No. 2336, 2/15/1996**):

- (a) The early activation permit shall not allow any construction, grading, or removal of mature trees on the property.
- (b) Adequate measures shall be included in the early activation permit application and implemented upon commencement of the use for dust control, parking, traffic safety, drainage, erosion control, waste disposal and Health Department requirements.
- (c) The early activation permit must be accompanied by an application for the applicable minor or major use permit.
- (d) The early activation permit shall expire six (6) months from the date of issuance or upon issuance or denial of the required minor or major use permit or resolution of any appeal thereof.
- (e) The Planning Division may deny an application for an early activation permit for early activation of use if the use may result in adverse environmental impacts or if the use is currently being operated in violation of this Chapter.
- (f) Early activation is not permitted for those uses listed in Section 22.6 of this Chapter.
- (g) The application for an early activation permit shall be accompanied with a fee equivalent to that established by the Board of Supervisors for the issuance of a zoning permit.

**SEC. 21-27.10 USES GENERALLY PERMITTED WITH A USE PERMIT**

**27.11 Uses generally permitted with a Minor or Major Use Permit:** Uses listed in Table B are permitted in zoning districts indicated upon issuance of a minor use permit in the case of the symbol “O”, or upon issuance of a major use permit in the case of the symbol “λ”, according to the provisions of Sections 27.12 and 27.13. (**New Table B, Ord. No. 1749, 7/7/1988; Ord. No. 1897, 11/7/1989; Ord. No. 1974, 12/20/1990; Ord. No. 2128, 1/14/1993; Ord. No. 2172, 8/12/1993; Ord. No. 2512, 4/27/2000; Ord. No. 2594, 07/25/2002; Ord. No. 2618, 2/27/2003; Ord. No. 2670, 12/25/2003, Ord. No. 2679, 03/02/2004**)

**27.11.1 Geothermal Setback Area:** There is hereby established a Geothermal Setback Area as set forth in Map A which is attached hereto as Exhibit A and is incorporated herein as if fully setforth. **(Ord. 2679, 3/2/2004)**

**27.12 Exception:** The Planning Director or Zoning Administrator shall have the authority to increase the level of review indicated in Table B from minor use permit to major use permit when a project subject to this Article is found:

- (a) Not in compliance with the performance standards set forth in Article 41; or
- (b) Objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involve the handling of explosives or dangerous materials; or
- (c) As having a significant impact on the environment; or
- (d) Inconsistent with the Lake County General Plan; or
- (e) To be of substantial public controversy.

In no case shall any level of review be reduced.

**27.13 Conditions:** When the symbol “Δ” is shown by Table B, use-specific conditions are included herein. These conditions shall be incorporated into any use permit issued hereunder, but shall not be construed as preventing as part of any use permit approval, additional conditions deemed necessary.